

WAC 173-455-120 New source review and other air permitting fees.

(1) General requirements.

(a) The fees in this section apply to:

(i) Permit applications received on or after July 1, 2023.

(ii) Requests for ecology review of other actions covered by this section received by ecology on or after July 1, 2023.

(b) Components of permitting fees. Permit fees include initial fees and may include an additional hourly fee. The initial fee covers up to the number of review hours specified for each fee in this section.

(c) A project may be subject to multiple fees set forth in this section. For example, a project may be subject to both minor and major new source review permit fees and second or third tier review. In addition a project may be subject to fees under WAC 173-455-050 and 173-455-100.

(d) An applicant must submit initial fees with the associated permit application, notice, or request. An application, notice or request is incomplete until initial fees have been paid.

(i) For purposes of WAC 173-400-111 (1)(e), application fees are considered initial fees under this section.

(ii) If ecology determines a project is complex after an applicant paid the basic project initial fee, then the application is incomplete until the applicant has paid the initial complex project fee.

(iii) If ecology determines that a higher initial fee is due after an applicant submitted an application or request, the application or request is considered incomplete until the applicant has paid the higher initial fee.

(e) If the initial fee paid by an applicant does not cover the cost of processing the application, notice, or request, then ecology must assess an additional fee based on the actual costs for review in excess of the hours specified for the initial fee. The additional fee must be assessed at a rate of \$119 per hour of ecology staff time expended, or the rate established under WAC 173-455-031.

(f) Ecology cannot finalize an action covered under this section until all fees have been paid. (WAC 173-400-111 (3)(i).)

(g) For fees assessed by invoice from ecology, the applicant must pay fees that are due within 30 days from the date of the invoice. Ecology will cease processing all applications for which the required fees have not been received within 30 days of an invoice.

(h) At the time of filing a permit application, notice, or request, an applicant must pay all delinquent air quality fees associated with the facility in addition to the fees required by this section. Delinquent fees may include, but are not limited to, registration fees, civil penalties issued by ecology, or other outstanding fees due under this section.

(i) All fees collected under this section must be made payable to the department of ecology.

(j) Fees assessed under this section apply without regard to whether ecology approves or denies the underlying permit application, notice, or request.

Permit fees.

Minor new source review.

(2) Fees for review of a permit application for a new source or for the modification of an existing source with an emissions increase. (WAC 173-400-110(3).)

(a) Table 1 lists the 2023 fees for review of an application for a new source or for the modification of an existing source with an emissions increase.

Table 1: 2023 Fees for review of a permit application for a new source or for the modification of an existing source with an emissions increase (WAC 173-400-110(3))

Action	Initial Fee	Hourly Rate
Basic Project	\$1,904.00 for up to 16 hours of review	\$119.00 per hour starting at 17 hours
Complex Project	\$12,614.00 for up to 106 hours of review	\$119.00 per hour starting at 107 hours

(b) A project is considered complex if the emissions associated with the application include at least one pollutant for which emissions increases are greater than the levels in Table 2.

Table 2: Emission Threshold Table (WAC 173-400-030)

Pollutant	Annual Emission Rate
Carbon monoxide	100 tons per year
Nitrogen oxides	40 tons per year
Sulfur dioxide	40 tons per year
Particulate matter (PM)	25 tons per year of PM emissions
	15 tons per year of PM ₁₀ emissions
	10 tons per year of PM _{2.5} emissions
Volatile organic compounds	40 tons per year
Fluorides	3 tons per year
Lead	0.6 tons per year
Sulfuric acid mist	7 tons per year
Hydrogen sulfide (H ₂ S)	10 tons per year
Total reduced sulfur (including H ₂ S)	10 tons per year
Reduced sulfur compounds (including H ₂ S)	10 tons per year

(c) Ecology may also determine that a project is complex based on consideration of factors that include, but are not limited to:

- (i) Number and complexity of emission units;
- (ii) Volume of emissions, including toxicity of emissions;
- (iii) Amount and complexity of modeling; or
- (iv) Number and kind of applicable state and federal requirements.

(d) Ecology will post a new fee schedule for the fees in this section starting in 2024 in accordance with WAC 173-455-031.

(3) Fees for review of a requested change to an existing order of approval. (WAC 173-400-111 (7) and (8).)

(a) Ecology will not charge a fee for correcting a mistake by ecology in a permit.

(b) "Administrative or simple change" means:

(i) An action not subject to a mandatory public comment period under WAC 173-400-171; and

(ii) The modified approval order requires one hour or less of engineering evaluation by ecology and does not authorize physical modification of equipment; and

(iii) Changes in permit conditions are based on actual operating conditions and review of the operating conditions requires one hour or less of engineering evaluation by ecology and the modification does not cause a change in allowable emissions.

