



**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #7

Do not mark in this box
Filing Date

FILED

JUN 7 9 44 AM '99

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: DIVISION OF ENV. PROTECTION TITLE NUMBER: 47

CITE AUTHORITY: HOUSE BILL 2684 PASSED ON MARCH 11, 1999

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 26

TITLE OF RULE BEING AMENDED: WATER POLLUTION CONTROL PERMIT FEE SCHEDULES

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: _____

TITLE OF RULE BEING FILED AS AN EMERGENCY: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 25th DAY AFTER FILING, WHICHEVER OCCURS FIRST.
42nd

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

HOUSE BILL 2684 PASSED ON MARCH 11, 1999 REQUIRES THE DIRECTOR TO PROMULGATE AN EMERGENCY RULE BY JULY 1, 1999 TO IMPLEMENT THE FEE SCHEDULE AUTHORIZED BY THE AMENDMENT TO CODE OF WV, CHAPTER 22, ARTICLE 11, SECTION 10.

34.40

Use additional sheets if necessary


Signature



Executive Office
10 McJunkin Road
Nitro, West Virginia 25143-2506
Telephone: 304-759-0515
Fax: 304-759-0526

West Virginia Bureau of Environment

Cecil H. Underwood
Governor

Michael P. Miano
Commissioner

June 7, 1999

Ms. Judy Cooper
Director, Administrative Law Division
Office of the Secretary of State
Capitol Complex
Charleston, West Virginia 25305

RE: 47CSR26 - "Water Pollution Control Permit Fee Schedule"

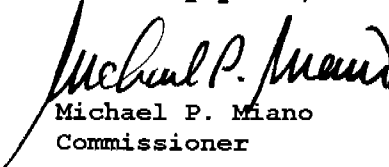
Dear Ms. Cooper:

This is to advise that I am giving approval to file the above-referenced rule with your Office as an "Emergency Rule."

This rule is being filed with your office as an Emergency as a result of the passage of HB 2684, passed March 11, 1999 - effective ninety days from passage. That Bill requires the Director to promulgate an Emergency Rule by July 1, 1999 in order to implement the fee schedule authorized by the amendments. Therefore, we are requesting that your office approve the attached Rule with an effective date of July 1, 1999. This effective date is critical to enable the agency to assess and collect permit fees in order to maintain current resources in our Office of Water Resources for issuing required permits. Furthermore, initiating modified fees on the first day of the state's new fiscal year greatly assists our efforts in the ability to handle fee collections electronically.

We will await your review of the proposed emergency rule; however, in the meantime, should you have any questions or require additional information, please contact Carrie Chambers in my office at 759-0515. Your cooperation in this regard is very much appreciated.

Sincerely yours,


Michael P. Miano
Commissioner

MPM:cc

Attachment

cc: Barbara Taylor
Jerry Ray
Carrie Chambers

EMERGENCY RULE QUESTIONNAIRE

DATE: June 4, 1999

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Division of Environmental Protection, (Office of Water Resources), 10 McJunkin Road, Nitro, WV 25143

Nitro Contact: Carrie Chambers 759-0515; Fax 759-0526; E-mail c.chambers@mail.dep.state.wv.us

Charleston Contact: Jerry Ray 558-0375; Fax 558-5903; E-mail jerryray@mail.dep.state.wv.us

EMERGENCY RULE TITLE: Water Pollution Control Permit Fee Schedules

1. Date of filing of proposed legislative rule: June 7, 1999 (Emergency Rule)

2. Statutory authority for promulgating emergency rule:

Code of WV, Chapter 22, Article 11, Section 10 as amended by
HB2684 passed March 11, 1999

3. Date of filing of proposed legislative rule: July 1, 1993 (Existing Final Rule)

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? Adopts minimal new language and amends other language

5. Has the same or similar emergency rule previously been filed and expired?

No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare. Water Pollution Control Permit Fees initially established in 1989 have never increased over the years. With inflation and all other costs of doing business increasing since that time and the inability to obtain other additional revenue sources for the Water Pollution Control Permit Program, an increase in permit fees is necessary to even maintain the status quo of permit activities. Permitting activities are needed to issue permits and provide permit modifications to industrial, municipal and other private facilities alike to aid in the expansion of employment opportunities and economic development and also to insure that such activities related to handling wastewater are developed to assure the public health is protected and assuring the water quality standards are maintained.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

Code of WV, Chapter 22, Article 11, Section 10, Subsection (e) as amended
by HB2684 on March 11, 1999 requires the Director to promulgate an
emergency rule by July 1, 1999.

