



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

**Rule Implementation Plan  
WAC 173-455-120, WAC 143-400-111,  
and WAC 173-50-190, Application Fees  
and Other Clarifying Updates**

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August 2026

Publication 26-01-012

# Publication and Contact Information

This document is available on the Department of Ecology's website at:  
<https://fortress.wa.gov/ecy/publications/summarypages/2601012.html>

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**Implementation Plan**  
**WAC 173-455-120, WAC 173-400-111,**  
**and WAC 173-50-190**  
**Application Fees and Other Clarifying Updates**

Governmental Relations, Air Quality, and Environmental Assessment Programs

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 August 11, 2026, Ecology adopted rule amendments to support implementing decision times and an application refund guarantee under Governor Ferguson's executive order to improve the state's permitting and licensing processes.

The amended rules include:

- WAC 173-455-120 WAC, New source review and other air permitting fees
- WAC 173-400-111 WAC, Processing notice of construction applications for sources, stationary sources, and portable sources
- WAC 173-50-190 Fee structure, for environmental laboratory accreditation

The purpose of this rule implementation plan is to inform those who must comply with the rules about how Ecology will:

- 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 amended rule.

This plan also includes information about:

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

# Implementation and Enforcement

The Air Quality Program and Environmental Assessment Program are primarily responsible for implementing and enforcing the changes in this rulemaking with the support from staff in the Governmental Relations Office.

Both programs have staff who provide outreach, education, and technical assistance.

Staff in the Governmental Relations Office, who are implementing Executive Order 26-03, will work closely with both programs on the next steps for publishing decision times and the effective date on Ecology's website and communicating this information to affected people.

Ecology's enforcement authority for these programs are:

## **Air Quality Permitting**

- [Chapter 70A.15 RCW, Washington Clean Air Act](#)<sup>1</sup>
- [42 U.S.C. §§ 7401–7626, Clean Air Act](#)<sup>2</sup>
- [40 CFR §§ 50.1 – 98.528](#)<sup>3</sup>

## **Environmental Lab Accreditation**

- [Chapter 173-50 WAC, Environmental Laboratory Accreditation](#)<sup>4</sup>

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<sup>1</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.15>

<sup>2</sup> <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section7401&num=0&edition=prelim>

<sup>3</sup> <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-50/section-50.1>

<sup>4</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-50>

## Informing and Educating Persons Affected by the Rule

Throughout the rulemaking process, Ecology has taken several actions to inform interested and affected people:

- Sent email notices to the Environmental Lab Accreditation distribution list, the Air Quality Program distribution list, and the agencies rulemaking interested-parties list (WACTrack).
- Sent email notices to all currently accredited environmental laboratories, Air Quality Notice of Construction Permit and Prevention of Significant Deterioration (PSD) Air Quality Permit permittees, and recipients of the Air Quality General Orders of Approval for:
  - Asphalt Plants
  - Auto Body Shops
  - Concrete Batch Plants
  - Perchloroethylene Dry Cleaners
  - Small Boilers Using Natural Gas, Propane, or Diesel Fuel
  - Stationary or Portable Rock Crushers
- Sent letters to Tribal Governments inviting government-to-government consultation.
- Held a public comment period and one public hearing via webinar.

Ecology also maintains a [Decision Time webpage](https://ecology.wa.gov/about-us/accountability-transparency/application-decision-times)<sup>5</sup> where it publishes decision times and their effective dates.

As the need arises, additional materials may be developed to provide guidance around this rule.

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<sup>5</sup> <https://ecology.wa.gov/about-us/accountability-transparency/application-decision-times>

## **Promoting and Assisting Voluntary Compliance**

The administrative nature of the adopted amendments does not require those affected by this rulemaking to perform any new actions or pay any new fees.

As we move forward with implementation, we will:

- Update the rulemaking website with links to the adopted rule and implementation plan.
- Publish decision times and the effective date on Ecology's website and communicate this information to affected people.
- Provide information to staff who are responsible for meeting decision times so they can address implementation questions as they arise.
- Maintain a file for comments and suggestions for improving rules. We use the file during each subsequent rulemaking. These suggestions come from Ecology staff and the regulated community.

## **Evaluating the Rule**

Ecology will evaluate how well the rule supports implementation of Executive Order 26-03. Because the rules establish the application fees, Ecology will evaluate its effectiveness by tracking when application fee refunds are issued after published decision-times are missed.

The decision times themselves are published outside of rule under Executive Order 26-03. Once those decision-time are published for the affected air quality permits, general orders of coverage, and environmental laboratory accreditations, Ecology will begin applying and evaluating the rules.

By monitoring refund activity, Ecology can assess how the fee structure and refund process support the overall goals of the Executive Order and identify whether additional guidance or adjustments may be needed.

## **Training and Informing Ecology Staff**

Ecology will provide information to staff who are responsible for meeting decision times to ensure they understand the impacts of the rule amendments to their work processing applications for the affected air quality permits and general orders of approval, and the environmental laboratory accreditation.

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

## Air Quality Program

Permit applications and instructions for all affected permits and general orders of approval:

- [General orders for air quality permits](#)<sup>6</sup>
- [Notice of construction permit](#)<sup>7</sup>
- [Prevention of Significant Deterioration \(PSD\) permit](#)<sup>8</sup>
- [Fee schedule](#)<sup>9</sup>
- Minor NSR Guideline document for permit writers with information (internal document)
- Permit completeness email template with the information for permit writers sent when the application is complete
- Application fee refund guidance document for staff on how to process refunds.

## Environmental Lab Accreditation

- [First-time application webpage](#)<sup>10</sup>
- [Initial Application form](#)<sup>11</sup>
- [Procedural Manual for the Environmental Laboratory Accreditation Program](#)<sup>12</sup>

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<sup>6</sup> <https://ecology.wa.gov/regulations-permits/permits-certifications/air-quality-permits/air-quality-general-orders>

<sup>7</sup> <https://ecology.wa.gov/regulations-permits/permits-certifications/air-quality-permits/notice-of-construction-permit>

<sup>8</sup> <https://ecology.wa.gov/regulations-permits/permits-certifications/air-quality-permits/prevention-of-significant-deterioration-psd>

<sup>9</sup> <https://ecology.wa.gov/regulations-permits/permits-certifications/air-quality-permits/prevention-of-significant-deterioration-psd>

<sup>10</sup> <https://ecology.wa.gov/regulations-permits/permits-certifications/environmental-lab-accreditation/first-time-application>

<sup>11</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ecy07004.html>

<sup>12</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1003048.html>

## More Information

For more information, please visit the following webpages:

- [Chapters 173-455, 173-400, and 173-50 WAC – Application Fee and Other Clarifying Updates](#)<sup>13</sup> for rulemaking information.
- [Decision times](#)<sup>14</sup> for the effective date of the decision times and application refund guarantee.

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<sup>13</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-455-400-50>

<sup>14</sup> <https://ecology.wa.gov/about-us/accountability-transparency/application-decision-times>

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