



# Oregon Department of Environmental Quality

**Nov. 5-7, 2014**

Oregon Environmental Quality Commission meeting  
Rulemaking, Action item: I

**Water Quality Permit Fees – 2014 Increase**

## DEQ recommendation to the EQC

Adopt the proposed rules in Attachment A as part of chapter 340 of the Oregon Administrative Rules.

## Overview

### Short summary

DEQ proposes rules to increase water quality fees by 2.9 percent for individuals, businesses and government agencies that hold the following permits effective Dec. 1, 2014:

- National Pollutant Discharge Elimination System permits
- Water Pollution Control Facility permits
- Water Pollution Control Facility permits specific to onsite septic systems

### Background

ORS 468B.051 allows water quality permit fee increases. In:

2002, DEQ convened the Blue Ribbon Committee on Wastewater Permitting to recommend improvements to DEQ's water quality permit program. The committee included industry, environmental and local government representatives.

2004, the committee published a report containing a variety of recommendations, including increasing fee revenue by no more than 3 percent each year to address increasing program costs.

2005, the Oregon Legislature adopted the committee's recommended annual fee increase into chapter 468B of Oregon Revised Statutes.

DEQ implemented fee increases each year between 2007 and 2013, excluding 2009.

The proposed fee increases would not affect fees for the following permits:

Suction dredge discharge	700-PM permit fees are set in Oregon statute. DEQ rules cannot change this law.
Graywater	Water Pollution Control Facility permits 2401 and 2402 for greywater reuse..
Small off-stream mining operations	Water Pollution Control Facility 600 permits. These permits do not have application fees or annual fees.

The Water Quality Permitting program is responsible for:

- Permit issuance. These permits cover a wide range of activities such as:
  - Municipal wastewater treatment
  - Industrial wastewater treatment
  - Stormwater treatment
  - Fish hatcheries
  - Suction dredge mining
  - Seafood processing
  - Onsite sewage treatment
- Compliance and inspection. DEQ reviews discharge monitoring reports submitted by permit holders and conducts inspections.
- Enforcement. DEQ may take enforcement action against permit holders that do not comply with the terms of their permits.
- Pretreatment. Those facilities that receive wastewater from “significant industrial users” are required to have pretreatment programs. DEQ is required to oversee these programs.
- Plan review. Municipal wastewater treatment facilities that wish to upgrade their facilities must submit plans for review.

#### Regulated parties

The proposed fee increases would affect:

- Parties that currently hold a permit
- Parties that apply for modifications to or transfer of these permits
- Any party that applies for a new permit
- Any party that needs technical assistance related to these permits

#### Request for other options

During the public comment period, DEQ requested public comment on whether to consider other options for achieving the rules’ substantive goals while reducing negative economic impact of the rule on business.

## Statement of need

What need would the proposed rules address?

Oregon's water quality program protects and improves Oregon waters. The water quality program must:

- Meet service requirements of the 2010 DEQ and federal Environmental Protection Agency Memorandum of Agreement. This is Oregon's agreement to implement its National Pollutant Discharge Elimination System permit program according to the Clean Water Act §402(n) and 40 CFR §123.1(g)(2).
- Maintain resources to implement Oregon's National Pollutant Discharge Elimination permit program according to the DEQ/EPA performance partnership agreement.
- Balance its budget by aligning its projected income and expenditures with the DEQ 2013-15 legislatively adopted budget.

How would the proposed rule address this need?

The proposed fee increase would help DEQ meet its performance partnership agreement with EPA and balance the program's operating budget for the 2013-2015 biennium.

How will DEQ know the proposed rules address the need?

DEQ will know the proposed 2.9 percent fee increase addresses the need if:

- The program is able to continue providing services at current staffing levels for the remainder of the current biennium.
- The fees support 60 percent of the Water Quality Permit program costs.

## Rules affected, authorities, supporting documents

Lead division                              Program or activity  
 Operations                                    Surface Water Management

Chapter 340 action  
 Amend                                      ORS 340-045-0075, 340-071-0140

Statutory authority  
 ORS 454.625, 468.020, 468.065

Other authority

Statute implemented  
 ORS 454.745, 454.755, 468.065, 468B.035, 468B.050, 468B.051 and 468B.195

Documents relied on for rulemaking [ORS 183.335\(2\)\(b\)\(C\)](#)

Document title	Document location
Blue Ribbon Committee Report on Key Enhancements to the Oregon Wastewater Permitting Program – 2004	<a href="http://www.deq.state.or.us/wq/pubs/reports/blueribbonrpt.pdf">http://www.deq.state.or.us/wq/pubs/reports/blueribbonrpt.pdf</a>
Cost factors approved through Oregon’s budget process	DEQ Headquarters 811 SW Sixth Ave. Portland, OR 97204-1390
Compensation plan changes	DEQ Headquarters
Fee increase calculations	DEQ Headquarters
DEQ 2013-15 Legislatively Approved Budget	DEQ Headquarters
DEQ’s water quality permit database	DEQ Headquarters
Application and annual fee invoice records	DEQ Headquarters
Oregon Revised Statutes 468B.051	<a href="http://www.leg.state.or.us/ors/468b.html">http://www.leg.state.or.us/ors/468b.html</a>
Portrait of Oregon Businesses by Size of Firm Data for 2013	<a href="http://www.qualityinfo.org/olmisj/ArticleReader?itemid=00008504#Table 1">http://www.qualityinfo.org/olmisj/ArticleReader?itemid=00008504#Table 1</a>

## Fee Analysis

### Brief description of proposed fees

DEQ proposes rules to increase water quality fees by 2.9 percent above the fiscal year 2014 fees for National Pollutant Discharge Elimination System, Water Pollution Control Facility and Water Pollution Control Facility permits specific to onsite septic systems.

### Reasons

DEQ must raise fees to continue providing program support for these kinds of permits. The estimated program cost increase of 5.8 percent for fiscal year 2015 is greater than the maximum three percent fee increase allowed by law. Increasing fees by 5.8 percent would exceed the Blue Ribbon Committee's recommendation that DEQ's water quality permit program budget not exceed 60 percent of funds from fees.

### Fee proposal alternatives considered

DEQ considered:

- Not increasing fees. This would compromise Oregon's agreement with EPA to implement its National Pollutant Discharge Elimination System permit program and create an imbalanced water quality permitting program budget.
- A three percent fee increase. This increase while in keeping with the Blue Ribbon Committee's 2004 recommendation not to exceed three percent annually would cause the percentage of program costs supported by fees to exceed the Blue Ribbon Committee's recommendation that fees cover no more than 60 percent of program costs.
- Other ways to reduce program costs. The State of Oregon implemented cost saving measures for all state agencies over the past few biennia using methods such as freezing salaries, implementing employee furloughs and reducing state contributions to employee health benefits. DEQ has extended position vacancies, where those vacancies could be absorbed in the short-term. However, implementing any of these alternatives at this time would compromise Oregon's agreement to provide adequate resources to implement the National Discharge Elimination System permit program.

### Fee payers

The proposed fees would affect individuals, businesses and government agencies that hold or apply for the following permits:

- National Pollutant Discharge Elimination System permits
- Water Pollution Control Facility permits
- Water Pollution Control Facility permits specific to onsite septic systems

## Affected party involvement in fee-setting process

Oregon established the 16-member Blue Ribbon Committee in 2002 to recommend improvements to DEQ's Water Quality Permit program. Membership includes industry, environmental and local government representatives.

## Summary of impacts

DEQ does not have data to determine how the proposed fees would affect consumers if a permit holder were to increase the costs of goods and services to offset an increase in permit costs. Additionally, DEQ does not have data to determine how the proposed fees would affect ratepayers if municipal permit holders increase their rates to cover the increased fee.

## Fee payer agreement with fee proposal

The Blue Ribbon Committee reviewed the proposed fees on April 16, 2014, and identified the following concerns:

- It is important to continue the committee's recommendation to have fees pay 60 percent program expenditures
- DEQ has not met agreed-to outcomes identified in the 2002 report.
- The League of Oregon Cities, Special Districts Association of Oregon and the Oregon Association of Clean Water Agencies have indicated that because DEQ has not met agreed-to outcomes, they and the organizations they represent do not support the fee increase.
- DEQ needs to revisit the 2004 committee report in the near future and:
  - Review the funding structure, and
  - Work with the committee and update the committee's recommendations to reflect program and funding changes that have occurred since the 2004 report.

A collection of fee payers wrote DEQ a letter in opposition to the proposed fee increase in June 2014. DEQ met with the groups represented by the letter's signatories and, as seen in DEQ's reply letter in attachment, and noted their concerns. In late September, the same organizations provided a second letter to DEQ removing the formal opposition to the fee increase proposal and restating their concerns. The three letters are included with this report as attachment B.

## Links to supporting documents for proposed fees

[Blue Ribbon Committee Report on Key Enhancements to the Oregon Wastewater Permitting Program](#)

How long will the current fee sustain the program?

The current fee will not sustain the program.

Program costs covered by fees	\$11,582,752	62%
Program costs covered by General Fund	\$4,965,125	27%
Program costs covered by federal funding	\$1,999,386	11%
Fee last changed	12/01/2013	

How long will the proposed fee sustain the program?

DEQ expects the proposed fee would sustain current staffing levels within the program through Fiscal Year 2015, which ends June 30, 2015.

Expected change in revenue (+/-)	\$149,983	2.9%
Min GF required by statute/rule to fund program	\$0	0%
Proposed fee allows General Fund replacement	\$0	0%
Expected effective date	12/01/2014	

Transactions and revenue

	Number of transactions	Number of Fee Payers	Impact on revenue (+/-)	Total revenue (+/-)
2009-11 biennium	7137	4130	\$0	\$8,747,479.46
2011-13 biennium	5676	3498	\$191,960	\$8,939,440.14
2013-15 biennium	3406	2804	\$0	\$4,100,783.50

Fee Increase Table

To establish the percentage of the proposed increase for fiscal year 2015, DEQ compared the Legislatively Adopted Budgets for fiscal years 2011-13 and 2013-15. The table below includes the breakdown of cost increases in each budgetary category.

Budget Category	Percent of Total Budget Fiscal Year 2015	Projected Cost Increase Fiscal Year 2015
Personnel Services (salaries, benefits)	71.72%	6.23%
Services and Supplies (rent, utilities)	16.83%	7.70%
Contract	1.18%	4.19%
Special Payment	0.51%	7.83%
Indirect Services (management, business services)	9.76%	.22%
<b>Total</b>	<b>100%</b>	<b>5.80%</b>



## Fiscal and Economic Impact

Increase to wastewater permitting fees would increase revenue by approximately \$87,490 in Fiscal Year 2015 and \$149,983 each year thereafter.

