



Oregon Department of Environmental Quality  
Dec. 9-10, 2015  
Oregon Environmental Quality Commission meeting  
Rulemaking, Action item N

Water Quality Permit Fee Update 2015

## DEQ recommendation to the EQC

DEQ recommends that the EQC:

- Adopt the proposed rules in Attachment A as part of Chapter 340 of the Oregon Administrative Rules, with the rules to become effective on Jan. 1, 2016.

## Short summary

DEQ is asking the Oregon Environmental Quality Commission to approve proposed rules to increase water quality fees by 12 percent for individuals, businesses and government agencies that hold the following permits, effective Jan. 1, 2016:

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

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

Oregon DEQ proposed two policy option packages in the 2015 Agency Request Budget. Package 120 supports replacing an outdated and inadequate wastewater permitting information management system with a commercial off-the-shelf product. Package 123 restores 6 FTE that are unaffordable due to shortfalls in federal funds and fee funds. DEQ requested a one-time 12 percent increase to support replacing the permitting information management system and to maintain the six permitting positions.

The 2015 Oregon Legislature approved the fee increase. With approval of the 12 percent increase, DEQ will forego annual permit fee increases for the 2015-17 biennium.

The Water Quality Permitting program is responsible for:

- Issuing permits. These permits cover a wide range of activities such as:
  - Municipal wastewater permitting
  - Industrial wastewater permitting
  - Stormwater permitting
  - 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.
- Complaint Response. DEQ responds to complaints related to water quality for permitted and non-permitted sources.
- Enforcement. DEQ may take enforcement action against permit holders that do not comply with the conditions 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.
- Technical Assistance. DEQ provides technical assistance to permit holders to help them remain in compliance with permit conditions.
- Program and Policy Development. DEQ develops policies and procedures to implement the permitting program and ensure that Oregon’s water quality is protected.

#### Regulated parties

The proposed fee increases would affect:

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

Other proposed updates to the fee tables that affect regulated parties include:

- New Municipal Separate Storm Sewer System General Permit replaces the former individual permit. See Table G. The program’s annual fees collected are the same, but scaled to reflect population of community served.
- New Underground Injection Control General Permit is now listed in Table 70G. Fees for permittees covered under this and the former permit remain identical to the “Other” fee category.
- The industrial reuse wastewater permit for sources managing under 25,000 gallons per day of industrial reuse water free of human and animal waste and suitable for reuse without secondary or advanced treatment is now listed in Table 70G.

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

- Suction dredge discharge: 700-PM permit fees. DEQ must set these fees through a separate rulemaking due to statutory requirements.
- Graywater Water Pollution Control Facility permits 2401 and 2402 for graywater use. DEQ proposes to maintain permit fees for graywater reuse and disposal systems at current levels to promote individual water reuse efforts, which is of public interest during Oregon’s current drought conditions.
- Small off-stream mining operations. Water Pollution Control Facility permit 600. These permits do not currently have application fees or annual fees.

#### Request for other options

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

## Statement of Need

What need would the proposed rule address?

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

- Meet service requirements of the 2010 DEQ and U.S. 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 System permit program according to the DEQ/EPA performance partnership agreement.
- Balance its budget by aligning its projected income and expenditures with the DEQ 2015-17 legislatively adopted budget.
- Support recommendations provided by the Blue Ribbon Committee on Wastewater Permitting to better ensure that 60 percent of revenue comes from fees and 40 percent from the General Fund.

How would the proposed rule address the need?

The proposed fee increase would help DEQ meet its performance partnership agreement with EPA, implement the policy option packages, and balance the program's operating budget for the 2015-17 biennium.

Revenue the fee increase generates would complement the General Fund appropriation to replace DEQ's outdated and inadequate wastewater permitting information management system with a contractor-configured, commercial off-the-shelf product. The new system will be compatible with enterprise technology planning and consolidation efforts and pending federal electronic reporting rules and e-government efforts. The new system is expected to streamline DEQ's operations, improve public access to data and information and simplify permit holder interactions with DEQ including submission of permit applications and compliance data.

It is necessary to perform a rulemaking to establish the new fees by Jan. 1, 2016, in order to fund the approved policy option package and water quality permit program support. A delay beyond Jan. 1, 2016, would cause revenue to fall short of current projections and jeopardize implementation of the legislatively approved policy option package and support for the program.

How will DEQ know the rule addressed the need?

DEQ will know the proposed 12 percent fee increase addresses the need if:

- The legislatively approved policy option packages are funded.
- The program is able to continue providing services at current staffing levels for the duration of the 2015-17 biennium.
- The permit fees support approximately 60 percent of Water Quality Permit program costs.

## Rules affected, authorities, supporting documents

Lead division

Operations

Program or activity

Water Quality Permit and Program Development

Chapter 340 action

Amend	ORS 340-045-0075, 340-071-0140
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Statutory authority

ORS 454.625, 468.020, 468.065, 468B.020, 468B.035

Statutes implemented

ORS 454.745, 468.065, 468B.015, 468B.035, 468B.050

Documents relied on for rulemaking

Document title	Document location
DEQ 2015-17 Legislatively Approved Budget	DEQ Headquarters
Blue Ribbon Committee Report on Key Enhancements to the Oregon Wastewater Permitting Program – 2004	<a href="#">Blue Ribbon Committee Report on Key Enhancements</a>
Cost factors approved through Oregon's budget process	DEQ Headquarters
Compensation plan changes	DEQ Headquarters
Fee increase calculations	DEQ Headquarters
DEQ's water quality permit database	DEQ Headquarters
Application and annual fee invoice records	DEQ Headquarters
Portrait of Oregon Businesses by Size of Firm Data for 2015	<a href="#">Portrait of Oregon Businesses by Size of Firm Data</a>

## Fee Analysis

### Brief description of proposed fees

DEQ proposes rules to increase water quality fees by 12 percent above the fiscal year 2015 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 support the permitting program and continue delivering services to regulated entities. Without this increase, DEQ would need to reduce permitting staff and forego purchase of a new information management system.

