



State of Oregon Department of Environmental Quality

Oregon Environmental Quality Commission meeting

Jan. 21-22, 2021

Rulemaking, Action Item F 2020 Water Quality Fee Increase Update Rulemaking

Table of Contents

DEQ Recommendation to EQC.....	2
Introduction	3
Statement of Need	4
Rules Affected, Authorities, Supporting Documents.....	5
Fee Analysis.....	6
Statement of Fiscal and Economic Impact	8
Federal Relationship	10
Land Use.....	11
EQC Prior Involvement.....	12
Advisory Committee	13
Public Engagement	15
Implementation.....	17
Five-Year Review.....	18
Accessibility Information.....	19

DEQ Recommendation to EQC

DEQ recommends that the Environmental Quality Commission adopt the proposed corrected rules and accompanying fee tables associated with fee implementation. This proposed action corrects 11 items on the 2020 interim fee table, as shown in Attachment A, and the language associated with fee implementation dates, as shown in Attachment B, as part of Chapter 340 of the Oregon Administrative Rules. These changes conform to what the commission approved at its July 16, 2020, meeting. However, the paperwork filed with the Oregon Secretary of State differed from that action due to a number of administrative errors.

Proposed motion language:

“I move that the Environmental Quality Commission adopt the proposed rules as seen in accompanying fee table Attachment A and rule language Attachment B of the staff report for this item as part of Chapter 340 Division 45 of the Oregon Administrative Rules.”

Introduction

The Oregon Environmental Quality Commission voted on July 16, 2020, to adopt amendments to DEQ administrative rules regarding water quality permit fees. The affected rules were OAR 340-045-0075 and 340-071-0800.

The commission approved fee increases totaling 21 percent, to be implemented in two phases.

Phase one was effective Aug. 1, 2020, and included a fee increase of 13 percent, made up of the three percent authorized by statute (ORS 468B.051), and an additional 10 percent. The purpose of this increase was to support new program positions authorized in the 2019-2021 Legislatively Adopted Budget.

The second phase becomes effective on July 1, 2021. This is for eight percent, and also supports new program positions authorized in the 2019-2021 Legislatively Adopted Budget.

After filing the paperwork for the rule change with the Secretary of State, program staff discovered two types of errors. First, there were a series of errors in the phase one (interim) fee tables, as shown below.

Table	Section	Old Fee	Filed Fee	Intended 13% Fee Amount	Deviation
70A Tier 1	Major Modification	34,033	38,357	38,457	-100
70B	B-08 Tier 1 Annual Fees	13,633	13,633	15,405	-1,772
70B	B-10Tier 1 Annual Fees	13,633	13,633	15,405	-1,772
70H	Counties, Phase I	10,300	10,069	10,609	-540
70G	1700A App Fee (NEW)	616	501	696	-195
70I	UIC 1200-U General App Fee	616	616	696	-80
70I	UIC 1200-U General Annual Fee	633	633	714	-81
70I	UIC 1900-B Geothermal App Fee	616	616	696	-80
70I	UIC 1900-B Geothermal Annual Fee	633	633	714	-81
70B	B-20 Tier 1	7,070	77,989	7,989	70,000
70B	B-20 WPCF Tier 2	3,912	4,4,22	4,422	N/A

The second error in the paperwork filed with the Secretary of State was that the fee end date should be June 30, 2021, rather than the May 31, 2021.

Statement of Need

What need would the proposed rule address?

DEQ is proposing to correct the administrative errors for three reasons. First, the corrected fees align with the agency's current service level 2019-21 budget, and allow DEQ to carry out implementation of the hiring authorized by the legislature. Second, the corrections provide parity across all fee payers, as originally intended for phase one of the fee increase.. And, third, with the current incorrect date, the phase one fees would revert back to the previous fee on June 1, 2021 for a one-month period before the phase two fees go into effect on July 1, 2021. This would cause both a fiscal impact to DEQ's budget and significant confusion to the permittees.

How would the proposed rule address the need?

DEQ must apply the new fees to invoices in February 2021, to cover costs associated with implementing the permitting program and delivering services to regulated entities. This funding will address staffing needs and enable DEQ to implement improvements to the program as identified in the [Recommendations and Implementation Plan](#) report. The 2015 Oregon Legislature commissioned the report, which a third-party consultant completed in November 2016.

How will DEQ know the rule addressed the need?

If approved, DEQ would begin receiving the correct fee revenues in February 2021.

Rules Affected, Authorities, Supporting Documents

Lead division

Water Quality Division

Program or activity

Water Quality Permitting and Program Development

Rule action: Amend

OAR 340-045-0075

Supporting authorities

Statutory Authority - ORS				
468.020	468B.020	468B.035	454.615	454.625
468.020	--	--	--	--

Statutes Implemented - ORS				
468B.050	468.065	468B.035	468.065	468B.015
454.775	454.780	454.784	468.020	454.605
454.607	454.610	454.615	454.625	454.655
454.665	454.675	454.695	454.725	454.745
454.755	454.780	468.035	468.045	468B.050
468B.055	468B.080	--	--	--

Documents relied on for rulemaking

Document title	Document location
Fee increase calculations	DEQ Headquarters
Recommendations and Implementation Plan	DEQ web page Recommendations and Implementation Plan
DEQ 2019-2021 Legislatively Approved Budget	DEQ Headquarters
DEQ's water quality permit database	DEQ Headquarters

Fee Analysis

These proposed rules would change existing fees and change the expiration date of the phase one fees pursuant to OAR 340-045-0075(2).

Brief description of proposed fees

DEQ is proposing to amend the phase-one fees for the following fee tables and to correct the expiration date for these fees as described above:

Table	Section	Old Fee	Filed 13% Fee Increase Amount	Intended 13% Fee Amount	Deviation
70A Tier 1	Major Modification	34,033	38,357	38,457	-100
70B	B-8Tier 1 Annual Fees	13,633	13,633	15,405	-1,772
70B	B-10Tier 1 Annual Fees	13,633	13,633	15,405	-1,772
70H	Counties, Phase I	10,300	10,069	10,609	-540
70G	1700A App Fee (NEW)	616	501	696	-195
70I	UIC 1200-U General App Fee	616	616	696	-80
70I	UIC 1200-U General Annual Fee	633	633	714	-81
70I	UIC 1900-B Geothermal App Fee	616	616	696	-80
70I	UIC 1900-B Geothermal Annual Fee	633	633	714	-81
70B	B-20 Tier 1	7,070	77,989	7,989	70,000
70B	B-20 WPCF Tier 2	3,912	4,422	4,422	N/A

The above permit fees, will be increased by adopting:

- OAR 340-045-0075:
 - Industrial NPDES and WPCF Individual Permits Application and Modification Fees; Table 70A
 - Industrial NPDES and WPCF Individual Permit Annual Fees; Table 70B;
 - General NPDES and WPCF Permits, Application and Annual Fees, Table 70G, *excluding* WPCF 2401 and 2402; and 700PM fees under authority ORS 468B.118;
 - Municipal Separate Storm Sewer System Permits: Annual fees for Counties, Phase I, Table 70H;
 - Underground Injection Control Permits Application Fees, Annual Fees, and Surcharges, Table 70I, *excluding* UIC fees authorized by rule, ORS 468B.195 and ORS 468B.196.

