



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Air Quality Fee Rule

Chapter 173-455 WAC

November 2012
Publication no. 12-02-023

Publication and Contact Information

This report is available on the Department of Ecology's website at <http://www.ecy.wa.gov/biblio/1202023.html>.

For more information contact:

Publications Coordinator
Tami Dahlgren
P.O. Box 47600
Olympia, WA 98504-7600

E-mail: tami.dahlgren@ecy.wa.gov
Phone: (360) 407-6830

Washington State Department of Ecology - www.ecy.wa.gov

Headquarters, Olympia	360-407-6000
Northwest Regional Office, Bellevue	425-649-7000
Southwest Regional Office, Olympia	360-407-6300
Central Regional Office, Yakima	509-575-2490
Eastern Regional Office, Spokane	509-329-3400

Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

If you need this document in a version 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.

Table of Contents

Purpose.....	1
Introduction.....	1
Implementation and enforcement	1
Informing and educating persons affected by the rule.....	2
Promoting and assisting voluntary compliance	2
Evaluating the rule	2
Training and informing ecology staff	2
List of supporting documents that may need to be written or revised	3
More information	3
Contact information	3

~This page is intentionally left blank.~

Purpose

Ecology provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-455 WAC, Air Quality Fee Rule about how the Department of Ecology (Ecology) intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

The Air Quality Program will use the criteria identified in the rule to bill annual and periodic registration program sources. Ecology is moving the billing due date forward to June 30th from March to accommodate a policy change to base the fee on the previous years' emissions inventory when available. Air quality inspectors at the regional offices have day to day interactions with the registration program community. Enforcement of new fee levels will continue using existing procedures and staff. One person is responsible for mailing invoices and another staff person follows up with delinquent accounts. Delinquent accounts will be assessed a late fee of \$68 or ten percent of the amount owed. A delinquent account more than 90 days past due may result in Ecology issuing an enforcement action subject to a civil penalty and/or the delinquent account will be sent to collections.

This rule making adopts new fees for gasoline dispensing facilities. The Department of Revenue will collect the gasoline storage tank fee from applicable businesses as part of a business license beginning July 1, 2013. Existing Toxics Cleanup Program regional office staff will implement and enforce the vapor recovery inspection program (paid for by the new fee) anticipated to start July 2014. To accommodate the increased inspection time at each site, a new half-time person in Central and Eastern Regional Offices will be hired to take on office work associated with each inspection. This allows existing inspection staff to continue inspecting each tank once every three years. Beginning in 2013, the Air Quality Program will update rule requirements for compliance with federal requirements.

Informing and Educating Persons Affected by the Rule

Ecology is mailing the rule adoption notice to all registration program sources and affected gasoline dispensing facilities. Additional notice includes mailing through the general Ecology ListServe, posting information on a new registration program web site and the underground storage tank website. Ecology will also distribute information for gas stations through their business associations and newsletters. Ecology will coordinate with the Business Licensing Service to ensure that gasoline dispensing facilities get appropriate notice of the change in fees.

Promoting and Assisting Voluntary Compliance

The primary way Ecology will promote voluntary compliance with the rule will be by providing information about the new fees to businesses subject to the fees. We anticipate the majority of facilities will comply voluntarily without additional compliance measures. A payment plan option and the extreme hardship fee reduction is available for businesses who ask for these options before their fee due date.

There is a built in incentive for a gasoline dispensing facility to pay their new fee because the Department of Revenue won't issue their business license until all fees associated with the license are paid. For purposes of the business license, a business paying via a payment plan would be considered to have paid their fee. For those that are slow or reluctant to pay, we will contact them individually to encourage them to pay. If payment is not made, Ecology will follow collection procedures, including penalties.

Evaluating the Rule

The Air Quality Program will assess how well the fees collected in the next biennium recover the cost of providing the related services. In the future, Ecology will evaluate how well the procedures in the rule work when there is a need to increase fees to cover the cost of operating any of the affected programs.

During rule making we received a request to base fee on gasoline throughput. Ecology will review the gasoline throughput information collected in the next biennium to determine if adjusting the fee per tank methodology is warranted.

Training and Informing Ecology Staff

Ecology headquarters staff is working with staff in the Fiscal and Information Technology Offices, and staff in the Air Quality Program Regional Offices to ensure a smooth transition to the new billing categories and timeline. The Air Quality Program staff will work with the Underground Storage Tank Program staff to facilitate implementation of the gasoline dispensing facility fee.

List of Supporting Documents that May Need to be Written or Revised

Ecology will need to:

- Establish a Registration Program website so people can find information about the program and the new fee schedules.
- Update the Registration Program Focus Sheet (Publication #94-03).
- Update emissions inventory forms.
- Enter into an agreement with the Department of Revenue to collect the gasoline dispensing fee.
- Update the requirements in Chapter 173-491 WAC, Emission Standards and Controls for Sources Emitting Gasoline Vapors, for compliance with federal rules. This rule-making is expected to begin in 2013.
- Update existing Underground Storage Tank inspection materials to include air quality inspection requirements.

More Information

Ecology rulemaking web page: <http://www.ecy.wa.gov/laws-rules/wac173455/1107.html>

Air Quality Program web page: http://www.ecy.wa.gov/programs/air/rules/fee_rule.html

Underground Storage Tanks (USTs) web page: <http://www.ecy.wa.gov/programs/tcp/ust-lust/tanks.html>

Contact Information

Elena Guilfoil
Air Quality Program
Department of Ecology
PO Box 47600
Olympia, WA 98504
360-407-6855
Elena.guilfoil@ecy.wa.gov