

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 7/26/02

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Department of Environmental Protection,
Division of Water Resources
1201 Greenbrier Street
Charleston, WV 25301

LEGISLATIVE RULE TITLE: Water Pollution Control Permit Fee Schedules

1. Authorizing statute(s) citation 22-11-4(a)(16)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 25, 2002

b. What other notice, including advertising, did you give of the hearing?
Charleston Area Newspapers

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 23, 2002 public hearing; July 25, 2002 public comment period

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
Attached 0 No comments received 0

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 26, 2002

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Jessica Welsh

1356 Hansford Street

Charleston, WV 25301

(304) 558-0886

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

n/a

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

n/a

b. Date of hearing or comment period:

July 23, 2002

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

n/a

d. Attach findings and determinations and reasons:

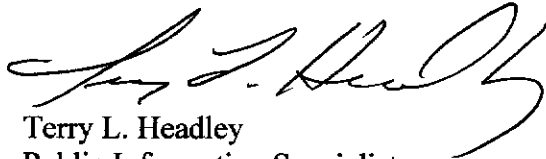
Attached n/a

West Virginia Department of Environmental Protection
July 26, 2002
Public Information Office
1356 Hansford Street
Charleston, WV 25301

A Public Hearing was held July 23, 2002 at 6:30 p.m. in the conference room of the Division of Water Resources, located at 1201 Greenbrier St., Charleston, WV on the proposed rule 47CSR26 "Water Pollution Control Permit Fee Schedules."

Meeting was called to order at 6:30 p.m. by Terry L. Headley, public information specialist with the West Virginia Department of Environmental Protection, with Pravin Sangani, branch leader for the Division of Water Resources Permitting and Engineering branch in attendance. No one from the public was in attendance.

In addition, no written comments on the proposed rule have been received.



Terry L. Headley
Public Information Specialist
West Virginia Department of Environmental Protection
Public Information Office
1356 Hansford St.
Charleston, WV 25301

**BUREAU OF ENVIRONMENT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

BRIEFING DOCUMENT

RULE CHANGE

The proposed rule establishes a new permit application fee of \$300.00 for storm water construction permits for construction sites which disturb one acre of land, but less than three acres.

Changes in federal requirements will mandate by end of year 2002 that all covered construction activities which disturb more than one acre will require a permit.

Under the current rule, without the proposed amendment, covered activities which disturb more than one acre will be required to pay a \$700.00 application fee. The agency intends to establish a lower fee for these permitted sites. This rule change will create a separate category and fee for small construction activities which will now be required to apply for and maintain a permit.

STATEMENT OF CIRCUMSTANCES

The proposed amendments to this rule are being made to address the increased need for personnel to administer the storm water construction permit program due to anticipated changes which will be required by the United States Environmental Protection Agency [USEPA].

USEPA has proposed and will soon require that construction activities which disturb one or more acres of land obtain a National Pollutant Discharge Elimination System [NPDES] permit to address storm water discharges from such activities. Currently, only construction activities which disturb three or more acres of land need obtain a permit and pay a fee in West Virginia.

In anticipation of this change and the possible fiscal impacts, the agency proposes that activities which disturb one acre of land but less than three acres of land and which will require an NPDES permit be required to pay a minimal fee to pay for the additional administrative costs of the program.

**FEDERAL COUNTERPART REGULATIONS-INCORPORATION BY
REFERENCE/DETERMINATION OF STRINGENCY:**

The proposed amendments anticipate a change in federal permitting requirements which will go into effect by end of year 2002 which will require all construction projects which disturb one or more acre of land obtain a storm water NPDES permit. The proposed amendments are related directly to the state's compliance with the federal permitting change and state administrative costs associated with the additional permitting requirements which will result.

CONSTITUTIONAL TAKINGS DETERMINATION:

In accordance with West Virginia Code §§ 22-1A-1 and 3©), the Secretary has determined that this rule will not result in taking of private property within the meaning of the Constitutions of the United States of America and West Virginia.

CONSULTATION WITH THE ENVIRONMENTAL PROTECTION ADVISORY COUNCIL

During a June 5, 2002 meeting, the Environmental Protection Advisory Council reviewed and discussed this rule. The council requested clarification as to the applicability of the annual fee to these small construction projects. The annual fee would be based upon on flow which is linked to the size of the project and the length of time the project takes to complete. These smaller projects would in most instances be subject to a smaller annual fee.

