



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

**General Regulations for Air Pollution
Sources - Chapter 173-400 WAC
and**

**Air Quality Fee Rule - Chapter 173-455
WAC**

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Publication and Contact Information

This report is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1802036.html>

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Table of Contents

Purpose.....	1
Introduction.....	1
Implementation and Enforcement.....	2
Informing and Educating Persons Affected by the Rule	7
Promoting and Assisting Voluntary Compliance	7
Evaluating the Rule.....	8
Training and Informing Ecology Staff.....	8
List of Supporting Documents that May Need to be Written or Revised.....	8
More Information.....	9
Contact Information	9

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Purpose

The Washington State Department of Ecology (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

On October 25, 2018, Ecology adopted amendments to Chapter 173-400 WAC - General Regulations for Air Pollution Sources and Chapter 173-455 WAC - Air Quality Fee Rule (AO # 16-09). The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-400 WAC and Chapter 173-455 WAC about how 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

Ecology has been implementing and enforcing the registration program since 1987 under Chapter 70.94 RCW Clean Air Act authority. Only Ecology implements the requirements in the rules. The local clean air agencies implement and enforce their own registration program.

This rule applies to Ecology’s air quality jurisdiction, which is mainly implemented and enforced through Central and Eastern Regional Offices. Upon completion of the Source Management System in 2021, Ecology will have a user interface that will allow staff to enter and access data for registration, permitting, and compliance activities. An external interface will allow users to enter, edit, and view information. Ecology staff will update existing registration fees in accordance with the requirements of this rule, and ensure that the registration fees are paid in full and on time.

Ecology Office	Jurisdiction
Ecology – Air Quality Program, Central Regional Office	Chelan, Douglas, Kittitas, Klickitat & Okanogan counties
Ecology – Air Quality Program, Eastern Regional Office	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Stevens, Walla Walla & Whitman counties

The registration fee schedule for 2019, 2020 and 2021 is established in Chapter 173-455 WAC. Starting in 2022, Ecology must prepare an annual budget that reflect the costs of the program.

Starting in 2021, and every year thereafter, the Air Quality program Budget Office will calculate the annual budget for the next year, in order to determine the fee schedule for the next year. Ecology might establish fees for the registration program costs for a 2-year period.

Emission inventories from the sources are due by January 31, and Ecology must finalize the emission inventories by the end of July. By August 1, Ecology must notify each source of its draft emission inventories and draft Tier placement. The notice must be by electronic means or by means of the US Postal Service.

There is an opportunity for the owner or operator of a source to review the draft emissions inventory and Tier placement. The deadline for an owner or operator to submit comments is September 30th for an upcoming year or by October 1st or later to update future emission inventories. If the comments were submitted by September 30th, Ecology must issue a final determination by January 1st. If the comments were received by October 1st or later, Ecology must issue the final determination within 90 days after receiving the request.

Each year Ecology must post the draft and final Tier placement on Ecology’s website:

- On August 1st of the year before the fee goes in effect, Ecology must post the draft Tier assignment on the website.
- Ecology must post the final Tier assignment on the website by January 1st of the year the new fee goes into effect.

While the Source Management System is being developed, the Eastern Regional Office will mail the bills on or before January 1st for both the Eastern and Central Regional Offices.

Registration fee payments will be collected by the Cashiering Unit at:

By mail (US Postal Service)

Department of Ecology
Cashiering unit
PO Box 47611
Olympia, WA 98504-7611

sent by shipper that requires a street address (FedEx or UPS)

or

In person at our Lacey building

Department of Ecology
Cashiering unit
300 Desmond DR SE
Lacey, WA 98503

Fee payment can also be completed by visiting ecy.wa.gov/eoepay.

After the Source Management System is operational in 2021, billing and payment will occur electronically.

Owners or operators have 90 days to pay the fee. If payment is not received by the ninety-first day, Ecology may assess a late fee equal to three times the amount of the original fee.

1. Registration Fees Due

General Air Quality Registration fees are collected annually from air pollution sources within Ecology's jurisdiction. Invoices are sent out the beginning of January and are due on or about April 1st.

WAC 173-455-040(7)(a). "A source subject to fees in this section must pay those fees within ninety days of receipt of ecology's billing statement."

2. Registration Fees Past Due

If the registration fee is not paid by the due date noted on the invoice, Ecology will:

3. Reminder Contact, 1st Attempt (15 days past due)

On or about April 15th, Ecology will contact non-payers to inform them they are two weeks or more past due. If contact is made, the non-payer will be informed that Ecology will add a late fee of 3 times the amount of the original fee, if the fee is not received by Ecology before June 1st. If contact is made and the registration fee is not received before June 1st, Ecology will proceed to Step 5.