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

In conjunction with the information provided in 6, opportunities for economic
development for activities affecting water quality could not legally occur and
this would harm the public interest by reducing the number of job opportunities
becoming available. Furthermore, any such activities which would occur without
being properly regulated would endanger the health of the waters of the State
and would thereby be a detriment to the public interest.

**BUREAU OF ENVIRONMENT
DIVISION OF ENVIRONMENTAL PROTECTION**

BRIEFING DOCUMENT

Rule Title: WATER POLLUTION CONTROL PERMIT FEE SCHEDULES

A. AUTHORITY: WV Code Chapter 22, Article 11

B. SUMMARY OF EMERGENCY RULE:

This rule proposes to double the permit application fees and annual permit fees for all facilities applying for or holding water pollution control permits or national pollutant discharge elimination system permits for all facilities except those discharging sewage and aquaculture facilities.

C. STATEMENT OF CIRCUMSTANCES WHICH REQUIRE EMERGENCY RULE:

House Bill 2684 passed on March 11, 1999 requires the director to promulgate an emergency rule by July 1, 1999 to implement the fee schedules authorized by the amendment to the WV Code, Chapter 22, Article 11, Section 10. The revenues generated from these fee increases will allow the Office of Water Resources to maintain its current permitting staff.

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

There is no federal counterpart regulation.

E. CONSTITUTIONAL TAKINGS DETERMINATION:

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

F. CONSULTATION WITH THE ENVIRONMENTAL PROTECTION ADVISORY COUNCIL:

Not applicable to an emergency rule.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: WATER POLLUTION CONTROL PERMIT FEE SCHEDULES

Type of Rule: **Legislative** **Interpretive** **Procedural**

Agency DIVISION OF ENVIRONMENTAL PROTECTION

Address 10 McJUNKIN ROAD
NITRO, WV 25143

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THREERAFTER
ESTIMATED TOTAL COST	\$	\$	\$	\$ 460,000	\$ 690,000
PERSONAL SERVICES				315,100	472,650
CURRENT EXPENSE				142,140	213,210
REPAIRS & ALTERNATIONS				2,760	4,140
EQUIPMENT				0	0
OTHER				0	0

2. Explanation of above estimates:

In accordance with the Stakeholder Agreement signed December 10, 1998, the proposed rule would generate an additional \$690,000 per year from permit application fees and annual permit fees charged to facilities handling industrial wastes which are applicants and holders of water pollution control permits. The proposed rule would allow the permit holder 90 days to pay the annual fee after being billed, therefore we would project that in the first year only about two-thirds of the increased revenue would actually be collected.

3. Objectives of these rules:

The increase in revenue provided by this rule would assist toward offsetting the current shortfall in agency resources, as confirmed by the Stakeholder Agreement, to implement the water pollution control permit program as required by statute and implementing rules.

Rule Title: WATER POLLUTION CONTROL PERMIT FEE SCHEDULES

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

The fees associated with this rule are paid by permit applicants and permit holders and are therefore user fees. Consequently, there will be no additional associated costs to the State.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

Only dischargers of industrial waste will be impacted by this rule, as their permit fees will be doubled, to which they have already agreed.

C. Economic Impact on Citizens/Public at Large.

There is no impact on the citizens or public at large due to this rule.

