WSR 26-17-036
PERMANENT RULES
DEPARTMENT OF ECOLOGY

[Order 26-03—Filed August 11, 2026, 2:27 p.m., effective September 11, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department of ecology (ecology) is adopting amendments to three rules to support implementation of the governor's Executive Order 25-03 Improving transparency and building efficiency in the state's permitting and licensing process. These amendments make changes to two air quality permits, six air quality general orders, and environmental laboratory accreditation to clarify application fee language and update out-of-date information. The total fee amounts, eligibility criteria, and requirements for these permits, general orders, and accreditations will not change as a result of this rule making.

The amendments to the air quality rules in WAC 173-455-120 New source review and other air permitting fees, and 173-400-111 Processing notice of construction applications for sources, stationary sources, and portable sources, include:

- Clarifying the definition of "application fee."
- Clarifying that any fee refunds can't 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- Removing outdated fee language in WAC 173-455-120.
- Removing language about the rescinded general order of approval for dairy anaerobic digesters in WAC 173-455-120.

The amendment to WAC 173-50-190 Fee structure, which provides the fee structure for the environmental laboratory accreditation program, removes language prohibiting refunds for application fees.

For more information on this rule making, visit https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-455-400-50.

Citation of Rules Affected by this Order: Amending WAC 173-455-120, 173-400-111, and 173-50-190.

Statutory Authority for Adoption: Chapter 43.21A RCW, Department of ecology; chapter 70A.15 RCW, Washington Clean Air Act; and RCW 43.21A.230 Certification of environmental laboratories authorized—Fees—Use of certified laboratories by persons submitting data or results to department.

Other Authority: Ecology has completed an environmental justice assessment in accordance with RCW 70A.02.060 as a part of this rule making.

Adopted under notice filed as WSR 26-11-061 on May 20, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, 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 3, Repealed 0.

Date Adopted: August 11, 2026.

Casey D. Sixkiller
Director

RDS-7154.1

AMENDATORY SECTION (Amending WSR 23-18-059, filed 9/1/23, effective 10/2/23)

WAC 173-50-190 Fee structure. (1) Fees in this chapter are in U.S. dollars and are established to cover costs of administering the WA ELAP. The department shall assess fees for each parameter or method within each matrix, except as noted in subsection (3) of this section. Laboratories are charged using the fee structure of the fiscal year covering the effective date the department issues a determination on a laboratory's accreditation application, renewal of its accreditation, or a revision of a laboratory's scope of accreditation. The fee schedule per parameter or method for each category are identified in:

(a) Table 1 - Fee schedule through June 30, 2024.

(b) Table 2 - Fee schedule from July 1, 2024, through June 30, 2025.

(c) Table 3 - Fee schedule from July 1, 2025, through June 30, 2026.

(2) Examples of parameters or methods for each category are published in the procedural manual. Accreditation may be requested for parameters in addition to those listed in the procedural manual.

(3) When a fee is assessed for a specific drinking water parameter or method, the laboratory may be accredited for the same parameter or method in nonpotable water without paying an additional fee.

Table 1 - Fee Schedule through June 30, 2024

Category	Fee Per Parameter	Fee Per Method	Max Fee Per Category
General Chemistry	$80	-	$1,600
Trace Metals	-	$400	-
Organics I	-	$200	-
Organics II	-	$500	-
Microbiology	$200	-	-
Radiochemistry	$250	-	-
Bioassay	$300	-	$3,000
Immunoassay	$80	-	-
Physical	$80	-	-

Table 2 - Fee Schedule from July 1, 2024, through June 30, 2025

Category	Fee Per Parameter	Per Parameter Addition Fee	Fee Per Method
General Chemistry	$150	-	-
Trace Metals	-	$30	$745
Organics I	-	$15	$375

Category	Fee Per Parameter	Per Parameter Addition Fee	Fee Per Method
Organics II	-	$35	$930
Microbiology	$375	-	-
Radiochemistry	$555	-	-
Bioassay	-	$15	$375
Immunoassay	$150	-	-
Physical	$150	-	-

Table 3 - Fee Schedule from July 1, 2025, through June 30, 2026

Category	Fee Per Parameter	Per Parameter Addition Fee	Fee Per Method
General Chemistry	$220	-	-
Trace Metals	-	$55	$1,085
Organics I	-	$30	$545
Organics II	-	$70	$1,355
Microbiology	$545	-	-
Radiochemistry	$680	-	-
Bioassay	-	$25	$445
Immunoassay	$220	-	-
Physical	$220	-	-

(4) Starting July 1, 2026, Equation 1 below will be used to calculate the fees:

Equation 1

$$Fee_2 = Fee_1 \times (1 + FGF)$$

Where:

Fee_1 = The current fiscal year fees for each category.

