

# Aquifer Protection Permit Fee Schedule

## A.R.S. § 49-241.E

### Title 18. Environmental Quality

#### Chapter 14. Department of Environmental Quality Permit and Compliance Fees

#### Article 1. Water Quality Protection Fees

##### *R18-14-101. - Definitions*

In addition to the definitions prescribed in A.R.S. §§ 49-101, 49-201, 49-241.02, 49-331, and 49-362(I), the terms in this Article have the following meanings.

1. *ADEQ* – The Arizona Department of Environmental Quality.
2. *Annual inspection* – An annual inspection of sewage disposal for a subdivision pursuant to A.R.S. § 49-104(B)(11) an annual inspection of a sewage collection, treatment, disposal or reclamation system pursuant to A.R.S. § 49-104(B)(13) or a mandatory annual routine operation and maintenance inspection of an on-site wastewater treatment facility pursuant to A.R.S. § 49-362(A)(5).
3. *Approval of construction* – An ADEQ approval to operate a constructed wastewater collection, treatment, storage, or disposal facility, or sewer line extensions or line replacements, issued pursuant to A.A.C. R18-9-805.
4. *Approval to construct* – An ADEQ approval to construct a proposed wastewater collection, treatment, storage, or disposal facility, or sewer line extensions or line replacements, issued pursuant to A.A.C. R18-9-804.
5. *Approved or approval* – Written approval from ADEQ.
6. *Aquifer protection permit* – An individual, area wide, or general permit issued pursuant to A.R.S. § 49-203 or 49-241 through 251, or 18 A.A.C. 9, including denied permit applications.
7. *Conventional septic tank* – A septic tank system with a capacity of greater than two thousand gallons per day.
8. *gpd* – Gallons per day.
9. *Major modification* – Any revision to an issued aquifer protection permit under A.R.S. § 49-201(19).
10. *NPDES permit* – A National Pollutant Discharge Elimination System permit issued by ADEQ pursuant to the delegated authority from the United States Environmental Protection Agency for a point source discharge of pollutants into waters of the United States, as required by 33 U.S.C. 1342 (402) of the Clean Water Act. For purposes of this Article, an NPDES permit includes a denied permit application for an NPDES permit.
11. *Other modification* – A revision to an issued aquifer protection permit that is not a major modification, and includes a minor modification as defined in R18-9-

#### **Article 1. Water Quality Protection Fees**

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121(D).

12. *Owner or operator* – A person with a vested interest in real or personal property, or an authorized representative or agent of that person.
13. *Related costs* – ADEQ expenditures for supplies, equipment, analysis, photocopying, transportation and per diem.
14. *Request* – A written application, letter, or memorandum submitted by the owner or operator to ADEQ for water quality protection services. A request is made at the time it is received at ADEQ.
15. *Reuse permit* – A permit issued by ADEQ for wastewater effluent reuse pursuant to A.A.C. R18-9-702(C). A reuse permit includes a denied application for a reuse permit.
16. *Significant Industrial Users* – Means the same as in 40 C.F.R. 403.3(t).
17. *Site visit* – An inspection conducted prior to issuance of an approval of construction or approval to construct.
18. *Time extension* – A written extension of the expiration date for an existing construction approval issued by ADEQ.
19. *U.S. EPA* – The United States Environmental Protection Agency.
20. *Wastewater treatment facility* – Any of the processes, devices, structures, pipes, equipment, and earth-works that are used for collecting, treating, and disposing of domestic wastewater, including reusing the treated wastewater. Wastewater treatment facility does not include conventional septic tanks or industrial, agricultural, or similar systems or facilities for the collection, distribution, treatment, reuse, or disposal of wastewater or if the water or wastewater is used or reused for nonpotable purposes.
21. *Water quality protection service* – Reviewing a request for a determination of applicability; issuing, modifying, transferring or denying an aquifer protection permit, reuse permit, or NPDES permit; performing a clean closure plan review; registering a dry well; reviewing an "approval to construct", "approval of construction", or a time extension request, conducting a site visit; registering significant industrial users; or conducting an annual inspection.

**R18-14-102. - Fee Services**

- A. ADEQ shall assess and collect fees for water quality protection services, including any site visits.
- B. ADEQ shall not charge a fee for the first 30 minutes of technical assistance provided during a an annual inspection or site visit.

**R18-14-103. - Hourly Rates and Initial Fees**

- A. Except as set forth in subsection B, the fee for any service described in R18-14-102 shall be calculated using an hourly rate of \$49 multiplied by the number of hours reasonably required to provide a water quality protection service.
  1. ADEQ shall not charge the owner or operator a fee for an initial meeting to consult with ADEQ personnel prior to submitting a request for water quality protection services.
  2. ADEQ shall not bill an owner or operator travel time.
- B. The following flat fees are established for the identified services:

1. The fee for a dry well registration shall be \$10 per dry well.
2. The fee for a significant industrial user registration shall be \$250 per year.

