



Oregon Department of Environmental Quality

Aug. 12-13, 2015

Oregon Environmental Quality Commission Meeting Temporary Rulemaking Action Item: F

Temporary Rulemaking for Water Quality Permit Fees – 2015 Increase

DEQ recommendation to EQC

DEQ recommends that the commission:

- Approve and adopt the findings in the “Statement of Need” and “Justification” sections of this report
- Adopt the proposed rules in Attachment A as part of Chapter 340 of the Oregon Administrative Rules, with the rules to become effective on Sept. 1, 2015.

Overview

Short summary

DEQ proposes rules to increase water quality fees by 12 percent for individuals, businesses and government agencies that hold the following permits, effective Sept. 1, 2015:

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

Background

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

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 Package 120 supported replacing an outdated and inadequate wastewater permitting information management system with a commercial off-the-shelf product.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

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

It is necessary to approve temporary rules to establish the new permit fees by Sept. 1, 2015, in order to fund the approved policy option packages. Temporary rules are only effective for 180 days. Therefore, DEQ will carry out a permanent rulemaking immediately after these temporary rules take effect. A delay beyond Sept. 1, 2015, would cause revenue to

fall short of current projections and jeopardize implementation of the legislatively approved policy option packages.

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

Suction dredge discharge	700-PM permit fees are set in Oregon statute. DEQ rules cannot change this law.
Graywater	Water Pollution Control Facility permits 2401 and 2402 for graywater use. DEQ proposes to maintain permit fees for graywater reuse and disposal systems at current levels to promote individual water reuse efforts, which is of public interest during Oregon’s current drought conditions.
Small off-stream mining operations	Water Pollution Control Facility permit 600. These permits do not have application fees or annual fees.

The Water Quality Permitting program is responsible for:

- Issuing permits. These permits cover a wide range of activities such as:
 - Municipal wastewater treatment
 - Industrial wastewater treatment
 - Stormwater treatment
 - Fish hatcheries
 - Suction dredge mining
 - Seafood processing
 - Onsite sewage treatment
- Compliance and inspection. DEQ reviews discharge monitoring reports submitted by permit holders and conducts inspections.
- Enforcement. DEQ may take enforcement action against permit holders that do not comply with the terms of their permits.
- Pretreatment. Those facilities that receive wastewater from “significant industrial users” are required to have pretreatment programs. DEQ is required to oversee these programs.
- Plan Review. Municipal wastewater treatment facilities that wish to upgrade their facilities must submit plans for review.

Regulated parties

The proposed fee increases would affect:

- Parties that currently hold a permit
- Parties that apply for modifications to or transfer of these permits

- Any party that applies for a new permit
- Any party that needs technical assistance related to these permits

Statement of need

What need would the proposed rules address?

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

- Meet service requirements of the 2010 DEQ and U.S. Environmental Protection Agency Memorandum of Agreement. This is Oregon's agreement to implement its National Pollutant Discharge Elimination System permit program according to the Clean Water Act §402(n) and 40 CFR §123.1(g)(2).
- Maintain resources to implement Oregon's National Pollutant Discharge Elimination System permit program according to the DEQ/EPA performance partnership agreement.
- Balance its budget by aligning its projected income and expenditures with the DEQ 2015-17 legislatively adopted budget.
- Support recommendations provided by the Blue Ribbon Committee on Wastewater Permitting to better ensure that 60 percent of revenue comes from fees and 40 percent from General Fund.

How would the proposed rule address this need?

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

Revenue the fee increase generates would complement the General Fund appropriation to replace DEQ's outdated and inadequate wastewater permitting information management system with a contractor-configured, commercial off-the-shelf product. The new system will be compatible with enterprise technology planning and consolidation efforts and pending federal electronic reporting rules and e-government efforts.

It is necessary to perform a temporary rulemaking to establish the new fees by Sept. 1, 2015 in order to fund the approved policy option package and water quality permit program support.

A delay beyond Sept. 1, 2015 would cause revenue to fall short of current projections and jeopardize implementation of the legislatively approved policy option package and support for the program.

A permanent rulemaking will follow this temporary rulemaking.

How will DEQ know the proposed rules address the need?

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

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

Consequences of not taking immediate action

DEQ determined failing to act promptly would result in serious prejudice to the public interest because DEQ would not be able to carry out its duties to protect water quality through the permitting system.

DEQ determined that not amending the proposed rules to establish the fee increase by Sept. 1, 2015, would cause revenue to fall below projections of what is required to support the legislatively approved policy option package and the water quality permitting program. DEQ would be unable to replace the water quality permitting information system and would be unable to maintain current staffing levels. A temporary rule is necessary to establish the fees by Sept. 1, 2015 so DEQ can collect enough revenue over the course of the biennium.

