
HOUSE BILL 2868

State of Washington

57th Legislature

2002 Regular Session

By Representative Ericksen

Read first time . Referred to Committee on .

1 AN ACT Relating to storm water fees; and amending RCW 90.48.465.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 90.48.465 and 1998 c 262 s 16 are each amended to read
4 as follows:

5 (1) The department shall establish annual fees to collect expenses
6 for issuing and administering each class of permits under RCW
7 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be
8 established by rule within one year of March 1, 1989, and thereafter
9 the fee schedule shall be adjusted no more often than once every two
10 years. Except as specified under subsection (6) of this section, this
11 fee schedule shall apply to all permits, regardless of date of
12 issuance, and fees shall be assessed prospectively. Except as
13 specified under subsection (6) of this section, all fees charged shall
14 be based on factors relating to the complexity of permit issuance and
15 compliance and may be based on pollutant loading and toxicity and be
16 designed to encourage recycling and the reduction of the quantity of
17 pollutants. Except as specified under subsection (6) of this section,
18 fees shall be established in amounts to fully recover and not to exceed
19 expenses incurred by the department in processing permit applications

1 and modifications, monitoring and evaluating compliance with permits,
2 conducting inspections, securing laboratory analysis of samples taken
3 during inspections, reviewing plans and documents directly related to
4 operations of permittees, overseeing performance of delegated
5 pretreatment programs, and supporting the overhead expenses that are
6 directly related to these activities.

7 (2) The annual fee paid by a municipality, as defined in 33 U.S.C.
8 Sec. 1362, for all domestic wastewater facility permits issued under
9 RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of
10 fifteen cents per month per residence or residential equivalent
11 contributing to the municipality's wastewater system. The department
12 shall adopt by rule a schedule of credits for any municipality engaging
13 in a comprehensive monitoring program beyond the requirements imposed
14 by the department, with the credits available for five years from March
15 1, 1989, and with the total amount of all credits not to exceed fifty
16 thousand dollars in the five-year period.

17 (3) The department shall ensure that indirect dischargers do not
18 pay twice for the administrative expense of a permit. Accordingly,
19 administrative expenses for permits issued by a municipality under RCW
20 90.48.165 are not recoverable by the department.

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

25 (5) The fee for an individual permit issued for a dairy farm as
26 defined under chapter 90.64 RCW shall be fifty cents per animal unit up
27 to one thousand one hundred sixty-seven dollars for fiscal year 1998
28 and one thousand two hundred fourteen dollars for fiscal year 1999.
29 The fee for a general permit issued for a dairy farm as defined under
30 chapter 90.64 RCW shall be fifty cents per animal unit up to eight
31 hundred seventeen dollars for fiscal year 1998 and eight hundred fifty
32 dollars for fiscal year 1999. Thereafter, these fees may rise in
33 accordance with the fiscal growth factor as provided in chapter 43.135
34 RCW.

35 (6) If a commercial or industrial permittee, operating under a
36 permit issued under either RCW 90.48.160 or 90.48.260, operates for one
37 year without violating the conditions of the permit, that permittee
38 qualifies for a three percent reduction in the fees charged by the
39 department under this chapter for each consecutive year in which the

1 permittee has not violated the permit conditions. The baseline for
2 calculating the reductions is the permit fee charged by the department
3 in 2000, or the latest year in which the permittee was found to have
4 violated the conditions of the permit. For purposes of calculating
5 fees for 2003, the department shall make the reductions retroactive to
6 year 2000 for all permittees that have not violated the conditions of
7 their permits since 2000. If, during the preceding year, a permittee
8 is found to have violated the conditions of the permit, the department
9 shall recalculate the permit fees for the next calendar year based on
10 its current schedule of fees developed under this section.

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

15 ~~((7))~~ (8) Beginning with the biennium ending June 30, 1997, the
16 department shall present a biennial progress report on the use of
17 moneys from the account to the legislature. The report will be due
18 December 31st of odd-numbered years. The report shall consist of
19 information on fees collected, actual expenses incurred, and
20 anticipated expenses for the current and following fiscal years.

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