It is necessary to perform a rulemaking to establish the new fees by Jan. 1, 2016, to fund the approved policy option packages and water quality permit program support.

A delay beyond Jan. 1, 2016 would cause revenue to fall short of current projections and jeopardize implementation of the legislatively approved policy option package and support for the program.

### 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 program, forego Blue Ribbon Committee recommendations and create an imbalanced water quality permitting program budget. Moreover, DEQ would face additional challenges to regulating pollutant discharges to Oregon's state waters. Additionally, DEQ would be unable to fund the legislatively adopted policy option package.
- The annual three percent fee increase. This increase, while in keeping with the Blue Ribbon Committee's 2004 recommendation to not exceed 3 percent annually, would be insufficient to cover program costs.
- Other ways to reduce program costs. Along with other state agencies, DEQ implemented cost saving measures over the past few biennia including reducing state contributions to employee health benefits. DEQ has extended position vacancies, where those vacancies could be absorbed in the short-term. However, implementing this alternative on a longer-term basis would compromise Oregon's agreement to fund and implement its water quality permitting program, including the National Pollutant Discharge Elimination System and Water Pollution Control Facilities permit programs.

## 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. This committee served as DEQ's fiscal advisory committee during the rulemaking and is DEQ's standing committee for water quality permit fees.

## 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.

## How long will the current fee sustain the program?

The current fee will not sustain the program. When developing the 2015-17 Agency Request Budget, DEQ estimated that limiting the annual fee increases up to 3 percent would result in a budget shortfall of approximately 7.3 FTE. Foregoing all fee increases would lead to a larger shortfall.

**Table 1**  
**2015-2017 Budget Comparison: Current vs. Legislatively Adopted**

	Modified Current Service Level Budget <sup>1</sup>		Legislatively Adopted Budget <sup>2</sup>	
Program Costs Covered by Fees	\$11,212,343	60.8%	\$12,050,246	58.7%
Program Costs Covered by General Fund	\$5,511,695	29.9%	\$6,766,730	33.0%
Program Costs Covered by Federal Funding	\$1,705,248	9.3%	\$1,705,248	8.3%
<i>Permit Fees Last Changed: Dec. 1, 2014</i>				

1. The Modified Current Service Level Budget assumed DEQ would adopt annual fee increases up to 3 percent in FY2016 and FY2017 if the policy package requests were denied. These costs exclude the Senate Bill 838 surcharge for suction dredge mining permits.
2. DEQ sought to restore the program to 60 percent fee funded. The Legislatively Adopted Budget added two positions on General Fund that were not included in the Agency Request Budget. Therefore, public funds (General



Fund and Federal Fund) pay for slightly more than 40 percent of program costs. These costs exclude the Senate Bill 838 surcharge.

How long will the proposed fee sustain the program?

DEQ expects the proposed fee would sustain current staffing levels within the program through FY 2017, which ends June 30, 2017.

Table 2 Expected Change in Revenue		
Expected change in revenue (+/-)	+\$1,232,509 <sup>1</sup>	+12%
Minimum GF required by statute/rule to fund program	\$0	0%
Proposed fee allows GF replacement	\$0	0%
<i>Projected Effective Date of 12 percent Fee Increase: Jan. 1, 2016</i>		

1. This amount is less than the \$1,288,532 estimated by DEQ budget staff for the 2015-2017 Agency Request Budget. This is because this rulemaking must implement the fee increase approximately 6 months later than initially planned.

## Statement of fiscal and economic impact

### Fiscal and Economic Impact

Increase to wastewater permitting fees would benefit DEQ through increased financial support. The fee change will increase costs for entities that hold the affected permits.

### 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 \$61 to \$6,435 and annual fee increases would range from \$35 to \$4,102.

#### 2. DEQ

The proposed 12 percent fee increase would increase revenue by approximately \$1,232,509 in the 2015-2017 biennium.

#### 3. Local governments

This proposal would increase water quality permit fees by 12 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 \$61 to \$6,435 and annual fee increases would range from \$35 to \$4,102.

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

7. Small businesses – businesses with 50 or fewer employees ORS 183.336

According to 2015 census data from the Oregon Employment Department, 96 percent of Oregon businesses were small businesses with less than 50 employees. Nine out of 10 private-sector firms in Oregon had fewer than 20 employees in March 2015. Six out of 10 employed fewer than five.

DEQ expects the fee increase would have an impact on small businesses. However, no information is available to determine how the 12 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 \$61 to \$6,435 and annual fee increases would range from \$35 to \$4,102.

