

Department of Environmental Quality – Permit and Compliance Fees

TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 14. DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMIT AND COMPLIANCE FEES

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ARTICLE 1. WATER QUALITY PROTECTION FEES

R18-14-101. Definitions

In addition to the definitions in A.R.S. §§ , 49-201, 49-241.02, 49-331, and 49-362(I), and A.A.C. R18-9-101 and R18-9-701, the following terms apply to this Article:

1. “Complex modification” means:
 - a. A revision of an individual Aquifer Protection Permit for a facility within a mining sector as defined in A.R.S. § 49-241.02(F)(2); and
 - b. A revision of an individual Aquifer Protection Permit for a facility within a dry well, industrial, or wastewater sector due to any of the following:
 - i. An expansion of an existing pollutant management area;
 - ii. A new subsurface disposal including injection or recharge, or new wetlands construction;
 - iii. Incorporation of an extensive compliance schedule into a permit;
 - iv. A discharge to the waters of the United States with the potential to impact the downgradient protective uses;
 - v. Submission of data indicating contamination, or identification of a discharging facility or pollutants not included in previous applications that requires reevaluation of BADCT;
 - vi. Closure of a facility that cannot meet the clean closure requirements of A.R.S. § 49-252 and requires post-closure care, monitoring, or remediation.
2. “Owner or operator” means a person with a vested interest in real or personal property, or an authorized representative or agent of that person.
3. “Request” means a written application, letter, or memorandum submitted by an applicant to the Department for water quality protection services. A request is made at the time it is received by the Department.
4. “Review-related costs” means any of the following costs applicable to a specific application:
 - a. Presiding officer services for public hearings on a permitting decision;
 - b. Court reporter services for public hearings on a permitting decision;
 - c. Facility rentals for public hearings on a permitting decision;
 - d. Charges for laboratory analyses performed during the application review, and
 - e. Other reasonable, direct, plan review-related expenses documented in writing by the Department and agreed to by an applicant.
5. “Significant Industrial Users” means the same as in 40 CFR 403.3(t).
6. “Site visit” means an inspection conducted before issuing a permit or approval.
7. “Standard modification” means an amendment to an individual Aquifer Protection Permit that is not a complex modification.
8. “Water quality protection service” means:
 - a. Reviewing a request for a determination of applicability;
 - b. Issuing, renewing, amending, transferring, or denying an aquifer protection permit, or a reclaimed water permit ;
 - c. Reviewing supplemental information required by a permit condition, including closure;

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- d. Performing a clean closure plan review;
- e. Issuing a Subdivision Approval;
- f. Registering a dry well;
- g. Conducting a site visit;
- h. Registering a significant industrial user; or
- i. Conducting an annual reclaimed water inspection.

