



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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**State Environmental Policy Act**

**Determination of Nonsignificance (DNS)**

**Date of issuance:** June 20, 2018

**Lead agency:** Department of Ecology, Air Quality Program

**Agency contact:** Jean-Paul Huys, [jean-paul.huys@ecy.wa.gov](mailto:jean-paul.huys@ecy.wa.gov), (360) 407-6827

**Description of proposal:**

Ecology is amending two rules:

- Air Quality Fee Rule – Chapter 173-455 WAC – consolidates most of the air quality related fees into one chapter. This makes it easier for the regulated community to find what fees they may need to pay.
- General Regulations for Air Pollution Sources – Chapter 173-400 WAC – establishes the regulatory framework to ensure healthy air quality in Washington and that we meet federal air quality standards

The proposed changes will:

- Revise the registration program structure, including requiring all sources to register.
- Increase fees to more fully cover the costs of the air quality source registration program.
- Revise the fee process to create an equitable distribution of fees across all sources and establish a process to revise fees without going through rulemaking.
- Align Chapters 173-400 and 173-455 WAC.
- Match hourly rate charge in WAC 173-455-050, -100(2) and -130 with the current Ecology hourly billing rate (currently \$95).
- Identify, and where appropriate, make needed edits in Chapters 173-455 and 173-400 WAC to increase clarity and readability.

**Location of proposal:**

The proposed rule revisions apply to air pollution sources subject to the Ecology registration program in the following counties:

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Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Stevens, Walla Walla, and Whitman.

Ecology has determined that this proposal will have minimal-to-no adverse impact on the environment because the proposed rule language revises fees and the fee process.

RCW 43.21C.030 (2) (c) does not require an environmental impact statement (EIS). We made this decision after review of a completed environmental checklist and other information on file. This information is available to the public on request. Rulemaking materials are available at <http://www.ecy.wa.gov/programs/air/rules/wac173455/1609docs.htm>.

The comment period for this DNS corresponds with the comment period on the rulemaking to amend Chapters 173-400 and 173-455 WAC that ends on August 3, 2018.

Submit comments online to <http://ac.ecology.commentinput.com/?id=rU53f>.

Staff contact for questions and concerns:

Jean-Paul Huys  
Air Quality Program  
Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600

Responsible official:

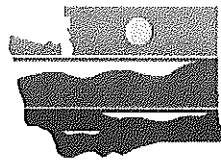
Stu Clark  
Air Quality Program Manager  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600  
(360) 407-6823

Signature



Date

6/01/18



## SEPA ENVIRONMENTAL CHECKLIST

### A. Background

1. Name of proposed project, if applicable:

Ecology proposes to amend two rules:

- Chapter 173-400 WAC, General Regulations for Air Pollution Sources
- Chapter 173-455 WAC, Air Quality Fee Rule

2. Name of applicant: Department of Ecology

3. Address and phone number of applicant and contact person:

Air Quality Program  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600  
Contact: Jean-Paul Huys (360) 407-6827

4. Date checklist prepared: July 21, 2017

5. Agency requesting checklist: Department of Ecology

6. Proposed timing or schedule (including phasing, if applicable):

Rule development – completed schedule

- February 6, 2017 – began rulemaking
- March 21, 2017 – held stakeholder meeting on draft rule (posted on website) (in-person only)
- April 26, 2017 – held stakeholder meeting on revised draft rule (posted on website) (in-person only)
- May 24, 2017 – held stakeholder meeting on revised draft rule (posted on website) (in-person only)
- June 22, 2017 – briefed local air agencies
- February 7, 2018 – held stakeholder meeting on draft rule (in-person only)
- February 28, 2018 – held stakeholder conference call on draft rule
- April 18, 2018 – withdrew and immediately refiled CR101

Rule proposal and adoption – anticipated schedule

- June 20, 2018 – public comment period on proposed rulemaking starts (file CR-102 form and materials)

## SEPA Environmental Checklist

- July 25, 2018 – hold a public hearing in person in Wenatchee
  - July 26, 2018 – hold a public hearing in person in Moses Lake
  - August 3, 2018 – public comment period ends
  - October 17, 2018 – anticipated rule adoption date
  - November 17, 2018 – rule effective date (31 days after adoption)
7. Do you have any plans for future additions, expand, or further activity related to or connected with this proposal? If yes, explain.
- Yes, we have further activity related to this proposal. The proposed rule language revises the process for setting fees for the registration program. The rule language sets fees for 2019, 2020 and 2021. Starting in 2022, Ecology will use the process outlined in the rule to set fees each year.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
- See Appendix A – Citation list.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
- Not applicable.
10. List any government approvals or permits that will be needed for your proposal, if known.
- Ecology must adopt the rule as required under the Administrative Procedures Act, Chapter 34.05 RCW and the Regulatory Fairness Act, Chapter 19.85 RCW. As part of the rulemaking process, Ecology must prepare a preliminary cost-benefit economic impact analysis and a small business economic impact statement on the proposed rule amendment. Ecology must prepare a final cost-benefit analysis on the adopted rule.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
- Ecology proposes to amend two rules:
- Chapter 173-400 WAC, General Regulations for Air Pollution Sources
  - Chapter 173-455 WAC, Air Quality Fee Rule
- The proposed changes will:
- Revise the registration program structure, including requiring all sources to register.
  - Increase fees to more fully cover the costs of the air quality source registration program.

## SEPA Environmental Checklist

- Revise the fee process to create an equitable distribution of fees across all sources and establish a process to revise fees without going through rulemaking.
- Align Chapters 173-400 and 173-455 WAC.
- Match hourly rate charge in WAC 173-455-050, -100(2) and -130 with the current Ecology hourly billing rate (currently \$95).
- Identify, and where appropriate, make needed edits in Chapters 173-455 and 173-400 WAC to increase clarity and readability.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This rule applies to about 535 air pollution sources registered with Ecology, and any future registration sources. Ecology's jurisdiction includes the following counties:

Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Stevens, Walla Walla, and Whitman.

