



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: April 18, 2018

TIME: 9:08 AM

WSR 18-09-105

Agency: Department of Ecology AO # 16-09

Subject of possible rule making: Ecology proposes to amend two rules:

- Air Quality Fee Rule – Chapter 173-455 WAC – consolidates most of the air quality related fees into one chapter. This makes it easier for the regulated community to find what fees they may need to pay.
- General Regulations for Air Pollution Sources – Chapter 173-400 WAC – establishes the regulatory framework to ensure healthy air quality in Washington and that we meet federal air quality standards

The amendments will:

- Revise the registration program structure, including requiring all sources to register.
- Increase fees to more fully cover the costs of the air quality source registration program.
- Revise the fee process to create an equitable distribution of fees across all sources and establish a process to increase fees without going through rulemaking.
- Align Chapters 173-400 and 173-455 WAC.
- Match hourly rate charge in WAC 173-455-050, 100(4) and -130 with the current Ecology hourly billing rate (currently \$95).

Identify, and where appropriate, make needed edits in Chapters 173-455 and 173-400 WAC to increase clarity and readability.

Statutes authorizing the agency to adopt rules on this subject: Chapter 70.94 RCW, Washington Clean Air Act, RCW 70.94.151, RCW 70.94.892

Reasons why rules on this subject may be needed and what they might accomplish:

- The existing registration program structure does not require all sources of air pollution to register. Under this rulemaking we will be proposing to require all sources to register. Lack of registration hampers and complicates the program because it fails to collect fees from an estimated 175 sources. The administrative costs for Ecology to regulate these sources are currently being covered by the remaining 375 sources registered in the program.
- Existing registration program fees fund approximately 50 percent of the estimated cost of operating the program. The rulemaking would better align fees to more fully cover program costs.
- The current fee process for the registration program does not equitably distribute fees across all registered sources. The rulemaking would increase fairness. Establishing a process to determine fees outside of rulemaking simplifies the process and allows us to recover our costs through more frequent, more predictable, and smaller fee increases.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: N/A

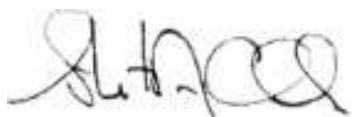
Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (Chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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Phone: 360-407-6827	Phone:
Fax: N/A	Fax:
TTY: 711, for deaf or hard of hearing: 877-833-6341 (Washington Relay Service)	TTY:
Email: Sign up to receive email notices: http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=ECY-AQ-RULE-AND-SIP-UPDATES&X=OF7D460E8D17CE2B31F&Y=equi461%40ecy.wa.gov	Email:
Web site: https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking	Web site:
Other:	Other:

Additional comments: Interested parties can stay informed about the rulemaking and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Date: April 18, 2018	Signature: 
Name: Stuart A. Clark	
Title: Air Quality Program Manager	