



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 05, 2025

TIME: 7:04 AM

WSR 25-19-023

Agency: Department of Health

☒ Original Notice

☐ Supplemental Notice to WSR

☐ Continuance of WSR

☒ Preproposal Statement of Inquiry was filed as WSR 25-15-015 ; or

☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or

☐ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

☐ Proposal is exempt under RCW _____.

Title of rule and other identifying information: Office of Environmental Health and Safety programs fees. The Department of Health (department) is proposing amending fees for the Office of Environmental Health and Safety programs to cover operating costs for the following:

- WAC 246-205-990 for Decontamination of Illegal Drug Manufacturing or Storage Sites
- WAC 246-260-9901 for Water Recreation Facilities
- WAC 246-262-990 for Recreational Water Contact Facilities
- WACs 246-272-1000 through 246-272-6000 for Onsite Sewage Systems
- WAC 246-272-3000 for Large Onsite Sewage Systems
- WAC 246-282-990 for Commercial Shellfish
- WAC 246-358-990 for Temporary Worker Housing
- WAC 246-360-990 and 246-360-020 for Transient Accommodations
- WAC 246-380-990 for Food Service

This proposal also includes making editorial updates, creating new fees, removing obsolete fees, clarifying existing fees, and aligning with the Code Reviser's 2025 Bill Drafting Guide.

Hearing location(s):

Date:	Time:	Location:	Comment:
October 21, 2025	11:00AM	Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_KSP9y29hRM6WQFGO6akdfg After registering, you will receive a confirmation email containing information about joining the webinar.	

Date of intended adoption: October 28, 2025 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Zehra Siddiqui

Address: PO Box 47820, Olympia WA 98504-7820

Assistance for persons with disabilities:

Contact: Zehra Siddiqui

Phone: (360) 236-3010

Email: zehra.siddiqui@doh.wa.gov

Fax: N/A

Other

Beginning: Date and time of filing

By: October 21, 2025 at 11:59pm

Fax: N/A

TTY

Email: zehra.siddiqui@doh.wa.gov

Other

By: October 6, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing amending fees for all programs within the Office of Environmental Health and Safety to ensure program costs are adequately covered. These fees must be set at a level that covers the costs of administering each program or license.

Reasons supporting proposal: The department completed a financial assessment and determined the current fees are not generating sufficient revenue to cover the operating costs over the biennium. This is necessary to address existing program deficits, increased program expenses, and reductions in funding from General Fund State (GFS) and cost-of-living and job classification adjustments made in the 2025-2027 state budget (ESSB 5167). RCW 43.70.110 and 43.70.250 authorize the Secretary of Health to establish various fees associated with licensing and regulation of professions, occupations, or businesses.

Statutory authority for adoption:

- RCW 43.70.250, 64.44.060, and 64.44.070, Decontamination of Illegal Drug Manufacturing or Storage Sites
- RCW 43.70.250 and 70.90.150, Water Recreation Facilities
- RCW 43.70.250 and 70.90.150, Recreational Water Contact Facilities
- RCW 43.70.110, 43.70.250, and 43.20B.020, Onsite Sewage Systems
- RCW 43.70.110, 43.70.250, 43.20B.020, and 70A.115.040, Large Onsite Sewage Systems
- RCW 43.70.250 and 69.30.050, Commercial Shellfish
- RCW 43.70.250, 43.70.334 through 43.70.340, and chapter 70.114A RCW, Temporary Worker Housing
- RCW 43.70.110, 43.70.250, and 70.62.220, Transient Accommodations
- RCW 43.70.250, Food Service

Statute being implemented:

- RCW 43.70.250, 64.44.060, and 64.44.070, Decontamination of Illegal Drug Manufacturing or Storage Sites
- RCW 43.70.250 and 70.90.150, Water Recreation Facilities
- RCW 43.70.250 and 70.90.150, Recreational Water Contact Facilities
- RCW 43.70.110, 43.70.250, and 43.20B.020, Onsite Sewage Systems
- RCW 43.70.110, 43.70.250, 43.20B.020, and 70A.115.040, Large Onsite Sewage Systems
- RCW 43.70.250 and 69.30.050, Commercial Shellfish
- RCW 43.70.250, 43.70.334 through 43.70.340, and chapter 70.114A RCW, Temporary Worker Housing
- RCW 43.70.110, 43.70.250, and 70.62.220, Transient Accommodations
- RCW 43.70.250, Food Service

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: Department of Health

Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Zehra Siddiqui	111 Israel Rd. S.E.Tumwater, WA 98501	(360) 236-3010
Implementation	Todd Phillips	111 Israel Rd. S.E.Tumwater, WA 98501	(360) 628-6486
Enforcement	Todd Phillips	111 Israel Rd. S.E.Tumwater, WA 98501	(360) 628-6486

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name

Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

☒ No: Please explain: Proposal is not a significant legislative rule according to RCW 34.06.328. The proposal sets or adjusts fees and corrects or clarifies language.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

☐ [RCW 34.05.310](#) (4)(b)
(Internal government operations)

☐ [RCW 34.05.310](#) (4)(e)
(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

☒ [RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

☒ [RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

☐ [RCW 34.05.310](#) (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: Check one.

☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: 9/5/2025

Name: Kristin Peterson, JD for Dennis E. Worsham

Title: Chief of Policy for Secretary of Health

Signature:

A handwritten signature in dark ink, appearing to read "Kristin Peterson", written in a cursive style.