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.	<p>DEQ estimates the 12 percent fee increase for wastewater permits would affect approximately 3,000 small businesses.</p> <p>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.</p> <p>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.</p>
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	DEQ met with the Blue Ribbon Committee on Sept.

businesses in developing this proposed rule.	21, 2015, provided a summary of the proposed rule and gathered input. The committee represents the wastewater community as a whole, and includes small businesses.
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#### 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 2015	<a href="#">Portrait of Oregon Businesses by Size of Firm Data</a>

#### Advisory committee

DEQ met with the Blue Ribbon Committee, its standing advisory committee for water quality permits, Sept. 21, 2015. DEQ considered the committee's recommendations on this fiscal and economic impact statement.

To comply 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, if so, how DEQ could comply with ORS 183.540.

The committee reviewed the proposed fee increases and submitted their comments to DEQ immediately after the Sept. 21 fiscal advisory committee meeting. 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 minutes from that meeting are posted online here: [Sept. 21 Blue Ribbon Advisory Committee meeting minutes](#).

During previous rulemakings to increase water quality permit fees, 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 committees 2002 recommendations.

The committee also noted during previous rulemakings 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.

The committee members expressed concern that the scaled fees for the MS4 general permit are too complex.

Many municipal permit holders also have more than one permit. Clean Water Services and many of the Blue Ribbon Committee members, on behalf of the organizations they represent, want to ensure that the fee increases equate to service.

For comparison and perspective on impact of costs, specific examples can be useful in determining the impact of permit fee increases on large and small permit holders. Clean Water Services provided to DEQ staff a grand total of increased costs due to the proposed fee increase, based on the current permits assigned. For Clean Water Services water quality permits, the increase is approximately \$30,000.

#### 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 \$30 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 \$250 to \$280.
- 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 onto the homebuyer.

## Federal relationship

### 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.

## Land Use

### Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with state wide land use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
  - Resources, objectives or areas identified in the statewide planning goals, or
  - Present or future land uses identified in acknowledged comprehensive plans

To determine whether the proposed rules involve programs or actions that affect land use, DEQ reviewed its Statewide Agency Coordination plan, which describes the DEQ programs that have been determined to significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

<b>Goal</b>	<b>Title</b>
5	Open Spaces, Scenic and Historic Areas, and Natural Resources
6	Air, Water and Land Resources Quality
9	Ocean Resources
11	Public Facilities and Services
16	Estuarial Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

### Determination

DEQ determined that some proposed rules do affect land use because they affect:

- 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 Facilities permit 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, which 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, DEQ's standing committee for water quality permit related issues, on Sept. 21, 2015 to review the fiscal impact statement. The 16-member advisory committee includes industry, environmental and local government representatives. The committee's web page is located here: [Water Quality Permit Blue Ribbon Committee](#).

The committee members included:

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.
Samantha Murray	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
Susan Aha	Port of Portland
Eric Strecker	Geosyntec Consultants
Kathryn Van Natta	Northwest Pulp and Paper
Travis Williams	Willamette Riverkeeper

### Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- On Sept. 15, 2015, sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:

- Rulemaking (6,749 subscribers)
- Water Quality Permits (2,322 subscribers)
- Water Quality Permit Fee 2015 Permanent Rulemaking (667 subscribers)
- Onsite (Septic) Sewage Systems (2,943 subscribers)
- Added advisory committee announcements and hearing locations to DEQ's calendar of public meetings online at: [DEQ Calendar](#).
- On Sept. 15, 2015 DEQ provided notice of meetings and links to committee information through postings on Facebook and Twitter

#### EQC prior involvement

DEQ shared general rulemaking information with EQC through Director's Reports. DEQ shared information about this rulemaking with the EQC through an informational item at the August 2015 EQC meeting.

#### 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 the rules' negative economic impact on business. This document includes a summary of comments and DEQ responses.

#### Public notice

DEQ provided notice for this rulemaking using the following methods:

- Posted information and contact page on DEQ's website
- Sent GovDelivery email notices to the following mailing lists:
  - Rulemaking (6,751 subscribers)
  - Water Quality Permits (2,326 subscribers)
  - Onsite sewage systems (2,945 subscribers)
  - Water Quality Permit Fee Permanent Rulemaking (671 subscribers)
- Direct contact with members of the Blue Ribbon Committee and permittees
- Publishing notice in the Oct. 1, 2015, Oregon Bulletin
- Posting notices on Facebook and Twitter
- Sending statutorily required notice to affected legislators:
  - Representative Jessica Vega Pederson, Chair, House Energy and Environment Committee
  - Representative Dan Rayfield, Co-chair, Joint Natural Resource Ways and Means Subcommittee
  - Senator Richard Devlin, Co-chair, Joint Natural Resource Ways and Means Subcommittee

#### Public hearings and comment

DEQ held one public hearing. DEQ received no public comments at the hearing. A summary of comments DEQ received during the public comment period with cross reference to the commenter number is contained in the next section. DEQ's response follows the summary. Original comments are on file with DEQ.

## Presiding Officers' Record

Hearing	
Date	Oct. 15, 2015
Time	6 p.m.
Address Line 1	811 SW 6 <sup>th</sup> Ave., 10 <sup>th</sup> Floor
Address Line 2	Room EQC-A
City	Portland
Presiding Officer	Lisa Cox
Staff Presenter	William Knight
Call-in Phone Number	1-877-848-7030
Meeting Number	1
Call-in Phone ID Code	898168

No one attended the hearing, in person or through the web conferencing system. Thus, no one commented orally and no one commented in writing.