Rule language change proposal

DEQ proposes to correct the following rule language to OAR 340-045-0075 to state as follows:

OAR 340-045-0075(2). Two sets of fee tables are provided. The first identifies fees effective August 1, 2020, through June 30, 2021. The second establishes the fee amounts effective starting July 1, 2021.

Reasons

DEQ is proposing these corrections to conform with what the commission approved in July 2020 and to fix mistakes contained in the paperwork filed with the Oregon Secretary of State.

The proposed fees would address:

Correcting unintended administrative mistakes for the phase-one fee increase paperwork filed with the Oregon Secretary of State.

Fee proposal alternatives considered

Not changing fees

Without the fee change, DEQ will be unable to correct the disparity of the fees as outlined in this document.

Fee payers

The proposed fee corrections 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

Affected party involvement in fee-setting process

DEQ appointed a fiscal advisory committee specifically to address the proposed water quality permit fees in OAR 340 Divisions 45 and 71. The advisory committee included stakeholders representing domestic and industrial permit holders, state agencies, and environmental and citizen engagement organizations. The committee met twice to review the original proposed rule updates and to assess and comment on the fiscal impacts of DEQ's proposed permit fee increase; and have met once to review these proposed rule updates.

Summary of impacts

The 11 categorical fee changes will align the fees with those that were intended to be approved in July 2020. Nine of the fees will have a small increase, one fee will have a significant decrease and one fee will remain the same but will correct a typographical error.

Statement of Fiscal and Economic Impact

Fiscal and economic impact

Correcting the permit fees provide parity with respect to the 13% phase one fee increase presented to the EQC in July 2020. The fee change will increase costs for some entities while decreasing them for one entity to align them with the fees that were approved by the commission in July 2020.

Statement of cost of compliance

Table	Section	Number of Permits (8/1/20-6/30/21)	Current Fee	Proposed Fee	Deviation	Total
70A Tier 1	Major Modification	<5	38,357	38,457	-100	500
70B	B-8 Tier 1 Annual Fees	2	13,633	15,405	-1,772	3,544
70B	B-10 Tier 1 Annual Fees	1	13,633	15,405	-1,772	1,772
70H	Counties, Phase I	1	10,069	10,609	-540	540
70G	1700A App Fee (NEW)	0	501	696	-195	0
70I	UIC 1200-U General App Fee	~8	616	696	-80	640
70I	UIC 1200-U General Annual Fee	20	633	714	-81	1,620
70I	UIC 1900-B Geothermal App Fee	0	616	696	-80	0
70I	UIC 1900-B Geothermal Annual Fee	1	633	714	-81	81
70B	B-20 Tier 1	8	77,989	7,989	70,000	(560,000)

State and federal agencies

State and federal agencies are not expected to be impacted by this fee change.

Local governments and public

DEQ expects one County Municipal Separate Storm Sewer System permit to be effected by this fee change for an increase of \$100.

Large businesses - businesses with more than 50 employees

The proposed fee correction will have a minimal effect on permit holders as indicated in the table above. The fee increase would be significant at \$70,000 per facility for eight facilities.

Small businesses – businesses with 50 or fewer employees

The proposed fee correction will have a minimal effect on permit holders as indicated in the table above.

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

- Please see the table above.

b. Projected reporting, recordkeeping, and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

- No additional activities are required to comply with the proposed rules.

c. Projected equipment, supplies, labor, and increased administration required for small businesses to comply with the proposed rule.

- No additional resources are required to comply with the proposed rules.

d. Describe how DEQ involved small businesses in developing this proposed rule.

- DEQ met with a fiscal advisory committee on Nov. 30, 2020. The committee was composed of a diverse group of stakeholders representing a wide cross section of DEQ's permit holders.

Advisory committee fiscal review

DEQ appointed an advisory committee.

As ORS 183.33 requires, DEQ asked for the committee's recommendations on Nov. 30, 2020:

- Whether the proposed rules would have a fiscal impact.
- The extent of the impact.
- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ could comply with ORS 183.540 to reduce that impact.

The committee reviewed the draft fiscal and economic impact statement.

The committee determined the proposed rules would not have a significant adverse impact on small businesses in Oregon. The committee did comment that the fee increases would affect public and local governments.

Federal Relationship

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so. The proposed rules are “in addition to federal requirements” because there are no applicable federal requirements.

Land Use

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Considerations

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land-use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
 - Resources, objectives or areas identified in the statewide planning goals, or
 - Present or future land uses identified in acknowledged comprehensive plans.

Determination

DEQ finds that the proposed rule corrections are minor changes in regulatory fees that are not reasonably expected to have significant effects on resources, objectives or areas identified in the statewide planning goals, and that the rule changes will not have significant effects on present or future land uses identified in comprehensive plans. As a result, the proposed rule corrections comply with ORS 197.180 and OAR 340-018-0070.

EQC Prior Involvement

The commission adopted rule amendments in [July 2020](#), to increase water quality fees.

The EQC approved Policy Option Packages for the 2019-21 Agency Request Budget in August 2018, which identified the positions (and the related fee increases necessary for their support) that were authorized by the 2019 Legislature.

DEQ discussed and informed the EQC about the 2020 Fee Increase Rulemaking during the Fee Increase Rulemaking presentation to the EQC on Sept. 27, 2019, in Madras, Oregon.

Advisory Committee

Background

DEQ convened the 2020 Fee Increase Rulemaking Fiscal Advisory Committee to participate in the 2020 phase one fee correction. The committee met once and included representatives from local governments, NPDES permit holders, environmental and citizen involvement organizations. Information about the committee can be found at [Water Quality Permit Fees 2020](#) web page.