WAC 246-205-990 Fees. (1) Fees are nonrefundable and must be paid by check or money order made payable to the department.

(2) Fees (~~((shall))~~) will be prorated by the month for certificates issued for less than two years.

(3) An applicant must pay the following fees based on a two-year certification period when submitting an application:

(a) (~~((\\$100))~~) \\$558 for each initial or reciprocal worker certificate application.

(b) (~~((\\$50))~~) \\$279 for each renewal worker certificate application.

(c) (~~((\\$200))~~) \\$1,116 for each initial or reciprocal supervisor certificate application.

(d) (~~((\\$150))~~) \\$837 for each renewal supervisor certificate application.

(e) (~~((\\$1,000))~~) \\$5,580 for each initial application and (~~((\\$500))~~) \\$2,790 for each renewal application for training provider certification for the worker drug lab decontamination course.

(f) (~~((\\$1,000))~~) \\$5,580 for each initial application and (~~((\\$500))~~) \\$2,790 for each renewal application for training provider certification for the supervisor drug lab decontamination course.

(g) There is no fee for application as a training provider for the refresher training course.

(4) An applicant must pay (~~((\\$1,125))~~) \\$6,278 for each initial, renewal, or reciprocal authorized contractor certificate application, based on a (~~((one))~~) two-year certification period. The applicant's certificate (~~((shall))~~) will expire (~~((annually))~~) on the expiration date of the contractor's license issued under chapter 18.27 RCW.

WAC 246-260-9901 Fees. (1) ~~((CONSTRUCTION PERMIT FEES.))~~ The department ~~((establishes))~~ shall charge the following fees ~~((listed in Table 990.1))~~ for construction permits ~~((for carrying out its duties under WAC 246-260-021.))~~:

(a) \$1,600 for swimming pools with 100,000 gallons or more in volume. This includes eight hours of review time. Additional time will be billed at the rate of \$198 per hour.

(b) \$800 for swimming pools less than 100,000 gallons, spa pools, and recirculating spray pools. This includes four hours of review time. Additional time will be billed at the rate of \$198 per hour.

(c) \$400 for wading pools and nonrecirculating spray pools. This includes two hours of review time. Additional time will be billed at the rate of \$198 per hour.

(d) \$198 per hour for review of plans for alterations, renovations, or modifications to existing swimming, spa, wading, or spray pools.

(2) The applicant must submit the ~~((base fee))~~ applicable construction permit fee listed in subsection (1) of this section to the department prior to the department initiating plan review ~~((initiation))~~.

~~((b))~~ (a) Hourly charges for plan review will be charged regardless of whether the construction permit is issued or not.

~~((e))~~ (b) The department ~~((will issue))~~ may withhold the construction permit ~~((once))~~ until full payment has been received.

~~((d))~~ The applicant must pay the costs of a safety engineer to review plans when department determines need per WAC 246-260-021(4).

TABLE 990.1
CONSTRUCTION PERMIT FEES

TYPE OF FACILITY	CONSTRUCTION PERMIT PLAN REVIEW FEES
I. Swimming Pools 100,000 gallons or more in volume	\$ 800.00 plus \$ 99/hr. for all hours of review time greater than 8 hours
II. Swimming Pools less than 100,000 gallons, Spa Pools, and Recirculating Spray Pools	\$ 400.00 plus \$ 99/hr. for all hours of review time greater than 4 hours
III. Wading Pools and Nonrecirculating Spray Pools	\$ 200.00 plus \$ 99/hr. for all hours of review time greater than 2 hours
IV. Alterations, renovations, or modifications to existing swimming, spa, wading or spray pools	\$ 100.00 plus \$ 99/hr. for all hours of review time greater than 1 hour.

~~((2))~~ ~~OPERATING PERMIT FEES~~ The department establishes the fees listed in Table 990.2 for operating permits for carrying out its duties under WAC 246-260-101.

TABLE 990.2
FEE SCHEDULE
OPERATING PERMITS
Type + Number of Facilities

	Single Swim Pool	Single Spa Pool	Single Wading Pool	Spray Pool or Pools	Each Additional Swim, Spa, or Wading Pool
Operating Permit 0-6 month	\$ 291.00	\$ 255.00	\$ 211.00	\$ 105.00	\$ 63.00
Operating Permit 6-12 months	\$ 477.00	\$ 424.00	\$ 371.00	\$ 159.00	\$ 84.00

~~(3) Other Terms and Conditions:~~

- ~~(a) The department may charge an additional fee of \$87 plus associated laboratory costs for any inspections beyond those provided under the annual operating permit when necessary due to violations of such items as (a) noncompliance with water quality standards, and (b) failure to comply with operational requirements for health and safety.~~
- ~~(b) The department may charge an alternate annual fee for an operating permit based on direct and indirect costs associated with issuance of the permit when arrangements are made with local health jurisdictions to administer all or portions of the duties associated with the operating permit. Except, that the fee for this operating permit cannot exceed the cost established by the previous portions of this regulation, but the fee may be less.~~
- ~~(c) During the first year of development of the operating permit and for new pool facilities built hereafter, or pools temporarily closed (significant period of several months) and reopened, there are provisions for prorating the costs for the operating permits.~~
- ~~(d) A reduction in fees, up to but not exceeding thirty percent, may be granted by the department when a facility operator can demonstrate a satisfactory level of training in pool safety, water quality, maintenance and operations. The department will develop criteria for these fee reductions within six months of the adoption of this regulation.~~
- ~~(e) For limited use facilities requiring operating permits which are serving less than fifteen living units, the operating permit shall be fifty percent of the fee. However, the department may charge a reinspection fee if necessary under (a) of other terms and conditions.~~
- ~~(f) Fees for multiple facilities at the same physical location shall have a maximum FEE CAP as follows: Seasonal (0-6 months) WRF's: \$774 NOTE: The third and subsequent pool/spa at the same location will be charged \$51 for each additional pool/spa. Year around (>6 months) WRF's \$1032 NOTE: The third and subsequent pool/spa at the same physical location will be charged \$67 for each additional pool/spa.~~

