



Concise Explanatory Statement WAC 173-455-120, WAC 173-400-111, and WAC 173-50-190, Application Fees and Other Clarifying Updates

Summary of Rulemaking and Response to Comments

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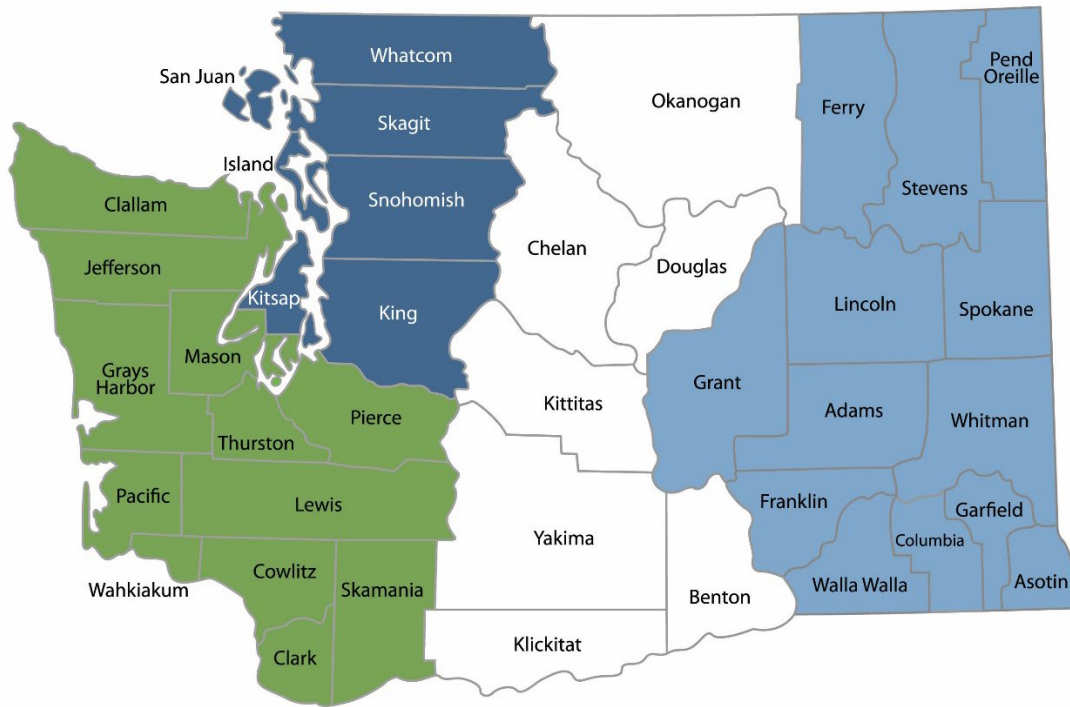
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¹ <http://www.ecology.wa.gov/contact>

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region
360-407-6300

Northwest Region
206-594-0000

Central Region
509-575-2490

Eastern Region
509-329-3400

Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
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Concise Explanatory Statement

**Chapter 173-455 WAC New source review and other
air permitting fees, chapter 173-400 WAC
Processing notice of construction applications for
sources, stationary sources and portable sources,
and chapter 173-50 WAC Fee Structure for
environmental laboratory accreditation**

Governmental Relations, Air Quality, and Environmental Assessment Programs
Washington State Department of Ecology
Headquarters
Lacey, WA

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DEPARTMENT OF
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State of Washington

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Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act (APA) requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Provide Ecology's response to public comments.

This Concise Explanatory Statement provides information on The Washington State Department of Ecology's (Ecology) rule adoption for:

Title:	Application Fee and Other Clarifying Changes
WAC Chapter(s):	WAC 173-455-120, WAC 173-400-111, and WAC 173-50-190
Adopted date:	August 11, 2026
Effective date:	September 11, 2026

To see more information related to this rulemaking or other Ecology rulemakings please visit our website: <https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking>.

