

# ARTICLE X

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## FEEES AND CHARGES

**ADOPTED:** September 12, 1991

**REVISED:** October 7, 2010

**EFFECTIVE:** November 8, 2010

### SECTION 10.01 DEFINITIONS

Unless a different meaning is clearly required by context, words and phrases used in this article shall have the following meaning:

- A. Emission Fee means the component of a registration fee or operating permit fee, which is based on total actual annual emissions of criteria and toxic air pollutants, except as provided in Section 10.02.B. In the case of a new or modified source or a source being registered initially, the emission fee is based on projected emissions as presented in an approved Notice of Construction or registration form.
- B. Registration Period means the calendar year for which an annual fee has been assessed pursuant to Section 10.06.B.1.

### SECTION 10.02 FEES AND CHARGES REQUIRED

- A. Registration information not submitted within 45 days pursuant to Section 4.02.

If registration information is submitted after 45 days, a processing fee of \$100 shall be added to the registration fee invoice.

- B. Method of calculating registration fees in Section 10.06 when registration information required in Section 4.02 is not submitted within 90 days.

Any owner, operator, or designated agent that fails to submit registration information to the Authority within 90 days of the registration information request issue date or prior to the registration fee invoice date, whichever is later, shall be assumed to be operating at the source's maximum potential production rate and the registration fee specified in Section 10.06 will be assessed on that basis.

- C. Additional fee for failure to pay any fee within 90 days of assessment.

Any fee assessed pursuant to Article X shall be paid within 45 days of assessment. Any person who is more than 45 days late (i.e., more than 90 days from assessment) with such payment shall pay an additional fee equal to three times the amount of the original fee owed.

- D. Revenues collected pursuant to RCW 70.94.161.

Revenues collected pursuant to RCW 70.94.161 shall be deposited in the operating permit program dedicated account and shall be used exclusively for the program.

**SECTION 10.03 FEES OTHERWISE PROVIDED**

- A. All fees and charges provided for in this Article X are in addition to fees otherwise provided for or required to be paid by Regulation I, PROVIDED the Control Officer shall waive payment of any fee or service charge hereby required if the Control Officer determines that such fee is duplicative of a fee charged or required to be paid by another Article of this Regulation.

**SECTION 10.04 RESERVED**

**SECTION 10.05 GENERAL ADMINISTRATIVE FEES**

- A. A fee of \$0.15 per page for photocopies shall be charged.
- B. The actual cost of postage shall be charged for all material requested to be mailed.
- C. For other administrative services requested and performed by Authority staff, which are not provided to the public generally, the Control Officer shall determine such charge as reasonably reimburses the Authority for time and materials expended in providing the service.

**SECTION 10.06 REGISTRATION AND OPERATING PERMIT FEES FOR AIR CONTAMINANT SOURCES**

- A. Each source required by Article IV, Section 4.01 to be registered, each air operating permit source, and each source required by Article V, Section 5.02 to obtain an approved Notice of Construction and Application for Approval is subject to an annual fee for each calendar year, or portion of each calendar year, during which it operates. The owner or operator shall pay the fee, pursuant to the requirements in Section 10.02. Fees received pursuant to the registration program or the operating permit program shall not exceed the actual costs of program administration.
- B. The annual fee for each source required by Article IV, Section 4.01 to be registered and that is not subject to Section 10.06.C. of this Regulation shall be determined by adding all of the applicable fees below:

1.

Registration Fee Categories	Fee	Fee Applicability
Facility Fee <sup>A</sup>	Per the Fee Schedule	Per Source
Emissions Fee <sup>B</sup>	Per the Fee Schedule	Per Ton
Emission Point Fee <sup>C</sup>	Per the Fee Schedule	Per Stack/Point
Synthetic Minor Fee <sup>D</sup>	Per the Fee Schedule	Per Source
WEDS Fee <sup>E</sup>	Per the Fee Schedule	Per Hour

- <sup>A</sup> Each source is subject to the fee listed in the fee schedule.
- <sup>B</sup> The additional fee applies to each ton (rounded to the nearest one-tenth of a ton) of each criteria pollutant, volatile organic compound (VOC), and non-VOC toxic air pollutant emitted.
- <sup>C</sup> The additional fee applies to each stack and other emission points, including sources of fugitive emissions (e.g., fugitive dust emissions from crushing operations; storage piles; mixing and clean-up associated with surface coating). For gasoline stations, each gasoline tank vent is an emission point.
- <sup>D</sup> The additional fee applies to each Synthetic Minor.

