RCW 90.48.465 Water discharge fees—Report to the legislature.

(1) The department shall establish fees to collect expenses for
issuing and administering each class of permits under RCW 90.48.160,
90.48.162, and 90.48.260. An initial fee schedule shall be established
by rule and be adjusted no more often than once every two years. This
fee schedule shall apply to all permits, regardless of date of
issuance, and fees shall be assessed prospectively. All fees charged
shall be based on factors relating to the complexity of permit
issuance and compliance and may be based on pollutant loading and
toxicity and be designed to encourage recycling and the reduction of
the quantity of pollutants. Fees shall be established in amounts to
fully recover and not to exceed expenses incurred by the department in
processing permit applications and modifications, monitoring and
evaluating compliance with permits, conducting inspections, securing
laboratory analysis of samples taken during inspections, reviewing
plans and documents directly related to operations of permittees,
overseeing performance of delegated pretreatment programs, and
supporting the overhead expenses that are directly related to these
activities.

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

(3) In establishing fees, the department shall consider the
economic impact of fees on small dischargers and the economic impact
of fees on public entities required to obtain permits for stormwater
runoff and shall provide appropriate adjustments.

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

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

(6) All fees collected under this section shall be deposited in
the water quality permit account hereby created in the state treasury.
Moneys in the account may be appropriated only for purposes of
administering permits under RCW 90.46.220, 90.48.160, 90.48.162, and
90.48.260.

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

[2022 c 227 § 1. Prior: 2009 c 456 § 6; 2009 c 249 § 1; 2002 c 361 §]
Findings—Intent—2002 c 361: "The legislature finds that the recent federal court of appeals decision in Headwaters, Inc. v. Talent Irrigation District, 243 F.3rd 526 (9th Cir. 2001) imposes a duty to obtain a national pollutant discharge elimination system permit under the clean water act for the application of pesticides to irrigation canals. This duty is also extended to other individuals and organizations that apply pesticides to other waters, where no duty existed before the Talent decision.

The legislature finds that the costs associated with the issuance of the national pollutant discharge elimination system permit now required by the department of ecology as a result of the federal decision is burdensome to the affected individuals and organizations. The legislature intends to temporarily reduce the burden of the federal decision on those individuals and organizations." [2002 c 361 § 1.]

Effective date—2002 c 361: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 4, 2002]." [2002 c 361 § 3.]

Effective date—1998 c 262: See RCW 90.64.900.

Short title—Captions—Construction—Existing agreements—Effective date—1989 c 2: See RCW 70A.305.900 through 70A.305.904, respectively.