



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

8/29/2024 4:13:46 PM

Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Water Resources Division Of Water And Waste Management TITLE-SERIES: 47-26
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 47-26 Water Pollution Control Permit Fee Schedules

PRIMARY CONTACT

NAME: Johnseely S Cyrus
ADDRESS: Dwvm Permitting
601 57th Street Se
Charleston, WV 25304
EMAIL: johnseely.cyrus@wv.gov
PHONE NUMBER: 336-430-8402

CITE STATUTORY AUTHORITY: W. Va. Code § 22-11-10

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This statute provides statutory authority to establish, Water Quality Management Fund; permit application fees; annual permit fees; dedication of proceeds; rules.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/3/2024

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/17/2024

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: Yes

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

WVDEP ListServ/ Website

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This legislative rule establishes the schedules of permit application fees and annual permit fees for state water pollution control permits and national pollutant discharge elimination system permits. WVDEP is proposing to amend the Water Pollution Control Permit Fee Schedules, by updating the Fee schedules.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This rule applies to any person who is required to apply for and obtain a permit from the Director in order to conduct an activity that is enumerated in W. Va. Code §22-11-8. WVDEP is proposing to amend the water pollution control permit fee schedules by updating the fee schedules.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

Increase in fee collections of approximately \$2,613,275.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

Increase in fee collections of approximately \$2,613,275 in the special revenue account 3327.

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

This will increase cost to the regulated community of approximately \$2,613,275.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	\$0	\$0	\$0
Personal Services	\$0	\$0	\$0
Current Expenses	\$0	\$0	\$0
Repairs and Alterations	\$0	\$0	\$0
Assets	\$0	\$0	\$0
Other	\$0	\$0	\$0
2. Estimated Total Revenues	\$3,484,367	\$3,484,367	\$6,097,642

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

The cost of the rules fee increase to State Government is none. The proposed increase in fees for the Water Pollution Control fee rule is based on a 5-yr average revenue collected of \$3,484,367 multiplied by the average increase of 75%. The approximate increase in average revenue will be \$2,613,275 per year once fully implemented, for a total annual revenue of approximately \$6,097,624 to support the program. The fees have not been increased since the 1990s. The cost of this rule to the regulated community will be approximately \$2,613,275 per year.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jason E Wandling -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 47
LEGISLATIVE RULE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER RESOURCES

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 Director of the Division of Water and Waste Management. This rule applies to any person who is required to apply for and obtain a permit from the Director 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 23, 2013.~~

1.4. Effective Date. -- ~~July 1, 2013.~~

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.

§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:

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

2.2.2. 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.

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

2.3. "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.

2.4. "Customer" means a person who is provided wastewater disposal services from a facility permitted under W. Va. Code §22-11-8. For the purpose of this rule, 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 fifty gallons per day (350 gpd).

2.5. "Director" means the Director of the Division of Water and Waste Management (formerly the Office of Water Resources) of the Department of Environmental Protection, as designated by the Secretary thereof.

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 Director.

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 Director.

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 or greater than 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 Director. 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.

2.15. "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.

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

2.17. "Person" means:

2.17.1. 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;

2.17.2. The State of West Virginia;

2.17.3. Any governmental agency, including federal facilities;

2.17.4. 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;

2.17.5. Any partnership, trust, or estate;

2.17.6. Any person or individual;

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

2.17.8. Any other legal entity.

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

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

2.20. "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 §502(4) of the Clean Water Act at 33 U.S.C. §1251, et seq. This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.

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

2.22. "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 may be present.

2.23. "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.

2.24. "Toxic Chemical" means:

2.24.1. Any substance listed in Table III, Appendix C of 47CSR10;

2.24.2. Any substance listed in Table V, Appendix C of 47CSR10;

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

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

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

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

2.24.7. 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 must 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 must 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 must be submitted to the Director by check or money order payable to the West Virginia Department of Environmental Protection.

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

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

3.4.2. If the Director determines that a submitted application is incomplete and must be returned to the applicant for additional information, the permit application resubmission fee must accompany the refiled application. This fee will 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 must be submitted to the Director by no later than the anniversary of the date of permit issuance in each year of the term of the permit.

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

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

3.5.3. 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.

3.5.4. 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 4.6 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).

4.1.1. The appropriate volume fee will be determined through the use of the “New Facility” column of Table A of this rule.

4.1.2. The appropriate facility factor will be determined through the use of Table B of this rule.

4.1.3. The appropriate waste factor will 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 will be two thousand five hundred dollars (\$2,500).

4.3. Closed System Facilities.

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

4.3.2. The initial permit application fee for a closed system facility where no priority pollutants or toxic chemicals are present in the system will be ~~seven~~ one thousand two hundred twenty-five hundred dollars (~~\$700~~ \$1,225).

