



CITY COUNCIL

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February 10, 2026

To: Washington State Department of Ecology

Re: City of Spokane Valley comments on draft rule language for chapter 173-448 WAC concerning air quality in overburdened communities.

Dear Department of Ecology,

On behalf of the City of Spokane Valley ("City"), we appreciate the opportunity to provide comments on the preliminary draft rule language for chapter 173-448 WAC, *Improving Air Quality in Overburdened Communities*. The City supports focused efforts to reduce criteria pollutants, which do not disproportionately affect businesses and the citizens they employ through onerous regulatory costs.

In the 2025 Report: *Overburdened Communities Highly Impacted by Air Pollution*, the Department of Ecology ("Department") explained that "[w]ildfires are the dominant source of PM_{2.5} emissions statewide, contributing approximately 44,832 tons per year (TPY)." The Department noted that most days with an Air Quality Index ("AQI") above 100 (unhealthy for sensitive groups) have been the result of wildfires. In comparison, woodsmoke from heating homes during winter and agricultural activities contribute only 17,438 TPY and 14,895 TPY, respectively. Businesses in urban areas were not named as a major contributor of PM_{2.5}.

Ecology also noted that volatile organic compounds contributing to ground-level ozone are mostly the result of natural emissions from soil and vegetation (214,163 TPY), and wildfires (121,121 TPY). In distant third there are industrial causes (69,076 TPY). On-road vehicles are the largest contributor of nitrogen oxides at 60,029 TPY, whereas "major point sources" such as power plants, paper mills, and oil refineries only contribute 22,934 TPY. On-road vehicles are the major anthropogenic cause of NO₂ and CO, yet even near freeways the concentrations rarely break into the "moderate" range for AQI. Overall, Washington State, including the Spokane and Spokane Valley area, remained within the National Ambient Air Quality Standards. The intent of chapter 70A.65 RCW is "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." RCW 70A.65.005(7) (emphasis added).

Pursuant to RCW 70A.65.020(1), Ecology is required "to analyze and determine which sources are the *greatest contributors* of criteria pollutants and develop a high priority list of significant emitters." However, the Department is limited to actions that are fair and justifiable:

Actions imposed under this section may not impose requirements on a permitted stationary source that are *disproportionate to the permitted stationary's source's contribution to air pollution compared to other permitted stationary sources and other sources of criteria pollutants* in the overburdened community.

RCW 70A.65.020(2)(c) (emphasis added). The definition of high priority emitters in the proposed regulations is limited to businesses within the overburdened community, yet their impact is, as the Department notes in its report, minute when compared to the greatest contributors, i.e., wildfires, traffic, agriculture, plants, and soil. This is not a proportional response. These regulations do not address the greatest contributors to pollutants in the overburdened communities, and instead continues a regulatory framework affecting the economic engines on which the people of these communities rely.

The regulatory landscape is already overcrowded with burdensome standards and requirements such as the Clean Building Act, the addition of the climate change and resiliency element into comprehensive planning, greenhouse gas emission and criteria pollutant reporting, the Cap and Invest Program, annual registration fees, and permitting processes.

To ensure that enforcement is proportionate, the City believes that proposed WAC 173-448-100(4) should include the following additional conditions to enforcement:

- (e) The Department of Ecology determines through a third-party assessment that registered or permitted high priority emitters in the overburdened community are responsible for at least one-third of the offending criteria pollutant in the overburdened community as measured by TPY for the previous two years.
- (f) The State of Washington has established and funded a grant program to cover all costs associated with implementing an enforceable order issued pursuant to this chapter.

We believe that these additions would lessen the impact that potential actions would have on the business community and would result in proportionate and meaningful actions that focus on the major contributors of pollution.

We look forward to continued participation during the formal rule proposal process.

Sincerely,

A handwritten signature in blue ink that reads "Laura Padden". The signature is fluid and cursive, with "Laura" on the top line and "Padden" on the bottom line.

Laura Padden, Mayor
on Behalf of the Spokane Valley City Council