

Highlights of the WQD Fees Draft “Strawman” Rule Proposal

The Arizona Department of Environmental Quality (ADEQ) has initiated a rulemaking to amend the fee rules for the Aquifer Protection Permits (APP) and establish fees for the Arizona Pollutant Discharge Elimination System (AZPDES) permits. ADEQ filed a notice of docket opening, published in the Arizona Register on August 27, 2010.

Through this draft “strawman” rule proposal, ADEQ is soliciting informal public comment until September 30, in advance of formally proposing the rules. After considering informal comments, ADEQ anticipates publication of the proposed rule by the end of October. Following publication, there will be a 30-day formal public comment period and ADEQ will conduct at least one oral proceeding for comments.

ADEQ is seeking to have these rules adopted and new fees established by May, 2011, in order to be effective by July 1, 2011 (the start of fiscal year 2012).

Background

ADEQ no longer receives legislative appropriations from the General Fund, and as a result has been authorized by the Legislature to establish these fees for APP and AZPDES through formal rulemaking (House Bill 2767, Laws 2010, 2nd Regular Session, Chapter 267).

Assuming the fees within this draft "strawman" rule proposal, ADEQ is projecting revenues of approximately \$11 million will be derived and will be sufficient to sustain the APP and AZPDES programs.

Draft “Strawman” Rule Proposal Summary

The fees for the APP and reclaimed programs are currently found in A.A.C. Title 18, Chapter 14, Article 1. ADEQ is proposing to amend Article 1 by raising APP and reclaimed water fees and adding fees for the AZPDES program as well. Major changes in this rulemaking include:

- R18-14-101 Definitions - Modifies several existing definitions, deletes some outdated definitions, and introduces several new definitions related to the AZPDES program. Also adds definitions for two new optional reviews related to APP Type 4 general permits (GPs).
- Section R18-11-102 Hourly Rate and Maximum Fees - Hourly fees for APP and AZPDES.
 - WQD workload analysis established an hourly rate of \$122 for both the APP and AZPDES programs for those water quality protection services done under an hourly fee.
 - Introduces an annual rate adjuster tied to an index – in this case, the Consumer Price Index.
 - APP maximum fees have been moved from statute to rule (Table 1).
 - New maximum fees have been proposed for AZPDES permits or activities charged an hourly rate (Table 2).

- Section R18-14-103 Initial Fees - raises the initial fee submitted with an application subject to an hourly fee from \$1,000 to \$2,000 consistent with the new hourly fee of \$122/hr
- Section R18-14-104 Annual Fees for Individual APP and AZPDES Permits - APP annual registration fees have been moved from statute into rule. New annual fees for individual AZPDES permits or programs are established in subsection (B) and Table 4.
- Section R18-14-108 APP Water Quality Protection Services Flat Fees - Repeals FY11 fees for the APP program and creates a new section listing all the APP program flat fees and renewal fees including Type 2, 3 and 4 GPs and transfer of permit authorization. The Type 4 GPs are reorganized to better reflect how the program operates and processes permits.
 - Type 4.01 GP sewer collection systems – establishes fees based on design flow, rather than number of upstream connections under current rule. The fees are cumulative on a per component basis, with a maximum fee cap of \$25,000 for large projects.
 - Type 4.23 GP – establishes a base fee for an onsite wastewater treatment facility with flows of greater than 3,000 gpd but less than 24,000 gpd. Base fee covers up to 3 treatment or disposal works GPs and 2 onsite wastewater treatment facilities GPs. Each additional treatment or disposal design or additional system is \$500 up to maximum fee of \$7500. Establishes annual report fee as required in R18-9-E323(G)(2).
 - All other Type 4 GPs – Simplified the Type 4.02 - 4.22 GPs table currently in rule to distinguish between onsite systems and additional treatment or disposal technologies. Proposed rule establishes a base fee of \$1200 for the first Type 4 GP (the onsite system) that is not a 4.01 or a 4.23 GP. Each additional treatment works or disposal works is an additional \$500.
- Section R18-14-109 AZPDES Water Quality Protection Services Flat Fees - This new section establishes flat fees for AZPDES GPs to allow fees for future AZPDES GPs according to specified categories.
 - Categories include MS4 phase 2, non-municipal stormwater discharges (such as the construction GP and multi-sector GP), non-stormwater discharges, emergency discharge, transfer, and biosolids land applicators.
 - In assigning fee amounts to the categories, ADEQ considered factors such as population, acreage disturbed, or level of department effort over a 5 year period (including the number of hours it takes to develop the permit, process the application to provide coverage and to handle inspections and data management activities.)
- Section R18-12-110 Other Flat Fees - This new section establishes flat fees for other non-APP, non-AZPDES specific program including drywell registration and transfer, and issuance of Certificates of Approval of Sanitary Facilities for Subdivisions.
- Section R18-14-111 Implementation - This new section is on the implementation of these new fees