C. The initial fees for all ADEQ water quality protection services, set forth in Schedules A or B, shall be paid at the time the request for services is made. When more than 1 initial fee is applicable to a request for multiple water quality protection services, or for application for multiple types of discharging facilities, the initial fee owed shall be the sum of all applicable initial fees, not to exceed the applicable maximum fee. The owner or operator shall remit a separate initial fee for each request. If an initial fee exceeds the maximum fee charged under a fee cap, the owner or operator shall remit the applicable capped fee.

D. Upon request, ADEQ may set an alternative, lower initial fee on a case-by-case basis, when it is likely that the final fee will not exceed 70 percent of the otherwise applicable initial fee.

***R18-14-104. - Maximum Fees***

ADEQ shall not assess more than the maximum fee for each of the services set out in Schedules C and D.

***R18-14-105. - Fee Assessment and Collection***

A. An owner or operator of a facility or activity at which ADEQ conducted an annual inspection 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.

B. Except for annual inspections, ADEQ shall not review any requests for water quality protection services until the appropriate initial fee set forth in Schedule A or B of R18-14-103 is paid in full to ADEQ.

C. After completion of its review, but prior to notification to the owner or operator of the final action on the request, ADEQ shall prepare a final itemized bill which shall contain:

1. The total number of hours of the review.
2. The dates and number of hours of travel done as part of the review.
3. The total amount of fees due.
4. A description of each activity performed.
5. The number of hours spent performing each activity.

D. If the total amount of fees due exceeds the amount of the initial fee, ADEQ shall bill the owner or operator for the cost of the services, less the initial fee, up to the maximum allowed in Schedules C and D under R18-14-104. If the total amount of fees is less than the initial fee, ADEQ shall refund the difference to the person who paid the initial fee.

E. ADEQ shall not take final action on a request until the final bill is paid in full.

F. ADEQ shall not review any subsequent request for water quality protection services for an owner or operator until all past due fees are paid in full.

G. Fees for water quality protection services shall be paid either by county check, purchase order, city check, company check, certified check, or money order, made payable to ADEQ.

***R18-14-106. - Reconsideration of the Bill; Appeal Process***

- A. An owner or operator may seek review of the final itemized bill by filing a written request for reconsideration with the director. The request shall specify, in detail, why the bill is in dispute and shall include any supporting documentation. The written request for reconsideration shall be delivered to the director in person, by mail or by facsimile within 30 days of the date of the final itemized bill.
- B. The director shall make a final decision on the request for reconsideration and mail a final written decision to the owner or operator within 10 working days after the date of receipt by the director of the written request for reconsideration.
- C. A final decision of the director on a request for reconsideration is subject to the appeal process set forth in A.R.S. § 41-1092 et seq.

***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 ADEQ water quality protection programs in accordance with statutory authority.

***R18-14-108. - Review of Fees***

- A. By no later than the end of fiscal year 1999, ADEQ shall complete a review of revenues derived from and costs incurred for water quality protection services and shall issue a written report on the review.
- B. ADEQ shall afford the public an opportunity to participate in the review, including an opportunity to examine and comment on the report before a final report is issued.
- C. If the final report demonstrates that fees charged pursuant to this Chapter are higher or lower than the reasonable costs of providing water quality protection services, ADEQ shall, within three months after completing the review, commence a rule-making to adjust the fees accordingly.

## Schedule A. Initial Fees for ADEQ Water Quality Protection Permits

### *Wastewater treatment facilities with a design greater than or equal to 20,000 gpd*

Type of Discharging Permit <sup>1</sup>	New Permit <sup>2</sup>	Major Modification	Other Modification
Lined surface impoundments	\$1,800	\$1,000	\$100
Discharge to surface waters	1,800	1,000	100
Subsurface discharge	2,400	1,200	100

<sup>1</sup> Fees paid pursuant to A.A.C. R18-9-123 for permit applications submitted but not acted upon as the effective date of this rule shall be deemed to satisfy the initial fee under the rules.

<sup>2</sup> Permit includes individual aquifer protection permits and will include NPDES if the U.S. E.P.A. delegates ADEQ to administer the NPDES program in Arizona.

### *Wastewater treatment facilities with a design less than 20,000 gpd*

Type of Discharging Permit	New Permit	Major Modification	Other Modification
---	\$1,200	\$600	\$100

### *Industrial facilities*

Type of Discharging Permit	New Permit	Major Modification	Other Modification
Lined surface impoundments	\$4,500	\$2,200	\$300
Discharge to surface waters	4,500	2,200	300
Subsurface discharge	4,500	2,200	300

### *Mining facilities*

Type of Discharging Permit	New Permit	Major Modification	Other Modification
Tailing piles or ponds	\$6,000	\$3,000	\$400
Base metal leaching operations	6,000	3,000	400
Discharge to surface waters	4,500	2,200	300
Precious metal processing	4,500	2,400	400
In situ leaching	6,000	3,000	400
Other	4,000	2,000	400

### Other permits

Type of Discharging Permit	New Permit	Major Modification	Other Modification
Other discharging facilities	\$4,000	\$2,000	\$300
Reuse permit	\$1,400	---	\$100

1 Fees paid pursuant to A.A.C. R18-9-123 for permit applications submitted but not acted upon as of the effective date of this rule shall be deemed to satisfy the initial fee under the rules.

