Port of Vancouver USA

February 11, 2026

Attn: Anthony Bruma
Air Quality Program Rulemaking Lead
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504

RE: Port of Vancouver Comments on Ecology's Preliminary Draft Rule Language – Chapter 173-448 WAC – Air Quality in Overburdened Communities

Dear Anthony Bruma:

The Port of Vancouver USA (the Port) respectfully submits these comments on the Chapter 173-448 Washington Administrative Code (WAC), Air Quality in Overburdened Communities Highly Impacted by Air Pollution Preliminary Draft Rule Language issued by the Washington State Department of Ecology (Ecology) on November 14, 2025. The comments are provided pursuant to Chapter 34.05 of the Revised Code of Washington (RCW) and Ecology's published comment period. The comments are offered to support a balanced approach between Ecology's objective to reduce air pollution in overburdened communities that are highly impacted by criteria air pollutants and safeguarding long-term development opportunities and continued use of industrial land at the Port for the economic benefit of our community.

The Port is a global hub of opportunity positioned at the crossroads of river shipping, interstate highways, and national rail lines. Moving over 7 million tons of cargo annually and home to more than 50 tenant businesses, we are a strategic industrial gateway to the United States, Canada, Asia and South America.

The Port's vision is to build *"a community connected to a world of economic opportunity that supports a healthy environment, trade and living-wage jobs"* which aligns well with Ecology's vision to *"protect and sustain healthy land, air, water, and climate in harmony with a strong economy."* The Port knows that a healthy environment supports a thriving community and economy. That's why environmental stewardship is at the core of everything we do. We're committed to preserving and protecting the air, land and water that surround us, for today and future generations. Ecology's proposed rulemaking will provide guidelines for improving air quality in overburdened communities and will influence the long-term health, livability, and economic prosperity of the entire community, including the Port. We offer these comments to support our shared environmental values and take into consideration the economic benefits that support healthy communities while developing this rulemaking.

General Comments

Comment 1:

- As described in Ecology's rulemaking process, Ecology will conduct a preliminary economic analysis of the impacts and benefits of a proposed rule during the proposal phase of a proposed rule. Because Ecology has issued informal draft rule language for Chapter 173-448 and not made an official proposal of draft rule language through the Washington State Code Reviser's Office via form CR-102, a preliminary economic analysis of the proposed rule has not been completed. The draft rule language, as currently written, only seeks to impose rules upon permitted or registered sources (WAC 173-448-060 (1) (b) and WAC 173-448-070 (2)). As such, the requirements of this rule will be the burden of permitted or registered businesses, permitted through the local air authority.
  Proposing draft rule language that will impose new reporting, monitoring, and emission reduction requirements upon businesses and local air authorities without an understanding of the economic impacts of those requirements fails to provide the public with accurate information needed to submit valuable comments to Ecology. We encourage Ecology to provide an economic impact of the rule prior to issuing a draft.

Comment 2:

- The draft rulemaking language includes multiple references to design values, estimates, and "other" information, data, and approaches without providing calculations, methodology, or other specific information. We encourage Ecology to provide the equations used to calculate and estimate all values that will be used to make decisions regarding determining air quality in impacted communities, air quality targets, emissions baselines, and required emissions reductions.

Comments on Draft Rulemaking Language

Comment 3: WAC 173-448-040 - Determining air quality in identified communities, Paragraph (7)

Current rule language: "If there are not at least three years of data to calculate or estimate the ambient air concentration design value of a criteria pollutant in an identified community, Ecology will:

(a) Not compare that pollutant to an "Air Quality Target" established under WAC 173-448-050 until at least three years of data are available to determine the design value in the identified community;
(b) Continue to monitor and expand monitoring for criteria air pollutants according to the Ambient Air Monitoring Network Plan for the purpose of meeting the requirements of RCW 70A.65.020(1)(b)."