## Statement of Cost of Compliance

### 1. State agencies

Twenty-seven Oregon state agencies hold about 128 water quality permits. Fiscal impact to state agencies depends on the type of permit issued, but application fee increases would range from \$6 to \$1,511 and annual fee increases would range from \$2 to \$2,803.

### 2. DEQ

The proposed 2.9 percent fee increase would generate an estimated \$87,490 during Fiscal Year 2015 to cover increased water quality program costs. In years beyond 2015, the 2.9 percent fee increase would generate \$149,983 annually.

### 3. Local governments

This proposal would increase water quality permit fees by 2.9 percent for 442 local governments that hold approximately 609 permits. Fiscal impact to local governments depends on the type of permit issued, but application fee increases would range from \$6 to \$1,511 and annual fee increases would range from \$2 to \$2,803.

A local government is:

- A group of local government functions within a jurisdiction that each hold water quality permits. For example, the City of Portland – including Portland School District and Port of Portland – is one local government.
- A single organization within a jurisdiction, if only one local government function holds a permit. This includes but is not limited to water districts, cities, towns, ports, sanitary districts, library districts, counties and school districts.

### 4. Public

With existing data, DEQ cannot determine the extent to which the proposed fees would affect each consumer. DEQ anticipates some impact on the public if the permit holder were to increase the costs of goods and services or fees charged to ratepayers to offset the fee increase.

### 5. Utilities

The proposed fee increase could have a fiscal impact on utilities, resulting in:

- Increased utility rates if the utility passes the fee increase to its customer, or
- Reduced resources that would otherwise provide customers services and maintain infrastructure.

6. Large businesses - businesses with more than 50 employees

The 2.9 percent fee increase would affect approximately 150 wastewater permit holders that are large businesses. No information is available to determine how the 2.9 percent fee increases would affect each permit holder.

7. Small businesses – businesses with 50 or fewer employees [ORS 183.336](#)

According to 2013 census data from the Oregon Employment Department 96 percent of Oregon businesses were small businesses. DEQ expects the fee increase would have an impact on small businesses. However, no information is available to determine how the 2.9 percent fee increases would affect each permit holder. Fiscal impact to a small business depends on the type of permit issued, but application fee increases would range from \$6 to \$1,511 and annual fee increases would range from \$2 to \$2,803.

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

DEQ estimates the 2.9 percent fee increase for wastewater permits would affect approximately 3,000 small businesses.

Examples of small businesses that have wastewater permits include: food processors, mining operations, dairies, fish hatcheries, smelting and refining operations, timber processing, wood products manufacturing, retail operations, seafood processors, gravel mining, wineries, seasonal fresh pack operations, petroleum hydrocarbon cleanup operations, and vehicle and equipment wash water operations.

Examples of small businesses that have Water Pollution Control Facility permits specific to onsite septic systems include: machine shops, offices, retail stores, recreation vehicle parks, mobile home parks, private camps, golf courses, churches, resorts, restaurants, gas stations, markets and taverns.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

The proposed rules do not require additional administrative activities.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

The proposed rules do not require additional equipment or administration requirements.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ met with the Blue Ribbon Committee on April 16, 2014, provided a summary of the proposed rule and gathered input. The

committee represents the wastewater community as a whole, and includes small businesses.

#### Documents relied on for fiscal and economic impact

Document title	Document location
Fee increase calculations	DEQ Headquarters
DEQ 2013-15 Legislatively Approved Budget	DEQ Headquarters
DEQ's water quality permit database	DEQ Headquarters
Portrait of Oregon Businesses by Size of Firm Data for 2013	<a href="http://www.qualityinfo.org/olmisj/ArticleReader?itemid=00008504#Table 1">http://www.qualityinfo.org/olmisj/ArticleReader?itemid=00008504#Table 1</a>
ORS 340-045-0075, tables 70A-H	<a href="http://www.deq.state.or.us/wq/wqpermit/docs/340-045-0075Tables70AH.pdf">http://www.deq.state.or.us/wq/wqpermit/docs/340-045-0075Tables70AH.pdf</a>
ORS 340-071-0140, table 9D	<a href="http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/_340_tables/340-071-0140_10-23.pdf">http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/_340_tables/340-071-0140_10-23.pdf</a>

#### Advisory committee

DEQ met with the Blue Ribbon Committee, its advisory committee for water quality permits, and considered the committee's recommendations on this fiscal and economic impact statement.

In compliance with [ORS 183.333](#), DEQ asked for the committee's recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant impact on small businesses and compliance with [ORS 183.540](#).

The committee reviewed the proposed fee increases and submitted their comments to DEQ on May 5, 2014. To meet requirements in [ORS 183.540](#), the committee reviewed the fiscal impact of the proposed fee and considered how to reduce the economic impact on small businesses. The committee stressed the importance of maintaining fee funding for the program at 60 percent and meeting the agreed-to outcomes and service levels contained in the 2004 recommendations. The committee also noted that many municipal permit holders have had or will have significant operation and maintenance costs that will make it difficult to pass the cost of the fee increase on to ratepayers.

#### Housing cost

To comply with [ORS 183.534](#), DEQ determined the proposed rules would:

- Have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached single-family dwelling on that parcel.
- Require a builder of a 6,000-square-foot parcel to pay an additional \$7 for a construction stormwater permit if the parcel is part of a common plan of development disturbing one or more acres. This would increase the fee from \$243 to \$250.
- Not affect a builder of a 6,000-square-foot parcel that is not part of a common plan of development disturbing one or more acres because there is no requirement for these parcels to have a construction stormwater permit.

DEQ anticipates a builder would pass the increased permit cost on to the homebuyer.

## Federal relationship

*"It is the policy of this state that agencies shall seek to retain and promote the unique identity of Oregon by considering local conditions when an agency adopts policies and rules. However, since there are many federal laws and regulations that apply to activities that are also regulated by the state, it is also the policy of this state that agencies attempt to adopt rules that correspond with equivalent federal laws and rules..."*  
[ORS 183.332](#)

### Relationship to federal requirements

This section complies with [OAR 340-011-0029](#) and [ORS 468A.327](#) to clearly identify the relationship between the proposed rules and applicable federal requirements.

The proposed rules are “in addition to federal requirements” because there are no applicable federal requirements. The proposal does not alter any permit requirements other than the fee amounts for:

- Oregon’s National Pollutant Discharge Elimination System and Water Pollution Control Facility permitting programs under OAR 340-018-0030(5)(c),
- Issuance of Water Pollution Control Facility permits specific to onsite septic systems under OAR 340-018-0030(5)(d), and
- Issuance of National Pollutant Discharge Elimination and Water Pollution Control Facility permits that regulate wastewater discharges from industrial and municipal sources.

What alternatives did DEQ consider if any?

DEQ considered:

- Not increasing fees. This would compromise Oregon’s agreement with EPA to implement its National Pollutant Discharge Elimination System permit program and create an imbalanced water quality permitting program budget.
- A three percent fee increase. This increase, while in keeping with the Blue Ribbon Committee’s 2004 recommendation to not exceed three percent annually, would cause the percentage of program costs supported by fees to exceed the Blue Ribbon Committee’s recommendation that fees cover no more than 60 percent of program costs.
- Other ways to reduce program costs. The State of Oregon implemented cost saving measures for all state agencies over the past few biennia using methods such as freezing salaries, implementing employee furloughs and reducing state contributions to employee health benefits. DEQ has extended position vacancies, where those vacancies could be absorbed in the short-term. However, implementing any of these alternatives at this time would compromise Oregon’s agreement to provide adequate resources to implement the National Discharge Elimination System permit program.

## Land use

*“It is the (Environmental Quality) Commission's policy to coordinate the Department's programs, rules and actions that affect land use with local acknowledged plans to the fullest degree possible.”* [OAR 340-018-0010](#)

### Land-use considerations

To determine whether the proposed rules involve programs or actions that are considered a *land-use action*, DEQ considered:

- Statewide planning goals for specific references. Section III, subsection 2 of the DEQ State Agency Coordination Program document identifies the following statewide goal relating to DEQ's authority:

Goal	Title
5	Open Spaces, Scenic and Historic Areas, and Natural Resources
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarial resources
19	Ocean Resources

- [OAR 340-018-0030](#) for Environmental Quality Commission rules on land-use coordination. Division 18 requires DEQ to determine whether proposed rules will significantly affect land use. If yes, how will DEQ:
  - Comply with statewide land-use goals, and
  - Ensure compatibility with acknowledged comprehensive plans, which DEQ most commonly achieves by requiring a [land use compatibility statement](#).
- DEQ's mandate to protect public health and safety and the environment.
- Whether DEQ is the primary authority responsible for land-use programs or actions in the proposed rules.
- Present or future land uses identified in acknowledged comprehensive plans.

### Determination

DEQ determined that some proposed rules identified under the 'Rules affected, authorities, supporting documents' section above affect:

- Oregon's National Pollutant Discharge Elimination System and Water Pollution Control Facility permitting programs (OAR 340-018-0030(5)(c))
- Water Pollution Control Facility permits specific to onsite septic systems under OAR 340-018-0030(5)(d)
- Issuance of National Pollutant Discharge Elimination System and Water Pollution Control Facility permits is an existing activity identified in the DEQ State Agency Coordination Program as a land-use program.

DEQ's statewide goal and local plan compatibility procedures adequately cover the proposed rules. Oregon Administrative Rule 340-018-0050(2)(a) ensures compatibility with acknowledged comprehensive plans through submittal of a land use compatibility statement.

## Stakeholder and public involvement

### Advisory committee

DEQ convened the Blue Ribbon Committee April 16, 2014. The 16-member advisory committee includes industry, environmental and local government representatives. The committee recommended that DEQ continue with its proposal while expressing reservations and concerns about maintaining a 60 percent fee funded permit program and DEQ's ability to meet agreed-to outcomes established in 2004. Following the meeting, the committee reviewed the fiscal impact statement, specifically the impact on small businesses.

