



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 31, 2020

TIME: 1:37 PM

WSR 20-08-113

Agency: Department of Health

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) 07/01/2020 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The adopted rule increases fees for all large on-site sewage systems. The adopted rule increases the annual base fees from \$150 to \$450 in 2020 and from \$450 to \$608 in 2021 and the LOSS design flow fee of approved system capacity from \$.01 to \$.03 per gallon in 2020 and from \$.03 to \$.0405 per gallon in 2021. The adopted rule also includes increases on project fees and adds a late application processing fee for systems that do not submit their annual operating permit applications in a timely manner. The Department of Health completed an Economic Impact Analysis that examined the large on-site sewage system program's revenues and expenses to determine the amount of the increases.

Citation of rules affected by this order:

New: none
 Repealed: none
 Amended: WAC 246-272-3000
 Suspended: none

Statutory authority for adoption: RCW 43.20B.020, 43.70,110, 43.70.250, 70.118B.030

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 20-03-108 on 02/05/2020 (date).
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

| | | | | | | |
|----------------------------------|-----|----------|---------|----------|----------|----------|
| Federal statute: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| Federal rules or standards: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| Recently enacted state statutes: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>1</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

The number of sections adopted using:

| | | | | | | |
|--------------------------------|-----|----------|---------|----------|----------|----------|
| Negotiated rule making: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| Pilot rule making: | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| Other alternative rule making: | New | <u>0</u> | Amended | <u>1</u> | Repealed | <u>0</u> |

Date Adopted: 03/31/2020

Name: Lauren Jenks

Title: Assistant Secretary

Signature:



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 ((fees apply to LOSS review and inspection.~~

~~(a) The owner shall pay a nonrefundable base project review fee of eight hundred dollars at the time the project is submitted. The nonrefundable fee covers up to eight hours of review time.~~

~~(b) The owner shall pay one hundred dollars per hour for additional review time over eight hours for new construction LOSS.~~

~~(c) The owner shall pay one hundred dollars per hour for LOSS review not included in (a) or (b) of this subsection.~~

~~(d) The owner shall pay a flat rate of five hundred dollars for each presite and final inspection.~~

~~(2) The owner shall pay all outstanding fees before any department approval is granted.~~

~~(3) Operating permit fees consist of a base fee for each LOSS plus a LOSS volume fee as shown below.~~

| Category | Base Fee | LOSS Volume Fee |
|-------------------------------------|----------|---|
| Operating permit and annual renewal | \$150.00 | \$.01 for each gallon of approved daily design flow |

~~(4) For initial operating permits, the owner shall pay the operating permit fee at the time the application is submitted to the department.~~

~~(5) For renewal of operating permits, the owner shall pay the operating permit fee at the time the renewal application is submitted to the department.) 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 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 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 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 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 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 per hour.

(e) Site inspections and inspections related to enforcement events. The owner shall pay a fee of one thousand dollars.

(f) Final inspections. The owner shall pay a fee of five hundred dollars.

(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

| <u>Operating Permit Fees</u> | <u>Effective July 1, 2020</u> | <u>Effective July 1, 2021</u> |
|---|-------------------------------|-------------------------------|
| <u>Base fee</u> | <u>\$450.00</u> | <u>\$608.00</u> |
| <u>Department-approved LOSS design flow fee</u> | <u>\$.03 per gallon</u> | <u>\$.0405 per gallon</u> |

(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 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 late application processing fee to LOSS owners that do not submit an annual operating permit at least thirty 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.