



Application Fee and other Clarifying
Updates
Chapter 173-455 WAC, Chapter 173-400
WAC, and Chapter 173-50 WAC

**An Environmental Justice Assessment (per RCW
70A.02.060)**

By

Katie Wolt

For the

**Governmental Relations, Air Quality, and Environmental Assessment
Program**

Washington State Department of Ecology
Olympia, Washington

August 2026, Publication 26-01-013

Contact Information

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¹ www.ecology.wa.gov/contact

Language Access

Under the state Environmental Justice law (RCW 70A.02), Ecology is required to conduct Environmental Justice Assessments during development of certain significant actions. This Assessment provides information about the potential impacts to overburdened communities and vulnerable populations, and strategies to mitigate identified harms and fairly distribute known benefits. The Department of Ecology is committed to providing language services, including translation and interpretation, for people whose primary language is not English. To request these services, email EJ@ecy.wa.gov or call 360-763-2898.

Bajo la ley estatal de Justicia Medioambiental (RCW 70A.02), Ecología está obligada a realizar Evaluaciones de Justicia Medioambiental durante el desarrollo de ciertas medidas importantes. Esta evaluación proporciona información sobre los posibles impactos en las comunidades sobrecargadas y las poblaciones vulnerables, y las estrategias para mitigar los daños identificados y distribuir justamente los beneficios conocidos. El Departamento de Ecología está comprometido a ofrecer servicios de idioma, incluidos traducción e interpretación, para personas cuyo idioma principal no es el inglés. Para solicitar estos servicios, envíe un correo electrónico a EJ@ecy.wa.gov o llame al 360-763-2898.

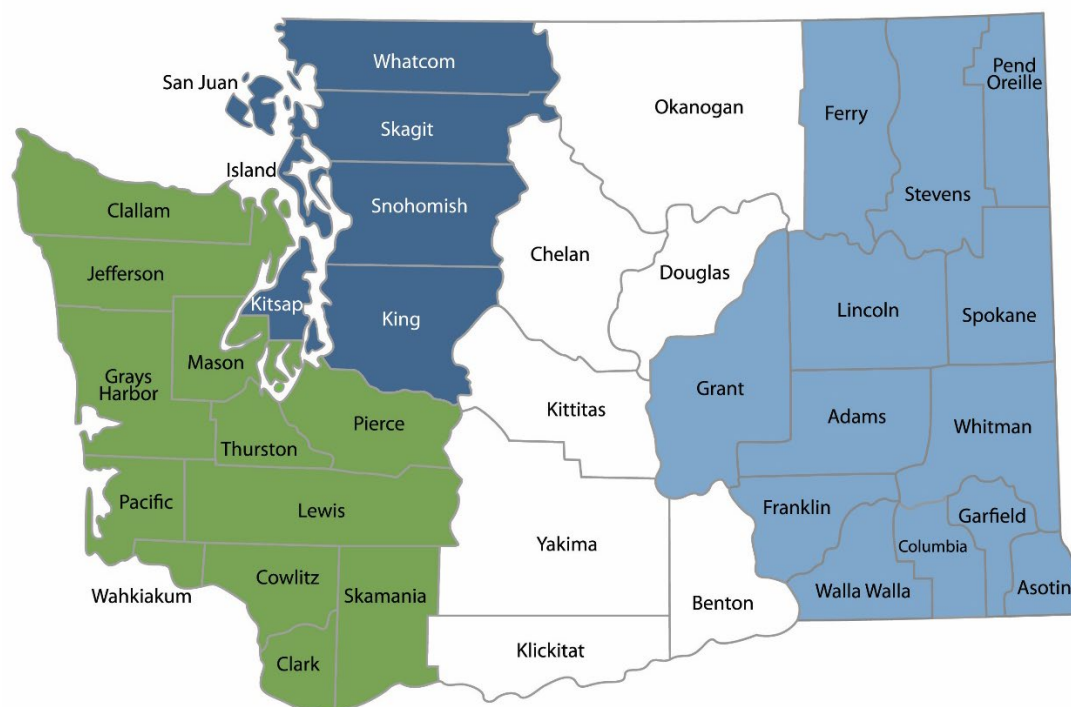
根据华盛顿州环境正义法(RCW 70A.02)，生态管理署在制定某些重大行动时必须进行环境正义评估。该评估需提供对负担过重社区和弱势群体潜在影响的信息，以及减轻已明确的危害和公平分配已知利益的策略。生态管理署致力于为母语非英语的人士提供语言服务，包括笔译和口译。如需求此类服务，请发送电子邮件至 EJ@ecy.wa.gov 或致电 360-763-2898。

