

Beth Hodgson

* Global comment - the use of the term "criteria air pollution" is not consistent with EPA's NAAQS so it would not be recognized in the environmental field and may be broader for the public than the scope of this rulemaking. The chemicals for which NAAQS have been established are "criteria air pollutants". A better term for the rulemaking may be "pollution created by criteria air pollutants" or simply "criteria air pollutants".

* Global comment - in some places "criteria air pollution and greenhouse gas emissions" (e.g. WAC 173-448-010) is used; in others just "criteria air pollution" (e.g. WAC 173-448-020). This will cause confusion on the scope and applicability of the proposed rule.

* WAC 173-448-030, "Criteria pollutant" - this phrase is used 34 times in the document. As relates to the NAAQS, the correct term is "criteria air pollutant" which is used 10 times in the document. I recommend that "criteria air pollutant" be used consistently throughout.

* WAC 173-448-030, "Neighboring Communities" - this definition limits neighboring communities to those who are in the same Ecology region. This intimates that if an overburdened community is located in Franklin County (ERO) and the highest source of pollutant is located upwind in Benton County (CRO), there will be no impact to the source located in Benton County; only to the sources in ERO jurisdiction. This construct may make sense where the counties for the regional offices are separated by a major topographical barrier (e.g. Cascade Mountains), but not for most of the regional offices which all have the potential to have upwind pollution sources to an overburdened communities which are located in another region.

* WAC 173-448-040(1)(b) - while I appreciate that the non-regulatory air monitors are cheaper and more broadly distributed, there should be some qualifications for non-regulatory air quality monitors.

* WAC 173-448-040(4)(b) - what procedure? Who will approve and validate the alternative procedure? Is this procedure going to change every time a different person works to define overburdened communities?

* WAC 173-448-040(5) - 3 years of data with what level of completeness. If there is 3 years of data for a monitor but it only operated for 6 months of each year for 3 years, is that monitor a qualified dataset. I recommend referencing 40 CFR 50 Subpart W for definition of sufficient data.

* WAC 173-448-040(6) - I recommend that the design values should be distributed for comment before being the source of reference in the annual report.

* WAC 173-448-050(3)(a) - this is in direct conflict with WAC 173-448-040(7)(a) which states that Ecology will "Not compare that pollutant to an "Air Quality Target" and WAC 173-448-050(3)(b) is redundant with WAC 173-448-040(7)(b).

* WAC 173-448-070(3)(a), "based on data representing the 2020 calendar year or any calendar year thereafter" - what if the source has reduced emissions compared to the highest emissions years as a result of some other program or project, and has already submitted the reports to Ecology? They still have to go through WAC 173-448-070(5) through (8)??

* WAC 173-448-080(2) - if a source is a high polluter, they are likely already a source submitting periodic emissions inventories to Ecology. Why do they have to submit an additional report under this rule?

* WAC 173-448-100(4) - the emissions reduction is focused on providing an across-the-board emissions reduction rather than pursuing a proportional reduction based on the contribution to the overburdened community impact.

Thank you for your consideration.