

Chapter 173-455 WAC

AIR QUALITY FEE ((REGULATION)) RULE

AMENDATORY SECTION (Amending Order 06-14, filed 5/3/07, effective 6/3/07)

WAC 173-455-010 Overview. ((It is)) The purpose of this chapter is to consolidate most of the air quality related fees into one chapter. This will allow the regulated community easier access to applicable fees.

AMENDATORY SECTION (Amending Order 06-14, filed 5/3/07, effective 6/3/07)

WAC 173-455-030 Applicability. (1) The provisions of this chapter apply to air quality related activities regulated by the department of ecology.

(2) The solid fuel retail sales fee in WAC 173-455-060 and the weather modification fee in WAC 173-455-070 apply statewide. All other provisions of this chapter do not apply in counties regulated by a local air agency.

NEW SECTION

WAC 173-455-036 Fee increases. (1) Ecology must follow the processes in subsections (2) and (3) of this section for increasing any of the following fees:

- (a) Air contaminant source registration fees in WAC 173-455-040;
- (b) Carbon dioxide mitigation program fees in WAC 173-455-050;
- (c) Weather modification fees in WAC 173-455-070;
- (d) Control technology fees in WAC 173-455-100;
- (e) New source review fees in WAC 173-455-120;
- (f) Air pollution standards variance fee in WAC 173-455-130;

and

(g) Nonroad engine permit fee in WAC 173-455-140.

(2) Ecology may propose fee increases in even-numbered years for each year in the upcoming biennium. A workload analysis must support the fee increase. Prior to making any changes, ecology will post the new fees on the agency web site no later than November 30th of the year preceding the date on which the new fees will take place.

(3) Ecology may adjust fees by the fiscal growth factor calculated under chapter 43.135 RCW as follows.

$$\text{New fee} = \text{Existing fee} \times (1 + \text{FGF})$$

Where FGF means the annual fiscal growth factor calculated under chapter 43.135 RCW (expressed as a decimal)

AMENDATORY SECTION (Amending Order 06-14, filed 5/3/07, effective 6/3/07)

WAC 173-455-038 Fees not included. This chapter contains all fees required by the air quality program except the following:

(1) Air operating permit (~~(program)~~) - Fees can be found in chapter 173-401 WAC.

(2) (~~(Ag)~~) Agricultural burning - Fees can be found in chapter 173-430 WAC.

(3) Motor vehicle emission inspection - Fees can be found in chapter 173-422A WAC.

AMENDATORY SECTION (Amending Order 06-14, filed 5/3/07, effective 6/3/07)

WAC 173-455-040 Air contaminant source registration fees.

(1) (~~(Registration fee determination. In counties without an active local air pollution control authority, ecology shall establish registration fees based on workload using the process outlined below. The fees collected shall be sufficient to cover the direct and indirect costs of administering the registration program within ecology's jurisdiction.~~

(2) ~~Budget preparation. Ecology shall conduct a workload analysis projecting resource requirements for administering the registration program. Workload estimates shall be prepared on a biennial basis and shall estimate the resources required to perform registration program activities listed in WAC 173-400-099(2). Ecology shall prepare a budget for administering the registration~~

~~program using workload estimates identified in the workload analysis for the biennium.~~

~~(3) Registration fee schedule. Ecology's registration program budget shall be distributed to sources located in its jurisdiction according to the following:~~

~~(a) Sources requiring periodic registration and inspections shall pay an annual registration fee of four hundred dollars.~~

~~(b) Sources requiring annual registration and inspections shall pay a registration fee comprised of the following three components:)) Ecology will charge a yearly registration fee to cover the cost of implementing the registration program.~~

~~(2) Ecology will determine fee eligibility based on the most current emissions inventory information available for each source.~~

~~(3) A registration program source that shut down during the previous year and is not operating in the current year is not subject to a fee for the current calendar year.~~

~~(4) Periodic registration program source eligibility and fees are determined as follows:~~

~~(a) A source is a periodic registration program source if all of these statements are true:~~

~~(i) A source is included on the source classification list in WAC 173-400-100(1) or the equipment classification list in WAC 173-400-100(2);~~

~~(ii) The source emits at least one pollutant in Table 173-455-040 (4)(c) within the rates in the table; and~~

~~(iii) The source does not emit any pollutant at a rate higher than those in Table 173-455-040 (4)(c).~~