Date: 6/4/99

Signature of Agency Head or Authorized Representative

James L. Ray

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

FILED
JUL 7 9 44 AM '99
OFFICE OF THE CLERK
SECRETARY OF STATE

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. -- ~~July 1, 1993.~~

1.4. Effective Date. -- ~~July 1, 1993.~~

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 ~~July 1, 1989;~~ 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 had been issued by the chief prior to July 1, 1989; 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 Modification" means a modification of an issued permit made in accordance with the provisions of 47CSR10, subdivision 9.2.a.

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

2.13. "New Facility" means a facility for which a State water pollution control permit or a national pollutant discharge elimination system permit ~~had not been issued by the chief prior to July 1, 1989.~~ 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.

2.14. "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.

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

2.16. "Person" means:

2.16.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;

2.16.b. The State of West Virginia;

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

2.16.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;

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

2.16.f. Any person or individual;

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

2.16.h. Any other legal entity.

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

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

2.19. "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.

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

2.21. "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.

2.22. "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.

2.23. "Toxic Chemical" means:

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

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

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

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

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

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

2.23.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 fifty one hundred dollars (\$50), (\$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 ~~one hundred and eighty ninety~~ (~~180~~) (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 4.4 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 ~~seven fifteen~~ thousand ~~five hundred~~ dollars (~~\$7,500~~) (\$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 ~~three seven~~ hundred ~~fifty~~ dollars (~~\$350~~) (\$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.

§ 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 ~~two five thousand five hundred~~ dollars (\$2,500) (\$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 ~~one three hundred seventy five~~ fifty dollars (\$175) (\$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 ~~fifty one hundred~~ dollars (~~\$50~~) (\$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 ~~two five thousand five hundred~~ two five thousand dollars (~~\$2,500~~) (\$5,000); Provided, That if the chief determines that a facility is in substantial compliance with its existing permit, the fee is ~~one two thousand two five hundred fifty~~ two five hundred fifty dollars (~~\$1,250.00~~) (\$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 ~~fifty one hundred~~ fifty dollars (~~\$50~~) (\$100).

7.5. Solid Waste Facilities. The annual permit fee for a solid waste facility shall be ~~two five thousand five hundred~~ two five thousand dollars (~~\$2,500~~) (\$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 OnlyVolume Fees

Average Discharge Volume (gallons per day)	Existing Facility Volume Fee	New Facility Volume Fee
less than 1,001	\$50 <u>\$100</u>	\$200 <u>\$400</u>
1,001 to 5,000	\$100 <u>\$200</u>	\$300 <u>\$600</u>
5,001 to 50,000	\$150 <u>\$300</u>	\$500 <u>\$1,000</u>
50,001 to 100,000	\$200 <u>\$400</u>	\$600 <u>\$1,200</u>
greater than 100,000	\$250 <u>\$500</u>	\$750 <u>\$1,500</u>

Sewage OnlyVolume Fees

Average Discharge Volume (gallons per day)	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
<u>Water Plants</u>	<u>3.0</u>
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
<u>Home Aeration Units Replacing Failing Septic Systems</u>	<u>0.45</u>

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	\$50 <u>\$100</u>
1,001 to 2,500	\$125 <u>\$250</u>
2,501 to 5,000	\$250 <u>\$500</u>
5,001 to 10,000	\$500 <u>\$1,000</u>
10,001 to 15,000	\$750 <u>\$1,500</u>
15,001 to 50,000	\$1,000 <u>\$2,000</u>
greater than 50,000	\$2,500 <u>\$5,000</u>

TABLE F

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

Average Discharge Volume (gallons per day)	Annual Permit Fee
less than 5,001	\$50 <u>\$100</u>
5,001 to 15,000	\$125 <u>\$250</u>
15,001 to 50,000	\$250 <u>\$500</u>
50,001 to 100,000	\$500 <u>\$1,000</u>
greater than 100,000	\$750 <u>\$1,500</u>

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) =

$$\text{Annual Rainfall (ft/yr)} \times \text{Drainage Area (ft-sq)} \times 7.48 \text{ gallons per ft-cu} \times \text{Runoff Coefficient}$$

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.