### Roster

Name	Representing
Emily Ackland	Association of Oregon Counties
Ed Butts	4B Engineering and Consulting LLC
Michael Campbell	Stoel Rives LLP
Jon Chandler	Oregon Homebuilders Association
Janet Gillaspie	Association of Clean Water Agencies
Kurt Harrington	AMEC Earth and Environmental Inc.
Teresa Huntsinger	Oregon Environmental Council
Mark Landauer	Special Districts Association of Oregon & Oregon Public Ports Association
John Ledger	Associated Oregon Industries
Jerry Linder	Chair of Association of Clean Water Agencies Board
Peggy Lynch	League of Oregon Voters
Tracy Rutten	League of Oregon Cities
Dorothy Sperry	Port of Portland
Eric Strecker	Geosyntec Consultants
Kathryn Van Natta	Northwest Pulp and Paper
Travis Williams	Willamette Riverkeeper

DEQ sent advisory committee meeting notifications to all people who signed up for notices described under [ORS 192.640](#). DEQ sent the meeting notices by email using Oregon's GovDelivery system, a free e-mail subscription service, and posted the announcement on the DEQ website.

The committee reviewed the fiscal impact statement, specifically the impact on small businesses.

### EQC prior involvement

DEQ has not presented information specific to this proposed rule to the commission.



## Public notice

DEQ provided notice of the Notice of Proposed Rulemaking with Hearing for this rulemaking.

On May 15, 2014, DEQ provided notice to:

- Secretary of State for publication in the June 2014 *Oregon Bulletin*
- The Rulemaking Web page at <http://www.oregon.gov/deq/RulesandRegulations/Pages/2014/WQFee14.aspx>.
- 6,064 interested parties on the agency rulemaking list through GovDelivery on Tuesday, May 15, 2014
- 2,297 stakeholders on the Water Quality Permits list through GovDelivery on Tuesday, May 15, 2014
- The following key legislators required under ORS 183.335:
  - Sen. Michael Dembrow, Chair, Senate Committee on Environment and Natural Resources
  - Rep. Jules Bailey, Chair, House Committee on Energy and Environment
- Members of the Blue Ribbon Committee

## Public hearings

Before taking public comment and according to [Oregon Administrative Rule 137-001-0030](#), the presiding officer and staff presenter summarized the content of the notice given under [Oregon Revised Statute 183.335](#) and responded to questions about the rulemaking.

DEQ added the names, addresses and affiliations of all hearing attendees to the interested parties list for this rulemaking as provided on the attendee list. DEQ considered all oral and written comments received at the hearings listed below before completing the draft rules. DEQ summarized all comments and responded to comments below.

## Public hearings and comment

DEQ received public comments from seven commenters. The Summary of comments and DEQ responses section below addresses each public comment. The Commenter section below lists all people who provided comments on this proposal.

## Presiding Officers' Record

Hearing	
Location	DEQ Headquarters, 811 SW 6th Avenue, Portland, Ore.
Date	June 17, 2014
Time	Convened 6 p.m., closed 7 p.m.
Presiding Officer	Angela Parker, Program Support Coordinator, Community and Program Assistance, Oregon DEQ

Angela Parker, the presiding officer, convened the hearing at 6 p.m. on June 17, 2014. No one – except DEQ staff involved in the rulemaking – attended the hearing, in person or through iLinc.

The presiding officer summarized procedures for the hearing including notification that DEQ was recording the hearing.

According to [Oregon Administrative Rule 137-001-0030](#), the presiding officer summarized the content of the notice given under [Oregon Revised Statute 183.335](#).

#### Close of public comment period

The comment period closed Thursday, June 19, 2014, at 5 p.m.

## Summary of comments and DEQ responses

The table below organizes comments into five categories with cross references to the commenter number. DEQ's response follows the summary. Original comments are on file with DEQ.

DEQ proposes no changes to rules in response to public comments.

- |          |  |
|----------|--|
| 1        | <b>Comment</b> Cost too much (Onsite fees) – One septic hauler commented that the fee schedule already in place is expensive for the average customer. This is leading to people choosing to not service their systems and system failure.<br><br>DEQ received one comment in this category from commenter 1 listed in the <i>Commenter</i> section below.   |
| Response | DEQ acknowledges that increases in fees will have an impact on businesses. The proposed rate increase of 2.9 percent is intended to roughly track with inflationary costs and result in gradual increases in rates for the permitting program over time.   |
| 2        | <b>Comment</b> Cost too much (Other water quality permit fees) – Four municipalities stated concerned about financing pending capital improvements and passing on the cost of the permit fees to ratepayers. One business owner stated opposition due to increased business costs.<br><br>DEQ received five comments in this category from commenters 2, 3, 4, 5 and 7 listed in the <i>Commenter</i> section below. |
| Response | DEQ acknowledges that increases in fees will have an impact on businesses. The proposed rate increase of 2.9 percent is intended to roughly track with inflationary costs and result in gradual increases in rates for the permitting program over time.   |
| 3        | <b>Comment</b> Permit program performance – Commenters support the Oregon Association of Clean Water Agencies statements in its comment letter opposing the fee increase due to concerns that DEQ has fallen short of meeting performance metrics for  |

water quality permitting established between DEQ and the Blue Ribbon Committee. One business owner requested more information about what services, and at what quality, his permit fees help fund.

DEQ received eight comments in this category from commenters 2, 3, 4, 5, 6, 7, 8, 9 and 10 listed in the *Commenter* section below.

**Response** DEQ understands and acknowledges the concerns expressed by commenters regarding the historical performance of DEQ's water quality permit program and is committed to continued improvement. Since proposing the fee increase DEQ has increased efforts to improve permit issuance rates and promote timely service. DEQ will continue to engage with permit holders and stakeholders regularly to solicit input and share results of improvement efforts. Additionally, DEQ will continue to work with permit holders and stakeholders to identify and resolve ongoing challenges.

**4 Comment** **Other related fees** – One business owner inquired if the onsite permit fees were in addition to onsite program fees for land use review, compliance recovery and other surcharges that took effect in January 2014.

DEQ received one comment in this category from commenter 1 listed in the *Commenter* section below.

**Response** The fees that took effect in January 2014 were 2011 and 2013 legislatively-approved fees and included a land use review fee, a compliance recovery fee and increases to the surcharge fee and license fees. The fees referenced by the commenter that took effect in earlier years were separate from water quality permit program fee increases. The fees identified by the commenter included 2011 and 2013 legislatively-approved fees and included a land use review fee, a compliance recovery fee and increases to the surcharge fee and license fees.

**5 Comment** **Funding balance** – Commenters were concerned that a three percent increase would not honor an agreed upon 60/40 split between other funding and permit fees to support the program.

DEQ received three comments in this category from commenters 3, 4, 5, 8, 9 and 10 listed in the *Commenter* section below.

**Response** DEQ has proposed a 2.9 percent fee increase which will help restore the 60/40 split recommended by the Blue Ribbon Committee.

## Commenters

### Comments received by close of public comment period

The table below lists seven people and organizations that submitted public comments on the proposed rules by the deadline. Original comments are on file with DEQ.

- |   |                    |  |  |
|---|--------------------|--|--|
| 1 | <b>Commenter</b>   | Joshua Graves                                      |  |
|   | <b>Affiliation</b> | A Affordable Royal Flush                           |  |
|   |                    |  | This commenter submitted comments under category 1 in the <i>Summary of comments and DEQ responses</i> section above.            |
| 2 | <b>Commenter</b>   | Jerry Elliot                                       |  |
|   | <b>Affiliation</b> | City of Ontario                                    |  |
|   |                    |  | This commenter submitted comments under categories 2 and 3 in the <i>Summary of comments and DEQ responses</i> section above.    |
| 3 | <b>Commenter</b>   | Dean Marriott                                      |  |
|   | <b>Affiliation</b> | City of Portland, Bureau of Environmental Services |  |
|   |                    |  | This commenter submitted comments under categories 2, 3 and 5 in the <i>Summary of comments and DEQ responses</i> section above. |
| 4 | <b>Commenter</b>   | Mark Shepard                                       |  |
|   | <b>Affiliation</b> | City of Albany, Public Works                       |  |
|   |                    |  | This commenter submitted comments under categories 2, 3 and 5 in the <i>Summary of comments and DEQ responses</i> section above. |
| 5 | <b>Commenter</b>   | Paul Eckley  |  |
|   | <b>Affiliation</b> | City of Gresham, Wastewater Services Division      |  |
|   |                    |  | This commenter submitted comments under categories 2, 3 and 5 in the <i>Summary of comments and DEQ responses</i> section above. |
| 6 | <b>Commenter</b>   | Peter Fernandez                                    |  |
|   | <b>Affiliation</b> | City of Salem, Public Works Department             |  |
|   |                    |  | This commenter submitted comments under category 3 in the <i>Summary of comments and DEQ responses</i> section above.            |
| 7 | <b>Commenter</b>   | David Hoffman                                      |  |
|   | <b>Affiliation</b> | Lake of the Woods Resort                           |  |
|   |                    |  | This commenter submitted comments under category 1 and 3 in the <i>Summary of comments and DEQ responses</i> section above.      |
| 8 | <b>Commenter</b>   | Tracy Rutten                                       |  |
|   | <b>Affiliation</b> | League of Oregon Cities                            |  |
|   |                    |  | This commenter submitted comments under category 3 and 5 in the <i>Summary of comments and DEQ responses</i> section above.      |

- 9 **Commenter** Mark Landauer  
**Affiliation** Special Districts Association of Oregon  
This commenter submitted comments under category 3 and 5 in the *Summary of comments and DEQ responses* section above.
- 10 **Commenter** Janet Gillaspie  
**Affiliation** Oregon Association of Clean Water Utilities  
This commenter submitted comments under category 3 and 5 in the *Summary of comments and DEQ responses* section above.

