

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

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### WAC 173-455-031 Process to update fees.

- (1) New Source Review fees for year 2024 and beyond.
  - (a) Fee schedule:
    - (i) Starting in 2023, ecology must prepare an annual budget that reflects the cost of the program;
    - (ii) Ecology must base the budget on the program costs for the previous twelve-month period consistent with RCW [70.94.151\(2\)](#);
    - (iii) Ecology may choose to establish fees to cover new source review program costs for a two-year period;
    - (iv) Ecology must compare the revenue from the previous year, or the previous two-year period if appropriate, to the upcoming draft budget. If increases of new source review fees are necessary, ecology must evenly distribute the increased program cost as a percentage of the increased costs across all sources subject to the program.
  - (b) Public notice. Ecology must:
    - (i) Post the draft budget and draft new source review fee schedule on ecology's web site by August 1 of the year before the fee schedule goes into effect.
    - (ii) Provide a thirty-day public comment period on the draft budget and draft fee schedule.
    - (iii) Post the final budget and fee schedule on ecology's web site by December 1 of the year before the fee schedule goes into effect.

### WAC 173-455-038 Fees not included.

This chapter contains all fees required by the air quality program except the following:

- (1) Air operating permit - Fees can be found in chapter [173-401](#) WAC.
- (2) Agricultural burning - Fees can be found in chapter [173-430](#) WAC.
- (3) Motor vehicle emission inspection - Fees can be found in chapter [173-422A](#) WAC.
- (4) Reporting of Emissions of Greenhouse Gases – Fees can be found in chapter [173-441](#) WAC.

**WAC 173-455-050 Carbon dioxide mitigation program fees.**

- (1) **Statutory authorization.** RCW [70A.15.6270](#) authorizes ecology to determine, assess, and collect fees sufficient to cover costs to review and approve or deny the carbon dioxide mitigation plan components of an order of approval for a facility. The order of approval must specify the costs necessary to monitor the source's conformance to the carbon dioxide mitigation plan.
- (2) **Fees.** Table 1 in this subsection lists the fees for the carbon dioxide mitigation program for 2023. These fees are added to the fees established in WAC [173-455-120](#), when the carbon dioxide mitigation plan requirements are triggered.

Table 1 Carbon Dioxide Mitigation program 2023 fee schedule

Activity	Fee
Application review	\$119/hr. not to exceed \$595
Mitigation plan approval - Payment to third party	\$125 <sup>1</sup>
Mitigation plan approval - (ii) Purchase of CO2 credits	\$119/hr. <sup>2</sup>
Mitigation plan approval - Direct investment	\$119/hr.
Routine and compliance monitoring - Payment to third party	\$119 <sup>1</sup> annually until full amount paid
Routine and compliance monitoring - Purchase of CO2 credits	\$119/hr. <sup>3</sup>
Routine compliance monitoring - Applicant controlled project	\$119/hr. <sup>3</sup>

\* 1 Fee to check math and confirm that the source is using an Energy Facility Site Evaluation Council approved qualified organization.

\* 2 Fee to check that the credits purchased will be verifiable and from a reputable trading or marketing organization.

\* 3 Fee to verify and confirm credits with the trading or marketing organization.

- (3) Ecology will post a new fee schedule for the fees in this section to cover a two year period starting in 2024 in accordance with WAC 173-455-031.
- (4) The department or authority may use RCW [70A.15.1570](#) to structure a cost-reimbursement agreement with the applicant.

**WAC 173-455-100 Fees related to reasonably available control technology (RACT).**

- (1) General. Ecology may assess and collect a fee as authorized in RCW 70A.15.2220 or 70A.15.2230 and described in subsections (2) through (5) of this section.
- (2) Fee schedule for source-specific determinations where ecology performs RACT analysis and determination.