The committee members were:

2020 Water Quality Fee Increase Advisory Committee	
Affiliation	Name
Aqua Resource Design & Consulting	Brannon Lamp
Oregon Homebuilders Association	Ellen Miller
Oregon Environmental Council	Karen Lewotsky
Special Districts Association of Oregon	Mark Landauer
Northwest Environmental Defense Center	Mark Riskedahl
Association of Oregon Counties	Mike Eliason
League of Women Voters	Peggy Lynch
Oregon Business and Industry	Sharla Moffett
Oregon Association of Clean Water Agencies	Susie Smith
League of Oregon Cities	Tracy Rutten

Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
 - Rulemaking
 - Water Quality Permits
- Added advisory committee announcements to DEQ's calendar of public meetings at [DEQ Calendar](#).
- Additionally, DEQ submitted notification of this rulemaking through the GovDelivery system to Onsite permit holders.

Committee discussions

The Nov. 30, 2020, meeting was attended by the following committee members: Ellen Miller, Mark Landauer, Peggy Lynch, and Tracy Rutten and those committee members voted unanimously to approve the proposed fee rule correction.

Public Engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On Nov. 30, 2020, filing notice with the Oregon Secretary of State for publication in the December 2020 Oregon Bulletin;
- Posting the Notice of Rulemaking and draft rules on the web page for this rulemaking, located at: [Water Quality Fees 2020 Web Page](#)
- Emailing interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - Water Quality Permits
- Emailing advisory committee members
- Posting on the DEQ event calendar: [DEQ Calendar](#)

Public Hearing

DEQ held a hearing for this fee rule on Dec. 15, 2020. No one attended the hearing and no comments were submitted for the hearing.

Summary of Public Comments and DEQ Responses

Public comment period

DEQ accepted public comment on the proposed rulemaking from Dec. 1, 2020, until 4 p.m. on Dec. 21, 2020.

Comments received by close of public comment period

No comments were received.

Implementation

Notification

If approved, the proposed rules would become effective upon filing on approximately Feb. 1, 2021. DEQ would notify affected parties by:

- Emailing interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - Water Quality Permits
 - Onsite
- Posting notification on relevant, permit-related webpages

Compliance and enforcement

Affected parties: Water Quality permit holders

DEQ staff: Water Quality staff by email

Systems

Website: Water Quality staff to add notification to relevant webpages

Database: Water Quality staff by email

Invoicing: Water Quality staff by email

Five-Year Review

Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

Exemption from five-year rule review

The Administrative Procedures Act exempts all of the proposed rules from the five-year review because the proposed rule changes would amend an existing rule: ORS 183.405(4).

Accessibility Information

You may review copies of all documents referenced in this announcement at:
Oregon Department of Environmental Quality
700 NE Multnomah St., Ste. 600
Portland, OR, 97232

To schedule a review of all websites and documents referenced in this announcement, call Angela Rowland, 503-229-5740 or (800-452-4011, ext. 5622 toll-free in Oregon).

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

Key to Identifying Changed Text:
~~Strikethrough: Deleted Text~~
Underline: New/inserted text



State of Oregon Department of Environmental Quality

OAR 340-045-0075

Fee Tables

[Note: This document contains two sets of tables. The first set is effective from August 1, 2020, until June 30, 2021. The second set of tables takes effect on July 1, 2021.]

Effective August 1, 2020 – June 30, 2021

OAR 340-045-0075 Table 70A Industrial NPDES and WPCF Individual Permits: Application and Modification Fees Revised July 2020 February 2021 Effective August 1, 2020 - June 30, 2021			
Application fees for new industrial permits			
Tier 1 Industrial Facilities	\$77,038		
Tier 2 Industrial Facilities	\$15,504		
Special WPCF Permits (OAR 340-045-0061)	\$733		
Note: New permit applications must include the annual fee specified in Table 70B in addition to the new permit application fee listed above. The application fee is not required for renewal unless a modification is needed or requested.			
Modification Fees¹			
	Major		Minor
	At Permit Renewal	Prior to Expiration	
Tier 1 Industrial Facilities	\$19,355	\$38, 357 <u>457</u>	\$1,349
Tier 2 Industrial Facilities	\$4,921	\$7,686	\$1,349
1. A new application, application fee and modification fee must accompany all requests for permit modification. DEQ may charge the environmental management plan review fee amount in Table 70F when only the environmental management plan required by the permit requires review.			

OAR 340-045-0075 Table 70B Industrial NPDES and WPCF Individual Permit Annual Fees Revised July 2020 <u>February 2021</u> Effective August 1, 2020 - June 30, 2021					
Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
B01	Pulp, paper, or other fiber pulping industry	\$26,937	N	\$25,000	N
Food or beverage processing - includes produce, meat, poultry, seafood or dairy for human, pet, or livestock consumption:					
B02	Washing or packing only	N	\$3,745	N	\$3,447
B03	Processing – small. Flow \leq 0.1 mgd, or 0.1 < flow < 1 mgd for less than 180 days per year	N	\$5,599	N	\$5,297
B04	Processing – medium. 0.1 mgd < Flow < 1 mgd for 180 or more days per year, or flow \geq 1 mgd for less than 180 days per year	N	\$7,901	N	\$7,599
B05	Processing – large. Flow \geq 1 mgd for 180 or more days per year	\$26,937	\$23,669	\$25,000	\$23,364
Primary Smelting or Refining:					
B06	Aluminum	\$26,937	\$23,669	\$25,000	\$23,364
B07	Non-ferrous metals utilizing sand chlorination separation facilities	\$26,937	\$23,669	\$25,000	\$23,364
B08	Ferrous and non-ferrous metals not elsewhere classified	\$13,633 <u>15,405</u>	\$12,135	\$13,468	\$11,836
B09	Chemical manufacturing with discharge of process wastewater	\$26,937	\$23,669	\$25,000	\$23,364
B10	Cooling water discharges in excess of 20,000 BTU per second	\$13,633 <u>15,405</u>	\$12,135	\$13,468	\$11,836
Mining Operations – includes aggregate or ore processing:					
B11	Large (over 500,000 cubic yards per year or involving chemical leaching)	\$26,937	\$23,669	\$25,000	\$23,364
B12	Medium (100,000 to 500,000 cubic yards per year)	N	\$8,287	N	\$7,986
B13	Small (less than 100,000 cubic yards per year)	N	\$2,522	N	\$2,222
All facilities not elsewhere classified which dispose of process wastewater (includes remediated groundwater):					
B14	Tier 1 sources	\$26,937	N	\$25,000	N
B15	Tier 2 sources	N	\$5,212	N	\$4,916
Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2

