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CLEAN AIR IMPACTS AS PART OF US EPA CROSS-STATE AIR POLLUTION RULE (CSAPR) AND "GOOD NEIGHBOR" PROVISIONS OF THE CLEAN AIR ACT.

BACKGROUND
It has been well recognized that pollutants from one state can impact the environment in other states. For over 50 years it has been recognized that sulfur dioxide from combustion from the Ohio River Valley seriously impacted bodies of water in other states. Subsequently, a 28 state eastern group was established to address trans state impacts. There is also a comparable western state working group- Western Regional Air Partnership (WRAP).

Most environmental responsibilities have been delegated to the State of Washington by the US Environmental Protection Agency. The location of the proposed Newport smelter is problematic. It is located on the eastern state line with the smelter stack located about 1200 feet from the state line. Assuming a predominately northeast wind direction through the year, most air pollutants will be discharged into Idaho. Consequently, most potential air impacts will fall on Idaho residents. The Washington Department of Ecology is not empowered by the US EPA to protect residents of Idaho or other states. Consequently, Ecology may not have any direct interest or financial interest in protecting residents of other states. It seems unlikely that Ecology will commit to any monitoring in Idaho or other states and it unlikely that they would have authorizations to establish monitoring in other states.

Old Town, Idaho will be a primary, initial recipient of most air pollution through most of the year, based on a primarily northeast dominate wind direction.

If non-attainment areas are not located downwind of the smelter in other states, it is unlikely that the Washington Department of Ecology will offer any "special " protection or restrictions on downwind air releases.

1.) CLEAN AIR ACT AUTHORITY OF WASHINGTON
Washington state implementation plan (SIP) for delegation of authority from The Federal Environmental Protection Agency. On February 7, 2018 Ecology submitted an Air Plan Approval; Washington; Interstate Transport Requirements for the 2015 Ozone NAAQS to renew an Ecology SIP.
"One of these applicable requirements ...otherwise known as the good neighbor provision, which generally requires SIPs to contain adequate provisions to prohibit in-state emissions activities from having certain adverse air quality effects on other states due to interstate transport of pollution. ... Through the development and implementation of CSAPR, the CSAPR Update and previous rule makings pursuant to the good neighbor provision, the EPA, working in partnership with states, developed the following four-step interstate transport framework to address the requirements of the good neighbor provision for the ozone NAAQS:] (1) Identify downwind air quality problems; (2) identify upwind states that impact those downwind air quality problems sufficiently such that they are considered "linked" and therefore warrant further review and analysis; (3) identify the emissions reductions necessary (if any), considering cost and air quality factors, to prevent linked upwind states identified in step 2 from contributing significantly to non-attainment or interfering with maintenance of the NAAQS at the locations of the downwind air quality problems; and (4) adopt

permanent and enforceable measures needed to achieve those emissions reductions. This four-step framework has also been used to address interstate transport with respect to prior ozone NAAQS in the western United States."

In support of the WA Ecology SIP, air modeling was conducted that addressed the Shoshone-Banncock Tribes of the Fort Hall Reservation in Idaho, as well as non-attainment areas in Sacramento, California and Tulare, California and consideration of the remainder of the EPA designated eleven state area.

The problem at the Shoshone-Banncock Tribes of the Fort Hall Reservation in Idaho was interpreted to relate to residential wood burning. Very likely similar downwind problem areas in Idaho could be identified because of the commonality of local wood consumption used for heating. It would seem unlikely that Ecology would seek to identify similar problem areas in other states.

2.) WASHINGTON STATE SIPs
Washington State SIPs to implement US EPA air requirements are identified below. Some of the SIPs address impacts on other western states as part of renewal of state authority for air regulations. EPA modeling is utilized to determine impacts, particularly on non-attainment areas in other states. Ecology has a SIP for air pollution in Spokane.

https://www.gpo.gov/fdsys/pkg/FR-2018-07-23/html/2018-15625.htm
ENVIRONMENTAL PROTECTION AGENCY; 40 CFR Part 52;
[EPA-R10-OAR-2018-0061; FRL-9981-08--Region 10]
Air Plan Approval; Washington; Interstate Transport Requirements for the 2015 Ozone NAAQS

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https://fortress.wa.gov/ecy/publications/documents/1802005.pdf
Washington State Implementation Plan Revision Interstate Transport of Sulfur Dioxide and Ozone
Addressing requirements for the 2010 1-hour SO2 and 2015 8-hour O3 National Ambient Air Quality Standards
February 2018
Publication 18-02-005

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https://fortress.wa.gov/ecy/publications/documents/1802004.pdf
Washington State Implementation Plan Revision Interstate Transport of PM2.5
Addressing requirements for the 2012 Primary Annual PM2.5 National Ambient Air Quality Standard
February 2018
Publication 18-02-004

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https://fortress.wa.gov/ecy/publications/documents/1502005.pdf
Washington State Implementation Plan Revision Interstate Transport of Lead, Nitrogen Dioxide, and Ground-Level Ozone
March 2015
Publication no: 15-02-005

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https://ecology.wa.gov/DOE/files/49/4935aab9-e137-4c61-8c5f-5677d683427d.pdf
State Implementation Plan Revision
Updates to Spokane Regional Clean Air Agency Solid Fuel Burning Devices Rule (Regulation I -Article VIII) Rule SIP
Revision July 2015

3.) WESTERN AIR REGION
Washington is a member of the Western Regional Air Partnership (WRAP).
https://www.wrapair2.org/pdf/WRAP%20Strategic%20Plan%20final%20March_2015.pdf
The Western Regional Air Partnership (WRAP) is a voluntary partnership of states, tribes, federal land managers, local air agencies and the US EPA whose purpose is to understand current and evolving regional air quality issues in the West.