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- (a) Basic RACT analysis and determination fee:
  - (i) Low complexity (the analysis addresses one type of emission unit) - One thousand five hundred dollars;
  - (ii) Moderate complexity (the analysis addresses two to five types of emissions units) - Seven thousand five hundred dollars;
  - (iii) High complexity (the analysis addresses more than five types of emission units) - Fifteen thousand dollars.
- (b) Additional charges based on criteria pollutant emissions: In addition to those fees required under (a) of this subsection, ecology will require a fee for a RACT analysis and determination for an emission unit or multiple emission units of uniform design that, individually or in the aggregate, emit one hundred tons per year or more of any criteria pollutant - Two thousand dollars.
- (c) Additional charges based on toxic air pollutant emissions: In addition to those fees required under (a) and (b) of this subsection, ecology will require the following fees as applicable:
  - (i) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than two tons per year but not more than ten tons per year of any toxic air pollutant - One thousand dollars; or
  - (ii) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than ten tons per year of any toxic air pollutant - Two thousand dollars.
- (3) Fee schedule for source-specific determinations where the source performs the RACT analysis and ecology conducts review and issues a determination.
  - (a) Basic RACT review and determination fees:
    - (i) Low complexity (the analysis addresses one type of emission unit) - One thousand dollars;
    - (ii) Moderate complexity (the analysis addresses two to five types of emissions units) - Five thousand dollars;
    - (iii) High complexity (the analysis addresses more than five types of emission units) - Ten thousand dollars.
  - (b) Additional charges based on criteria pollutant emissions: In addition to those fees required under (a) of this subsection, ecology will require a fee for a RACT analysis and determination for an emission unit or multiple emissions units of uniform design that, individually or in the aggregate, emit one hundred tons per year or more of any criteria pollutant - One thousand dollars.
  - (c) Additional charges based on toxic air pollutant emissions: In addition to those fees required under (a) and (b) of this subsection, ecology will require the following fees as applicable:
    - (i) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than two tons per year but not more than ten tons per year of any toxic air pollutant - Five hundred dollars; or

- (ii) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than ten tons per year of any toxic air pollutant - One thousand dollars.
- (4) Fee schedule for categorical RACT determinations. Ecology shall assess fees for categorical RACT determinations (for categories with more than three sources) as shown below. Ecology shall base the fees described in (a) of this subsection on the most complex source within a category. When determining complexity level for the most complex source in the category, the emission rate or number of types of emission units that results in the highest complexity level will determine the fee for the source category. Except as provided in (b) and (d) of this subsection, ecology will determine fees for individual sources in the category by dividing the total source category fee by the number of sources within the category.
  - (a) RACT analysis and determination (RACT analysis performed by ecology with assistance from sources):
    - (i) Low complexity source category (average source emissions of individual criteria pollutants are all less than twenty tons per year, average source emissions of individual toxic air pollutants are all less than two tons per year, or the analysis addresses one type of emission unit) - Twenty-five thousand dollars;
    - (ii) Moderate complexity source category (average source emissions of one or more individual criteria pollutants are greater than twenty tons per year and less than one hundred tons per year, average source emissions of one or more individual toxic air pollutants are greater than two tons per year and less than ten tons per year, or the analysis addresses two to five types of emissions units) - Fifty thousand dollars; or
    - (iii) High complexity source category (average source emissions of one or more individual criteria pollutants exceed one hundred tons per year, average source emissions of one or more individual toxic air pollutants exceed ten tons per year, or the analysis addresses more than five types of emission units) - One hundred thousand dollars.
  - (b) If ecology is evaluating an emission unit for more than one categorical RACT determination within a five-year period, ecology will charge the owner or operator of that emission unit one fee and the fee will reflect the higher complexity categorical RACT determination.
  - (c) Ecology may adjust the fee to reflect workload savings from source involvement in source category RACT determination.
  - (d) Ecology may approve alternate methods for allocating the fee among sources within the source category.

