Northwest Pulp & Paper
ASSOCIATION

February 13, 2026

Submitted Via Online comment portal for Chapter 173-448 WAC

Anthony Bruma
Department of Ecology, Air Quality Program
300 Desmond Dr SE
Olympia, WA 98504

Dear Mr. Bruma,

Thank you for the opportunity for the Northwest Pulp & Paper Association (NWPPA) to provide comments on Ecology's preliminary draft rule language for WAC 173-448, Air Quality in Overburdened Communities Highly Impacted by Air Pollution rulemaking.

NWPPA is a 70-year-old regional trade association representing 10 member companies and 13 mills in Washington, Oregon, and Idaho, seven of which are located in Washington state. Our member mills in Washington provide approximately 4,000 union-backed, family wage jobs in some of Washington's more rural, economically distressed communities. Mills provide a 3:1 job multiplier and are often the single largest taxpayer in these communities, a large portion of which is distributed as funding for schools and emergency services.

NWPPA's primary concern with the preliminary draft rule ("draft rule") is regarding its consistency with the stated legislative intent and requirements of RCW 70A.65.020, as well as the proportionality of responsibility the draft rule places on stationary sources. As noted in the draft rule, the goal of the statute is to reduce criteria pollutants as well as greenhouse gas emissions in overburdened communities highly impacted by air pollution. In its current form, NWPPA does not believe that the criteria and requirements outlined in the draft rule will effectively improve air quality in these communities.

The focus of the draft rule on stationary sources assumes that more controls on these sources is the solution to degrading air quality in overburdened communities. However, this assumption conflicts with Ecology's analysis of ambient air quality trends, as well as the legislatively codified policies of the Climate Commitment Act (CCA) to protect emissions intensive, trade exposed (EITE) industries, prevent leakage, and focus on control strategies for overburdened communities to reduce criteria emissions from the greatest contributors in those communities. To achieve this, the draft rule must be consistent with the legislative intent outlined in RCW 70A.65.005(6) and (7).

> (6) The legislature intends to create climate policy that recognizes the special nature of emissions-intensive, trade-exposed industries by minimizing leakage and increased life-cycle emissions associated with product imports.

(7) Under the program, the legislature intends to identify overburdened communities where the highest concentrations of criteria pollutants occur, determine the sources of those emissions and pollutants, and pursue significant reductions of emissions and pollutants in those communities.

For context, under RCW 70A.65.110, NWPPA's members are classified by North American Industry Classification System (NAICS) code as (EITEs). As is the case for many EITEs, Washington's pulp and paper mills compete in a global market and are highly susceptible to leakage. This occurs when production and the associated emissions shift to another jurisdiction, particularly ones without Washington's stringent regulatory landscape, thus resulting in an increase in total emissions.

NWPPA understands that regulation of non-point sources is challenging, but it is crucial that mobile and area sources are proportionately included and addressed in the rule. It is also understood that Ecology may not view the requirements of RCW 70A.65.020(2) as a chronological directive but we believe that the sequence of data collection, design values, air quality targets, and source identification matter a great deal. That said, RCW 70A.65.020(2)(a) directs Ecology to first determine the level of criteria pollutants in an overburdened community. Ecology should then set air quality targets for the overburdened community, based either on the NAAQS or air quality in neighboring communities (RCW 70A.65.020(2)(b)(i)). Ecology is then directed to identify the stationary and mobile sources that are "the greatest contributors of those emissions that are either increasing or not decreasing," and for those sources Ecology must adopt "emission control strategies or other methods" to achieve the air quality targets established for that community (RCW 70A.65020(2)(b)(iv)).

While the regulatory strategies deployed to reduce emissions from mobile or area sources are likely to look different than strategies deployed with stationary sources, implementation measures deployed under Washington's State Implementation Plan (SIP) program show that Ecology has the authority to engineer reduction strategies for non-point sources. Additionally, RCW 70A.65.020(2)(c) states that "Actions imposed under this section may not impose requirements on a permitted stationary source that are disproportionate to the permitted source's contribution to air pollution compared to other permitted stationary sources and other sources of criteria pollutants in the overburdened community."