4.4. Solid Waste Facilities. The initial permit application fee for a solid waste facility will 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 will be three hundred dollars (\$300).

4.6. Concentrated Animal Feeding Operations (CAFOs). The initial permit application fee for a CAFO shall be fifty dollars (\$50).

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

5.1. Fee Calculation. Except as provided in subsections 5.2 through 5.5 of this rule, all permit renewal application fees will 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).

5.1.1. The appropriate volume fee will be determined through the use of the “Existing Facility” column of Table A of this rule.

5.1.2. The appropriate facility factor will be determined through the use of Table B of this rule.

5.1.3. The appropriate waste factor will 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 will be one thousand dollars (\$1,000).

5.3. Closed System Facilities.

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

5.3.2. The permit renewal application fee for a closed system facility where no priority pollutants or toxic chemicals are present in the system will be ~~three~~ six hundred fifty-two dollars (~~\$350~~ \$625).

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

5.5. Concentrated Animal Feeding Operations (CAFOs). The permit renewal application fee for a CAFO shall be fifty dollars (\$50).

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

6.1. Fee Calculation. Except as provided in subsections 6.2 through 6.7 of this rule, all permit modification application fees will 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).

6.1.1. The appropriate volume fee will 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.

6.1.2. The appropriate facility factor will be determined through the use of Table B of this rule.

6.1.3. The appropriate waste factor will be determined through the use of Table C of this rule.

6.2. Publicly-Owned Treatment Works.

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

6.2.2. The permit modification application fee for a POTW that operates a collection system only will 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.

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

6.3.2. The permit modification application fee for a closed system facility will 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 will 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 will 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 eight~~ hundred seventy five dollars (~~\$500~~ \$875) 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 will be ~~fifty seventy five~~ seventy five dollars (~~\$50~~ \$75) for sewage only facilities and one hundred seventy five dollars (~~\$100~~ \$175) for industrial facilities for an application seeking a minor modification where no discharge volume is involved.

6.7. Concentrated Animal Feeding Operations. The permit modification application fee for a CAFO shall be thirty-five dollars (\$35) for an application seeking a major or minor modification.

§47-26-7. Annual Permit Fees.

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

7.4. Closed System Facilities.

7.4.1. The annual permit fee for a closed system facility where priority pollutants or toxic chemicals are present in the system will be ~~five-seven~~ thousand five hundred dollars (~~\$5,000~~ \$7,500): Provided, that if the Director determines that a facility is in substantial compliance with its existing permit, the fee will be ~~two-three~~ thousand five-seven hundred fifty dollars (~~\$2,500~~ \$3,750).

7.4.2. The annual permit fee for a closed system facility where no priority pollutants or toxic chemicals are present in the system will be one hundred seventy-five dollars (~~\$100~~ \$175).

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

7.6. Facilities Discharging Stormwater. The annual permit fee for a facility that discharges stormwater only will 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 will be determined by Table G of this rule.

7.8. Concentrated Animal Feeding Operations (CAFOs). The annual permit fee for CAFOs will be thirty-five dollars (\$35).

7.9 Public Geothermal facilities. The annual permit fees for facilities that discharge geothermal wastewater and no other type of wastewater (storm water or process wastewater) shall be determined through the use of Table H of this rule. Public Geothermal facilities are defined as a municipalities' or county government's buildings implementing practices using geothermal energy for heating or cooling systems, which systems rely on temperature differentials between groundwater or spring fed streams and ambient air temperature to heat or cool a building or buildings.

TABLE A

Industrial Wastes Only**Volume Fees**

Average Discharge (gallons per day)	Volume Existing Facility Volume Fee	New Facility Volume Fee
less than 1,001	\$100 <u>\$175</u>	\$400 <u>\$500</u>
1,001 to 5,000	\$200 <u>\$350</u>	\$600 <u>\$900</u>
5,001 to 50,000	\$300 <u>\$525</u>	\$1,000 <u>\$1,750</u>
50,001 to 100,000	\$400 <u>\$700</u>	\$1,200 <u>\$2,100</u>
greater than 100,000 <u>1 to 500,000</u>	\$500 <u>\$875</u>	\$1,500 <u>\$2,625</u>
<u>500,001 to 1,000,000</u>	\$1,250	\$3,750
<u>1,000,001 to 5,000,000</u>	\$1,500	\$4,500
<u>greater than 5,000,001</u>	\$1,750	\$5,250

Sewage Only**Volume Fees**

Average Discharge Volume (gallons per day)	Existing Facility Volume Fee	New Facility Volume Fee
less than 1,001	\$50 <u>\$75</u>	\$200 <u>\$300</u>
1,001 to 5,000	\$100 <u>\$175</u>	\$300 <u>\$450</u>
5,001 to 50,000	\$150 <u>\$275</u>	\$500 <u>\$875</u>
50,001 to 100,000	\$200 <u>\$350</u>	\$600 <u>\$1,050</u>
greater than 100,000 <u>1 to 500,000</u>	\$250 <u>\$450</u>	\$750 <u>\$1,300</u>
<u>500,001 to 999,999</u>	\$600	\$1,800
<u>1,000,000 to 4,999,999</u>	\$700	\$2,100
<u>greater than 5,000,000</u>	\$800	\$2,400

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 ^{1,2,3}	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.