OAR 340-045-0075 Table 70B Industrial NPDES and WPCF Individual Permit Annual Fees Revised July 2020 February 2021 Effective August 1, 2020 - June 30, 2021					
B16	All facilities not elsewhere classified which dispose of non-process wastewaters (for example: small cooling water discharges, boiler blowdown, filter backwash)	N	\$3,489	N	\$3,189
B17	Fish hatcheries and other confined feeding operations on individual permits except permits the Oregon Department of Agriculture administers.	N	\$3,054	N	\$2,755
B18	All facilities which dispose of wastewater only by evaporation from watertight ponds or basins	N	N	N	\$2,025
Timber and Wood Products					
B19	Sawmills, log storage, instream log storage	\$7,556	\$4,286	\$5,619	\$3,984
B20	Hardboard, veneer, plywood, particle board, pressboard manufacturing, wood products	\$7,989	\$4,721	\$6,056	\$4,422
B21	Wood preserving	\$6,761	\$3,489	\$4,824	\$3,189

OAR 340-045-0075 Table 70C Domestic NPDES and WPCF Individual Permits: Application, Annual and Modification Fees Revised July 2020 Effective August 1, 2020 - June 30, 2021							
Description	Type	Criteria ¹	New Permit App. Fee ²	NPDES Annual Fee (5yr)	WPCF Annual Fee (10yr)	Modifications ³	
						Major	Minor
Non-Lagoon Treatment Systems	A1	≥ 50 mgd	\$49,111	\$106,353		\$24,617	\$1,349
	A2	$25 \text{ mgd} \leq \text{Flow} < 50$ mgd	\$49,111	\$62,506		\$24,617	\$1,349
	A3	$10 \text{ mgd} \leq \text{Flow} < 25$ mgd	\$49,111	\$29,460		\$24,617	\$1,349
	Ba	$5 \text{ mgd} \leq \text{Flow} < 10$ mgd	\$49,111	\$18,885	\$17,649	\$24,617	\$1,349
	C1a	$2 \text{ mgd} \leq \text{Flow} < 5$ mgd	\$49,111	\$12,699	\$11,465	\$24,617	\$1,349
	C2a	$1 \text{ mgd} \leq \text{Flow} < 2$ mgd	\$49,111	\$8,619	\$7,383	\$24,617	\$1,349
	Da	Flow < 1 mgd	\$9,921	\$2,729	\$2,532	\$5,025	\$1,349

OAR 340-045-0075 Table 70C Domestic NPDES and WPCF Individual Permits: Application, Annual and Modification Fees Revised July 2020 Effective August 1, 2020 - June 30, 2021							
Description	Type	Criteria ¹	New Permit App. Fee ²	NPDES Annual Fee (5yr)	WPCF Annual Fee (10yr)	Modifications ³	
						Major	Minor
Lagoons Discharging to Surface Waters	Bb	5 mgd ≤ Flow < 10 mgd	\$49,111	\$9,986		\$24,617	\$1,349
	C1b	2 mgd ≤ Flow < 5 mgd	\$49,111	\$6,944		\$24,617	\$1,349
	C2b	1 mgd ≤ Flow < 2 mgd	\$49,111	\$5,069		\$24,617	\$1,349
	Db	Flow < 1 mgd	\$9,921	\$1,924		\$5,025	\$1,349
Nondischarging Lagoons	E	No discharge flow	\$5,025		\$1,603	\$2,572	\$1,349
Alkaline-stabilization facilities	F		\$1,349		\$553		\$594
Please see Table 70D and 70E for applicable population and pretreatment fees for the permits listed above.							
Municipal Separate Storm Sewer System	MS4	See 40 C.F.R. § 122.26	\$27,274	Please see Table 70H		\$2,368	\$1,349

1. Based on Average Dry Weather Design Flow, or as defined in 40 C.F.R.
 2. New permit applications must include the annual fee in addition to the new permit application fee.
 3. DEQ may charge the environmental management plan review fee amount in Table 70F when only the environmental management plan required by the permit requires review.

OAR 340-045-0075 Table 70D Domestic NPDES and WPCF Annual Population Fee Revised July 2020 Effective August 1, 2020 - June 30, 2021	
Population range	Annual fee
500,000+	\$142,886
400,000 to 499,999	\$109,307
300,000 to 399,999	\$75,731
200,000 to 299,999	\$42,150
150,000 to 199,999	\$34,090
100,000 to 149,999	\$22,452
50,000 to 99,999	\$14,081
25,000 to 49,999	\$6,329
15,000 to 24,999	\$3,604
10,000 to 14,999	\$2,348
5,000 to 9,999	\$1,427
1,000 to 4,999	\$427
100 to 999	\$81
0 to 99	\$0

OAR 340-045-0075 Table 70E Annual Pretreatment Fees Revised July 2020 Effective August 1, 2020 - June 30, 2021	
Description	Fee
Pretreatment Fee	\$2,450
Significant Industrial User	\$817 per industry

OAR 340-045-0075 Table 70F All NPDES and WPCF¹ Permits: Technical Activity, Plan Review, and Other Fees Revised July 2020 Effective August 1, 2020 - June 30, 2021	
Activity	Fee
New or substantially modified sewage treatment facility	\$11,268
Minor facility or pump station modifications	\$1,225
Major system or pressure system expansion	\$859
Minor system expansion or modification	\$244
New or substantially modified septage alkaline stabilization facility	\$1,225
Site inspection and evaluation ²	\$1,919
Disposal system plan review ²	\$767
Environmental management plan review ³	\$767
Other Fees	
Annual temporary or permanent electronic reporting requirement waiver	\$935
Permit transfer, legal name change.	\$121
1. Does not include Onsite septic systems. Please see Tables 9A-9F in OAR 340-071 for appropriate technical activity fees. 2. This fee only applies when these activities are required for DEQ's review of a General permit application. 3. This fee is not charged to new applicants for individual NPDES and WPCF permits. Plans updated after the permit is issued are subject to plan review as specified in the permit.	