Fee_2 = The fee for each category for the fiscal year following the fiscal year in which Fee_1 was in effect, rounded up to the nearest whole $5 increment. The updated fee table is then posted on the department's website.

FGF = An annual fiscal growth factor expressed as a percentage, as determined under chapter 43.135 RCW.

(a) Fiscal year begins July 1st and ends June 30th of the following calendar year. For example, fiscal year 2027 is July 1, 2026, through June 30, 2027.

(b) Ecology will provide annual notice of the next fiscal year's fees by March 31st.

(5) The minimum fee for accreditation, either direct or through recognition of a third-party accreditation, is $500.

(6) In addition to paying the fee indicated in Table 1, Table 2, Table 3, or as updated by Equation 1: Out-of-state laboratories must pay the department for the actual cost of travel associated with on-site audits. The department invoices the laboratory for such costs after completion of the on-site audit.

(7) For laboratories that have not been accredited for any parameter by the department in the previous 12 months, the laboratory must pay a processing fee of $300 before:

(a) Its quality assurance manual and applicable SOPs are reviewed by the department;

(b) The audit is conducted if applicable; and

(c) Interim, provisional, or full accreditation is granted.

((~~The application fee is not refundable.~~))

(8) Once accreditation is granted the laboratory will be invoiced annually by the department for the requested parameters.

(9) When a laboratory applies for renewal of their accreditation, an application fee is not required. The applicable accreditation fees per Table 1, Table 2, Table 3, or as updated by Equation 1 do not need to be payed prior to processing of the application.

(10) The fee for recognition of a third-party accreditation (WAC 173-50-170) is three-fourths (75 percent) of the fee indicated in Table 1, Table 2, Table 3, or as updated by Equation 1.

(11) If a laboratory requests to add or reinstate a parameter to an existing method on their scope of accreditation outside of their initial application or renewal process, the laboratory will be invoiced a fee based on the type and number of requested parameters according to the "Per Parameter Addition Fee" column of Table 1, Table 2, Table 3, or as updated by Equation 1.

(12) If a laboratory withdraws from the accreditation process after the audit has been completed, the department may retain the entire fee including reimbursement of travel costs if applicable.

(13) Accreditation fees are waived for laboratories operated by the Washington state departments of ecology and health. Accreditation fees are also waived for drinking water parameters certified by EPA Region 10 at designated principal laboratories.

RDS-7185.2

AMENDATORY SECTION (Amending WSR 16-12-099, filed 5/31/16, effective 7/1/16)

WAC 173-400-111 Processing notice of construction applications for sources, stationary sources and portable sources. WAC 173-400-110, 173-400-111, 173-400-112, and 173-400-113 apply statewide except where a permitting authority has adopted its own new source review regulations.

(1) Completeness determination.

(a) Within ((~~thirty~~)) 30 days after receiving a notice of construction application, the permitting authority must either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.

(b) A complete application contains all the information necessary for processing the application. At a minimum, the application must provide information on the nature and amounts of emissions to be emitted by the proposed new source or increased as part of a modification, as well as the location, design, construction, and operation of the new source as needed to enable the permitting authority to determine that the construction or modification will meet the requirements of WAC 173-400-113. Designating an application complete for purposes of permit processing does not preclude the reviewing authority from requesting or accepting any additional information.

(c) For a project subject to the special protection requirements for federal Class I areas under WAC 173-400-117(2), a completeness determination includes a determination that the application includes all

information required for review of that project under WAC 173-400-117(3). The applicant must send a copy of the application and all amendments to the application to the EPA and the responsible federal land manager.

(d) For a project subject to the major new source review requirements in WAC 173-400-800 through 173-400-860, the completeness determination includes a determination that the application includes all information required for review under those sections.

(e) An application is not complete until any ((~~permit application~~)) initial fee required by the permitting authority has been paid.

