

# ARTICLE X

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## FEES AND CHARGES

ADOPTED: September 12, 1991

REVISED: ~~June 1, 2017~~ December 7, 2017

EFFECTIVE: ~~July 3, 2017~~ TBD, January 15, 2018

### SECTION 10.01 DEFINITIONS

- (A) Unless a different meaning is clearly required by context, words and phrases used in Regulation I, Article X, shall have the following meaning:
- (1) 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 10.06(B)(2). 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 NOC or registration form.
  - (2) Registration Period means the calendar year for which an annual fee has been assessed per Section 10.06(B)(1).

### SECTION 10.02 FEES AND CHARGES REQUIRED

- (A) **Additional Fee for Failure to Pay.** Any fee assessed under Article X shall be paid within forty-five (45) days of assessment. Failure to pay an assessed fee in full within ninety (90) days of assessment will result in the imposition of an additional fee equal to three (3) times the amount of the original fee assessed.
- (B) **Revenues Collected per RCW 70.94.161.** Revenues collected per RCW 70.94.161 shall be deposited in the operating permit program dedicated account and shall be used exclusively for the program.
- (C) **Method of Calculating Fees in Article X.** Invoice totals will be rounded-up to the nearest one (1) dollar, except for photocopy and postage fees.
- (D) **Periodic Fee Review.** The Board shall periodically review all agency fees in the Fee Schedule, and determine if the total projected fee revenue to be collected is sufficient to fully recover direct and indirect program costs. If the Board

determines that the total projected fee revenue significantly exceeds or is insufficient for the program costs, then the Board shall amend the Fee Schedule to more accurately recover program costs. Any proposed fee revisions shall include opportunity for public review and comment.

### **SECTION 10.03 FEES OTHERWISE PROVIDED**

All fees and charges provided for in 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) Photocopy. A fee of \$0.15 per page for photocopies shall be charged (RCW 42.56.120).
- (B) Postage. The actual cost of postage shall be charged for all material requested to be mailed [RCW 42.56.070(7)(a)].
- (C) Other Services. For other administrative services requested and performed by Agency staff, which are not provided to the public generally, the Control Officer shall determine such charge as reasonably reimburses the Agency for time and materials expended in providing the service.

### **SECTION 10.06 ANNUAL REGISTRATION AND ANNUAL AIR OPERATING PERMIT (AOP) FEES FOR AIR CONTAMINANT SOURCES**

- (A) Annual Fee. Each source required by Regulation I, Article IV, Section 4.01 to be registered, each AOP source, and each source required by Article V, Section 5.02 to obtain an approved Notice of Construction (NOC) and Application for Approval is required to pay an annual fee for each calendar year, or portion of each calendar year, during which it operates. The owner, operator, or both, shall be responsible for payment of the fee per the requirements in Article X, Section 10.06. Fees received as part of the registration program or the operating permit program shall not exceed the actual costs of program administration.

(B) Annual Registration Fee. The annual fee for each source required by Article IV, Section 4.01 to be registered and that is not subject to Article X, Section 10.06(C) shall be determined by adding all of the applicable fees below:

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

<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.

- (2) Calculating Annual Registration Fee without Required Registration Information. When registration information required in Article IV, Section 4.02 is not provided, the annual registration fee will be based on the source's maximum potential production rate. This method will be used:
- (a) When registration information is not received within ninety (90) days of request, or
  - (b) Prior to the registration fee invoice date, whichever is later.

(C) Annual AOP Fee. The annual fee for each AOP source shall be determined as follows:

- (1) AOP Annual Fee. For sources that are subject to the AOP program during any portion of the calendar year, the annual fee shall be determined by adding all of the applicable fees described below:
- (a) Annual base fee per the Fee Schedule.
  - (b) Emission fee per the Fee Schedule.
  - (c) Agency time fee, as determined per the Fee Schedule.
  - (d) AOP Program Cost Correction, as determined per the Fee Schedule.
  - (e) A share of the assessment by Ecology per RCW 70.94.162(3), as determined per the Fee Schedule.

- (2) Acid Deposition Fee. For affected units under Section 404 (Acid Deposition Standards) of the Federal Clean Air Act (42 USC 7401 et seq), the air operating permit fee shall be determined by adding all of the applicable fees described below:
- (a) The AOP Acid Deposition Fee shall be calculated as follows:
    - 1. Hourly Fee. The hourly fee is calculated by multiplying the total staff time spent in reviewing and processing the request (rounded-up to the nearest half-hour), by the hourly rate as listed in the Fee Schedule, for time expended in carrying out the fee eligible activities specified in Chapter 70.94 RCW; and
    - 2. Ecology Assessment. A share of the assessment by Ecology per RCW 70.94.162(3), as determined per the Fee Schedule.
  - (b) Hourly Rate. The hourly rate is calculated by:  

$$\text{Hourly Rate} = \frac{\text{Total AOP Program Costs}}{\text{Total AOP Program Hours}}$$
  - (c) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) recent fiscal years, rounded-up to the nearest one (1) dollar.