<sup>E</sup> The additional fee applies to each source required by the Agency to submit an annual emissions inventory for entry into the Washington Emission Data System (WEDS). SRCAA staff time spent processing and reviewing WEDS will be tracked in 15 minute increments and charged at the hourly rates provided in the fee schedule.

2. The Board shall periodically review the fee schedule for registered sources and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board may amend the fee schedule to more accurately recover program costs.

C. The annual fee for each air operating permit source shall be determined as follows:

1. The Board shall periodically review the fees for air operating permit sources and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fees to more accurately recover program costs.

2. For sources that are subject to the air operating permit (AOP) program during any portion of the calendar year:

- a. Annual base fee of \$3,000;
- b. Emission fee of \$31.11 per ton of actual emissions from the previous calendar year;
- c. SRCAA time fee, as determined by the following formula:

$$TF_I = \frac{(H_I + H_G) \times RPC}{H_T}$$

Where,

TF<sub>I</sub> is the SRCAA time fee for AOP source, I;

H<sub>I</sub> is the total SRCAA staff hours spent on AOP source, not including time spent on Notice of Construction application reviews, I;

H<sub>G</sub> is the total general hours SRCAA staff spent on the AOP program divided by the total number of sources subject to the AOP program during any portion of the calendar year;

RPC is the remaining SRCAA AOP program cost, calculated by subtracting the sum of the Section 10.06.C.2.a and b. fees from the total SRCAA AOP program costs; and

H<sub>T</sub> is the total number of hours SRCAA staff spent on the AOP program, including total time spent on the AOP sources and general hours spent on the AOP program.

Note:  $H_I$ ,  $H_G$ ,  $H_T$ , and  $RPC$  are for the most recent SRCAA fiscal year.

Note:  $H_I$ ,  $H_G$ , and  $H_T$  are obtained from SRCAA time accounting records.

- d. AOP Program Cost Correction, as determined by the following formula:

$$PCC_I = \text{AOP Program Cumulative Deficit or Surplus} \times \frac{F_I}{F_T}$$

Where,

$PCC_I$  is the AOP Program Cost Correction assessed to each AOP source,  $I$ ;

AOP Program Cumulative Deficit or Surplus is the cumulative financial deficit or surplus for SRCAA's AOP program at the end of the most recent SRCAA fiscal year;

$F_I$  is the total individual fee assessed pursuant to Section 10.06.C.2.a., b., and c., of this Regulation; and

$F_T$  is the sum of all the individual fees assessed pursuant to Sections 10.06.C.2.a., b., and c. of this Regulation.

- e. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_I \times A_E}{F_T}$$

Where,

$I$  is the individual share of the assessment;

$F_I$  is the total individual fee assessed pursuant to Section 10.06.C.2.a., b., and c. of this Regulation;

$A_E$  is the total Ecology assessment pursuant to RCW 70.94.162(3); and

$F_T$  is the sum of all the individual fees assessed pursuant to Sections 10.06.C.2.a., b., and c. of this Regulation.

3. For affected units under Section 404 (Acid Deposition Standards) of the Federal Clean Air Act (42 USC 7401 et seq):

- a. For time expended in carrying out the fee eligible activities specified in RCW 70.94, an hourly fee will be assessed pursuant to the fee schedule; and

- b. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_I \times A_E}{F_T}$$

Where,

$I$  is the individual share of the assessment;

$F_I$  is the total individual fee assessed pursuant to Section 10.06.C.3.a. of this Regulation;

$A_E$  is the total Ecology assessment pursuant to RCW 70.94.162(3); and

$F_T$  is the sum of all the individual fees assessed pursuant to Sections 10.06.C.3.a. of this Regulation.

**SECTION 10.07 APPLICATION AND PERMIT FEES FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL (NOC) AND FOR NOTICE OF INTENT TO INSTALL AND OPERATE A TEMPORARY STATIONARY SOURCE (NOI)**

A. NOC and NOI Fees

1. Base Fee

a. For each project required by Article V to file a NOC or a NOI, the applicant shall pay a base fee pursuant to the fee schedule. Base fee classes are listed below.