Comment Category	Category Response	Commenter Name	Comment	Support
Costs too much (Onsite fees)	Oregon Revised Statutes require DEQ to recover the cost of operating the program.	GRAVES Joshua	The fee schedule that is currently in place is already expensive for the average customer, I think I can speak for most septic installers, at least in my area (southern Oregon) when I say No new fees. we are running into a lot of folks that don't have the money as it is. it seems like we are seeing more and more failures of septic systems and there are already people that choose to not do anything about it because of lack of funds. Therefore our clean water sources are becoming more and more contaminated. Please help us address this issue.	Opposed
Costs too much (WQ fees)	DEQ must raise fees to continue providing program support for these kinds of permits. The estimated program cost increase of 5.8 percent for fiscal year 2015 is greater than the maximum three percent allowed by law.	ELLIOT Jerry	The City of Ontario does not know, at this time, what upgrades, challenges or protocols will be a result of the Tier 2 sampling program. This WQ fee rate increase limits the City's ability to respond to these upcoming capital expenditures.	Opposed
Costs too much (WQ fees)	DEQ must raise fees to continue providing program support for these kinds of permits. The estimated program cost increase of 5.8 percent for fiscal year 2015 is greater than the maximum three percent allowed by law.	MARRIOTT Dean	Our ability to pass this rate increase to our customers is very limited. We will need to reduce services to our customers and/or planned upgrades to our system to pay the increased DEQ permit fees.	Opposed
Costs too much (WQ fees)	DEQ must raise fees to continue providing program support for these kinds of permits. The estimated program cost increase of 5.8 percent for fiscal year 2015 is greater than the maximum three percent allowed by law.	SHEPARD Mark	Our ability to pass these fee increases on to our customers is very limited and completely indefensible given DEQ's lack of performance.	Opposed
Costs too much (WQ fees)	DEQ must raise fees to continue providing program support for these kinds of permits. The estimated program cost increase of 5.8 percent for fiscal year 2015 is greater than the maximum three percent allowed by law.	ECKLEY Paul	Our ability to generate additional revenue through rate adjustments to help pay for these financial challenges is very limited at this time. We may need to reduce services to our customers and/or planned upgrades our system to pay the increased DEQ permit fees.	Opposed
Costs too much (WQ fees)	DEQ must raise fees to continue providing program support for these kinds of permits. The estimated program cost increase of 5.8	HOFFMAN David	As businesses we are subject to many fees from many agencies and do not believe that fee increases are necessary for government agencies to do their job or to	Opposed

	percent for fiscal year 2015 is greater than the maximum three percent allowed by law.		do a better job.	
Funding balance	DEQ has proposed a 2.9 percent fee increase which will help restore the 60/40 split recommended by the Blue Ribbon Committee on Wastewater Permitting.	MARRIOTT Dean	The 2004 Blue Ribbon Committee recommendations included an agreed to 60:40 funding split between state dollars and permit fees and committed the DEQ to meet specific work targets for critical items. In return, the regulated community agreed to support annual fee increases, not to exceed 3%.	Neutral
Funding balance	DEQ has proposed a 2.9 percent fee increase which will help restore the 60/40 split recommended by the Blue Ribbon Committee on Wastewater Permitting.	SHEPARD Mark	As part of the 2005 agreement, the parties determined that fees should make up 60 percent of program funding. It is imperative that funding sources beyond permit fees be secured to maintain the 60/40 funding split.	Neutral
Funding balance	DEQ has proposed a 2.9 percent fee increase which will help restore the 60/40 split recommended by the Blue Ribbon Committee on Wastewater Permitting.	ECKLEY Paul	The 2004 Blue Ribbon Committee recommendations included an agreed to 60:40 funding split between state dollars and permit fees and committed the DEQ to meet specific work targets for critical items. In return, the regulated community agreed to support annual fee increases, not to exceed 3%.	Neutral
Funding balance	DEQ has proposed a 2.9 percent fee increase which will help restore the 60/40 split recommended by the Blue Ribbon Committee on Wastewater Permitting.	RUTTEN Tracy	The 2004 Blue Ribbon Committee recommendations included an agreed to 60:40 funding split between state dollars and permit fees and committed the DEQ to meet specific work targets for critical items. In return, the regulated community agreed to support annual fee increases, not to exceed 3%.	Neutral
Funding balance	DEQ has proposed a 2.9 percent fee increase which will help restore the 60/40 split recommended by the Blue Ribbon Committee on Wastewater Permitting.	GILLASPIE Janet	The 2004 Blue Ribbon Committee recommendations included an agreed to 60:40 funding split between state dollars and permit fees and committed the DEQ to meet specific work targets for critical items. In return, the regulated community agreed to support annual fee increases, not to exceed 3%.	Neutral
Funding balance	DEQ has proposed a 2.9 percent fee increase which will help restore the 60/40 split recommended by the Blue Ribbon Committee on Wastewater Permitting.	LANDAUER Mark	The 2004 Blue Ribbon Committee recommendations included an agreed to 60:40 funding split between state dollars and permit fees and committed the DEQ to meet specific work targets for critical items. In return, the regulated community agreed to support annual fee increases, not to exceed 3%.	Neutral
Other related fees	The fees that took effect in January 2014 were 2011 and 2013 legislatively-approved fees and included a land use review fee, a compliance recovery fee and increases to the surcharge fee and license fees.	GRAVES Joshua	We have already had an increase in fees for the onsite septic permits that started in January 2014. Is this in addition to that increase?	Opposed
Permit program performance	DEQ understands and acknowledges the concerns expressed by commenters regarding the historical performance of DEQ's water quality permit program and is committed to continued improvement.*	ELLIOT Jerry	DEQ has failed to meet defined work targets and continues to not issue permits at an acceptable schedule.	Opposed
Permit program performance	DEQ understands and acknowledges the concerns expressed by commenters regarding the historical performance of DEQ's water quality permit program and is committed to continued improvement.*	MARRIOTT Dean	We have serious reservations about the 3% fee increase since the agreed-to-work from DEQ is not being accomplished.	Opposed
Permit program performance	DEQ understands and acknowledges the concerns expressed by commenters regarding the historical performance of DEQ's water quality permit program and is committed to continued improvement.*	SHEPARD Mark	The DEQ's report on high priority outcomes demonstrates that DEQ is not meeting performance targets. With the demonstrated lack of performance by DEQ for many years, the City of Albany cannot support the proposed increase in DEQ Water Quality Program fees.	Opposed
Permit program performance	DEQ understands and acknowledges the concerns expressed by commenters regarding the historical performance of DEQ's water quality permit program and is committed to continued improvement.*	ECKLEY Paul	The DEQ report on the high priority outcomes demonstrates that the agreed-to outcomes are not being met by DEQ.	Opposed
Permit	DEQ understands and acknowledges the	FERNANDEZ	The agreed to performance metrics established in 2004	Opposed

program performance	concerns expressed by commenters regarding the historical performance of DEQ's water quality permit program and is committed to continued improvement.*	Peter	are not being met. In addition to not meeting the agreed upon metrics, delays in permit renewal creates uncertainty in planning and budgeting for future capital projects.	
Permit program performance	DEQ understands and acknowledges the concerns expressed by commenters regarding the historical performance of DEQ's water quality permit program and is committed to continued improvement.*	FERNANDEZ Peter	Also unplanned changes in regulatory compliance requirements may result in large rate increases and public distrust and dissatisfaction outside the control of the City of Salem.	Uncertain
Permit program performance	DEQ understands and acknowledges the concerns expressed by commenters regarding the historical performance of DEQ's water quality permit program and is committed to continued improvement.*	HOFFMAN David	It would be helpful to know more about why the agency thinks it needs to raise fees and how the fee increase will be used effectively. Will the fee increase result in better service to me as a customer of the DEQ? I would like to know how my service from the DEQ would be improved by the fee increase?	Uncertain
Permit program performance	DEQ understands and acknowledges the concerns expressed by commenters regarding the historical performance of DEQ's water quality permit program and is committed to continued improvement.*	RUTTEN Tracy	The Department's report on the high priority outcomes demonstrates that the agreed-to outcomes are not being met by DEQ.	Uncertain
Permit program performance	DEQ understands and acknowledges the concerns expressed by commenters regarding the historical performance of DEQ's water quality permit program and is committed to continued improvement.*	GILLASPIE Janet	The Department's report on the high priority outcomes demonstrates that the agreed-to outcomes are not being met by DEQ.	Uncertain
Permit program performance	DEQ understands and acknowledges the concerns expressed by commenters regarding the historical performance of DEQ's water quality permit program and is committed to continued improvement.*	LANDAUER Mark	The Department's report on the high priority outcomes demonstrates that the agreed-to outcomes are not being met by DEQ.	Uncertain

*\*Please see comment response #3 above for full text of response.*

## Implementation

---

### Notification

The proposed rules would become effective Dec. 1, 2014. DEQ would notify:

- Permit holders through invoices
- Advisory committee members
- Agents who administer permits on DEQ's behalf
- Interested parties through GovDelivery (same list as the public notice period)
- DEQ regional and water quality program staff

### Systems

- Website – Update all applicable information including tables, forms and fact sheets.
- Database – Update all applicable fees.



## Five-year review

### Requirement [ORS 183.405](#)

The state Administrative Procedures Act requires DEQ to review **new** rules within five years of the date the EQC adopts the proposed rules. Though the review will align with any changes to the law in the intervening years, DEQ based its analysis on current law.

### Exemption from five-year rule review

The following APA exemptions from the five-year rule review apply to all of the proposed rules:

Amendments or repeal of a rule. ORS 183.405 (4)

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### DIVISION 45

#### REGULATIONS PERTAINING TO NPDES AND WPCF PERMITS

##### 340-045-0075

##### Permit Fee Schedule

(1) ~~OAR chapter 340, division 071 contains~~ the fee schedule for onsite sewage disposal system permits, including WPCF permits, and graywater reuse and disposal system WPCF individual permits ~~is found in OAR chapter 340, division 071.~~

(2) The department ~~has established~~ fees for various industrial, domestic and general permit categories. ~~Tables 70B and 70C list the industrial and domestic permit categories and fees are listed in Tables 70B and 70C. OAR 340-045-033 defines t~~The general permit categories ~~are defined in OAR 340-045-0033 and Table 70G lists and the fees are listed in Table 70G.~~

(3) The department must consider the following criteria when classifying a facility for determining applicable fees. For industrial sources that discharge to surface waters, discharge flowrate refers to the system design capacity. For industrial sources that do not discharge to surface waters, discharge flow refers to the total annual flow divided by 365:

(a) Tier 1 industry. A facility is classified as a Tier 1 industry if the facility:

(A) Discharges at a flowrate that is greater than or equal to 1 mgd; or

(B) Discharges large biochemical oxygen demand loads; or

(C) Is a large metals facility; or

(D) Has significant toxic discharges; or

(E) Has a treatment system that will have a significant adverse impact on the receiving stream if not operated properly; or

(F) Needs special regulatory control, as determined by the department.

(b) Tier 1 domestic facility. A facility is classified as a Tier 1 domestic facility if the facility:

(A) Has a dry weather design flow of 1 mgd or greater; or

(B) Serves an industry that can have a significant impact on the treatment system.

(c) Tier 2 industry or domestic facility: does not meet Tier 1 qualifying factors.