OAR 340-045-0075
Table 70G
General NPDES and WPCF Permits:
Application and Annual Fees

Revised ~~February 2021~~ July 2020
 Effective August 1, 2020 - June 30, 2021

Number	Type	Description	New Permit App. Fee ¹	Annual Fee
100-J	NPDES	Cooling water/heat pumps	\$314	\$714
200-J	NPDES	Filter backwash	\$314	\$714
300-J	NPDES	Fish hatcheries	\$501	\$714
400-J	NPDES	Log ponds	\$314	\$714
500-J	NPDES	Boiler blowdown	\$314	\$714
900-J	NPDES	Seafood processing	\$314	\$714
1400-A	WPCF	Wineries and seasonal fresh pack operations whose wastewater flow is ≤ 25,000 gallons/day and is only disposed of by land irrigation.	\$314	\$419
1400-B	WPCF	Wineries and small food processors not otherwise eligible for a 1400A general permit.	\$501	\$714
1500-A	NPDES	Petroleum hydrocarbon clean-up	\$501	\$714
1500-B	WPCF	Petroleum hydrocarbon clean-up	\$501	\$714
1700-A	NPDES	Vehicle and equipment wash water	\$501 96	\$714
1700-B	WPCF	Vehicle and equipment wash water	\$696	\$714
1900-J	NPDES	Non-contact geothermal heat exchange	\$696	\$714
Residential and Commercial Graywater and Industrial Reuse Water				
2401	WPCF	Tier 1 graywater reuse and disposal system for residential systems: ≤ 300 gallons/day, or equivalent specific geographic area graywater reuse and disposal area permit	\$52	\$41
2402	WPCF	Tier 2 graywater reuse and disposal system for systems: ≤ 1,200 gallons/day, or equivalent specific geographic area graywater reuse and disposal area permit	\$550	\$52
2501	WPCF	Industrial reuse water free of human and animal waste suitable for reuse without secondary or advanced treatment and ≤ 25,000 gallons/day	\$696	\$714
Stormwater General Permits³				
Number	Type	Description	New Permit App. Fee ¹	Annual Fee

OAR 340-045-0075 Table 70G General NPDES and WPCF Permits: Application and Annual Fees Revised February 2021 July 2020 Effective August 1, 2020 - June 30, 2021				
1200-A	NPDES	Stormwater: Sand, gravel, and other non-metallic mining	\$1,223	\$1,257
1200-C	NPDES	Stormwater: Construction activities – one acre or more	\$1,223	\$1,257
1200-C	NPDES	Stormwater: Construction activities – less than one acre and part of a common plan of development disturbing one or more acres	\$358	\$0
1200-CA	NPDES	Stormwater: Construction activities performed by public agencies – one acre or more	\$1,223	\$1,257
1200-Z	NPDES	Stormwater: Industrial	\$1,223	\$1,257
4000-MS4	NPDES	Municipal Separate Storm Sewer System (MS4): Conveyance system owned or operated by municipality, special district, hospital, port, school district, etc.	\$1,223	Please see Table 70H
Mining General Permits				
600	WPCF	Offstream small scale mining – Processing < 5 cubic yds/day, or < 1,500 cubic yds/year	\$0	\$0
		Offstream small scale mining – Processing 1,500 -10,000 cubic yds/year	\$314	\$0
700-PM	NPDES	Suction dredges (gravity and syphon)	\$0	\$25
700-PM	NPDES	Suction dredges (motorized)	\$250	\$250
700-PM	NPDES	Permit renewal fee every five years (in addition to the annual fee)	\$250	

OAR 340-045-0075 Table 70G General NPDES and WPCF Permits: Application and Annual Fees Revised February 2021 July 2020 Effective August 1, 2020 - June 30, 2021				
1000	WPCF	Gravel mining	\$314	\$714
Other General Permits				
DOM-F	WPCF	Septage alkaline stabilization facilities	\$1,349	\$553
All other permits not elsewhere classified.			\$696	\$714
1. New permit applications must include both the new permit application fee and the first year's annual fee. 2. Stormwater construction and industrial permits are also administered by public agencies and local districts under contract with DEQ.				

OAR 340-045-0075 Table 70H Municipal Separate Storm Sewer System Permits: Annual Fees Revised February 2021 July 2020 Effective August 1, 2020 - June 30, 2021	
Population-based cost-per-person, except counties and other	Annual Fee
Cost-per-person	\$0.119
Counties, Phase I	\$10, 069 609
Counties, Phase II (non-traditional MS4s, hospitals, public universities, etc.)	\$2,652
Oregon Department of Transportation MS4*	\$42,436
*Fee for ODOT MS4 assessed only in the absence of a separate revenue agreement.	

OAR 340-045-0075
Table 701
Underground Injection Control Permits
Application Fees, Annual Fees and Surcharges

Revised ~~February 2021~~ July 2020
 Effective August 1, 2020 - June 30, 2021

Type	Description	Application Fee	Annual Fee	Class of Injection	Surcharge	
					Application	Annual
Authorized By Rule ¹	Low Risk Stormwater Only	None	None	Low Risk	\$107	None
	Non-Stormwater Injection ²	None	None	Medium Risk	\$134	None
	All Other UIC's Draining Stormwater from Any Surface	None	None	Low Risk	\$107	None
				Medium Risk	\$134	None
1200-U General Permit ³	Stormwater Injection	\$6166 96	\$6337 14	Low Risk	\$124	None
				Medium Risk	\$156	None
				High Risk	\$374	\$124
1900-B General Permit	Injection During Geothermal Exploration	\$6166 96	\$6337 14			
Type	Description	Application Fee	Annual Fee	Individual WPCF Modifications		
				Major	Minor	
Individual WPCF Permit	As defined in 40 CFR parts 9, 144, 145 and 146	\$15,504	\$3,282	\$2,572	\$1,349	

1. Includes facilities with less than 50 injection systems. All systems must be located over 500 feet from a water well and outside a 2 -year time of travel from a water source.

2. Includes aquifer storage and recovery, low temperature geothermal injection, remediation and other underground injection control systems that do not drain stormwater.

3. Includes facilities with less than 50 injection systems and for systems within 500 ft from a water well and within a 2-year time of travel from a water source.