At 6:20 p.m. before taking comments, the presiding officer summarized procedures for the hearing including notification that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to complete, sign and submit a registration form or, if attending through iLinc, to use the “chat” feature to indicate their intent to present comments.

According to Oregon Administrative Rule 137-001-0030, William Knight with DEQ’s Water Quality Permitting and Program Development section summarized the content of the notice given under Oregon Revised Statute 183.335. This summary took about five minutes and included staff responses to questions about the rulemaking.

## Summary of comments and DEQ responses

Comments received by close of public comment period – Commenters identified in subsequent table

Category	Comments as Received by Commenter	Response	Support
<b>Support for more resources</b>	“Rogue Riverkeeper strongly supports increasing fees so that DEQ has staff positions and a modern database available to implement an effective permit program. Only with stable and increased resources will DEQ be able to tackle the permitting challenges needed to meet Oregon’s water quality standards, protect beneficial uses, and provide clean water for all Oregonians.”	DEQ agrees. The one-time fee increase is necessary to support the program and implement an enterprise data management system. No changes were made to the proposed rules in response to this comment.	Support
<b>Support with concern:</b>  Program Performance	“The tentative support of local government organizations for the DEQ 12% water quality fee increase was conditioned by a budget note aimed at providing additional, independent water quality permit writing experience to assist DEQ in diagnosing and repairing its water quality permit program. We remain concerned that the current approach and Scope of Work may not be properly focused on areas that will be helpful.”	DEQ acknowledges the comment. No changes were made to the proposed rules in response to the comment.	Uncertain
<b>Fee increase passed on</b>	“Fees impact local governments – our ratepayers and the industries that discharge to us. Any increased DEQ fees will result in reduced services to our community or increased sewer and stormwater rates.”	DEQ acknowledges the comment. No changes were made to the proposed rules in response to the comment.	Uncertain

## Commenters

The table below lists the people who submitted comments and their organizational affiliations. They all submitted their comments through DEQ's online comment web page and/or through email. Original comments are on file with DEQ.

Commenter	Affiliation
Forrest English	Rogue Riverkeeper
Janet Gillaspie	Oregon Association of Clean Water Agencies
Tracy Rutten	League of Oregon Cities
Mark Landauer	Special Districts Association of Oregon

- 1 Commenter**      **Forrest English**  
Affiliation      Rogue Riverkeeper

In the *Summary of comments and DEQ responses* table above. This commenter submitted comments under the category:

  - **Support for more resources**
- 2 Commenter**      **Janet Gillaspie**  
Affiliation      Oregon Association of Clean Water Agencies

In the *Summary of comments and DEQ responses* table above. This commenter submitted comments under the category:

  - **Support with concern:** Program performance
  - **Fee increase passed on**
- 3 Commenter**      **Tracy Rutten**  
Affiliation      League of Oregon Cities

In the *Summary of comments and DEQ responses* table above. This commenter submitted comments under the category:

  - **Support with concern:** Program performance
  - **Fee increase passed on**
- 4 Commenter**      **Mark Landauer**  
Affiliation      Special Districts Association of Oregon

In the *Summary of comments and DEQ responses* table above. This commenter submitted comments under the category:

  - **Support with concern:** Program performance
  - **Fee increase passed on**

## Implementation

### Notification

If adopted, the proposed rules would become effective Jan. 1, 2016. DEQ would notify:

- Permit holders through invoices
- Blue Ribbon Committee members
- Agents who administer permits on DEQ's behalf
- Interested parties through GovDelivery
- DEQ regional and water quality program staff

### Systems

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

### Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review based on its analysis on the law in effect when EQC adopted these rules.

### Exemption from five-year rule review

The Administrative Procedures Act exempts all of the proposed rules from the five-year review because the proposed rules would:

- Amend or repeal an existing rule. ORS 183.405(4).
- Implement legislatively approved fee changes. ORS 183.405(5)(c).

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DIVISION 45**

**REGULATIONS PERTAINING TO NPDES AND WPCF PERMITS**

**340-045-0075**

**Permit Fee Schedule**

(1) OAR chapter 340, division 71 contains the fee schedule for onsite sewage disposal system permits, including WPCF permits, and graywater reuse and disposal system WPCF individual permits.

(2) The department establishes fees for various industrial, domestic and general permit categories. Tables 70B and 70C list the industrial and domestic permit categories and fees. OAR 340-045-033 defines the general permit categories and Table 70G lists the fees.

(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 permit application.



application. The facility category and type of permit (e.g., individual vs. general) determines the amount of the fee.

(5) Permit modification fee. Tables 70A and 70C list the permit modification fees ~~(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. Tables 70B, 70G and 70I~~B~~ list applicable annual fees for General and Industrial permit holders ~~and are 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 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. Tables 70D lists the applicable fee ~~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. 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 technical activity fees ~~(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 permit applicant or permit holder must pay the permit fees following the~~ 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\(s\).](#)]

Table 70A

~~OAR 340-045-0075~~

**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> <u>60,057</u>	<del>\$13,471</del> <u>15,088</u>	<del>\$26,769</del> <u>29,981</u>	<del>\$938</del> <u>1,051</u>	<del>\$948</del> <u>4</u>
Tier 2	<del>\$10,791</del> <u>12,086</u>	<del>\$3,425</del> <u>3,836</u>	<del>\$5,350</del> <u>5,992</u>	<del>\$938</del> <u>1,051</u>	<del>\$948</del> <u>4</u>
Special WPCF permits issued pursuant to OAR 340-045-0061	<del>\$572</del> <u>511</u>	N/A	N/A	N/A	<del>\$948</del> <u>4</u>
1. New permit applications must include the annual fee specified in Table 70B in addition to the new permit application fee.					