- (5) Small business fee reduction. Ecology may reduce the RACT analysis and determination fee identified in subsections (2) through (5) of this section for a small business.
  - (a) To qualify for the small business RACT fee reduction, a business must meet the requirements of "small business" as defined in RCW 19.85.020.
  - (b) To receive a fee reduction, the owner or operator of a small business must include information in an application demonstrating that the business meets the conditions of (a) of this subsection. One of the following must sign the application:
    - (i) An authorized corporate officer in the case of a corporation;
    - (ii) An authorized partner in the case of a limited or general partnership; or
    - (iii) The proprietor in the case of a sole proprietorship.
  - (c) Ecology may verify the application information and if the owner or operator has made false statements, deny the fee reduction request and revoke previously granted fee reductions.
  - (d) For small businesses determined to be eligible for a small business fee reduction under (a) of this subsection, ecology shall reduce the RACT analysis and determination fee to the greater of:
    - (i) Fifty percent of the RACT analysis and determination fee; or
    - (ii) Three hundred twelve dollars.
  - (e) If due to special economic circumstances, the fee reduction determined under (d) of this subsection imposes an extreme hardship on a small business, the small business may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include:
    - (i) Annual sales;
    - (ii) Labor force size;
    - (iii) Market conditions which affect the owner's or operator's ability to pass the cost of the RACT analysis and determination fees through to customers; and
    - (iv) Average annual profits.
  - (f) In no case will ecology reduce a RACT analysis and determination fee to an amount below one hundred dollars.
- (6) Fee reductions for pollution prevention initiatives. Ecology may reduce RACT analysis and determination fees for an individual source if that source is using approved pollution prevention measures.
- (7) Fee payments. A source shall pay fees specified in subsection (4)(a) of this section when the source submits a notice of construction application to ecology. Sources shall pay other fees specified in subsections (2) through (7) of this section no later than thirty days after receipt of an ecology billing statement. For fees specified in subsection (5) of this section, ecology will mail a billing

statement for one-half of the payment from each source when the source category rule-making effort is commenced as noted by publication of the CR-101 form in the *Washington State Register*. Ecology will mail a billing statement for the second half of the payment when the proposed rule is published in the *Washington State Register*. Ecology will not issue an order of approval or other action approving or identifying a source to be at RACT until the source has paid all fees. A source shall make all fees collected under this regulation payable to the Washington department of ecology.

- (8) Dedicated account. Ecology shall deposit all control technology fees it collects from air operating permit program sources in the air operating permit account created under RCW 70A.15.1010 . Ecology shall deposit all control technology fees collected from nonair chapter 173-401 WAC program sources in the air pollution control account.
- (9) Tracking revenues, time, and expenditures. Ecology shall track revenues on a source-specific basis. For purposes of source-specific determinations under subsections (2) through (4) of this section, ecology shall track time and expenditures on the basis of source complexity categories. For purposes of categorical determinations under subsection (5) of this section, ecology shall track time and expenditures on a source-category basis.
- (10) Periodic review. Ecology shall review and, as appropriate, update this section at least once every two years.

**WAC 173-455-120 Permit fees.**

- (1) General requirements.
  - (a) The fees in this section apply to:
    - (i) Permit applications received on or after [effective date of adopted rule].
    - (ii) Requests for ecology review of other actions covered by this section received by ecology on or after [effective date of adopted rule].
  - (b) Components of permitting fees. Permit fees include initial fees and may include an hourly fee. The initial fee covers up to the number of review hours specified in each fee in this section.
  - (c) A project may be subject to multiple fees. For example, a project may be subject to both minor and major new source review permit fees and second or third tier review.
  - (d) An applicant must submit initial fees with an 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), initial fees are considered application fees.
    - (ii) If ecology determines a project is complex after an applicant submitted the basic project initial fee, then the application is incomplete until the applicant pays 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 pays the new 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 shall assess a fee based on the actual costs for review in excess of the hours specified in each fee. The assessed fee must be a rate of one hundred nineteen dollars 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 are paid. (WAC [173-400-111](#)(3).)
  - (g) An applicant must pay fees that are due by invoice from ecology within thirty days from the date of the invoice. Ecology will cease processing all applications for which the required fees have not been received within thirty days of an invoice.
  - (h) At the time of filing, an applicant must pay all delinquent air quality fees associated with the facility. This is in addition to the fees required by this section. Delinquent fees may include, but are not limited to, registration fees, civil penalties awarded to ecology, or other outstanding fees due under this section.
  - (i) All fees collected under this rule must be made payable to the department of ecology.