Affected parties

The proposed fees would affect individuals, businesses and government agencies that hold or apply for the following permits:

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

How temporary rule would avoid or mitigate consequences

It is necessary to perform a temporary rulemaking to establish the new fees by Sept. 1, 2015, in order to fund the legislatively approved policy option package and water quality permit program support.

Fee Analysis

Brief description of proposed fees

DEQ proposes rules to increase water quality fees by 12 percent above the fiscal year 2015 fees for National Pollutant Discharge Elimination System, Water Pollution Control Facility and Water Pollution Control Facility permits specific to onsite septic systems.

Reasons

DEQ must raise fees to support the permitting program and continue delivering services to regulated entities.

It is necessary to perform a temporary rulemaking to establish the new fees by Sept. 1, 2015, to fund the approved policy option packages and water quality permit program support.

A delay beyond Sept. 1, 2015, would cause revenue to fall short of current projections and jeopardize implementation of the legislatively approved policy option package and support for the program.

A permanent rulemaking will follow this temporary rulemaking.

Fee proposal alternatives considered

DEQ considered:

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

Fee payers

The proposed fees would affect individuals, businesses and government agencies that hold or apply for the following permits:

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

Affected party involvement in fee-setting process

Oregon established the 16-member Blue Ribbon Committee in 2002 to recommend improvements to DEQ's Water Quality Permit program. Membership includes industry, environmental and local government representatives. This committee will serve as DEQ's fiscal advisory committee during the permanent rulemaking.

Summary of impacts

DEQ does not have data to determine how the proposed fees would affect consumers if a permit holder were to increase the costs of goods and services to offset an increase in permit costs. Additionally, DEQ does not have data to determine how the proposed fees would affect ratepayers if municipal permit holders increase their rates to cover the increased fee.

How long will the current fee sustain the program?

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

Table 1 2015-2017 Budget Comparison: Current vs. Legislatively Adopted				
	Modified Current Service Level Budget ¹		Legislatively Adopted Budget ²	
Program Costs Covered by Fees	\$11,212,343	60.8%	\$12,050,246	58.7%
Program Costs Covered by General Fund	\$5,511,695	29.9%	\$6,766,730	33.0%
Program Costs Covered by Federal Funding ³	\$1,705,248	9.3%	\$1,705,248	8.3%
<i>Permit Fees Last Changed: 12/1/14</i>				

1. The Modified Current Service Level Budget assumed DEQ would adopt annual fee increases up to 3 percent in FY2016 and FY2017 if the policy package requests were denied. These costs exclude the Senate Bill 838 surcharge.
2. DEQ sought to restore the program to 60 percent fee funded. The Legislatively Adopted Budget added two positions on General Fund that were not included in the Agency Request Budget. Therefore, public funds (General Fund and Federal Fund) pay for slightly more than 40 percent of program costs. These costs exclude the Senate Bill 838 surcharge.

How long will the proposed fee sustain the program?

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

Table 2 Expected Change in Revenue		
Expected change in revenue (+/-)	+\$1,232,509 ¹	+12%
Minimum GF required by statute/rule to fund program	\$0	0%
Proposed fee allows GF replacement	\$0	0%
<i>Projected Effective Date of 12 percent Fee Increase: 9/1/15</i>		

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

Housing costs

To comply with ORS 183.534, DEQ determined the proposed rules would:

- Have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached single-family dwelling on that parcel.
- Require a builder of a 6,000-square-foot parcel to pay an additional \$30 for a construction stormwater permit if the parcel is part of a common plan of development disturbing one or more acres. This would increase the fee from \$250 to \$280.
- Not affect a builder of a 6,000-square-foot parcel that is not part of a common plan of development disturbing one or more acres because there is no requirement for these parcels to have a construction stormwater permit.

DEQ anticipates a builder would pass the increased permit cost onto the homebuyer.

Land use

“It is the (Environmental Quality) Commission's policy to coordinate the Department's programs, rules and actions that affect land use with local acknowledged plans to the fullest degree possible.” - OAR 340-018-0010

Land-use considerations

To determine whether the proposed rules involve programs or actions that are considered a *land-use action*, DEQ considered:

- Statewide planning goals for specific references. Section III, subsection 2 of the DEQ State Agency Coordination Program document identifies the following statewide goals relating to DEQ's authority:

Goal	Title
5	Open Spaces, Scenic and Historic Areas, and Natural Resources
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarial resources
19	Ocean Resources

- OAR 340-018-0030 for Environmental Quality Commission rules on land-use coordination. Division 18 requires DEQ to determine whether proposed rules will significantly affect land use. If yes, how will DEQ:
 - Comply with statewide land-use goals, and
 - Ensure compatibility with acknowledged comprehensive plans, which DEQ most commonly achieves by requiring a [land-use compatibility statement](#).
- DEQ's mandate to protect public health and safety and the environment.
- Whether DEQ is the primary authority responsible for land-use programs or actions in the proposed rules.
- Present or future land uses identified in acknowledged comprehensive plans.