RECEIVED

02 JUL 26 PM 4:29

TITLE 47
 LEGISLATIVE RULE
 BUREAU OF ENVIRONMENT
 DIVISION OF ENVIRONMENTAL PROTECTION
 OFFICE OF WATER RESOURCES

OFFICE OF LEGAL SERVICES
 REGULATORY AFFAIRS

SERIES 26
 WATER POLLUTION CONTROL PERMIT FEE SCHEDULES

§47-26-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes schedules of permit application fees and annual permit fees for state water pollution control permits and national pollutant discharge elimination system permits issued by the chief of the Office of Water Resources. This rule applies to any person who is required to apply for and obtain a permit from the chief in order to conduct an activity that is enumerated in W. Va. Code §22-11-8.

1.2. Authority. -- W. Va. Code §22-11-10.

1.3. Filing Date. -- May 4, 2000.

1.4. Effective Date. -- May 4, 2000.

1.5. Incorporation by Reference. Whenever federal or State statutes or regulations are incorporated into this rule by reference, the reference is to the statute or regulation in effect on the effective date of this rule.

1.6. Repeal of Formal Rule. -- This legislative rule repeals and replaces 47 C.S.R. 26 "Water Pollution Control Permit Fee Schedules" that was filed on April 13, 1992 and became effective on April 13, 1992.

§47-26-2. Definitions.

2.1. "Activity" means an activity for which a permit is required pursuant to the provisions of W. Va. Code §22-11-8.

2.2. "Average Discharge Volume" or "ADV" means:

2.2.a. For a State water pollution control permit, the flow reported on the permit application.

2.2.b. For a national pollutant discharge elimination system permit for industrial wastes or for other wastes, the sum of the average flows reported on the permit application, as described in 47CSR10, paragraph 4.4.b.3.

2.2.c. For a national pollutant discharge elimination system permit for sewage, the design flow reported on the permit application.

2.3. "Chief" means the chief of the Office of Water Resources of the Division of Environmental

Protection of the West Virginia Bureau of Environment.

2.4. "Closed System Facility" means a facility that is required by effluent limitation guidelines or other statutory or regulatory mandates to maintain no discharge or to maintain a recycle system or that otherwise maintains a closed system.

2.5. "Customer" means a person who is provided wastewater disposal services from a facility permitted under W. Va. Code 22-11. For the purpose of these regulations, commercial customers and residential customers other than single family dwellings (e.g., apartment complexes, trailer parks) shall be translated into customer equivalents by dividing their total daily estimated volume of wastewater by three hundred and fifty gallons per day (350 gpd).

2.6. "Existing Facility" means a facility for which a State water pollution control permit or a national pollutant discharge elimination system permit has been previously issued by the chief.

2.7. "Facility" means any plant, means, system, disposal field, lagoon, pumping station, constructed drainage ditch, surface water intercepting ditch, diversion ditch above or below the surface of the ground, settling tank or pond, earthen pit, incinerator, solid waste facility, or other works that is installed for the purpose of treating, neutralizing, stabilizing, holding, disposing, or controlling the quality and rate of flow of sewage, industrial wastes, or other wastes.

2.8. "Industrial Wastes" means any liquid, gaseous, solid, or other waste substance, or a combination thereof, resulting from or incidental to any process of industry, manufacturing, trade, or business, or from or incidental to the development, processing, or recovery of any natural resources. The term "industrial wastes" includes the admixture of industrial wastes with sewage or other wastes.

2.9. "Major Facility" means a facility or activity classified as a major facility by the Regional Administrator of the United States Environmental Protection Agency for Region III in joint consultation with the chief.

2.10. "Major Modification" means a modification of an issued permit made in accordance with the provisions of 47CSR10, subdivision 9.2.b.

2.11. "Minor Construction Activity" means any activity which disturbs an area equal to one acre of land but less than three acres.

2.12. "Minor Modification" means a modification of an issued permit made in accordance with the provisions of 47CSR10, subdivision 9.2.a.

2.13. "Minor POTW" means a POTW that is not a major facility.

2.14. "New Facility" means a facility for which a State water pollution control permit or a national pollutant discharge elimination system permit has not been issued previously by the chief. This definition includes a new entity at a site for which a previous entity may have held a water pollution control permit or a national pollutant discharge elimination system permit.