Theo luật Công Bằng Môi Trường của tiểu bang (RCW 70A.02), Bộ Môi Sinh được yêu cầu tiến hành Đánh Giá Công Bằng Môi Trường trong quá trình triển khai một số hành động quan trọng. Đánh giá này cung cấp thông tin về các tác động tiềm ẩn đối với các cộng đồng đang chịu tổn hại và các nhóm dân cư dễ bị tổn hại cũng như các chiến lược nhằm giảm thiểu tác hại đã xác định và phân chia công bằng các lợi ích đã biết. Bộ Môi Sinh cam kết cung cấp các dịch vụ ngôn ngữ, bao gồm dịch thuật và thông dịch, cho những người có ngôn ngữ chính không phải là tiếng Anh. Để yêu cầu các dịch vụ này, quý vị vui lòng gửi email đến EJ@ecy.wa.gov hoặc gọi 360-763-2898. Nếu gọi điện, quý vị hãy yêu cầu kết nối với một thông dịch viên.

주 환경부는 중요한 조치를 계획할 때 환경 정의 평가를 수행해야 합니다. 이 평가는 취약계층 지역사회와 취약인구에 대한 잠재적 영향 관련 정보와, 확인된 피해를 완화하고 알려진 혜택을 공정하게 분배하기 위한 전략을 제공합니다. 워싱턴주 환경부는 모국어가 영어가 아닌 분들을 위해 번역 및 통역을 포함한 언어 서비스를 제공하기 위해 최선을 다하고 있습니다. 이 서비스를 요청하려면, EJ@ecy.wa.gov로 이메일을 보내시거나 360-763-2898번으로 전화해 주세요.

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	P.O. Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	P.O. Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 West Alder Street Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 North Monroe Spokane, WA 99205	509-329-3400
Headquarters	Statewide	P.O. Box 46700 Olympia, WA 98504	360-407-6000

Application Fees and Other Clarifying Updates Chapter 173-455 WAC, Chapter 173-400 WAC, and Chapter 173-50 WAC

An Environmental Justice Assessment (per RCW 70A.02.060)²

Governmental Relations Program
Washington State Department of Ecology
Olympia, WA

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² [RCW 70A.02.060](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true#70A.02.010) <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true#70A.02.010>

Table of Contents

Environmental Justice Assessment	9
<i>Purpose of the Environmental Justice Assessment</i>	<i>9</i>
Section 1: Background	10
Section 2: Notification that an Environmental Justice Assessment has been Initiated	11
Section 3: Identify Affected Tribes	12
<i>Preparing for Tribal Consultation</i>	<i>12</i>
Section 4: Offer Consultation:.....	12
Section 5: Summary of Tribal Consultation & Engagement	13
<i>Summary of Tribal Consultation</i>	<i>13</i>
Summary of Tribal Consultation	Error! Bookmark not defined.
Section 6: Identification of Overburdened Communities & Vulnerable Populations	13
<i>Identify Overburdened Communities and Vulnerable Populations</i>	<i>14</i>
Section 7: Summary of Community Engagement	15
<i>Summarizing Community Engagement.....</i>	<i>15</i>
<i>Identify Potential Environmental Benefits & Harms from Action</i>	<i>16</i>
Section 9: Options to Eliminate, Reduce, or Mitigate Harms and Equitably Distribute Benefits	17
<i>Identify Options to Eliminate, Reduce, or Mitigate Harms & Equitably Distribute Benefits</i>	<i>17</i>

Executive Summary

Ecology has adopted a rulemaking that meets exemption requirements in the Administrative Procedures Act (RCW 34.05.310) to skip the announcement phase of the rulemaking (CR-101). This rulemaking did not involve outreach to develop the proposed rule language, as the assessment reflects. This rule is administrative; there are no impacts on Tribes, overburdened communities, or vulnerable populations.

In January 2025, Governor Bob Ferguson issued Executive Order (EO) 25-03 [Improving transparency and building efficiency in the state's permitting and licensing processes](#)³. The executive order directs state agencies to improve our customers' experience with permits, licenses, accreditation, and other credential processing by increasing transparency, accountability, and predictability. This includes publishing decision deadlines and guaranteeing an application fee refund if Ecology doesn't meet our published deadline.

Ecology will be implementing this decision deadline and refund work in phases through multiple rulemakings. This rulemaking adopts administrative rule changes that allows refund guarantees for a set of air quality permits and for lab accreditation.

