



February 11, 2026

Anthony Bruma
Climate Pollution Reduction Program
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: Draft Rule for Chapter 173-448 WAC – Air Quality in Overburdened Communities

Dear Mr. Bruma,

SkyNRG Americas (SkyNRG) appreciates the opportunity to comment on the preliminary draft rule, Chapter 173-448 WAC – Air Quality in Overburdened Communities, required by the Climate Commitment Act (Draft Rule).

SkyNRG is developing a Sustainable Aviation Fuel (SAF) production facility, Project Wigeon, in Eastern Washington, north of the town of Wallula. SkyNRG will produce SAF and renewable diesel (RD) on a commercial scale from cellulosic feedstocks such as biomethane, often referred to as renewable natural gas. SkyNRG's SAF would reduce lifecycle greenhouse gas emissions of aircraft that use SAF by approximately 85%¹ and harmful emissions like sulfur and particulate matter by 90% or more², relative to traditional jet fuel.

SkyNRG believes SAF uptake is essential to meet Washington's greenhouse gas reduction targets and to reduce the effects of aviation emissions on communities near the state's airports that are overburdened with air pollution. SkyNRG is also committed to ensuring Project Wigeon delivers benefits to the local community, including through job growth, thoughtful stewardship of natural resources, and the use of advanced air quality technologies and controls as part of Project Wigeon's process. SkyNRG is deeply committed to ensuring that Project Wigeon furthers Washington's clean energy transition and air quality requirements with both the production and use of SAF in the state, particularly for communities facing more than their share of environmental burdens. With these shared objectives in mind, SkyNRG offers the following comments to the Department of Ecology (Ecology):

Recognize the Benefits of SAF and Ensure New Requirements are Proportional to Effects.

SkyNRG believes that SAF production has the potential to greatly reduce greenhouse gas emissions and air pollution in Washington State from aviation, which is one of the most difficult industries to reduce emissions, and has a larger impact on Washington

¹ Emission savings based on WA-GREET when compared against fossil baseline of 87.42 gCO₂/MJ

² <https://www.mdpi.com/2076-3417/14/13/5484>

transportation emissions over the average baseline³. The Draft Rule must recognize and account for projects that deliver climate and air quality benefits across the state, and are critical to Washington's clean energy transition, including SAF development. Ecology may account for these benefits by ensuring that any new requirements in the Draft Rule are proportional to the total effect of a facility, including the positive effects throughout Washington state, relative to existing fossil fuel operations.

The Climate Commitment Act (CCA) expressly requires Ecology to ensure that new air quality requirements are not "disproportionate" to the facility's effects on air pollution when compared to other sources. RCW 70A.65.020(2)(c). However, the Draft Rule does not reference proportionality. SkyNRG recommends that the Draft Rule adopt a framework for proportionality within WAC 173-448-100 and 110 to ensure the Rule is consistent with the statute.

Furthermore, the proportionality framework must include the full statewide effects of a facility – including the air quality benefits – to avoid unintended consequences. For facilities like Project Wigeon that contribute to cutting greenhouse gas and air pollutant emissions, including a proportionality analysis that considers the full statewide effects of a facility would ensure that this rule does not inadvertently hamper Washington's transition to clean energy technologies or the companies seeking to invest significant capital to meet these goals.

Clarify EITE Requirements.

The Draft Rule also requires that any facility designated as "energy intensive, trade exposed" (EITE) under the CCA "mitigate" any increase in particulate matter emissions. WAC 173-448-110. However, SkyNRG suggests that Ecology clarify that facilities that have utilized all feasible mitigation measures should be deemed to have satisfied the requirement. Similar to comments above, beneficial effects of the facility should also be considered if the facility is contributing to reductions in particulate matter.

Focus Requirements on the Greatest Contributors of the Air Pollutants of Concern in Each Community.

SkyNRG also suggests that Ecology target the requirements of the Draft Rule on those facilities that *cause* emissions of concern within a specific community. A tailored approach may be more appropriate than reliance on the broadly applicable numeric thresholds in the Draft Rule (the exceedance of any one of which labels a facility a "high priority emitter"), irrespective of the conditions on the ground in that community. See WAC 173-448-070(3).

A tailored approach may better reflect the CCA statutory language, which requires Ecology to "analyze and determine which sources are the greatest contributors of criteria pollutants" that are "within the identified overburdened communities."

³ [2023_WSAS-Sustainable-Aviation-White-Paper-FINAL.pdf](https://wsas.s3.amazonaws.com/2023_WSAS-Sustainable-Aviation-White-Paper-FINAL.pdf)

RCW 70A.65.020(1)(c). The CCA requires an individualized analysis to identify the sources that are, in reality, the greatest contributors to air pollution. Numeric thresholds across all criteria pollutants alone cannot capture this determination. SkyNRG suggests Ecology consider two factors in tailoring this approach to identify the actual drivers of emissions and ensure tangible benefits for communities.

First, high-priority emitters should be determined based on the specific pollutants of concern in each community. Focusing the application of the Rule on the actual pollutants of concern in each community will ensure critical pollutant reductions are realized, without expanding Ecology's workload to facilities that are not high priorities and could not reduce the pollutants of concern in a community⁴.

Second, the Draft Rule proposes to apply to any facility that will "cause or contribute to" air pollution emissions. WAC 173-448-020; 173-448-070(6). This language does not distinguish significant contributors from de minimis contributors to air emissions. SkyNRG recommends that the Draft Rule be revised to apply to the "greatest contributors" of air pollution, instead of every facility that could "contribute" to air emissions, to align the Draft Rule with the statute. See RCW 70A.65.020(1)(c). The Rule should also distinguish between sources of air pollution that originate outside of a community (e.g., wildfire smoke or windblown dust) relative to contributions inside the community.

This change would focus Ecology's attention on the actual drivers of air pollution in each place, while ensuring that Ecology does not inadvertently apply significant new requirements on de-minimis contributions to air pollution, which could hamper the clean energy transition, limit investments and expand Ecology's workload with little benefit. At minimum, SkyNRG suggests Ecology consider revising WAC 173-448-070(6) to allow Ecology to remove a facility from the high priority list based on discretionary factors that reflect each community, rather than relying on the numeric criteria alone.

Thank you again for the opportunity to provide comments on the proposed rulemaking. We sincerely look forward to an ongoing collaboration and partnership with Ecology to realize the goals of the Climate Commitment Act, including air quality benefits for overburdened communities and all of Washington State.

⁴ For example, the Tri-Cities area is identified as having higher levels of ozone and PM 2.5. See [Wash. Dept. of Health Disparities Map](#). Vehicles and wildfires appear to be the significant sources. SkyNRG supports Washington's policies accelerating the transition to cleaner fuels and vehicles and efforts to reduce wildfire smoke.



Sincerely,

A handwritten signature in blue ink, appearing to read "J Plaza".

John Plaza
President & CEO
SkyNRG Americas, Inc.