

WSR 25-05-083
PROPOSED RULES
SPOKANE REGIONAL
CLEAN AIR AGENCY

[Filed February 18, 2025, 11:38 a.m.]

Original Notice.

Proposal is exempt under RCW 70A.15.2040.

Title of Rule and Other Identifying Information: Amend Spokane Regional Clean Air Agency (SRCAA) Regulation I, Article X, Section 10.02(E).

Hearing Location(s): On Thursday, April 3, 2025, at 9:30 a.m., at 1610 South Technology Boulevard, #101, Spokane, WA 99224; or online via Zoom. URL link provided on the board meeting agenda. Comment period begins March 1, 2025, and ends at close of public hearing on April 3, 2025.

Date of Intended Adoption: April 3, 2025.

Submit Written Comments to: Margee Chambers, 1610 South Technology Boulevard, #101, Spokane, WA 99224, email PublicComment@spokanecleanair.org, fax 509-477-6828, by March 24, 2025, to be included in the board packet. Written comments will be accepted until 8 a.m., April 3, 2025.

Assistance for Persons with Disabilities: Contact Calie Maki, phone 509-477-4727 ext. 119, fax 509-477-6828, email cmaki@spokanecleanair.org, by March 27, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SRCAA is proposing to amend its periodic fee review process given in Regulation I, Article X, Section 10.02(E), to add an additional option for revising fees for SRCAA fee-based programs. These fees, which are in the consolidated fee schedule (CFS), are reviewed every year as part of SRCAA's annual budget development process. If program revenue and program costs are not aligned, proposed revisions will allow the SRCAA board to adjust the fees contained in the CFS for any fee-based program as part of the annual budget adoption process, based on the urban west region consumer price index (CPI-U West) for the previous 12-month period ending March 31st, or an alternate factor, not to exceed four percent. The annual budget adoption process includes an opportunity for public review and comment. If program costs and revenue are aligned, then no changes are made to program fees. If the SRCAA board determines that the fees for any fee-based program need to be adjusted by more than four percent, the CFS may be revised as a separate action from the annual budget adoption process and include an opportunity for public review and comment, as is the current practice outlined in Article X.

Reasons Supporting Proposal: Currently, the board adopts the SRCAA budget and any necessary fee adjustments in the CFS as two separate actions. The proposed amendment improves efficiencies and allows SRCAA to perform fee adjustments as part of the SRCAA budget adoption process. If program revenues and program costs align, there would be no adjustment to fees in the CFS during the budget adoption process.

Statutory Authority for Adoption: Chapter 70A.15 RCW.

Statute Being Implemented: Chapter 70A.15 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: SRCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Margee Chambers, SRCAA, 509-477-4727; Implementation and Enforcement: April Westby, SRCAA, 509-477-4727.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis under RCW 34.05.328 does not apply to local air pollution control agencies per RCW 70A.15.2040.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 70A.15.2040.

Explanation of exemptions: Chapter 19.85 RCW applies to state agencies. Under 70A.15.2040, local air pollution control agencies are not state agencies. SRCAA is a local air pollution control agency.

Scope of exemption for rule proposal:

Is fully exempt.

February 18, 2025
Margee Chambers
Air Resource Specialist

[AMENDATORY SECTION]

**SRCAA REGULATION I, ARTICLE X
SECTION 10.02 FEES AND CHARGES REQUIRED**

(A) Late Fees. Failure to pay any fee assessed under Article X after forty-five (45) days of the original payment due date may result in an additional late fee of 25% of the original fee.

(B) Penalty. Persons required to pay emissions or permit fees who are more than ninety (90) days late with such payments may be subject to a penalty equal to three (3) times the amount of the original fee assessed per RCW 70A.15.3160.

(C) Revenues Collected per RCW 70A.15.2260. Revenues collected per RCW 70A.15.2260 shall be deposited in the operating permit program dedicated account and shall be used exclusively for that program.

(D) Method of Calculating Fees in Article X. Invoice totals will be rounded-up to the nearest one (1) dollar, except for public records fees per Section 10.05(A) and Annual AOP Fees per Section 10.06(C).

(E) Periodic Fee Review.

(1) The Board shall periodically review all agency fees in the Consolidated Fee Schedule (CFS) and determine if the total projected fee revenue to be collected is sufficient to fully recover direct and indirect program costs.

(a) Upon approval by the Board as part of the annual budget development and adoption process, fee-based programs with fees contained in the CFS may be adjusted annually by the Urban West Region Consumer Price Index for the previous twelve-month period ending March 31st, or an alternate factor approved by the Board, not to exceed 4%. The adjusted fees shall be included in a revised CFS that is approved by the Board as part of the budget.

(b) If the Board determines that the total projected fee revenue significantly exceeds or is insufficient for the program costs by more than the factor in Section 10.02 (E) (1) (a), then the Board ((shall)) may amend the ((Consolidated Fee Schedule)) (CFS) to more accurately recover program costs. Any proposed fee revisions under Section 10.02 (E) (1) (b) shall include opportunity for public review and comment.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.