- (j) Fees assessed under this section apply without regard to whether ecology approves or denies a request.

**Permit fees.**

**Minor new source review.**

- (2) Review of new source or modification of an existing source with an emissions increase. (WAC [173-400-110](#) and [173-400-110\(3\)](#).)
  - (a) Table 2 lists review of new source or modification of an existing source with an emissions increase fees for 2023.

Table 2 Fees for review of new source or modification of an existing source with an emissions increase for 2023 (WAC 173-400-110 and 173-400-110(3))

Action	Initial Fee	Hourly Rate
Basic Project	\$1,904 for up to 16 hours of review	\$119 per hour starting at 17 hours
Complex Project	\$12,614 for up to 106 hours of review	\$119 per hour starting at 107 hours

- (b) Complex project. An application 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 the Table 3:

*Table 3 Emission Threshold Table (WAC 173-400-030)*

Air Contaminant	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
Particulate matter smaller than 10 micrometers (PM10)	15 tons per year of PM <sub>10</sub> emissions
Particulate matter smaller than 2.5 micrometers (PM2.5)	10 tons per year of PM <sub>2.5</sub> 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 (H2S)	10 tons per year
Total reduced sulfur (including H2S)	10 tons per year
Reduced sulfur compounds (including H2S)	10 tons per year



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- (c) Ecology may 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.
  
- (3) 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 in WAC [173-400-171](#); and
    - (ii) The reissued approval order requires one hour or less of engineering evaluation and no physical modification of equipment; and
    - (iii) Changes in permit conditions are based on actual operating conditions and the operating conditions require one hour or less of engineering evaluation and the change does not cause a change in allowable emissions.
  - (c) Complex changes:
    - (i) This fee excludes an administrative or simple change and changes to an existing permit that result 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;
      - (B) Consolidation of permits not allowed under simple change;
      - (C) Request for review of a permit action that is exempt 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](#).
  - (d) Table 4 contains the fees for changes to an existing order of approval for 2023.

Table 4 Change to an existing order of approval for 2023 (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 for up to 3 hours of review	\$119 per hour starting at 4 hours
Complex change	\$1,190 for up to 10 hours of review	\$119 per hour starting at 11 hours

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Action	Initial Fee	Hourly Rate
Permit extension request for up to 18 months (WAC 173-400-111 (7))	\$119	Not applicable

- (e) Ecology will post a new fee schedule for the fees in this section to cover a two year period starting in 2024 in accordance with WAC 173-455-031.
- (4) Review of General Order of Approval
- (a) Category A general order consists of the following general order of approval, including any subsequent updating or replacement:
- (i) Concrete Batch Plants (No. 11AQ-GO-02);
  - (ii) Perchloroethylene dry cleaners using less than 2100 gallons per year (No. 06-AQ-GO-001);
  - (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-AQ-G003).
- (b) Category B general order 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 5 lists the fees for Category A and B review of a general order of approval for 2023.