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

ARTICLE 1. WATER QUALITY PROTECTION FEES

Section

- R18-14-101. Definitions
- R18-14-102. Hourly Rate and ~~Flat Rate~~ Maximum Fees for APP and AZPDES Water Quality Protection Services
- ~~Table 1. General Permit Fees~~
- Table 1. APP Maximum Fees
- Table 2. AZPDES Maximum Fees
- R18-14-103. Initial Fees
- R18-14-104. ~~Maximum Annual Fees for Individual APP and AZPDES Permits~~
- Table 3. APP Annual Registration Fees
- Table 4. AZPDES Annual Fees
- R18-14-105. Fee Assessment and Collection
- R18-14-106. Reconsideration of a Bill; Appeal Process
- ~~R18-14-108. Water Quality Protection Fees for Fiscal Year 2011~~
- ~~Table 2.~~
- R18-14-108. APP Water Quality Protection Services Flat Fees
- Table 5. Type 4 General Permits
- R18-14-109. AZPDES Water Quality Protection Services Flat Fees
- Table 6. AZPDES Water Quality Protection Services Flat Fees
- R18-9-110. Other Flat Fee Rates
- R18-14-111. Implementation

ARTICLE 1. WATER QUALITY PROTECTION FEES

R18-14-101. Definitions

In addition to the definitions in A.R.S. §§ 49-201, 49-241.02, 49-255, 49-331, ~~and 49-362(F)~~, and A.A.C. R18-9-101, ~~and A.A.C. R18-9-701~~, and A.A.C. R18-9-A901, the following terms apply to this Article:

1. "APP" means an Aquifer Protection Permit.
- 1- ~~2.~~ "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; or~~
 - ~~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.~~
 - a change in a facility, addition of a facility, or other revision to an individual APP that requires a significant amendment under A.A.C. R18-9-A211(B) or meets the definition in A.R.S. § 49-241.02(F)(1) for the mining sector.
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. "Courtesy review" means:
 - a. A design review service the Department completes within 30 days, of the 60 percent specifications, design report, and construction drawings for sewer collection system; and
 - b. The applicant submits a Notice of Intent to Discharge for an APP Type 4.01 permit with final documentation within 180 days from the applicant's submittal of 60 percent documents.
4. "Priority review" means the Department's design review service for an APP Type 4 permit application using not more than 50 percent of the total review time-frame for the applicable Type 4 permit application.

