

Rule Adoption Notice

Air Quality Program

May 2011

Air Quality Fee Regulation, Chapter 173-455 WAC

The Washington State Department of Ecology has updated its rule that establishes permit fees for sources of air pollutants (Chapter 173-455 WAC, Air Quality Fee Regulation).

What is Chapter 173-455 WAC?

This rule establishes Ecology's fees for various air quality related actions.

Summary of the rule changes adopted on May 31, 2011

The revised rule changes the fee schedule for activities covered under the federal and state air quality permitting program. These changes:

- Require fee payment up-front.
- Establish an initial fee for a permit application that includes a set number of review hours. If the staff time required to review the application exceeds the number of review hours associated with the request, Ecology will bill the applicant for each additional hour.
- Establish the \$95 per hour rate for additional staff work to process an application.
- Continue a flat fee for some activities (general order, relocation notice, voluntary emission reduction, permit extension request).
- Require the applicant to pay the final bill before getting their permit.
- Allow an applicant to contract with Ecology to pay for additional up-front review.
- Change the name of a reseller certificate to a reseller permit for consistency with the Department of Revenue (WAC 173-455-060).
- Align fee provisions for a portable source with 2011 revisions to Chapter 173-400 WAC (WAC 173-455-140).

WHY IT MATTERS

Washington's program implements state and federal air quality requirements that protect human health and the environment from pollution from industrial and commercial sources.

New source review fees must pay for the cost of permit review. This fee increase is revenue neutral because Ecology's general fund allocation was reduced by the amount we expect to generate. This helps the statewide budget deficit and prevents permit delays that could slow economic recovery.

Important dates:

Adoption date – May 31, 2011
Effective date – July 1, 2011

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Special accommodations:

If you need this document in format for the visually impaired, call the Air Quality Program at 360-407-6800.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Response to comments

Ecology's response to comments received during the public comment period is now available. Download a copy at <http://www.ecy.wa.gov/laws-rules/wac173455/1004.html>.

Whom does this rule affect?

This rule affects a broad range of industrial and commercial sources in Ecology's jurisdiction needing pre-construction review and approval of a project.

- [Minor new source review](#) applies to smaller sources located in counties under Ecology's jurisdiction; and
- [Nonattainment area major new source review](#) applies to large industrial and commercial sources under Ecology's jurisdiction that are subject to the [major source permitting rules for a nonattainment area](#).

This rule also affects sources subject to two programs for which Ecology has statewide responsibility:

- [Prevention of Significant Deterioration \(PSD\)](#) is a federal permitting program that applies to large commercial and industrial sources.
- [Second and third tier review](#) is a process used to review toxic air emissions that are higher than a specified level.

More information

Revision of Air Quality Fee Rule, Chapter 173-455 WAC
http://www.ecy.wa.gov/programs/air/rules/fee_rule.html

Commercial Industrial Air Permits
http://www.ecy.wa.gov/programs/air/permit_register/NewPermitsPage.html

To get updates on Ecology's rule-making activities, sign-up for the WACTrack e-mail list at www.ecy.wa.gov/maillist.html.

Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For more information about appealing this rule adoption, please contact Bari Schreiner, Agency Rules Coordinator, at (360) 407-6998 or bari.schreiner@ecy.wa.gov.