- Comment: Five of the six Ecology-owned air monitors within the Vancouver Overburdened Community will not have three years of data until 2028. We encourage Ecology to not establish the Vancouver Overburdened Community's air quality design value until the monitoring network has been expanded to meet the requirement of RCW 70A.65.020(1)(b) and has collected three years of data.

Comment 4: WAC 173-448-050 - Air quality targets, Paragraph (2)

Current rule language: "When setting an air quality target, Ecology will consider the following options and select the option determined to be the most protective of public health:

(a) The calculated or estimated design value of a criteria pollutant in the neighboring community, as defined in WAC 173-448-030, using the same methodology for calculating or estimating ambient air concentration design values, as described in WAC 173-448-040; or
(b) The National Ambient Air Quality Standards under 40 CFR Part 50."

- Comment 4a: We support the development of air targets that are consistent across the state of Washington. Developing unique targets for each community gives the appearance that some communities are prioritized over others with more protective targets and prioritizes some communities' health over others. This approach can lead to economic inequality due to disproportionate impacts to businesses across the state, often in the communities most overburdened. This method also highlights the arbitrary process at which these targets are selected that is not based on science or health metrics.
- Comment 4b: We support the alignment of this rule with EPA guidelines and methodologies to avoid creating new air quality targets. While the current National Ambient Air Quality Standards (NAAQS) have the potential to be revised at the federal level, Ecology should consider specifying the concentrations and statistical form of the standard for each pollutant for which a target is developed. For example, an annual PM2.5 of 9.0 µg/m³, calculated as the annual mean, averaged over 3 years, and a 24-hour PM2.5 target of 35µg/m³, calculated as the 98th percentile, averaged over 3 years, are supported by the 2019 Integrated Science Assessment and 2022 Policy Assessment, both of which were developed by EPA as part of the NAAQS review process. These values have a clear scientific justification, and the EPA Assessments can be cited even if the NAAQS were to be revised in the future.
- Comment 4c: Although monitored values from neighboring communities are lower than the NAAQS and could be interpreted as being more protective of public health than the NAAQS, EPA sets NAAQS to protect public health and welfare, that are neither more nor less stringent than necessary (EPA 2019). If Ecology proposes targets more stringent than 9.0 and 35 µg/m³ for PM2.5, the values must be justified using scientific evidence to demonstrate that lower values are necessary to protect public health. Any proposed targets that are not in alignment with NAAQS need to be developed using a process similar to EPA, which includes the evaluation of scientific literature and review by an independent panel of scientific experts to support health-based conclusions used in rulemaking.

According to the 2019 Integrated Science Assessment on Particulate Matter (EPA 2019), the recommended values avoid disproportionate impacts on susceptible populations (i.e. populations potentially at increased risk of a PM-related health effects) and provide increased protection for children, older adults, and people with pre-existing heart and lung disease as well as other potentially susceptible populations against an array of PM2.5-related health effects, including premature mortality, increased hospital admissions and emergency department visits, and the development of chronic respiratory disease. In addition, the values include a margin of safety intended to address uncertainties associated with inconclusive scientific and technical information available at the time of standard setting, as well as a reasonable degree of protection against hazards that research has not yet identified. Based on the 2019 assessment, we do not believe that air quality targets lower than the NAAQS have been scientifically evaluated to be justified as necessary to protect public health.

Comment 5: WAC 173-448-070 - Identifying sources of criteria air pollution, Paragraph (2)

Current rule language defines "High Priority Significant Emitters" (also referred to as "high priority emitters") as "the sources or entities with emissions of a criteria pollutant or criteria pollutant precursor that are determined to cause or contribute to criteria air pollution in an identified community. They are permitted or registered sources located within an identified community, that may be required to reduce emissions. Sources that meet the requirements to register or obtain a permit are subject to this chapter regardless of whether they are registered or have obtained a permit. Additional criteria for inclusion as a high priority emitter are listed under WAC 173-448-070." (WAC 173-448-030)