State of Oregon Department of Environmental Quality

OAR 340-045-0075

Fee Tables

Effective July 1, 2021

OAR 340-045-0075 Table 70A Industrial NPDES and WPCF Individual Permits: Application and Modification Fees Effective July 1, 2021			
Application fees for new industrial permits			
Tier 1 Industrial Facilities	\$82,492		
Tier 2 Industrial Facilities	\$16,601		
Special WPCF Permits (OAR 340-045-0061)	\$785		
<p style="text-align: center;">Note: New permit applications must include the annual fee specified in Table 70B in addition to the new permit application fee listed above. The application fee is not required for renewal unless a modification is needed or requested.</p>			
Modification Fees¹			
	Major		Minor
	At Permit Renewal	Prior to Expiration	
Tier 1 Industrial Facilities	\$20,725	\$41,180	\$1,445
Tier 2 Industrial Facilities	\$5,270	\$8,230	\$1,445
<p style="text-align: center;">1. A new application, application fee and modification fee must accompany all requests for permit modification. DEQ may charge the environmental management plan review fee amount in Table 70F when only the environmental management plan required by the permit requires review.</p>			

OAR 340-045-0075					
Table 70B					
Industrial NPDES and WPCF Individual Permit Annual Fees					
Effective July 1, 2021					
Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
B01	Pulp, paper, or other fiber pulping industry	\$28,844	N	\$26,770	N
Food or beverage processing - includes produce, meat, poultry, seafood or dairy for human, pet, or livestock consumption:					
B02	Washing or packing only	N	\$4,010	N	\$3,691
B03	Processing – small. Flow \leq 0.1 mgd, or 0.1 < flow < 1 mgd for less than 180 days per year	N	\$5,996	N	\$5,672
B04	Processing – medium. 0.1 mgd < Flow < 1 mgd for 180 or more days per year, or flow \geq 1 mgd for less than 180 days per year	N	\$8,460	N	\$8,137
B05	Processing – large. Flow \geq 1 mgd for 180 or more days per year	\$28,844	\$25,345	\$26,770	\$25,018
Primary Smelting or Refining:					
B06	Aluminum	\$28,844	\$25,345	\$26,770	\$25,018
B07	Non-ferrous metals utilizing sand chlorination separation facilities	\$28,844	\$25,345	\$26,770	\$25,018
B08	Ferrous and non-ferrous metals not elsewhere classified	\$16,496	\$12,994	\$14,422	\$12,674
B09	Chemical manufacturing with discharge of process wastewater	\$28,844	\$25,345	\$26,770	\$25,018
B10	Cooling water discharges in excess of 20,000 BTU per second	\$16,496	\$12,994	\$14,422	\$12,674
Mining Operations – includes aggregate or ore processing:					
B11	Large (over 500,000 cubic yards per year or involving chemical leaching)	\$28,844	\$25,345	\$26,770	\$25,018
B12	Medium (100,000 to 500,000 cubic yards per year)	N	\$8,874	N	\$8,551
B13	Small (less than 100,000 cubic yards per year)	N	\$2,701	N	\$2,379
All facilities not elsewhere classified which dispose of process wastewater (includes remediated groundwater):					
B14	Tier 1 sources	\$28,844	N	\$26,770	N
B15	Tier 2 sources	N	\$5,581	N	\$5,264

OAR 340-045-0075 Table 70B Industrial NPDES and WPCF Individual Permit Annual Fees Effective July 1, 2021					
Type	Description	NPDES Tier 1	NPDES Tier 2	WPCF Tier 1	WPCF Tier 2
B16	All facilities not elsewhere classified which dispose of non-process wastewaters (for example: small cooling water discharges, boiler blowdown, filter backwash)	N	\$3,736	N	\$3,415
B17	Fish hatcheries and other confined feeding operations on individual permits except permits the Oregon Department of Agriculture administers.	N	\$3,271	N	\$2,950
B18	All facilities which dispose of wastewater only by evaporation from watertight ponds or basins	N	N	N	\$2,168
Timber and Wood Products					
B19	Sawmills, log storage, instream log storage	\$8,091	\$4,590	\$6,017	\$4,266
B20	Hardboard, veneer, plywood, particle board, pressboard manufacturing, wood products	\$8,555	\$5,055	\$6,484	\$4,735
B21	Wood preserving	\$7,239	\$3,736	\$5,165	\$3,415

OAR 340-045-0075 Table 70C Domestic NPDES and WPCF Individual Permits: Application, Annual and Modification Fees Effective July 1, 2021							
Description	Type	Criteria ¹	New Permit App. Fee ²	NPDES Annual Fee (5yr)	WPCF Annual Fee (10yr)	Modifications ³	
						Major	Minor
Non-Lagoon Treatment Systems	A1	≥ 50 mgd	\$52,588	\$113,883		\$26,360	\$1,445
	A2	$10 \text{ mgd} \leq \text{Flow} < 50$ mgd	\$52,588	\$66,931		\$26,360	\$1,445
	A3	$5 \text{ mgd} \leq \text{Flow} < 25$ mgd	\$52,588	\$31,546		\$26,360	\$1,445
	Ba	$1 \text{ mgd} \leq \text{Flow} < 10$ mgd	\$52,588	\$20,222	\$18,899	\$26,360	\$1,445
	C1a	$2 \text{ mgd} \leq \text{Flow} < 5$ mgd	\$52,588	\$13,598	\$12,277	\$26,360	\$1,445
	C2a	$1 \text{ mgd} \leq \text{Flow} < 2$ mgd	\$52,588	\$9,229	\$7,906	\$26,360	\$1,445
	Da	$\text{Flow} < 1$ mgd	\$10,624	\$2,922	\$2,712	\$5,381	\$1,445

OAR 340-045-0075
Table 70C
Domestic NPDES and WPCF Individual
Permits: Application, Annual and
Modification Fees
 Effective July 1, 2021

Description	Type	Criteria ¹	New Permit App. Fee ²	NPDES Annual Fee (5yr)	WPCF Annual Fee (10yr)	Modifications ³	
						Major	Minor
Lagoons Discharging to Surface Waters	Bb	5 mgd ≤ Flow < 10 mgd	\$52,588	\$10,693		\$26,360	\$1,445
	C1b	2 mgd ≤ Flow < 5 mgd	\$52,588	\$7,435		\$26,360	\$1,445
	C2b	1 mgd ≤ Flow < 2 mgd	\$52,588	\$5,428		\$26,360	\$1,445
	Db	Flow < 1 mgd	\$10,624	\$2,061		\$5,381	\$1,445
Nondischarging Lagoons	E	No discharge flow	\$5,381		\$1,717	\$2,754	\$1,445
Alkaline-stabilization facilities	F		\$1,445		\$592		\$636
Please see Table 70D and 70E for applicable population and pretreatment fees for the permits listed above.							
Municipal Separate Storm Sewer System	MS4	See 40 C.F.R. § 122.26	\$29,205	Please see Table 70H		\$2,536	\$1,445

1. Based on Average Dry Weather Design Flow, or as defined in 40 C.F.R.
 2. New permit applications must include the annual fee in addition to the new permit application fee.
 3. DEQ may charge the environmental management plan review fee amount in Table 70F when only the environmental management plan required by the permit requires review.

