

Yellow shaded text indicates revisions made based on discussion held on May 15, 2015 and review of written comments received.

The comment period for this draft has concluded. Additional opportunities to comment will be provided throughout the rulemaking process.

110. FEE SCHEDULE FOR IPDES PERMITTED FACILITIES

01. Effective Date. Annual fees shall be paid for each fee year beginning one (1) year after the effective date of the IPDES program for the affected category of discharger and continuing for each succeeding year.

02. Fee Schedule.

a. Publicly owned and privately owned treatment works shall pay an annual fee based on the reported number of equivalent dwelling units (EDU) stated in their annual report for existing facilities or based on the facility planning design for new facilities. The rate for equivalent dwelling units shall be \$1.74 per EDU.

b. All other permitted IPDES dischargers shall pay either an annual fee, an application fee, or both according to the following schedule:

Permit Type	Application	Annual
Industrial Permits		
Major	\$0	\$13,000
Minor	\$0	\$4,000
Aquaculture Permits	\$0	\$0
Stormwater Permits		
Construction (CGP)		
1-10 acres	\$200	\$0
10-50 acres	\$400	\$75
50-100 acres	\$750	\$100
100-500 acres	\$1,000	\$400
>500 acres	\$1,250	\$400
Low Erosivity Waiver (CGP)	\$125	\$0
Industrial (MSGP) Permits	\$1,500	\$1,000
Cert. of No Exposure (MSGP)	\$250	\$100
Other General Permits	\$0	\$0

03. Fee Assessment.

a. An annual fee assessment will be generated for each IPDES-permitted facility for which an annual fee is required as set forth in Section 110.02. . Annual fees will be determined based on the 12 months between October 1 and Sept 30 of the following calendar year.

b. Publicly owned and privately owned treatment works shall report, annually, the number of equivalent dwelling units serviced over the past fee period. This reported value shall be used to calculate the annual fee for the treatment works based on the annual EDU rate published in 110.02.a.

c. Application Fees and Annual Fees:

- i. Application fees, as identified in Subsection 110.02.b, are assessed at the time of application for coverage under an individual permit, or notice of intent for coverage under a general permit.
- ii. Owners of multi-year stormwater facilities or construction projects are subject to annual fees that will be assessed in the year (October through September) immediately following the receipt of the application or notice of intent for coverage.
- d. Assessment of annual fees will consider the number of months a permittee was covered under either a general or an individual permit in a given year (October through September of the following calendar year). If the permittee was covered for less than a full 12 months, the assessed fee shall be pro-rated to account for less than a full year's coverage under the permit.

04. Billing. For those permitted facilities subject to an annual fee, the annual fee shall be assessed and a statement will be mailed by the Department on or before July 1 of each year.

05. Payment.

a. Payment of the annual fee shall be due on October 1, unless it is a Saturday, ~~or~~ Sunday or legal holiday, in which event the payment shall be due on the successive business day. Fees paid by check or money order shall be made payable to the Idaho Department of Environmental Quality and sent to 1410 North Hilton Street, Boise, ID 83706-1255.

b. If a publicly owned treatment works serves 575 EDUs or more, the facility may request to divide its annual fee payment into equal monthly or quarterly installments by submitting a request to the Department on the proper request form provided with the initial billing statement.

i. The Department will notify applicable publicly owned treatment works, in writing, of approval or denial of a requested monthly or quarterly installment plan within ten (10) business days of the Department receiving such a request.

ii. If a publicly owned treatment works has been approved to pay monthly installments then each installment shall be due by the first day of each month, unless it is a Saturday, a Sunday, or a legal holiday, in which event the installment shall be due on the successive business day.

iii. If a publicly owned treatment works has been approved to pay quarterly installments then each installment shall be due by the first day of the month of each quarter (October 1, January 1, April 1, and July 1), unless it is a Saturday, a Sunday, or a legal holiday, in which event the installment shall be due on the first successive business day.

c. Payment of the application fee is due with the application for an individual permit or notice of intent for coverage under a general permit.

06. Delinquent Unpaid Fees. A permittee covered under either a general permit or an individual permit will be delinquent in payment if the annual fee assessed has not been received by the Department by November 1; or if having first opted to pay monthly or quarterly installments, its monthly or quarterly installment has not been received by the Department by the last day of the month in which the monthly or quarterly payment is due.

07. Suspension of Services and Disapproval Designation.

a. For any permittee delinquent in payment of fee assessed under Subsections 110.02 and 110.06 in excess of ninety (90) days, technical services provided by the Department shall be suspended.

b. For any permittee delinquent in payment of fee assessed under Subsection 110.02 and 110.06, in excess of one hundred and eighty (180) days, the Department shall suspend all technical services provided by the

Department and consider the permittee in non-compliance with permit conditions and these rules and subject to provisions described in Section 500 of this Chapter.

08. Reinstatement of Suspended Services and Approval Status. For any permittee for which delinquency of fee payment pursuant to Subsection 110.07, has resulted in the suspension of technical services, determination of non-compliance of permit condition, or both, continuation of technical services, determination of compliance based on payment of fee, or both will occur upon payment of delinquent annual fee assessments.

09. Enforcement Action. Nothing in Section 110 waives the Department's right to undertake an enforcement action at any time, including seeking penalties, as provided in Idaho Code.

10. Responsibility to Comply. Subsection 110.07 shall in no way relieve any permittee from its obligation to comply with all applicable state and federal statutes, rules, regulations, permits, or orders.