Ecology is adopting amendments for the following air quality rules: [WAC 173-455-120, New source review and other air permitting fees](#)⁴ and [WAC 173-400-111, Processing notice of construction applications for sources, stationary sources, and portable sources](#)⁵. These amendments relate to two air quality permits and six air quality general orders. The rule amendments make administrative changes to the rules that will allow us to proceed with requirements under the EO; specific 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 is also adopting an amendment to [WAC 173-50-190, Fee structure](#)⁶, which provides the fee structure for environmental laboratory accreditation program. This amendment removes language prohibiting refunds for application fees.

³ https://governor.wa.gov/sites/default/files/exe_order/25-03%20-%20Permit%20Fees.pdf?utm_medium=email&utm_source=govdelivery

⁴ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-455-120>

⁵ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-400-111>

⁶ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-50-190>

Environmental Justice Assessment

Purpose of the Environmental Justice Assessment

The Environmental Justice (EJ) Assessment process helps assess the environmental justice impacts of Significant Agency Actions (SAAs). The assessment informs and supports consideration of overburdened communities and vulnerable populations when making decisions. This information assists with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of health disparities.

Environmental justice assessments are to be completed for the following actions:

- The development and adoption of significant legislative rules as defined in RCW.05.328⁷
- The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out
- A capital project, grant, or loan award of at least \$12,000,000 or a transportation project, grant, or loan of at least \$15,000,000
- The submission of agency request legislation to the office of the governor or the office of financial management for approval

This assessment is not required to be a comprehensive or an exhaustive examination of all potential impacts of a significant agency action and does not require novel quantitative or economic analysis of the proposed significant agency action.

The time and resource investment, and depth of assessment, will be influenced by the reasonable applicability of the questions to the agency action.

Ecology plans to update this document and incorporate what we learn through practice, community engagement, Tribal consultation, and any guidance we may receive from the Environmental Justice Council.

This Environmental Justice Assessment is adapted for publication and does not include internal agency process instructions.

⁷ <http://app.leg.wa.gov/RCW/default.aspx?cite=34.05.328>

Section 1: Background

The information in this section is provided for the Office of Financial Management's [dashboard](#)⁸ which includes all covered agency's Environmental Justice Assessment notices.

1. Descriptive title of project/action:
2. Date EJ Assessment initiated:
April 1, 2026
3. Ecology Program/Office:
Governmental Relations
4. Point of contact for EJ Assessment:
Katie Wolt, katie.wolt@ecy.wa.gov
5. Significant Agency Action type, select one or more:
 - ☒ Rulemaking
 - ☐ New grant or loan program
 - ☐ New capital project, grant, or loan of \$12 million or more
 - ☐ Request legislation
 - ☐ Other, explain:
6. Write a short summary of the action.

Description of Proposal:

Ecology is proposing amendments to WAC 173-455-120 New source review and other air permitting fees, WAC 173-400-111 Processing notice of construction applications for sources, stationary sources and portable sources, and WAC 173-50-190 Fee Structure for environmental laboratory accreditation to support the implementation of application fee refunds under Executive Order 25-03.

The proposed rule amendments apply to certain air quality permits (Notice of Construction, General Orders, and Prevention of Significant Deterioration) and environmental laboratory accreditation. This rulemaking does not change the total fee amount paid by applicants or criteria or eligibility related to applications. The filing of this rulemaking proposal opens the public comment period.

The proposed rule amendments include:

⁸ <https://ofm.wa.gov/budget/budget-related-information/agency-activities/environmental-justice-assessment-notices>

- Clarifying the definition of "application fee" in WAC 173-455-120 and WAC 173-400-111.
- Removing language that prohibits application fees refunds in WAC 173-50-190.
- Removing outdated fee amounts from WAC 173-455-120.
- Clarifying that fee refunds can't exceed the amount of the application fee that was originally paid and that Ecology won't charge additional fees to recover the costs of a refund.

Background: In January 2025, Governor Bob Ferguson issued Executive Order 25-03 regarding permit timeliness. The executive order directs state agencies to improve our customers' experience with permit processing by increasing transparency, accountability, and predictability. This rulemaking intends to amend our rules to support the implementation of application fee refunds when Ecology does not process applications quickly enough.

Location of Proposal: Department of Ecology Program A, 300 Desmond Dr. SE, Lacey, WA 98503

Environmental lab accreditation and Air Quality Prevention of Significant Deterioration (PSDs) have statewide coverage.

