



# Response to Comment for Amendments to the Consolidated Fee Schedule

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## *Summary of rulemaking and response to comments*

### **Introduction**

The purpose of a Response to Comment is to:

- Provide reasons for adopting the amendments.
- Describe any differences between the proposed amendments and what was adopted.
- Provide Spokane Regional Clean Air Agency's (SRCAA) response to public comments.

### **Reason for Adopting the Fee Adjustments**

Rising costs to administer fee-based Annual Registration Program prompted SRCAA Boards of Directors to amend Section 10.06(B) of the Consolidated Fee Schedule to work toward the Boards long-standing goal of full cost recovery.

	<b>Current Fee</b>	<b>Amended Fee, Effective 9/15/23</b>	<b>Increase</b>
<b>Facility Fee</b>	\$304	\$365	20%
<b>Emissions Fee (\$/ton)</b>	\$96	\$110	15%
<b>Emission Point Fee (\$/stack)</b>	\$96	\$110	15%
<b>SM Fee</b>	\$2,285	\$2,400	5%

### **Differences Between the Proposal and Adopted Consolidated Fee Schedule**

There were no changes between the proposal and the August 3, 2023, Consolidated Fee Schedule adopted by Spokane Regional Clean Air Agency Board of Directors.

## Response to Comments

Spokane Regional Clean Air Agency held a public 32-day comment period, excluding one holiday. The agency accepted comments between July 2, 2023, and August 3, 2023. A public hearing was held during the Spokane Regional Clean Air Agency Board of Directors meeting on August 3, 2023.

Notice of comment period and hearing outreach included:

- July 2 – August 3, 2023: Published on Spokane Clean Air’s website “hearings and notices” section
- July 2, 2023: Published a comment period notice in the Spokesman Review
- June 30, 2023: Mailed postcard to Spokane Clean Airs registered sources
- July 2 - July 5, 2023: Distributed by email to Spokane Clean Air’s regulatory update and business assistances list serves; email to regulatory and community partners; and email to registered sources
- July 30, 2023: Published a hearing notice in the Spokesman Review
- August 3, 2023: Public hearing

Registered sources were invited to contact the engineering department to obtain an estimate on what the proposed fees would look like for their facility. SRCAA received 1 inquiry from an affected business.

One written comment was received. No oral comments were given during the public hearing.

### Written Comment

8/2/23, email from Brian Ellsworth, bellsworth1@comcast.net

Hello,

I am writing in opposition to continued rate hikes for our fees. It appears to me that the inspections are done differently by different people. I have had some that have come more than once and were consistent in their inspection. I have had others that brought things up that have never been asked before. Inspections should be consistent regardless of who administers them. I also think that, regarding fees, that it should be scaled not by some emission scale basis but by who continually has issues. I have never once been written up for any violation. Maybe my inspections are done every other year, limiting fees. The fees simply appear to be a money grab for another bureaucracy. I am all for clean air and I always do my part but the whole process is hypocritical!

In addressing that comment. Drivers all day long come up our county road and dust wafts over the city or our part of it. If it is particulate matter you are concerned with then why are you not concerned about dust? I have never had any discernible particulate matter come from my building, but dust is wafting all day over my house, neighbor’s houses etc. from delivery vehicles and homeowners. Why is the county not oiling the roads? For me to pay an ongoing fee for something that has never been an issue and to not address something that has been an issue for the 50 years we have had our property is very odd.

Brian A Ellsworth  
5504 E 21<sup>st</sup> Ave.  
Spokane, WA 99223  
Waverly’s Coffee Inc.

**Spokane Regional Clean Air Agency (SRCAA) Response:**

Thank you for your comment.

It is reasonable to suggest that registration fees should be based on inspection frequency and compliance record. In fact, these items were part of the discussions between the staff and Board in the process of developing the fee increase proposal. One issue with this idea is that registration fees are not used just for inspections. The fees are also used for emissions data collection, verification, and reporting, providing compliance assistance to businesses, complaint response, and administrative expenses. Facility inspection frequency and compliance status does not influence the cost of these activities. These activities, and the annual registration program are required by the Washington and/or United States Clean Air Acts. In addition, while compliance history is considered in prioritizing inspections, it cannot be used to determine fees. Civil penalties issued through a statutory enforcement process are the mechanism for violators to pay for their non-compliance. State law does not allow registration fees to be used for enforcement activities and limits the uses of money collected for penalties. For these reasons, inspection costs and compliance status cannot be the basis used for determining fees. SRCAA annual registration fees are structured so that businesses that impact air quality the most pay the most.

As a business owner and individual, you are certainly aware of the increases in expenses that have occurred over the past several years. This affects SRCAA as well. The annual registration fees had not been increased from fiscal year 2016 - 2022. As a result, the program is experiencing a deficit. The Board decided to use multiple smaller increases to fix the deficit for fiscal year 2023 and fiscal year 2024. In addition to fee increases, SRCAA reduced registration activities to minimize expenses. Once the current registration program deficit is resolved, the Board will consider a smaller, routine annual registration fee adjustment to keep the registration program at full cost recovery and to avoid burdening registered sources with larger unanticipated increases.

SRCAA strives to create a level playing field for the regulated community. Although inspections are part of the registration program, and concerns about consistency are important, they do not fall within the scope of the fee amendment. The Compliance Section Manager welcomes the opportunity to discuss your concerns. Please contact her at your convenience.

SRCAA does have dust related regulations and agrees that road dust affects air quality, however, it is not within the scope of this fee amendment. Please contact us if you would like to discuss further. You may also consider contacting the county roads department or your county official about your concerns. You may find information about the county's Road Improvement District Program, <https://www.spokanecounty.org/871/Road-Improvement-Districts> helpful.