



Concise Explanatory Statement

for Amendments to SRCAA Regulation I, Articles I, II, III, IV, V, VI, VII and X, and the Consolidated Fee Schedule

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 (SRCAA) response to written and oral comments.

Reason for Adopting the Regulation

SRCAA adopted the amendments to SRCAA Regulation I, Articles I, II, III, IV, V, VI, VIII and X and the Consolidated Fee Schedule to update the RCW citing, after the state legislature changed the Clean Air Act from Chapter 70.94 to Chapter 70A.15. SRCAA also used this opportunity to correct typographical errors; improved consistency with state rules and regulation; remove obsolete regulatory language; update formatting in Articles III and VIII and make administrative corrections. The updates aligned the state of emergency wood heating exemption text to the emergency power outage text that the state legislature updated in 2016.

The amendments support the agency’s implementation of the WA Clean Air Act, allow SRCAA to meet the state legislatures deadline to update the RCW citing, improve readability, accuracy, and alignment of local regulations to the clean air act. The proposed amendments will not change fees or add new requirements for businesses and residents to meet.

The table below summarizes the adopted changes.

Section	Section Title	Action
1.01	Policy	Update RCW # in (A) & (C). Clarification text in (A) “whose jurisdiction is” and (B) “...public policy RCW 70A.15.1005”.

Section	Section Title	Action
1.04	General Definitions	Update RCW # in (16) BACT; (21) Bubble; (38) Emission Standard and Emission Limitation; (39) Emissions Unit; (40) Episode; (76) Order; (99) Regulatory Order; (102) Silvicultural Burning; and (105) SRCAA. Correct typo in (1)(c) remove a comma; Clarification text in (36) Emission point add "including".
2.01	Powers and Duties of the Board	Update RCW # in (A) & (C).
2.03	Confidential or Proprietary Information	Update RCW #.
2.04	Violations	Update RCW #.
2.05	Orders and Hearings	Update RCW #.
2.08	Falsification of Statements or Documents, and Treatment of Documents	Update RCW # in (B); (C); (E); and (F). Correct typo in (A) change "their" to "its".
2.11	Criminal Penalties, Civil Penalties, and Additional Means of Enforcement	Update RCW #.
2.12	Restraining Orders – Injunctions	Update RCW #.
2.13	Federal and State Regulation Reference Date	Update ABR dates in (A) and (B) from 1/1/20 to 1/1/23. Remove outdated text in (B) referring to dates in 2.14, as there are no dates in 2.14.
2.14	Washington Administrative Codes (WACs)	Add subsection (A)12 to adopt by reference 197-11 WAC, SEPA rule.
2.20	40 CFR Part 62 – Approval and Promulgation of State Plans for Designated Facilities and Pollutants	Add subsection.
3.01	Variances – Application for – Considerations – Limitations – Renewals – Review	Update RCW # in (A); (B)(2)(a); (C) (1) & (2); and (I). Update formatting. Process clarification text in (B) add "variance in writing"; (B)(2) add "make a determination"; (D)(11) simplify sentence; (E)(2) add "variance that pertains to SRCAA Regulation I and a state rule".
3.02	Fees	Update formatting. Clarification text that filing fee paid with application submittal (A)(1).
4.01	Registration Required	Update RCW # in (A).
4.04	Stationary Sources and Source Categories Subject to Registration	Update RCW # in (A)(4)(a)2. Spell acronym in (A)(2)(b); Remove pneumatic conveyor from (A)(4)(d) description.
5.02	New Source Review – Applicability and When Required	Update RCW # in (F). Technical NSR correction in (D), PSP subject to applicability

Section	Section Title	Action
		criteria in 4.04 just as NOCs are. Correct typo (I)(1); add surface coating exemption text that erroneously was deleted in prior to NSR rulemaking (I)(1)(c) and remove registration exemption text, as it is covered in 5.08.
5.04	Information Required	Update RCW # in (A) and (A)(6).
5.05	Public Involvement	Update RCW # in (C)(8) and (G). Correct typos in (C)(5) change “any” to “an”; and in (D)(1) change “extent” to “extend”; (D)(7) add “timely” for clarification.
5.07	Processing NOC Applications for Stationary Sources	Update RCW # in (A)(3)(a) and (b); and (B)(2)(c). Update format of WAC list in (A)(1) to include titles. Add “proposed” to (B)(4) for clarification.
5.08	Portable Sources	Update RCW # in (A)(4); and (B)(1). Technical NSR correction in (A)(1), PSP subject to applicability criteria in 4.04 just as NOCs are. (A)(6)(a), typo correction add an “a”; Clarification text on registration exemptions moved from (D)(3) to (B)(4); Clarification in (C)(1) adding “a longer time”.
5.10	Changes to an Order of Approval or Permission to Operate	Update RCW # in (D)(1); and (D)(1)(c). Clarification in (C)(2) add “for”; and (D)(1) delete “and”.
5.13	Order of Approval Construction Time Limits	Update RCW # in (B)(1); and (B)(4).
6.01	Outdoor Burning	Update RCW # in (B)(1)(a) and (b); (C)(2) and (3); (D)(1)(a) and (a)1.b.; (D)(1)(c) and (d); (D)(3), (4), (5)(c), (6) and (6)(a); (D)(10), (11), (12), (13); (F)(1), (3), (4), (5), (14); and (G)(1). Corrections or administrative updates: (C)(1), delete “s”; (D)(1)(b) correct mis-spelling; (D)(3) add acronym USC to follow formatting; (E)(1)(a), delete “the” and (b) delete “as incomplete”, (8)(c) add an “s”; (D)(10)(a) clarification text on submitting storm/flood application; (F)(1) correct a mis-spelling; (F)(10) change “of” to “after”; Throughout add commas when needed for example (D)(7).
6.04	Emission of Air Contaminant: Detriment to Person or Property	Update RCW # in (B); (D); and (G).
6.11	Agricultural Burning	Update RCW # in (D); (E)(1), (5)(d), (7); (F); (G)(5); (J)(4); and (K)(5)(b). Change agency name to SRCAA in (I)(4).
8.01	Purpose	Update formatting.
8.02	Applicability	Update formatting.
8.03	Definitions	Update RCW # (18) & (20). Update formatting. Add emergency power outage definition in (6) to align with RCW 70A.15.3580(5)(a & b), and then renumber section.