3. ~~5.~~ "Request" means a written application, notice, 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. ~~6.~~ "Review-related costs" ~~means any of~~ includes the following costs applicable to a specific application:
- a. Presiding officer services for public hearings on a permitting decision; ₁
 - b. Court reporter services for public hearings on a permitting decision; ₁
 - c. Facility rentals for public hearings on a permitting decision; ₁
 - d. Charges for laboratory analyses performed during the application review, and
 - e. Other reasonable, ~~direct, plan and necessary~~ 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~~ as described in A.A.C. R18-9-A211(C)(4) through (C)(7) and A.A.C. R18-9-A211(D).
8. "Water quality protection service" means:
- a. Reviewing a request for a an APP determination of applicability;
 - b. Issuing, renewing, amending, transferring, or denying an aquifer protection permit, an AZPDES permit, or a reclaimed water permit;
 - c. Reviewing supplemental information required by a permit condition, including closure for an APP;
 - d. Performing a an APP clean closure plan review;
 - e. Issuing a ~~Subdivision Approval~~ Certificate of Approval for Sanitary Facilities for a Subdivision;
 - f. Registering or transferring registration of a dry well;
 - g. Conducting a site visit;
 - ~~h. Registering a significant industrial user; or~~
 - ~~i. Conducting an annual reclaimed water inspection.~~
 - h. Reviewing proprietary and other reviewed products;
 - i. Reviewing documentation related to an AZPDES general permit, including a notice of intent, notice of termination, certificate of no exposure, and waiver;
 - j. Registering and reporting land application of biosolids; or,
 - k. Pretreatment program review, inspection, or audit.

R18-14-102. Hourly Rate and Flat Rate Maximum Fees for APP and AZPDES Water Quality Protection Services

- 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 A.A.C. R18-9-A211(C)(1), (C)(2) and (C)(3) and A.A.C. R18-9-B906(B), unless a flat fee rate is otherwise designated in this Article.
- B. Hourly rate fees. ~~Except as established under subsection (C), the~~ The Department shall calculate the fee using an hourly rate of ~~\$64~~ \$122, adjusted annually, 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 in subsections (C) or (D)~~.
1. The Department shall adjust the hourly rate every July 1, to the nearest 10 cents per hour by multiplying \$122 by the Consumer Price Index for the most recent year, and then dividing by the Consumer Price Index for the year 2010.
 - a. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, for the 12-month period ending on December 31 of that year.
 - b. The Department shall publish the change to the hourly rate by March 31 of each year.
 2. The Department shall not charge an applicant for the first 60 minutes of Department pre-application consultation time costs for the project manager.
 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 1 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 one third 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 onsite 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.~~
- C. Maximum fees for a water quality service related to an APP are as follows:

Table 1. General Permit Fees

General Permit Type	Permit Description	New Permit, Expansion, and Renewal Fee	Renewal Fee With No

		With Change	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
ONSITE 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	Ruek® 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
4.23	Onsite wastewater treatment facility, flow from 3000 to less than 24,000 gallons per day	\$1800	No Fee

Table 1. APP Maximum Fees

<u>Permit Type</u>	<u>Maximum Fee</u>
<u>Individual or area-wide APP</u>	<u>\$200,000</u>
<u>Complex modification to individual or area-wide APP</u>	<u>\$200,000</u>
<u>Clean closure of facility</u>	<u>\$70,000</u>
<u>Standard modification to individual or area-wide APP</u>	<u>\$50,000</u>
<u>Reclaimed water individual permit</u>	<u>\$32,000</u>
<u>Determinations of applicability</u>	<u>\$32,000</u>

D. Maximum fees for a water quality service related to an AZPDES Permit are as follows

Table 2. AZPDES Maximum Fees

<u>Permit Type</u>	<u>Maximum Fee</u>
<u>Individual permit for municipal separate storm sewer (MS4) phase one</u>	<u>\$40,000</u>
<u>Individual permit for wastewater treatment plant (based on gallons of discharge per day)</u>	
▪ <u>3,000 to 99,999</u>	<u>\$12,500</u>
▪ <u>100,000 to 999,999</u>	<u>\$15,000</u>
▪ <u>1,000,000 to 9,999,999</u>	<u>\$25,000</u>
▪ <u>10,000,000 or more</u>	<u>\$40,000</u>
<u>Individual permit for a facility or activity that is not a wastewater treatment plant or MS4</u>	<u>\$30,000</u>