1) Class I – Notice of Intent Permit

Notice of Intent permits for portable stationary sources and temporary stationary sources include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Asphalt plant	15
(b) Concrete batch plant / ready mix plant	22
(c) Rock crusher	36

2) Class II – Simple Notice of Construction Permit

Simple permits generally conform to a template and involve minimal off-site impact evaluation. They include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Boiler and other fuel-burning equipment	27
(b) Coffee roaster	20
(c) Concrete batch plant / ready mix plant	22
(d) Dry cleaner	23
(e) Emergency generator	52
(f) Gasoline dispensing facility	28
(g) Lithographic printing / screen printing	9.e.5
(h) Material handling that exhausts $\geq 1,000$ acfm	24
(i) Rock crusher	36

(j)	Spray booth / surface coating operation	57
(k)	Stationary internal combustion engine	53
(l)	Sterilizer	9.e.8
(m)	Stump / wood waste grinder	54

3) Class III – Standard Notice of Construction Permit

Standard permits generally include those that don't conform to a template and involve minimal off-site impact evaluation. They include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Soil and groundwater remediation operation	9.e.7
(b) Burn out oven	43
(c) Chrome plating	35
(d) Incinerator / crematory	31

4) Class IV – Complex Notice of Construction Permit

Complex permits generally include those that don't conform to a template and involve more complex off-site impact evaluation. They include the following:

<u>Source/Source Category Description</u>	<u>Article IV, Exhibit R Category</u>
(a) Asphalt plant	15
(b) Composting	21
(c) Refuse systems	48
(d) Rendering	49
(e) Sewerage systems	50

b. For sources / source categories not listed in Section 10.07.A.1.a, above, NOI and NOC application review will be assigned to Class I, II, III or IV by the Control Officer on a case-by-case basis.

c. For sources with one or more emission points under one NOC application, as allowed in Section 5.02.G, a separate base fee applies to each emissions unit, or each group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units.

2. Modification / Revision Fee

a. Equipment Modification Fee

Applicants of sources requesting a change in equipment (e.g., replacement or substantial alteration of emission control technology) pursuant to Section 5.10.C of this Regulation shall pay an equipment modification fee pursuant to the fee schedule.

b. Permit Condition Revision Fee

Applicants of sources requesting a change in conditions pursuant to Section 5.10.C of this Regulation shall pay a permit condition revision fee pursuant to the fee schedule, except when a complex permit condition revision fee is required pursuant to Section 10.07.A.2.c.

c. Complex Permit Condition Revision Fee

Applicants of sources requesting a change in conditions pursuant to Section 5.10.C of this Regulation shall pay a complex permit condition revision fee pursuant to the fee schedule when dispersion modeling, impact analysis, or emission calculations are required which are not covered under Section 10.07.A.3.

3. Additional Fees (for each application)

a. SEPA Review Fee

Where review of an Environmental Impact Statement (EIS), Environmental Checklist, or an Addendum to, or adoption of, an existing environmental document pursuant to the State Environmental Policy Act (SEPA) Chapter 197-11 WAC is required, in association with a NOC or a NOI, the applicant shall pay a SEPA or EIS review fee pursuant to the fee schedule.

b. Toxics Review Fee

For any new source of air pollution which requires review pursuant to Chapter 173-460 WAC, a toxic air pollutant review fee shall be paid. For sources with one or more emission points under one NOC application, as allowed in Section 5.02.G, a separate toxic air pollutant review fee applies to each emissions unit, or each group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units. The toxic air pollutant review fee shall be as follows:

1) Small Quantity Emission Rate (SQER)

For a new source using WAC 173-460-080(2)(e), SQER, to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070 & WAC 173-460, the applicant shall pay a SQER review fee pursuant to the fee schedule.

2) Dispersion Modeling

For a new source using dispersion screening models (e.g., EPA SCREEN or TSCREEN) under WAC 173-460-080(2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, the applicant shall pay a dispersion modeling review fee pursuant to the fee schedule.

3) Advanced Modeling

For a new source using more refined dispersion models (e.g., EPA ISC3) under WAC 173-460-080(2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070; or for a new or modified source using a second tier analysis under WAC 173-460-090 or a risk management decision under WAC 173-460-100 to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, the applicant shall pay the advanced modeling review fee in the fee schedule.

c. New Source Performance Standards (NSPS) Review Fee

Applicants of any new air pollution source subject to WAC 173-400-115 (NSPS) and 40 CFR Parts 60 shall pay a NSPS review fee according to the fee schedule.

d. National Emission Standard for Hazardous Air Pollutants (NESHAP) Review Fee

Applicants of any new air pollution source subject to WAC 173-400-075 (NESHAP) and 40 CFR Parts 61 and 63 shall pay a NESHAP fee according to the fee schedule.

e. Best Available Control Technology (BACT) Review Fee

1) Generic BACT

Where no BACT review is required (e.g., the applicant demonstrates there is an established and/or recognized BACT standard for the source category type), a BACT review fee is not applicable.