Section	Section Title	Action
		Add map graphic to smoke control zone definition. Update Method 28A citing in (11) and (21). Update 40 CFR PART 60 citing in (8), (11) and (21).
8.04	Emissions Performance Standards	Update formatting.
8.05	Opacity Standards	Update formatting.
8.06	Prohibited Fuel Types	Update formatting.
8.07	Curtailment (Burn Ban)	Update RCW # in (A)(1), (2)(a), (3), (3)(b)1., (3)(b)2.; and (5). Update formatting.
8.08	Exemptions	Update RCW # (A)(2)(c). Update formatting. Update state of emergency exemption in (A)(4) to emergency power outage and align text to state clean air act RCW 70A.15.3580(5)(a & b). In 2016 the state legislature made changes to the RCW (HB2785).
8.09	Procedure to Geographically Limit Solid Fuel Burning Devices	Update RCW # (A). Update formatting.
8.10	Restrictions on Installation and Sales of Solid Fuel Burning Devices	Update RCW # (B), (C), (D). Update formatting.
8.11	Regulatory Actions and Penalties	Update formatting.
10.01	Definitions	(A)(1) Spell out NOC.
10.02	Fees and Charges	Update RCW # in (C). Rework (A) to separate late fee from penalty, and create new penalty subsection (B) and align with RCW penalty text. Renummer rest of section. Update (E) to include "consolidated".
10.06	Annual Registration and Annual Air Operating Permit Fees	Update RCW # in (C)(1)(e), (C)(2)(a)1. and 2. Clean up text in (A); Add the word "consolidated" throughout section.
10.07	Notice of Construction (NOC) and Portable Source Permit (PSP) Application Fees	Clarification updates throughout tables: Class II: clarify coffee roaster capacity; change gasoline to 1.9 million gallons; add explanatory text that materials handling is baghouses, cyclones; add an "s" to crusher; remove the "s" in exhausts Class III: add Perchloroethylene to dry cleaner description; change gasoline to 1.9 million gallons; add clarification text to internal combustion engine used for back up and not used for back up; add explanatory text that materials handling is baghouses, cyclones; spray booth remove the "s" in exhausts; storage tank

Section	Section Title	Action
		add an “s” to tank
10.08	Miscellaneous Fees	Update RCW # in (A)(2)(a), and (3)(a). Clarify filing fee due when application is submitted in (A)(2)(a) and (b). Add “consolidated” in (A)(4)(c); Edit local citing in (B).
CFS	10.06(C) - Annual Air Operating Permit Fees	Update RCW # 10.06(C)(1)(e), (C)(2)(a)1. and 2.
CFS	10.07 – Notice of Construction (NOC) and Portable Source Permit (PSP) Fees	Clarification updates: Class II: clarify coffee roaster capacity; change gasoline to 1.9 million gallons; add explanatory text that materials handling is baghouses, cyclones; add an “s” to crusher; remove the “s” in exhausts Class III: add Perchloroethylene to dry cleaner description; change gasoline to 1.9 million gallons; add clarification text to internal combustion engine used for back up and not used for back up; add explanatory text that materials handling is baghouses, cyclones; spray booth remove the “s” in exhausts; storage tank add an “s” to tank

Differences Between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires SRCAA 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.

No changes were made.

Response to Comments

SRCAA accepted comments between May 1 and June 2, 2023. A public hearing was held during the June 1, 2023 SRCAA Board of Directors meeting.

Outreach for the comment period and public hearing included:

Tool	Description	Timeframe
Public Comment Period	Receive and track comments.	5/1/23 – 6/1/23
Website	Post a notice/news article under the “hearings and notices” portion of the website. Web article will describe the proposed amendments and link to pertinent information.	5/1/23 – 6/1/23
Email	Email a notice to regulatory update listserv; SEPA partners, community partners	5/1/23

Public Notice	Run a public notice the Spokesman Review	5/1/23
WSR Public Notice	Run the official notice in the WA state register #23-07 & #23-09	5/3/23
Hearing Notice	Run a notice in the Spokesman Review.	5/28/23
Public Hearing	At the June Board of Directors meeting.	6/1/23

Comment Themes and Agency Response

No comments were received for this proposal.