~~(4) Examples of Fees Charged:~~

- ~~(a) If more than one pool at a facility and one is a year-round pool and another is a seasonal pool—year round pool is base cost, seasonal pool is charged at additional fee charge. For example: Year-round spa = \$424 plus seasonal swimming pool is \$63 = \$487 total operating permits.~~

- (b) If a single swimming pool and a single spa pool is used at the facility, the fee schedule will include fees as noted. For a 0-6 month permit, the primary fee for the single swimming would be \$291 and the spa pool would be viewed as the second pool at the facility and would have a fee of \$63, total operating permit fees would be \$354.
- (c) If there are 12 pools/spas at a single year-around pool facility, the FEE CAP would apply and the maximum fee of \$1032 would be charged. (\$477 base fee, \$84 for first additional pool/spa, \$67 for the remaining ten year-around pools/spas (10 x \$67 = \$670)) Total fee before fee cap = \$477 + \$84 + \$670 = \$1231. After FEE CAP the total fee = \$1032. If approved training were credited to this facility for the maximum 30% discount, the 30% would be applied to the FEE CAP fee of \$1032; \$1032 - 30% = \$723.)

(3) The department shall charge the following fees for operating permits:

	<u>Single Swim, Spa, Spray, or Wading Pool</u>	<u>Each Additional Swim, Spa, Spray, or Wading Pool</u>
<u>Operating Permit less than 6 months</u>	<u>\$1,509</u>	<u>\$441</u>
<u>Operating Permit 6-12 months</u>	<u>\$2,504</u>	<u>\$588</u>

(4) The department may charge an additional fee of \$609 for each additional on-site inspection beyond those provided under the annual operating permit when necessary including, but not limited to, the following:

- (a) Noncompliance with water quality standards;
- (b) Failure to comply with operational requirements for health and safety;
- (c) Monitoring pools closed longer than 12 consecutive months that have not yet been backfilled or demolished; or
- (d) Return visits for missing a scheduled appointment time.

(5) For a facility operating without a permit, the facility shall pay the applicable operating permit fee listed in subsection (3) of this section plus the fee listed in subsection (4) of this section.

WAC 246-262-990 Fees. (1) The fee for plan review of a new recreational water contact facility (~~((shall be four hundred dollars))~~) will be \$800 base fee plus an hourly rate of ((ninety-nine dollars for all)) \$198 for each hour((s)) of review beyond four hours ((plus the safety engineer reviewer's cost as billed)).

(a) The base fee must be provided to the department prior to initiating plan review.

(b) Hourly fees for plan review will be charged regardless of whether the plans are approved or not.

(c) The ~~((construction permit will not be issued until after full payment is))~~ department may withhold the construction permit until full payment has been received.

(2) The ~~((fee))~~ department shall charge \$198 per hour for review of plans for alterations, renovations, or modifications of an existing recreational water contact facility (~~((shall be the hourly rate of ninety-nine dollars))~~).

(3) The annual fee for an operating permit for a recreational water contact facility containing one attraction (~~((shall be one hundred eighty dollars))~~) will be \$756.

(4) The annual fee for an operating permit for a recreational water contact facility containing more than one attraction (~~((shall be one hundred eighty dollars))~~) will be \$756 for the first attraction plus ~~((fifty-one dollars))~~ \$350 for each additional attraction up to a maximum fee of ~~((three hundred thirty-five dollars))~~ \$2,160.

(5) The department may charge an additional fee of ~~((fifty-one dollars plus associated laboratory costs for inspections beyond those provided under the annual operating permit when necessary due to violations of such items as))~~ \$609 for each additional on-site inspection beyond those provided under the annual operating permit when necessary including, but not limited to, the following:

(a) Noncompliance with water quality standards; ~~((and))~~

(b) Failure to comply with operational requirements for health and safety; or

(c) Return visits for missing a scheduled appointment time.

AMENDATORY SECTION (Amending WSR 10-16-108, filed 8/2/10, effective 9/2/10)

WAC 246-272-2000 On-site sewage system fees. This section establishes fees for on-site sewage systems as regulated under chapter 246-272A WAC.

(1) Fees for proprietary product registration are as follows:

Category	Base Fee	Hourly Fee
Treatment or distribution product registration initial application	(((\$400.00)) <u>\$1,460.00</u>	(((\$100.00)) <u>\$365.00</u> per hour if the application requires more than four hours of review time
Annual registration renewal	(((\$100.00)) <u>\$365.00</u>	

(2) The base fee is required at the time of application. Any hourly fees for additional review time must be paid in full before the product will be registered.

