



February 12<sup>th</sup>, 2026

Attn: Anthony Bruma  
Washington Department of Ecology  
Air Quality Program  
P.O. Box 47600  
Olympia, WA 98504-7600  
[Anthony.Bruma@ecy.wa.gov](mailto:Anthony.Bruma@ecy.wa.gov)

**RE: Informal Comments in Response to the Department of Ecology's (WAC 173-448) Air Quality in Overburdened Communities Rulemaking**

Avista Corporation, d/b/a Avista Utilities (Avista), submit the following comments pertaining to the Washington Department of Ecology's (Ecology) proposed rulemaking workshop on December 12, 2025, in which Air Quality Program Staff introduced rulemaking details for improving the air quality in overburdened communities. Under Ecology's draft (Draft) proposal WAC 173-448 Air Quality in Overburdened Communities, language intends to implement sections of RCW 70A.65.020.

As a regional utility serving in multiple states with both electric and natural gas, customer affordability is at the forefront of Avista's business model. Customers span a wide range of income classes throughout the region and continue to be of upmost importance, especially when it comes to keeping the lights on. The proposed Draft is of great concern to the utility industry as it contains no discussion of costs to implement and maintain. Avista is in support of working with Ecology to realize emissions reductions with the most common-sense approach. However, this Draft is especially concerning due to the potential for additional costs on top of already fiscally burdensome programs currently in effect. We recommend Ecology revise the proposed language to reduce the potential for high costs to customers and businesses while aligning with other programs already in place.

***CETA and CCA***

At present, Ecology has a multitude of programs and requirements in effect for greenhouse gas emitters and their subsequent sources. A few of the most impactful regulations include the Clean Energy Transformation Act (CETA) and the Climate Commitment Act (CCA). Both serve as primary regulatory vehicles for the reduction of emissions in both the electric and natural gas sectors. Furthermore, CETA already has an established requirement for serving overburdened communities. For example, CETA explicitly requires applicable entities to ensure the equitable distribution of energy and non-energy benefits during the clean energy transition. Benefits may include anything from weatherization to energy efficiency: all with an associated cost. It remains unclear as to how this rulemaking would present non-duplicative requirements for those entities already subject to these regulations.

***NAAQS and Permitted Facilities***

Under the recently passed, Big Beautiful Bill (H.R.1), it was proposed that requirements for affected facilities to meet the threshold limits and subsequent rules under compliance with the National Ambient

Air Quality Standards (NAAQS), were to be indirectly rescinded. The bill contained multiple provisions including one to reduce key funding for Environmental Protection Act (EPA) pollution-control programs. Despite this bill, the NAAQS are still in effect. The current national ambient air quality standards for primary annual PM<sub>2.5</sub> are 9.0 micrograms per cubic meter (40 CFR Part 50.20(a-b)) as revised in May of 2024. Ecology's current regulations (WAC 173-476-900) have not been revised to reflect the stricter federal level, so primary annual PM<sub>2.5</sub> is still listed as 12.0 micrograms per cubic meter. It is unclear as to why Ecology has yet to adopt the most recent NAAQS standards, let alone try and create a new standard from an undetermined, credited source. We urge the consistent application of federal and state standards (as well as definitions) to provide clarity and prevent inconsistencies.

Additionally, the constructs of this rulemaking are inherently in conflict with RCW 70A.65.020(2)(c) in which the law clearly 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 communities due to its emissions". The proposed language effectively singles out stationary sources already regulated by state or federal requirements. Avista recommends that compliance of state-permitted facilities (both past, present and future) continue to be handled by either each respective local air agency organization or by Ecology's already existing programs. Air agencies are already in-tune with the requirements of each permit, the owners and operators as well as the state and federal requirements pertaining to affected facilities.

### ***Revision of WAC 173-448-040***

Under Section 3.0, the proposed statement "Ecology may exclude data if it determines elevated concentrations are caused by an exception event, as defined in 40 CFR Part 50.1". It is strongly urged that this statement be amended to replace "may" with "will" to reflect the inclusion of urgent and critical exceptional events such as wildfire. Particulate from wildfires, is a major contributor to air quality and subsequent monitoring data. Any data collection incorporating exceptional events, would produce inaccurate results and skew conclusions. Additionally, proposed language in Section 5.0 should also be adjusted to provide alignment with EPA's methodology under NAAQS. The term "median" would not be an accurate indicator used to calculate a design value. Instead, under 40 CFR Part 50 Appendix N(c), Design values are based on 3-year averages.

Avista appreciates the opportunity to engage and provide comments on this rulemaking. It is critical that any new or revised requirements related to air quality and alike, align with other active program rules, including but not limited to CETA and CCA. We press upon Ecology to address these concerns in an urgent manner. If you would like to further discuss these comments, our joint comments with Baker Botts or have additional questions, please reach out to Janna Dubnicka ([Janna.Dubnicka@avistacorp.com](mailto:Janna.Dubnicka@avistacorp.com)).

Sincerely,

/s/ Janna Dubnicka

Janna Dubnicka

Clean Energy Policy & Implementation Manager

Avista Corporation

[Janna.dubnicka@avistacorp.com](mailto:Janna.dubnicka@avistacorp.com)

