



Concise Explanatory Statement for Amendments to Article X: Fees and Charges

Summary of rulemaking and response to comments

Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Provide Spokane Regional Clean Air Agency's response to public comments.

Reason for Adopting the Regulation

The rulemaking amended several sections of Spokane Regional Clean Air Agency Regulation I, Article X: Fees and Charges. The purpose of the amendments were to align SRCAA's public records fees with the state's Public Records Act, and update the fee structure to move toward cost-recovery for the Notice of Construction / Notice of Intent permitting program.

The table on the following page explains changes made to Article X: Fees and Charges.

Section	Changes
10.02 - Fees and Charges Required, Subsection (C)	Revise 10.02(C) Method of Calculating Fees in Article X to clarify that public records fees are excluded from the fee calculation section because fees are set by state statute and therefore not set by SRCAA
10.04 – Reserved	Rename title to Fee Waiver (Repealed 10/7/10, Res. 10-15) to follow state Code Revisers Office guidance that when a section is repealed, it is no longer available for use
10.05 - General Administrative Fees, Subsections (A-C)	<p>Revise Section 10.05(A) Public Records Fees to comply with 2017 legislative amendments that updated the fee structure in the Public Records Act, Chapter 42.56 RCW.</p> <p>Eliminate 10.05(B) Postage because postage content is now in 10.05(A), renumber (C) Other Services to (B)</p>
10.07 – Application and Permit Fees for Notice of Construction and Application for Approval and for Notice of Intent to Install and Operate a Temporary Stationary Source, Subsections (A-B)	<p>Revise fee structure to move fee based program towards cost recovery and allow for a more equitable distribution of fees, small businesses with less complex permits will pay less than large businesses with more complex permits:</p> <p>Section 10.07(A)(1)(a) update NOI / NOC classifications</p> <p>Section 10.07(A)(1)(b) update NOI / NOC fee structure to a structure that charges a Base Fee for each class that covers a defined number of review hours covered by the Base Fee</p> <p>10.07(A)(1)(c) set hourly fee charged when staff review and processing hours exceed base fee hours for each class</p> <p>10.07(A)(1) (e) add hourly fee determinations</p> <p>Section 10.07(A)(2) clarify that fees are for new and modified NOC & NOI</p> <p>Delete 10.07(A)(3)(b-e) Additional Fees and move SEPA fees from 10.07(A)(3)(a) to 10.07(A)(1)(d)</p> <p>Section 10.07(B) clarification edits for payment of fees</p>

Differences Between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires Spokane Regional Clean Air Agency to describe the differences between the text of the proposed rule as published in the Washington State Register and the text of the rule as adopted, other than editing changes, and stating the reasons for the differences.

There were no changes between the proposed rule filed with the Code Revisers on September 13, 2018, and the November 1, 2018 rule adopted by Spokane Regional Clean Air Agency Board of Directors.

Response to Comments

Spokane Regional Clean Air Agency accepted comments between October 1, 2018 and November 1, 2018. A public hearing was held during the Spokane Regional Clean Air Agency Board of Directors meeting on November 1, 2018.

Notice of comment period and hearing was:

- Published in the Spokesman Review on October 1, 2018;
- Published on Spokane Clean Air's website "hearings and notices" section from October 1 – November 1, 2018;
- Developed a rulemaking information sheet available on Spokane Clean Air's website October 1 – November 1, 2018
- Distributed by email to Spokane Clean Air's regulatory list serve on October 1, 2018;
- Distributed by email to regulatory and community partners on October 1, 2018;
- Mailed postcard to Spokane Clean Air's registered source with NOC/NOI list on October 2, 2018;
- Published in the Washington state Register publication #18-19-030 on October 2, 2018;
- Emailed CAP Update Newsletter to the business compliance assistance list serve on October 5, 2018
- Mailed CAP Update Newsletter to the registered source list on October 12, 2018; and
- Published in the Spokesman Review on October 29, 2018.

One comment was received for this rulemaking.

Marcy Cockle:

"I am voicing my concern to not increase charges through SRCAA's

I am a small business and can't afford the increase rates. Please don't increase rates."

Spokane Regional Clean Air Agency (SRCAA) Response:

Businesses pay the Notice of Construction (NOC) fee if installing equipment that requires an NOC. The NOC fee is a one-time fee to permit the equipment. The permit lasts the life of the equipment at that business.

SRCAA has annual registration fees that all registered businesses pay annually. The registration fees are not part of this rulemaking.