AMENDATORY SECTION (Amending WSR 20-08-113, filed 3/31/20, effective 7/1/20)

WAC 246-272-3000 Large on-site sewage system fees. This section establishes fees for large on-site sewage systems (LOSS) as regulated under chapter 246-272B WAC.

(1) The following nonrefundable fees apply to engineering and environmental reviews and inspections of LOSS.

(a) New and modification project reviews. The owner shall pay a project review base fee of ~~((eight hundred forty-eight dollars))~~ \$3,095 at the time the project application is submitted to the department. The fee covers up to eight hours of review time. The owner shall pay ~~((one hundred six dollars))~~ \$387 per hour for additional review time over eight hours.

(b) Reduced modification project reviews. The owner may request and the department may approve a reduced project review base fee of ~~((four hundred twenty-four dollars))~~ \$1,548 at the time the project application is submitted to the department. The fee covers up to four hours of review time. The owner shall pay ~~((one hundred six dollars))~~ \$387 per hour for additional review time over four hours.

(c) Review of LOSS documents in response to permit conditions. The owner shall pay a fee based on ~~((one hundred six dollars))~~ \$387 per hour.

(d) Review of LOSS documents not associated with project reviews or permit conditions under (a), (b) or (c) of this subsection. The owner shall pay a fee based on ~~((one hundred six dollars))~~ \$387 per hour.

(e) Site inspections and inspections related to enforcement events. The owner shall pay a fee of ~~((one thousand dollars))~~ \$3,650.

(f) Final inspections. The owner shall pay a fee of ~~((five hundred dollars))~~ \$1,825.

(2) Initial operating permit and annual operating permit renewals. The owner shall pay nonrefundable operating permit fees consist-

ing of a base fee plus a department-approved LOSS design flow fee as shown in Table A Operating Permit Fees.

Table A
Operating Permit Fees

((Operating Permit Fees	Effective July 1, 2020	Effective July 1, 2021
Base fee	\$450.00	\$608.00
Department-approved LOSS design flow fee	\$.03 per gallon	\$.0405 per gallon))

<u>Operating Permit Fees</u>	<u>Effective until December 31, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
Base fee	\$608.00	\$1,414.00	\$2,219.00
Department-approved LOSS design flow fee	\$0.0405 per gallon	\$0.10 per gallon	\$0.15 per gallon

(3) Initial operating permits. The owner shall pay operating permit fees at the time the operating permit application is submitted to the department in accordance with WAC 246-272B-02150 and 246-272B-02200.

(4) Renewal of annual operating permits. The owner shall pay annual operating permit fees to the department at least ~~((thirty))~~ 30 days prior to the expiration of the current operating permit in accordance with WAC 246-272B-02650.

(5) Late applications. The department will assess a ~~((ninety-four dollar))~~ \$343 late application processing fee to LOSS owners that do not submit an annual operating permit at least ~~((thirty))~~ 30 days prior to the permit's expiration date.

(6) Outstanding fees. LOSS owners shall pay all outstanding fees under this section before the department will issue a notice to proceed, project approval, or annual operating permit.

AMENDATORY SECTION (Amending WSR 10-16-108, filed 8/2/10, effective 9/2/10)

WAC 246-272-4000 On-site sewage system tanks fees. This section establishes fees for on-site sewage system tanks as regulated under chapter 246-272C WAC.

(1) Fees for review and approval of design and construction plans for a prefabricated or cast-in-place on-site sewage system tank are as follows:

Category	Base Fee	Hourly Fee
Review and approval.	(((\$408.00)) \$1,489.00	(((\$102.00)) \$372.00 per hour if the application requires more than four hours of review time.

(2) The base fee is required at the time of application.

(3) All hourly fees for additional review time must be paid in full before any department approval is granted.

AMENDATORY SECTION (Amending WSR 10-16-108, filed 8/2/10, effective 9/2/10)

WAC 246-272-5000 Reclaimed water use fees. The fees for review and inspection of reclaimed water use projects will be calculated based on a rate of (~~one hundred two dollars~~) \$372 per hour.

AMENDATORY SECTION (Amending WSR 11-03-069, filed 1/18/11, effective 2/18/11)

WAC 246-272-6000 On-site sewage system additive fees. (1) The applicant shall pay to the department, with the application, a (~~three hundred fifty dollar~~) \$1,278 fee. This ((fee)) includes (~~two hundred dollars for~~) developing criteria and review procedures, plus (~~one hundred fifty dollars for~~) up to two hours of product-specific review. Additional review time will be billed at (~~seventy-five dollars~~) \$274 per hour.

(2) All fees must be paid prior to the department's approval.

