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SENATE BILL 6257

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State of Washington

61st Legislature

2010 Regular Session

By Senator Honeyford

Read first time 01/11/10. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to water discharge fees; and reenacting and  
2 amending RCW 90.48.465.

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

4 **Sec. 1.** RCW 90.48.465 and 2009 c 456 s 6 and 2009 c 249 s 1 are  
5 each reenacted and amended to read as follows:

6 (1) The department shall establish fees to collect expenses for  
7 issuing and administering each class of permits under RCW 90.48.160,  
8 90.48.162, and 90.48.260. An initial fee schedule shall be established  
9 by rule and be adjusted no more often than once every two years. This  
10 fee schedule shall apply to all permits, regardless of date of  
11 issuance, and fees shall be assessed prospectively. All fees charged  
12 shall be based on factors relating to the complexity of permit issuance  
13 and compliance and may be based on pollutant loading and toxicity and  
14 be designed to encourage recycling and the reduction of the quantity of  
15 pollutants. Fees shall be established in amounts to fully recover and  
16 not to exceed expenses incurred by the department in processing permit  
17 applications and modifications, monitoring and evaluating compliance  
18 with permits, conducting inspections, securing laboratory analysis of  
19 samples taken during inspections, reviewing plans and documents

1 directly related to operations of permittees, overseeing performance of  
2 delegated pretreatment programs, and supporting the overhead expenses  
3 that are directly related to these activities. Computation of fees  
4 must end on the last day of the state's fiscal year, or in the case of  
5 a terminated permit, during the quarter the termination took place.

6 (2) The annual fee paid by a municipality, as defined in 33 U.S.C.  
7 Sec. 1362, for all domestic wastewater facility permits issued under  
8 RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of  
9 eighteen cents per month per residence or residential equivalent  
10 contributing to the municipality's wastewater system.

11 (3) The department shall ensure that indirect dischargers do not  
12 pay twice for the administrative expense of a permit. Accordingly,  
13 administrative expenses for permits issued by a municipality under RCW  
14 90.48.165 are not recoverable by the department.

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

19 (5) The fee for an individual permit issued for a dairy farm as  
20 defined under chapter 90.64 RCW shall be fifty cents per animal unit up  
21 to one thousand two hundred fourteen dollars for fiscal year 1999. The  
22 fee for a general permit issued for a dairy farm as defined under  
23 chapter 90.64 RCW shall be fifty cents per animal unit up to eight  
24 hundred fifty dollars for fiscal year 1999. Thereafter, these fees may  
25 rise in accordance with the fiscal growth factor as provided in chapter  
26 43.135 RCW.

27 (6) The fee for a general permit or an individual permit developed  
28 solely as a result of the federal court of appeals decision in  
29 *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3rd 526 (9th Cir.  
30 2001) is limited, until June 30, 2003, to a maximum of three hundred  
31 dollars. Such a permit is required only, and as long as, the  
32 interpretation of this court decision is not overturned or modified by  
33 future court rulings, administrative rule making, or clarification of  
34 scope by the United States environmental protection agency or  
35 legislative action. In such a case the department shall take  
36 appropriate action to rescind or modify these permits.

37 (7) All fees collected under this section shall be deposited in the  
38 water quality permit account hereby created in the state treasury.

1 Moneys in the account may be appropriated only for purposes of  
2 administering permits under RCW 90.46.220, 90.48.160, 90.48.162, and  
3 90.48.260.

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

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