2) Non-Generic BACT Review

A non-generic BACT review is one where a generic BACT standard is not applicable and a top-down BACT review is not required. Applicants of any new air pollution source subject to a non-generic BACT review shall pay a non-generic BACT review fee according to the fee schedule.

3) Top-Down BACT Review (as described in EPA's Draft New Source Review Workshop Manual from October 1990 and as summarized below)

A top-down BACT review is one that requires available control technologies be ranked in descending order of control effectiveness. The most stringent or "top" control technology is first examined. That control technology is established as BACT unless the applicant demonstrates, and the Agency concurs, that technical considerations, energy, environmental, or economic impacts justify a conclusion that the most stringent technology is not achievable in for the project being proposed. If the most stringent control technology is eliminated in this fashion, the next most stringent control technology is considered, and so on. Applicants of any new air pollution source subject to a top-down BACT review shall pay a top-down BACT review fee according to the fee schedule.

B. Payment of Fees

1. At the Time of Application

The base fee shall be paid at the time of application. Review of the application will not commence until the applicable base fee is received.

2. After Application

a. Payment of Fees for Complete Applications

The Agency will invoice the owner, operator, or applicant for all other applicable fees without regard to whether the request(s) associated with this section are approved or denied.

b. Payment of Fees for Incomplete Applications

If an owner, operator, or applicant notifies SRCAA in writing that an incomplete application will not be completed or cancels the application (i.e., the application is neither approved or denied), applicable fees for review performed pursuant to A.2 and A.3 of this section shall be invoiced. If an application remains incomplete for more than 3 months, the owner, operator, or applicant shall be invoiced applicable fees for review performed pursuant to A.2 and A.3 of this section. If review of the application recommences, applicable review fees apply.

C. Incomplete Applications

Applications not accompanied by the base fee will be considered incomplete. In addition, if information requested by the Agency is not provided, the application will be considered incomplete and review of the application will be suspended. Review of the application will commence, or recommence when applicable, when all required fees and information requested by the Agency is received. An application will be cancelled if it remains incomplete for more than 18 months from initial receipt. For review of the cancelled application to resume, the applicant must pay all outstanding invoice fees, if applicable, and resubmit the applicable base fee.

D. Compliance Investigation Fee

Where a compliance investigation is conducted pursuant to Section 5.12 of this Regulation, the compliance investigation fee shall be assessed pursuant to the fee schedule. The fee shall be assessed for each emissions unit, or group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units.

E. Periodic Fee Review

The Board shall periodically review the fee schedule and determine if the total actual fee revenue collected and projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total project fee revenue is either significantly excessive or deficient for this purpose, then the Board may amend the fee schedule to more accurately recover program costs. In general, fees will be greater for permits that are typically more complex or take more time to review and process.

**SECTION 10.08 MISCELLANEOUS FEES**

A. Miscellaneous Fees

1. Emission Reduction Credit

Review of emission reduction credits pursuant to WAC 173-400-131 shall require the applicant to pay an emission reduction credit fee pursuant to the fee schedule.

2. Variance Request

Processing a variance request pursuant to RCW 70.94.181 or Article III of this Regulation shall require the applicant to pay a fee pursuant to the fee schedule.

3. Alternate Opacity

Review of an alternate opacity limit pursuant to RCW 70.94.331(2)(c) shall require the applicant to pay an alternate opacity fee pursuant to the fee schedule.

4. Other

Applicants of other services including those listed below shall pay a fee pursuant to the fee schedule.

- a. Requests pursuant to the following sections of this Regulation: Sections 6.13.E.3.j; 6.13.F.4; 6.13.F.6; 6.13.F.9; 6.13.F.10; and 6.13.F.11.
- b. Registration exemption requests.
- c. Other.

B. Periodic Fee Review

The Board shall periodically review the fee schedule and determine if the total actual fee revenue collected and projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total project fee revenue is either significantly excessive or deficient for this purpose, then the Board may amend the fee schedule to more accurately recover program costs. Fees in the fee schedule will be based on actual and projected employee costs and overhead. Fees will be set at an hourly rate.