Table 70B

QAR 340-045-0075

**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	<u>\$18,75021,000</u>	N/A	<u>\$17,40219,490</u>	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	<u>\$2,6062,919</u>	N/A	<u>\$2,3982,686</u>
B03	Processing – small. Flow $\leq 0.1$ mgd, or $0.1 < \text{flow} < 1$ mgd for less than 180 days per year	N/A	<u>\$3,8974,365</u>	N/A	<u>\$3,6874,129</u>
B04	Processing – medium. $0.1 \text{ mgd} < \text{Flow} < 1 \text{ mgd}$ for 180 or more days per year, or flow $\geq 1 \text{ mgd}$ for less than 180 days per year	N/A	<u>\$5,4996,159</u>	N/A	<u>\$5,2895,924</u>
B05	Processing – large. Flow $\geq 1 \text{ mgd}$ for 180 or more days per year	<u>\$18,75021,000</u>	<u>\$16,47518,452</u>	<u>\$17,40219,490</u>	<u>\$16,26318,215</u>
Primary Smelting or Refining:					
B06	Aluminum	<u>\$18,75021,000</u>	<u>\$16,47518,452</u>	<u>\$17,40219,490</u>	<u>\$16,26318,215</u>
B07	Non-ferrous metals utilizing sand chlorination separation facilities	<u>\$18,75021,000</u>	<u>\$16,47518,452</u>	<u>\$17,40219,490</u>	<u>\$16,26318,215</u>
B08	Ferrous and non-ferrous metals not elsewhere classified	<u>\$10,72312,010</u>	<u>\$8,4469,460</u>	<u>\$9,37510,500</u>	<u>\$8,2389,227</u>
B09	Chemical manufacturing with discharge of process wastewater	<u>\$18,75021,000</u>	<u>\$16,47518,452</u>	<u>\$17,40219,490</u>	<u>\$16,26318,215</u>
B10	Cooling water discharges in excess of 20,000 BTU per second	<u>\$10,72312,010</u>	<u>\$8,4469,460</u>	<u>\$9,37510,500</u>	<u>\$8,2389,227</u>
Mining Operations – includes aggregate or ore processing:					
B11	Large (over 500,000 cubic yards per year or involving chemical leaching)	<u>\$18,75021,000</u>	<u>\$16,47518,452</u>	<u>\$17,40219,490</u>	<u>\$16,26318,215</u>
B12	Medium (100,000 to 500,000 cubic yards per year)	N/A	<u>\$5,7686,460</u>	N/A	<u>\$5,5586,225</u>
B13	Small (less than 100,000 cubic yards per year)	N/A	<u>\$1,7551,966</u>	N/A	<u>\$1,5461,732</u>
All facilities not elsewhere classified which dispose of process wastewater (includes remediated groundwater):					
B14	Tier 1 sources	<u>\$18,75021,000</u>	N/A	<u>\$17,40219,490</u>	N/A
B15	Tier 2 sources	N/A	<u>\$3,6284,063</u>	N/A	<u>\$3,4213,832</u>
B16	All facilities not elsewhere classified which dispose of non-process wastewaters (for example: small cooling water discharges, boiler blowdown, filter backwash)	N/A	<u>\$2,4292,720</u>	N/A	<u>\$2,2202,486</u>

Table 70B

QAR 340-045-0075

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

B17	Dairies, fish hatcheries and other confined feeding operations on individual permits	N/A	<del>\$2,126</del> <u>2,381</u>	N/A	<del>\$1,918</del> <u>2,148</u>
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> <u>1,579</u>
Timber and Wood Products					
B19	Sawmills, log storage, instream log storage	<del>\$5,259</del> <u>5,890</u>	<del>\$2,984</del> <u>3,342</u>	<del>\$3,912</del> <u>4,381</u>	<del>\$2,773</del> <u>3,106</u>
B20	Hardboard, veneer, plywood, particle board, pressboard manufacturing, wood products	<del>\$5,561</del> <u>6,228</u>	<del>\$3,287</del> <u>3,681</u>	<del>\$4,215</del> <u>4,721</u>	<del>\$3,078</del> <u>3,447</u>
B21	Wood preserving	<del>\$4,706</del> <u>5,271</u>	<del>\$2,429</del> <u>2,720</u>	<del>\$3,358</del> <u>3,761</u>	<del>\$2,220</del> <u>2,486</u>