~~(b) The registration fee category and fee for periodic registration program source are determined as follows:~~

~~(i) Ecology will determine whether the periodic sources is in the small, medium, or large category based on the source's most current emissions inventory information.~~

~~(ii) Ecology will determine whether the source's category based on the emission rate of the air contaminant that falls in the category with the highest fee.~~

~~(c) A periodic registration program source must pay the applicable yearly registration fee on Table 173-455-040 (4)(c).~~

**Table 173-455-040 (4)(c)
Periodic Registration Fee Table**

<u>Yearly periodic registration fee</u>	<u>\$450</u>	<u>\$700</u>	<u>\$1,000</u>
<u>Category</u>	<u>Small Periodic Source</u>	<u>Medium Periodic Source</u>	<u>Large Periodic Source</u>
<u>Air Contaminant</u>	<u>Emission Rates</u>		
	<u>Tons per year</u>	<u>Tons per year</u>	<u>Tons per year</u>
<u>Carbon monoxide</u>	<u>5 to < 15</u>	<u>15 to < 30</u>	<u>30 to < 100</u>
<u>Lead</u>	<u>0.005 to < 0.3</u>	<u>0.3 to < 0.45</u>	<u>0.45 to < 0.6</u>
<u>Nitrogen oxides</u>	<u>2.0 to < 5</u>	<u>5 to < 14</u>	<u>14 to < 40</u>
<u>Particulate matter (TSP or total suspended particulates)</u>	<u>1.25 to < 6</u>	<u>6 to < 12</u>	<u>12 to < 25</u>
<u>Particulate matter₁₀</u>	<u>0.75 to < 3.5</u>	<u>3.5 to < 7</u>	<u>7 to < 15</u>

<u>Particulate matter_{2.5}</u>	<u>0.5 to < 2</u>	<u>2 to < 5</u>	<u>5 to < 10</u>
<u>Sulfur dioxide</u>	<u>2.0 to < 5</u>	<u>5 to < 14</u>	<u>14 to < 40</u>
<u>Volatile organic compounds</u>	<u>2.0 to < 5</u>	<u>5 to < 14</u>	<u>14 to < 40</u>
<u>Toxic air pollutant</u>	<u>> de minimis emissions*</u>	<u>=</u>	<u>=</u>

* "De minimis emissions" means trivial levels of toxic air emissions that do not pose a threat to human health or the environment. WAC 173-460-150 contains the de minimis emission rate of a toxic air pollutant in pounds per averaging period (year, 24-hour, 1-hour).

(5) Annual registration program source fees are determined as follows:

(a) Ecology will determine the annual registration fee based on the most current emissions inventory information.

(b) A source that is included on the source classification list in WAC 173-400-100(1) or the equipment classification list in WAC 173-400-100(2) is an annual registration program source if it meets any of the following criteria:

(i) The source emits one or more air pollutants in Table 173-455-040 (5) (b) at rates greater than those in the table; or

Table 173-455-040 (5) (b)
Annual Registration Emission Rate Table

<u>Air Pollutant</u>	<u>Emission Rate</u>
<u>Carbon monoxide</u>	<u>100 tons per year</u>
<u>Lead</u>	<u>0.6 tons per year</u>
<u>Fluorides</u>	<u>3 tons per year</u>
<u>Nitrogen oxides</u>	<u>40 tons per year</u>
<u>Particulate matter</u>	<u>25 tons per year</u>
<u>Particulate matter₁₀</u>	<u>15 tons per year</u>
<u>Particulate matter_{2.5}</u>	<u>10 tons per year</u>
<u>Reduced sulfur compounds (including H₂S)</u>	<u>10 tons per year</u>
<u>Sulfur dioxide</u>	<u>40 tons per year</u>
<u>Sulfuric acid mist</u>	<u>7 tons per year</u>
<u>Total reduced sulfur (including H₂S)</u>	<u>10 tons per year</u>

(ii) Annual registration and reporting is necessary to comply with federal reporting requirements or emission standards; or

(iii) Annual registration and reporting is required in a reasonably available control technology determination for the source category; or

(iv) The director of ecology determines that the source poses a potential threat to human health and the environment.

