



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

# **Rule Implementation Plan**

## **Air Quality Fee Regulation**

### **Chapter 173-455 WAC**

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## Publication and Contact Information

This report is available on the Department of Ecology's website at <http://www.ecy.wa.gov/pubs/1102019.pdf>.

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Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

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# Purpose

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

The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-455 WAC, Air Quality Fee Regulation, about how the Department of Ecology (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

The purpose of the rule is to adopt air quality permitting fees that more accurately reflect the cost of processing the request.

Staff from several groups in Ecology will continue implementing and enforcing the fee rules.

<b>Program</b>	<b>Jurisdiction</b>
Central Regional Office – Air Quality Program	Chelan, Douglas, Kittitas, Klickitat and Okanogan counties
Eastern Regional Office – Air Quality Program	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Stevens, Walla Walla and Whitman counties
Northwest Regional Office – Air Quality Program	San Juan county
Industrial Section, Waste 2 Resources Program	Statewide – pulp and paper mills and aluminum refineries
Nuclear Waste Program	U.S. Dept. of Energy’s Hanford Site
Science and Engineering Section – Air Quality Program	Statewide – Prevention of Significant Deterioration Program and air toxics reviews

An implementation team is developing time accounting and billing systems, as well as implementation guidance.

Enforcing the new fee provisions occurs through three mechanisms in the rule. First, an invoice must be paid within 30 days or Ecology will cease working on the request. Secondly, the rule requires payment of all fees before Ecology can issue the permit. Lastly, all outstanding air quality fees associated with a facility must be paid before Ecology will process a new permit request.

## **Informing and Educating Persons Affected by the Rule**

Ecology will issue a press release when the rule is adopted and mail a notice informing all permit holders of the adoption of the rule amendments. When applicants contact Ecology, we will inform and educate them about the fees. We plan to develop a focus sheet that explains the new fee structure. The Air Quality Program will also update its permitting websites to include information about the new fees and processing applications under this rule. Lastly, rule forms will be updated to reflect the new fees.

## **Promoting and Assisting Voluntary Compliance**

Compliance with the rule is mandatory, however, it is a priority of the permitting staff to respond to the concerns and questions of potential applicants regarding their projects and/or permit fees. One of our goals is to assist our customers in submitting the most complete and thorough permit application possible. Ecology will develop outreach materials to promote and assist voluntary compliance and explain the new fees. Minimizing applicant fees by providing a complete application remains a significant driver for voluntary compliance.

## **Evaluating the Rule**

The purpose of the rule is to develop a fee system that covers the costs of processing a permit request. By reviewing the data collected through the new time accounting system, we will assess whether the rule meets this objective and determine whether adjustments are necessary.

In addition, we will be carefully tracking whether the new fees generate an additional \$100,000 for each of the next two fiscal years. This is the amount Ecology estimated the fee increases would generate. To keep the fee changes revenue neutral, the legislature cut our general fund subsidy by this amount.

## **Training and Informing Ecology Staff**

Staff in all of the affected programs are aware of the changes. Headquarters staff and rule implementation staff will develop a plan to train staff on the rule changes, new time accounting procedures, and policy changes.

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

An implementation team is identifying materials and guidance that may need to be developed to streamline permit review.

Documents that may need to be revised:

- General order applications and notification forms
- Notice of construction application
- Web pages

Materials under consideration:

- Appealing permit fees
- FOCUS sheet on the new fee structure
- Fee determination form that is filled out by Ecology staff based on conversation with an applicant. This will assist in determining the correct initial fee.
- Application completeness checklist
- Directions for successful submission of an air quality permit application
- Directions for requesting a PSD applicability determination
- Dispersion modeling protocol template and checklist
- Health Impact Assessment Completeness Checklist
- Notification forms for portable sources and nonroad engines
- Fee schedule table
- Time accounting guidance

## More Information

For more information on the Air Quality Program see:

<http://www.ecy.wa.gov/programs/air/airhome.html>

For more information on businesses and industries in Washington that need air quality permits see: [http://www.ecy.wa.gov/programs/air/permit\\_register/NewPermitsPage.html](http://www.ecy.wa.gov/programs/air/permit_register/NewPermitsPage.html)

For more information on the notice of construction permit application see:

<http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=1>

For more information on general orders see:

[http://www.ecy.wa.gov/programs/air/AOP\\_Permits/Boiler/GeneralOrders.htm](http://www.ecy.wa.gov/programs/air/AOP_Permits/Boiler/GeneralOrders.htm)

For more information on the Prevention of Significant Deterioration Program see:  
[http://www.ecy.wa.gov/programs/air/psd/psd\\_info\\_site.html](http://www.ecy.wa.gov/programs/air/psd/psd_info_site.html)

For more information on air toxics reviews see:  
[http://www.ecy.wa.gov/programs/air/Tier2/Tier2\\_infosite.html](http://www.ecy.wa.gov/programs/air/Tier2/Tier2_infosite.html)

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