For example, Ecology considers $PM_{2.5}$ as the primary pollutant of concern in overburdened communities highly impacted by air pollution.[1] However, Ecology's most recent state-wide air emissions inventory showed that mobile sources made up over 30% of criteria pollutant emissions, while stationary sources contributed only 4.4%[2] and the remaining emissions are from other area sources such as residential wood combustion, wildfires, natural emissions from soil and other sources.[3] Additionally, stationary sources state-wide make up a small fraction of $PM_{2.5}$ emissions, at only 4.6%.[4] For this reason, the draft rule should include provisions for including mobile and area sources that are program specific and do not default to other existing programs.

Where available, Ecology should conduct or review source apportionment studies to determine the greatest contributors to ambient air pollution concentrations. For example, Ecology's 2025 source apportionment study for Tacoma found that residential wood combustion contributes the majority of $PM_{2.5}$ air concentrations (53% on average), and much higher levels in winter months when exceedance occur (approximately 90% contribution on exceedance days,

[1] Ecology, *Improving Air Quality in Overburdened Communities Highly Impacted by Air Pollution*, Publication 25-02-037. December 2025).

[2] 2020 Washington Comprehensive Emissions Inventory, July 2023 (updated October 2024). Publication 20-02-012, Tables 4-1 and 4-2. The stationary and mobile source categories aggregate emissions from several source categories broken out with more specificity in Tables 4-1 and 4-2.

[3] *Id.*

[4] *Id.*

followed by vehicles and aged wood smoke).[5] Similarly, initial data from a study at the Toppenish-Ward Rd. (Yakama Tribe) monitoring site found major contributors to be residential wood combustion, agricultural and silvicultural burning, and wildfires; with primary contributors in wintertime listed as agricultural and motor vehicle emissions sources.[6] A source apportionment study cited by Ecology for two sites in Seattle found that diesel/gasoline contributions to PM2.5 concentrations averaged 29% at one site and 50% at the other.[7] In all three of these examples, important sources were identified as significant contributors. It is worth noting that none of the studies identified stationary sources as a significant contributor.

Emissions and ambient concentrations of criteria pollutants are falling in most areas, including most overburdened communities. Ecology's 2025 overburdened community report notes that year-to-year decreases in average daily $PM_{2.5}$ values have occurred in most communities with longer established monitoring sites.[8] Decreases are likely due to cleaner fuels, lower vehicle emissions and previous control strategies. As described in the SIP revision proposal to redesignate the former Tacoma-Pierce nonattainment area to maintenance, reductions in residential wood combustion and motor vehicle emissions account for the majority of $PM_{2.5}$ improvement in this former nonattainment area.[9] This illustrates that programs and policies can contain regulatory and reduction provisions for stationary, mobile, and area sources.

Additionally, a recent study conducted by Eastern Research Group, at the request of Ecology, on environmental justice and markets for Washington's EITEs[10] analyzed criteria air pollution (CAP) emissions for six pollutants and proportioned the emissions attributable to EITEs, all CCA covered emissions, and the statewide total emissions of each criteria pollutant. The findings of the report indicate that in nearly all instances, EITEs are a very small percentage of the CCA covered and statewide emissions. Thus, prior to releasing a formal draft, Ecology must identify mechanisms to proportionally reduce pollution from all source types in order to align with the statute.

NWPPA is supportive of Ecology's proposal to adopt "design values" for each identified community. However, the draft rule appears to omit the data collection and analysis outlined in the statute to determine which sources and source categories contribute to impaired air quality in identified communities. WAC 173-448-040 addresses the development of design values in identified communities but does not mention the development of a comprehensive emissions inventory for each individual community. This information is crucial for identifying the sources that are the greatest contributors to impaired air quality in each individual community and should be included as part of the data used in the draft rule.