Determination

DEQ determined that some proposed rules affect:

- Oregon's National Pollutant Discharge Elimination System and Water Pollution Control Facility permitting programs under OAR 340-018-0030(5)(c).
- Issuance of Water Pollution Control Facilities permit specific to onsite septic systems under OAR 340-018-0030(5)(d).
- Issuance of National Pollutant Discharge Elimination System and Water Pollution Control Facility permits, which is an existing activity identified in the DEQ State Agency Coordination Program as a land-use program.

DEQ's statewide goal and local plan compatibility procedures adequately cover the proposed rules. Oregon Administrative Rule 340-018-0050(2)(a) ensures compatibility with acknowledged comprehensive plans through submittal of a land-use compatibility statement.

Stakeholder and public involvement

Advisory committee

DEQ did not convene an advisory committee for this temporary rulemaking. An advisory committee was not required for the temporary rule.

EQC prior involvement

DEQ has not presented information specific to this proposed temporary rule to the commission prior to this staff report.

Public notice

Though not required, DEQ provided notice for this rulemaking using the following methods:

- Hosted information and contact page on DEQ's website
- Alerted over 6,000 interested parties on the agency rulemaking list through GovDelivery
- Alerted approximately 2,300 stakeholders on the Water Quality Permits list through GovDelivery
- Direct contact with members of the Blue Ribbon Committee

Public hearings

No public hearings were held for this temporary rulemaking.

Close of public comment period

No comments were formally solicited for this temporary rulemaking. DEQ will follow up with a permanent rulemaking and solicit public comments.

Implementation

Notification

The proposed rules would become effective Sept. 1, 2015. DEQ would notify:

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

Systems

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

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

(5) Permit modification fee. Tables 70A and 70C list the permit modification fees (available on the department's website or upon request). Permit modification fees vary with the type of permit, the type of modification and the timing of modification as follows:

(a) Modification at time of permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by the department;

(B) Minor modification — does not involve significant analysis by the department.

(b) Modification prior to permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by the department. A permittee requesting a significant modification to their permit may be required by the department to enter into an agreement to pay for these services according to ORS 468.073. ORS 468.073 allows the department "to expedite or enhance a regulatory process by contracting for services, hiring additional staff or covering costs of activities not otherwise provided during the ordinary course of department business;"

(B) Minor modification — does not involve significant analysis by the department.

(6) Annual fees. Tables 70G and 70B list applicable annual fees for General and Industrial permit holders and are on the department's website or upon request. Annual fees for domestic sources may also be found in Table 70C available on the department's website or upon request, and includes the following:

(a) Base annual fee. This is based on the type of treatment system and the dry weather design flow;

(b) Population-based fee. A permit holder with treatment systems other than Type F (septage alkaline stabilization facilities) must pay a population-based fee. Table 70D lists the applicable fee available on the department's website or upon request;

(c) Pretreatment fee. A source required by the department to administer a pretreatment program pursuant to federal pretreatment program regulations (40CFR, Part 403; January 29, 1981 and amendments thereto) must pay an additional annual fee plus a fee for each significant industrial user specified in their annual report for the previous year. Table 70E lists the applicable fee (available on the department's website or upon request).

(7) Technical activities fee. Tables 70F and 70H list the technical activity fees (available on the department's website or upon request). They are categorized as follows:

(a) All permits. A permittee must pay a fee for NPDES and WPCF permit-related technical activities. A fee will be charged for initial submittal of engineering plans and specifications. Fees will not be charged for revisions and re-submittals of engineering plans and specifications or for facilities plans, design studies, reports, change orders, or inspections;

(b) General permits. A permittee must pay the technical activity fee shown in Table 70H (available on the department's website or upon request) when the following activities are required for application review:

- (A) Disposal system plan review;
- (B) Site inspection and evaluation.

(8) For permits administered by the Oregon Department of Agriculture, the ~~following fees are applicable until superseded by a permit applicant or permit holder must pay the permit fees following the~~ fee schedule established by the Oregon Department of Agriculture.:

- ~~(a) WPCF and NPDES General Permits #800 for Confined Animal Feeding Operations Filing Fee — \$50;~~
- ~~(b) Individual Permits:~~
 - ~~(A) Filing Fee — \$50;~~
 - ~~(B) New applications — \$6,280;~~
 - ~~(C) Permit renewals (including request for effluent limit modifications) — \$3,140;~~
 - ~~(D) Permit renewals (without request for effluent limit modifications) — \$1,416;~~
 - ~~(E) Permit modifications (involving increase in effluent limit modifications) — \$3,140;~~
 - ~~(F) Permit modifications (not involving an increase in effluent limitations) — \$500;~~
 - ~~(G) Annual compliance determination fee for dairies and other confined feeding operations — \$705;~~
 - ~~(H) Annual compliance determination fee for facilities not elsewhere classified with disposal of process wastewater — \$1,885;~~
 - ~~(I) Annual compliance determination fee for facilities not elsewhere classified that dispose of non-process wastewater (e.g., small cooling water discharges, boiler blowdown, filter backwash, log ponds) — \$1,180.~~
- ~~(c) Annual compliance determination fee for facilities that dispose of wastewater only by evaporation from watertight ponds or basins — \$705.~~

~~(9) A surcharge in the amount listed below is imposed on municipalities that are permittees as defined in 2007 Oregon Laws chapter 696, section 2. The surcharge is imposed to defray the cost of conducting and administering the study of persistent pollutants discharged in the State of Oregon required under 2007 Oregon Laws chapter 696, section 3. A permittee subject to the surcharge must pay one half of the surcharge on or before July 15, 2008 and the other half of the surcharge on or before July 15, 2009.~~

~~Each municipality will pay a surcharge based on a dry weather design flow in millions of gallons per day (mgd) as follows:~~

~~Less than 5 mgd = \$6,975.~~

~~5 mgd to 9.9 mgd = \$13,950.~~

~~10 mgd and greater = \$20,925.~~

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]

 <div style="text-align: center;"> <p>Table 70A</p> <p><u>OAR 340-045-0075</u></p> <p>Industrial NPDES and WPCF Individual Permit Application and Modification Fees</p> </div>					
DEQ Class	New Permit Application Fee ¹	Major Modification at Permit Renewal	Major Modification Prior to Permit Expiration	Minor Modification	Permit Transfer
Tier 1	\$53,622 <u>60,057</u>	\$13,471 <u>15,088</u>	\$26,769 <u>29,981</u>	\$938 <u>1,051</u>	\$948
Tier 2	\$10,791 <u>12,086</u>	\$3,425 <u>3,836</u>	\$5,350 <u>5,992</u>	\$938 <u>1,051</u>	\$948
Special WPCF permits issued pursuant to OAR 340-045-0061	\$5725 <u>11</u>	N/A	N/A	N/A	\$948

1. New permit applications must include the annual fee specified in Table 70B in addition to the new permit application fee.



Table 70B

OR 340-045-0075

Industrial NPDES and WPCF Individual Permit Annual Fees

Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
B01	Pulp, paper, or other fiber pulping industry	<u>\$18,75021,000</u>	N/A	<u>\$17,40219,490</u>	N/A
Food or beverage processing - includes produce, meat, poultry, seafood or dairy for human, pet, or livestock consumption:					
B02	Washing or packing only	N/A	<u>\$2,6062,919</u>	N/A	<u>\$2,3982,686</u>
B03	Processing – small. Flow ≤ 0.1 mgd, or 0.1 < flow < 1 mgd for less than 180 days per year	N/A	<u>\$3,8974,365</u>	N/A	<u>\$3,6874,129</u>
B04	Processing – medium. 0.1 mgd < Flow < 1 mgd for 180 or more days per year, or flow ≥ 1 mgd for less than 180 days per year	N/A	<u>\$5,4996,159</u>	N/A	<u>\$5,2895,924</u>
B05	Processing – large. Flow ≥ 1 mgd for 180 or more days per year	<u>\$18,75021,000</u>	<u>\$16,47518,452</u>	<u>\$17,40219,490</u>	<u>\$16,26318,215</u>
Primary Smelting or Refining:					
B06	Aluminum	<u>\$18,75021,000</u>	<u>\$16,47518,452</u>	<u>\$17,40219,490</u>	<u>\$16,26318,215</u>
B07	Non-ferrous metals utilizing sand chlorination separation facilities	<u>\$18,75021,000</u>	<u>\$16,47518,452</u>	<u>\$17,40219,490</u>	<u>\$16,26318,215</u>
B08	Ferrous and non-ferrous metals not elsewhere classified	<u>\$10,72312,010</u>	<u>\$8,4469,460</u>	<u>\$9,37510,500</u>	<u>\$8,2389,227</u>
B09	Chemical manufacturing with discharge of process wastewater	<u>\$18,75021,000</u>	<u>\$16,47518,452</u>	<u>\$17,40219,490</u>	<u>\$16,26318,215</u>
B10	Cooling water discharges in excess of 20,000 BTU per second	<u>\$10,72312,010</u>	<u>\$8,4469,460</u>	<u>\$9,37510,500</u>	<u>\$8,2389,227</u>
Mining Operations – includes aggregate or ore processing:					
B11	Large (over 500,000 cubic yards per year or involving chemical leaching)	<u>\$18,75021,000</u>	<u>\$16,47518,452</u>	<u>\$17,40219,490</u>	<u>\$16,26318,215</u>
B12	Medium (100,000 to 500,000 cubic yards per year)	N/A	<u>\$5,7686,460</u>	N/A	<u>\$5,5586,225</u>
B13	Small (less than 100,000 cubic yards per year)	N/A	<u>\$1,7551,966</u>	N/A	<u>\$1,5461,732</u>
All facilities not elsewhere classified which dispose of process wastewater (includes remediated groundwater):					
B14	Tier 1 sources	<u>\$18,75021,000</u>	N/A	<u>\$17,40219,490</u>	N/A
B15	Tier 2 sources	N/A	<u>\$3,6284,063</u>	N/A	<u>\$3,4213,832</u>
B16	All facilities not elsewhere classified which dispose of non-process wastewaters (for example: small cooling water discharges, boiler blowdown, filter backwash)	N/A	<u>\$2,4292,720</u>	N/A	<u>\$2,2202,486</u>
B17	Dairies, fish hatcheries and other confined feeding operations on individual permits	N/A	<u>\$2,1262,381</u>	N/A	<u>\$1,9182,148</u>
B18	All facilities which dispose of wastewater only by evaporation from watertight ponds or basins	N/A	N/A	N/A	<u>\$1,4101,579</u>
Timber and Wood Products					
B19	Sawmills, log storage, instream log storage	<u>\$5,2595,890</u>	<u>\$2,9843,342</u>	<u>\$3,9124,381</u>	<u>\$2,7733,106</u>
B20	Hardboard, veneer, plywood, particle board, pressboard manufacturing, wood products	<u>\$5,5616,228</u>	<u>\$3,2873,681</u>	<u>\$4,2154,721</u>	<u>\$3,0783,447</u>
B21	Wood preserving	<u>\$4,7065,271</u>	<u>\$2,4292,720</u>	<u>\$3,3583,761</u>	<u>\$2,2202,486</u>