OAR 340-045-0075 Table 70D Domestic NPDES and WPCF Annual Population Fee Effective July 1, 2021	
Population range	Annual fee
500,000+	\$153,002
400,000 to 499,999	\$117,046
300,000 to 399,999	\$81,093
200,000 to 299,999	\$45,134
150,000 to 199,999	\$36,503
100,000 to 149,999	\$24,041
50,000 to 99,999	\$15,078
25,000 to 49,999	\$6,777
15,000 to 24,999	\$3,859
10,000 to 14,999	\$2,514
5,000 to 9,999	\$1,528
1,000 to 4,999	\$457
100 to 999	\$87
0 to 99	\$0

OAR 340-045-0075 Table 70E Annual Pretreatment Fees Effective July 1, 2021	
Description	Fee
Pretreatment Fee	\$2,623
Significant Industrial User	\$875 per industry

OAR 340-045-0075 Table 70F All NPDES and WPCF¹ Permits: Technical Activity, Plan Review, and Other Fees Effective July 1, 2021	
Activity	Fee
New or substantially modified sewage treatment facility	\$12,066
Minor facility or pump station modifications	\$1,312
Major system or pressure system expansion	\$920
Minor system expansion or modification	\$261
New or substantially modified septage alkaline stabilization facility	\$1,312
Site inspection and evaluation ²	\$2,055
Disposal system plan review ²	\$822
Environmental management plan review ³	\$822
Other Fees	
Annual temporary or permanent electronic reporting requirement waiver	\$1,001
Permit transfer, legal name change.	\$129
<p>1. Does not include Onsite septic systems. Please see Tables 9A-9F in OAR 340-071 for appropriate technical activity fees.</p> <p>2. This fee only applies when these activities are required for DEQ's review of a General permit application.</p> <p>3. This fee is not charged to new applicants for individual NPDES and WPCF permits. Plans updated after the permit is issued are subject to plan review as specified in the permit.</p>	

OAR 340-045-0075
Table 70G
General NPDES and WPCF Permits:
Application and Annual Fees
 Effective July 1, 2021

Number	Type	Description	New Permit App. Fee ¹	Annual Fee
100-J	NPDES	Cooling water/heat pumps	\$336	\$765
200-J	NPDES	Filter backwash	\$336	\$765
300-J	NPDES	Fish hatcheries	\$536	\$765
400-J	NPDES	Log ponds	\$336	\$765
500-J	NPDES	Boiler blowdown	\$336	\$765
900-J	NPDES	Seafood processing	\$336	\$765
1400-A	WPCF	Wineries and seasonal fresh pack operations whose wastewater flow is ≤ 25,000 gallons/day and is only disposed of by land irrigation.	\$336	\$449
1400-B	WPCF	Wineries and small food processors not otherwise eligible for a 1400A general permit.	\$536	\$765
1500-A	NPDES	Petroleum hydrocarbon clean-up	\$536	\$765
1500-B	WPCF	Petroleum hydrocarbon clean-up	\$536	\$765
1700-A	NPDES	Vehicle and equipment wash water	\$745	\$765
1700-B	WPCF	Vehicle and equipment wash water	\$745	\$765
1900-J	NPDES	Non-contact geothermal heat exchange	\$745	\$765
Residential and Commercial Graywater and Industrial Reuse Water				
2401	WPCF	Tier 1 graywater reuse and disposal system for residential systems: ≤ 300 gallons/day, or equivalent specific geographic area graywater reuse and disposal area permit	\$52	\$41
2402	WPCF	Tier 2 graywater reuse and disposal system for systems: ≤ 1,200 gallons/day, or equivalent specific geographic area graywater reuse and disposal area permit	\$550	\$52
2501	WPCF	Industrial reuse water free of human and animal waste suitable for reuse without secondary or advanced treatment and ≤ 25,000 gallons/day	\$745	\$765

OAR 340-045-0075 Table 70G General NPDES and WPCF Permits: Application and Annual Fees Effective July 1, 2021				
Number	Type	Description	New Permit App. Fee ¹	Annual Fee
Stormwater General Permits³				
1200-A	NPDES	Stormwater: Sand, gravel, and other non-metallic mining	\$1,309	\$1,346
1200-C	NPDES	Stormwater: Construction activities – one acre or more	\$1,309	\$1,346
1200-C	NPDES	Stormwater: Construction activities – less than one acre and part of a common plan of development disturbing one or more acres	\$384	\$0
1200-CA	NPDES	Stormwater: Construction activities performed by public agencies – one acre or more	\$1,309	\$1,346
1200-Z	NPDES	Stormwater: Industrial	\$1,309	\$1,346
4000-MS4	NPDES	Municipal Separate Storm Sewer System (MS4): Conveyance system owned or operated by municipality, special district, hospital, port, school district, etc.	\$1,309	Please see Table 70H
Mining General Permits				
600	WPCF	Offstream small scale mining – Processing < 5 cubic yds/day, or < 1,500 cubic yds/year	\$0	\$0
		Offstream small scale mining – Processing 1,500 -10,000 cubic yds/year	\$336	\$0
700-PM	NPDES	Suction dredges (gravity and syphon)	\$0	\$25
700-PM	NPDES	Suction dredges (motorized)	\$250	\$250
700-PM	NPDES	Permit renewal fee every five years (in addition to the annual fee)	\$250	
1000	WPCF	Gravel mining	\$336	\$765
Other General Permits				
DOM-F	WPCF	Septage alkaline stabilization facilities	\$1,445	\$592
All other permits not elsewhere classified.			\$745	\$765

OAR 340-045-0075 Table 70G General NPDES and WPCF Permits: Application and Annual Fees Effective July 1, 2021				
Number	Type	Description	New Permit App. Fee ¹	Annual Fee
1. New permit applications must include both the new permit application fee and the first year's annual fee. 2. Stormwater construction and industrial permits are also administered by public agencies and local districts under contract with DEQ.				

OAR 340-045-0075 Table 70H Municipal Separate Storm Sewer System Permits: Annual Fees Effective July 1, 2021	
Population-based cost-per-person, except counties and other	Annual Fee
Cost-per-person	\$0.119
Counties, Phase I	\$10,609
Counties, Phase II (non-traditional MS4s, hospitals, public universities, etc.)	\$2,652
Oregon Department of Transportation MS4*	\$42,436
*Fee for ODOT MS4 assessed only in the absence of a separate revenue agreement.	

