



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan Chapter 173-455 WAC, Air Quality Fee Rule

March 2023

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Publication and Contact Information

This document is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/summarypages/2302014.html>

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Implementation Plan

Chapter 173-455 WAC
Air Quality Fee Rule

Air Quality Program
Washington State Department of Ecology
Olympia, Washington

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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 March 3, 2023, Ecology adopted amendments to Chapter 173-455-038, 173-455-050, 173-455-100, 173-455-120, 173-455-130, and 173-455-140 WAC Air Quality Fee Rule and adopted a new section Chapter 173-455-031 WAC (AO # 21-08). The purpose of this rule implementation plan is to inform those who must comply with 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

This rule applies to all entities that need air quality permits within the New Source Review program issued by the Department of Ecology. The rule change will be implemented by Ecology's Air Quality Program, Industrial Section, Nuclear Waste Program, and Fiscal Office.

Ecology will enforce this rule by communicating to permittees about the new fees and issuing permits only after the correct permit fee has been paid.

Ecology will conduct a yearly workload analysis to determine the hourly cost for Ecology staff to implement and administer the New Source Review program. The corresponding annual budget will be used to determine program fees.

If fee updates are necessary, Ecology may set new fees for a two-year period. Ecology will post the applicable workload analysis and annual budget on our website by August 1 of the year

before the new fees will go into effect. Ecology will accept comments on the draft budget and fees for a thirty-day period through an online comments site.

Informing and Educating Persons Affected by the Rule

Throughout the rulemaking process, Ecology has done the following to help inform interested persons:

- Emailed notices about stakeholder meetings and public comment opportunities to the Air Quality Program general email list on rules and statewide plans, contacts listed in the Air Quality permits database, and the WACTrack email list.
- Issued a press release September 7, 2023
- Posted information on Ecology's Air Quality Fee rulemaking webpage.
- Held two stakeholder meetings (May 18, 2022 and June 8, 2022) and a public hearing via webinar October 13, 2022.
- Posted meeting materials.
- Updated permit applications to show accurate fees.
- Made available the rule lead's contact information.

Promoting and Assisting Voluntary Compliance

The actions mentioned above that inform and educate stakeholders also help promote voluntary compliance. In addition, we have:

- Included information on small business and hardship fee reductions in the rule proposal announcement.
- Educated Ecology and Local Clean Air Agency permit engineers on the rule change so that they can answer questions from permittees.
- Updated application forms and accompanying instructional materials.
- Reviewed our online materials to make sure everything is clear.

Evaluating the Rule

The Washington Clean Air Act requires Ecology to charge fees that fully cover costs associated with issuing air quality permits.

The new section on future fee updates requires Ecology to create a workload analysis and budget each year and adjust fees as need to cover costs. When fee adjustments are needed, Ecology is required to post a draft fee schedule and hold a thirty day public comment period in the year before the new fees go into effect.

Training and Informing Ecology Staff

To train and inform Ecology staff we made presentations and answered questions at the quarterly Air Permit Writers meeting and to the Washington Air Quality Managers meeting. In addition, we hosted a series of round table implementation discussions where we engaged with Ecology's Industrial Section, Nuclear Waste Program, and Fiscal Office about process details. We created an information sheet we shared with permit engineers to cover any questions they may get from stakeholders.

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

Publication # 070-410 [Notice of Construction Application \(wa.gov\)](#)¹

Publication # 070-413 [Application for a Prevention of Significant Deterioration Applicability Determination \(wa.gov\)](#)²

Publication # #070-385 [General Order Application: Asphalt Plants \(wa.gov\)](#)³

Publication # 070-309 [General Order Application: Automobile Body Repair and Refinishing Shops \(wa.gov\)](#)⁴

Publication # 070-328 [General Order Application: Portable and Stationary Concrete Batch Plants \(wa.gov\)](#)⁵

Publication # 070-453 [General Order Application: Dairy Anaerobic Digesters \(wa.gov\)](#)⁶

Publication # 070-235 [General Order Application: Perchloroethylene Dry Cleaners Purchasing Less Than 2100 Gallons Per Year \(wa.gov\)](#)⁷

Publication # 070-344 [General Order Application: Small Water Heaters and Steam Generating Boilers](#)⁸

Publication # 070-237 [General Order Application: Stationary and Portable Rock Crusher \(wa.gov\)](#)⁹

Publication #070-415 [Application for Second Tier Review or Third Tier Review \(wa.gov\)](#)¹⁰

¹ <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070410.html>

² <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070413.html>

³ <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070385.html>

⁴ <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070309.html>

⁵ <https://apps.ecology.wa.gov/publications/summarypages/ecy070328.html>

⁶ <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070453.html>

⁷ <https://apps.ecology.wa.gov/publications/summarypages/ecy070235.html>

⁸ <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070344.html>

⁹ <https://apps.ecology.wa.gov/publications/summarypages/ecy070237.html>

¹⁰ <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070415.html>

More Information

- [Rulemaking website](#)¹¹
- [Washington Clean Air Act – RCW 70A.15](#)¹²
- [Department of Ecology Air Permits website](#)¹³

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¹¹ <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-455>

¹² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.15&full=true>

¹³ <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Air-Quality-permits>