Additionally, Ecology should eliminate subsection 040(4)(b) from the draft rule, as it proposes an alternative process for estimating design values "using non-regulatory monitor or sensor data if regulatory data are not available." Ecology should follow EPA protocols for setting design values and should not base those critical determinations on data from non-regulatory monitoring devices. For example, in 2025, the Puget Sound Clean Air Agency (PSCAA) distributed 800 low-cost air quality sensors to track fine PM emissions in neighborhoods within the four-county region that PSCAA regulates. PSCAA acknowledged that these air sensors are less expensive than regulatory air monitors, but they are also less accurate.[11] Ecology has only used EPA-reference method monitor data for SIP development and attainment demonstrations, and Ecology should utilize the same safeguards for the data used to inform control strategy decisions in addressing air quality in identified communities.

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[5] *2025 Washington Ambient Air Monitoring Network Assessment*. Washington State Department of Ecology - Air Quality Program. Olympia, Washington. June 2025, Publication 25-02-019. https://apps.ecology.wa.gov/publications/documents/2502019.pdf

[6] *Id.*

[7] Beth Friedman (2020) Source apportionment of PM2.5 at two Seattle chemical speciation sites, Journal of the Air & Waste Management Association, 70:7, 687-699.

[8] *See Footnote 1*

[9] Ecology, Proposed State Implementation Plan Revision, Tacoma-Pierce County PM2.5 Redesignation Request, Publication No. 14-02-021.

[10] See: Report by ERG -Environmental justice and economic inform on EITEs in WA (July 2025)

[11] See: https://pscleanair.gov/539/Air-Quality-Sensors

NWPPA disagrees with Ecology's use of the term "high priority significant emitters" in defining what the statute refers to as "high priority emitters." Proportionally, stationary source contributions cannot arbitrarily be classified as significant, especially when compared to mobile and area sources. Thus, we proposed that "significant" be removed from the term in WAC 173-448-030. Additionally, WAC 173-448-070(3) proposes to use major modification emission thresholds for Prevention of Significant Deterioration (PSD) permitting applicability to classify a source as a "high priority emitters." As proposed, a source could be designated high priority even if it can be demonstrated to not cause or contribute to criteria air pollutant concentrations within the overburdened community. Subsequently, WAC 173-448-100 proposes to establish an emissions reduction program for "high priority emitters" without regard or provision for their contribution to air quality impairment. This approach contradicts the proportionality provisions in RCW 70A.65.020(2)(c). Ecology should provide a method for how to demonstrate a source does not "cause or contribute to criteria air pollution in the identified community." If the ambient air quality impact of a given source is de minimis, a straightforward method to demonstrate this status is needed.

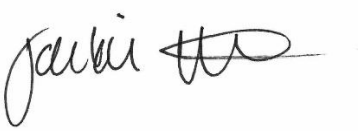
WAC 173-448-100(1)(b) contains proposed actions for reducing criteria pollutant or pollutant precursor emissions. The challenge pulp and paper mills face is that existing technologies to control and reduce criteria air pollutant emissions, such as PM2.5, PM10, and SO2, rely on the use of more natural gas, thus creating an increase in GHG emissions. The preliminary draft rule language does not take into account how Ecology proposes to balance both mandates in the statute, as well as other existing statewide mandates under Washington's Clean Energy Transformation Act (CETA) and the I-937 renewable portfolio standard, that encourage the use of biomass. We would encourage Ecology to consider including a clarifying element in the draft rule to address policy conflicts.

In closing, it is our belief that a program not focused on reducing emissions from the greatest contributors to impaired air quality in overburdened communities would fail in three regards. First, it would not mitigate the disparities between air quality in overburdened communities and neighboring communities because the draft does not address reducing emissions from the vast majority of emission sources (non-permitted sources which contribute over 95% of state-wide emissions). Second, it would conflict with the legislature's directive in RCW 70A.65.020 to identify stationary, mobile and area sources that are the greatest contributors to impaired air quality. Lastly, it would undercut the intent of the CCA to protect EITEs and prevent leakage. RCW 70A.65.020 does not limit Ecology's rule development to stationary sources.

We respectfully ask that Ecology revise its draft rule to more comprehensively address mobile and area sources of emissions, as well as more adequately address proportionality of emissions from each source type.

Thank you for your time and consideration of these comments. Please let me know if you have any questions.

Sincerely,



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