

Christian McCabe

Dear Ms. Guilfoil,

Please accept the attached comments on behalf of the Northwest Pulp & Paper Association. Thank you.



Northwest Pulp & Paper  
ASSOCIATION

July 23, 2019

Ms. Elena Guilfoil  
Air Quality Program  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

*Re: NWPPA comments on proposed revisions to WAC 173-460 - Controls for New Sources of Toxic Air Pollutants*

Dear Ms. Guilfoil:

The Northwest Pulp & Paper Association appreciates the opportunity to comment on proposed revisions to the subject regulation under WAC 173-460. NWPPA is a 63-year old regional trade association representing 12 member companies and 16 pulp and paper mills in Washington, Oregon and Idaho. NWPPA members produce over 8 million tons of paper products each year and provide approximately 12,000 predominantly union-backed jobs that pay an average of more than \$75,000 a year, plus benefits. As one of the largest members of Washington's forest products sector, pulp and paper mills contribute to the industry's approximately 40,000 direct jobs and 107,500 direct, indirect and induced jobs. Because many NWPPA members are located in economically stressed rural communities, these family-wage manufacturing jobs help sustain the local economy, with each mill supporting three to five additional jobs in the community.

The Department of Ecology can be complimented on conducting a thorough public involvement/advisory committee process and with the preparation of topic-specific white papers, Preliminary Regulatory Analysis, Decision-Making Documentation, etc.

**Age Dependent Adjustment Factor (ADAF) in Deriving ASILs**

Ecology prepared a white paper on this subject and presented its content to the stakeholder group on February 21st. The National Council for Air and Stream Improvement (NCASI) prepared and submitted a comment letter dated March 20<sup>th</sup> addressing the ADAF topic and other matters. While Ecology has posted that letter on the rule-making docket, there is no indication the agency considered the NCASI submittal. This initial NWPPA comment is a request that Ecology respond to

the NCASI critique of the agency decision to incorporate early-life adjustment factors for the 31 mutagenic TAPs.

Those detailed comments will not be reiterated here, but can be characterized as follows:

- There is no science-based evidence of actual and additional benefit to public health associated with application of these ADAF's. The Environmental Protection Agency says as much. Adding the ADAF into the ASIL derivation imparts more conservatism into what is already acknowledged as a fully health protective protocol.
- The effect of the ADAF's will be to reduce the ASILs and de minimis values, and this means additional new source review projects will be captured into the WAC 173-460 permitting processes. In turn, this means more cost and time for permittees and jurisdictional agencies, without corresponding benefit to the regulatory objective of achieving a health protection target.

### **Comments on Individual TAPs and ASIL's**

1,2,3-Trichloropropane – Table 9 of the Decision-Making Documentation identifies this chemical as being adjusted by an early-life adjustment factor. The proposed ASIL is based on a 24-hour exposure evaluation. Page 7 of the Decision-Making Documentation identifies the appropriateness of the ADAF only for ASIL's with an annual averaging time. Please review this apparent discrepancy and resolve the difference.

Mercury, elemental – The NCASI letter identifies that the proposed ASIL of 0.030 ug/m<sup>3</sup> should appropriately be matched with a yearly averaging period (not the 24-hour period shown in the proposed rule). Please review this discrepancy and resolve the difference.

### **Least Burdensome Alternative Analysis in the Preliminary Regulatory Analysis (June 2019, Publication no. 19-02-012)**

In its rule development efforts, Ecology has the responsibility to examine alternative versions of a proposed regulation and select the option which is "least burdensome for those required to comply with it and that will achieve the general goals and specific objectives...(of the statute the rule implements)" RCW 34.05.328. There are at least two examples where the agency ignored or conducted a perfunctory analysis that with a more thorough evaluation would have led to a less burdensome rule while meeting the goals/objectives of RCW 70.94. This omission needs to be addressed.

Age Dependent Adjustment Factor – Ecology's discretionary decision to add this factor into ASIL derivations will trigger an increase in the number of new source review projects subject to WAC 173-460 permitting activities. This means incremental cost and application processing time for both the permittee and jurisdictional agency. The NCASI comment letter points to a lack of tangible/measurable health benefit associated with ADAF. Removing the ADAF would result in a less burdensome regulation without negatively impacting chemical exposures and adverse health outcomes.

Establishing de minimis values – A Small Quantity Emission Rate is recognized as a conservative threshold value, derived from the best science information available, that assumes the acceptable fence line concentration of the TAP will not be exceeded; i.e., the ASIL. Ecology concedes that achievement of the SQER means dispersion modeling to prove ASIL attainment is not required. If the SQER for a TAP is demonstrated, the applicant will assert that tBACT is provided. In its Least Burdensome analysis, the agency chooses to retain the derivation of de minimis values at 1/20 of the SQER. The agency analysis on this matter concludes that 1) setting de minimis equal to the SQER or 2) establishing the de minimis values at 1/10 of the SQER would not meet the goals and objective of the statute; i.e., be protective of human health and the environment. But if demonstrating achievement of the conservative SQER provides sufficient evidence of protection, why would setting a de minimis value at 1/10 of the SQER, or even the SQER, not be sufficiently acceptable? De minimis at SQER or 1/10 SQER would trigger fewer projects into WAC 173-460 permitting and is thus clearly less burdensome. Ecology should reconsider its perfunctory analysis which retained the 1/20 factor.

Thank you again for consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian M. McCabe". The signature is fluid and cursive, with the first name being the most prominent.

Christian M. McCabe  
Executive Director  
Northwest Pulp & Paper Association