Table 70C

OAR 340-045-0075

**Domestic NPDES and WPCF Individual Permits**

Description	Type	Classification Criteria (Based on Average Dry Weather Design Flow, or as defined in 40CFR)	Classes	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>\$3,917</del> <u>\$3,497</u>	N/A	<del>\$1,250</del> <u>\$1,116</u>	Additional fees include population and pretreatment fees. See tables 70D and 70E for determination of these fees.	<del>\$2,005</del> <u>\$1,790</u>	<del>\$1,051</del> <u>\$938</u>
Lagoons that discharge to surface waters	Db	Flow < 1 mgd	Tier 2	<del>\$7,734</del> <u>\$6,905</u>	<del>\$1,500</del> <u>\$1,339</u>	N/A		<del>\$3,917</del> <u>\$3,497</u>	<del>\$1,051</del> <u>\$938</u>
	C2b	1 mgd ≤ Flow < 2 mgd	Tier 1	<del>\$38,286</del> <u>\$34,184</u>	<del>\$3,951</del> <u>\$3,528</u>	N/A		<del>\$19,190</del> <u>\$17,134</u>	<del>\$1,051</del> <u>\$938</u>
	C1b	2 mgd ≤ Flow < 5 mgd	Tier 1	<del>\$38,286</del> <u>\$34,184</u>	<del>\$5,414</del> <u>\$4,834</u>	N/A		<del>\$19,190</del> <u>\$17,134</u>	<del>\$1,051</del> <u>\$938</u>
	Bb	5 mgd ≤ Flow < 10 mgd	Tier 1	<del>\$38,286</del> <u>\$34,184</u>	<del>\$7,785</del> <u>\$6,951</u>	N/A		<del>\$19,190</del> <u>\$17,134</u>	<del>\$1,051</del> <u>\$938</u>
Treatment systems other than lagoons	Da	Flow < 1 mgd	Tier 2	<del>\$7,734</del> <u>\$6,905</u>	<del>\$2,128</del> <u>\$1,900</u>	<del>\$1,975</del> <u>\$1,763</u>		<del>\$3,917</del> <u>\$3,497</u>	<del>\$1,051</del> <u>\$938</u>
	C2a	1 mgd ≤ Flow < 2 mgd	Tier 1	<del>\$38,286</del> <u>\$34,184</u>	<del>\$6,719</del> <u>\$5,999</u>	<del>\$5,756</del> <u>\$5,139</u>		<del>\$19,190</del> <u>\$17,134</u>	<del>\$1,051</del> <u>\$938</u>
	C1a	2 mgd ≤ Flow < 5 mgd	Tier 1	<del>\$38,286</del> <u>\$34,184</u>	<del>\$9,900</del> <u>\$8,839</u>	<del>\$8,938</del> <u>\$7,980</u>		<del>\$19,190</del> <u>\$17,134</u>	<del>\$1,051</del> <u>\$938</u>
	Ba	5 mgd ≤ Flow < 10 mgd	Tier 1	<del>\$38,286</del> <u>\$34,184</u>	<del>\$14,722</del> <u>\$13,145</u>	<del>\$13,759</del> <u>\$12,285</u>		<del>\$19,190</del> <u>\$17,134</u>	<del>\$1,051</del> <u>\$938</u>
	A3	10 mgd ≤ Flow < 25 mgd	Tier 1	<del>\$38,286</del> <u>\$34,184</u>	<del>\$22,967</del> <u>\$20,506</u>	N/A		<del>\$19,190</del> <u>\$17,134</u>	<del>\$1,051</del> <u>\$938</u>
	A2	25 mgd ≤ Flow < 50 mgd	Tier 1	<del>\$38,286</del> <u>\$34,184</u>	<del>\$48,729</del> <u>\$43,508</u>	N/A		<del>\$19,190</del> <u>\$17,134</u>	<del>\$1,051</del> <u>\$938</u>
	A1	≥ 50 mgd	Tier 1	<del>\$38,286</del> <u>\$34,184</u>	<del>\$82,912</del> <u>\$74,029</u>	N/A		<del>\$19,190</del> <u>\$17,134</u>	<del>\$1,051</del> <u>\$938</u>
Septage alkaline stabilization facilities	F	N/A	Tier 2	<del>\$938</del> <u>\$1,051</u>	N/A	<del>\$385</del> <u>\$431</u>	N/A	N/A	<del>\$426</del> <u>\$477</u>
Municipal Separate Storm Sewer System	<del>Phase 1</del> <u>MS4</u>	See 40 CFR §122.26	N/A	<del>\$21,262</del> <u>\$18,984</u>	<del>\$4,786</del> <u>\$4,273</u>	N/A	N/A	<del>N/A</del> <u>\$1,847</u>	<del>\$1,051</del> <u>\$1,649</u>
	<del>Phase 2</del>		N/A	<del>\$850</del>	<del>\$875</del>	N/A	N/A	N/A	<del>\$1,649</del>
Underground Injection Control	Various	As defined in 40 CFR parts 9, 144, 145 and 146	N/A	<del>\$12,086</del> <u>\$10,791</u>	N/A	<del>\$2,558</del> <u>\$2,284</u>	N/A	N/A	<del>\$1,051</del> <u>\$938</u>

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

Table 70D	
<u>OAR 340-045-0075</u>	
Domestic NPDES and WPCF Annual Population Fee	
Population range	Annual fee
500,000+	<del>\$111,392</del> \$99,457
400,000 to 499,999	<del>\$85,215</del> \$76,085
300,000 to 399,999	<del>\$59,039</del> \$52,713
200,000 to 299,999	<del>\$32,860</del> \$29,339
150,000 to 199,999	<del>\$26,576</del> \$23,729
100,000 to 149,999	<del>\$17,503</del> \$15,628
50,000 to 99,999	<del>\$10,978</del> \$9,802
25,000 to 49,999	<del>\$4,934</del> \$4,405
15,000 to 24,999	<del>\$2,809</del> \$2,508
10,000 to 14,999	<del>\$1,830</del> \$1,634
5,000 to 9,999	<del>\$1,113</del> \$994
1,000 to 4,999	<del>\$333</del> \$297
100 to 999	<del>\$63</del> \$56
0 to 99	<del>\$0</del> \$0