<u>Approval of a new or revised pretreatment program</u>	<u>\$10,000</u>
<u>One consolidated individual permit for multiple AZPDES individual permits, as allowed under A.A.C. R18-9-B901(C)</u>	<u>Aggregate of the applicable maximum fees</u>

R18-14-103. Initial Fees

- A. ~~Except for annual reclaimed water inspections, an~~ An applicant shall submit a ~~\$1000~~ \$2,000 initial fee for each water quality protection service subject to an hourly rate fee established under ~~R18-14-102(B)~~ A.A.C. R18-14-102 at the time an application is submitted to the Department for review.
- B. If requested by an applicant, the Department may set a lower initial fee when the Department estimates a review fee that is less than the applicable initial fee.
- C. The Department shall not review a request for a water quality protection service if the applicant or permittee has not paid any fee required under this Article, unless the applicant or permittee has an outstanding water quality protection service bill which is under appeal.

R18-14-104. ~~Maximum~~ Annual Fees for Individual APP and AZPDES Permits

- 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.~~

A. Annual Registration Fees. The annual registration fee required under A.R.S. § 49-242 is in Table 3:

Table 3. APP Annual Registration Fees

<u>Discharge or Influent per Day under the Individual APP or Notice of Disposal (in Gallons)</u>	<u>Annual Fee</u>
<u>3,000 to 9,999</u>	<u>\$500</u>
<u>10,000 to 99,999</u>	<u>\$1,000</u>
<u>100,000 to 999,999</u>	<u>\$2,500</u>
<u>1,000,000 to 9,999,999</u>	<u>\$5,000</u>
<u>10,000,000 or more</u>	<u>\$8,500</u>

B. The Department shall assess an annual fee for an individual AZPDES permit or water quality protection service as follows:

Table 4. AZPDES Annual Fees

<u>Permit Type</u>	<u>Maximum Fee</u>
<u>MS4 phase one</u>	<u>\$10,000</u>
<u>Wastewater treatment plant (based on gallons of discharge per day)</u>	
▪ <u>1,000,000 to 9,999,999</u>	<u>\$2,500</u>
▪ <u>10,000,000 or more</u>	<u>\$4,000</u>
<u>Facility or activity that is not a wastewater treatment plant or MS4, and is specified as a major</u>	<u>\$2,500</u>
<u>Pretreatment program</u>	<u>\$2,000</u>
<u>Consolidated individual permit for multiple AZPDES individual permits, as allowed under A.A.C. R18-9-B901(C)</u>	<u>Aggregate of the applicable maximum fees</u>

R18-14-105. Fee Assessment and Collection

A. Billing. The Department shall bill an 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 first 60 minutes of pre-application consultation time for the project manager) 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. B. Final bill. After the Department makes a final determination whether to grant or deny a request for a permit or an approval, or when an applicant withdraws or closes the application, the Department shall prepare a final itemized bill for an 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~~ A.A.C. R18-14-102.
 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~~ 60 days after the date the Director receives the written request.

R18-14-108. Water Quality Protection Fees for Fiscal Year 2011

A. ~~Beginning on July 1, 2010 until June 30, 2011, the fees listed in Table 2 increase and supersede any fee listed otherwise in this Article or in A.R.S. Title 49, Chapter 2, Article 3.~~

B. ~~In addition to the annual registration fee required under A.R.S. § 49-242 for Calendar Year 2010, a one-time increased annual registration fee as listed in Table 2 shall be due within 30 days of the invoice postmark date for the increased fee.~~

C. ~~This Section and Table 2 will repeal automatically, effective July 1, 2011~~

Table 2.