AMENDATORY SECTION (Amending WSR 23-17-073, filed 8/14/23, effective 9/14/23)

WAC 246-282-990 Fees. (1) The department shall collect the following fees:

(a) Annual shellfish operation license ((fees are)):

<u>((Type of Operation</u>	<u>Annual Fee</u>
Harvester	\$263
Shellstock Shipper	
0-49 Acres	\$297
50 or greater Acres	\$476
Scallop Shellstock Shipper	\$297
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$542
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$656
Plants with floor space > 5000 sq. ft.	\$1,210

~~(2) The fee for each export certificate is \$55.00.~~

~~(3))~~

<u>Operation</u>	<u>Acres</u>	<u>Harvest Sites</u>	<u>Fee effective until June 30, 2026</u>	<u>Fee effective starting July 1, 2026</u>
Harvester		<u>2 or less</u>	<u>\$876</u>	<u>\$1,489</u>
		<u>3 or more</u>	<u>\$916</u>	<u>\$1,569</u>
Shellstock Shipper	<u>0-49 Acres</u>	<u>2 or less</u>	<u>\$1,954</u>	<u>\$3,611</u>
	<u>0-49 Acres</u>	<u>3 or more</u>	<u>\$2,100</u>	<u>\$3,902</u>
	<u>50 or greater Acres</u>		<u>\$2,188</u>	<u>\$3,900</u>
	<u>Wholesale Only</u>	<u>Wholesale Only</u>	<u>\$1,955</u>	<u>\$3,613</u>
	<u>Wholesale Only DNR Tracts</u>	<u>Wholesale Only DNR Tracts</u>	<u>\$1,811</u>	<u>\$3,322</u>
Shucker Packer	<u>Plants < 2,000 sq. ft.</u>	<u>2 or less</u>	<u>\$4,398</u>	<u>\$8,252</u>
	<u>Plants < 2,000 sq. ft.</u>	<u>3 or more</u>	<u>\$4,816</u>	<u>\$9,090</u>
	<u>Plants 2,000-5,000 sq. ft.</u>	<u>2 or less</u>	<u>\$5,512</u>	<u>\$10,368</u>
	<u>Plants 2,000-5,000 sq. ft.</u>	<u>3 or more</u>	<u>\$5,405</u>	<u>\$10,154</u>
	<u>Plants > 5,000 sq. ft.</u>	<u>N/A</u>	<u>\$5,105</u>	<u>\$9,000</u>

(b) \$159 for each export certificate.

(c) Annual biotoxin testing ((fees)) for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) ((are as follows)):

((Fee Category

<u>Type of Operation</u>	<u>Number of Harvest Sites</u>	<u>Fee</u>
Harvester	<u>≤2</u>	<u>\$353</u>
Harvester	<u>3 or more</u>	<u>\$535</u>
Shellstock Shipper		<u>\$198</u>
Wholesale Company		

((Fee Category

Type of Operation	Number of Harvest Sites	Fee
Shellstock Shipper 0-49 acres	≤2	\$393
Shellstock Shipper 0-49 acres	3 or more	\$610
Shellstock Shipper 50 or greater acres	N/A	\$961
Shucker-Packer (plants < 2000 ft ²)	≤2	\$752
Shucker-Packer (plants < 2000 ft ²)	3 or more	\$1,076
Shucker-Packer (plants 2000 - 5000 ft ²)	≤2	\$882
Shucker-Packer (plants 2000 - 5000 ft ²)	3 or more	\$1,297
Shucker-Packer (plants > 5000 ft ²)	N/A	\$2,412

~~(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:~~

~~(i) At the time of first licensure; or~~

~~(ii) January 1st of each year for companies licensed as harvesters; or~~

~~(iii) July 1st of each year for companies licensed as shellstock shippers and shucker packers.~~

~~(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.~~

~~(4))~~

Operation	Acres	Harvest Sites	Fee effective until June 30, 2026	Fee effective starting July 1, 2026
<u>Harvester</u>		<u>2 or less</u>	<u>\$353</u>	<u>\$710</u>
		<u>3 or more</u>	<u>\$535</u>	<u>\$1,076</u>
<u>Shellstock Shipper</u>	<u>Wholesale</u>	<u>Wholesale</u>	<u>\$198</u>	<u>\$398</u>
	<u>0-49 Acres</u>	<u>2 or less</u>	<u>\$393</u>	<u>\$790</u>
	<u>0-49 Acres</u>	<u>3 or more</u>	<u>\$610</u>	<u>\$1,226</u>
	<u>50 or greater</u>	<u>N/A</u>	<u>\$961</u>	<u>\$1,933</u>
<u>Shucker Packer</u>	<u>Plants < 2,000 sq. ft.</u>	<u>2 or less</u>	<u>\$752</u>	<u>\$1,512</u>
	<u>Plants < 2,000 sq. ft.</u>	<u>3 or more</u>	<u>\$1,076</u>	<u>\$2,164</u>
	<u>Plants 2,000-5,000 sq. ft.</u>	<u>2 or less</u>	<u>\$882</u>	<u>\$1,773</u>
	<u>Plants 2,000-5,000 sq. ft.</u>	<u>3 or more</u>	<u>\$1,297</u>	<u>\$2,607</u>
	<u>Plants > 5,000 sq. ft.</u>	<u>N/A</u>	<u>\$2,412</u>	<u>\$4,848</u>

~~(d) Annual PSP testing ((fees)) for companies harvesting geoduck ((are as follows)) :~~

((Harvester	Cert #	Fee
Chuckanut Shellfish Inc.	WA-1350-HA	\$997
Department of Natural Resources	NA	\$13,354

((Harvester	Cert #	Fee
Jamestown S'Klallam Tribe	WA-0588-SS	\$4,584
Lower Elwha Klallam Tribe	WA-0587-HA	\$2,392
Lummi Indian Business Council	WA-0098-SS	\$399
Nisqually Indian Tribe	WA-1268-HA	\$199
Port Gamble S'Klallam Tribe	WA-0859-HA	\$3,388
Puyallup Tribe of Indians	WA-1137-HA	\$5,381
Rising Tide CE, LLC	WA-1951-HA	\$199
Suquamish Tribe	WA-0694-SS	\$7,175
Swinomish Indian Tribal Community	WA-1420-SS	\$997
Taylor Shellfish Company, Inc.	WA-0046-SP	\$9,168
The Tulalip Tribes	WA-0997-HA	\$9,766

~~((5))~~)

<u>Fee effective until June 30, 2026</u>	<u>Fee effective starting July 1, 2026</u>
\$188 per test	\$297 per test

(e) \$64 for a virtual correction inspection.