Table 70C

OAR 340-045-0075

Domestic NPDES and WPCF Individual Permits

Description	Type	Classification Criteria (Based on Average Dry Weather Design Flow, or as defined in 40CFR)	Classes	New Permit App. Fee ¹	Base Annual Fee, 5 year permits	Base Annual Fee, 10 year permits	Additional Annual Fees	Major Modification	Minor Modification	
Nondischarging lagoons	E	N/A	Tier 2	\$3,917 \$3,497	N/A	\$1,250 \$1,116	Additional fees include population and pretreatment fees. See tables 70D and 70E for determination of these fees.	\$2,005 \$1,790	\$1,051 \$938	
Lagoons that discharge to surface waters	Db	Flow < 1 mgd	Tier 2	\$7,734 \$6,905	\$1,500 \$1,339	N/A		\$3,917 \$3,497	\$1,051 \$938	
	C2b	1 mgd ≤ Flow < 2 mgd	Tier 1	\$38,286 \$34,184	\$3,951 \$3,528	N/A		\$19,190 \$17,134	\$1,051 \$938	
	C1b	2 mgd ≤ Flow < 5 mgd	Tier 1	\$38,286 \$34,184	\$5,414 \$4,834	N/A		\$19,190 \$17,134	\$1,051 \$938	
	Bb	5 mgd ≤ Flow < 10 mgd	Tier 1	\$38,286 \$34,184	\$7,785 \$6,951	N/A		\$19,190 \$17,134	\$1,051 \$938	
Treatment systems other than lagoons	Da	Flow < 1 mgd	Tier 2	\$7,734 \$6,905	\$2,128 \$1,900	\$1,975 \$1,763		\$3,917 \$3,497	\$1,051 \$938	
	C2a	1 mgd ≤ Flow < 2 mgd	Tier 1	\$38,286 \$34,184	\$6,719 \$5,999	\$5,756 \$5,139		\$19,190 \$17,134	\$1,051 \$938	
	C1a	2 mgd ≤ Flow < 5 mgd	Tier 1	\$38,286 \$34,184	\$9,900 \$8,839	\$8,938 \$7,980		\$19,190 \$17,134	\$1,051 \$938	
	Ba	5 mgd ≤ Flow < 10 mgd	Tier 1	\$38,286 \$34,184	\$14,722 \$13,145	\$13,759 \$12,285		\$19,190 \$17,134	\$1,051 \$938	
	A3	10 mgd ≤ Flow < 25 mgd	Tier 1	\$38,286 \$34,184	\$22,967 \$20,506	N/A		\$19,190 \$17,134	\$1,051 \$938	
	A2	25 mgd ≤ Flow < 50 mgd	Tier 1	\$38,286 \$34,184	\$48,729 \$43,508	N/A		\$19,190 \$17,134	\$1,051 \$938	
	A1	≥ 50 mgd	Tier 1	\$38,286 \$34,184	\$82,912 \$74,029	N/A		\$19,190 \$17,134	\$1,051 \$938	
Septage alkaline stabilization facilities	F	N/A	Tier 2	\$938 \$1,051	N/A	\$385 \$431		N/A	N/A	\$426 \$477
Municipal Separate Storm Sewer System	Phase 1	See 40 CFR §122.26	N/A	\$21,262 \$18,984	\$4,786 \$4,273	N/A		N/A	N/A	\$1,847 \$1,649
	Phase 2		N/A	\$952 \$850	\$980 \$875	N/A	N/A	N/A	\$1,847 \$1,649	
Underground Injection Control	Various	As defined in 40 CFR parts 9, 144, 145 and 146	N/A	\$12,086 \$10,791	N/A	\$2,558 \$2,284	N/A	N/A	\$1,051 \$938	