**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**

- (A) NOC and Notice of Intent Fees.
  - (1) Base Fee.
    - (a) For each project required by Regulation I, Article V, to file a NOC or a Notice of Intent, the applicant shall pay a base fee per the Fee Schedule. Base fee classes are listed below.
      - 1. Class I – Notice of Intent. Notice of Intent to install and operate portable stationary sources and temporary stationary sources include the following:

Source/Source Category Description	Article IV, Exhibit R Category
Asphalt plant	15
Concrete batch plant / ready mix plant	22
Rock crusher	36

2. Class II – Simple NOC. Simple NOCs include the following:

Source/Source Category Description	Article IV, Exhibit R Category
Boiler and other fuel-burning equipment	27
Coffee roaster	20
Concrete batch plant / ready mix plant	22
Dry cleaner	23
Emergency generator	52
Gasoline dispensing facility	28
Lithographic printing / screen printing	9.e.5
Material handling that exhausts > 1,000 acfm	24
Rock crusher	36
Spray booth / surface coating operation	57
Stationary internal combustion engine	53
Sterilizer	9.e.8
Stump / wood waste grinder	54

3. Class III – Standard NOC. Standard NOCs include the following:

Source/Source Category Description	Article IV, Exhibit R Category
Soil and groundwater remediation operation	9.e.7
Burn out oven	43
Chrome plating	35
Incinerator / crematory	31

4. Class IV – Complex NOC. Complex NOCs include the following:

Source/Source Category Description	Article IV, Exhibit R Category
Asphalt plant	15
Composting	21
Refuse systems	48

Rendering	49
Sewerage systems	50

- (b) For sources / source categories not listed in Section 10.07(A)(1)(a), Notice of Intent 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 Article V, 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) Fees for Changes to an Order of Approval or Permission to Operate.
- (a) An owner or operator requesting a modification, revision, and/or change in conditions of an approved Order of Approval or Permission to Operate, under Article V, Section 5.10.C., shall pay a revision fee as listed in the Fee Schedule. The revision fee will be assessed each time a request is submitted and will be invoiced to the owner or operator, or both with the final determination.
  - (b) The revision fee is calculated by adding all the applicable fees described below:
    - 1. Minimum Fee. The minimum fee, as listed in the Fee Schedule, will be assessed for all revision request reviews. The minimum fee includes the first three (3) hours of staff time spent in reviewing and processing the request; and
    - 2. Hourly Fee. The hourly fee is calculated by multiplying the total staff time spent in reviewing and processing the request beyond the first three (3) hours covered in 10.07(A)(2)(b)1. (rounded-up to the nearest half-hour), by the hourly rate as listed in the Fee Schedule.
  - (c) Fee Determinations.
    - 1. Flat Fee. The revision flat fee is calculated by multiplying three (3) hours by the hourly rate listed in the Fee Schedule.
    - 2. Hourly Rate. The hourly rate is calculated by:
 
$$\text{Hourly Rate} = \frac{\text{Total NOC and NOI Program Costs}}{\text{Total NOC and NOI Program Hours}}$$
    - 3. Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) recent fiscal years, rounded-up to the nearest one (1) dollar.
- (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 per the State Environmental Policy Act (SEPA) Chapter 197-11 WAC is required, in association with a NOC or a Notice of Intent, the applicant shall pay a SEPA or EIS review fee per the Fee Schedule.

- (b) **Toxics Review Fee.** For any new source of air pollution which requires review per 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 Article V, 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)(b), 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 per 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)(a) 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 per 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)(a) 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 per 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 per 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 per 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 per 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 here). A top-down BACT review requires the ranking of available control technologies in descending order of control effectiveness. Applicants of any new air pollution source subject to a top-down BACT review shall pay a top-down BACT review fee per the Fee Schedule.

(B) Payment of Fees.

- (1) Upon Submission of Application. The base fee shall be paid at the time the application is submitted. Review of the application will not commence until the applicable base fee is received.
- (2) After Application.
  - (a) Complete Applications. The Agency will invoice the owner, operator, or both, for all other applicable fees. The fees shall be paid whether the application is approved or denied.
  - (b) Incomplete Applications.
    1. If an owner, operator, or both, notifies the Agency in writing that an application will not be completed or cancels the application; or the application remains incomplete for more than three (3) months; the Agency will invoice the owner, operator, or both, for payment of applicable fees.
    2. Applications not accompanied by the base fee will be considered incomplete. 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 all required fees and information requested by the Agency is received. An application will be cancelled if it remains incomplete for more than eighteen (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.