R18-14-102. Hourly Rate and Flat Rate Fees

- A. The Department shall assess and collect an hourly rate fee or a flat rate fee for a water quality protection service except for minor permit amendments specified under R18-9-A211(C)(1), (C)(2) and (C)(3).
- B. Hourly rate fees. Except as established under subsection (C), the Department shall calculate the fee using an hourly rate of \$61 multiplied by the number of review hours to provide a water quality protection service, plus any applicable review-related costs, up to the maximum fee specified under R18-14-104.
 - 1. The Department shall not charge the applicant for the first 60 minutes of Department pre-application consultation time costs.
 - 2. The Department shall not charge the applicant travel time.
- C. Flat rate fees. The Department shall assess a flat rate fee for the following water quality protection services:
 - 1. Dry well registration, \$10 per dry well;
 - 2. Significant industrial user registration, \$250 per year;
 - 3. Determination of applicability, \$100 per request:
 - a. If the Department determines that an individual permit is required or that the applicant qualifies for a Type 2, Type 3 or Type 4 General Permit, the \$100 fee shall be applied to the final bill for the individual permit or to the flat rate fee for the general permit.
 - b. If the determination of applicability is completed as part of an area-wide permit issued under A.R.S. § 49-243(P), the fee for the individual permit applies.
 - 4. Subdivision approval. Approvals are granted in phases of 150 lots or less.
 - a. Sewage treatment and disposal is provided outside the boundaries of the individual lots, 150 lots or less, \$300;
 - b. Sewage treatment and disposal will be located within the boundary of the lot, 40 lots or less, \$500; 41 to 150 lots, \$1000;
 - c. The appropriate fee specified in (C)(4)(a) and (C)(4)(b) applies to each phase if a subdivision includes more than 150 lots.
 - 5. Type 1 General Permits. No fee is required;
 - 6. Type 2 and Type 3 General Permits.
 - a. New permit, expansion, and renewal fees, established in Table 1;
 - b. Transfer of ownership, \$50 per transfer;
 - c. If a site contains more than one facility covered by the same Type 2 or Type 3 General Permit and each facility is substantially similar in design, construction, and operation, the applicant shall pay the fee established under (C)(6)(a) or (C)(6)(b) for the first facility and a of the fee for each additional facility.
 - 7. Type 4 General Permits.
 - a. New permit and expansion fees established in Table 1 plus any of the following:
 - i. A request for an alternative design, installation, or operational feature, \$75 per change;
 - ii. A design requiring an interceptor, \$100 per interceptor;
 - iii. A site visit verifying a construction deviation, \$150 per site visit.
 - b. If an on-site wastewater treatment system is based on a design that combines elements from more than one Type 4 General Permit, the applicant shall pay the greatest fee established in Table 1 for the appropriate Type 4 General Permit; \$250 for each additional general permit used in the design, and any additional fee specified in subsections (C)(7)(a)(i), (C)(7)(a)(ii), and (C)(7)(a)(iii).
 - c. Transfer of ownership, \$50 per transfer for the first Type 4 General Permit.
- D. The Department shall not review a request for a water quality protection service if:
 - 1. The initial fee established in R18-14-103 or flat rate fee established in subsection (C) has not been paid, or
 - 2. The owner or operator has an outstanding water quality protection service bill not under appeal.

R18-14-103. Initial Fees

- A. Except for annual reclaimed water inspections, the applicant shall submit a \$1000 initial fee for each water quality protection service subject to an hourly rate fee established under R18-14-102(B) at the time the application is submitted to the Department for review.

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- B. If requested by the applicant, the Department may set a lower initial fee when the Department estimates a review fee that is less than the applicable initial fee.

TABLE 1 GENERAL PERMIT FEES			
General Permit Type	Permit Description	New Permit, Expansion, and Renewal Fee With Change	Renewal Fee With No Change
Type 1	All Type 1 General Permits	No Fee	No Fee
Type 2	All Type 2 General Permits	\$300	\$120
Type 3	All Type 3 General Permits	\$1500	\$500
Type 4			
SEWER COLLECTIONS SYSTEMS			
4.01	Gravity Sewer Only with Manholes		
	! Serving less than or equal to 50 connections	\$500	No Fee
	! Serving 51 to 300 connections	\$1000	No Fee
	! Serving 301 or more Connections	\$1500	No Fee
	Force Mains Including Gravity Sewer Components		
	! Serving less than or equal to 50 connections	\$800	No Fee
	! Serving 51 to 300 connections	\$1300	No Fee
	! Serving 301 or more connections	\$1800	No Fee
ON-SITE WASTEWATER TREATMENT FACILITIES			
4.02	Septic tank/conventional disposal, less than 3000 gallons per day	\$400	No Fee
4.03	Composting toilet, less than 3000 gallons per day	\$400	No Fee
4.04	Pressure distribution system, less than 3000 gallons per day	\$500	No Fee
4.05	Gravelless trench, less than 3000 gallons per day	\$500	No Fee
4.06	Natural seal evapotranspiration bed, less than 3000 gallons per day	\$600	No Fee
4.07	Lined evapotranspiration bed, less than 3000 gallons per day	\$600	No Fee
4.08	Wisconsin mound, less than 3000 gallons per day	\$500	No Fee
4.09	Engineered pad system, less than 3000 gallons per day	\$600	No Fee
4.10	Intermittent sand filter, less than 3000 gallons per day	\$600	No Fee
4.11	Peat filter, less than 3000 gallons per day	\$600	No Fee
4.12	Textile filter, less than 3000 gallons per day	\$600	No Fee
4.13	Ruck® system, less than 3000 gallons per day	\$600	No Fee
4.14	Sewage vault, less than 3000 gallons per day	\$400	No Fee
4.15	Aerobic system/subsurface disposal, less than 3000 gallons per day	\$800	No Fee
4.16	Aerobic system/surface disposal, less than 3000 gallons per day	\$1000	No Fee
4.17	Cap system, less than 3000 gallons per day	\$400	No Fee
4.18	Constructed wetlands, less than 3000 gallons per day	\$600	No Fee
4.19	Sand lined trench, less than 3000 gallons per day	\$500	No Fee
4.20	Disinfection device, less than 3000 gallons per day	\$500	No Fee
4.21	Sequencing batch reactor, less than 3000 gallons per day	\$600	No Fee
4.22	Subsurface drip irrigation, less than 3000 gallons per day	\$500	No Fee