These issues include but are not limited to:
• Implementation and future planning for the Regional Haze Rule;
• Air quality issues related to ozone, particulate matter, nitrogen deposition and critical loads, mercury, and other pollutants;
• Emissions sources from all sectors, both domestic and international;
• Effects of air pollution transport; and
• Effects of climate change on regional air quality.
To accomplish this, WRAP develops, maintains, and shares databases, supports technical analyses, and provides access to data and results from various information sources to produce consistent, comparable, and complete results for use by individual WRAP member jurisdictions and agencies.
The goals of the Western Regional Air Partnership are to:
1. Provide a forum for regional collaboration on technical and planning topics of common interest to the members.
2. Share and act on the current and future priority technical support needs of the members.
3. Provide timely and efficient access to needed technical information that is credible, current, comprehensive, and consistent forair quality management decisions.
4. Deliver technical support, training, products , and other services that meet the priority needs of the members.
5. Advocate and advance western technical issues for resolution,

The Partnership promotes, supports, and monitors the implementation of air quality management initiatives with in and affecting the western U.S. through a process that strives for consensus among its partners and stakeholders. The Partnership strives to explore, better understand, and address a variety of regional air quality issues including regional haze, ozone, particulate matter, deposition of nitrogen, sulfur, and mercury, and the associated impacts of climate change.
To accomplish this, working groups of representatives from WRAP member agencies will:

• Develop, maintain, and share databases;
• Support, conduct, and evaluate technical studies ; and
• Assess and provide access to data and results from various information sources

Studies and projects planned and directed by the WRAP will produce consistent, comparable, and complete results for use by individual WRAP member jurisdictions and agencies. To achieve the Partnership's goals, the WRAP membership will establish and operate a Regional Technical Center to provide technical information that is credible, current, consistent, comprehensive, virtual, and accessible in support of air quality management decisions.

4.) WASHINGTON STATE GOALS FOR REDUCTION OF CARBON (CERT)
The Governor has endorsed and documented Washington State carbon reduction goals document in task force goals

https://www.governor.wa.gov/sites/default/files/documents/CERT_Final_Report.pdf
Carbon Emissions Reduction Taskforce Report to the Washington State Governor's Office
A. Background -
Climate Policy Context in Washington State
The 2008 Washington State Legislature enacted E2SHB 2815 codified in the Public Health and Safety Chapter 70.235 which specifies Limit s to greenhouse gas (GHG) emissions in Washington. RCW 70.235.020 details the following statutory GHG limits for Washington State:
"(1)(a) The state shall limit emissions of greenhouse gases to achieve the following emission reductions for Washington state:
i. By 2020, reduce overall emissions of greenhouse gases in the state to
1990 levels;
ii. By 2035, reduce overall emissions of greenhouse gases in the state to twenty five percent below 1990 levels;
iii. By 2050, the state will do its part to reach global climate stabilization levels by reducing overall emissions to fifty percent below 1990 levels, or seventy percent below the state's expected emissions that year."

RCW 70.235.005 provides further framing of the policy context in which the CERT has undertaken its charge.

Corrective Action- The following Washington Department of Ecology staff who are representatives in the Western Regional Air Partnership (WRAP) should participate with Washington State reviews of Newport smelter plans: Jean Paul Huys, Farren Herron-Thorp, Gary Huitsing, Nancy E. Prichett, and Jason Alberich to evaluate consistency with regional emission goals.

Corrective Action- Mary Anderson, Sara Strach, and Warren Pascale of the Idaho Department of Environmental Quality, who are members of WRAP should review of Newport smelter plans for consistency with regional emission goals.

Corrective Action- Washington State should subject plans for the Newport smelter and supporting documentation to the Western Regional Air Partnership (WRAP) member organizations and task forces to evaluate impacts and related regional air quality western regional goals. The WRAP Tribal Data Work Group (TDWG) should be included in WRAP reviews.

Corrective Action- It is recommended that air modelling be conducted for nearby Native American nations (Colville, Kalispel, Spokane, Coeur D'Alene, Palouse, Salish, Kootenai, Nez Perce, Paiute, Shoshone and Bannock, Flathead, and Chippewa Cree.
[The Spokane tribe has a Class 1 air classification.]

Corrective Action- Air-pollution health impacts on Old Town with the closest receptors should be a

priority.

Corrective Action- Air quality modelling should be done specifically to determine if the following local impacts will a problem for compliance and prohibitions: domestic wood burning stoves, snow mobiles, out board motors, off road vehicles and equipment, and use of gas-powered chain saws. Impacts from short term exceedances should be considered.
[This issue could impact the regional and recreational economies, as well as traditional life styles.]

Corrective Action- Modelling for air flow should include impacts related terrain, multiple elevations in surrounding hills, mountains, and river valleys.

Corrective Actions- Modelling should include seasonable fluctuations in wind directions and wind speeds, inversions, multiple precipitation types, stagnation, fog, smoke conditions from forest fires and wood burning stoves, as well as the locations of cities and populations.

Corrective Action- Surveys to quantify the extent of use of wood burning stoves for heat in the surrounding region and Native American reservations should be conducted.

Corrective Action- Determine if Washington State Department of Ecology SIPs will require will revisions to address new source air contaminant impacts by the Newport smelter on other states.

Corrective Action- Determine how The Washington State goals for reduction in greenhouse gases for 2020, 2030 and 2050 will be impacted by smelter emissions in accordance with the Carbon Emissions Reduction Taskforce Report to the Washington State Governor's Office.