Table 70E	
<u>OAR 340-045-0075</u>	
Annual Pretreatment Fees	
Description	Fee
Pretreatment Fee	<del>\$1,705</del> 1,910
Significant Industrial User	<del>\$569-637</del> per industry

Table 70F	
<u>QAR 340-045-0075</u>	
Technical Activity and Other Fees	
Activity	Fee
New or substantially modified sewage treatment facility	<u>\$8,785</u> <del>\$7,844</del>
Minor sewage treatment facility modifications and pump stations	<u>\$954</u> <del>\$852</del>
Pressure sewer system or major sewer collection system expansion	<u>\$670</u> <del>\$598</del>
Minor sewer collection system expansion or modification	<u>\$190</u> <del>\$170</del>
New or substantially modified water pollution control facilities using alkaline agents to stabilize septage	<u>\$954</u> <del>\$852</del>
Permit transfer	<u>\$94</u> <del>\$84</del>



Table 70G

OAR 340-045-0075

**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>\$245</del> \$219	<del>\$557</del> \$497
200-J	NPDES	Filter backwash	<del>\$245</del> \$219	<del>\$557</del> \$497
300-J	NPDES	Fish hatcheries	<del>\$390</del> \$348	<del>\$557</del> \$497
400-J	NPDES	Log ponds	<del>\$245</del> \$219	<del>\$557</del> \$497
500-J	NPDES	Boiler blowdown	<del>\$245</del> \$219	<del>\$557</del> \$497
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	\$0	\$0
		Offstream small scale mining – processing 1,500 to 10,000 cubic yards of material per year	<del>\$245</del> \$219	\$0
700-PM <sup>2</sup>	NPDES	Suction dredges	\$0	\$25
900-J	NPDES	Seafood processing	<del>\$245</del> \$219	<del>\$557</del> \$497
1000	WPCF	Gravel mining	<del>\$245</del> \$219	<del>\$557</del> \$497
1200-A <sup>23</sup>	NPDES	Stormwater: Sand, gravel, and other non-metallic mining	<del>\$952</del> \$850	<del>\$980</del> \$875
1200-C <sup>23</sup>	NPDES	Stormwater: Construction activities – one acre or more	<del>\$952</del> \$850	<del>\$980</del> \$875
1200-C <sup>23</sup>	NPDES	Stormwater: Construction activities – less than one acre and part of a common plan of development disturbing one or more acres	<del>\$280</del> \$250	\$0
1200-CA	NPDES	Stormwater: Construction activities performed by public agencies – one acre or more	<del>\$952</del> \$850	<del>\$980</del> \$875
1200-COLS <sup>23</sup>	NPDES	Stormwater: Industrial stormwater discharge to Columbia Slough	<del>\$952</del> \$850	<del>\$980</del> \$875
1200-Z <sup>23,34</sup>	NPDES	Stormwater: Industrial	<del>\$952</del> \$850	<del>\$980</del> \$875
<u>1200-U<sup>4</sup></u>	<u>WPCF</u>	<u>Underground injection control general permit for applicants that do not qualify for individual permits or rule authorization.</u>	<u>\$543</u>	<u>\$557</u>
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>\$245</del> \$219	<del>\$326</del> \$291
1400-B	WPCF	Wineries and small food processors not otherwise eligible for a 1400A general permit.	<del>\$390</del> \$348	<del>\$557</del> \$497
1500-A	NPDES	Petroleum hydrocarbon clean-up	<del>\$390</del> \$348	<del>\$557</del> \$497
1500-B	WPCF	Petroleum hydrocarbon clean-up	<del>\$390</del> \$348	<del>\$557</del> \$497
1700-A	NPDES	Vehicle and equipment wash water	<del>\$543</del> \$485	<del>\$557</del> \$497
1700-B	WPCF	Vehicle and equipment wash water	<del>\$543</del> \$485	<del>\$557</del> \$497
1900-J	NPDES	Non-contact geothermal heat exchange	<del>\$543</del> \$485	<del>\$557</del> \$497
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

Table 70G

OAR 340-045-0075

**General NPDES and WPCF Permits**

Number	Type	Description	New Permit Application Fee <sup>1</sup>	Annual Fee
<u>2501</u>	<u>WPCF</u>	<u>Industrial reuse water free of human and animal waste suitable for reuse without secondary or advanced treatment and not exceeding 25,000 gallons per day.</u>	<u>\$543</u>	<u>\$557</u>
<u>4000-MS4</u>	<u>NPDES</u>	<u>Municipal Separate Storm Sewer System (MS4): Conveyance system owned or operated by municipality, special district, hospital, port, school district, etc.</u>	<u>\$952</u>	<u>Please see Table 70I</u>
Other			<u>\$543\$485</u>	<u>\$557\$497</u>

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 2015 in lieu of the \$25 annual fee.~~
- ~~3.~~ 2. Some of these permits are administered by public agencies under contract with DEQ.
3. This permit incorporates the 1300-J permit.
4. In addition to the new permit application fee and annual permit fees, first year (\$300) and annual fees (\$100) for subsurface injection of fluids also apply in accordance with ORS 468B.196(1)(d).

