



Concise Explanatory Statement

for Amendments to SRCAA Regulation I, Article VI, Section 6.13 and Article X, Section 10.08

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

The amendments will clarify requirements, align the 25-year-old surface coating regulation with the federal regulations adopted in 2008 and local New Source Review (NSR) regulations adopted in July 2020. The amendments will close the loop with the NSR regulations by including a low usage threshold in the surface coating regulation. Small, low usage operations below the threshold will be exempt from enclosure and control requirements, reducing the regulatory burden for the small business and help to conserve agency resources by focusing on sources with the potential to have increased emissions or nuisance concerns. The amendments will not change fees or add new requirements for businesses to meet.

The table below summarize the adopted changes.

Article and Section	Adopted Amendments
Section 6.13(A) Purpose	Clarification updates
Section 6.13(B) Applicability	Add “commercial” to clarify the regulation is applicable to commercial surface coating operations, therefore excluding non-commercial operations such as hobbyist
Section 6.13(C) Definitions	Add several new terms: commercial surface coating; general surface coating; motor vehicle/motor vehicle component surface coating; non-spray application; portable surface coating; potential to emit; spray application
Section 6.13(D) Prohibition on Emissions	Clarification updates

Section 6.13(E) Requirements	Clarification updates including: enclosure and control equipment properly operated and maintained according to manufacturer recommendations and operations manuals (required in Article IV); simplify clean up requirements; simplify record keeping requirements
Section 6.13(F) Exemptions	Add powder coating that does not exhaust outside to process exemption; update low usage exemption to be based on emissions (potential to emit below 100 lbs/yr and toxics below small quantity emission rate) and exempt from enclosure and control requirements; eliminate hobbyist exemption, add portable surface coating that complies with GOA to enclosure exemption; reorder exemptions list by like exemptions
Section 6.13(G) Compliance with Other Laws and Regulations	Clarification updates
Section 10.08 Miscellaneous Fees	Update citing of Section 6.13

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 typographical changes were made.

Response to Comments

SRCAA accepted comments between April 4, 2021 and May 6, 2021. A public hearing was held during the May 6, 2021 SRCAA Board of Directors meeting.

Outreach for the notice of comment period and public hearing included:

- March: CAP Update newsletter article (538 mailed, 493 emailed)
- April 4: Legal notice in Spokesman Review (95,939 Sunday circulation)
- April 4: Website notice with support materials (info sheet, overview of effects registered businesses, table summary)
- April 5: Emails sent to regulatory update and business assistance list serves (1,020 emails contacts, could be duplication on lists)
- April 5: Emails sent to Board of Directors and Advisory Council (14 email contacts); community partners received email about rulemaking or SEPA DNS (19 email contacts)
- April 5: Postcard mailed to registered sources (217 postcards)
- April 7: Publication in Washington State Register, publication #21-07-075
- May 2: Legal notice in Spokesman Review about 5/6/21 public hearing (95,939 Sunday circulation)
- May 6: Public hearing

Two written comments and no oral comment were received for this rulemaking.

Commenter Index (in order comments received)

Name	Date Received, Affiliation	Comment Theme #
Melissa Furtney	4/5/21	Complaints
Michelle Anderson	4/5/21	Support

Comment Themes and Agency Response

Surface Coating Updates:

1. Support.

I am glad to see the proposed changes finalized. Bringing things more in align with less government is definitely the way to go!!

You guys are doing a great job listening to the public and including written public comments in decision making!!

Great job!!

This will definitely help smaller businesses keep more of their money!

Thank you!

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for your support.

Other Concerns:

2. Complaints.

I have had to call a few times for a person on my street burning anything and everything in his fire place causing a terrible Black smoke! This smoke has come thru my vents in my home causing me illness!

I asked that when the clean Air people go to stop this man from this type burning, they "Not mention my name" as the one who called to complain!!

The clean Air people's told me that if that person asked who complained, they have to give out my name!!??

This has to stop, as it could become DANGEROUS!!

Please change your policy on that!

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for your comment. Official complaints from the public are an important way for Spokane Clean Air to track and respond to air quality problems. Complaints are recorded and tracked via a complaint database. Complaints received by the office are forwarded to the inspection staff for follow-up.

Complaints are public records. Being a public agency, Spokane Clean Air is required by law to provide access to complaints (and contact information) if someone submits a request. If you wish to file an anonymous complaint online, please put "Anonymous" in the Name field and leave the rest of the personal information fields blank. If you wish to call in a complaint and remain anonymous, please let the staff person logging the complaint know. PLEASE NOTE: We are unable to issue odor violations based on anonymous odor complaints. We are also unable to follow-up with the complainant on anonymous complaints, because we do not have the complainant's contact information.

Written Comments (in order comments received)

From: Melissa Furtney <missyfurtney@gmail.com>
Sent: Monday, April 5, 2021 11:33 AM
To: Public Comment <PublicComment@spokanecleanair.org>
Subject: Public complaint process

I have had to call a few times for a person on my street burning anything and everything in his fire place causing a terrible Black smoke! This smoke has come thru my vents in my home causing me illness!

I asked that when the clean Air people go to stop this man from this type burning, they "Not mention my name" as the one who called to complain!!

The clean Air people's told me that if that person asked who complained, they have to give out my name!??

This has to stop, as it could become DANGEROUS!!

Please change your policy on that!

Thank you, Melissa Furtney

Spokane Valley

From: Michelle Anderson <shellies42002@gmail.com>
Sent: Monday, April 5, 2021 1:06 PM
To: Public Comment <PublicComment@spokanecleanair.org>
Subject: Public comments

Surface Coating Regulations

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