(4) New-permit application fee. Unless waived by this rule, the applicable new-permit application fee listed in Table 70A, 70C or 70G (available on the department's website or upon request) must be submitted with each application. The facility category and type of permit (e.g., individual vs. general) determines the amount of the fee. ~~is based on the facility category and type of permit (e.g., individual vs. general).~~

(5) Permit modification fee. Tables 70A and 70C list the pPermit modification fees ~~are listed in Tables 70A and 70C~~ (available on the department's website or upon request). Permit modification fees vary with the type of permit, the type of modification and the timing of modification as follows:

(a) Modification at time of permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by the department;

(B) Minor modification — does not involve significant analysis by the department.

(b) Modification prior to permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by the department. A permittee requesting a significant modification to their permit may be required by the department to enter into an agreement to pay for these services according to ORS 468.073. ORS 468.073 allows the department "to expedite or enhance a regulatory process by contracting for services, hiring additional staff or covering costs of activities not otherwise provided during the ordinary course of department business;"

(B) Minor modification — does not involve significant analysis by the department.

(6) Annual fees. Applicable annual fees for General and Industrial permit holders may be found in Tables 70G and 70B list applicable annual fees for General and Industrial permit holders and are on ~~(available on~~ the department's website or upon request). Annual fees for domestic sources may also be found in Table 70C ~~(available on the department's website or upon request)~~, and consist of includes the following:

(a) Base annual fee. This is based on the type of treatment system and the dry weather design flow;

(b) Population-based fee. A permit holder with treatment systems other than Type F (septage alkaline stabilization facilities) must pay a population-based fee. Table 70D lists tThe applicable fee may be found in Table 70D ~~(available on the department's website or upon request)~~;

(c) Pretreatment fee. A source required by the department to administer a pretreatment program pursuant to federal pretreatment program regulations (40CFR, Part 403; January 29, 1981 and amendments thereto) must pay an additional annual fee plus a fee for each significant industrial user specified in their annual report for the previous year. ~~The applicable fee may be found in Table 70E~~ [lists the applicable fee](#) (available on the department's website or upon request).

(7) Technical activities fee. ~~Tables 70F and 70H list the t~~ Technical activity fees ~~are listed in Tables 70F and 70H~~ (available on the department's website or upon request). They are categorized as follows:

(a) All permits. A permittee must pay a fee for NPDES and WPCF permit-related technical activities. A fee will be charged for initial submittal of engineering plans and specifications. Fees will not be charged for revisions and re-submittals of engineering plans and specifications or for facilities plans, design studies, reports, change orders, or inspections;

(b) General permits. A permittee must pay the technical activity fee shown in Table 70H (available on the department's website or upon request) when the following activities are required for application review:

(A) Disposal system plan review;

(B) Site inspection and evaluation.

(8) For permits administered by the Oregon Department of Agriculture, the following fees are applicable until superseded by a fee schedule established by the Oregon Department of Agriculture:

(a) WPCF and NPDES General Permits #800 for Confined Animal Feeding Operations Filing Fee — \$50;

(b) Individual Permits:

(A) Filing Fee — \$50;

(B) New applications — \$6,280;

(C) Permit renewals (including request for effluent limit modifications) — \$3,140;

(D) Permit renewals (without request for effluent limit modifications) — \$1,416;

(E) Permit modifications (involving increase in effluent limit modifications) — \$3,140;

(F) Permit modifications (not involving an increase in effluent limitations) — \$500;

(G) Annual compliance determination fee for dairies and other confined feeding operations — \$705;

(H) Annual compliance determination fee for facilities not elsewhere classified with disposal of process wastewater — \$1,885;

(I) Annual compliance determination fee for facilities not elsewhere classified that dispose of non-process wastewater (e.g., small cooling water discharges, boiler blowdown, filter backwash, log ponds) — \$1,180.

(c) Annual compliance determination fee for facilities that dispose of wastewater only by evaporation from watertight ponds or basins — \$705.

(9) A surcharge in the amount listed below is imposed on municipalities that are permittees as defined in 2007 Oregon Laws chapter 696, section 2. The surcharge is imposed to defray the cost of conducting and administering the study of persistent pollutants discharged in the State of Oregon required under 2007 Oregon Laws chapter 696, section 3. A permittee subject to the surcharge must pay one half of the surcharge on or before July 15, 2008 and the other half of the surcharge on or before July 15, 2009.

Each municipality will pay a surcharge based on a dry weather design flow in millions of gallons per day (mgd) as follows:

less than 5 mgd = \$6,975.

5 mgd to 9.9 mgd = \$13,950.

10 mgd and greater = \$20,925.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035

Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050

Hist.: DEQ 113, f. & ef. 5-10-76; DEQ 129, f. & ef. 3-16-77; DEQ 31-1979, f. & ef. 10-1-79; DEQ 18-1981, f. & ef. 7-13-81; DEQ 12-1983, f. & ef. 6-2-83; DEQ 9-1987, f. & ef. 6-3-87; DEQ 18-1990, f. & cert. ef. 6-7-90; DEQ 10-1991, f. & cert. ef. 7-1-91; DEQ 9-1992, f. & cert. ef. 6-5-92; DEQ 10-1992, f. & cert. ef. 6-9-92; DEQ 30-1992, f. & cert. ef. 12-18-92; DEQ 20-1994, f. & cert. ef. 10-7-94; DEQ 4-1998, f. & cert. ef. 3-30-98; Administrative correction 10-22-98; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 7-2004, f. & cert. ef. 8-3-04; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2006, f. & cert. ef. 8-15-06; DEQ 5-2007, f. & cert. ef. 7-3-07; DEQ 8-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 15-2011, f. & cert. ef. 9-12-11; DEQ 6-2012, f. 10-31-12, cert. ef. 11-1-12; DEQ 8-2013, f. 10-23-13, cert. ef. 11-1-13

State of Oregon  
 Department of Environmental Quality  
**Permit Fee Schedule**

OAR 340-045-0075

Table 70A  
**Industrial NPDES and WPCF Individual Permit Application and Modification Fees**

DEQ Class		New Permit Application Fee <sup>1</sup>	Major Modification at Permit Renewal	Major Modification Prior to Permit Expiration	Minor Modification	Permit Transfer
Tier 1		<del>\$53,622</del> \$52,1	<del>\$13,471</del> \$13,091	<del>\$26,769</del>	<del>\$938</del>	<del>\$84</del>
Tier 2		<del>\$10,791</del> \$10,4	<del>\$3,425</del>	<del>\$5,350</del>	<del>\$938</del>	<del>\$84</del>
Special pursuant to OAR 340-045-0061	WPCF permits issued	<del>\$511</del> \$497	N/A	N/A	N/A	<del>\$84</del> \$82

1. New permit applications must include the annual fee specified in Table 70B in addition to the new permit application fee.

Table 70B  
**Industrial NPDES and WPCF Individual Permit Annual Fees**

Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
B01	Pulp, paper, or other fiber pulping industry	<del>\$18,750</del> \$18,2	N/A	<del>\$17,402</del> \$1	N/A
Food or beverage processing - includes produce, meat, poultry, seafood or dairy for human, pet, or livestock consumption					
B02	Washing or packing only	N/A	<del>\$2,606</del> \$2,533	N/A	<del>\$2,398</del> \$2,
B03	Processing – small. Flow ≤ 0.1 mgd, or 0.1 < flow < 1 mgd for less than 180 days per year	N/A	<del>\$3,787</del> \$897	N/A	<del>\$3,583</del> \$68

Attachment A

Effective ~~Nov. Dec. 1, 2014~~, Table to be published on Secretary of State website ~~Dec. 1, 2014, 2013~~.

Nov. 5-7, 2014, EQC meeting

B04	Processing of medium. 0.1 mgd < Flow < 1 mgd for 180 or more days per year, or flow ≥ 1 mgd for less than 180 days per year	N/A	\$5, <del>344</del> <u>499</u>	N/A	\$5, <del>140</del> <u>28</u>
B05	Processing – large. Flow ≥ 1 mgd for 180 or more days per year	\$18, <del>222</del> <u>750</u>	\$16, <del>011</del> <u>475</u>	\$ <del>16,912</del> <u>1</u>	\$ <del>15,805</del> <u>1</u>

Table 70B

**Industrial NPDES and WPCF Individual Permit Annual Fees**

Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
<b>Primary Smelting or Refining</b>					
B06	Aluminum	<del>\$18,750</del> \$18,2	<del>\$16,475</del> \$16,0	<del>\$17,402</del> \$1	<del>\$16,263</del> \$1
B07	Non-ferrous metals utilizing sand chlorination separation facilities	<del>\$18,750</del> \$18,2	<del>\$16,475</del> \$16,0	<del>\$17,402</del> \$1	<del>\$16,263</del> \$1
B08	Ferrous and non-ferrous metals not elsewhere classified	<del>\$10,723</del> \$10,4	<del>\$8,446</del> \$8,208	<del>\$9,375</del> \$9,	<del>\$8,238</del> \$8,
B09	Chemical manufacturing with discharge of process wastewater	<del>\$18,750</del> \$18,2	<del>\$16,475</del> \$16,0	<del>\$17,402</del> \$1	<del>\$16,263</del> \$1
B10	Cooling water discharges in excess of 20,000 BTU per second	<del>\$10,723</del> \$10,4	<del>\$8,446</del> \$8,208	<del>\$9,375</del> \$9,	<del>\$8,238</del> \$8,
<b>Mining Operations – includes aggregate or ore processing</b>					
B11	Large (over 500,000 cubic yards per year or involving chemical leaching)	<del>\$18,750</del> <del>\$18,222</del>	<del>\$16,475</del> <del>\$16,011</del>	<del>\$17,402</del> <del>\$16,912</del>	<del>\$16,263</del> <del>\$15,805</del>
B12	Medium (100,000 to 500,000 cubic yards per year)	N/A	<del>\$5,768</del> \$5,605	N/A	<del>\$5,558</del> \$5,
B13	Small (less than 100,000 cubic yards per year)	N/A	<del>\$1,755</del> \$1,706	N/A	<del>\$1,546</del> \$1,
<b>All facilities not elsewhere classified which dispose of process wastewater (includes remediated groundwater)</b>					
B14	Tier 1 sources	<del>\$18,750</del> \$18,2	N/A	<del>\$17,402</del> \$1	N/A
B15	Tier 2 sources	N/A	<del>\$3,628</del> <del>\$3,526</del>	N/A	<del>\$3,421</del> <del>\$3,325</del>
B16	All facilities not elsewhere classified which dispose of non-process wastewaters (for example: small cooling water discharges, boiler blowdown, filter backwash)	N/A	<del>\$2,429</del> <del>\$2,361</del>	N/A	<del>\$2,220</del> <del>\$2,157</del>
B17	Dairies, fish hatcheries and other confined feeding operations on individual permits	N/A	<del>\$2,126</del> <del>\$2,066</del>	N/A	<del>\$1,918</del> <del>\$1,864</del>
B18	All facilities which dispose of wastewater only by evaporation from watertight ponds or basins	N/A	N/A	N/A	<del>\$1,410</del> <del>\$1,370</del>
<b>Timber and Wood Products</b>					
B19	Sawmills, log storage, instream log storage	<del>\$5,259</del> \$5,111	<del>\$2,984</del> \$2,900	<del>\$3,912</del> \$3,	<del>\$2,773</del> \$2,