(C) Compliance Investigation Fee. When a compliance investigation is conducted per Article V, Section 5.12, the compliance investigation fee shall be assessed per



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 calculations can be used to characterize emissions from each of the emissions units.

## **SECTION 10.08 MISCELLANEOUS FEES**

### **(A) Miscellaneous Fees.**

#### **(1) Emission Reduction Credit Fee.**

(a) Review of emission reduction credits per WAC 173-400-131 shall require the applicant to pay an emission reduction credit fee per the Fee Schedule.

(b) The fee is calculated by multiplying the total staff time spent reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, per the Fee Schedule.

(c) Hourly Rate. The hourly rate is calculated by:

$$\text{Hourly Rate} = \frac{\text{Total NOC and NOI Program Costs}}{\text{Total NOC and NOI Program Hours}}$$

(d) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) recent fiscal years, rounded-up to the nearest one (1) dollar.

#### **(2) Variance Request Fee.**

(a) Processing a variance request per RCW 70.94.181 or Regulation I, Article III, shall require the applicant to pay a variance request fee per the Fee Schedule. The fee will be assessed each time a request is submitted and will be invoiced to the applicant with the final determination.

(b) The variance request fee is calculated by adding all of the applicable fees described below:

1. Filing fee per the Fee Schedule.
2. Agency legal fees.
3. Agency legal notice fees.
4. Hourly fee. The hourly fee is calculated by multiplying the total staff time spent in reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, as listed in the Fee Schedule.

(c) Fee Determination.

1. The hourly rate is calculated by:

$$\text{Hourly Rate} = \frac{\text{Total Program Costs}}{\text{Total Program Hours}}$$

2. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out

of the four (4) recent fiscal years, rounded-up to the nearest one (1) dollar.

- (3) Alternate Opacity Fee.
- (a) Review of an alternate opacity limit per RCW 70.94.331(2)(c) shall require the applicant to pay an alternate opacity fee per the Fee Schedule.
  - (b) The fee is calculated by multiplying the total staff time spent in reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, as listed in the Fee Schedule.
  - (c) Hourly Rate. The hourly rate is determined by:  
$$\text{Hourly Rate} = \frac{\text{Total NOC and NOI Program Costs}}{\text{Total NOC and NOI Program Hours}}$$
  - (d) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) recent fiscal years, rounded-up to the nearest one (1) dollar.
- (4) Other Services Fee.
- (a) Applicants of other services including:
    - 1. Requests under the following sections of Regulation I, Article VI, 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.
    - 2. Registration exemption requests.
    - 3. Other.
  - (b) Applicants shall pay a fee per the Fee Schedule.
  - (c) The fee is calculated by multiplying the total staff time spent in reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, as listed in the Fee Schedule.
  - (d) Hourly Rate. The hourly rate is calculated by:  
$$\text{Hourly Rate} = \frac{\text{Total NOC and NOI Program Costs}}{\text{Total NOC and NOI Program Hours}}$$
  - (e) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) recent fiscal years, rounded-up to the nearest one (1) dollar.
- (B) Payment of Fees. The Agency will invoice the owner, operator, or both, for all applicable fees. The fees shall be paid without regard to whether the request(s) associated with Article X, Section 10.08(A)(1), (2), (3) and (4) are approved or denied; except Section 10.08(A)(2) as provided in Article III, Section 3.02.B.

**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. Refunds are allowable for overpayments which are identified within thirty days of the notification filing date.

<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, but asbestos removal threshold of ≥ 10 ln ft and/or ≥ 48 sq ft has not been exceeded for structure in calendar year and project WILL NOT exceed threshold of ≥ 10 ln ft and/or ≥ 48 sq ft asbestos removal from structure in calendar year	Notification Not Required
Project consists of < 10 ln ft and/or < 48 sq ft of asbestos removal, but ≥ 10 ln ft and/or ≥ 48 sq ft asbestos has already been removed from structure in calendar year or project WILL exceed threshold of ≥ 10 ln ft and/or ≥ 48 sq ft asbestos removal from structure in calendar year	Prior Notice
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.7.h.

Annual Notification ( $\leq 259$ ln ft and/or $\leq 159$ sq ft)	Prior Notice	Sect. 9.04.A.7.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.

### **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 a 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 per Regulation I, Article VI, Section 6.11, 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 per Chapter 173-430 WAC.

- (D) Fees shall be paid without regard to whether the request(s) associated with Article X, Section 10.12 are approved or denied.

**SECTION 10.13 OUTDOOR BURNING WAITING PERIOD AND FEES**

- (A) Permit Application. An outdoor burning permit application must be completed and submitted to the Agency per Regulation I, Article VI, Section 6.01. Incomplete applications and applications received without the applicable fee will be returned to the applicant.
- (B) Advance Application Period. A complete and accurate application must be received by the Agency in advance of the first proposed burn date by the number of working days specified in the table below.