(f) \$291 for an on-site follow up inspection.

(g) \$323 for a preoperation inspection for a new or expired license. This is a nonrefundable fee and is in addition to an annual license fee as outlined in subsection (1)(a) of this section.

(2) The number of harvest sites will be the total listed sites on the licensed company's harvest site certificate:

(a) At the time of first licensure;

(b) January 1st of each year for companies licensed as harvesters; or

(c) April 1st of each year for companies licensed as shellstock shippers and shucker packers.

(3) Fees must be paid in full to the department (~~of health~~) before a commercial shellfish license is issued or renewed.

~~((6))~~ (4) Refunds for fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

WAC 246-358-990 Fees. (1) ~~((Licensing fee. An operator shall submit to the department of health a licensing fee according to Table 1 of this section))~~ The department shall charge the following fees prior to ((the department of health)) issuing a TWH operating license((. Except as provided in subsections (2) and (3) of this section, the licensing fee consists of two portions:

(a) An administrative portion according to Table 1 of this section; and

(b) A facility portion, based on the maximum occupancy of the TWH, according to Table 1 of this section. For purposes of this section, maximum occupancy is the greatest number of occupants that reside in the TWH during the calendar year.

(2) Self-survey program. If an operator is a participant of the self-survey program described in WAC 246-358-027, the operator may pay the administrative portion only of the licensing fee according to Table 1 of this section. The operator may pay this fee only during the years the operator is approved to conduct the self-survey.

(3) Minimum licensing fee. The minimum licensing fee is ninety dollars.)):

(a) \$170 for the administrative portion of licensing plus \$14 per occupant at maximum annual occupancy for the facility portion. The maximum annual occupancy is the greatest number of occupants approved to reside in the TWH during the calendar year; or

(b) \$310 for the minimum operating licensing fee.

(2) If the department approves a self-survey program as outlined in WAC 246-358-027, the operator shall pay \$170.

(3) The department may charge \$232 for on-site preapplication technical assistance upon request. This includes two hours of assistance time. Additional time will be billed at the rate of \$116 per hour.

(4) ((Late fees.)) The department ~~((of health may))~~ shall charge a \$340 late fee ~~((according to Table 1 of this section))~~ in addition to the licensing fee when:

(a) ((For a new license,)) The application packet and licensing fee for a new license are not received by the department ~~((of health))~~ at least ~~((forty-five))~~ 45 days prior to the new TWH opening operation date; or

(b) ((For a previously licensed TWH, the application)) The renewal packet and licensing fee for a previously licensed TWH are not received by the department ~~((of health))~~ by February ~~((twenty-eighth))~~ 28th of the year the operator intends to operate the TWH.

(5) ((Occupancy increase adjustment.)) The operator shall submit additional funds to the department in the amount of \$14 for each additional occupant and a \$170 administrative processing fee when the following occurs:

(a) If, at any time, the operator or the department ((of health)) determines there are more occupants than the maximum occupants identified on the application for an operating license according to WAC 246-358-025((, the operator shall submit additional funds to the department of health in the amount of four dollars for each additional occupant.)):

(b) If the operator requests additional occupants that do not exceed the maximum capacity; or

(c) If the operator requests to increase occupants based on the maximum capacity.

(6) Funds for the occupancy adjustment increase outlined in subsection (5)(a) of this section must be submitted to the department ((of health)) within ((thirty)) 30 calendar days of the operator being made aware of the discrepancy.

((e)) (7) Additional occupants accounted for in ((this)) subsection (5) of this section may not contribute to exceeding the maximum capacity of the TWH according to WAC 246-358-029.

~~((6) Refunds.~~

~~(a) The operator shall submit a written request to the department of health for any refund; and~~

~~(b) If the operator provides documentation to the department of health that the TWH was not occupied during the license period, the department of health shall refund fees paid by the operator according to the following conditions:~~

~~(i) The department of health will refund the licensing fees paid, less a fifty dollar processing fee, if an application has been received but no preclosure inspection has been performed by the department of health; or~~

~~(ii) The department of health will refund two-thirds of the licensing fees paid, less a fifty dollar processing fee, if an application has been received and a preclosure inspection has been performed by the department of health.~~

~~((e)) (8) To request a refund from the department, the operator must submit a written request and provide documentation that the TWH was not occupied during the license period. The department shall refund:~~

~~(a) Two-thirds of the licensing fees paid, minus \$170 refund processing fee, if an application or renewal form was received but no preclosure inspection was performed by the department; or~~

~~(b) One-third of the licensing fees paid, minus \$170 refund processing fee, if an application or renewal form was received and a preclosure inspection was performed by the department.~~

(9) The department shall refund fees paid by the operator if the operator provides documentation of fewer occupants than the maximum occupants identified on the application or renewal form for an operating license according to WAC 246-358-025, according to the following conditions:

(a) If an application or renewal form has been received and no preclosure inspection has been conducted, the department will refund the amount of \$14 for every occupant fewer than the maximum number of occupants identified on the application or renewal form; or

(b) If an application or renewal form has been received and a preclosure inspection has been conducted, the department will refund the amount of \$7 for every occupant fewer than the maximum number of occupants identified on the application or renewal form.