Water Quality Protection Service	Applicable Fee
Individual Permits	
Individual or Area-wide Aquifer Protection Permit	\$122 per hour up to maximum of \$200,000
Complex Modification to Individual or Area-wide Aquifer Protection Permit	\$122 per hour up to maximum of \$200,000
Clean closure of facility without Aquifer Protection Permit	\$122 per hour up to maximum of \$70,000
Standard Modification to Individual or Area-wide Aquifer Protection Permit	\$122 per hour up to maximum of \$50,000
Reclaimed Water Individual Permit	\$122 per hour up to maximum of \$32,000
Increased Fee Required for Annual Registration per A.R.S. § 49-242 of Discharge or Influent per Day Under the Permit or Notice of Disposal (in Gallons)	
Gallons of Permitted Discharge or Influent per Day	
3000 to 9999	\$25
10,000 to 99,999	\$150
100,000 to 999,999	\$1500
1,000,000 to 9,999,999	\$2500
10,000,000 or more	\$4000
General Permits	
All Type 2 General Permits	\$600

All Type 2 General Permits Renewals	\$200
All Type 3 General Permits	\$3000
All Type 3 General Permits Renewals	\$1000
Type 4.01 General Permit Sewer Collections Systems	
Gravity Sewer Only with Manholes	
-Serving less than or equal to 50 connections	\$1000
-Serving 51 to 300 connections	\$2000
-Serving 301 or more Connections	\$3000
Force Mains Including Gravity Sewer Components	
-Serving less than or equal to 50 connections	\$1600
-Serving 51 to 300 connections	\$2600
-Serving 301 or more connections	\$3600
Type 4 Onsite Wastewater Treatment Facilities	
Type 4.02 Septic tank/conventional disposal, less than 3000 gallons per day	\$800
Type 4.03 Composting toilet, less than 3000 gallons per day	\$800
Type 4.04 Pressure distribution system, less than 3000 gallons per day	\$1000
Type 4.05 Gravelless trench, less than 3000 gallons per day	\$1000
Type 4.06 Natural seal evapotranspiration bed, less than 3000 gallons per day	\$1200
Type 4.07 Lined evapotranspiration bed, less than 3000 gallons per day	\$1200
Type 4.08 Wisconsin mound, less than 3000 gallons per day	\$1000
Type 4.09 Engineered pad system, less than 3000 gallons per day	\$1200
Type 4.10 Intermittent sand filter, less than 3000 gallons per day	\$1200
Type 4.11 Peat filter, less than 3000 gallons per day	\$1200
Type 4.12 Textile filter, less than 3000 gallons per day	\$1200
Type 4.13 Ruck® system, less than 3000 gallons per day	\$1200
Type 4.14 Sewage vault, less than 3000 gallons per day	\$800
Type 4.15 Aerobic system/subsurface disposal, less than 3000 gallons per day	\$1600
Type 4.16 Aerobic system/surface disposal, less than 3000 gallons	\$2000

per day	
Type 4.17 Cap system, less than 3000 gallons per day	\$800
Type 4.18 Constructed wetlands, less than 3000 gallons per day	\$1200
Type 4.19 Sand lined trench, less than 3000 gallons per day	\$1000
Type 4.20 Disinfection device, less than 3000 gallons per day	\$1000
Type 4.21 Sequencing batch reactor, less than 3000 gallons per day	\$1200
Type 4.22 Subsurface drip irrigation, less than 3000 gallons per day	\$1000
Type 4.23 Onsite wastewater treatment facility, flow from 3000 to less than 24,000 gallons per day	\$3600
Each additional general permit for multiple design elements from more than one Type 4 General Permit, as stated in R18-14-102(C)(7)(b)	\$500
Other Services	
Dry well registration	\$100
Determination of Applicability	\$1000
Subdivision approval with sewage treatment and disposal provided outside the boundaries of individual lots	\$600 per 150 lots
Subdivision approval with sewage treatment and disposal located within the boundary of lot	\$1000 for 40 lots or less \$2000 for 41 to 150 lots \$2000 per additional 150 lots

R18-14-108. APP Water Quality Protection Services Flat Fees

- A. The Department shall assess a flat rate fee for an APP water quality protection service listed in this Section.
- B. Type 1 General Permits. No fee is required, except as stated in A.A.C. R18-9-A304(A)(2).
- C. Type 2 and Type 3 General Permits.
1. A new Type 2 General permit authorization or expansion is \$600; a renewal fee is \$200
 2. A new Type 3 General permit authorization or expansion is \$3,000; a renewal fee is \$1,000
 3. Transfer of permit authorization is \$50 per transfer;
 4. 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 subsection (C)(1) or (2) for the first facility and half of the fee for each additional facility.

