

WSR 22-10-052
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed April 29, 2022, 4:09 p.m., effective June 1, 2022]

Effective Date of Rule: June 1, 2022.

Purpose: The operating permit program fees, like the other fee programs of the Puget Sound Clean Air Agency (agency) (registration, notice of construction, and asbestos), are designed to recover the costs implementing and administering the program. The last significant changes to the operating permit fee schedule in Regulation I, Section 7.07 were made in 2012. The current proposed changes are intended to adjust fees to keep the revenues in balance with the level of effort to complete the compliance work associated with the operating permit program. While the revenue and expenses for the operating permit program have been roughly balanced for most of the past 10 years, the increasing costs to the program and increasing level of effort for some types of work by the agency for certain aspects of the operating permit program need to be addressed through a revised fee schedule to ensure the agency does not regularly reach a deficit condition.

The proposed amendments to the operating permit fee schedule include both cost increases for each regulated category at approximately 25 percent. The consumer price index increase since the last operating permit fee increase is 28 percent.

Additionally, the proposed changes include an update to the North American Industrial Classification System (NAICS) codes referenced in the regulation to reflect the series that the agency currently uses and the elimination of a NAICS code no longer published in the NAICS system manual.

Citation of Rules Affected by this Order: Amending Regulation I, Section 7.07 Operating permit fees.

Statutory Authority for Adoption: Chapter 70A.15 RCW.

Adopted under notice filed as WSR 22-05-088 on February 15, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 28, 2022.

Cynthia Wang
Executive Director

SECTION 7.07 OPERATING PERMIT FEES Adopted 10/28/93 (766) Revised 09/08/94 (798), 09/14/95 (821), 09/12/96 (839), 09/11/97 (856), 09/10/98 (871), 09/09/99 (894), 07/13/00 (925), 06/14/01 (946), 10/11/01 (957), 05/23/02 (970), 05/22/03 (995), 07/22/04 (1031), 05/22/08 (1119), 05/24/12 (1244), 09/26/13 (1286)

(a) The Agency shall assess annual operating permit fees as set forth in Section 7.07(b) below to cover the cost of administering the operating permit program.

(b) Upon assessment by the Agency, the following annual operating permit fees are due and payable within 45 days of the invoice date. They shall be deemed delinquent if not fully paid within 90 days of the date of the invoice and will be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$((~~6,500~~) 8,125). In addition, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than 90 days late with such payments may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter ((~~70.94~~) 70A.15 RCW).

(1) Sources in the following North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual*, U.S. Executive Office of the President, Office of Management and Budget, ((~~1997~~) 2012), or sources subsequently determined by the control officer to be assigned to either Section 7.07 (b) (1) (i) or 7.07 (b) (1) (ii) shall be subject to the following facility fees:

(i) Operating permit sources with the following NAICS codes:

NAICS	NAICS Description	Fee
221112	Fossil Fuel Electric Power Generation	
324110	Petroleum Refineries	
327213	Glass Container Manufacturing	
327310	Cement Manufacturing	
331110	Iron and Steel Mills and Ferroalloy Manufacturing	
336411	Aircraft Manufacturing	
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing	
928110	National Security	
	\$((57,200) <u>71,500</u>)

(ii) Operating permit sources with the following NAICS codes:

NAICS	NAICS Description	Fee
311119	Other Animal Food Manufacturing	
311812	Commercial Bakeries	
321912	Cut Stock, Resawing Lumber, and Planing	
321918	Other Millwork (including Flooring)	
321999	All Other Miscellaneous Wood Product Manufacturing	
322220	Paper Bag and Coated and Treated Paper Manufacturing	
326140	Polystyrene Foam Product Manufacturing	
((327121)	Brick and Structural Clay Tile Manufacturing)	
332996	Fabricated Pipe and Pipe Fitting Manufacturing	
	\$((14,300) <u>17,875</u>)

(iii) Operating permit sources with NAICS codes other than listed above. \$((~~28,600~~) 35,750)

(2) Additional emission rate fees shall be paid in addition to the annual operating permit fees of Section 7.07 (b) (1):

\$30 for each ton of CO reported in the previous calendar year,
and

\$60 for each ton of NO_x reported in the previous calendar year,
and

\$60 for each ton of PM₁₀ reported in the previous calendar year,
and

\$60 for each ton of SO_x reported in the previous calendar year,
and

\$60 for each ton of VOC reported in the previous calendar year,
and

\$60 for each ton of HAP reported in the previous calendar year.

(c) In addition to the fees under Sections 7.07 (b) (1) and (b) (2) above, the Agency shall, on a source-by-source basis, assess the following fees:

(1) \$500 for administrative permit amendments [WAC 173-401-720],
and

(2) for minor permit modifications [WAC 173-401-725 (2) and (3)], a fee equal to 10% of the annual operating permit fee, not to exceed \$ ~~((6,500))~~ 8,125, and

(3) for the original issuance [WAC 173-401-700], significant modification [WAC 173-401-725(4)], reopening for cause [WAC 173-401-730], or renewal [WAC 173-401-710] of an operating permit, a fee equal to 20% of the annual operating permit fee, not to exceed \$ ~~((13,000))~~ 16,250, and

(4) to cover the costs of public involvement under WAC 173-401-800, and

(5) to cover the costs incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and chapter 246-247 WAC.

(d) In addition to the fees described under Sections 7.07 (b) and (c) above, the Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under chapter 173-401 WAC to cover the Department of Ecology's program development and oversight costs.

(e) Continued payment to the Agency of the annual operating permit fee maintains the operating permit and the status of the source as an operating facility.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.