Table 70B

**Industrial NPDES and WPCF Individual Permit Annual Fees**

Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
B20	Hardboard, veneer, plywood, particle board, pressboard manufacturing, wood products	<u>\$5,561</u>	<u>\$3,287</u>	<u>\$4,215</u>	<u>\$3,078</u>
B21	Wood preserving	<u>\$4,706</u> <del>\$4,573</del>	<u>\$2,429</u> <del>\$2,361</del>	<u>\$3,358</u> <del>\$3,</del>	<u>\$2,220</u> <del>\$2,</del>

Table 70C  
**Domestic NPDES and WPCF Individual Permits**

Description	Type	Classification Criteria (Based on Average Dry Weather Design Flow, or as defined in 40CFR)	Class	New Permit App.Fee <sup>1</sup>	Base Annual Fee, 5 year permits	Base Annual Fee, 10 year permits	Additional Annual Fees	Major Modification	Minor Modification
Nondischarging lagoons	E	N/A	Tier 2	<del>\$3,497</del> \$3,398	N/A	<del>\$1,116</del> \$1,085	Additional fees include population and pretreatment fees. See tables 70D and 70E for determination of these fees.	<del>\$1,790</del> \$1,740	<del>\$938</del> \$912
Lagoons that discharge to surface waters	Db	Flow < 1 mgd	Tier 2	<del>\$6,905</del> \$6,710	<del>\$1,339</del> \$1,301	N/A		<del>\$3,497</del> \$3,3	<del>\$938</del> \$938
	C2b	1 mgd ≤ Flow < 2 mgd	Tier 1	<del>\$34,184</del> \$33,221	<del>\$3,528</del> \$3,429	N/A		<del>\$17,134</del> \$16,651	<del>\$938</del> \$912
	C1b	2 mgd ≤ Flow < 5 mgd	Tier 1	<del>\$34,184</del> \$33,221	<del>\$4,834</del> \$4,698	N/A		<del>\$17,134</del> \$16,651	<del>\$938</del> \$912
	Bb	5 mgd ≤ Flow < 10 mgd	Tier 1	<del>\$34,184</del> \$33,221	<del>\$6,951</del> \$6,755	N/A		<del>\$17,134</del> \$16,651	<del>\$938</del> \$912
Treatment systems other than lagoons	Da	Flow < 1 mgd	Tier 2	<del>\$6,905</del> \$6,710	<del>\$1,900</del> \$1,8	<del>\$1,763</del> \$1,7		<del>\$3,497</del> \$3,3	<del>\$938</del> \$938
	C2a	1 mgd ≤ Flow < 2 mgd	Tier 1	<del>\$34,184</del> \$33,221	<del>\$5,830</del> \$5,777	<del>\$4,994</del> \$5,157		<del>\$17,134</del> \$16,651	<del>\$912</del> \$912
	C1a	2 mgd ≤ Flow < 5 mgd	Tier 1	<del>\$34,184</del> \$33,221	<del>\$8,839</del> \$8,590	<del>\$7,980</del> \$7,755		<del>\$17,134</del> \$16,651	<del>\$938</del> \$912
	Ba	5 mgd ≤ Flow < 10 mgd	Tier 1	<del>\$34,184</del> \$33,221	<del>\$13,145</del> \$12,775	<del>\$12,285</del> \$11,939		<del>\$17,134</del> \$16,651	<del>\$938</del> \$912
	A3	10 mgd ≤ Flow < 25 mgd	Tier 1	<del>\$34,184</del> \$33,221	<del>\$20,506</del> \$19,928	N/A		<del>\$17,134</del> \$16,651	<del>\$938</del> \$912
	A2	25 mgd ≤ Flow < 50 mgd	Tier 1	<del>\$34,184</del> \$33,221	<del>\$43,508</del> \$42,282	N/A		<del>\$17,134</del> \$16,651	<del>\$938</del> \$912
	A1	≥ 50 mgd	Tier 1	<del>\$34,184</del> \$33,221	<del>\$74,029</del> \$71,943	N/A		<del>\$17,134</del> \$16,651	<del>\$938</del> \$912
Septage alkaline stabilization facilities	F	N/A	Tier 2	<del>\$938</del> \$912	N/A	<del>\$385</del> \$374		N/A	<del>\$426</del> \$414

Table 70C (continued)

**Domestic NPDES and WPCF Individual Permits**

Description	Type	Classification Criteria (Based on Average Dry Weather Design Flow, or as defined in 40CFR)	Class	New Permit App. Fee <sup>1</sup>	Base Annual Fee, 5 year permits	Base Annual Fee, 10 year permits	Additional Annual Fees	Major Modification	Minor Modification
Municipal Separate Storm Sewer	Phase 1	See 40 CFR §122.26	N/A	<del>\$18,984</del> \$18,449	<del>\$4,273</del> \$4,153	N/A	N/A	N/A	<del>\$1,649</del> \$1,603
	Phase 2		N/A	<del>\$850</del> \$826	<del>\$875</del> \$850	N/A	N/A	N/A	<del>\$1,649</del> \$1,603
Underground Injection Control	Various	As defined in 40 CFR parts 9, 144, 145 and 146	N/A	<del>\$10,791</del> \$10,487	N/A	<del>\$2,284</del> \$2,157	N/A	N/A	<del>\$938</del> \$912

1. New permit applications must include the annual fee in addition to the new permit application fee.

Table 70D

**Domestic NPDES and WPCF Annual Population Fee**

Population range	Annual fee
500,000+	<del>\$99,457</del> \$9
400,000 to 499,999	<del>\$76,085</del> \$7
300,000 to 399,999	<del>\$52,713</del> \$5
200,000 to 299,999	<del>\$29,339</del> \$2
150,000 to 199,999	<del>\$23,729</del> \$2
100,000 to 149,999	<del>\$15,628</del> \$1
50,000 to 99,999	<del>\$9,802</del> \$9,526
25,000 to 49,999	<del>\$4,405</del> \$4,281
15,000 to 24,999	<del>\$2,508</del> \$2,437
10,000 to 14,999	<del>\$1,634</del> \$1,588
5,000 to 9,999	<del>\$994</del> \$966
1,000 to 4,999	<del>\$297</del> \$289
100 to 999	<del>\$56</del> \$54
0 to 99	\$0

Table 70E Annual Pretreatment Fees	
Description	Fee
Pretreatment Fee	<del>\$1,705</del> \$
Significant Industrial User	<del>\$569</del> <del>\$553</del> per

Table 70F Technical Activity and Other Fees	
Activity	Fee
New or substantially modified sewage treatment facility	<del>\$7,844</del> \$
Minor sewage treatment facility modifications and pump stations	<del>\$852</del> \$828
Pressure sewer system or major sewer collection system expansion	<del>\$598</del> \$581
Minor sewer collection system expansion or modification	<del>\$170</del> \$165
New or substantially modified water pollution control facilities using alkaline agents to stabilize septage	<del>\$852</del> \$828
Permit transfer	<del>\$84</del> \$82

Table 70G

**General NPDES and WPCF Permits**

Number	Type	Description	New Permit Application Fee <sup>1</sup>	Annual Fee
100-J	NPDES	Cooling water/heat pumps	<del>\$219</del> \$	<del>\$497</del> \$48
200-J	NPDES	Filter backwash	<del>\$219</del> \$	<del>\$497</del> \$48
300-J	NPDES	Fish hatcheries	<del>\$348</del> \$	<del>\$497</del> \$48
400-J	NPDES	Log ponds	<del>\$219</del> \$	<del>\$497</del> \$48
500-J	NPDES	Boiler blowdown	<del>\$219</del> \$	<del>\$497</del> \$48
600	WPCF	Offstream small scale mining – processing less than five cubic yards of material per day, or less than 1,500 cubic yards per year	<del>\$0</del>	<del>\$0</del>
		Offstream small scale mining – processing 1,500 to 10,000 cubic yards of material per year	<del>\$219</del>	<del>\$0</del>
700-PM <sup>2</sup>	NPDES	Suction dredges	\$0	\$25
900-J	NPDES	Seafood processing	<del>\$219</del> \$	<del>\$497</del> \$48
1000	WPCF	Gravel mining	<del>\$219</del> \$	<del>\$497</del> \$48
1200-A <sup>3</sup>	NPDES	Stormwater: Sand, gravel, and other non-metallic mining	<del>\$850</del>	<del>\$850</del> \$87
1200-C <sup>3</sup>	NPDES	Stormwater: Construction activities – one acre or more	<del>\$850</del>	<del>\$875</del> \$8
1200-C <sup>3</sup>	NPDES	Stormwater: Construction activities – less than one acre and part of a common plan of development disturbing one or more acres	<del>\$250</del>	<del>\$0</del>
1200-CA	NPDES	Stormwater: Construction activities performed by public agencies – one acre or more	<del>\$850</del>	<del>\$875</del>
1200-COLS <sup>3</sup>	NPDES	Stormwater: Industrial stormwater discharge to Columbia Slough	<del>\$826</del>	<del>\$850</del>
1200-Z <sup>3,4</sup>	NPDES	Stormwater: Industrial	<del>\$850</del>	<del>\$875</del> \$85
1400-A	WPCF	Wineries and seasonal fresh pack operations whose wastewater flow does not exceed 25,000 gallons per day and is only disposed of by land irrigation.	<del>\$219</del>	<del>\$291</del>
1400-B	WPCF	Wineries and small food processors not otherwise eligible for a 1400A general permit.	<del>\$348</del>	<del>\$497</del>
1500-A	NPDES	Petroleum hydrocarbon clean-up	<del>\$348</del> \$	<del>\$497</del> \$48
1500-B	WPCF	Petroleum hydrocarbon clean-up <del>\$348</del>	<del>\$348</del> \$	<del>\$497</del> \$48

Table 70G (continued)				
General NPDES and WPCF Permits				
Number	Type	Description	New Permit Application Fee <sup>1</sup>	Annual Fee
1700-A	NPDES	Vehicle and equipment wash water	<del>\$485</del>	<del>\$497</del> <del>\$48</del>
1700-B	WPCF	Vehicle and equipment wash water	<del>\$485</del>	<del>\$497</del> <del>\$48</del>
1900-J	NPDES	Non-contact geothermal heat exchange	<del>\$485</del>	<del>\$485</del> <del>\$48</del>
2401	WPCF	Tier 1 graywater reuse and disposal system for residential systems not exceeding 300 gallons per day, or equivalent specific geographic area graywater reuse and disposal area permit	\$50	\$40
2402	WPCF	Tier 2 graywater reuse and disposal system for systems not exceeding 1,200 gallons per day, or equivalent specific geographic area graywater reuse and disposal area permit	\$534	\$50
Other			<del>\$485</del>	<del>\$497</del> <del>\$48</del>

1. New permit applications must include both the new permit application fee and the first year's annual fee.
2. A person registered under the 700-PM permit may pre-pay \$90 for permit coverage through ~~2014~~~~2015~~ in lieu of the \$25 annual fee.
3. Some of these permits are administered by public agencies under contract with DEQ.
4. This permit incorporates the 1300-J permit.