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

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

 <p style="text-align: center;">Table 70E OAR 340-045-0075 Annual Pretreatment Fees</p>	
Description	Fee
Pretreatment Fee	\$1,705 <u>\$1,910</u>
Significant Industrial User	\$569-637 per industry

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



Table 70G
OAR 340-045-0075
General NPDES and WPCF Permits

Number	Type	Description	New Permit Application Fee ¹	Annual Fee
100-J	NPDES	Cooling water/heat pumps	\$245 \$219	\$557 \$497
200-J	NPDES	Filter backwash	\$245 \$219	\$557 \$497
300-J	NPDES	Fish hatcheries	\$390 \$348	\$557 \$497
400-J	NPDES	Log ponds	\$245 \$219	\$557 \$497
500-J	NPDES	Boiler blowdown	\$245 \$219	\$557 \$497
600	WPCF	Offstream small scale mining – processing less than five cubic yards of material per day, or less than 1,500 cubic yards per year	\$0	\$0
		Offstream small scale mining – processing 1,500 to 10,000 cubic yards of material per year	\$245 \$219	\$0
700-PM ²	NPDES	Suction dredges	\$0	\$25
900-J	NPDES	Seafood processing	\$245 \$219	\$557 \$497
1000	WPCF	Gravel mining	\$245 \$219	\$557 \$497
1200-A ²³	NPDES	Stormwater: Sand, gravel, and other non-metallic mining	\$952 \$850	\$980 \$875
1200-C ²³	NPDES	Stormwater: Construction activities – one acre or more	\$952 \$850	\$980 \$875
1200-C ²³	NPDES	Stormwater: Construction activities – less than one acre and part of a common plan of development disturbing one or more acres	\$280 \$250	\$0
1200-CA	NPDES	Stormwater: Construction activities performed by public agencies – one acre or more	\$952 \$850	\$980 \$875
1200-COLS ²³	NPDES	Stormwater: Industrial stormwater discharge to Columbia Slough	\$952 \$850	\$980 \$875
1200-Z ^{23,34}	NPDES	Stormwater: Industrial	\$952 \$850	\$980 \$875
1400-A	WPCF	Wineries and seasonal fresh pack operations whose wastewater flow does not exceed 25,000 gallons per day and is only disposed of by land irrigation.	\$245 \$219	\$326 \$291
1400-B	WPCF	Wineries and small food processors not otherwise eligible for a 1400A general permit.	\$390 \$348	\$557 \$497
1500-A	NPDES	Petroleum hydrocarbon clean-up	\$390 \$348	\$557 \$497
1500-B	WPCF	Petroleum hydrocarbon clean-up	\$390 \$348	\$557 \$497
1700-A	NPDES	Vehicle and equipment wash water	\$543 \$485	\$557 \$497
1700-B	WPCF	Vehicle and equipment wash water	\$543 \$485	\$557 \$497
1900-J	NPDES	Non-contact geothermal heat exchange	\$543 \$485	\$557 \$497
2401	WPCF	Tier 1 graywater reuse and disposal system for residential systems not exceeding 300 gallons per day, or equivalent specific geographic area graywater reuse and disposal area permit	\$50	\$40
2402	WPCF	Tier 2 graywater reuse and disposal system for systems not exceeding 1,200 gallons per day, or equivalent specific geographic area graywater reuse and disposal area permit	\$534	\$50

<u>2501</u>	<u>WPCF</u>	<u>Industrial reuse water free of human and animal waste suitable for reuse without secondary or advanced treatment and not exceeding 25,000 gallons per day.</u>	<u>\$543</u>	<u>\$557</u>
Other			<u>\$543</u> \$485	<u>\$557</u> \$497

1. New permit applications must include both the new permit application fee and the first year's annual fee.
- ~~2. A person registered under the 700-PM permit may pre-pay \$90 for permit coverage through 2015 in lieu of the \$25 annual fee.~~
- ~~3.2.~~ Some of these permits are administered by public agencies under contract with DEQ.
- ~~4.3.~~ This permit incorporates the 1300-J permit.