(c) Annual registration program sources must pay a yearly registration fee comprised of the following three components:

Annual Registration Fee Components

<u>Component</u>	<u>Fee Rate</u>
<u>Flat fee</u>	<u>\$1,057 per year</u>
<u>Complexity</u>	<u>\$469 per complexity rating point</u>
<u>Emissions</u>	<u>\$16 per ton</u>

~~(i) Flat fee component. ((This portion of a source's fee shall be calculated by the equal division of thirty-five percent of the budget amount allocated to annual registration sources by the total number of sources requiring annual registration.)) Each source must pay the flat fee component plus the other fees.~~

~~(ii) Complexity component. Each source is assigned a complexity rating of 1, 3, or 5 which is based on the estimated amount of time needed by ecology to review and inspect the source. ((This portion of the fee is calculated by dividing forty percent of the budget amount allocated to annually registered sources by the total complexity of sources located in ecology's jurisdiction. The quotient is then multiplied by an individual source's complexity rating to determine that source's complexity portion of the fee.)) The source's complexity rating is multiplied by the complexity fee rate to determine the complexity portion of the yearly registration fee.~~

~~(iii) Emissions component. ((This portion of a source's fee is calculated by dividing twenty-five percent of the budget amount allocated to annually registered sources by the total billable emissions from those sources. The quotient is then multiplied by an individual source's billable emissions to determine that source's emissions portion of the fee.)) Billable emissions ((include all air pollutants except carbon monoxide and total suspended particulate.~~

~~(4) Regulatory orders. Owners or operators registering a source as a synthetic minor must obtain a regulatory order which limits the source's emissions. The owner will be required to pay a fee based on the amount of time required to research and write the order multiplied by an hourly rate of sixty dollars.~~

~~(5) Fee reductions for pollution prevention initiatives. Ecology may reduce registration fees for an individual source if that source demonstrates the use of approved pollution prevention measures or best management practices beyond those required of the source.~~

~~(6)) (in tons per year) include nitrogen oxides, sulfur dioxide, particulate matter (except total suspended particulate), and volatile organic compounds.~~

~~The source's billable emissions are multiplied by the emissions fee rate to determine the emissions portion of the yearly registration fee.~~

~~(6) Registration fees for gasoline dispensing facilities. Gasoline dispensing facilities must pay a yearly registration fee of one hundred thirty dollars for each storage tank dispensing gasoline.~~

~~(7) Fee reductions for economic hardships. If a small business owner subject to a periodic registration program fee under subsection (4) of this section believes the registration fee results in an extreme economic hardship, the small business owner may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. ((The factors which ecology may consider in determining whether an owner or operator has special economic~~

~~circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the registration fee through to customers; average annual profits; and cumulative effects of multiple site ownership. In no case will a registration fee be reduced below two hundred dollars.~~

~~(7)) The registration fee may be reduced by no more than fifty percent.~~

~~(8) Fee payments.~~

~~(a) A source subject to fees ((specified)) in this section ((shall be paid)) must pay those fees within thirty days of receipt of ecology's billing statement.~~

~~(b) All fees collected under this regulation ((shall)) must be made payable to the Washington department of ecology.~~

~~(c) A late fee ((surcharge)) of ((fifty)) sixty-eight dollars or ten percent of the fee, whichever is more, may be assessed for any fee not received ((after)) within the thirty-day period.~~

~~((8) Dedicated account. All registration fees collected by ecology shall be deposited in the air pollution control account.~~

~~(9) Tracking revenues, time, and expenditures. Ecology shall track revenues collected under this subsection on a source-specific basis. Ecology shall track time and expenditures on the basis of ecology budget functions.~~

~~(10)) (d) A source may request to pay an ecology fee on a payment plan. A payment plan does not apply to fees collected by the department of revenue. A late fee will not apply for fees paid by a payment plan as long as the following two conditions are met:~~

~~(i) The source requests a payment plan within thirty days of the receipt of ecology's billing statement.~~

~~(ii) The source pays the fee on time as outlined in the payment plan.~~

~~(9) Additional registration fee for fossil-fueled electric generating facilities. ((A)) Fossil-fueled electric generating ((facility subject to the provisions of chapter 80.70 RCW and RCW 70.94.892, is subject to additional fees pursuant to that chapter)) facilities must pay registration fees required in this section in addition to carbon dioxide mitigation program fees required in WAC 173-455-050.~~

AMENDATORY SECTION (Amending Order 06-14, filed 5/3/07, effective 6/3/07)

WAC 173-455-100 Control technology fees. (1) General. Ecology may assess and collect a fee as authorized in RCW 70.94.153 or 70.94.154 and described in subsections (2) through (5) of this section.