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4.23	On-site wastewater treatment facility, flow from 3000 to less than 24,000 gallons per day	\$1800	No Fee
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R18-14-104. Maximum Fees

- A. Maximum fees for Aquifer Protection Permit actions.
1. Maximum Fees for individual Aquifer Protection Permits, complex modifications, standard modifications, clean closures, and denials shall be determined as prescribed under A.R.S. § 49-241.02(A) and the hourly rate specified under R18-14-102(B).
 - a. The public shall have an opportunity to comment on factors used to obtain the maximum fee.
 - b. The Department shall list the maximum fees in an Annual Fee Schedule which shall be published in the *Arizona Administrative Register* by June 1 of each year, except for FY01 when it will be published by January 1, 2001.
 2. When an application is deemed administratively complete, the Department shall notify the applicant of the applicable maximum fee for review of the application. The maximum fee will be the lesser of the effective maximum fee determined under subsection (A)(1) or the applicable maximum fee specified under A.R.S. § 49-241.02(B).
 3. Unless the applicant has been previously noticed, the Department shall issue a supplemental notice specifying the maximum fee for a pending project deemed administratively complete before January 1, 2001.
- B. Maximum fees for Reclaimed Water Individual Permits. The Department shall charge no more than \$16,000 for review of each reclaimed water individual permit application.

R18-14-105. Fee Assessment and Collection

- A. Billing. The Department shall bill the applicant for water quality protection services no more than monthly, but at least quarterly. The following information shall be included in each bill:
1. The number of hours of the review (excluding hours for travel time and the 1st 60 minutes of pre-application consultation time) accrued by employee position type by activity and subactivity code during the billing period, and the effective hourly rate for all activities;
 2. A description and amount of each review-related cost incurred for the project;
 3. The total fees due and paid and the maximum fee for the project; and
 4. A description, by date, of each water quality protection service performed.
- B. Annual reclaimed water inspection. If the Department conducts an annual reclaimed water inspection, the owner or operator shall pay the final itemized bill within 30 days from the date on which the final inspection report and final itemized bill are mailed to the owner or operator.
- C. Final bill. After the Department makes a final determination whether to grant or deny the request for a permit or an approval, or when the applicant withdraws or closes the application, the Department shall prepare a final itemized bill for the application review.
1. If the total fee exceeds the amount of the initial fee plus all invoicing, the Department shall issue a final itemized bill for the cost of the water quality protection services up to the applicable maximum fee established under R18-14-104.
 2. If the total fee is less than the initial fee and all paid invoicing charges, the Department shall refund the difference to the applicant.
 3. Fees for water quality protection services shall be paid in U.S. dollar by cash, check, cashier's check, money order, or any other method acceptable to the Department.
 4. The Department shall not release the final permit or approval until the final itemized bill is paid in full.

R18-14-106. Reconsideration of a Bill; Appeal Process

- A. A person may seek review of a bill by filing a written request for reconsideration with the Director.
1. The request shall specify, in detail, why the bill is in dispute and shall include any supporting documentation.
 2. The written request for reconsideration shall be delivered to the Director in person, by mail, or by facsimile on or before the payment due date or within 35 days of the invoice print date, whichever is greater.
- B. The Director shall make a final decision on the request for reconsideration of the bill and mail a final written decision to the person within 20 working days after the date the Director received the written request.

R18-14-107. Effect on County Fees

Nothing in this Chapter affects the authority of county or other local governments to charge fees for implementing delegated Department water quality protection programs in accordance with statutory authority.