Reasons for Adopting the Rule

The purpose of this rulemaking is to amend the identified rules in support of implementing requirements in the [Governor's Executive Order 25-03 Improving transparency and building efficiency in the state's permitting and licensing process](#)².

Executive Order 25-03 requires Ecology to establish a process for permit application fee refund guarantees. To establish the refund guarantee process for the permits, general orders of approval, and accreditation identified in this rulemaking, updates to rule language must be adopted.

Ecology adopted amendments for the following air quality rules: [WAC 173-455-120 WAC, New source review and other air permitting fees](#)³ and [WAC 173-400-111 WAC, Processing notice of construction applications for sources, stationary sources, and portable sources](#)⁴. These amendments relate to two air quality permits and six air quality general orders. Amendments include:

- Clarifying the definition of "application fee."
- Clarifying that any fee refunds cannot exceed the amount of the application fee that was originally paid.
- Clarifying that Ecology will not charge additional fees to recover the costs of a refund.
- Removing outdated fee language in WAC 173-455-120.
- Removing language about the rescinded general order of approval for dairy anaerobic digesters in WAC 173-455-120.

Ecology also adopted an amendment to [WAC 173-50-190, Fee structure](#), which provides the fee structure for environmental laboratory accreditation program. This amendment removes language prohibiting refunds for application fees.

The total fee amounts paid, eligibility criteria, and requirements for permits, general orders, and accreditations will not change as a result of this rulemaking.

These amendments apply to:

- Air Quality Notice of Construction Permit
- General Order of Approval for Asphalt Plants
- General Order of Approval for Auto Body Shops
- General Order of Approval for Concrete Batch Plants
- General Order of Approval for Perchloroethylene Dry Cleaners
- General Order of Approval for Small Boilers Using Natural Gas, Propane, or Diesel Fuel
- General Order of Approval for Stationary or Portable Rock Crusher

² https://governor.wa.gov/sites/default/files/exe_order/25-03%20-%20Permit%20Fees.pdf?utm_medium=email&utm_source=govdelivery

³ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-455-120>

⁴ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-400-111>

- Prevention of Significant Deterioration (PSD) Air Quality Permit
- Environmental Laboratory Accreditation

Differences Between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the Washington State Register and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

There are no differences between the proposed rule filed on May 20, 2026 (WSR# 26-11-061), and the adopted rule filed on August 11, 2026.

List of Commenters and Response to Comments

We held a public comment period from 12:00 am on May 20, 2026, to 11:59 pm on June 30, 2026, and a public hearing at 2:00 pm on June 23, 2026. This comment period and public hearing were intended to solicit comments on the proposed amendments.

Our public hearing was attended by two people, but we did not receive any testimony. Ecology received one public comment during our comment period.

Comment 1: Jessica Speigel, Vice President of the Western States Petroleum Association.

The Western States Petroleum Association (WSPA) appreciates the opportunity to comment on the Department of Ecology's proposed amendments for Chapters 173-455, 173-400, and 173-50 WAC. WSPA is a non-profit trade association that represents companies that safely explore for, produce, refine, transport and market petroleum, petroleum products, natural gas, and other energy supplies in California, Washington, Oregon, Nevada, and Arizona.

WSPA supports the proposed amendments. While the changes are administrative in nature, we appreciate Ecology taking these preliminary steps as part of its broader effort to improve permitting efficiency.

WSPA also encourages Ecology to continue pursuing opportunities to improve permitting efficiency for new projects. Timely and predictable permitting for new and modified facilities is essential to supporting environmental improvements, infrastructure investments, and the deployment of new technologies in Washington.

On behalf of WSPA and its member companies, thank you for considering our comments. If you have any questions, please do not hesitate to contact me directly at (360) 918-2178 or via email at jspiegel@wspa.org.

Response

Thank you for providing comments in support of the adoption of the proposed amendments. This is the first phase of ofthsi work and we will be hsaring additional information about these permits and others on our website. Pleae reach out to katie.wolt@ecy.wa.gov for more information.