Table 5 Fees for coverage under a general order of approval for 2023 (WAC 173-400-560)

Action	SEPA review complete	SEPA review required
Portable and Stationary Concrete batch plants (No. 11AQ-GO-02)	\$625	\$981
Perchloroethylene dry cleaners using less than 2100 gallons per year (No. 06-AQG-003)	\$625	\$981
Stationary and portable rock crushers (No. 11AQ-GO-001)	\$625	\$981
Small water heaters and steam generating boilers (No. 08-AQ-G003)	\$625	\$981
Automobile body repair and refinishing shops (No. 08-AQG-001)	\$625	\$981

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Action	SEPA review complete	SEPA review required
Portable and stationary asphalt plants (No. 10AQ-GO-01)	\$1,093	\$1,450
Dairy manure anaerobic digesters (No. 12AQ-GO-01)	\$1,093	\$1,450
Any other general order of approval	\$1,093	\$1,450

- (5) Review of relocation of portable source under WAC 173-400-036, 173-400-110, or 173-400-560.
- (a) Table 6 contains the fees for review of relocation of portable source for 2023.

Table 6 Fees for review of relocation of portable source for 2023 (WAC 173-400-036, 173-400-110 or 173-400-560)

Action	SEPA review complete	SEPA review required
Portable source has approval order issued by a clean air agency	\$187	\$543
Portable source has approval order issued by Ecology	No fee	\$356

- (6) 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 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 7 contains the fees to establish a voluntary emission limit for 2023.

Table 7 Request to establish a voluntary emission limit for 2023 (WAC 173-400-091)

Action	Initial Fee	Hourly Rate
Request to establish a voluntary emission limit (WAC 173-400-091)	\$714 for up to 6 hours of review	\$119 per hour starting at 7 hours

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

(7) Request to replace or substantially alter control technology without an increase in emissions (RCW 70.94.153).

(a) Table 8 contains the fees for a request to replace or substantially alter control technology without an increase in emissions for 2003.

Table 8 Request to replace or substantially alter control technology without an increase in emissions for 2023(RCW 70.94.153)

Action	Initial Fee	Hourly Rate
Review notice of construction application	No initial fee	\$119 per hour
Review RACT analysis and determination for affected emission unit	No initial fee	\$119 per hour

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

**Major new source review preapplication and permit fees.**

(8) Request for major new source review (WAC 173-400-720, 173-400-730, and 173-400-750).

(a) Table 9 contains the fees for a request for a major new source review for 2023.

Table 9 Fees for major new source review for 2023

Action	Initial Fee	Hourly Rate
Written PSD applicability determination (WAC 173-400-720)	\$4,760 for up to 40 hours of review	\$119 per hour starting at 41 hours
Pre-application assistance beyond the application assistance meeting Ecology provides	\$714 for up to 6 hours of review	\$119 per hour starting at 7 hours
PSD permit application – new (WAC 173-400-720 and 173-400-730).	\$18,802 for up to 158 hours of review	\$119 per hour starting at 159 hours
PSD permit application – limited to greenhouse gases	\$9,401 for up to 79 hours of review	\$119 per hour starting at 80 hours

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Action	Initial Fee	Hourly Rate
PSD permit revision – administrative (as defined in WAC 173-400-750(3))	\$2,380 for up to 20 hours of review	\$119 per hour starting at 21 hours
PSD Permit revisions – revision not administrative or major modification	\$4,760 for up to 40 hours of review	\$119 per hour starting at 41 hours
PSD permit revision – major modification (WAC 173-400-720))	\$18,802 for up to 158 hours of review	\$119 per hour starting at 159 hours
Permit extension request	\$625	No hourly fee

- (b) Ecology will post a new fee schedule for the fees in this section to cover a two-year period starting in 2024 in accordance with WAC 173-455-031.
- (9) Nonattainment area major new source review (WAC 173-400-111 and 173-400-830).
- (a) Table 10 contains the fees for nonattainment area major new source review for 2023.

