

2 SHB 2844 - H AMD
3 By Representative

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5 On page 2, after line 24, insert the following:

6 "Sec. 4. RCW 90.48.465 and 1998 c 262 s 16 are each amended to
7 read as follows:

8 (1) The department shall establish annual fees to collect expenses
9 for issuing and administering each class of permits under RCW
10 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be
11 established by rule within one year of March 1, 1989, and thereafter
12 the fee schedule shall be adjusted no more often than once every two
13 years. Except as specified under subsection (6) of this section, this
14 fee schedule shall apply to all permits, regardless of date of
15 issuance, and fees shall be assessed prospectively. Except as
16 specified under subsection (6) of this section, all fees charged shall
17 be based on factors relating to the complexity of permit issuance and
18 compliance and may be based on pollutant loading and toxicity and be
19 designed to encourage recycling and the reduction of the quantity of
20 pollutants. Except as specified under subsection (6) of this section,
21 fees shall be established in amounts to fully recover and not to exceed
22 expenses incurred by the department in processing permit applications
23 and modifications, monitoring and evaluating compliance with permits,
24 conducting inspections, securing laboratory analysis of samples taken
25 during inspections, reviewing plans and documents directly related to
26 operations of permittees, overseeing performance of delegated
27 pretreatment programs, and supporting the overhead expenses that are
28 directly related to these activities.

29 (2) The annual fee paid by a municipality, as defined in 33 U.S.C.
30 Sec. 1362, for all domestic wastewater facility permits issued under
31 RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of
32 fifteen cents per month per residence or residential equivalent
33 contributing to the municipality's wastewater system. The department
34 shall adopt by rule a schedule of credits for any municipality engaging
35 in a comprehensive monitoring program beyond the requirements imposed
36 by the department, with the credits available for five years from March

1 1, 1989, and with the total amount of all credits not to exceed fifty
2 thousand dollars in the five-year period.

3 (3) The department shall ensure that indirect dischargers do not
4 pay twice for the administrative expense of a permit. Accordingly,
5 administrative expenses for permits issued by a municipality under RCW
6 90.48.165 are not recoverable by the department.

7 (4) In establishing fees, the department shall consider the
8 economic impact of fees on small dischargers and the economic impact of
9 fees on public entities required to obtain permits for storm water
10 runoff and shall provide appropriate adjustments.

11 (5) The fee for an individual permit issued for a dairy farm as
12 defined under chapter 90.64 RCW shall be fifty cents per animal unit up
13 to one thousand one hundred sixty-seven dollars for fiscal year 1998
14 and one thousand two hundred fourteen dollars for fiscal year 1999.
15 The fee for a general permit issued for a dairy farm as defined under
16 chapter 90.64 RCW shall be fifty cents per animal unit up to eight
17 hundred seventeen dollars for fiscal year 1998 and eight hundred fifty
18 dollars for fiscal year 1999. Thereafter, these fees may rise in
19 accordance with the fiscal growth factor as provided in chapter 43.135
20 RCW.

21 (6) If a commercial or industrial permittee, operating under a
22 permit issued under either RCW 90.48.160 or 90.48.260, operates for one
23 year without violating the conditions of the permit, that permittee
24 qualifies for a three percent reduction in the fees charged by the
25 department under this chapter for each consecutive year in which the
26 permittee has not violated the permit conditions. The baseline for
27 calculating the reductions is the permit fee charged by the department
28 in 2000, or the latest year in which the permittee was found to have
29 violated the conditions of the permit. For purposes of calculating
30 fees for 2003, the department shall make the reductions retroactive to
31 year 2000 for all permittees that have not violated the conditions of
32 their permits since 2000. If, during the preceding year, a permittee
33 is found to have violated the conditions of the permit, the department
34 shall recalculate the permit fees for the next calendar year based on
35 its current schedule of fees developed under this section.

36 (7) All fees collected under this section shall be deposited in the
37 water quality permit account hereby created in the state treasury.
38 Moneys in the account may be appropriated only for purposes of
39 administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

1 (~~(7)~~) (8) Beginning with the biennium ending June 30, 1997, the
2 department shall present a biennial progress report on the use of
3 moneys from the account to the legislature. The report will be due
4 December 31st of odd-numbered years. The report shall consist of
5 information on fees collected, actual expenses incurred, and
6 anticipated expenses for the current and following fiscal years."

7 Correct the title.

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