

Note: New draft rule language is underlined. Deleted existing language is not included in this version. The existing rule can be found [here](#).

**Chapter 173-455 WAC, Air quality fee rule**

**WAC 173-455-010 Overview.** [no changes]

**WAC 173-455-020 Definitions.** [no changes]

**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 section 060 and the weather modification fee in section 070 apply statewide. All other provisions of this chapter do not apply in counties regulated by a local air agency.

**WAC 173-455-035 Fee requirement.** [no changes]

New section

**WAC 173-455-036. Fee increases.**

(1) Ecology must follow the process in 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 increase fees for one or more fee eligible programs at any one time as necessary to achieve or maintain cost recovery. A workload analysis must support the fee increase.

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

Where:

New fee = Existing fee x (1+FGF)

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

(4) Ecology may propose fee increases in even numbered years for each year in the upcoming biennium. Prior to making any changes, Ecology will post the new amounts on the agency web site no later than November 30<sup>th</sup> of the preceding year in which the fee will take place.

#### **WAC 173-455-038 Fees not included.**

This chapter contains all fees required by the air quality program except the following:

- (1) Operating permit regulation (air operating permit) - fees can be found in chapter 173-401 WAC.
- (2) 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.

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

- (1) Ecology will charge a yearly registration fee to cover the cost of implementing the program.
- (2) Ecology will determine fee eligibility based on the most current emissions inventory information available.
- (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 fee schedule.
  - (a) Determining periodic registration fee category and fee.
    - (i) Ecology will determine the periodic registration fee category of small, medium, or large based on the sources' most current emissions inventory information.
    - (ii) If Ecology has emissions information on more than one air contaminant, Ecology will determine the sources' category based on the emission rate of the air contaminant that falls in the largest category.
  - (b) 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) Emissions information.
      - (A) The source emits at least one pollutant in Table 173-455-040(4)(c) within the rates in the table; and
      - (B) The source does not emit any pollutant at a rate higher than those in Table 173-455-040(4)(c).
  - (c) A periodic registration program source must pay a yearly registration fee based on the periodic registration fee table (Table 173-455-040(4)(c)).

<u>Table 173-455-040(4)(c) Periodic registration fee table</u>			
<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 &lt; 15</u>	<u>15 to &lt; 30</u>	<u>30 to &lt; 100</u>
<u>Lead</u>	<u>0.005 to &lt; 0.3</u>	<u>0.3 to &lt; 0.45</u>	<u>0.45 to &lt; 0.6</u>
<u>Nitrogen oxides</u>	<u>2 to &lt; 5</u>	<u>5 to &lt; 14</u>	<u>14 to &lt; 40</u>
<u>Particulate matter (TSP)</u>	<u>1.25 to &lt; 6</u>	<u>6 to &lt; 12</u>	<u>12 to &lt; 25</u>
<u>Particulate matter<sub>10</sub></u>	<u>0.75 to &lt; 3.5</u>	<u>3.5 to &lt; 7</u>	<u>7 to &lt; 15</u>
<u>Particulate matter<sub>2.5</sub></u>	<u>0.5 to &lt; 2</u>	<u>2 to &lt; 5</u>	<u>5 to &lt; 10</u>
<u>Sulfur dioxide</u>	<u>2 to &lt; 5</u>	<u>5 to &lt; 14</u>	<u>14 to &lt; 40</u>
<u>Volatile organic compounds</u>	<u>2 to &lt; 5</u>	<u>5 to &lt; 14</u>	<u>14 to &lt; 40</u>
<u>Toxic air pollutant</u>	<u>&gt; 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 fee schedule.

(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

<u>Table 173-455-040(5)(b) Annual registration emission rate table</u>	
<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>Flourides</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 matter<sub>10</sub></u>	<u>15 tons per year</u>
<u>Particulate matter<sub>2.5</sub></u>	<u>10 tons per year</u>
<u>Reduced sulfur compounds (including H<sub>2</sub>S)</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 H<sub>2</sub>S)</u>	<u>10 tons per year</u>

- (i) Annual registration and reporting is necessary to comply with federal reporting requirements or emission standards; or
- (ii) Annual registration and reporting is required in a reasonably available control technology determination for the source category; or
- (iii) 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:

<u>Annual registration fee components</u>	
<u>Component</u>	<u>Fee Rate</u>
<u>Flat</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>

(d) **Flat component.** Each source must pay the flat component fee plus the other fees.

(e) **Complexity component.** Each source is assigned a complexity rating of 1, 3, or 5 which is based on the estimated amount of time needed to review and inspect the source. The source's complexity rating is multiplied by the complexity fee rate to determine the complexity portion of the yearly registration fee.

(f) **Emissions component.** Billable emissions include all air pollutants except carbon monoxide and total suspended particulate. 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 sources emitting gas vapors. Gasoline dispensing facilities must pay a yearly registration fee of \$135 dollars per tank.

(7) Fee reductions for economic hardships.

If a small business owner subject to a periodic registration program fee under subsection (4) in 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 registration fee may be reduced by no more than fifty percent.

(8) Fee payments.

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

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

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

(d) A source may request to pay a bill on a payment plan. A late fee surcharge will not apply for bills paid by a payment plan as long as these two conditions apply:

(i) The source requests a payment plan within thirty days of the receipt of the bill.

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

(9) Additional registration fee for fossil-fueled electric generating facilities.

Registration fees for fossil-fueled electric generating facilities apply in addition to carbon dioxide mitigation program fees in WAC 173-455-050.

**WAC 173-455-050 Carbon dioxide mitigation program fees.** [no changes]

**WAC 173-455-060 Solid fuel retail sales fee.** [no changes]

**WAC 173-455-070 Weather modification fees.** [no changes]

**WAC 173-455-100 Control technology fees.**

(1) General. Ecology may assess and collect a fee as authorized in RCW 70.94.154 or RCW 70.94.153 and described in subsections (2) through (5) of this section.

**WAC 173-455-120 New source review fees.**

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

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**WAC 173-455-130 Air pollution standards variance fee.** [no changes]

**WAC 173-455-140 Nonroad engine permit fee.** [no changes]