Table 70H

OAR 340-045-0075

**General Permit Activity and Other Fees**

Activity	Fee
Disposal system plan review <sup>1</sup>	<u>\$598\$534</u>
Site inspection and evaluation <sup>1</sup>	<u>\$1,496\$1,336</u>
Permit <del>t</del> Transfer	<u>\$94\$84</u>
<del>1. These fees apply when these activities are required for DEQ's review of the application.</del>	

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

Table 70I

OAR 340-045-0075

**Municipal Separate Storm Sewer System (MS4)  
Annual Fees<sup>1</sup>**

<p><u>Table 70I</u></p> <p><u>OAR 340-045-0075</u></p> <p><b><u>Municipal Separate Storm Sewer System (MS4)</u></b></p> <p><b><u>Annual Fees<sup>1</sup></u></b></p>	
<u>Population range</u>	<u>Annual fee</u>
<u>50,000 to 99,999</u>	<u>\$1100</u>
<u>25,000 to 49,999</u>	<u>\$900</u>
<u>15,000 to 24,999</u>	<u>\$850</u>
<u>10,000 to 14,999</u>	<u>\$750</u>
<u>5,000 to 9,999</u>	<u>\$650</u>
<u>1,000 to 4,999</u>	<u>\$550</u>
<u>100 to 999</u>	<u>\$65</u>
<u>0 to 99</u>	<u>\$0</u>

1. Annual fees for the MS4 General permit are scaled based on population of the permit holder.

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; DEQ 13-2014, f. 11-14-14, cert. ef. 12-1-14

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### 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 site evaluation and existing system evaluation fees. [Table not included. See ED. NOTE.]

(3) Tables 9B and 9C list the permitting fees for systems not subject to WPCF permits. Online submittals for annual report evaluation fees may apply upon DEQ implementation of online reporting. [Table not included. See ED. NOTE.]

(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. [Table not included. See ED. NOTE.]

(5) Table 9F lists the innovative, Alternative Technology and Material Plan Review fees. [Table not included. See ED. NOTE.]

(6) Table 9E lists the Sewage Disposal Service License and Truck Inspection fees. [Table not included. See ED. NOTE.]

(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. [Table not included. See ED. NOTE.]

(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\(s\).](#)]

Table 9D

**OAR 340-071-0140**

**WPCF Permit Fees**

	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>\$83</u> <del>\$74</del>	<u>\$664</u> <del>\$593</del>	<u>\$3,316</u> <del>\$2,961</del>
Permit renewal (involving request for effluent limit modifications)	<u>\$83</u> <del>\$74</del>	<u>\$330</u> <del>\$295</del>	<u>\$1,660</u> <del>\$1,482</del>
Permit renewal (without request for effluent limit modifications)	<u>\$83</u> <del>\$74</del>	<u>\$167</u> <del>\$149</del>	<u>\$828</u> <del>\$739</del>
Permit modification (involving increase in effluent limitations)	<u>\$83</u> <del>\$74</del>	<u>\$330</u> <del>\$295</del>	<u>\$1,660</u> <del>\$1,482</del>
Permit modification (not involving an increase in effluent limits)	<u>\$83</u> <del>\$74</del>	<u>\$249</u> <del>\$222</del>	<u>\$828</u> <del>\$739</del>
Plan Review Fee			
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>\$317</u> <del>\$283</del>		
For commercial facilities with a design capacity of 1,001 - 1,500 gpd	<u>\$373</u> <del>\$333</del>		
For commercial facilities with a design capacity of 1,501 - 2,000 gpd	<u>\$429</u> <del>\$383</del>		
For commercial facilities with a design capacity of 2,001 - 2,500 gpd	<u>\$484</u> <del>\$432</del>		
For commercial facilities with a design capacity of 2,501 - 3,000 gpd	<u>\$567</u> <del>\$506</del>		
For commercial facilities with a design capacity of 3,001 - 3,500 gpd	<u>\$623</u> <del>\$556</del>		
For commercial facilities with a design capacity of 3,501 - 4,000 gpd	<u>\$678</u> <del>\$605</del>		
For commercial facilities with a design capacity of 4,001 - 4,500 gpd	<u>\$731</u> <del>\$653</del>		
For commercial facilities with a design capacity of 4,501 - 5,000 gpd	<u>\$787</u> <del>\$703</del>		
Commercial facilities with a design capacity greater than 5,000 gpd	<u>\$828</u> <del>\$739</del>		
Single family dwelling	<u>\$167</u> <del>\$149</del>		
Annual Compliance Determination Fee			
Onsite sewage lagoon with no discharge	<u>\$995</u> <del>\$888</del>		
Treatment Standard 1 or better systems with design capacities less than 2,500 gpd	<u>\$414</u> <del>\$370</del>		
Treatment Standard 1 or better systems with design capacities of 2,501 - 20,000 gpd	<u>\$828</u> <del>\$739</del>		
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>\$330</u> <del>\$295</del>		
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>\$36</u> <del>\$32</del>		

Other systems with design capacities less than 20,000 gpd	<u>\$414</u> <del>\$370</del>
Other systems with design capacities greater than 20,000 gpd	<u>\$828</u> <del>\$739</del>

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; DEQ 11-2014, f. & cert. ef. 10-15-14; DEQ 13-2014, f. 11-14-14, cert. ef. 12-1-14; DEQ 4-2015, f. & cert. ef. 2-3-15