2 Permit includes individual aquifer protection permits, and will include NPDES permits if ADEQ receives delegation from the United States Environmental Protection Service to administer the NPDES program in ARIZONA.

### Schedule B. Initial Fees for Water Quality Protection Services Other Than Permits

ADEQ Service	Initial Fee
Aquifer protection permit applicability determination reviews	\$0
Clean closure plan reviews	0
Construction approvals and time extension reviews for an on-site wastewater disposal system	100
Construction approvals and time extension reviews for domestic wastewater systems, including collection systems greater than or equal to 2,000gpd, but less than 20,000 gpd	500
Construction approvals and time extension reviews for domestic wastewater systems, including collection systems greater than or equal to 20,000 gpd	1,000

### Schedule C. Maximum Water Quality Protection Permit Fees

#### *Wastewater treatment facilities with a design greater than or equal to 20,000 gpd<sup>3</sup>*

Type of Discharging Permit	New Permit <sup>4,5,6</sup>	Major Modification <sup>5</sup>	Other Modification <sup>5</sup>
Lined surface impoundments	\$16,000	\$10,600	\$1,500
Discharge to surface waters	16,000	10,600	1,500
Subsurface discharge	16,000	15,300	2,300

#### *Wastewater treatment facilities with a design less than 20,000 gpd*

Type of Discharging Permit	New Permit	Major Modification	Other Modification
--	\$16,000	\$8,000	\$1,100

### ***Industrial facilities***

<b>Type of Discharging Permit</b>	<b>New Permit</b>	<b>Major Modification</b>	<b>Other Modification</b>
Lined surface impoundments	\$16,000	\$16,000	\$2,900
Discharge to surface waters	16,000	16,000	4,000
Subsurface discharge	16,000	16,000	4,000

### ***Mining facilities***

<b>Type of Discharging Permit</b>	<b>New Permit</b>	<b>Major Modification</b>	<b>Other Modification</b>
Tailing piles or ponds	\$16,000	\$16,000	\$10,000
Base metal leaching operations	16,000	16,000	10,000
Discharge to surface waters	16,000	16,000	7,200
Precious metal processing	16,000	16,000	8,200
In situ leaching	16,000	16,000	8,200

### ***Other permits***

<b>Type of Discharging Permit</b>	<b>New Permit</b>	<b>Major Modification</b>	<b>Other Modification</b>
Other discharging facilities	\$16,000	\$16,000	\$4,300
Reuse permit	16,000	---	2,300

<sup>3</sup> In the case of systems with annual gross revenues of \$300,000 or less, the maximum fee charged will be capped at 1 percent of the gross revenues.

<sup>4</sup> Permit includes individual aquifer protection permits and NPDES permits.

<sup>5</sup> In addition to this table, maximum payments for aquifer protection permit fees are limited by A.R.S. § 49-241.02.

<sup>6</sup> Where an applicability review determines that an individual aquifer protection permit is needed, the fee for the applicability determination will be added to the total permit fee.

## Schedule D. Maximum Fees for Water Quality Protection Services Other Than Permits

ADEQ Service	Review Approval to Construct Requests	Review Approval of Construction Requests
Construction approvals and time extension reviews for an on-site wastewater disposal system	\$700	\$700
Construction approvals and time extension reviews for domestic wastewater systems, including collection systems, greater than or equal to 2,000 gpd, but less than 20,000 gpd	4,500 <sup>7</sup>	4,500 <sup>8</sup>
Construction approvals and time extension reviews for domestic wastewater systems, including collection systems, greater than or equal to 20,000 gpd	10,000 <sup>9</sup>	10,000 <sup>10</sup>
<b>Charge</b>		
Clean closure plan reviews	\$3,000	
Annual inspections	3,200	

<sup>7</sup> In the case of systems with annual gross revenues of \$300,000 or less, the maximum fee charged will be capped at 1 percent of the gross revenue.

<sup>8</sup> In the case of systems with annual gross revenues of \$300,000 or less, the maximum fee charged will be capped at 1 percent of the gross revenue.

<sup>9</sup> In the case of systems with annual gross revenues of \$300,000 or less, the maximum fee charged will be capped at 1 percent of the gross revenue.

<sup>10</sup> In the case of systems with annual gross revenues of \$300,000 or less, the maximum fee charged will be capped at 1 percent of the gross revenue.