Table 70H	
General Permit Activity and Other Fees	
Activity	Fee
Disposal system plan review <sup>1</sup>	<del>\$534</del>
Site inspection and evaluation <sup>1</sup>	<del>\$1,336</del>
Permit Transfer	<del>\$84</del> <del>\$82</del>

1. These fees apply when these activities are required for DEQ's review of the application.

## DIVISION 71

### ONSITE WASTEWATER TREATMENT SYSTEMS

#### 340-071-0140

##### Onsite System Fees

(1) This rule establishes the fees for site evaluations, permits, reports, variances, licenses, and other services DEQ provides under this division.

(2) [Table 9A lists the s](#)Site evaluation and existing system evaluation fees ~~are listed in Table 9A.~~

(3) [Tables 9B and 9C list the p](#)Permitting fees for systems not subject to WPCF permits ~~are listed in Table 9B and Table 9C.~~ Online submittals for annual report evaluation fees may apply upon DEQ implementation of online reporting.

(4) WPCF permit fees. Fees in this section apply to WPCF permits issued pursuant to OAR 340-071-0162. [Table 9D lists the](#) WPCF permit fees ~~are listed in Table 9D.~~

(5) [Table 9F lists the i](#)Innovative, Alternative Technology and Material Plan Review fees ~~are listed in Table 9F.~~

(6) [Table 9E lists the](#) Sewage Disposal Service License and Truck Inspection fees ~~are listed in Table 9E.~~

(7) Compliance Recovery Fee. When a violation results in an application in order to comply with the requirements in this division, the agent may require the applicant to pay a compliance recovery fee in addition to the application fee. The amount of the compliance recovery fee shall not exceed the application fee. Such violations include but are not limited to installing a system without a permit, performing sewage disposal services without a license, or failure to obtain an authorization notice when it is required.

(8) Land Use Review Fee. Land use review fees are listed in Table 9C and are assessed when an agent review is required in association with a land use action or building permit application and no approval is otherwise required in the division.

(9) Contract county fee schedules.

(a) Each county having an agreement with DEQ under ORS 454.725 must adopt a fee schedule for services rendered and permits issued. The county fee schedule may not include DEQ's surcharge established in section (10) of this rule unless identified as a DEQ surcharge.

(b) A copy of the fee schedule and any subsequent amendments to the schedule must be submitted to DEQ.

(c) Fees may not exceed actual costs for efficiently conducted services.

(10) DEQ surcharge.

(a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, DEQ and contract counties must levy a surcharge for each site evaluation, report permit, and other activity for which an application is required in this division. The surcharge fee is listed in Table 9F. This surcharge does not apply to pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers.

(b) Proceeds from surcharges collected by DEQ and contract counties must be accounted for separately. Each contract county must forward the proceeds to DEQ in accordance with its agreement with the DEQ.

(11) Refunds. DEQ may refund all or a portion of a fee accompanying an application if the applicant withdraws the application before any field work or other substantial review of the application has been done.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]

Stat. Auth.: ORS 454.625, 468.020 & 468.065(2)

Stats. Implemented: ORS 454.745, 468.065 & 468B.050

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 13-1986, f. & ef. 6-18-86; DEQ 15-1986, f. & ef. 8-6-86; DEQ 6-1988, f. & cert. ef. 3-17-88; DEQ 11-1991, f. & cert. ef. 7-3-91; DEQ 18-1994, f. 7-28-94, cert. ef. 8-1-94; DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 12-1997, f. & cert. ef. 6-19-97; Administrative correction 1-28-98; DEQ 8-1998, f. & cert. ef. 6-5-98; DEQ 16-1999, f. & cert. ef. 12-29-99; Administrative correction 2-16-00; DEQ 9-2001(Temp), f. & cert. ef. 7-16-01 thru 12-28-01; DEQ 14-2001, f. & cert. ef. 12-26-01; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 7-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 10-2009, f. 12-28-09, cert. ef. 1-4-10; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 6-2012, f. 10-31-12, cert. ef. 11-1-12; DEQ 8-2013, f. 10-23-13, cert. ef. 11-1-13; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14



**OAR 340-071-0140**

**ONSITE SYSTEM FEE SCHEDULE**

**Table 9A: Site evaluation and existing system evaluation fees.**

New Site Evaluation fees. Fees in this section apply to each system for which site suitability is evaluated.	
Single family dwelling - First lot	\$680
Single family dwelling - Each additional lot evaluated during initial visit	\$680
Commercial facility with a design capacity of 1,000 gpd or less	\$680
Commercial facility with a design capacity of 1,001-1,500 gpd	\$856
Commercial facility with a design capacity of 1,501-2,000 gpd	\$1,032
Commercial facility with a design capacity of 2,001-2,500 gpd	\$1,208
Commercial facility s with a design capacity of 2,501-3,000 gpd	\$1,384
Commercial facility with a design capacity of 3,001-3,500 gpd	\$1,560
Commercial facility with a design capacity of 3,501-4,000 gpd	\$1,736
Commercial facility with a design capacity of 4,001-4,500 gpd	\$1,912
Commercial facility with a design capacity of 4,501-5,000 gpd	\$2,088
Commercial facility with a design flow greater than 5,000 gpd	\$2,304
Site Evaluation Report Review fee	\$640
Existing System Evaluation Report fee	\$640

**Table 9B: Permitting fees for systems not subject to WPCF permits.**

	System Type A	System Type B	System Type C	System Type D	System Type E	Plan Review fees for Commercial Facility Systems
Construction-Installation Permit fees.						
For systems with a design capacity of less than 600 gpd	\$448	\$864	\$1,008	\$1,235	\$1,520	\$0
For systems with a design capacity of 601-1,000 gpd	\$448	\$864	\$1,008	\$1,235	\$1,520	\$368
For systems with a design capacity of 1,001-1,500 gpd	\$544	\$960	\$1,104	\$1,313	\$1,660	\$432
For systems with a design capacity of 1,501-2,000 gpd	\$640	\$1,056	\$1,200	\$1,391	\$1,712	\$496
For systems with a design capacity of 2,001-2,500 gpd	\$736	\$1,152	\$1,296	\$1,469	\$1,808	\$560
Reinspection fee	\$100					

Pump Evaluation fee. For all permits that specify the use of a pump or dosing siphon except for sand filter, Alternative treatment technologies, Recirculating gravel filter, and pressurized distribution systems	\$64						
System Type Key: Type A = Gray Water waste disposal sumps Type B = Holding tanks Type C = Standard subsurface, Absorption trenches in saprolite, Redundant, Seepage trench, Steep slope Type D = Alternative treatment technologies, Capping fill, Pressurized distribution, Tile dewatering Type E = Recirculating gravel filter, Sand filter (commercial or residential)							

<b>Table 9C: Other permitting fees for systems not subject to WPCF permits.</b>			
		<b>Field Visit required</b>	<b>No Field Visit required</b>
Minor Alteration Permit	\$264		
Major Alteration Permit	\$552		
Minor Repair Permit - Single Family Dwelling	\$256		
Major Repair Permit - Single Family Dwelling	\$535		
Minor Repair Permit - Commercial Facility	\$464		
Major Repair Permit - Commercial Facility	\$1,008		
Permit Denial Review	\$352		
Permit Transfer, Reinstatement, or Renewal		\$520	\$152
Authorization Notice		\$624	\$160
Authorization Notice Denial Review	\$640		
Renewal of hardship authorization for temporary dwelling		\$330	\$100
Alternative system inspection - Holding tanks	\$384		
Variance from onsite system rules	\$2,080		
Land use clearance	\$50		
Annual report evaluation - Holding tanks – hard copy submittal	\$30		
Annual report evaluation - Holding tanks – online submittal	\$25		
Alternative system inspection - Other alternative systems listed in Table 9B	\$528		
Annual report evaluation - Sand filters, pressurized distribution systems, recirculating gravel filters, and alternative treatment technology – hard copy submittal	\$60		
Annual report evaluation - Sand filters, pressurized distribution systems, recirculating gravel filters, and alternative treatment technology – online submittal	\$50		