Air Quality Notice of Construction and General Orders covered under this proposal are only available in specific locations:

- Central Regional Office — Chelan, Douglas, Kittitas, Klickitat, Okanogan counties
- Eastern Regional Office — Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Stevens, Walla Walla, Whitman counties
- Industrial Section — Pulp and paper mills, metal smelters

7. Identify the method(s) for the public to comment on this proposed action for this assessment.

Ecology is holding a public comment period on our SmartComment platform that will open at 12:00AM on May 20, 2026 and end at 11:59 PM on June 30, 2026. One public hearing will also be held on June 23, 2026 at 3pm.

8. Create/provide an Ecology webpage with information about this proposed action. Provide link here: <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-455-400-50>

Section 2: Notification that an Environmental Justice Assessment has been Initiated

This section instructs Ecology staff to notify OFM about the initiation of the action.

Section 3: Identify Affected Tribes

This section summarizes preliminary planning for Tribal Consultation. Ecology must offer consultation with Tribes on significant agency actions that affect federally recognized Tribes' rights and interest in their tribal lands.

Preparing for Tribal Consultation

1. Is the proposed action likely to have any local or regional impacts to federally reserved Tribal rights and resources, including but not limited to, those protected by treaty, executive order, or federal law? Choose one of the following:
☐ Yes
☒ No
☐ Unsure
2. List any federally recognized Tribes that are expected to be affected by the proposed action. If it is determined during consultation that Tribes do not wish to be included, then do not include them.

We do not expect any federally recognized Tribes to be affected by the proposed action, and have not received a consultation request from any Tribes.

3. If it is determined at any other point in the process of the assessment that Tribes have self-identified as being potentially impacted by the action, then include them in the assessment and offer consultation.

Not applicable.

4. Describe plans to offer consultation to identified Tribes.

Consultation was offered to Tribal chairpersons and Tribal natural resource directors when the initial proposal was filed (May 20, 2026). We will also offer consultation at the adoption of the proposal (August 11, 2026).

Section 4: Offer Consultation:

This section directs Ecology staff to offer consultation with Tribes on significant agency actions that affect federally recognized Tribes' rights and interest in their tribal lands.

Section 5: Summary of Tribal Consultation & Engagement

Tribal consultation is intended to inform the answers to all questions in this section.

Summary of Tribal Consultation

1. Describe potential impacts (including harms and benefits) to federally recognized Tribal rights and interests in their tribal lands.

This rulemaking adoption will not have impacts on federally recognized Tribal rights and interests in their Tribal lands.

2. Describe potential impacts related to Tribal rights and interests that are not in Tribal lands?

This rulemaking does not have any economic impacts to Tribal rights and interests that are not in Tribal lands.

3. Summarize recommendations from Tribes to:

- a. Mitigate or eliminate potential harms from the action
We did not receive any recommendations from Tribes.
- b. Equitably distribute benefits from the action
We did not receive any recommendations from Tribes.

4. Describe how consultation, engagement, and analyses of impacts to Tribes has informed the development of the action. If it has not, explain why.

This rulemaking will not have impacts on Tribes, and we did not receive consultation requests from Tribes.

5. Describe any plans to continue consultation or engagement with Tribes related to this action.

None planned at this time.

Section 6: Identification of Overburdened Communities & Vulnerable Populations

This section identifies overburdened communities and vulnerable populations, as identified in the [definitions of RCW 70A.02](#)⁹, who will be affected by the action.

Identify Overburdened Communities and Vulnerable Populations

1. Identify the geographic area(s) anticipated to be affected by the action.

There are no geographic areas that will be affected.

2. When applicable, using the [Washington State Department of Health's Environmental Health Disparities Map \(EHD Map\)](#)¹⁰, identify the EHD Map rankings for all census tracts likely to be impacted by the action.

Not applicable.

3. From the rankings identified in question 2, are there any census tracts ranked 9 and 10?

Not applicable.

4. Please describe additional cumulative health considerations relevant to this action.

This rulemaking adopts administrative changes to three sections of rule that do not impact health considerations.

5. Identify areas likely to be impacted by the action that are at or above the 80th percentile (in state) for the "People of color" and "Low income" socioeconomic indicators.

Not applicable.

6. Using the EHD map and/or data from Washington Tracking Network, identify any other indicators pertaining to socioeconomic characteristics, health disparities, and/or climate and environmental impacts at or above the 80th percentile (in state) that are relevant to this action.¹¹

7. Identify additional overburdened communities and vulnerable populations that are likely to be affected by the action.

Not applicable.

8. Through community engagement, were additional overburdened communities and vulnerable populations identified who are likely to be affected by the action? Describe additional communities or populations identified, and the reasons they would be considered overburdened and vulnerable.

Not applicable.