(c) Complex changes:

(i) This fee does not apply to an administrative or simple change or to the modification of an existing permit that results in an emissions increase.

(ii) Examples of complex changes include, but are not limited to:

(A) Changes requiring more than one hour of engineering review by ecology;

(B) Consolidation of permits not allowed under simple change;

(C) Request for review of whether a proposed action is exempt from new source review under WAC 173-400-110(5) (Table 110(5) emission-based exemption levels); or

(D) Changes requiring mandatory public comment under WAC 173-400-171(3).

(d) Table 3 lists the 2023 fees for review of a requested change to an existing order of approval.

Table 3: 2023 Fees for review of a requested change to an existing order of approval (WAC 173-400-111 (7) and (8))

Action	Initial Fee	Hourly Rate
Correcting a mistake by ecology in a permit	No fee	No fee
Administrative or simple change	\$357.00 for up to 3 hours of review	\$119.00 per hour starting at 4 hours
Complex change	\$1,190.00 for up to 10 hours of review	\$119.00 per hour starting at 11 hours
Permit extension request (WAC 173-400-111(7))	\$119.00	Not applicable

(e) Ecology will post a new fee schedule for the fees in this section starting in 2024 in accordance with WAC 173-455-031.

(4) Fees for review of an application for coverage under a general order of approval (WAC 173-400-560).

(a) Category A consists of the following general order of approval, including any subsequent updating or replacement:

(i) Concrete batch plants (No. 08-AQG-002);

(ii) Perchloroethylene dry cleaners using less than 2100 gallons per year (No. 06-AQG-003);

(iii) Stationary and portable rock crushers (No. 11AQ-GO-001);

(iv) Small water heaters and steam generating boilers (No. 08-AQ-G003); and

(v) Automobile body repair and refinishing shops (No. 08-AQG-001).

(b) Category B includes a general order of approval developed on or after January 1, 2011. Category B covers, but is not limited to, the following general order of approval, including any subsequent updating or replacement:

(i) Portable and stationary asphalt plants (No. 10AQ-GO-01); and

(ii) Dairy manure anaerobic digesters (No. 12AQ-GO-01).

(c) Table 4 lists the 2023 fees for Category A and B reviews of applications for coverage under a general order of approval.

Table 4: 2023 Fees for review of an application for coverage under a general order of approval (WAC 173-400-560)

Type of source seeking coverage under a general order of approval	SEPA review complete	SEPA review required
Portable and stationary concrete batch plants (No. 08-AQG-002)	\$625.00	\$981.00
Perchloroethylene dry cleaners using less than 2,100 gallons per year (No. 06-AQG-003)	\$625.00	\$981.00
Stationary and portable rock crushers (No. 11AQ-GO-001)	\$625.00	\$981.00
Small water heaters and steam generating boilers (No. 08-AQ-G003)	\$625.00	\$981.00
Automobile body repair and refinishing shops (No. 08-AQG-001)	\$625.00	\$981.00
Portable and stationary asphalt plants (No. 10AQ-GO-01)	\$1,093.00	\$1,450.00
Dairy manure anaerobic digesters (No. 12AQ-GO-01)	\$1,093.00	\$1,450.00
Any other source seeking coverage under a general order of approval	\$1,093.00	\$1,450.00

(d) Ecology will post a new fee schedule for the fees in this section starting in 2024 in accordance with WAC 173-455-031.

(5) Fees for review of a relocation notice for a portable source in ecology's jurisdiction under WAC 173-400-036.

(a) Table 5 lists the 2023 fees for review of a relocation notice for a portable source.

Table 5: 2023 Fees for review of a relocation notice for a portable source (WAC 173-400-036)

Action	SEPA Review Complete	SEPA Review Required
Portable source has approval order issued by a clean air agency	\$187.00	\$543.00
Portable source has approval order issued by ecology	No fee	\$365.00

(b) Ecology will post a new fee schedule for the fees in this section starting in 2024 in accordance with WAC 173-455-031.

(6) Fees for review of a request to establish a voluntary emission limit (WAC 173-400-091).

(a) This fee applies to a regulatory order issued under WAC 173-400-091 that places a limit on emissions.

(i) This fee applies to the review of a request to establish the emission limit in a stand-alone regulatory order.

(ii) This fee does not apply when an emission limit is included as a condition in an approval order for a notice of construction application.

(b) Table 6 lists the 2023 fees to establish a voluntary emission limit.