D. Fees for Type 4 General Permits and related water quality protection services are listed in Table 4.

Table 5. Type 4 General Permits

<u>Water Quality Protection Service</u>	<u>Description</u>	<u>Permit Fee</u>
4.01 General Permit: <u>Sewer Collection Systems</u>	<ul style="list-style-type: none"> ▪ <u>Maximum fee; fee is assessed on a per component basis and is cumulative up to the maximum fee</u> ▪ <u>Gravity sewer only with manholes systems with design flow less than or equal to 10,000 gpd</u> ▪ <u>Each additional 50,000 gpd of gravity sewer only with manholes systems</u> ▪ <u>Force main with design flow less than or equal to 10,000 gpd</u> ▪ <u>Each additional 50,000 gpd of force mains</u> ▪ <u>Each sewer lift station</u> ▪ <u>Each depressed sewer</u> ▪ <u>Realignment of existing sewer for a contiguous project that is less than 300 linear feet with no change in design flow or pipe size</u> ▪ <u>If an applicant requests courtesy review, the Department shall approve or deny the request. When determining whether to approve a courtesy review request, the Department shall consider the complexity of the project and the Department's current work load.</u> 	<p><u>\$25,000</u></p> <p><u>\$1,000</u></p> <p><u>\$1,000</u></p> <p><u>\$1,000</u></p> <p><u>\$1,000</u></p> <p><u>\$1,000</u></p> <p><u>\$1,000</u></p> <p><u>\$500</u></p> <p><u>One-third applicable fee upon submittal, then balance of fee if Notice of Intent to Discharge submitted within 180 days</u></p>
4.23 General Permit: <u>3,000 to less than 24,000 Gallons per day Design Flow</u>	<ul style="list-style-type: none"> ▪ <u>Maximum fee (cumulative for the initial fee)</u> ▪ <u>Onsite wastewater treatment facility with up to: (1) three treatment and disposal works consisting of technologies or designs that are covered under other general permits; and, (2) two on-site</u> 	<p><u>\$7,500</u></p> <p><u>\$3,600</u></p>

	<u>wastewater treatment facilities</u> <ul style="list-style-type: none"> ▪ <u>Each additional treatment or disposal design consisting of technologies or designs that are covered under other general permits</u> ▪ <u>Each additional on-site wastewater treatment facility</u> ▪ <u>Annual report required under A.A.C. R18-9-E323(G)</u> 	<u>\$500</u> <u>\$1,200</u> <u>\$200</u>
<u>All other Type 4 General Permits that are not a 4.01 or 4.23</u>	<ul style="list-style-type: none"> ▪ <u>First Type 4 General Permit</u> ▪ <u>Each additional Type 4 General Permit on same Notice of Intent to Discharge</u> 	<u>\$1,200</u> <u>\$500</u>
<u>Alternative Design under A.A.C. R18-9-A312(G)</u>	<u>A request for an alternative design, installation, or operational feature, per alternative design:</u> <ul style="list-style-type: none"> ▪ <u>Type 4.01 General Permit</u> ▪ <u>All other Type 4 General Permits</u> 	<u>\$750</u> <u>\$250</u>
<u>Interceptor under A.A.C. R18-9-A315</u>	<u>A design requiring an interceptor, per interceptor</u>	<u>\$100</u>
<u>Transfer</u>	<u>Transfer of discharge authorization</u>	<u>\$50</u>
<u>Priority Review</u>	<u>If an applicant requests priority review, the Department shall approve or deny the request. When determining whether to approve a priority review request, the Department shall consider the complexity of the project and the Department's current work load.</u>	<u>Double the Applicable Fee</u>

R18-14-109. AZPDES Water Quality Protection Services Flat Fees

A. The Department shall assess a flat rate fee for an AZPDES water quality protection service, as described in Table 5.

B. In addition to the requirements in A.A.C. R18-9-A907(A), a draft permit will state what category and fee it is assigned to and the factors considered, according to Table 5. Any interested person may comment on the fee level assignment during the public comment period described in A.A.C. R18-9-A908.

