

Air Quality Fee Regulation

Ecology proposes to adopt amendments to Chapter 173-455 WAC, Air Quality Fee Regulation. The rule proposal will be published in the Washington State Register on September 5, 2012. The Air Quality Fee Regulation contains fees for a number of air quality activities. This rule-making mainly focuses on the Registration Program that requires certain small- and medium- sized businesses to register with Ecology. These businesses are inspected to ensure proper compliance with regulations. They pay a fee based on how much they pollute.

The purpose of this rule proposal is to:

- **Increase yearly fees for businesses that report their emissions every three years (periodic sources) from \$400 to \$450, \$700, or \$1000 based on their emission rates. Late fees also increase from \$50 to \$68.** The Legislature directed Ecology to increase these fees. They have not been changed in 17 years since they were adopted in April 1995.
- **Charge gasoline dispensing facilities a yearly \$130 fee for each storage tank dispensing gasoline.** The fee is proposed to begin on July 1, 2013. The Department of Revenue will collect the fee as part of renewing a business license.

Ecology proposes to re-establish air quality inspection fees for gasoline dispensing facilities (mainly gas stations) in counties regulated by Ecology. This includes most of central and eastern Washington as well as San Juan County. A gasoline station regulated by a local air agency is *not* covered under this rulemaking.

Re-establishing the gasoline vapor recovery inspection program reduces the health risk from benzene (a carcinogen) exposure at and near gasoline dispensing facilities, and reduces the formation of ground-level ozone (contributor to smog).

Insert the rates used to calculate the 2012 annual registration fees and remove the existing process in the rule to calculate these fees. The 2012 rates are established by following the existing method in the rule and then increased by 36 percent as directed by the Legislature.

MORE INFORMATION

Presentation followed by public hearing:

Ecology is holding a public hearing using conference call and video conference in three locations. The formal public hearing will follow a presentation and question-and-answer session. You can participate in person at one of Ecology's offices in Lacey, Spokane, and Yakima or call in.

Date and time:

Tuesday, September 25, 2012
1:30 p.m.

Primary location:

Lacey: Ecology Headquarters
300 Desmond Drive SE

Video conference locations:

Yakima: Ecology Central
Regional Office
15 West Yakima Avenue Suite 200

Spokane: Ecology Eastern
Regional Office
North 4601 Monroe Street

Call in number:

(360) 407-3780
PIN Code: 980708 #

Wait for the conference operator to connect you if the lines are full.

Web site:

http://www.ecy.wa.gov/programs/air/rules/fee_rule.html

Contact information:

Elena Guilfoil
(360) 407-6855
elena.guilfoil@ecy.wa.gov

Special accommodations:

For special accommodations or documents in an alternate format, call (360) 407-6800, 711 (relay service), or 877-833-6341 (TTY).

- Provide a new process for making future fee increases for most fees in Chapter 173-455 WAC. This change will not result in any additional fee increases at this time. Ecology proposes to link fee increases to the Washington fiscal growth factor based on the cost of running the program without going through rule-making. This means smaller, more frequent increases instead of larger, infrequent increases.
- Improve readability of the rule and clarify the rule's intent. "Housekeeping" changes include:
 - ✓ consolidating registration program fees in one location;
 - ✓ correcting word use;
 - ✓ clarifying that an applicant can use the existing \$200 fee for pre-application assistance with the Prevention of Significant Deterioration permit. Ecology is continuing our current practice of holding a pre-application meeting between applicants and staff; and
 - ✓ updating the list of general orders.

What documents are available for review and comment?

The following documents are available for review at:

www.ecy.wa.gov/laws-rules/wac173455/1107.html.

- Determination of Nonsignificance (DNS) under the State Environmental Policy Act (SEPA)
- Small Business Economic Impact Statement (SBEIS)
- Preliminary Cost-Benefit and Least Burdensome Alternative Analyses
- Proposed rule language

Submit your comments

The public comment period is open from August 22, 2012 through October 2, 2012. You can give us your official comments in the following ways:

- Testify or submit written comments at the public hearing (see the box on page one).
- Provide comments over the phone at the public hearings by calling in (see the box on page one).
- Email your comments to: AQComments@ecy.wa.gov
- Mail your comments to: Elena Guilfoil
Washington State Department of Ecology
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600



Ecology's response to your comments

All of the comments we receive will become part of the official record. We will publish responses to comments in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (Chapter 34.05 RCW) and is available after the rule is adopted. You will find your name listed in the document with a reference to where, in the document, Ecology responded your comments.

Expected adoption date

Ecology expects to adopt this rule no earlier than November 30, 2012. Fee collection would begin January 2013.

More information

What counties are regulated by Ecology's air quality program?

The counties regulated by Ecology's air quality program include most of central and eastern Washington as well as San Juan County. Local air agencies are responsible for ensuring compliance with federal, state, and local rules in the other counties.

Ecology's counties include:

- Eastern Regional Office: Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Stevens, Walla Walla, Whitman
- Central Regional Office: Chelan, Douglas, Kittitas, Klickitat, Okanogan
- Northwest Regional Office: San Juan

Why is Ecology re-establishing fees to pay for a vapor recovery inspection program?

Gasoline vapor recovery systems that are not routinely inspected for compliance with air quality requirements are much more likely to fail, putting people at risk. Gasoline vapors contain benzene, a carcinogenic chemical. Gasoline vapors also contain volatile organic compounds that contribute to ground-level ozone, another human health hazard and a contributor to climate change. If safety measures are not in place, these harmful fumes can escape as gasoline is transferred into storage tanks or dispensed at the pump.

Translation available

अगर आपको हिन्दी में इस दस्तावेज़ की जरूरत है तो कृपया ऐलेना गुलफ़ाइल से संपर्क करें ।

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한국어로 번역된 것을 원하시는분은 Elena Guilfoil 에게 문의 하세요 (360-407-6855 | elena.guilfoil@ecy.wa.gov)