(2) Coordination with chapter 173-401 WAC, operating permit regulation. A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under chapter 173-401 WAC and the notice of construction application required by this section. A notice of construction application designated for integrated review must be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC and must comply with WAC 173-400-171.

(3) Criteria for approval of a notice of construction application. An order of approval cannot be issued until the following criteria are met as applicable:

(a) The requirements of WAC 173-400-112;

(b) The requirements of WAC 173-400-113;

(c) The requirements of WAC 173-400-117;

(d) The requirements of WAC 173-400-171;

(e) The requirements of WAC 173-400-200 and 173-400-205;

(f) The requirements of WAC 173-400-700 through 173-400-750;

(g) The requirements of WAC 173-400-800 through 173-400-860;

(h) The requirements of chapter 173-460 WAC; and

(i) All fees required under chapter 173-455 WAC (or the applicable new source review fee table of the local air pollution control authority) have been paid.

(4) Final determination - Time frame and signature authority.

(a) Within ((~~sixty~~)) 60 days of receipt of a complete notice of construction application, the permitting authority must either:

(i) Issue a final decision on the application; or

(ii) Initiate notice and comment for those projects subject to WAC 173-400-171 followed as promptly as possible by a final decision.

(b) Every final determination on a notice of construction application must be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the permitting authority.

(5) Distribution of the final decision.

(a) The permitting authority must promptly provide copies of each order approving or denying a notice of construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the pollution control hearings board.

(b) If the new source is a major stationary source or the change is a major modification subject to the requirements of WAC 173-400-800 through 173-400-860, the permitting authority must:

(i) Submit any control technology (LAER) determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA; and

(ii) Send a copy of the final approval order to EPA.

(6) Appeals. Any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided under chapters 43.21B RCW and 371-08 WAC.

(7) Construction time limitations.

(a) Approval to construct or modify a stationary source becomes invalid if construction is not commenced within eighteen months after receipt of the approval, if construction is discontinued for a period of ((~~eighteen~~)) 18 months or more, or if construction is not completed within a reasonable time. The permitting authority may extend the ((~~eighteen~~)) 18-month period upon a satisfactory showing by the permittee that an extension is justified.

(b) The extension of a project that is either a major stationary source, as defined in WAC 173-400-810, in a nonattainment area or a major modification, as defined in WAC 173-400-810, of a major stationary source in a nonattainment area must also require LAER, for the pollutants for which the area is classified as nonattainment, as LAER exists at the time of the extension for the pollutants that were subject to LAER in the original approval.

(c) This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within ((~~eighteen~~)) 18 months of the projected and approved commence construction date.

(8) Change of conditions or revisions to orders of approval.

(a) The owner or operator may request, at any time, a change in the conditions of an approval order and the permitting authority may approve the request provided the permitting authority finds that:

(i) The change in conditions will not cause the source to exceed an emissions standard set by regulation or rule;

(ii) No ambient air quality standard will be exceeded as a result of the change;

(iii) The change will not adversely impact the ability of the permitting authority to determine compliance with an emissions standard;

(iv) The revised order will continue to require BACT for each new source approved by the order except where the Federal Clean Air Act requires LAER; and

(v) The revised order meets the requirements of WAC 173-400-111, 173-400-112, 173-400-113, 173-400-720, 173-400-830, and 173-460-040, as applicable.

(b) Actions taken under this subsection are subject to the public involvement provisions of WAC 173-400-171 or the permitting authority's public notice and comment procedures.

(c) The applicant must consider the criteria in 40 C.F.R. 52.21 (r)(4) (in effect on the date in WAC 173-400-025) or 173-400-830(3), as applicable, when determining which new source review approvals are required.

(9) Fees. Chapter 173-455 WAC lists the required fees payable to ecology for various permit actions.

(10) Enforcement. All persons who receive an order of approval must comply with all approval conditions contained in the order of approval.

RDS-7186.1

AMENDATORY SECTION (Amending WSR 23-07-014, filed 3/3/23, effective 7/1/23)

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.

(i) A portion of the initial fee is considered the application fee.

(ii) The 2026 application fee amount is $400 for notice of construction applications, $200 for applications for coverage under a general order, and $1,100 for prevention of significant deterioration applications. After 2026 ecology will post the amount of the application portion with the new fee schedule in accordance with WAC 173-455-031.

(iii) No application fee refund may exceed the amount of the application portion of the initial fee paid.

