

WAC 173-224-050 Permit fee computation and payments. (1) The department assesses annual permit fees based on the permit fee schedule in WAC 173-224-040. The department issues invoices at the beginning of the fiscal year to which they apply. The department will notify permit holders of annual permit fee charges by either sending an invoice to the permit holder on record or making the invoice available online. Payments are due by the date on the invoice, which is typically within 45 days of the invoice issue date. The department may elect to invoice the annual permit fee to permit holders on a monthly, quarterly, or other periodic basis. It is the permit holder's responsibility to ensure that the department has the correct billing address on file.

(2) Permit fee computation begins on the first day of each fiscal year. For newly issued permits, fee computation begins on the permit issuance date and shall not fall below the minimum permit fee as specified in WAC 173-224-040(2). In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the 61st day after the department accepts a completed application.

(3) For existing NPDES permit holders who submit a renewal permit application or a permit modification request containing information that may change their assigned permit fee, computation and permit fee category reassignment begins on the date the department issues the renewed permit or permit modification.

(4) Any facility that obtains permit coverage but fails to operate is still obligated to pay the annual permit fee assessment in this chapter until the department terminates permit coverage. Permits terminated during the fiscal year will pay the full annual fee assessment regardless of the permit termination date.

(5) Annual permit fees for sand and gravel general permit holders are assessed as in WAC 173-224-040(3) and:

(a) Nonoperating sites. A facility conducting mining, screening, washing or crushing activities, excluding portable rock crushing operations, is considered nonoperating for fee purposes if they are conducting these activities for less than 90 cumulative days during a calendar year. A facility producing or recycling no asphalt or concrete during the calendar year is also considered nonoperating for fee purposes.

(b) Nonoperating sites that become active for only concrete or asphalt production or recycling are assessed a prorated fee for the actual time nonoperational. For the actual time a concrete or asphalt facility is active, excluding asphalt portable batch plants and concrete portable batch plants, fees are based on total production or recycled amount of concrete or asphalt.

(c) Fees for continuously active sites that produce or recycle concrete or asphalt, excluding asphalt portable batch plants and concrete portable batch plants, are based on the previous calendar year production totals. Existing facilities must provide the department with the production or recycled totals for concrete or asphalt produced or recycled during the previous calendar year. New facilities with no historical asphalt or concrete production or recycling data will have their first year fee based on the production or recycling levels reported in the permit application.

(6) Fees for fruit packing general permit holders are assessed as in WAC 173-224-040(3) and are computed based on the three previous calendar years production totals. Existing facilities must provide the department with the production totals in the manner described in WAC

173-224-040 (3)(b). New facilities with no historical production data will have their first year fee based on the estimated production level for that year. The second year fee is determined based on the actual production during the first year. Fee calculation for subsequent years will be based on the average production values of previous years.

(7) Facilities with construction and industrial stormwater general permit coverage will have their annual permit fees begin on the permit issuance date.

(8) Annual permit fees continue until the permit has been terminated by the department regardless of whether the activity covered under the permit has already ceased.

(9) Computation of fees shall end on June 30th, the last day of the state's fiscal year regardless of the permit termination date.

(10) The applicable permit fee shall be paid using the department's online payment system or by check or money order payable to the "Department of Ecology" and mailed to the Cashiering Office, P.O. Box 47611, Olympia, Washington 98504-7611.

(11) In the event a check is returned due to insufficient funds, the department shall consider the permit fee to be unpaid.

(12) Permit holders are considered delinquent in the payment of annual permit fees if the fees are not received by the first invoice due date. Delinquent accounts are processed in the following manner:

(a) Municipal and government entities and Native American tribes will be notified by regular mail or email that they have 45 days to pay outstanding invoices. Accounts that remain delinquent after 45 days may receive a notice of penalty for nonpayment of fees.

(b) Nonmunicipal or nongovernment permit holders will be notified by the department by regular mail or email that they have 45 days to pay outstanding invoices. Accounts that remain delinquent after 45 days may receive a notice of penalty and may be referred to a collections agency. In addition to the amount owed, the collection agent may add a fee to the delinquent amount owed as authorized by RCW 19.16.500. If the collection agency fails to recover the delinquent fees, the permit holder may receive a permit revocation letter for nonpayment of fees.

[Statutory Authority: RCW 90.48.465. WSR 23-14-079 (Order 22-03), § 173-224-050, filed 6/29/23, effective 7/30/23; WSR 21-13-150 (Order 19-10), § 173-224-050, filed 6/22/21, effective 7/23/21; WSR 19-14-040 (Order 18-01), § 173-224-050, filed 6/26/19, effective 7/27/19; WSR 17-16-005 (Order 16-11), § 173-224-050, filed 7/20/17, effective 8/20/17; WSR 13-22-051 (Order 13-02), § 173-224-050, filed 11/1/13, effective 12/2/13; WSR 09-20-020 (Order 09-06), § 173-224-050, filed 9/28/09, effective 10/29/09. Statutory Authority: Chapter 90.48 RCW. WSR 08-16-109 (Order 08-05), § 173-224-050, filed 8/5/08, effective 9/5/08. Statutory Authority: RCW 90.48.465. WSR 04-15-046, § 173-224-050, filed 7/13/04, effective 8/13/04. Statutory Authority: Chapter 90.48 RCW. WSR 02-12-059, § 173-224-050, filed 5/30/02, effective 6/30/02; WSR 00-02-031 (Order 99-03), § 173-224-050, filed 12/28/99, effective 1/28/00; WSR 98-03-046 (Order 97-27), § 173-224-050, filed 1/15/98, effective 2/15/98; WSR 96-03-041 (Order 94-21), § 173-224-050, filed 1/10/96, effective 2/10/96; WSR 94-10-027 (Order 93-08), § 173-224-050, filed 4/28/94, effective 5/29/94; WSR 92-03-131 (Order 91-45), § 173-224-050, filed 1/21/92, effective 2/21/92. Statutory Authority: Chapter 43.21A RCW. WSR 89-12-027 and 90-07-015 (Order 89-8 and 89-8A), § 173-224-050, filed 5/31/89 and 3/13/90, effective 4/13/90.]