- Comment 5a: Ecology identifies emission thresholds for high priority emitter identification in Table 1 but does not address RCW 70A.65.020(2)(c), "Actions imposed under this section may not impose requirements on a permitted stationary source that are disproportionate to the permitted stationary source's contribution to air pollution compared to other permitted stationary sources and other sources of criteria pollutants in the overburdened community." Ecology needs to clarify how they will determine a facility's contribution to overall air pollution prior to identification of high priority emitters.
    - A facility's contribution to pollution within the community should consider all sources of air pollution. For example, Ecology's 2020 Washington Comprehensive Emissions Inventory identified the top two contributors to PM2.5 emissions statewide as: Wildfires (39%) and Residential Wood Combustion (15%); Large Point Sources and Industrial/Commercial/Institutional Fuel Combustion were only 3% and 2% respectively (Ecology 2023c). Using this information, emissions reductions specific to permitted industrial facilities as currently proposed in the draft rulemaking would disproportionately impact permitted stationary sources and statistically have a small impact toward meeting the community's air quality target.
    - A facility's contribution to air pollution within the community should consider emission sources located outside the community boundary that cause or contribute

to criteria air pollution in the identified community. In particular, pollutant concentrations in the Vancouver community are likely impacted by emissions sources originating from Oregon (including wildfires, residential wood combustion, mobile sources, and industrial sources). This could lead to additional disproportionality if not considering emission thresholds based on other sources of criteria pollutants in the overburdened community.

  - We recommend that Ecology use modeling resources such as NW-AIRQUEST to determine if an emissions reduction from a proposed high priority emitter would proportionally impact the pollutant concentrations in the overburdened communities. This method would help focus on meaningful emission reduction efforts and avoid using resources from Ecology, local clean agencies, and individual facilities on efforts that will not practically achieve air quality targets.

- Comment 5b: We encourage Ecology to propose rule language that aligns with the Environmental justice review (RCW 70A.65.020(2)(b)(i)(B)(ii) and Washington Clean Air Act (Chapter 70A.15.1005 RCW) to focus emissions reduction requirements on sources with the greatest contributors to air pollution should they be identified as such per WAC 173-448-070.
  - RCW 70A.65.020(2)(b)(i)(B)(ii), Environmental justice review directs Ecology to "Identify the stationary and mobile sources that are the greatest contributors of those emissions that are either increasing or not decreasing;"
  - The Washington Clean Air Act, Chapter 70A.15.1005 RCW states: "The legislature further recognizes that air emissions from thousands of small individual sources are major contributors to air pollution in many regions of the state. As the population of a region grows, small sources may contribute an increasing proportion of that region's total air emissions. It is declared to be the policy of the state to achieve significant reductions in emissions from those small sources whose aggregate emissions constitute a significant contribution to air pollution in a particular region."

Comment 6: WAC 173-448-080 - Emission submittal requirements

Current rule language in paragraph (2) states: "Upon request by Ecology, the owner or operator of a source identified as a high priority emitter must submit an inventory of its stack and fugitive emissions. The records required this subsection must be submitted within 30 days of receipt of the notification, unless a different schedule is requested by the owner or operator and agreed to by Ecology"

- Comment 6a: Owners and operators should have 60 days to submit these records, consistent with WAC 173-448-070 (5) that states "A source determined to be a high priority emitter has 60 days after receipt of the notification to submit to Ecology more recent data or other information relevant to the high priority emitter designation for reconsideration unless a different schedule is requested and agreed to by Ecology."
- Current language in paragraph (3) states: "Upon request by Ecology, the owner or operator must report daily or monthly emissions of criteria pollutants and criteria pollutant precursors"

- Comment 6b: Permitted facilities are currently subject to missions reporting frequency requirements from Ecology and/or local clean air agencies that are appropriate for each type of facility, and additional emissions reporting (daily) will be overly burdensome to the facility while providing minimal value.