	Table 70H <u>QAR 340-045-0075</u> General Permit Activity and Other Fees	
	Activity	Fee
	Disposal system plan review ¹	\$598 <u>\$534</u>
	Site inspection and evaluation ¹	\$1,496 <u>\$1,336</u>
	Permit T ransfer	\$94 <u>\$84</u>
1. These fees apply when these activities are required for DEQ's review of the application.		

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035

Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050

Hist.: DEQ 113, f. & ef. 5-10-76; DEQ 129, f. & ef. 3-16-77; DEQ 31-1979, f. & ef. 10-1-79; DEQ 18-1981, f. & ef. 7-13-81; DEQ 12-1983, f. & ef. 6-2-83; DEQ 9-1987, f. & ef. 6-3-87; DEQ 18-1990, f. & cert. ef. 6-7-90; DEQ 10-1991, f. & cert. ef. 7-1-91; DEQ 9-1992, f. & cert. ef. 6-5-92; DEQ 10-1992, f. & cert. ef. 6-9-92; DEQ 30-1992, f. & cert. ef. 12-18-92; DEQ 20-1994, f. & cert. ef. 10-7-94; DEQ 4-1998, f. & cert. ef. 3-30-98; Administrative correction 10-22-98; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 7-2004, f. & cert. ef. 8-3-04; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2006, f. & cert. ef. 8-15-06; DEQ 5-2007, f. & cert. ef. 7-3-07; DEQ 8-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 15-2011, f. & cert. ef. 9-12-11; DEQ 6-2012, f. 10-31-12, cert. ef. 11-1-12; DEQ 8-2013, f. 10-23-13, cert. ef. 11-1-13; DEQ 13-2014, f. 11-14-14, cert. ef. 12-1-14

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 71

ONSITE WASTEWATER TREATMENT SYSTEMS

340-071-0140

Onsite System Fees

(1) This rule establishes the fees for site evaluations, permits, reports, variances, licenses, and other services DEQ provides under this division.

(2) Table 9A lists the site evaluation and existing system evaluation fees. [Table not included. See ED. NOTE.]

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

(4) WPCF permit fees. Fees in this section apply to WPCF permits issued pursuant to OAR 340-071-0162. Table 9D lists the WPCF permit fees. [Table not included. See ED. NOTE.]

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

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

(7) Compliance Recovery Fee. When a violation results in an application in order to comply with the requirements in this division, the agent may require the applicant to pay a compliance recovery fee in addition to the application fee. The amount of the compliance recovery fee shall not exceed the application fee. Such violations include but are not limited to installing a system without a permit, performing sewage disposal services without a license, or failure to obtain an authorization notice when it is required.

(8) Land Use Review Fee. Land use review fees are listed in Table 9C and are assessed when an agent review is required in association with a land use action or building permit application and no approval is otherwise required in the division.

(9) Contract county fee schedules.

(a) Each county having an agreement with DEQ under ORS 454.725 must adopt a fee schedule for services rendered and permits issued. The county fee schedule may not include DEQ's surcharge established in section (10) of this rule unless identified as a DEQ surcharge.

(b) A copy of the fee schedule and any subsequent amendments to the schedule must be submitted to DEQ.

(c) Fees may not exceed actual costs for efficiently conducted services.

Item F 000026

(a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, DEQ and contract counties must levy a surcharge for each site evaluation, report permit, and other activity for which an application is required in this division. The surcharge fee is listed in Table 9F. This surcharge does not apply to pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers. [Table not included. See ED. NOTE.]

(b) Proceeds from surcharges collected by DEQ and contract counties must be accounted for separately. Each contract county must forward the proceeds to DEQ in accordance with its agreement with the DEQ.

(11) Refunds. DEQ may refund all or a portion of a fee accompanying an application if the applicant withdraws the application before any field work or other substantial review of the application has been done.