A map of Ecology's jurisdiction is available at:

<https://ecology.wa.gov/About-us/Our-role-in-the-community/Partnerships-committees/Clean-air-agencies> .

Some air pollution sources affected by this rule include:

- Asphalt, concrete, or rock crushing plants
- Agricultural operations
- Foundries
- Plating operations
- Auto body and other surface coating operations
- Dry cleaners

These affected sources are located in varying environments, urban and rural, upland and waterfront.

### **B. Environmental Elements**

As specified in WAC 197-11-315(1)(e), Ecology has determined for this nonproject proposal that the questions in Part B do not aid in the review of the proposal. See the analysis in Part D for additional information.

# SEPA Environmental Checklist

## C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature



Name of signee	Stu Clark
Position and Agency	Program Manager, Air Quality Program, Department of Ecology
Date Submitted	June 20, 2018

## SEPA Environmental Checklist

### D. Supplemental sheet for nonproject actions

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed rule revises fees for air pollution sources subject to Ecology's Registration Program, and revises Ecology's process for setting registration fees. These changes are likely to have no impact on air emissions.

Proposed measures to avoid or reduce such increases are:

Not applicable

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed rule changes are likely to have no impact on plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Not applicable.

3. How would the proposal be likely to deplete energy or natural resources?

The proposed rule changes are likely to have no impact on energy or national resource depletion.

Proposed measures to protect or conserve energy and natural resources are:

Not applicable.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed rule changes are likely to have no impact on parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Not applicable.

## SEPA Environmental Checklist

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed rule changes are likely to have no impact on land or shoreline use.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Not applicable.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed rule changes are likely to have no impact on transportation demand or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

Not applicable.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed rule changes are not likely to conflict with local, state, or federal laws or requirements for the protection of the environment.



## Citation List

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### Chapter 173 - 455 WAC, Air Quality Fee Rule

### Chapter 173 - 400 WAC, General Regulations for Air Pollution Sources

### AO # 16 – 09

This citation list contains references for data, factual information, studies, or reports on which the agency relied in the adoption for this rule making (RCW 34.05.370(f)).

#### Rule and Regulations:

1. Chapter 173-400 WAC, General Regulations for Air Pollution Sources, available at: <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-400> (accessed 7/28/17).
2. Chapter 173-455 WAC, Air Quality Fee Rule, available at: <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-455> (accessed 7/28/17).
3. RCW 70.94.151, Classification of air contaminant sources - registration - fees, available at: <http://app.leg.wa.gov/rcw/default.aspx?cite=70.94.151> (accessed 7/28/17).
4. RCW 70.94.152, Notice may be required of construction of proposed new contaminant source, available at: <http://app.leg.wa.gov/rcw/default.aspx?cite=70.94.152> (accessed 7/28/17).
5. RCW 70.94.154, RACT requirements, available at: <http://app.leg.wa.gov/rcw/default.aspx?cite=70.94.154> (accessed 7/28/17).
6. RCW 70.94.892, Carbon dioxide mitigation—Fees, available at: <http://app.leg.wa.gov/RCW/default.aspx?cite=70.94.892> (accessed 7/28/17).

#### Local Clean Air Agencies:

1. Benton Clean Air Agency, Fees and Charges, [http://bentoncleanair.org/uploads/Fees\(1\).doc](http://bentoncleanair.org/uploads/Fees(1).doc) (accessed 7/28/17).
2. Northwest Clean Air Agency, Northwest Clean Air Agency Registered Source Fee Schedule (NWCAA 324.1) Effective January 1, 2017, <http://nwcleanairwa.gov/?wpdmdl=940> (accessed 7/28/17).
3. Olympic Regional Clean Air Agency, Olympic Region Clean Air Agency Fee Schedules Effective July 1, 2016 Registration Fee Schedule, <https://www.orcaa.org/makeitgo/uploads/Fees-Registration-July2017.pdf> (accessed 7/28/17).
4. Puget Sound Clean Air Agency, Puget Sound Clean Air Agency Regulation I, Section 5.07 Annual Registration Fees effective 9/22/16, pages 5-5 – 5-7, <http://www.pscleanair.org/DocumentCenter/View/359> (accessed 7/28/17).

## Appendix A Citation List

5. Southwest Clean Air Agency, SWCAA Southwest Clean Air Agency SWCAA 400 General Regulations for Air Pollution Sources, Registration Requirements, Registration fees effective 1/1/08, pages 55 – 57,  
[http://swcleanair.org/docs/regs/SWCAA\\_400\\_Oct9\\_2016.pdf](http://swcleanair.org/docs/regs/SWCAA_400_Oct9_2016.pdf) (accessed 7/28/17).
6. Spokane Regional Clean Air Agency, Spokane Regional Clean Air Agency Compliance Assistance Program, Registering Your Business Annually with Spokane Regional Clean Air Agency,  
<https://spokanecleanair.org/documents/business/RegisteringYourBusiness.pdf> (accessed 7/28/17).
7. Yakima Regional Clean Air Agency, Yakima Regional Clean Air Agency 2017 Fee Schedule,  
[https://www.yakimacleanair.org/site/files/file\\_manager/page/shared/Schedule%20CY2017.pdf](https://www.yakimacleanair.org/site/files/file_manager/page/shared/Schedule%20CY2017.pdf) (accessed 7/28/17).

### **Other:**

1. Washington State Department of Ecology, Budget Analysis – Registration Program Activities, October 2016, updated 5/18/17, 7/27/17, 3/15/2018.