Comment 7: WAC 173-448-100 - Emission reductions for high priority emitters. Paragraph (4)

Current rule language subjects all high priority emitters that do not have an approved Optional Emissions Reduction Plan to the percent reductions presented in Table 2.

- Comment: This approach does not consider RCW 70A.65.020(2)(c), "Actions imposed under this section may not impose requirements on a permitted stationary source that are disproportionate to the permitted stationary source's contribution to air pollution compared to other permitted stationary sources and other sources of criteria pollutants in the overburdened community." We encourage Ecology to develop emission reduction targets unique to each high priority emitter, based on the facility's contribution to local air pollutant concentrations, as determined in WAC 173-448-70.

Suggestions for Ecology's Placeholder Language

Within the draft rule language, there are highlighted items with placeholder language. We are taking this opportunity to offer our suggestions as listed below:

WAC 173-448-040 (4)

Draft Rule Language: Design values for criteria air pollutants will be calculated using validated data beginning [Placeholder; January 1, 2020] as follows:

- Recommendation: Design values will be calculated using validated data beginning three years after the establishment of the expanded regulatory air quality monitoring in the overburdened community.

WAC 173-448-040 (5)(b)

Draft Rule Language: [Placeholder. Ecology is considering statistics such as median, third quartile or another approach to calculate a design value that is representative of the ambient air concentration of the pollutant in the identified community.]

- Recommendation: The design value will be calculated using methods consistent with the form of the NAAQS for each pollutant considered. Any deviation from this method must be justified and supported with science and health metrics.

WAC 173-448-050 (4)

Draft Rule Language: After establishment of an initial air quality target, Ecology will reassess the target every [Placeholder; six years] following the identification or re-identification of overburdened communities highly impacted by air pollution and after sufficient data, as

described in WAC 173-448-040(4), are available to calculate or estimate the ambient air concentration design value for a criteria pollutant in the neighboring community.

- Recommendation: Targets should be reassessed every three years, consistent with the approach that three years of monitoring data is used to determine the air quality in identified communities as described in WAC 173-448-040.

WAC 173-448-050 (8)

Draft Rule Language: All air quality targets are met. For the purposes of RCW 70A.65.020, Ecology may remove the identified community from the list of overburdened communities highly impacted by air pollution if all established air quality targets have been met for [Placeholder; time period] or if Ecology's policy for identifying overburdened communities highly impacted by air pollution no longer indicates the community is overburdened and highly impacted by air pollution.

- Recommendation: Identified communities should be removed from the list if all established air quality targets have been met for 3years.

WAC 173-448-070 (1)(b)

Draft Rule Language: The list of sources constituting the greatest contributors for each identified community may be reassessed every [Placeholder; six years] in conjunction with the overburdened community identification process.

- Recommendation: The list of greatest contributors should be reassessed every 3 years, using emissions data that coincides with the 3 years of monitor data that are compared to air quality targets, as we suggested for 173-448-050 (4).

WAC 173-448-070 (7)

Draft Rule Language: The list of high priority emitters for each identified community will be published on Ecology's website and reassessed every [Placeholder; time interval].

- Recommendation: The list of high priority emitters should be reassessed every 3 years, using emissions data that coincides with the 3 years of monitor data that are compared to air quality targets, as we suggested for 173-448-050 (4).

WAC 173-448-090 (2)

Draft Rule Language: For high priority emitters in communities identified in 2023, the emission baselines must be the [Placeholder. Ecology is considering one of the following options: 1) average of the combined emissions of criteria air pollutant and its precursors from 2013 to 2022; 2) highest two-year average of the combined emissions of criteria air pollutant and its precursors from 2018 to 2022; or 3) average of the combined emissions of criteria pollutant and its precursors from any year 2018 through 2022].

- Recommendation 1: Emission baselines will be developed using the average criteria pollutant emissions from the three years of data that were used to determine if a community has met its air quality targets. If three years of monitor data are used to determine the air quality in identified communities, then the emission baseline should be based on the same three years.