[ED. NOTE: Tables referenced are not included in rule text. [Click here for PDF copy of table\(s\).](#)]



Table 9D
OAR 340-071-0140
WPCF Permit Fees

	Application filing fee (all systems)	Permit processing fees for onsite systems with a design capacity of 1,200 gpd or less	Permit processing fees for onsite systems with a design capacity over 1,200 gpd
New application	<u>\$83</u> \$74	<u>\$664</u> \$593	<u>\$3,316</u> \$2,961
Permit renewal (involving request for effluent limit modifications)	<u>\$83</u> \$74	<u>\$330</u> \$295	<u>\$1,660</u> \$1,482
Permit renewal (without request for effluent limit modifications)	<u>\$83</u> \$74	<u>\$167</u> \$149	<u>\$828</u> \$739
Permit modification (involving increase in effluent limitations)	<u>\$83</u> \$74	<u>\$330</u> \$295	<u>\$1,660</u> \$1,482
Permit modification (not involving an increase in effluent limits)	<u>\$83</u> \$74	<u>\$249</u> \$222	<u>\$828</u> \$739
Plan Review Fee			
For commercial facilities with a design capacity less than 600 gpd		\$0	
For commercial facilities with a design capacity of 601 - 1,000 gpd		<u>\$317</u> \$283	
For commercial facilities with a design capacity of 1,001 - 1,500 gpd		<u>\$373</u> \$333	
For commercial facilities with a design capacity of 1,501 - 2,000 gpd		<u>\$429</u> \$383	
For commercial facilities with a design capacity of 2,001 - 2,500 gpd		<u>\$484</u> \$432	
For commercial facilities with a design capacity of 2,501 - 3,000 gpd		<u>\$567</u> \$506	
For commercial facilities with a design capacity of 3,001 - 3,500 gpd		<u>\$623</u> \$556	
For commercial facilities with a design capacity of 3,501 - 4,000 gpd		<u>\$678</u> \$605	
For commercial facilities with a design capacity of 4,001 - 4,500 gpd		<u>\$731</u> \$653	
For commercial facilities with a design capacity of 4,501 - 5,000 gpd		<u>\$787</u> \$703	
Commercial facilities with a design capacity greater than 5,000 gpd		<u>\$828</u> \$739	
Single family dwelling		<u>\$167</u> \$149	
Annual Compliance Determination Fee			
Onsite sewage lagoon with no discharge		<u>\$995</u> \$888	
Treatment Standard 1 or better systems with design capacities less than 2,500 gpd		<u>\$414</u> \$370	
Treatment Standard 1 or better systems with design capacities of 2,501 - 20,000 gpd		<u>\$828</u> \$739	
Holding tanks, if by the date specified by DEQ, the owner does not submit written certification to DEQ that the holding tank has been operated the previous calendar year in full compliance with the permit or that the previous year's service logs for the holding tanks are not available for inspection by the DEQ		<u>\$330</u> \$295	
Holding tanks, if by the date specified by DEQ, the owner submits written certification to DEQ that the holding tank has been operated the previous calendar year in full compliance with the permit and that the previous year's service		<u>\$36</u> \$32	

Other systems with design capacities less than 20,000 gpd	\$414 \$370
Other systems with design capacities greater than 20,000 gpd	\$828 \$739

Stat. Auth.: ORS 454.625, 468.020 & 468.065(2)

Stats. Implemented: ORS 454.745, 468.065 & 468B.050

Hist.: DEQ 10-1981, f. & ef. 3-20-81; DEQ 19-1981, f. 7-23-81, ef. 7-27-81; DEQ 5-1982, f. & ef. 3-9-82; DEQ 8-1983, f. & ef. 5-25-83; DEQ 9-1984, f. & ef. 5-29-84; DEQ 13-1986, f. & ef. 6-18-86; DEQ 15-1986, f. & ef. 8-6-86; DEQ 6-1988, f. & cert. ef. 3-17-88; DEQ 11-1991, f. & cert. ef. 7-3-91; DEQ 18-1994, f. 7-28-94, cert. ef. 8-1-94; DEQ 27-1994, f. & cert. ef. 11-15-94; DEQ 12-1997, f. & cert. ef. 6-19-97; Administrative correction 1-28-98; DEQ 8-1998, f. & cert. ef. 6-5-98; DEQ 16-1999, f. & cert. ef. 12-29-99; Administrative correction 2-16-00; DEQ 9-2001(Temp), f. & cert. ef. 7-16-01 thru 12-28-01; DEQ 14-2001, f. & cert. ef. 12-26-01; DEQ 2-2002, f. & cert. ef. 2-12-02; DEQ 11-2004, f. 12-22-04, cert. ef. 3-1-05; DEQ 7-2008, f. 6-27-08, cert. ef. 7-1-08; DEQ 10-2009, f. 12-28-09, cert. ef. 1-4-10; DEQ 7-2010, f. 8-27-10, cert. ef. 9-1-10; DEQ 9-2011, f. & cert. ef. 6-30-11; DEQ 6-2012, f. 10-31-12, cert. ef. 11-1-12; DEQ 8-2013, f. 10-23-13, cert. ef. 11-1-13; DEQ 14-2013, f. 12-20-13, cert. ef. 1-2-14; DEQ 11-2014, f. & cert. ef. 10-15-14; DEQ 13-2014, f. 11-14-14, cert. ef. 12-1-14; DEQ 4-2015, f. & cert. ef. 2-3-15