

The Northwest Seaport Alliance, Port of Seattle, and Port of Tacoma (Meghan Reckmeyer)

**Date:** February 12, 2026

**To:** Washington State Department of Ecology

**Submitted by:** Meghan Reckmeyer, Environmental Project Manager, The Northwest Seaport Alliance

**Subject:** The Northwest Seaport Alliance, Port of Seattle, and Port of Tacoma comments regarding preliminary draft rule language – Chapter 173-448 WAC – Improving Air Quality in Overburdened Communities

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Dear Department of Ecology,

On behalf of The Northwest Seaport Alliance, Port of Seattle, and Port of Tacoma, we appreciate the opportunity to comment on Ecology's Improving Air Quality in Overburdened Communities rulemaking. We share Ecology's commitment to reducing emissions and improving air quality for communities disproportionately impacted by pollution. As Washington's primary gateways for international trade, our Ports are deeply invested in advancing environmental justice while safeguarding the efficiency and competitiveness of the supply chain that supports our state's economy. We support the intent of this rulemaking effort, and at the same time urge Ecology to maintain its focus and resource investment in ongoing emission reduction efforts outside of this rulemaking scope that we believe deliver the greatest air quality and health benefits for the identified overburdened communities.

Through the Northwest Ports Clean Air Strategy, we have established the goal of phasing out all seaport emissions by 2050 or sooner. This vision is advanced through programs such as our Shore Power Program and the Zero Emission Drayage Program, which prioritize emission reduction benefits in overburdened communities living near port terminals and along major freight routes that are highly impacted by air pollution ("identified communities"). We have also worked with partners to secure state funding to advance these initiatives, including the Washington State Zero-Emission Incentive Program (WAZIP) and the Port Electrification Grant Program. These efforts reflect our collaborative approach to maximizing public health benefits for identified communities while maintaining Washington's economic vitality and the competitive advantage of our gateway.

**Comments on draft Chapter 173-448 WAC, Air Quality in Overburdened Communities.**

While we agree with Ecology's approach to focus on permitted and registered source emissions for this rulemaking, we are concerned that this program could divert resources from programs that reduce other important emission sources, particularly transportation and wood-burning. Washington has already pioneered multiple programs to address these sectors, several of which are listed below. Continued funding for these programs is crucial to reduce emissions and maximize the benefits to identified communities. We urge Ecology to maintain focus on high-

priority industrial sources through this rulemaking, while continuing to support, fund, and further embed an environmental justice perspective into existing efforts. With that overarching principle in mind, we have a few targeted questions and concerns regarding the Chapter 173-448 WAC Preliminary Draft Rule Language.

### **1. WAC 173-448-070 Identifying sources of criteria air pollution**

We appreciate Ecology’s statutory requirement to determine which sources are the greatest contributors of criteria pollutants within identified communities and develop a high priority list of significant emitters.<sup>1</sup> The means by which Ecology identifies both the “greatest contributors” and “high priority emitters” of criteria pollutants within identified communities is within Ecology’s discretion. With that in mind, we have concerns that the proposed rule, as drafted, provides very limited guidance on how these two regulated categories will be identified.

The draft rule proposes that “greatest contributors” will be identified based on:

- (i) Emissions information described in WAC 173-448-080 and any other emissions information available to Ecology;
- (ii) Monitoring data from monitors and sensors that are part of the Washington air monitoring network;
- (iii) Air quality models and studies conducted by Ecology, the local air authority, or regulated entity; and
- (iv) Community engagement in accordance with RCW 70A.65.020(4)(a)(i).

However, the rule provides no standards by which the information in the categories identified above will be evaluated or quantified for purposes of identifying “greatest contributors” and developing a list of “high priority emitters” under RCW 70A.65.020(1)(c)(i). For instance, will all permitted or registered stationary sources be included on the list of greatest contributors or only those stationary sources that meet a certain threshold for emissions? Does Ecology intend to include mobile sources in its initial list of “greatest contributors,” and if so, how does it propose to quantify mobile source emissions? How does Ecology plan to evaluate data gathered from air quality monitoring to identify “greatest contributors”? Finally, once identified as “greatest contributors,” will these entities be notified of this determination and provided an opportunity to supplement or inspect the data upon which Ecology made this determination, similar to the process proposed for “high priority emitters”?

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<sup>1</sup> RCW 70A.65.020(1)(c)(i).

The process Ecology describes for identifying “high priority emitters” is similarly concerning due to the lack of quantifiable standards or a clear methodology. The draft rule identifies that certain sources will be considered “high priority emitters” based on specific emissions reporting thresholds. However, the rule does not clearly specify the data sources used for this determination, nor does it clarify that the rule applies only to stationary sources with existing reporting obligations. If Ecology’s intent is to gather this information from existing reporting submitted by regulated stationary sources, we suggest that it clarify that in the rule. If Ecology intends use other data sources to identify and quantify emissions from “high priority emitters,” those data sources should be clearly described.

The draft rule raises many questions regarding the process for identifying entities that may ultimately become subject to stricter emission limitations. For that reason, we recommend that the final rule language provide greater clarity on the methodology and data Ecology will use to make these initial determinations.

## **2. Alignment with existing emissions reduction programs**

Ecology should ensure that it coordinates existing emissions reduction programs with the processes proposed by Chapter 173-448 WAC. Aligning this list of greatest contributors with existing state emission reduction programs would ensure consistency and guide additional funding toward efforts that deliver measurable benefits in and around identified communities.

To achieve the intended air quality targets, the emission reduction strategies outlined in this draft rulemaking will need to be coupled with sustained investment in existing programs and statewide efforts. Examples of programs and standards that could be expanded through this alignment include:

- Washington State Zero-Emission Incentive Program (WAZIP)
- Washington State Clean Fuels Standard
- Department of Ecology’s Clean Diesel Program
- VW Settlement Funding
- Port Electrification Grant Program

The Northwest Seaport Alliance, Port of Seattle, and Port of Tacoma remain committed to partnership and shared environmental goals. We believe that collaboration and alignment with existing efforts will deliver more effective criteria air pollutant reductions. We continue urging Ecology to prioritize Climate Commitment Act (CCA) funding for projects that deliver immediate health benefits to identified communities while accelerating Washington’s leadership in clean transportation and environmental justice.

Improving Air Quality in Overburdened Communities Preliminary Draft Rulemaking  
Public Comment Period (Informal)  
The Northwest Seaport Alliance, Port of Seattle, and Port of Tacoma Comments  
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Thank you for considering our comments. We welcome continued dialogue and stand ready to work with Ecology to advance these objectives.

Respectfully,

The Northwest Seaport Alliance

Port of Seattle

Port of Tacoma