



April 29, 2021

Ligeia Heagy
Department of Ecology
Water Quality Permit Fee Unit
PO Box 47600
Olympia, WA 98504-7600

Transmitted via Ecology Portal for Comments

Subject: Chapter 173-224 WAC, Water Quality Permit Fees Comments from Tacoma

Dear Ms. Heagy,

The City of Tacoma appreciates this opportunity to comment on the revisions to Chapter 173-224 WAC, Water Quality permit fees. Tacoma is concerned the permit fee revisions proposed will not be adequate to fund Ecology's water quality permitting program. Specifically the municipal permit program has been unable to keep up with the reissuance of NPDES permits. It is the City's understanding from Ecology that currently 57% of Municipal NPDES permits are administratively extended. This is presumably because Ecology lacks the resources to process these permits. Ecology proposes to keep municipal permit fees constant for 2022 and 2023 raising no new revenues to address this backlog. This proposed permit fee schedule does nothing to resolve this problem.

RCW 90.48.465 requires Ecology to establish, by rule, annual permit fees to recover the cost of administering the wastewater and stormwater permit programs. Ecology adopted Chapter 173-224 WAC – Water Quality Permit Fees in response to this law, after voters approved Initiative 97 in 1988 (later codified as RCW 90.48.465) and Initiative 601 in 1993 (later codified as RCW 43.165). These initiatives required that Ecology create a fee schedule to recover the costs associated with managing the program. The rule proposed clearly fails to do this.

We recognize that Ecology is constrained by RCW 90.48.465 which caps the total amount of fees that can be assessed for all domestic municipal wastewater permits to \$0.18 per residential equivalent per month, regardless of a higher fee in the proposed rule amendment. Despite this, we believe that Ecology cannot continue to ignore the real harm that is being done to both permittees and the environment by the failure to properly administer the NPDES program. Either legislative action must be taken to raise the cap or the Department must restructure the program to adjust for the resources that are available.

The establishment of a new fee category for the Puget Sound Nutrient General Permit seems premature. Ecology has given mixed signals as to if or when this new permit might be issued. In addition it is unclear what the permit will entail and what administrative burdens it might impose on Ecology. The establishment of a \$0.31 per ERU permit fee appears to be completely arbitrary and in fact not implementable because the municipal permit holders are already at the cap.



Tacoma suggests that Ecology hold off on creating this new fee category until more information regarding the costs of this program are available.

Thank you for this opportunity to comment on this proposal. We support Ecology's objective of creating a fee schedule that equitably and completely covers the cost of administering the water quality permitting program. We hope that are comments are helpful.

Sincerely,

Dan C. Thompson, Ph.D.

Dan C. Thompson PhD
Business Operations Division Manager
Tacoma Environmental Services