(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)~~)) (ii) 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) Additional hourly fee. 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 per hour of ecology staff time expended. If any refund of fees is issued, ecology will not assess a second additional fee solely to recover the refunded fee amount.

(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 associ-

ated 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~~)) fee structure 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~~)) Fee structure 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~~)) Covers the first 16 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 17 hours
Complex Project	((~~$12,614.00 for up to~~)) Covers the first 106 hours of review	((~~$119.00~~)) Hourly rate charged 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_2S)	10 tons per year
Total reduced sulfur (including H_2S)	10 tons per year
Reduced sulfur compounds (including H_2S)	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~~)) fee structure for review of a requested change to an existing order of approval.

Table 3: ((~~2023 Fees~~)) Fee structure 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~~)) Covers the first 3 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 4 hours
Complex change	((~~$1,190.00 for up to~~)) Covers the first 10 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 11 hours
Permit extension request (WAC 173-400-111(7))	((~~$119.00~~)) Covers 1 hour of review	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~~)) 4 lists the ((~~2023 fees~~)) fee structure to establish a voluntary emission limit.

Table ((~~6: 2023 Fees~~)) 4: Fee structure 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~~)) Covers the first 6 hours of review	((~~$119.00~~)) Hourly rate charged 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~~)) 5 lists the ((~~2023 fees~~)) fee structure for review of a request to replace or substantially alter control technology without an increase in emissions.

Table ((~~7: 2023 Fees~~)) 5: Fee structure 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~~)) Hourly rate charged per hour
Review RACT analysis and determination for affected emission unit	No initial fee	((~~$119.00~~)) Hourly rate charged 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~~)) 6 lists the ((~~2023 fees~~)) fee structure for the review of a request for prevention of significant deterioration (PSD) determination.

Table ((~~8: 2023 Fees~~)) 6: Fee structure 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~~)) Covers the first 40 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 41 hours
Preapplication assistance beyond the application assistance meeting ecology provides	((~~$714.00 for up to~~)) Covers the first 6 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 7 hours
PSD permit application - New (WAC 173-400-720 and 173-400-730)	((~~$18,802.00 for up to~~)) Covers the first 158 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 159 hours

Action	Initial Fee	Hourly Rate
PSD permit application - Limited to greenhouse gases	((~~$9,401.00 for up to~~)) Covers the first 79 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 80 hours
PSD permit revision - Administrative (as defined in WAC 173-400-750(3))	((~~$2,380.00 for up to~~)) Covers the first 20 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 21 hours
PSD permit revisions - Revision not administrative or major modification	((~~$4,760.00 for up to~~)) Covers the first 40 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 41 hours
PSD permit revision - Major modification (WAC 173-400-720)	((~~$18,802.00 for up to~~)) Covers the first 158 hours of review	((~~$119.00~~)) Hourly rate charged 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~~)) 7 lists the ((~~2023 fees~~)) fee structure for nonattainment area major new source review.

Table ((~~9: 2023 Fees~~)) 7: Fee structure 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~~)) Covers the first 158 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 159 hours
Change in permit conditions - Major modifications for an order issued under WAC 173-400-830	((~~$18,802.00 for up to~~)) Covers the first 158 hours of review	((~~$119.00~~)) Hourly rate charged 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~~)) Covers the first 20 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 21 hours
Changes in permit conditions - All other changes	((~~$9,401.00 for up to~~)) Covers the first 79 hours of review	((~~$119.00~~)) Hourly rate charged 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~~)) 8 lists the ((~~2023 fees~~)) fee structure for review of requests to establish plant-wide applicability limits.

Table ((~~10: 2023 Fees~~)) 8: Fee structure 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~~)) Covers the first 158 hours of review	((~~$119.00~~)) Hourly rate charged per hour starting at 159 hours
Plant-wide applicability limits - All other requests	((~~$9,401.00 for up to~~)) Covers the first 79 hours of review	((~~$119.00~~)) Hourly rate charged 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~~)) 9 lists the ((~~2023 fees~~)) fee structure 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~~)) 9 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~~)) 9: Fee structure for other fees ((~~for 2023~~))

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

(iv) No application fee refund may exceed the amount of the application fee portion of the initial fee paid.

(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.

(iv) No application fee refund may exceed the amount of the application fee portion of the initial fee paid.

(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.