Table 6: 2023 Fees for review of a request to establish a voluntary emission limit (WAC 173-400-091)

Action	Initial Fee	Hourly Rate
Review of request to establish a voluntary emission limit (WAC 173-400-091)	\$714.00 for up to 6 hours of review	\$119.00 per hour starting at 7 hours

(c) Ecology will post a new fee schedule for the fees in this section starting in 2024 in accordance with WAC 173-455-031.

(7) Fees for review of a request to replace or substantially alter control technology without an increase in emissions (RCW 70A.15.2220).

(a) Table 7 lists the 2023 fees for review of a request to replace or substantially alter control technology without an increase in emissions.

Table 7: 2023 Fees for review of a request to replace or substantially alter control technology without an increase in emissions (RCW 70A.15.2220)

Action	Initial Fee	Hourly Rate
Review notice of construction application	No initial fee	\$119.00 per hour
Review RACT analysis and determination for affected emission unit	No initial fee	\$119.00 per hour

(b) Ecology will post a new fee schedule for the fees in this section starting in 2024 in accordance with WAC 173-455-031.

Major new source review preapplication and permit fees.

(8) Fees for review of a prevention of significant deterioration (PSD) determination (WAC 173-400-720, 173-400-730, and 173-400-750).

(a) Table 8 lists the 2023 fees for the review of a request for prevention of significant deterioration (PSD) determination.

Table 8: 2023 Fees for review of a request for prevention of significant deterioration (PSD) determination

Action	Initial Fee	Hourly Rate
Written PSD applicability determination (WAC 173-400-720)	\$4,760.00 for up to 40 hours of review	\$119.00 per hour starting at 41 hours
Preapplication assistance beyond the application assistance meeting ecology provides	\$714.00 for up to 6 hours of review	\$119.00 per hour starting at 7 hours
PSD permit application - New (WAC 173-400-720 and 173-400-730)	\$18,802.00 for up to 158 hours of review	\$119.00 per hour starting at 159 hours
PSD permit application - Limited to greenhouse gases	\$9,401.00 for up to 79 hours of review	\$119.00 per hour starting at 80 hours
PSD permit revision - Administrative (as defined in WAC 173-400-750(3))	\$2,380.00 for up to 20 hours of review	\$119.00 per hour starting at 21 hours
PSD permit revisions - Revision not administrative or major modification	\$4,760.00 for up to 40 hours of review	\$119.00 per hour starting at 41 hours
PSD permit revision - Major modification (WAC 173-400-720)	\$18,802.00 for up to 158 hours of review	\$119.00 per hour starting at 159 hours
Permit extension request (WAC 173-400-730(5))	\$625.00	No hourly fee

(b) Ecology will post a new fee schedule for the fees in this section starting in 2024 in accordance with WAC 173-455-031.

(9) Fees for nonattainment area major new source review.

(a) Table 9 lists the 2023 fees for nonattainment area major new source review.

Table 9: 2023 Fees for nonattainment area major new source review

Action	Initial Fee	Hourly Rate
Notice of construction application (WAC 173-400-830)	\$18,802.00 for up to 158 hours of review	\$119.00 per hour starting at 159 hours

Action	Initial Fee	Hourly Rate
Change in permit conditions - Major modifications for an order issued under WAC 173-400-830	\$18,802.00 for up to 158 hours of review	\$119.00 per hour starting at 159 hours
Change in permit conditions under WAC 173-400-111(8) - Action not subject to mandatory public comment under WAC 173-400-171(3)	\$2,380.00 for up to 20 hours of review	\$119.00 per hour starting at 21 hours
Changes in permit conditions - All other changes	\$9,401.00 for up to 79 hours of review	\$119.00 per hour starting at 80 hours
Permit extension request (WAC 173-400-111(7))	\$625.00	No hourly fee

(b) Ecology will post a new fee schedule for the fees in this section starting in 2024 in accordance with WAC 173-455-031.

(10) Fees for review of plant-wide applicability limits (WAC 173-400-720).

(a) Table 10 lists the 2023 fees for review of requests to establish plant-wide applicability limits.

Table 10: 2023 Fees for review of plant-wide applicability limits (WAC 173-400-720)

Action	Initial Fee	Hourly Rate
Plant-wide applicability limits - Establish new limits	\$18,802.00 for up to 158 hours of review	\$119.00 per hour starting at 159 hours
Plant-wide applicability limits - All other requests	\$9,401.00 for up to 79 hours of review	\$119.00 per hour starting at 80 hours

(b) Ecology will post a new fee schedule for the fees in this section starting in 2024 in accordance with WAC 173-455-031.

Other fees.