OAR 340-045-0075
Table 70I
Underground Injection Control Permits
Application Fees, Annual Fees and
Surcharges
 Effective July 1, 2021

Type	Description	Application Fee	Annual Fee	Class of Injection	Surcharge	
					Application	Annual
Authorized By Rule ¹	Low Risk Stormwater Only	None	None	Low Risk	\$107	None
	Non-Stormwater Injection ²	None	None	Medium Risk	\$134	None
	All Other UIC's Draining Stormwater from Any Surface	None	None	Low Risk	\$107	None
				Medium Risk	\$134	None
1200-U General Permit ³	Stormwater Injection	\$745	\$765	High Risk	\$321	\$107
				Low Risk	\$133	None
				Medium Risk	\$167	None
1900-B General Permit	Injection During Geothermal Exploration	\$745	\$765			
Type	Description	Application Fee	Annual Fee	Individual WPCF Modifications		
				Major	Minor	
Individual WPCF Permit	As defined in 40 CFR parts 9, 144, 145 and 146	\$16,601	\$3,514	\$2,754	\$1,445	

1. Includes facilities with less than 50 injection systems. All systems must be located over 500 feet from a water well and outside a 2 -year time of travel from a water source.
2. Includes aquifer storage and recovery, low temperature geothermal injection, remediation and other underground injection control systems that do not drain stormwater.
3. Includes facilities with less than 50 injection systems and for systems within 500 ft from a water well and within a 2-year time of travel from a water source.



State of Oregon Department of Environmental Quality

Draft Rules

Water Quality Permit Fee Correction 2020

Key to Identifying Changed Text:

~~Strikethrough: Deleted Text~~

Underline: New/inserted text

Division 45

REGULATIONS PERTAINING TO NPDES AND WPCF PERMITS

340-045-0075

Permit Fee Schedule

(1) OAR chapter 340, division 71 contains the fee schedule for onsite sewage disposal system permits, including WPCF permits, and graywater reuse and disposal system WPCF individual permits.

(2) Two sets of fee tables are provided. The first identifies fees effective August 1, 2020, through June 30, 2021. The second establishes the fee amounts effective starting July 1, 2021

(3) DEQ establishes fees for various industrial, domestic and general water quality permits:

(a) Table 70A lists the application and modification fees that apply to industrial NPDES and WPCF individual permits.

(b) Table 70B lists the annual fees that apply to industrial NPDES and WPCF individual permits.

(c) Table 70C lists application, modification and annual fees for domestic NPDES and WPCF individual permits.

(d) Table 70D lists annual population fees.

(e) Table 70E lists annual pretreatment fees applicable to domestic wastewater systems.

(f) Table 70I lists application, annual and surcharge fees for Underground Injection Control rule authorizations and general permits.

(4) DEQ must consider the following criteria when classifying a facility for determining applicable fees. For industrial sources that discharge to surface waters, discharge flow rate refers to the system design capacity. For industrial sources that do not discharge to surface waters, discharge flow refers to the total annual flow divided by 365:

(a) Tier 1 industry. A facility is classified as a Tier 1 industry if the facility:

(A) Discharges at a flow rate that is greater than or equal to 1 mgd; or

(B) Discharges large biochemical oxygen demand loads; or

(C) Is a large metals facility; or

(D) Has significant toxic discharges; or

(E) Has a treatment system that will have a significant adverse impact on the receiving stream if not operated properly; or

(F) Needs special regulatory control, as DEQ determines.

(b) Tier 1 domestic facility. A facility is classified as a Tier 1 domestic facility if the facility:

(A) Has a dry weather design flow of 1 mgd or greater; or

(B) Serves an industry that can have a significant impact on the treatment system.

(c) Tier 2 industry or domestic facility: A facility is classified as Tier 2 if it does not meet Tier 1 qualifying factors.

(5) New permit application fee. Unless this rule does not require it, the applicant must submit the applicable new permit application fee listed in Table 70A, 70C, 70G, or 70I with each application. The facility category and type of permit (e.g., individual vs. general) determines the amount of the fee.

(6) Permit modification fee. Tables 70A and 70C list the permit modification fees. Modification fees for Individual WPCF Underground Injection Control permits are contained in Table 70I. 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 DEQ;

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

(b) Modification prior to permit renewal:

(A) Major modification — involves an increase in effluent limitations or any other change that involves significant analysis by DEQ. DEQ may require a permittee requesting a

significant modification to their permit to enter into an agreement to pay for these services according to ORS 468.073. ORS 468.073 allows DEQ ". . . 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 DEQ.

(7) Annual fees. Tables 70B and 70G list applicable annual fees for general and industrial permit holders. Table 70H lists applicable annual fees for Municipal Separate Storm Sewer permits. Tables 70C, 70D, and 70E also list annual fees for domestic sources and include the following:

(a) Annual fee. This is based on the type of treatment system, the dry weather design flow, and the duration assigned to the permit before a renewal application is required;

(b) Population-based fee. A permit holder with treatment systems other than Type F (septage alkaline stabilization facilities) must pay an annual population-based fee. Table 70D lists the applicable fee;

(c) Pretreatment fee. A source DEQ requires to administer a pretreatment program under federal pretreatment program regulations (40 C.F.R., Part 403; January 29, 1981, and its amendments) 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.

(8) Technical activities fee. Table 70F lists the technical activity, plan review and administrative fees. They are categorized as follows:

(a) All permits. A permittee must pay a fee for NPDES and WPCF individual and general permit-related technical activities. DEQ will charge a fee for initial submittal of engineering plans and specifications. DEQ will not charge fees 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 70F when the following activities are required for application review:

(A) Disposal system and environmental management plan review;

(B) Site inspection and evaluation.

(9) For permits the Oregon Department of Agriculture administers, the permit applicant or permit holder must pay the permit fees following the fee schedule the Oregon Department of Agriculture establishes.

(10) Administrative activity fees are listed in Table 70F:

(a) The annual electronic reporting requirement waiver fee applies to permit holders who qualify for a temporary or permanent waiver exempting them from submitting data and reports electronically.

(b) A permittee must pay a fee for a transfer of ownership as specified under OAR 340-045-0045 and for requests to change the legal or common name on the permit issued to the facility.