(2) Fee schedule for source-specific determinations where RACT analysis and determination are performed by ecology.

(a) Basic RACT analysis and determination fee:

(i) Low complexity (the analysis addresses one type of emission unit) - One thousand five hundred dollars;

(ii) Moderate complexity (the analysis addresses two to five types of emissions units) - Seven thousand five hundred dollars;

(iii) High complexity (the analysis addresses more than five types of emission units) - Fifteen thousand dollars.

(b) Additional charges based on criteria pollutant emissions: In addition to those fees required under (a) of this subsection, a fee will be required for a RACT analysis and determination for an emission unit or multiple emission units of uniform design that, individually or in the aggregate, emit one hundred tons per year or more of any criteria pollutant - Two thousand dollars.

(c) Additional charges based on toxic air pollutant emissions: In addition to those fees required under (a) and (b) of this subsection, the following fees will be required as applicable:

(i) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than two tons per year but not more than ten tons per year of any toxic air pollutant - One thousand dollars; or

(ii) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than ten tons per year of any toxic air pollutant - Two thousand dollars.

(3) Fee schedule for source-specific determinations where RACT analysis is performed by the source and review and determination conducted by ecology.

(a) Basic RACT review and determination fees:

(i) Low complexity (the analysis addresses one type of emission unit) - One thousand dollars;

(ii) Moderate complexity (the analysis addresses two to five types of emissions units) - Five thousand dollars;

(iii) High complexity (the analysis addresses more than five types of emission units) - Ten thousand dollars.

(b) Additional charges based on criteria pollutant emissions: In addition to those fees required under (a) of this subsection, a fee will be required for a RACT analysis and determination for an emission unit or multiple emissions units of uniform design that, individually or in the aggregate, emit one hundred tons per year or more of any criteria pollutant - One thousand dollars.

(c) Additional charges based on toxic air pollutant emissions: In addition to those fees required under (a) and (b) of this subsection, the following fees will be required as applicable:

(i) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than two tons per year but not more than ten tons per year of any toxic air pollutant - Five hundred dollars; or

(ii) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than ten tons per year of any toxic air pollutant - One thousand dollars.

(4) Fee schedule for reviews authorized under RCW 70.94.153

for the replacement or substantial alteration of control technology.

(a) Notice of construction application. Review and approval of notice of construction application (NOCA) for replacement or substantial alteration of control technology - Three hundred fifty dollars.

(b) RACT analysis and determination. Review and approval of a RACT analysis and determination for affected emission unit - Five hundred dollars.

(5) Fee schedule for categorical RACT determinations. Fees for categorical RACT determinations (for categories with more than three sources) shall be assessed as shown below. The fees described in (a) of this subsection shall be based on the most complex source within a category. Except as provided in (b) and (d) of this subsection, fees for individual sources in the category will be determined by dividing the total source category fee by the number of sources within the category.

(a) RACT analysis and determination (RACT analysis performed by ecology with assistance from sources):

(i) Low complexity source category (average source emissions of individual criteria pollutants are all less than twenty tons per year, average source emissions of individual toxic air pollutants are all less than two tons per year, or the analysis addresses one type of emission unit) - Twenty-five thousand dollars;

(ii) Moderate complexity source category (average source emissions of one or more individual criteria pollutants are greater than twenty tons per year and less than one hundred tons per year, average source emissions of one or more individual toxic air pollutants are greater than two tons per year and less than ten tons per year, or the analysis addresses two to five types of emissions units) - Fifty thousand dollars; or

(iii) High complexity source category (average source emissions of one or more individual criteria pollutants exceed one hundred tons per year, average source emissions of one or more individual toxic air pollutants exceed ten tons per year, or the analysis addresses more than five types of emission units) - One hundred thousand dollars.

(b) If an emission unit is being evaluated for more than one categorical RACT determination within a five-year period, ecology will charge the owner or operator of that emission unit one fee and the fee will reflect the higher complexity categorical RACT determination.

(c) Ecology may adjust the fee to reflect workload savings from source involvement in source category RACT determination.

(d) Ecology may approve alternate methods for allocating the fee among sources within the source category.