**SECTION 10.09 ASBESTOS PROJECT AND DEMOLITION NOTIFICATION WAITING PERIOD AND FEES**

A. Written notification, as required in Article IX, Section 9.04, shall be in accordance with the waiting period in the tables that follow and shall be accompanied by the appropriate nonrefundable fee, as specified in the fee schedule.

<b>Owner-occupied, single-family residence</b>	<b>Waiting Period</b>
> 0 ln ft and/or > 0 sq ft asbestos performed by residing owner	Notification Not Required
< 10 ln ft and/or < 48 sq ft asbestos not performed by residing owner	Notification Not Required

≥ 10 ln ft and/or ≥ 48 sq ft asbestos not performed by residing owner	Prior Notice
All Demolition	3 Days

<b>Not owner-occupied, single-family residence</b>	<b>Waiting Period</b>
< 10 ln ft and/or < 48 sq ft asbestos	Notification Not Required
10-259 ln ft and/or 48-159 sq ft asbestos	3 Days
260-999 ln ft and/or 160-4,999 sq ft asbestos	10 Days
≥ 1,000 ln ft and/or ≥ 5,000 sq ft asbestos	10 Days
All Demolition	10 Days

<b>Additional categories</b>	<b>Waiting Period</b>	<b>Reference</b>
Emergency	Prior Notice*	Sect. 9.04.A.6.h.
Annual Notification (≤ 259 ln ft and/or ≤ 159 sq ft)	Prior Notice	Sect. 9.04.A.6.j
Amendment	Prior Notice	Section 9.04.B.
Alternate Asbestos Project Work Practices	10 days	Section 9.08.A.
Demolition with Nonfriable Asbestos Roofing	10 days	Section 9.08.B.
Exception for Hazardous Conditions	10 days	Section 9.08.C.

\* If prior notice isn't possible because of life endangerment or other serious consequences, the Agency may accept, at its discretion, a completed emergency notification if it is filed no later than the first regular Agency work day after the asbestos project and/or demolition commenced.

- B. The Board shall periodically review the fee schedule for notifications submitted pursuant to Section 9.04 and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board may amend the fee schedule to more accurately recover program costs.

#### **SECTION 10.10 SOLID FUEL BURNING DEVICE EXEMPTIONS**

- A. An initial nonrefundable fee of \$25 shall be paid for review of any exemption request to use solid fuel combustion device during periods of impaired air quality. An annual nonrefundable renewal fee of \$10 will be required each year thereafter. These fees may be waived for emergency situations.
- B. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

#### **SECTION 10.11 RESERVED**

#### **SECTION 10.12 AGRICULTURAL BURNING FEES**

- A. For agricultural burning permits issued by the Agency pursuant to Section 6.11 of this Regulation, a fee equal to the maximum fee provided for in Chapter 173-430 WAC shall be submitted with a complete agricultural burning permit application.
- B. Refunds of fees collected by the Agency will be provided for acres or tons permitted but not burned, provided that the total nonrefundable fee is no less than the minimum fee specified in Chapter 173-430 WAC.

- C. Acreage equivalency, if applicable, shall be in accordance with the determination of the agricultural burning practices and research task force pursuant to Chapter 173-430 WAC.
- D. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

**SECTION 10.13 OUTDOOR BURNING PERMIT FEES**

For outdoor burning permit applications, submitted to the Agency pursuant to Section 6.01 of this Regulation, a nonrefundable fee shall accompany the application. Fees shall be paid without regard to whether the associated request(s) are approved or denied. The applicant shall pay a fee at the time of application (except for hourly fees, which will result in a billing invoice being sent to the applicant from the Agency) pursuant to the fee schedule and shall submit a complete application pursuant to the advance application period indicated in the table below.

<b>Type of Outdoor Burning</b>	<b>Advance Application Period</b>
Residential Land Clearing	10 working days
Social Event Fires (>3' in diameter or >2' in height)	3 working days
Storm or Flood Debris	5 working days
Other Outdoor Burning as defined in Chapter 173-425 WAC	10 working days

**SECTION 10.14 PAVING WAIVER FEES**

- A. A minimum nonrefundable filing and review fee as specified in the fee schedule shall accompany all paving waiver requests submitted to the Agency. After the first hour of filing and review, an additional hourly fee as specified in the fee schedule shall be paid by the applicant for each hour of time expended by the Agency in carrying out the review.
- B. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.