C. Annual Fee. The Department shall bill an annual fee to permittees who have not filed a notice of termination for an applicable general permit.

Table 6. AZPDES Water Quality Protection Services Flat Fees

<u>Category</u>	<u>Factors</u>	<u>Initial Fee</u>	<u>Annual Fee</u>
<u>Municipal</u> <u>Stormwater</u> <u>Discharges:</u>	<p>The fee is based on population:</p> <ul style="list-style-type: none"> ▪ <u>Less than or equal to 10,000,</u> ▪ <u>Greater than 10,000 but less than or equal to 100,000</u> ▪ <u>Greater than 100,000,</u> <p><u>The fee for a non-traditional MS4, such as a hospital, college or military</u></p>	<p><u>\$2,000</u></p> <p><u>\$4,500</u></p> <p><u>\$7,000</u></p> <p><u>\$4,500</u></p>	<p><u>\$2,000</u></p> <p><u>\$4,500</u></p> <p><u>\$7,000</u></p> <p><u>\$4,500</u></p>
<u>Non-Municipal</u> <u>Stormwater</u> <u>Discharges:</u>	<p>The fee for is based on the amount acreage</p> <p><u><1 acre</u></p> <p><u>>1 and <=10 acres</u></p> <p><u>>10 and <=40 acres</u></p> <p><u>>40 and <=160 acres</u></p> <p><u>>160 and <=640 acres</u></p> <p><u>>640 acres</u></p> <p><u>Pollution prevention plan review</u></p> <p><u>Waiver</u></p> <p><u>Certificate of No Exposure</u></p> <p><u>If more than one person must apply for general permit coverage of the same facility or discharge activity, the person in control of the facility or discharge activity but contracts to another person to perform the discharge activity, and the person who has been contracted to be in control of the facility or discharge activity pays:</u></p>	<p><u>\$250</u></p> <p><u>\$500</u></p> <p><u>\$750</u></p> <p><u>\$1,000</u></p> <p><u>\$2,000</u></p> <p><u>\$3,000</u></p> <p><u>\$1,000</u></p> <p><u>\$750</u></p> <p><u>\$750</u></p> <p><u>Fee applicable to the amount of acreage each person controls</u></p>	<p><u>\$250</u></p> <p><u>\$500</u></p> <p><u>\$750</u></p> <p><u>\$1,000</u></p> <p><u>\$2,000</u></p> <p><u>\$3,000</u></p> <p><u>N/A</u></p> <p><u>N/A</u></p> <p><u>\$350</u></p>
<u>Non-Stormwater</u> <u>Discharges</u>	<p>The fee is based on the Department's costs as follows:</p> <p><u>Level 1:</u></p>		

