



Concise Explanatory Statement

for Amendments to SRCAA Regulation I, Article X, Section 10.02(E)

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, Article X, Section 10.02(E) Periodic Fee Review, add an option for the SRCAA Board of Directors (Board) to consider fee adjustments for SRCAA fee-based programs as part of its annual budget adoption process to improve agency efficiency.

The Board conducts a Periodic Fee Review of SRCAA's fee-based programs to determine if the total projected fee revenue is sufficient to recover direct and indirect program costs. If fees are not sufficient, the Board's current option is to direct SRCAA staff to pursue rulemaking to amend fees in the agency's Consolidated Fee Schedule. This includes public notice, public comment, and a public hearing.

SRCAA's amendment added the following fee review and adoption option:

The Board as part of its annual budget development and adoption process, program fees may be adjusted by the Urban West Region Consumer Price Index for the previous 12 months ending March 31, or by an alternate factor approved by the Board, not to exceed 4%. If fee adjustments are necessary, they shall be included in a revised Consolidated Fee Schedule for Board approval during its annual budget adoption process. This process includes public notice, public comment, and a public hearing. If the Board determines this option isn't sufficient, it can use the other option.

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 February 26 and April 3, 2025. A public hearing was held during the April 3, 2025 SRCAA Board of Directors meeting.

Outreach for the comment period and public hearing included:

Tool	Description	Timeframe
Public Comment Period	Receive and track comments. Initial comment period was 3/1-4/3. Because of staff schedules and comment period starting on a weekend, we opted to post the notice on the website early and mail postcard and distribute list serve emails early.	2/26/25 – 4/3/25
Website	Post a notice/news article under the “hearings and notices” portion of the website. Web article described the proposed amendments and link to pertinent information.	2/26/25 – 4/3/25
Email	Email a notice to business assistance and regulatory update listserv; SEPA partners, community partners, asbestos service providers, registered sources. List serve emails: 1,879 emails sent, 44% open rate SEPA, community partners emails: 35 emails Source, asbestos email: 497 emails	2/28/25 and 3/3/25
Postcard	Mailed to registered sources, asbestos service providers, outdoor burning permit applicants. 579 postcards mailed.	2/28/25
Public Notice	Run a public notice and a SEPA notice the Spokesman Review 147,000 daily readership	3/2/25 and 3/3/25
WSR Public Notice	Run the CR102 official notice in the WA State Register #25-05	3/5/25
Hearing Notice	Run a notice in the Spokesman Review. 147,000 daily readership	3/30/25
Public Hearing	At the June Board of Directors meeting.	4/3/25
WSR Public Notice	Run the CR103 adoption notice in a future WA State Register publication	TBD

Comments and Agency Response

Email, 2/28/25, mdrmary@gmail.com :

Please do not raise our fees/taxes again, or allow the council to raise them as often as they see fit without allowing citizens to vote on allowing the increase.

Thank you for your time.

Mary Robinson

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for your comment.

Citizens have the opportunity to vote for the elected officials that serve on our Board. Elected officials on our Board include a County Commissioner, a mayor, and a City Council member.

Fees for SRCAA's fee-based programs may be amended when fee revenue and program expenses are not aligned. RCW 70A.15.2040 and 2200 allows the agency to establish and assess fees.

The amendment to Article X, Section 10.02(E) allows the Board to adopt fee adjustments for agency fee-based programs as part of the annual budget development and adoption process. This budget development and budget adoption process allows citizen input, including opportunity for public comment and a public hearing before the Board of Directors vote on budget adoption.

Email, 3/7/25, northgas76@yahoo.com

Got it.

Ambi Singh

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for your receipt notification.

Email, 3/21/25, marcyac@centurytel.net

STAFF: I am against the fee increase for the services from Spokane Clean Air.

We are a very small business and pay the minimum fee, because we do less than the required minimum. With the inflation and all the expenses increasing, this small business is being crippled.

We can't afford another increase in fee.

I hope this email will be submitted during the public hearing so my concerns are heard.

Best,

Marcy Cockle, Vice President, Cockle Custom Welding

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for your comment.

The SRCAA Board of Directors has a long-standing financial goal of full cost recovery for SRCAA's fee-based programs. The amendment allows SRCAA to perform fee adjustments as part of the SRCAA budget adoption process and limit adjustments to the consumer price index factor with a cap of 4%. This is more predictable for sources, avoiding large fee increases that we have experienced in the past.

If program revenues and program costs align, there would be no adjustment to fees during the budget adoption process.

SRCAA understands that fee increases impact large and small businesses. This specific action did not reduce or increase fees. And SRCAA shares your frustration with the inflation the economy has been experiencing.

Oral comment at public hearing, 4/3/25, Linda Bassalt

Paraphrased: I have the same concerns as the written comments. I just had asbestos abatement done, as a homeowner, it's expensive. Keep costs down for businesses and homeowners.

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for your comment. The action taken by the Board adds a second way for the Board to consider fee adjustments. It allows the Board to adopt fee adjustments for agency fee-based programs as part of the annual budget development and adoption process.

Spokane Clean Air does not set fees for asbestos abatement work. Private asbestos abatement service providers set the fees.