Administrative Policy 21-05, Section 7. "Staff document contact with the customer on all past due receivable or fees, including the results of the contact. This is done for all mail, email, and telephone contact..."

4. Reminder Contact, 2nd Attempt (45 days past due)

If Ecology did not speak with the non-payer or receive a response directly from the non-payer on the first contact, a contact attempt *and* an additional two weeks has passed *and* payment has still not been received, a contact attempt will be made and documented on or about May 15th.

Administrative Policy 21-05, Section 7. "...and the first attempt to reach the customer by telephone is unsuccessful, at least one more attempt will be made by telephone..."

5. Late Fee Assessed (fee 91 days past due)

Ecology will send a 2nd invoice reminder on or about July 1st. The invoice will include a late fee and a warning that failure to pay the full amount by July 15st will result in the fee being turned over to a collection Agency.

WAC 173-455-040(7)(b). "Ecology may assess a late fee equal to three times the amount of the original fee owed against sources knowingly under-reporting emissions, or failing to pay registration fees by the 91st day after the due date..."

6. Unpaid Fees Sent to Collections (fee 107 days past due)

Program reviews list of non-payers for accuracy; then provides Fiscal Office with information to send delinquent invoices (does not include penalties) to collections on or about July 15th. A surcharge will be added to the account in the amount of the current applicable percentage, based on the current collections contract, of what is delinquent. This surcharge is the amount Ecology must pay for the collection action.

Administrative Policy 21-05, Section 9. "...after receivables become at least 90 days past due, unless otherwise noted in the RCW or WAC, Ecology will consider using collection agencies as allowed by law... The Fiscal Office is responsible for initiating collection agency efforts for all programs... Collection agency services will NOT be used to collect receivables that are due from the federal government, other governments, other funds, or other agencies..."

Implementation Suggestions

- This procedure will be superseded if the agency develops agency wide SOPs that differ.

TIMELINE RECAP

Apr 1 st	– Fees Due	
Apr 15 th	– Reminder Contact, 1 st Attempt	(fee 15 days past due)
May 15 th	– Reminder Contact, 2 nd Attempt	(fee 45 days past due)
July 1 st	– 2 nd Invoice Sent with Late Fee & Collections Warning	(fee 91 days past due)
July 15 th	– Unpaid Fees Sent to Collections	(fee 107 days past due)

Timeline of 2018, 2019, 2020 and 2021:

2018		2019		2020		2021	
Date	Task	Date	Task	Date	Task	Date	Task
		1/1/19	* Mail bills	1/1/20	* Mail bills	1/1/21	* Mail bills
		1/31/19	Emissions inventories forms due	1/31/20	Emissions inventories forms due	1/31/21	Emissions inventories forms due
		4/1/19	Payment due	4/1/20	Payment due	4/1/21	Payment due
		Feb - July	Finalize emissions inventories	Feb - July	Finalize emissions inventories	Feb - July	Finalize * Budget for 2022/2023 * Tier schedule for 2022/2023 * Emissions inventories
6/20/18	Rulemaking notice: * Draft Tier placement * Draft registration budget * Fees for 2019, 2020, & 2021	8/1/19	Notify sources of draft tier placement	8/1/20	Notify sources of draft tier placement	8/1/21	* Post on website: 2022/2023 draft budget and draft tier schedule * Notify sources of draft tier placement
Mid Oct	Rule Adoption	9/30/19	Appeal deadline for a tier placement	9/30/20	Appeal deadline for a tier placement	9/30/21	* Comment period closes * Draft budget & tier schedule * Appeal deadline for a tier placement
Mid Nov	* Rule Effective * <u>Post final Tier fee schedules for 2019, 2020, & 2021 on "Annual air quality registration" website</u>	Oct. 1 – Dec 31	Review and finalize appeals	Oct. 1 – Dec 31	Review and finalize appeals	Oct. 1 – Dec 31	Review and finalize appeals
Dec 15 - 31	Prepare bills	Dec 15 - 31	Prepare bills	Dec 15 - 31	Prepare bills	Dec 15 - 31	Prepare bills

Timeline 2022 and beyond:

2022		2023		2024	
Date	Task	Date	Task	Date	Task
1/1/22	* Finalize Registration Program & post on website * Final budget & Tier fees * Mail bills	1/1/23	* Mail bills	1/1/24	* Finalize Registration Program & post on website * Final budget & Tier fees * Mail bills
1/31/22	Emissions inventories forms due	1/31/23	Emissions inventories forms due	1/31/24	Emissions inventories forms due
4/1/22	Payment due	4/1/23	Payment due	4/1/24	Payment due
Feb - July	Finalize * Emissions inventories	Feb - July	Finalize * Budget for 2024/2025 * Tier schedule for 2024/2025 * Emissions inventories	Feb - July	Finalize * Emissions inventories
8/1/22	* Notify sources of draft tier placement	8/1/23	* Post on website: 2024/2025 draft budget and draft tier schedule * Notify sources of draft tier placement	8/1/24	* Notify sources of draft tier placement
9/30/22	Appeal deadline for a tier placement	9/30/23	* Comment period closes * Draft budget & tier schedule * Appeal deadline for a tier placement	9/30/24	Appeal deadline for a tier placement
Oct. 1 – Dec 31	Review and finalize appeals	Oct. 1 – Dec 31	Review and finalize appeals	Oct. 1 – Dec 31	Review and finalize appeals
Dec 15 - 31	Prepare bills	Dec 15 - 31	Prepare bills	Dec 15 - 31	Prepare bills

Informing and Educating Persons Affected by the Rule

To help inform and educate persons affected by the rule, we will:

- Email notice with the adoption materials to persons who commented on the rulemaking, anyone who requested to be on the rulemaking distribution list, the Air Quality Program distribution list, and the agency distribution list (WACTrack)
- Post the rule adoption materials (final rule language, response to comments, final regulatory analyses, and the rule implementation plan) on the rulemaking webpage for public access
- Provide information when requested on the rule amendments.

When a business owner or operator contacts Ecology, we will inform and educate him or her about the rule changes.

Ecology staff in the regional offices will be available, upon request, to assist the owner or operator with providing clarifications, help compiling the emission inventories and submitting the inventories to Ecology.

Promoting and Assisting Voluntary Compliance

Ecology will promote voluntary compliance through technical assistance when business owners need help, apply for a Tier revision, apply for a fee reduction for economic hardship or request a payment plan.

The actions mentioned above to inform and educate affected persons on the changes also help to promote voluntary compliance. Program staff are available to respond to stakeholder phone and email inquiries.

Evaluating the Rule

We will monitor the rule change impacts and may continue discussions at a variety of agency staff meetings. We will evaluate the changes during the next couple of years and make rule changes if necessary.

The Air Quality Program maintains a file with comments and suggestions for improving our regulations that come from Ecology staff, the public, clean air agencies, and the regulated community. We refer to the file for consideration during future rulemakings.

We will track the following items to evaluate whether the rule is achieving its purpose:

- The number of technical reviews of emissions inventories we receive.
- The number of requests for economic hardship.
- The number of payment plans requested.
- The revenue collected per tier (to assess the cost burden per tier).
- The number of late payments.

We will use the data to evaluate if rule changes or programmatic changes are needed in the near future.

The Source Management System will be developed to track these items. Prior to completion of the system, each Ecology region will utilize existing software tools (Excel, Access, SharePoint) to track this information.

Training and Informing Ecology Staff

Many of the Ecology staff responsible for implementing this revised rule work directly with the affected sources and are already familiar with the nuances of the rule changes. These staff are available to coach other Ecology staff on the best way to implement the changes. Guidance documents may be developed for Ecology staff in the future.

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

We have identified the following supporting documents that may be written:

- Officially publish a document with the new cattle feedlot PM₁₀ emission factors.
- Detailed documentation of the effects of SB5196 regarding implications on enforcement action, emissions inventories and registration fees for cattle feedlots.
- Policy dealing with sources moving from registration to AOP and reverse.
- Policy on how to deal with portables.
- Policy on how to deal with sources without emissions.

- Educational materials.
- Source Management System User Manual.

We have not identified any existing supporting documents for revision.

More Information

More information on this rulemaking:

<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-455-Feb17>

More information on the Air Quality Program:

<https://ecology.wa.gov/Air-Climate/Air-quality>

Contact Information

Eastern Regional Office

Serving: Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Stevens, Walla Walla & Whitman counties

Gail Wright
4601 N. Monroe St.
Spokane, WA 99205-1295
(509) 329-3487
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Central Regional Office

Serving: Chelan, Douglas, Kittitas, Klickitat & Okanogan counties

Shawn Nolph
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Union Gap, WA 98903-0009
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Northwest Regional Office

Serving: San Juan Island

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3190 160th Ave. SE
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