	<ul style="list-style-type: none"> ▪ <u>Initial permit development is less than 1,000</u> ▪ <u>Staff customer service time is at least 500 hours and</u> 		
	<u>Level 1A</u>	<u>\$250</u>	<u>\$125</u>
	<ul style="list-style-type: none"> ▪ <u>Staff time for review of the notice of intent is less than 2 hours</u> ▪ <u>Staff time for annual data review and inspections over the term of the permit is less than 1 hour, or</u> 		
	<u>Level 1B</u>	<u>\$500</u>	<u>\$250</u>
	<ul style="list-style-type: none"> ▪ <u>Staff time for review of the notice of intent is less than 10 hours</u> ▪ <u>Staff time for annual data review and inspections over the term of the permit is less than 1 hour</u> 		
	<u>Level 2:</u>	<u>\$1,250</u>	<u>\$1,250</u>
	<ul style="list-style-type: none"> ▪ <u>Initial permit development is less than 1,000 staff hours</u> ▪ <u>Staff time for review of the notice of intent is less than 20 hours</u> ▪ <u>Staff time for annual data review and inspections over the term of the permit is less than 20 hours</u> 		
	<u>Level 3:</u>	<u>\$1,500</u>	<u>\$1,500</u>
	<ul style="list-style-type: none"> ▪ <u>Initial permit development is greater than 1,000 staff hours</u> ▪ <u>Staff time for review of the notice of intent is less than 40 hours</u> ▪ <u>Staff time for annual data review and inspections over the term of the permit is less than 25 hours</u> 		
	<u>Level 4</u>		
	<ul style="list-style-type: none"> ▪ <u>Initial permit development is greater than 1,000 staff hours, and</u> 		
	<u>Level 4A</u>	<u>\$2,000</u>	<u>\$2,000</u>
	<ul style="list-style-type: none"> ▪ <u>Staff time for review of the notice of intent is less than 60 hours</u> ▪ <u>Staff time for annual data review and inspections</u> 		

	<u>over the term of the permit is less than 30 hours, or</u> <u>Level 4B</u> <ul style="list-style-type: none"> ▪ <u>Staff time for review of the notice of intent is less than 80 hours</u> ▪ <u>Staff time for annual data review and inspections over the term of the permit is less than 40 hours</u> 	<u>\$2,500</u>	<u>\$2,500</u>
	<u>Pollution prevention plan review</u>	<u>\$1,000</u>	<u>N/A</u>
	<u>If more than one person must apply for general permit coverage of the same facility or discharge activity:</u> <ul style="list-style-type: none"> ▪ <u>The person who has been contracted to be in control of the facility or discharge activity pays</u> ▪ <u>The person in control of the facility or discharge activity but contracts to another person to perform the discharge activity pays</u> 	<u>Full applicable fee</u> <u>\$125</u>	<u>Full applicable fee</u> <u>N/A</u>
<u>Emergency Discharge</u>		<u>\$10,000</u>	<u>N/A</u>
<u>Transfer</u>	<u>Permit authorization as allowed under A.A.C. R18-9-B905</u>	<u>\$50</u>	<u>N/A</u>
<u>Biosolids Land applicators</u>	<u>Initial registration</u> <u>Registration amendment</u> <u>Annual report based on amount of dry metric tons (dmt) applied</u> <ul style="list-style-type: none"> ▪ <u>1,500-15,000 dmt</u> ▪ <u>>15,000 dmt</u> 	<u>\$250</u> <u>\$125</u>	<u>N/A</u> <u>\$2,500</u> <u>\$3,000</u>

R18-9-110. Other Flat Fee Rates

Flat rate fees. The Department shall assess a flat rate fee for the following water quality protection services:

1. Dry well registration, \$100 per dry well;
2. Dry well transfer of registration, \$50 per transfer;
3. Certificate of Approval for Sanitary Facilities for Subdivisions.
 - a. Subdivision with public sewerage system is \$600 for every 150 lots;

- b. Subdivision with individual sewerage system is:
 - i. \$500 for less than ten lots, or
 - ii. \$1,000 for less than 50 lots, and
 - iii. \$1,000 for each additional 50 lots.
- c. If water from a central system is not provided to the lot, the fee is one and one-half the applicable fee stated in subsections (a) or (b).
- d. Condominium subdivision is \$1,000 for every 150 units.

R18-14-111. Implementation

The fees in this Article apply on the effective date of these rules. For fees related to the AZPDES program, a person shall submit the applicable fee for:

1. A request for a water quality protection service when specified in an AZPDES General Permit or in 18 A.A.C. 9, Article 9; and
2. The annual fee for an AZPDES general permit, even if the person filed for coverage before the effective date of these rules.