1.145. "Other Wastes" means garbage; refuse; decayed wood, sawdust, shavings, bark and other wood debris and residues resulting from secondary processing; sand; lime; cinders; ashes;

offal; night soil; silt; oil; tar; dyestuffs; acids; chemicals; heat; and all other materials and substances that are not, by definition, sewage or industrial wastes which may cause or might reasonably be expected to

cause or to contribute to the pollution of any of the waters of the State.

2.156. "Permit" means a State water pollution control permit or a national pollutant discharge elimination system permit issued by the chief.

2.167. "Person" means:

2.167.a. Any industrial user, public or private corporation, institution, association, firm, or company organized or existing under the laws of this or any other state or country;

2.167.b. The State of West Virginia;

2.167.c. Any governmental agency, including federal facilities;

2.167.d. Any political subdivision of this State, including a county commission, municipality, sanitary district, public service district, drainage district, soil conservation district, or watershed improvement district;

2.167.e. Any partnership, trust, or estate;

2.167.f. Any person or individual;

2.167.g. Any group of persons or individuals acting individually or as a group; or

2.167.h. Any other legal entity.

2.178. "Primary Industrial Category" means any industry category listed in Appendix A of 40C.F.R. Part 122.

2.189. "Priority Pollutant" means any substance listed in 40 C.F.R. 401.15.

2.1920. "Publicly-Owned Treatment Works" or "POTW" means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.

2.201. "Secondary Industrial Category" means any industry category not listed in Appendix A of 40 C.F.R. Part 122.

2.212. "Sewage" means water-carried human or animal wastes from residences, buildings, industrial establishments, or other places together with such groundwater infiltration and surface waters as they may be present.

1.223. "Solid Waste Facility" means any system, facility, land, contiguous land, improvements on the land, structures, or other appurtenances or methods used for processing, recycling, or disposing of solid waste including landfills, transfer stations, incinerators, resource recovery facilities, recycling

facilities, and other such facilities not herein specified, provided, that a "Closed Solid Waste Facility" shall mean a 'solid waste facility' as defined herein which no longer accepts solid waste for disposal, but

must still maintain a permit.

2.234. "Toxic Chemical" means:

2.234.a. Any substance listed in Table V of 33CSR20;

2.234.b. Any substance listed in Table VI of 33CSR20;

2.234.c. Any substance listed in 40 C.F.R. §116.4;

2.234.d. Any substance listed in 40 C.F.R. §302.4;

2.234.e. Any substance listed in 40 C.F.R. §372.65;

2.234.f. Any substance listed in 40 C.F.R. 712.30 or 40 C.F.R. §716.120; or

2.234.g. Any substance for which replicated test data exist to indicate that exposure to that substance poses a risk of injury to human health or the environment.

§47-26-3. Fee Assessment and Collection.

3.1. Assessment of Permit Application Fees. Any person who applies for a permit shall pay the appropriate permit application fee in accordance with the provisions of sections 4 through 6 of this rule.

3.2. Assessment of Annual Permit Fees. Any person who holds a permit shall pay an annual permit fee in accordance with the provisions of section 7 of this rule.

3.3. Method of Fee Payment. All fees assessed under this rule shall be submitted to the chief by check or money order payable to the West Virginia Division of Environmental Protection, Office of Water Resources.

3.4. Collection of Permit Application Fees. The permit application fee shall be submitted to the chief with the permit application. No permit application will be processed until the appropriate fee has been received by the chief.

3.4.a. A person may seek verification of the correct amount of a permit application fee by submitting his calculation of the fee to the chief in writing. This calculation shall be submitted sufficiently in advance of the permit application so that the provisions of 47CSR10 subsection 4.3 are met. Within thirty (30) days of the receipt of this calculation, the chief shall notify the applicant of the accuracy of his calculation. If the applicant's calculation is incorrect, the chief shall advise him of the correct amount to be submitted as the permit application fee.

3.4.b. If the chief determines that a submitted application is incomplete and must be returned to the applicant for additional information, the permit application resubmission fee shall accompany the refiled application. This fee shall be either a sum equivalent to five percent (5%) of the permit application fee or one hundred dollars (\$100), whichever is greater.

3.5. Collection of Annual Permit Fees. The annual permit fee shall be submitted to the chief by no later than the anniversary of the date of permit issuance in each year of the term of the permit

3.5.a. A permit will become void if the annual permit fee has not been paid within ninety (90) days of the due date.