Table 10 Nonattainment area major new source review for 2023

Action	Initial Fee	Hourly Rate
Notice of construction application (WAC 173-400-830)	\$18,802 for up to 158 hours of review	\$119 per hour starting at 159 hours
Change in permit conditions – major modification for an order issued under WAC 173-400-830	\$18,802 for up to 158 hours of review	\$119 per hour starting at 159 hours
Change in permit conditions under WAC 173-400-111(8) – action not subject to mandatory public comment in WAC 173-400-171	\$2,380 for up to 20 hours of review	\$119 per hour starting at 21 hours
Changes in permit conditions – all other changes	\$9,401 for up to 79 hours of review	\$119 per hour starting at 80 hours

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Action	Initial Fee	Hourly Rate
Permit extension request	\$625	No hourly fee

- (b) Ecology will post a new fee schedule for the fees in this section to cover a two-year period starting in 2024 in accordance with WAC 173-455-031.
- (10) Plant-wide applicability limits (WAC 173-400-720).
- (a) Table 11 contains the fees for requests to establish plant-wide applicability limits for 2023.

Table 11 Plant-wide applicability limits for 2023 (WAC 173-400-720)

Action	Initial Fee	Hourly Rate
Plant-wide applicability limits – establish new limits	\$18,802 for up to 158 hours of review	\$119 per hour starting at 159 hours
Plant-wide applicability limits – all other requests	\$9,401 for up to 79 hours of review	\$119 per hour starting at 80 hours

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

**Other fees.**

- (11) Second tier review (WAC [173-460-090](#)). A second tier petition 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 eight five hours.
- (12) Third tier review (WAC [173-460-100](#)). This fee does not apply to a second tier petition that becomes a third tier petition.
- (13) Table 12 contains the fees for this section for 2023.

Table 12 Other fees for 2023

Action	Initial Fee	Hourly Rate
Second tier review (WAC 173-460-090)	\$9,996 for up to 84 hours of review	\$119 per hour starting at 85 hours
Third tier review	\$9,996 for up to 84 hours of review	\$119 per hour starting at 85 hours
Cost-reimbursement agreement as provided in RCW 70A.15.1570	No initial fee	\$119 per hour
Variance under WAC 173-400-180	No initial fee	\$119 per hour

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Action	Initial Fee	Hourly Rate
Notification of intent to operate under WAC 173-400-035	No initial fee	\$119 per hour
Hourly rate for other actions	No initial fee	\$119 per hour

- (a) Ecology will post a new fee schedule for the fees in this section to cover a two-year period starting in 2024 in accordance with WAC 173-455-031.
- (14) Small business fee reduction. The new source review fee identified in subsections (2) through (7) of this section may be reduced for a small business.
- (a) To qualify for the small business new source review fee reduction, a business must meet the requirements of "small business" as defined in RCW [19.85.020](#). In RCW 19.85.020, "small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees.
- (b) To receive a fee reduction, the owner or operator of a small business must include information in the application demonstrating that the conditions of (a) of this subsection have been met. The application must be signed:
- (i) By an authorized corporate officer in the case of a corporation;
  - (ii) By an authorized partner in the case of a limited or general partnership; or
  - (iii) By the proprietor in the case of a sole proprietorship.
- (c) Ecology may verify the application information and, if the owner or operator has made false statements, deny the fee reduction request and revoke previously granted fee reductions.
- (d) For small businesses determined to be eligible under (a) of this subsection, the new source review fee shall be reduced to the greater of:
- (i) Fifty percent of the new source review fee; or
  - (ii) Three hundred twelve dollars.
- (e) If, due to special economic circumstances, the fee reduction determined under (d) of this subsection imposes an extreme hardship on a small business, the small business may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include: Annual sales; labor force size; market conditions which affect the owner's or operator's ability to pass the cost of the new source review fees through to customers; and average annual profits. In no case will a new source review fee be reduced below one hundred dollars.

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- (15) Fee reductions for pollution prevention initiatives. Ecology may reduce the fees defined in subsections (2) through (7) of this section where the owner or operator of the proposed source demonstrates that approved pollution prevention measures will be used.
- (16) Tracking revenues, time, and expenditures. Ecology must track revenues collected under this subsection on a source-specific basis.