(10) The department ((of health)) will not refund ((applicant)) facility licensing fees ((under subsection (1)(b) of this section)) if:

((i)) (a) The department ((of health)) has performed more than one on-site inspection for any purpose; or

((ii)) (b) One year has elapsed since a license application was received by the department ((of health)), but no license was issued because ((the applicant failed)) of failure to complete licensing requirements ((for licensure)).

~~((d) If the operator provides documentation to the department of health of fewer occupants than the maximum occupants identified on the application for an operating license according to WAC 246-358-025, the department of health shall refund fees paid by the operator according to following conditions:~~

~~(i) The department of health will refund the amount of four dollars for every occupant fewer than the maximum number of occupants identified on the application, if an application has been received and no prelicensure inspection has been conducted;~~

~~(ii) The department of health will refund the amount of two dollars for every occupant fewer than the maximum number of occupants identified on the application, if an application has been received and a prelicensure inspection has been conducted; or~~

~~(iii) The department of health will not refund any amount under subsection (1)(b) of this section if the department of health has performed more than one on-site inspection for any purpose.~~

~~(7) **TWH civil fine.**) (11) The department ((of health)) may assess an operator a civil fine according to RCW 43.70.335.~~

~~((Table 1
Fees, Temporary Worker Housing~~

Fee Type	Administrative Portion	Facility Portion
Licensing	\$50	\$4 per occupant, at maximum annual occupancy
	(\$90 minimum total fee)	
License, Self-Survey Program	\$50	\$0
Late	\$100 (Late fees are in addition to licensing fees))	

WAC 246-360-020 Licensure. (1) A ~~((person must have a current))~~ license issued by the department is required before operating or advertising a transient accommodation. A license is effective for one year from date of issuance.

(2) ~~((An applicant))~~ For initial licensure ((must)), an applicant shall submit a complete application packet to the department ~~((, sixty days or more))~~ at least 60 days before commencing business ~~((, an application which shall))~~ that includes the following:

- (a) A completed application on a form provided by the department;
- (b) A completed self-inspection on a form provided by the department;
- (c) The fee specified in WAC 246-360-990;
- (d) ~~((A completed uniform business identifier number form provided by the department))~~ Verification of uniform business identifier; and

(e) Other information as required by the department.

(3) For license renewal, a licensee ((must apply for license renewal)) shall submit a renewal packet annually on or before the expiration date of the current license ~~((by submitting to the department, by mail postmarked no later than midnight on the license expiration date, or by presenting to the department personally or electronically no later than 5:00 p.m. on the expiration date, a renewal application which shall include the))~~ that includes the following:

(a) A completed ~~((application on a))~~ renewal form provided by the department;

(b) A completed self-inspection on a form provided by the department;

(c) The fee specified in WAC 246-360-990; and

(d) ~~((A completed uniform business identifier number form, provided by the department; and~~

~~((e)))~~ Other information as required by the department.

(4) ~~((An applicant must pass, to the satisfaction of the department, an on-site survey prior to the department issuing an initial license or reinstating an invalid license.))~~ A complete renewal packet may be submitted by mail postmarked no later than midnight on the license expiration date, or by submitting to the department personally or electronically no later than 5:00 p.m. on the expiration date.

(5) If the licensee fails to submit a complete renewal ~~((application meeting the requirements of))~~ packet outlined in subsections (3) and (4) of this section by the license expiration date, the license ~~((shall become invalid on the thirty-fifth day after the license expiration date unless:~~

~~((a) All deficiencies in the renewal have been corrected; and~~

~~((b) The applicable penalty or late fee as specified in WAC 246-360-990 has been received by the department, in each case prior to the thirty-fifth day following the expiration date. In the event the license))~~ becomes invalid ~~((,))~~ and the transient accommodation is no longer authorized to operate.

(6) Within 35 days from the license expiration date, an invalid license may be reinstated upon reapplication for a license ((under subsections (2) and (4) of this section)) after the licensee:

(a) Submits a complete renewal packet to the department as outlined in subsection (3) of this section; and

(b) Pays the applicable late fee as specified in WAC 246-360-990.

(7) After 35 days from the license expiration date, an invalid license may be reinstated upon reapplication for a license if the licensee:

(a) Passes an on-site survey prior to the department reinstating an invalid license; and

(b) Pays the applicable late fee as specified in WAC 246-360-990.

(8) At least ~~((fifteen))~~ 15 days prior to a transfer of ownership ~~((or)),~~ a change in the uniform business identifier number of a transient accommodation, or closure of a business, the current licensee ~~((must submit to the department))~~ shall notify the department and submit the following:

(a) The full name and address of the current licensee and prospective licensee;

(b) The name and address of the currently licensed transient accommodation, and the name under which the transferred transient accommodation will operate;

(c) The date of the proposed change; ~~((and))~~ or

(d) Other information as required by the department.