3.5.b. A permit will not be reissued until all annual permit fees due during the term of that permit have been paid in full.

3.5.c. A permit will not be issued to an entity at a new location, until all annual permit fees due during the term of any permit held at any previous location by that entity have been paid in full.

3.5.d. A permit will not be transferred for a facility which has failed to pay all annual permit fees due during the term of the permit.

§47-26-4. Initial Permit Application Fees.

4.1. Fee Calculation. Except as provided in subsections 4.2 through 4.45 of this rule all initial permit application fees shall be calculated through the use of the following formula: the initial permit application fee shall equal the volume fee multiplied by the facility factor multiplied by the waste factor (i.e., Initial Permit Application Fee = Volume Fee X Facility Factor X Waste Factor).

4.1.a. The appropriate volume fee shall be determined through the use of the "New Facility" column of Table A of this rule.

4.1.b. The appropriate facility factor shall be determined through the use of Table B of this rule.

4.1.c. The appropriate waste factor shall be determined through the use of Table C of this rule.

4.2. Publicly-Owned Treatment Works. The initial permit application fee for a POTW that operates a collection system only shall be two thousand five hundred dollars (\$2,500).

4.3. Closed System Facilities.

4.3.a. The initial permit application fee for a closed system facility where priority pollutants or toxic chemicals are present in the system shall be fifteen thousand dollars (\$15,000).

4.3.b. The initial permit application fee for a closed system facility where no priority pollutants or toxic chemicals are present in the system shall be seven hundred dollars (\$700).

4.4. Solid Waste Facilities. The initial permit application fee for a solid waste facility shall be set and collected in accordance with the provisions of 33CSR1.

4.5. Minor Construction Activities. The initial permit fee for a minor construction activity requiring a permit shall be three hundred dollars (\$300).

§47-26-5. Permit Renewal Application Fees.

5.1. Fee Calculation. Except as provided in subsections 5.2 through 5.4 of this rule all permit renewal application fees shall be calculated through the use of the following formula: the permit renewal

application fee shall equal the volume fee multiplied by the facility factor multiplied by the waste factor (i.e., Permit Renewal Application Fee = Volume Fee X Facility Factor X Waste Factor).

5.1.a. The appropriate volume fee shall be determined through the use of the "Existing Facility" column of Table A of this rule.

5.1.b. The appropriate facility factor shall be determined through the use of Table B of this rule.

5.1.c. The appropriate waste factor shall be determined through the use of Table C of this rule.

5.2. Publicly-Owned Treatment Works. The permit renewal application fee for a POTW that operates a collection system only shall be one thousand dollars (\$1,000).

5.3. Closed System Facilities.

5.3.a. The permit renewal application fee for a closed system facility where priority pollutants or toxic chemicals are present in the system shall be five thousand dollars (\$5,000).

5.3.b. The permit renewal application fee for a closed system facility where no priority pollutants or toxic chemicals are present in the system shall be three hundred fifty dollars (\$350).

5.4. Solid Waste Facilities. The permit renewal application fee for a solid waste facility shall be set and collected in accordance with the provisions of 33CSR1.

§47-26-6. Permit Modification Application Fees.

6.1. Fee Calculation. Except as provided in subsections 6.2 through 6.6 of this rule, all permit modification application fees shall be calculated through the use of the following formula: the permit modification application fee shall equal the volume fee multiplied by the facility factor multiplied by the waste factor (i.e., Permit Modification Application Fee = Volume Fee X Facility Factor X Waste Factor).

6.1.a. The appropriate volume fee shall be determined through the use of the "Existing Facility" column of Table A of this rule. Only the discharge volume of the activity affected by the modification shall be used in determining the appropriate volume fee.

6.1.b. The appropriate facility factor shall be determined through the use of Table B of this rule.

6.1.c. The appropriate waste factor shall be determined through the use of Table C of this rule.

6.2. Publicly-Owned Treatment Works.

6.2.a. The permit modification application fee for a POTW that operates a collection system only shall be ten percent (10%) of the initial permit application fee for an application seeking a major modification.

6.2.b. The permit modification application fee for a POTW that operates a collection system only shall be two percent (2%) of the initial permit application fee or fifty dollars (\$50), whichever is greater, for an application seeking a minor modification.

6.3. Closed System Facilities.

6.3.a. The permit modification application fee for a closed system facility shall be ten percent (10%) of the initial permit application fee for an application seeking a major modification.