<b>Table 9D: WPCF permit fees.</b>			
	Application filing fee (all systems)	Permit processing fees for onsite systems with a design capacity of 1,200 gpd or less.	Permit processing fees for onsite systems with a design capacity over 1,200 gpd:
New application	\$ <u>7472</u>	\$ <u>576-593</u>	\$ <u>2,9612,878</u>
Permit renewal (involving request for effluent limit modifications)	\$ <u>7472</u>	\$ <u>287-295</u>	\$ <u>1,4821,440</u>
Permit renewal (without request for effluent limit modifications)	\$ <u>7472</u>	\$ <u>149145</u>	\$ <u>718739</u>
Permit modification (involving increase in effluent limitations)	\$ <u>7472</u>	\$ <u>295287</u>	\$ <u>1,4821,440</u>
Permit modification (not involving an increase in effluent limits)	\$ <u>7472</u>	\$ <u>222216</u>	\$ <u>739718</u>
<b>Plan Review fee</b>			
For commercial facilities with a design capacity less than 600 gpd		\$0	
For commercial facilities with a design capacity of 601 - 1,000 gpd		\$ <u>275-283</u>	
For commercial facilities with a design capacity of 1,001 - 1,500 gpd		\$ <u>324-333</u>	
For commercial facilities with a design capacity of 1,501 - 2,000 gpd		\$ <u>372-383</u>	
For commercial facilities with a design capacity of 2,001 - 2,500 gpd		\$ <u>420432</u>	
For commercial facilities with a design capacity of 2,501 - 3,000 gpd		\$ <u>492-506</u>	
For commercial facilities with a design capacity of 3,001 - 3,500 gpd		\$ <u>540-556</u>	
For commercial facilities with a design capacity of 3,501 - 4,000 gpd		\$ <u>588-605</u>	
For commercial facilities with a design capacity of 4,001 - 4,500 gpd		\$ <u>635-653</u>	
For commercial facilities with a design capacity of 4,501 - 5,000 gpd		\$ <u>683-703</u>	
Commercial facilities with a design capacity greater than 5,000 gpd		\$ <u>718-739</u>	
Single family dwelling		\$ <u>145-149</u>	
<b>Annual Compliance Determination fee</b>			
Onsite sewage lagoon with no discharge		\$ <u>863888</u>	
Treatment Standard 1 or better systems with design capacities less than 2,500 gpd		\$ <u>360370</u>	
Treatment Standard 1 or better systems with design capacities of 2,501 - 20,000 gpd		\$ <u>718739</u>	
Holding tanks, if by the date specified by DEQ, the owner does not submit written certification to DEQ that the holding tank has been operated the previous calendar year in full compliance with the permit or that the previous year's service logs for the holding tanks are not available for inspection by the DEQ		\$ <u>287295</u>	
Holding tanks, if by the date specified by DEQ, the owner submits written certification to DEQ that the holding tank has been operated the previous calendar year in full compliance with the permit and that the previous year's service		\$ <u>3132</u>	
Other systems with design capacities less than 20,000 gpd		\$ <u>360370</u>	
Other systems with design capacities greater than 20,000 gpd		\$ <u>739718</u>	

<b>Table 9E: Sewage Disposal Service License and Truck Inspection fees.</b>	
New 3-year business license	\$425 per year
Renewal of business license	\$320 per year
Additional license fee for additional pumper vehicles	\$15/vehicle
Transfer of or amendments to license	\$200
Reinstatement of suspended license	\$250
Pumper truck inspections - First vehicle, each inspection	\$100
Pumper truck inspections - Each additional vehicle, each inspection	\$50

<b>Table 9F: Other Fees</b>	
Innovative or Alternative Technology Review	\$1,600
Alternative Technology Review (greater than 1,500 gpd)	\$3,200
Alternative Treatment Technology Annual Compliance Determination Fee (per listed model)	\$500
Material Plan Review	\$480
Department Surcharge	\$100



June 18, 2014

Angela Parker  
Oregon DEQ  
811 SW Sixth Avenue  
Portland, OR 97204

Submitted by e-mail to: [parker.angela@deq.state.or.us](mailto:parker.angela@deq.state.or.us)

Dear Ms. Parker:

The League of Oregon Cities, Special Districts Association of Oregon, and the Oregon Association of Clean Water Agencies have participated in the DEQ Blue Ribbon Committee since its inception. Our organizations represent all domestic wastewater treatment and municipal stormwater collection systems affected by these proposed increases.

Our organizations oppose the proposed fee increase.

The 2004 Blue Ribbon Committee recommendations included an agreed to 60:40 funding split between state dollars and permit fees and committed the Department to meet specific work targets for critical items. In return, the water quality permit community agreed to support annual fee increases, not to exceed 3%.

The key outcome indicators included specific commitments made by the Department in areas such as current NPDES and WPCF permits, 95% of permits are issued on a watershed cycle, 100% review of Discharge Monitoring Reports (DMRs) within 30 days, and the number of general permits assigned within 30 days of receipt of application.

The Department's report on the high priority outcomes demonstrates that the agreed-to outcomes are not being met by DEQ. For these metrics, the Department has not met its agreed-to metrics since the second quarter of 2006:

- Not met percentage of individual NPDES and WPCF Permits that are current
- Not met percentage of permits are issued on a watershed cycle
- Not met percent of NPDES minor DMRs reviewed
- Not met percent of WPCF DMRs reviewed

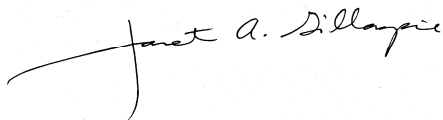
The Department has only infrequently met these metrics:

- Percent of NPDES Major DMRs reviewed within 30 days
- Percentage of inspections completed

The 1<sup>st</sup> Quarter 2013 report on the Department's web site reflects that none of the targets set in the Blue Ribbon report are being met<sup>1</sup>. This is the last report available. For instance, only 34% of the major water quality permits are current, and although the review of Discharge Monitoring Reports (DMRs) has improved, only 82% are reviewed in the targeted 30 days; the goal is 100%. Only 34% of the NPDES major permits are current. For 2011, only 79% of the major NPDES scheduled inspections were completed.

Our organizations remain committed to a strong and effective water quality permit program at Oregon DEQ but it is important that agreements for specific levels of service agreed to by DEQ be honored.

Very Truly Yours,



Janet A. Gillaspie  
Oregon Association of  
Clean Water Agencies

Tracy  
Rutten

Tracy Rutten  
League of  
Oregon Cities



Mark Landauer  
Special Districts Association of Oregon

cc: Dick Pedersen, Oregon DEQ  
ACWA Board

---

<sup>1</sup> <http://www.oregon.gov/deq/WQ/Pages/Water%20Quality%20Permits/blueribbonprogress.aspx>, accessed on 6/5/14  
ACWA/LOC/SDAO Comments  
Proposed WQ Fee Increase – June, 2014  
Page | 2



24 September 2014

Jennifer Wigal  
Water Quality Program Manager/Surface Water Permitting Manager  
Oregon DEQ  
811 SW Sixth  
Portland, OR 97204

*Re: DEQ pending 2.9% fee increase*

Dear Jennifer:

At the Blue Ribbon Committee meeting in Portland on September 10, 2014, the DEQ asked members of the Blue Ribbon Committee if they would now support a 2.9% water quality permit fee increase. The Department had proposed a 2.9% fee increase, in addition to other increases included in the Department's proposed budget, and when faced with opposition decided to not pursue the increase at that time.

Local governments in Oregon remain concerned about the performance of the DEQ staff in key areas related to the water quality permitting program including permit renewal, inspections, and Discharge Monitoring Report reviews. As you know, the agreed-to metrics for performance in these areas as outlined in the Blue Ribbon Report have routinely not been met by DEQ for a substantial amount of time.

The concerns of local governments that pay DEQ permit fees is less about the fee increase - - typically 2.9% is not a huge amount of money for any single permit holder - - but more about using this discussion as a tool to focus the DEQ water quality program staff and managers on the key metrics for the program, and putting systems in place to ensure that the metrics are met. Although the dialogue with the Department on the key metrics has increased, we have not seen substantial improvement in performance, especially in identifying and removing barriers to permit renewal. The DEQ has been providing additional information on specific performance



tasks, but without an overall plan for meeting the agreed-to metrics, such as the targeted number of permits to be renewed or the number of DMRs to be reviewed, it is difficult to put these numbers in perspective. We know that DEQ is working to get additional metrics for accountability.

**Assistance Offer**

Local government organizations are anxious to have a strong, effective DEQ staff. It benefits permit holders and all Oregonians. We further recognize that DEQ is facing challenges on many fronts. ACWA members would be glad to offer any assistance including:

- Identifying permitting barriers and, along with the Department and other stakeholders, addressing and resolving issues to establish a clear pathway to permitting for specific types of permits.
- Providing process improvement assessment and mapping systems that have benefitted our members' organizations.
- Providing data management and information technology assistance to support the improvement of the Department's data information and technology needs.

We remain ready to partner with the Department to resolve the policy issues that are restricting permitting, and to assist the Department in any way possible to meet its commitments for inspections and DMR review.

Very Truly Yours,

*Tracy  
Rutten*

*Janet A. Gillaspie*

*Mark Landauer*

Tracy Rutten  
League of  
Oregon Cities

Janet Gillaspie  
Oregon Association of Clean  
Water Agencies

Mark Landauer  
Special Districts Association of Oregon



John A. Kitzhaber, MD, Governor

Department of Environmental Quality  
Agency Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY 711

Janet Gillaspie, Executive Director

Tracy Rutten, League of Oregon Cities

Mark Landauer, Special Districts Association of Oregon

Re: DEQ's proposed permit fee increase and improving Oregon's water quality permitting system

Dear Tracy, Janet and Mark,

Thank you for your letter regarding your concerns about Oregon's wastewater permitting program and DEQ's ability to meet key performance measures. Since 2002, the Blue Ribbon Committee has been essential in identifying the challenges the program faces and a key voice supporting solutions on behalf of DEQ. During that time, Oregon's water quality permitting program has focused on implementing improvements in quality and process, but – as you stated very clearly and accurately – a significant amount of work remains including many new and old challenges and issues to resolve.

Your offer to assist DEQ with these challenges and continued participation on the committee are welcomed and essential towards ensuring Oregon's permitting program provides important services to permit holders and protects human health and the environment.

As I described at our last meeting, we are performing an audit of our permitting program to further identify and characterize current barriers. Our staff person in charge of this audit, Scott Hoatson, will be contacting Janet soon to capture insights into DEQ's water quality permit program. In the coming months, I look forward to continuing discussion with the committee and others affected by and interested in our permitting program about specific strategies to improve the permitting program.

We will be implementing many improvements and setting a strategic direction for the program. This effort is going to involve discussions with the committee and other stakeholder groups. I will be setting up a work session with focused on obtaining committee members' input on specific policies and tools DEQ is considering to improve the permit program.

Additionally, DEQ plans to present the proposed 2.9 percent wastewater permit fee increase to the Environmental Quality Commission at its November 2014 meeting. The increase is necessary to maintain a portion of our current capacity as we work to issue timely, protective permits.

Again, I want to reiterate that I understand and appreciate your concerns expressed at our committee meetings and in your letter. DEQ is committed to continued improvements in our permitting program. I believe that our collective efforts to establish a strategic direction for the program over the next several weeks will provide a forum for us to resolve and begin work on many longstanding issues.

Sincerely,  
Jennifer Wigal