⁹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.010>

¹⁰ <https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map>

¹¹ As appropriate for the action, you may also consult the [Climate Vulnerability Index](#) and/or the [Climate Mapping for a Resilient Washington](#) interactive maps for supplementary data on climate impacts, beyond what is available via WTN.

9. Through Tribal Consultation, were additional overburdened communities and vulnerable populations identified who are likely to be affected by the action? Describe additional communities or populations identified, and the reasons they would be considered overburdened and vulnerable.

Not applicable.

Section 7: Summary of Community Engagement

This section summarizes community engagement activities. Community Engagement should be tailored to specifically reach overburdened communities and vulnerable populations.

Community engagement is required for all significant agency actions, but the engagement methods will vary depending on the size, scope, and topic of the project. The level, type, and form of engagement is based on the likelihood that the actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.

Summarizing Community Engagement

1. Describe the engagement activities with identified overburdened communities and vulnerable populations.

This rulemaking notified interested parties and regulated entities about opportunities for public comment and participation in the public hearing on the proposed rulemaking. This also included inviting Government to Government consultations with Tribal chairpersons at the proposal and adoption filings of the rulemaking.

2. What actions were taken to help address barriers to meaningful engagement?

Not applicable.

3. Identify overburdened communities or vulnerable populations potentially affected by the action who were not engaged and explain why not.

We do not anticipate any impacts from this rulemaking.

4. Summarize recommendations from members of overburdened communities and vulnerable populations to mitigate or eliminate potential harms from the action and/or equitably distribute benefits from the action.

We did not receive recommendations from members of overburdened communities and vulnerable populations.

5. Describe any plans for ongoing engagement with overburdened communities and vulnerable populations related to this action.

We do not have any plans for ongoing engagement.

Section 8: Potential Environmental Benefits & Harms from Action

Identify Potential Environmental Benefits & Harms from Action

1. Describe the anticipated benefits (direct and/or indirect) from this action.

We anticipate better customer service for applicants of the specific permits, general orders, and laboratory accreditation addressed by this rule.

2. Who will primarily benefit from this action?

Anyone who applies for the permits, general orders, or environmental laboratory accreditation.

3. How is the action expected to benefit specifically overburdened communities or vulnerable populations? If there is no benefit, identify potential barriers to benefitting from the action.

This action does not specifically benefit overburdened communities or vulnerable populations. We do not anticipate any barriers to benefitting from the action.

4. Describe anticipated harms (direct and/or indirect) from this action.

We do not anticipate any harms as a result of this rulemaking.

5. Who will primarily experience the harms?

We do not anticipate any harms to be experienced as a result of this rulemaking.

6. Describe how the action may harm overburdened communities or vulnerable populations? Be as specific as possible.

We do not anticipate any harms to be experienced as a result of this rulemaking.

7. Describe how the action would address environmental and health disparities.
This is an administrative rule that does not directly address environmental and health disparities.

Section 9: Options to Eliminate, Reduce, or Mitigate Harms and Equitably Distribute Benefits

This section summarizes options identified for eliminating, reducing, or mitigating harms, as well as options for equitably distributing anticipated benefits. The answers in this section should be informed by engagement, answers from the previous subsections, and any legislative or regulatory boundaries that limit possible decision making.

Identify Options to Eliminate, Reduce, or Mitigate Harms & Equitably Distribute Benefits

1. Describe options to reduce, mitigate, or eliminate the identified probable harms to overburdened communities and vulnerable populations; and options to equitably distribute the benefits.

We have not identified probable harms as a result of this rulemaking. All applicants of the specific permits, general orders, and laboratory accreditation will benefit from improved customer service as a result of this rulemaking.

2. Describe methods chosen for this action to reduce, mitigate, or eliminate the identified probable harms to overburdened communities and vulnerable populations; and methods chosen to equitably distribute the benefits. You must consider the following methods, but are not limited to them:
 - Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations;
 - Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations;
 - Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations;
 - Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action;
 - Prioritizing equitable distribution of resources and benefits to overburdened communities;
 - Promoting positive workforce and job outcomes for overburdened communities;
 - Meeting community needs identified by the affected overburdened community;
 - Modifying substantive regulatory or policy requirements; and
 - Any other mitigation techniques, including those suggested by the council, the office of equity, or representatives of overburdened communities and vulnerable populations.

We do not anticipate harms or inequitable benefits from this rulemaking.

3. If the agency determines it does not have the ability or authority to eliminate, reduce, or mitigate environmental harms caused by the action, or address the equitable distribution of environmental benefits, explain why that determination was made.

We do not anticipate harms or inequitable benefits from this rulemaking.