6.3.b. The permit modification application fee for a closed system facility shall be two percent (2%) of the initial permit application fee or one hundred dollars (\$100), whichever is greater, for an application seeking a minor modification.

6.4. Solid Waste Facilities. The permit modification application fee for a solid waste facility shall be set and collected in accordance with the provisions of 33CSR1.

6.5. Non-Volume-Related Major Modifications. Except as provided in subsections 6.2 through 6.4 of this rule, the permit modification application fee shall be ten percent (10%) of the initial permit application fee for sewage facilities and ten percent (10%) of the initial permit application fee, or five hundred dollars (\$500) whichever is greater for industrial facilities for an application seeking a major modification where no discharge volume is involved.

6.6. Non-Volume-Related Minor Modifications. Except as provided in subsections 6.2 through 6.4 of this rule, the permit modification application fee shall be fifty dollars (\$50) for sewage only facilities and one hundred dollars (\$100) for industrial facilities for an application seeking a minor modification where no discharge volume is involved.

§47-26-7. Annual Permit Fees.

7.1. Facilities Discharging Sewage. The annual permit fee for a facility that discharges sewage shall be determined through the use of Table D of this rule.

7.2. Facilities Discharging Industrial Wastes or Other Wastes. The annual permit fee for a facility that discharges industrial wastes or other wastes shall be determined through the use of Table E of this rule.

7.3. Publicly-Owned Treatment Works. The annual permit fee for a POTW that operates a collection system only shall be determined through the use of Table D of this rule.

7.4. Closed System Facilities.

7.4.a. The annual permit fee for a closed system facility where priority pollutants or toxic chemicals are present in the system shall be five thousand dollars (\$5,000): Provided, That if the chief determines that a facility is in substantial compliance with its existing permit, the fee is two thousand five hundred dollars (\$2,500).

7.4.b. The annual permit fee for a closed system facility where no priority pollutants or toxic chemicals are present in the system shall be one hundred dollars (\$100).

7.5. Solid Waste Facilities. The annual permit fee for a solid waste facility shall be five thousand dollars (\$5,000).

7.6. Facilities Discharging Stormwater. The annual permit fee for a facility that discharges stormwater only shall be determined through the use of Table F of this rule.

7.7. Aquaculture facilities. The annual permit fees for aquaculture facilities that are subject to the

provisions of the water pollution control regulations shall be determined by Table G of this rule.

TABLE A

Industrial Wastes Only

Average Discharge Volume (gallons per day)	Volume Fees	
	Existing Facility Volume Fee	New Facility Volume Fee
less than 1,001	\$100	\$400
1,001 to 5,000	\$200	\$600
5,001 to 50,000	\$300	\$1,000
50,001 to 100,000	\$400	\$1,200
greater than 100,000	\$500	\$1,500

Sewage Only

Average Discharge Volume (gallons per day)	Volume Fees	
	Existing Facility Volume Fee	New Facility Volume Fee
less than 1,001	\$50	\$200
1,001 to 5,000	\$100	\$300
5,001 to 50,000	\$150	\$500
50,001 to 100,000	\$200	\$600
greater than 100,000	\$250	\$750

Note: Stormwater runoff shall be included when calculating the average discharge volume of a facility that discharges industrial waste or other waste. Calculations of the average discharge volume for stormwater runoff shall be made in accordance with the provisions of Appendix A of these rules.

TABLE B
Facility Factors

Type of Facility	Facility Factor
Major Facility	5.0
Primary Industry Category (except Auto and Other Laundries)	5.0
Secondary Industry Category	3.0
Water Plants	3.0
Minor POTWs	2.0
Auto and Other Laundries Category	1.0
Facility covered under a General Permit	0.9
All other facilities and activities	1.0
Home Aeration Units Replacing Failing Septic Systems	0.45

TABLE C
Waste Factors

Type of Waste	Waste Factor
Process Waste	2.0
Sewage	1.7
Contact Cooling Water	1.5
Contaminated Stormwater	1.3
Blowdowns	1.1
Once-Through Cooling Water With Additives	1.1
Once-Through Cooling Water Without Additives	1.0
Uncontaminated Stormwater	1.0
Other Waste	1.0

Note: When an industrial facility discharges more than one type of waste, the highest applicable waste factor shall be used in the calculation of the permit application fee.