Type of Outdoor Burning	Working Days*
Social Event Fires (Sect. 6.01.D.9.)	10
Storm or Flood Debris Burning (Sect. 6.01.D.10.)	10
Types of Other Outdoor Burning Not Listed in Sections 6.01.D.1.-12. (Sect. 6.01.D.13.)	10

\*Unless otherwise approved by the Agency.

- (C) Permit Application Fees.
- (1) Review Fee. A nonrefundable review fee per the Fee Schedule shall accompany all outdoor burning permit applications. The fee shall be paid whether or not burning is conducted.
- (2) Hourly Fee for Other Outdoor Burning Permits (Section 6.01.D.13.). The hourly fee is calculated by multiplying the total staff time spent in reviewing and processing the outdoor burning application beyond the first one (1) hour covered in Section 10.13(C)(1) (rounded-up to the nearest half-hour) and multiplied by the hourly rate, as listed in the Fee Schedule. A billing invoice for the hourly fee will be sent to the applicant. The entire fee assessed on the invoice is nonrefundable, and shall be paid whether or not burning is conducted.
- (3) Fee Determination.
- (a) Hourly Rate. The hourly rate is determined by:
- $$\text{Hourly Rate} = \frac{\text{Total Outdoor Burning Program Costs}}{\text{Total Outdoor Burning Program Hours}}$$
- (b) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) recent fiscal years, rounded-up to the nearest one (1) dollar.

**SECTION 10.14 PAVING WAIVER FEES**

- (A) Review Fee.
- (1) A minimum nonrefundable review fee as specified in the Fee Schedule shall accompany all paving waiver requests submitted to the Agency. The fee shall be paid whether or not the paving waiver is approved or denied.
  - (2) Paving waiver review fee is calculated by multiplying the hourly rate by one (1) hour.
  - (3) Hourly Rate. The hourly rate is determined by:  

$$\text{Hourly Rate} = \frac{\text{Average of compliance activities program costs}}{\text{Average of compliance activities program hours}}$$
  - (4) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) recent fiscal years, rounded-up to the nearest one (1) dollar.

**SECTION 10.15 MARIJUANA PRODUCTION AND MARIJUANA PROCESSING REGISTRATION AND APPLICATION FEES**

- (A) Initial Registration Fee. Each source required by Article IV, Exhibit R to be registered is required to pay an initial registration fee for the first calendar year or portion of calendar year that the source is part of the Agency registration program. The owner or operator will be responsible for payment of the initial registration fee. After the first year, the owner or operator will pay an annual registration fee under Section 10.15(B).
- (1) The initial registration fee is determined by each unique LCB number, license type, and tier level. A separate initial registration fee is required for each unique LCB license number regardless of location. The initial registration fee will be determined by the fee table below:

<u>Registration Fee Categories</u>	<u>LCB Producer Tier Size</u>		
	<u>LCB Tier 1</u>	<u>LCB Tier 2</u>	<u>LCB Tier 3</u>
<u>Producer with processor license</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>
<u>Processor only</u>	<u>Per the Fee Schedule</u>		
<u>Producer only</u>	<u>Per the Fee Schedule</u>		

LCB = WA State Liquor and Cannabis Board

(B) Annual Registration Fee. Each source required by Article IV, Exhibit R to be registered is required to pay an annual registration fee for each calendar year or portion of each calendar year during which it operates. The owner or operator will be responsible for payment of the annual registration fee. Fees received as part of the marijuana registration program will not exceed the actual costs of program administration.

(1) The annual registration fee is required for each LCB licensed producer and LCB licensed processor. The fee is determined by each unique LCB number, license type, and tier level. A separate registration fee is required for each unique LCB license number regardless of location. The annual fee will be determined by the fee table below:

<u>Registration Fee Categories</u>	<u>LCB Producer Tier Size</u>		
	<u>LCB Tier 1</u>	<u>LCB Tier 2</u>	<u>LCB Tier 3</u>
<u>Producer indoor only</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>
<u>Producer outdoor only</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>
<u>Producer indoor and outdoor</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>
<u>Producer w/ Agency granted production exemption</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>	<u>Per the Fee Schedule</u>
<u>Processor with producer license</u>	<u>Per the Fee Schedule</u>		
<u>Processor only</u>	<u>Per the Fee Schedule</u>		

LCB = WA State Liquor and Cannabis Board

(2) Calculating Marijuana Annual Registration Fee without Required Registration Information. When registration information required in Article IV, Section 4.02 is not provided, the annual registration fee will be based on fees listed in Section 10.15(B)(1), plus an additional fee equal to two (2) times the amount of original fee assessed. This method will be used:

- (a) When registration information is not received within ninety (90) days of request, or
- (b) Prior to the registration fee invoice date, whichever is later.