(6) Small business fee reduction. The RACT analysis and determination fee identified in subsections (2) through (5) of this section may be reduced for a small business.

(a) To qualify for the small business RACT fee reduction, a business must meet the requirements of "small business" as defined in RCW 43.31.025.

(b) To receive a fee reduction, the owner or operator of a

small business must include information in an application demonstrating that the conditions of (a) of this subsection have been met. The application must be signed:

(i) By an authorized corporate officer in the case of a corporation;

(ii) By an authorized partner in the case of a limited or general partnership; or

(iii) By the proprietor in the case of a sole proprietorship.

(c) Ecology may verify the application information and if the owner or operator has made false statements, deny the fee reduction request and revoke previously granted fee reductions.

(d) For small businesses determined to be eligible under (a) of this subsection, the RACT analysis and determination fee shall be reduced to the greater of:

(i) Fifty percent of the RACT analysis and determination fee; or

(ii) Two hundred fifty dollars.

(e) If due to special economic circumstances, the fee reduction determined under (d) of this subsection imposes an extreme hardship on a small business, the small business may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the RACT analysis and determination fees through to customers; and average annual profits. In no case will a RACT analysis and determination fee be reduced below one hundred dollars.

(7) Fee reductions for pollution prevention initiatives. Ecology may reduce RACT analysis and determination fees for an individual source if that source is using approved pollution prevention measures.

(8) Fee payments. Fees specified in subsection (4)(a) of this section shall be paid at the time a notice of construction applications is submitted to the department. Other fees specified in subsections (2) through (7) of this section shall be paid no later than thirty days after receipt of an ecology billing statement. For fees specified in subsection (5) of this section, a billing for one-half of the payment from each source will be mailed when the source category rule-making effort is commenced as noted by publication of the CR-101 form in the *Washington State Register*. A billing for the second half of the payment will be mailed when the proposed rule is published in the *Washington State Register*. No order of approval or other action approving or identifying a source to be at RACT will be issued by the department until all fees have been paid by the source. All fees collected under this regulation shall be made payable to the Washington department of ecology.

(9) Dedicated account. All control technology fees collected by the department from permit program sources shall be deposited in

the air operating permit account created under RCW 70.94.015. All control technology fees collected by the department from nonpermit program sources shall be deposited in the air pollution control account.

(10) Tracking revenues, time, and expenditures. Ecology shall track revenues on a source-specific basis. For purposes of source-specific determinations under subsections (2) through (4) of this section, ecology shall track time and expenditures on the basis of source complexity categories. For purposes of categorical determinations under subsection (5) of this section, ecology shall track time and expenditures on a source-category basis.

(11) Periodic review. Ecology shall review and, as appropriate, update this section at least once every two years.

AMENDATORY SECTION (Amending Order 10-04, filed 5/31/11, effective 7/1/11)

WAC 173-455-120 New source review fees. (1) General requirements.

(a) The fees in this section apply to:

(i) Permit applications received on or after July 1, 2011.

(ii) Requests for ecology review of other actions covered by this section received by ecology on or after July 1, 2011.

(b) Components of permitting fees. Permit fees include initial fees and may include an hourly fee. The initial fee covers up to the number of review hours specified in each fee in this section.

(c) A project may be subject to multiple fees. For example, a project may be subject to both minor and major new source review permit fees and second or third tier review.

(d) An applicant must submit initial fees with an application, notice, or request. An application, notice or request is incomplete until initial fees have been paid.

(i) For purposes of WAC 173-400-111(1), initial fees are considered application fees.

(ii) If ecology determines a project is complex after an applicant submitted the basic project initial fee, then the application is incomplete until the applicant pays the initial complex project fee.

(iii) If ecology determines that a higher initial fee is due after an applicant submitted an application or request, the application or request is considered incomplete until the applicant pays the new initial fee.

(e) If the initial fee paid by an applicant does not cover the cost of processing the application, notice or request, then ecology shall assess a fee based on the actual costs for review in excess of the hours specified in each fee. The assessed fee must be a rate of ninety-five dollars per hour of ecology staff time expended.

(f) Ecology cannot finalize an action covered under this section until all fees are paid. (WAC 173-400-111(3).)

(g) An applicant must pay fees that are due by invoice from ecology within thirty days from the date of the invoice. Ecology will cease processing all applications for which the required fees have not been received within thirty days of an invoice.

