



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Ecology

AO#06-14

Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

- Propose a new Chapter 173-455 WAC – Air Quality Fee Rule that will include air quality program fees (from existing chapters as well as some new fees). The new fees will be for the following activities: air pollution standards variance and portable/temporary source permits.
- Move fees from existing WAC 173-400-045, 104, 116, WAC 173-407-040, WAC 173-433-170, WAC 173-491-030 and WAC 173-495-060, 065, and 070, to incorporate those fees into the new chapter without change.

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 173-400-045, 104, 116, WAC 173-407-040, WAC 173-433-170, WAC 173-491-030 and WAC 173-495-060, 065, and 070. *these will be amended at a later date.*
Suspended: None

Statutory authority for adoption: RCW 70.94.181,152, 331, 650, 745, 892

Other authority: None

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 07-04-054 on January 31, 2007.

Describe any changes other than editing from proposed to adopted version: Ecology made 4 changes in the final rule that differ from the proposed rule:

- References were corrected in the table in WAC 173-455-120(3)(b) to reflect the current rule making.
- Footnote references were corrected in WAC 173-455-050(2)(c)(iii).
- Footnotes were added to the table in WAC 173-455-050(2).
- Fee amounts were corrected in WAC 173-455-070 and 110

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: No cost-benefit analysis was required.

Name: N/A

Address:

phone () _____

fax () _____

e-mail

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: 5/2/07

NAME (TYPE OR PRINT)

Jay J. Manning

SIGNATURE

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 3 2007

TIME 3:51 AM
WSR 07-11-018 PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | _____ | Amended | _____ | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|-----------|---------|-------|----------|-------|
| New | <u>14</u> | Amended | _____ | Repealed | _____ |
|-----|-----------|---------|-------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-----------|---------|-------|----------|-------|
| New | <u>14</u> | Amended | _____ | Repealed | _____ |
|-----|-----------|---------|-------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | _____ | Repealed | _____ |