¹If a sewage facility has an approved pretreatment program or at least one significant industrial user identified in its permit or permit application, an additional 0.2 shall be added to the waste factor.

²If a sewage facility does not have an approved pretreatment program, does not have any significant industrial users, and has at least one non-significant industrial user identified in its permit or permit application, an additional 0.1 shall be added to the waste factor.

³If a sewage facility uses land application of sewage sludge as a means of sewage disposal in its permit or permit application, an additional 0.2 shall be added to the waste factor.

TABLE D

**Annual Permit Fees For
Facilities Discharging Sewage**

Number of Customers	Annual Permit Fee
less than 100	\$50 <u>\$75</u>
100 to 499	\$100 <u>\$175</u>
500 to 999	\$250 <u>\$425</u>
1,000 to 1,499	\$500 <u>\$875</u>
1,500 to 1,999	\$750 <u>\$1,300</u>
2,000 to 2,499	\$1,000 <u>\$1,750</u>
2,500 to 2,999	\$1,250 <u>\$2,200</u>
3,000 to 3,499	\$1,500 <u>\$2,625</u>
3,500 to 3,999	\$1,750 <u>\$3,100</u>
4,000 to 4,499	\$2,000 <u>\$3,500</u>
4,500 to 4,999	\$2,250 <u>\$4,000</u>
greater than 5,000 to 6,999	\$2,500 <u>\$5,000</u>
<u>greater than 6,999</u>	<u>\$6,000</u>

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 <u>\$175</u>
1,001 to 2,500	\$250 <u>\$425</u>
2,501 to 5,000	\$500 <u>\$875</u>
5,001 to 10,000	\$1,000 <u>\$1,750</u>
10,001 to 15,000	\$1,500 <u>\$2,625</u>
15,001 to 50,000	\$2,000 <u>\$3,500</u>
greater than 50,000 <u>to 100,000</u>	\$5,000 <u>\$7,500</u>
<u>100,001 to 500,000</u>	<u>\$8,000</u>
<u>500,001 to 1,000,000</u>	<u>\$8,500</u>
<u>1,000,001 to 5,000,000</u>	<u>\$9,000</u>
<u>greater than 5,000,001</u>	<u>\$10,000</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	\$100 <u>\$175</u>
5,001 to 15,000	\$250 <u>\$425</u>
15,001 to 50,000	\$500 <u>\$875</u>
50,001 to 100,000	\$1,000 <u>\$1,775</u>
greater than 100,000	\$1,500 <u>\$2,625</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 <u>\$425</u>	\$250 <u>\$425</u>
10,000 to 14,999	\$500 <u>\$875</u>	\$250 <u>\$425</u>
15,000 to 19,999	\$750 <u>\$1,300</u>	\$250 <u>\$425</u>
20,000 to 24,999	\$1,000 <u>\$1,750</u>	\$250 <u>\$425</u>
25,000 to 29,999	\$1,250 <u>\$2,100</u>	\$250 <u>\$425</u>
greater than 30,000	\$1,750 <u>\$3,100</u>	\$250 <u>\$425</u>

Table H
Schedule of Annual Permit Fees for
Public Geothermal Facilities

Average Discharge Volume (gallons per day)	Annual Permit Fee
less than 50,001	\$100
50,001 – 100,000	\$250
100,001 – 1,000,000	\$500
greater than 1,000,000	\$750

PERMIT FEE SCHEDULE FOR STORM WATER CONSTRUCTION

Minor Modifications: Date-Change Certification, Co-Applicant Signature Page, Name Change, Acreage Reduction Fee - \$100.

Permit Transfer Application Fee - \$100

NOI, Minor Construction Modification Fees for disturbance between 1-2.99 Acres - \$300

Reissuance Certifications Fee - \$100

The Major Modification Fees are based on final permit acreage as follows.

New Permit Registration or Major modification Fee shall be calculated as follow:

Base Fee = \$750 + \$25/ACRE OF DISTURBANCE = Permit Registration Fee

ALL EXPEDITED REVIEW FEES WILL BE 1.5 X PERMIT REGISTRATION FEE

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:

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

(gallons per day)

where Annual Stormwater Runoff Volume (gallons) =

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

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 Director.