(h) At the time of filing, an applicant must pay all delinquent air quality fees associated with the facility. This is in addition to the fees required by this section. Delinquent fees may include, but are not limited to, registration fees, civil penalties awarded to ecology, or other outstanding fees due under this section.

(i) All fees collected under this rule must be made payable to the department of ecology.

(j) Fees assessed under this section apply without regard to whether ecology approves or denies a request.

Permit fees.

Minor new source review.

(2) Review of new source or modification of an existing source with an emissions increase. (WAC 173-400-110 and 173-400-110(3).)

(a) Basic project: One thousand five hundred dollars plus an hourly rate of ninety-five dollars after sixteen hours.

This fee covers up to sixteen hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above sixteen hours.

(b) Complex project: Ten thousand dollars plus an hourly rate of ninety-five dollars after one hundred six hours.

(i) This fee covers up to one hundred six hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above one hundred six hours.

(ii) An application is considered complex if the emissions associated with the application include at least one pollutant for which emissions increases are greater than the levels in the following table:

**Emission Threshold Table
(WAC 173-400-030)**

Air Contaminant	Annual Emission Rate
Carbon monoxide	100 tons per year
Nitrogen oxides	40 tons per year
Sulfur dioxide	40 tons per year
Particulate matter (PM)	25 tons per year of PM emissions
	15 tons per year of PM ₁₀ emissions
	10 tons per year of PM _{2.5} emissions
Volatile organic compounds	40 tons per year

Air Contaminant	Annual Emission Rate
Fluorides	3 tons per year
Lead	0.6 tons per year
Sulfuric acid mist	7 tons per year
Hydrogen sulfide (H ₂ S)	10 tons per year
Total reduced sulfur (including H ₂ S)	10 tons per year
Reduced sulfur compounds (including H ₂ S)	10 tons per year

(iii) Ecology may determine that a project is complex based on consideration of factors that include, but are not limited to:

- (A) Number and complexity of emission units;
- (B) Volume of emissions, including toxicity of emissions;
- (C) Amount and complexity of modeling; or
- (D) Number and kind of applicable state and federal requirements.

(3) Change to an existing order of approval. (WAC 173-400-111(8).)

(a) Ecology will not charge a fee for correcting a mistake by ecology in a permit.

(b) Administrative or simple change: Two hundred dollars plus an hourly rate of ninety-five dollars after three hours.

(i) This fee covers up to three hours of staff time to review the request and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above three hours.

(ii) An administrative or simple change means:

(A) An action not subject to a mandatory public comment period in WAC 173-400-171; and

(B) The reissued approval order requires one hour or less of engineering evaluation and no physical modification of equipment; and

(C) Changes in permit conditions are based on actual operating conditions and the operating conditions require one hour or less of engineering evaluation and the change does not cause a change in allowable emissions.

(c) Complex changes: Eight hundred seventy-five dollars plus an hourly rate of ninety-five dollars after ten hours.

(i) This fee covers up to ten hours of staff time to review the request and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above ten hours.

(ii) This fee excludes an administrative or simple change and changes to an existing permit that result in an emissions increase.

(iii) Examples of complex changes include, but are not limited to:

(A) Changes requiring more than one hour of engineering review;

(B) Consolidation of permits not allowed under simple change;

(C) Request for review of a permit action that is exempt under WAC 173-400-110(5) (Table 110(5) emission-based exemption levels);

or

(D) Changes requiring mandatory public comment under WAC 173-400-171.

(d) The fee for a permit modification (as defined in WAC 173-400-030) is located in subsection (2)(a) or (b) of this section.

(4) Request to extend approval to construct or modify a stationary source issued under minor new source review that is set to expire (WAC 173-400-111(7)): One hundred dollars.

An applicant may request an eighteen-month extension of an approval to construct.

(5) Review of general order of approval (WAC 173-400-560).

(a) Category A general order.

(i) SEPA review complete: Five hundred dollars.

(ii) SEPA review required: Seven hundred eighty-five dollars.