- Recommendation 2: We recommend the language is revised to clearly state that emissions baselines are specific to each pollutant and not a sum of the concentrations of multiple pollutants. Suggest: "…average of emissions of each criteria pollutant…").

WAC 173-448-090 (2)(a)
Draft Rule Language: For communities identified after 2023, the baseline will be the [insert option from above] from the [X years] prior to identification.

- Recommendation: For communities identified after 2023, the baseline emissions for each pollutant of concern will be the average emissions from the 3 years prior to identification, consistent with the recommendation above.

WAC 173-448-090 (2)(b)
Draft Rule Language: Ecology may also calculate baselines for the highest seasonal, monthly, or daily emissions from [X years] prior to identification of the community.

- Recommendation: We do not support the development of emissions baselines for time periods less than one year, as described in more detail in Comment 6.

WAC 173-448-100 (1)
Draft Rule Language: Optional Emission Reduction Plan. Within [Placeholder; one year] of being notified of the high priority emitter designation, a high priority emitter may choose to submit an optional Emission Reduction Plan to Ecology and the local air authority.

- Recommendation: We believe one year is reasonable for submission of an Optional Emission Reduction Plan.

WAC 173-448-100 (2)
Draft Rule Language: Ecology will review and either approve the optional Emission Reduction Plan or request changes to the plan. [Placeholder; Ecology is considering the approval process and review period]

- Recommendation: We request that Ecology consider a review period that is no longer than one year and a review process consistent with current air permitting regulations.

WAC 173-448-100 (4)(d)(i) Table 2.
Draft Rule Language:

Year of Evaluation	Percent Below Baseline
2030	3%
2036	6%
2042	[Placeholder; 9%, please provide comment]
2048 and after	[Placeholder; 12%, please provide comment]

Table 2. Reductions below emission baselines for high priority emitters

- Recommendation: We do not support identifying decreases in this fashion. Prescribing a percent reduction below baseline that applies to all high priority emitters is in conflict with RCW 70A.65.020(2)(c) that states "Actions imposed under this section may not impose requirements on a permitted stationary source that are disproportionate to the permitted stationary source's contribution to air pollution compared to other permitted stationary sources and other sources of criteria pollutants in the overburdened community." Emission reductions must be based on the emission source's contribution to pollutant concentrations as a 'greatest contributor' identified in WAC 173-448-070 (1). Ecology needs to develop a path for de minimis permitted sources to avoid unproportionately bearing a community's clean air burden.

WAC 173-448-110 (2)
Draft Language: A new source or modification with the potential to emit beyond the significant emissions thresholds in WAC 173-448-070(3)(a), must mitigate increases in particulate matter in identified communities due to its emissions. Within [Placeholder; one year] after notification, the facility must submit a plan to Ecology to mitigate increases in particulate matter in an identified community.

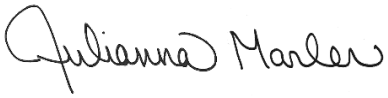
- Recommendation: We believe one year is reasonable for submission of a mitigation plan.

Conclusion

In summary, the Port extends our appreciation to Ecology for your continued engagement and outreach to the communities most impacted by this proposed rulemaking. The Port supports efforts to improve air quality in our state and region. Looking ahead, the Port is committed to working with Ecology on the next phases of this rulemaking process. Continued diligence and strategic input during the development of air quality targets and emissions reductions rulemaking will be crucial for improving air quality while encouraging economic stability and growth, all of which are crucial for a sustainable future.

Thank you again for the opportunity to comment on and participate in this process.

Sincerely,



Julianna Marler
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References

Ecology 2023c. 2020 Washington Comprehensive Emissions Inventory Technical Support Document. Washington State Department of Ecology. July.

EPA 2019. Integrated Science Assessment (ISA) for Particulate Matter. United States Environmental Protection Agency. December.