~~((+8))~~ (9) At least ~~((fifteen))~~ 15 days prior to a transfer of ownership or a change in the uniform business identifier number of a transient accommodation, the prospective new licensee ~~((must))~~ shall apply for licensure by submitting ~~((to the department))~~:

(a) A completed application on a form provided by the department;

(b) A completed self-inspection on a form provided by the department;

(c) The fee specified in WAC 246-360-990;

~~((A completed Uniform Business Identifier Number Form provided by the department))~~ Verification of a uniform business identifier; and

(e) Other information as required by the department.

~~((+9))~~ (10) A licensee ~~((must))~~ shall notify the department when ~~((changing))~~ increasing the number of lodging units ~~((or the name of the transient accommodation))~~ by submitting:

(a) A ~~((letter describing the intended change form))~~ completed application on a form provided by the department;

(b) The fees specified in WAC 246-360-990 for an amended license; and

(c) Other information as required by the department.

~~((+10))~~ (11) The licensee shall notify the department when:

(a) Changing the name of the transient accommodation; or

(b) Conducting any facility updates related to the license.

(12) The licensee ~~((must))~~ shall notify the department prior to construction as defined in WAC 246-360-010~~((+8))~~ (7) by submitting:

(a) A description of the construction;

(b) A description of how the construction will be used;

(c) A description of any changes in the functional use of existing construction;

(d) Documentation of approvals issued by local authorities having jurisdiction; and

(e) Other information as required by the department.

WAC 246-360-990 Fees. (1) To apply for a transient accommodation initial license or to renew an annual license, an applicant or licensee (~~((must))~~) shall submit an initial or annual license renewal fee according to the following schedule:

NUMBER OF LODGING UNITS	FEE
3 - 10	(((\$198.00)) <u>\$230.00</u>
11 - 49	(((\$395.00)) <u>\$458.00</u>
50 - over	(((\$795.00)) <u>\$922.00</u>

(2) If the department (~~((does not))~~) receives the license renewal application and fee (~~((on or before))~~) within 35 days of the expiration date, a licensee must submit an additional late fee of (~~((sixty-six dollars))~~) \$77.

(3) If the department receives the license renewal application and fee more than 35 days after the expiration date, a licensee must submit an additional late fee of \$300.

(4) If the licensee notifies the department of (~~((a change))~~) an increase in the number of lodging units (~~((or the name of the transient accommodation))~~) in accordance with WAC 246-360-020(9), the licensee must submit an amended license fee of (~~((sixty-six dollars))~~) \$232. This includes two hours of review time. Additional time will be billed at the \$116 per hour.

~~((+4))~~ (5) The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, the department will refund two-thirds of the fees paid, ((less a fifty dollar)) minus a \$58 processing fee.

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, the department will refund one-third of the fees paid, ((less a fifty dollar)) minus a \$58 processing fee.

~~((+5))~~ (6) The department will not refund fees paid by the applicant if any of the following applies:

(a) More than one on-site (~~((visit))~~) survey for any purpose has been performed by the department; or

(b) One year has elapsed since an initial licensure application is received by the department, but no license is issued because the applicant failed to complete the requirements for licensure.

WAC 246-380-990 Fees. (~~(An annual health and sanitation survey))~~ (1) The department shall charge the following annual permit fees for community colleges, ferries, and other state of Washington institutions and facilities ((shall be assessed as follows)):

((Fee

(1) Food Service

- (a) As defined in WAC 246-215-011(12) \$603.30
food-service establishments or concessions in community colleges, ferries, or any other state of Washington facility preparing potentially hazardous foods. This shall include dockside food establishments directly providing food for the Washington state ferry system.
- (b) Food-service establishments or concessions that do not prepare potentially hazardous foods. \$302.60
- (c) The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of health and the local jurisdictional health agency for the local health agency to conduct the food-service establishments surveys.

(2) State institutions or facilities.

- (a) Institutions or facilities operating a food service: The annual fee shall be nine dollars and fifty cents times the population count plus six hundred three dollars and thirty cents. The population count shall mean the average daily population for the past twelve months (January through December).
- (b) Institutions or facilities that do not operate a food service: The annual fee shall be nine dollars and fifty cents times the population count.
- (c) The population count for a new institution shall mean the average projected daily population for the first twelve months of operation:))

(a) \$1,569 for food establishments that prepare time temperature control for safety food and are located in community colleges, ferries, or any other state of Washington facility. This includes dockside food establishments directly providing food for the Washington state ferry system.

(b) \$787 for food establishments that do not prepare time temperature control for safety food and are located in community colleges, ferries, or any other state of Washington facility.

(c) \$1,569 for institutions or facilities operating a food establishment plus an additional fee of \$25 multiplied by the average daily population for the past 12 months (January through December).

(d) \$25 multiplied by the average daily population for the past 12 months (January through December) for institutions or facilities that do not operate a food establishment.

(e) \$1,569 for a plan review. This includes four hours of review time. Any additional time will be billed at \$392 per hour.

(2) The inspection fees outlined in subsection (1)(a) and (b) of this section may be waived if the department has an agreement with the local health jurisdiction for the local health jurisdiction to permit the food establishments.

(3) The population count for a new institution means the average population for the first 12 months of operation.

(4) For the purposes of this section:

(a) "Food establishment" means the same as defined in WAC 246-215-01115(50).

(b) "Time/temperature control for safety food" means the same as defined in WAC 246-215-01115(127).