(iii) Category A consists of the following general order of approval, including any subsequent updating or replacement:

(A) Concrete batch plants (No. 08-AQG-002);

~~(B) ((Diesel-powered emergency electrical generators (No. 06-AQG-006));~~

~~(C)) Rich burn, spark ignition, gaseous fossil fuel-powered emergency electrical generators (No. 06-AQG-005);~~

~~((D)) (C) Perchloroethylene dry cleaners using less than 2100 gallons per year (No. 06-AQG-003);~~

~~((E)) (D) Stationary and portable rock crushers((stationary (06-AQG-004)) (No. 11AQ-GO-001);~~

~~((F) Rock crusher, portable (07-AQG-001);~~

~~(G)) (E) Small water heaters and steam generating boilers (No. ((08-AQG-003)) 08-AQ-G003); and~~

~~((H)) (F) Automobile body repair and refinishing shops (No. 08-AQG-001).~~

(b) Category B general order.

(i) SEPA review complete: Eight hundred seventy-five dollars.

(ii) SEPA review required: One thousand one hundred sixty dollars.

(iii) Category B includes a general order of approval developed on or after January 1, 2011. ~~((This))~~ Category B covers, but is not limited to, the following general order of approval, including any subsequent updating or replacement:

(A) Portable and stationary asphalt plants (No. 10AQ-G0-01);
and

(B) Dairy manure anaerobic digesters (No. 12AQ-GO-01).

(6) Review of relocation of portable source under WAC 173-400-036, 173-400-110 or 173-400-560.

(a) This fee applies to a portable source who intends to relocate in ecology's jurisdiction with an approval order from another permitting authority.

(i) SEPA review complete: One hundred fifty dollars.

(ii) SEPA review required: Four hundred thirty-five dollars.

(b) This fee applies to a portable source who intends to relocate in ecology's jurisdiction and has operated under an ecology issued approval order or is approved for coverage under an ecology issued general order of approval.

(i) SEPA review complete: No fee.

(ii) SEPA review required: Two hundred eighty-five dollars.

(7) Request to establish a voluntary emission limit (WAC 173-400-091): Five hundred dollars plus an hourly rate of ninety-five dollars after six hours.

(a) This fee covers up to six hours of staff time to review the request and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above six hours.

(b) This fee applies to a regulatory order issued under WAC 173-400-091 that places a limit on emissions.

(i) This fee applies to a request to establish the emission limit in a stand-alone regulatory order.

(ii) This fee does not apply when an emission limit is included as a condition in an approval order for a notice of construction application.

(8) Request to replace or substantially alter control technology: Refer to WAC 173-455-100(4) for fee schedule.

Major new source review preapplication and permit fees.

(9) Request for a written prevention of significant deterioration applicability determination (WAC 173-400-720) or preapplication assistance: Five hundred dollars plus an hourly rate of ninety-five dollars after six hours.

This fee covers up to six hours of staff time to review the request and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above six hours.

(10) Prevention of significant deterioration (PSD) (WAC 173-400-720 and 173-400-730).

(a) PSD permit application: Fifteen thousand dollars plus an hourly rate of ninety-five dollars after one hundred fifty-eight hours.

This fee covers one hundred fifty-eight hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above one hundred fifty-eight hours.

(b) PSD permit application where greenhouse gases are the sole PSD pollutant being reviewed: Seven thousand five hundred dollars plus an hourly rate of ninety-five dollars after seventy-nine hours.

This fee covers seventy-nine hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above seventy-nine hours.

(11) Revision to a prevention of significant deterioration permit (WAC 173-400-750).

(a) Administrative revision as defined in WAC 173-400-750(3): One thousand nine hundred dollars plus an hourly rate of ninety-five dollars after twenty hours.

This fee covers twenty hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above twenty hours.

(b) All other revisions (except major modification): Seven

thousand five hundred dollars plus an hourly rate of ninety-five dollars after seventy-nine hours.

This fee covers seventy-nine hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above seventy-nine hours.

(c) The fee for a major modification of a PSD permit (as defined in WAC 173-400-720) is located in subsection (10)(a) of this section.

(12) Request to extend the following major source approvals that are set to expire: Five hundred dollars. This provision applies to each of the following:

(a) PSD permit, including a major modification;

(b) PSD permit revision;

(c) Approval order for major source nonattainment area permitting; and

(d) A change to an approval order for major source nonattainment area permitting.

(13) Nonattainment area major new source review.

(a) A notice of construction application subject to WAC 173-400-830: Fifteen thousand dollars plus an hourly rate of ninety-five dollars after one hundred fifty-eight hours.

This fee covers one hundred fifty-eight hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above one hundred fifty-eight hours.

(b) Change to an approval order issued under WAC 173-400-830:

(i) Request to change permit conditions under WAC 173-400-111(8) that is not subject to mandatory public comment in WAC 173-400-171: One thousand nine hundred dollars plus an hourly rate of ninety-five dollars after twenty hours.

This fee covers twenty hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above twenty hours.

(ii) All other permit changes (except major modification): Seven thousand five hundred dollars plus an hourly rate of ninety-five dollars after seventy-nine hours.

This fee covers seventy-nine hours of staff time to review the application and issue a final decision. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the application above seventy-nine hours.

(iii) The fee for a major modification (as defined in WAC 173-400-810) of an approval order is located in subsection (13)(a) of this section.

(14) Plant-wide applicability limits (WAC 173-400-720).

(a) Request to establish new plant-wide applicability limits: Fifteen thousand dollars plus an hourly rate of ninety-five dollars after one hundred fifty-eight hours.

This fee covers up to one hundred fifty-eight hours of staff time to review the request and establish a plant-wide applicability limit. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above one

hundred fifty-eight hours.

(b) All other requests, such as increase or renew plant-wide applicability limits; or process an expired plant-wide applicability limit: Seven thousand five hundred dollars plus an hourly rate of ninety-five dollars after seventy-nine hours.

This fee covers up to seventy-nine hours of staff time to increase, renew or process a retired plant-wide applicability limit. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the request above seventy-nine hours.

Other fees.

(15) Second tier review (WAC 173-460-090): Ten thousand dollars plus an hourly rate of ninety-five dollars after one hundred six hours.

(a) This fee covers up to one hundred six hours of staff time to evaluate the health impact assessment protocol and second tier petition, and make a recommendation. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the second tier petition above one hundred six hours.

(b) A second tier petition that becomes subject to third tier review during the course of evaluation continues as a second tier petition for billing purposes. Staff must sum the time spent on this petition and bill the applicant if the total hours exceed one hundred six hours.

(16) Third tier review (WAC 173-460-100): Ten thousand dollars plus an hourly rate of ninety-five dollars after one hundred six hours.

(a) This fee covers up to one hundred six hours of staff time to evaluate the health impact assessment protocol and third tier petition, and make a recommendation. Ecology will bill the applicant ninety-five dollars per hour for each additional hour spent on the second tier petition above one hundred six hours.

(b) This fee does not apply to a second tier petition that becomes a third tier petition.

(17) Ecology may enter into a written cost-reimbursement agreement with an applicant as provided in RCW 70.94.085. Ecology will be reimbursed at a rate of ninety-five dollars per hour.

(18) Small business fee reduction. The new source review fee identified in subsections (2) through (7) of this section may be reduced for a small business.

(a) To qualify for the small business new source review fee reduction, a business must meet the requirements of "small business" as defined in RCW 19.85.020. In RCW 19.85.020, "small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.

(b) To receive a fee reduction, the owner or operator of a small business must include information in the application demonstrating that the conditions of (a) of this subsection have been met. The application must be signed:

(i) By an authorized corporate officer in the case of a

corporation;

(ii) By an authorized partner in the case of a limited or general partnership; or

(iii) By the proprietor in the case of a sole proprietorship.

(c) Ecology may verify the application information and, if the owner or operator has made false statements, deny the fee reduction request and revoke previously granted fee reductions.

(d) For small businesses determined to be eligible under (a) of this subsection, the new source review fee shall be reduced to the greater of:

(i) Fifty percent of the new source review fee; or

(ii) Two hundred fifty dollars.

(e) If, due to special economic circumstances, the fee reduction determined under (d) of this subsection imposes an extreme hardship on a small business, the small business may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the new source review fees through to customers; and average annual profits. In no case will a new source review fee be reduced below one hundred dollars.

(19) Fee reductions for pollution prevention initiatives. Ecology may reduce the fees defined in subsections (2) through (7) of this section where the owner or operator of the proposed source demonstrates that approved pollution prevention measures will be used.

(20) Tracking revenues, time, and expenditures. Ecology must track revenues collected under this subsection on a source-specific basis.

(21) Periodic review. To ensure that fees cover the cost of processing the actions in this section, ecology shall review and update this section as necessary.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-455-110

Registration fees for sources emitting gas vapors.