(11) Table 11 lists the 2023 fees for all other permitting actions, including second and third tier reviews.

(a) A second tier petition (WAC 173-460-090) that becomes subject to third tier review during the course of evaluation continues as a second tier petition for billing purposes. Staff must sum the time spent on this petition and bill the applicant if the total hours exceed 85 hours.

(b) The fee listed in Table 11 for third tier review (WAC 173-460-100) does not apply to a second tier petition that becomes a third tier petition under (a) of this subsection.

Table 11: Other fees for 2023

Action	Initial Fee	Hourly Rate
Second tier review (WAC 173-460-090)	\$9,996.00 for up to 84 hours of review	\$119.00 per hour starting at 85 hours
Third tier review (WAC 173-460-100)	\$9,996.00 for up to 84 hours of review	\$119.00 per hour starting at 85 hours
Cost reimbursement agreement as provided in RCW 70A.15.1570	No initial fee	\$119.00 per hour
Review of a request for a variance under WAC 173-400-180	No initial fee	\$119.00 per hour
Review of a notification of intent to operate under WAC 173-400-035	No initial fee	\$119.00 per hour
Hourly rate for other permitting actions	No initial fee	\$119.00 per hour

(c) Ecology will post a new fee schedule for the fees in this section starting in 2024 in accordance with WAC 173-455-031.

(12) Fee reductions for small businesses. Ecology may reduce the permitting fees identified in subsections (2) through (6) of this section for a small business as provided in this subsection.

(a) Small business reduction.

(i) To qualify for a small business permitting fee reduction, a business must meet the requirements of "small business" as defined in RCW 19.85.020.

(ii) To receive a small business fee reduction, the owner or operator of a small business must include sufficient information in an application submitted in accordance with (c) of this section, demonstrating that the business meets the requirements of a small business as required under subsection (1)(a) of this section.

(iii) For small businesses that ecology determines are eligible for a small business fee reduction under (a)(ii) of this subsection, ecology shall reduce the permitting fee to the greater of:

(A) Fifty percent of the permitting fee; or

(B) Three hundred twelve dollars.

(b) Extreme hardship reduction.

(i) If the fee assessed after a reduction granted under (a)(iii) of this subsection imposes an extreme hardship on a small business due to special economic circumstances, the small business may request an extreme hardship fee reduction.

(ii) To receive an extreme hardship reduction, the owner or operator of a small business must provide sufficient evidence to support a claim of special economic circumstances and extreme hardship in an application submitted in accordance with (c) of this subsection.

(iii) Ecology may consider the following factors in determining whether an owner or operator has demonstrated special economic circumstances and extreme hardship, and in determining the amount of the fee reduction:

(A) Annual sales;

(B) Labor force size;

(C) Market conditions which affect the owner's or operator's ability to pass the cost of the permitting fees through to customers; and

(D) Average annual profits.

(c) Application for fee reduction.

(i) One of the following representatives of the small business must sign the application:

(A) An authorized corporate officer in the case of a corporation;

(B) An authorized partner in the case of a limited or general partnership; or

(C) The proprietor in the case of a sole proprietorship.

(ii) Ecology may request additional information as needed to verify the application information. If ecology determines the owner or operator has made false statements in the application, ecology may deny the fee reduction request and revoke any previously granted fee reductions for that business.

(d) In no case will ecology reduce a permitting fee below \$125.

(13) Fee reductions for pollution prevention initiatives. Ecology may reduce the permitting fees identified in subsections (2) through (6) of this section where the owner or operator of the proposed source demonstrates that approved pollution prevention measures will be used.

(14) Tracking revenues, time, and expenditures. Ecology must track revenues from the fees collected under this subsection on a source-specific basis.

[Statutory Authority: RCW 70A.15.2210, 70A.15.2230, and 70A.15.6270. WSR 23-07-014 (Order 21-08), § 173-455-120, filed 3/3/23, effective 7/1/23. Statutory Authority: RCW 70.94.151, chapter 70.94 RCW, 2011 1st sp.s. c 50 § 302(2), and section 302(9), chapter 158, 2012 2nd sp.s. c 7. WSR 12-24-051 (Order 11-07), § 173-455-120, filed 11/30/12, effective 12/31/12. Statutory Authority: RCW 70.94.152 and 2011 c 5 § 301(28). WSR 11-12-077 (Order 10-04), § 173-455-120, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 70.94.181, [70.94.]152, [70.94.]331, [70.94.]650, [70.94.]745, [70.94.]892. WSR 07-11-018 (Order 06-14), § 173-455-120, filed 5/3/07, effective 6/3/07.]