TABLE D
Annual Permit Fees For
Facilities Discharging Sewage

Number of Customers	Annual Permit Fee
less than 100	\$50
100 to 499	\$100
500 to 999	\$250
1,000 to 1,499	\$500
1,500 to 1,999	\$750
2,000 to 2,499	\$1,000
2,500 to 2,999	\$1,250
3,000 to 3,499	\$1,500
3,500 to 3,999	\$1,750
4,000 to 4,499	\$2,000
4,500 to 4,999	\$2,250
greater than 5,000	\$2,500

TABLE E

**Annual Permit Fees For Facilities Discharging
Industrial Wastes Other Wastes**

Average Discharge Volume (gallons per day)	Annual Permit Fee
less than 1,001	\$100
1,001 to 2,500	\$250
2,501 to 5,000	\$500
5,001 to 10,000	\$1,000
10,001 to 15,000	\$1,500
15,001 to 50,000	\$2,000
greater than 50,000	\$5,000

TABLE F

**Schedule of Annual Permit Fees for
Facilities Discharging Stormwater**

Average Discharge Volume (gallons per day)	Annual Permit Fee
less than 5,001	\$100
5,001 to 15,000	\$250
15,001 to 50,000	\$500
50,001 to 100,000	\$1,000
greater than 100,000	\$1,500

TABLE G

Schedule of Annual Permit Fees For
Aquaculture Facilities

# Feed/Month	Annual Fee	Application Fee (Initial and Reissuance)
5,000 to 9,999	\$ 250	\$ 250
10,000 to 14,999	\$ 500	\$ 250
15,000 to 19,999	\$ 750	\$ 250
20,000 to 24,999	\$1,000	\$ 250
25,000 to 29,999	\$1,250	\$ 250
greater than 30,000	\$1,750	\$ 250

APPENDIX A

Calculation of the Average
Discharge Volume for Stormwater Runoff

The following formula shall be used to determine the average discharge volume for stormwater runoff:

$$\text{Average Discharge Volume for Stormwater Runoff (gallons per day)} = \frac{\text{Annual Stormwater Runoff Volume}}{366 \text{ days per year}}$$

where Annual Stormwater Runoff Volume (gallons) =

$$\begin{matrix} \text{Annual} & & \text{Drainage} & & 7.48 & & & & \\ \text{Rainfall} & & \text{Area} & & \text{gallons} & & & & \\ \text{Coefficient} & \times & & \times & & \times & \text{R} & \text{u} & \text{n} & \text{o} & \text{f} & \text{f} \\ \text{(ft/yr)} & & \text{(ft-sq)} & & \text{per ft-cu} & & & & & & & \end{matrix}$$

where the Runoff Coefficient shall be
0.90 for areas covered by concrete or asphalt
and 0.25 for areas covered by vegetation.

Note: An alternative method of stormwater runoff calculation may be substituted for this formula upon approval from the chief.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Water Pollution Control Permit Fee Schedule (47 CSR, Series 26)

Type of Rule: Legislative Interpretive Procedural

Agency: Department of Environmental Protection-Division of Water Resources

Address: 1201 Greenbrier Street

Charleston, West Virginia 25311

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$600,000			\$600,000	\$600,000
PERSONAL SERVICES	\$411,000			\$411,000	\$411,000
CURRENT EXPENSE	\$185,400			\$185,400	\$185,400
REPAIRS & ALTERATIONS	\$3,600			\$3,600	\$3,600
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

The proposed rule will generate approximately \$600,000 as a result of permit and annual fees assessed to fund the new federal permitting requirements. The agency anticipates reviewing and processing 1,900 to 2,000 new permit applications resulting from the new federal requirements requiring the need for additional personnel.

3. Objectives of These Rules:

The objective of the rule is to calculate a fee to be paid by new permittees which will off-set administrative costs associated with the new and expanded federal permitting requirements and resulting changes to the state program.

Rule Title: Water Pollution Control Permit Fee Schedule (47 CSR, Series 26)

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

The rule will provide funding to assure compliance with new federal permitting requirements and provide service to the public via the processing and review of permit applications. Anticipated revenues will be used to comply with the new federal permitting requirements.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: Projects which will disturb one acre of land but less than three and which require a permit from the state as mandated by the new federal requirements will be required to pay an application fee and subsequent annual fee.

C. Economic Impact on Citizens/Public at Large.

Same as 4.B.

Date: June 25, 2002

Signature of Agency Head or Authorized Representative:

