



February, 12, 2026

Anthony Bruma

Washington State Department of Ecology
300 Desmond Drive SE, Lacey, WA 98503

Re: Informal Comment Period for Chapter 173-448 WAC, Air Quality in Overburdened Communities Highly Impacted by Air Pollution

Dear Mr. Burma,

Thank you for the chance to comment on Ecology's draft rule for Chapter 173-448 WAC. SWCAA supports the goal of improving air quality in overburdened communities. We want this rule to lead to real, measurable reductions in harmful air pollution. However, in its current form, this rule will not produce the meaningful emissions reductions or community air quality improvements that overburdened communities need. Instead, it will create major administrative and compliance burdens without delivering the intended results.

The Draft Rule Will Not Deliver Meaningful Reductions

As written, the draft rule focuses heavily on new requirements for permitted stationary sources, even in areas where stationary sources are a small share of total emissions and where most facilities are already highly controlled. Because of this, the rule will not achieve the meaningful, measurable reductions in criteria pollutants that it is intended to accomplish.

Section 35 Does Not Require New Stationary-Source Permits

On the permitting question, some people have read Section 35 of the Climate Commitment Act (RCW 70A.15.1100) as requiring Ecology to add new controls for stationary sources in overburdened communities. But that reading is incorrect. Section 35 only applies under certain conditions. Ecology must first decide that criteria pollutants are not going down in an overburdened community, and Ecology must adopt stricter air quality standards, emission standards, or emission limits. Section 35 says any enforceable orders must be consistent with Section 3(2)(b) and (c) of the CCA (RCW 70A.65.020), which limits what Ecology can require. RCW 70A.65.020(2)(b)(v) makes this even clearer. It says enforceable orders come after stricter standards are adopted and only "as necessary" to meet those standards. "As necessary" is an important restriction. The law does not force Ecology to require new stationary-source permits as a default part of this rule, no matter what the situation. Ecology has the flexibility to focus on actions that are needed and that will work.

Stationary Point Sources Are Only About 2% of PM2.5 Emissions in Clark County

In Clark County, stationary point sources are only about 2% of PM2.5 emissions according to Ecology's 2020 Emission Inventory. A program that targets a small subset of this small portion of the inventory will not produce meaningful air quality improvements. The result will be substantial effort directed at a source category that is not driving most of the problem. As written, the reductions from the designated High Priority Emitters will be 5.2 tons by 2048 in Vancouver, or less than a quarter of a



ton of PM2.5 per year. Strategically removing a handful of uncertified residential woodstoves per year would be more effective at reducing air pollution than this rule.

Many Stationary Sources Already Use Effective Controls

Many stationary sources already use Best Available Control Technology (BACT) or similar controls under current air permits. When a source already has highly effective controls, there may not be much room left to reduce PM2.5 further. Even if the rule requires a percentage reduction and does not consider cost, that does not change the basic problem. It will either force sources to take expensive steps that reduce very little pollution, or it will require a complex offset program so sources can comply. Neither approach will deliver the meaningful emissions reductions the rule is supposed to achieve.

The Proposed Rule Conflicts with Proportionality Requirements Under the Statute

This approach also conflicts with RCW 70A.65.020(2)(c), which says Ecology cannot place unfair or disproportionate requirements on permitted stationary sources compared to other sources of air pollution in the overburdened community. If stationary sources are a small part of the pollution, or if they cannot reduce much more, it does not make sense to put major new requirements on them. This rule, as written, sets Ecology up to impose disproportionate requirements that conflict with RCW 70A.65.020(2)(c).

Different Communities Have Different Pollution Sources

Finally, Ecology should recognize that this is a statewide rule and overburdened communities across Washington do not all have the same mix of pollution sources. In many areas, residential wood combustion, mobile sources, and other non-point sources are the biggest drivers of PM2.5 and related criteria pollutants. A one-size-fits-all approach that focuses mainly on stationary sources will fail to reduce pollution in the places where other sources are driving the problem, and it will not deliver consistent results statewide.

An Alternative Approach

For the reasons stated above, SWCAA asks Ecology to revise and clarify the rule so that any stationary-source requirements are used only when they are needed, effective, and fair, and so the rule focuses on actions that will lead to real improvements in community air quality. If stationary sources are included, Ecology should prioritize facilities that have not already undergone BACT and focus requirements where meaningful additional reductions are feasible.

Ecology should also consider alternative approaches that are likely to achieve larger and more measurable reductions in overburdened communities. For example, Ecology could require the removal of uncertified woodstoves upon sale of a home (or by a specified date) within these communities and provide funding to support those replacements. In Clark County, commercial food cooking represents approximately 10% of emissions, about five times greater than industrial emissions, and these emissions are largely uncontrolled. Ecology could consider crafting requirements to reduce emissions from commercial cooking, such as requiring controls on chain-driven under fired char broilers. Adding inexpensive catalyst controls to one to two char broilers annually would result in equivalent emissions reductions as this rulemaking, in our area.

Another alternative would be to allow a Local Agency to OPT out of the Ecology Rule by developing community-specific plans for each area covered by the rule that would achieve equal or greater reductions. The plan would be based on the emissions inventory and greatest contributors in that community. This would require more work but would also be more effective. Please consider alternative options for what is currently proposed.

A handwritten signature in black ink, appearing to read "U.P." followed by a small, stylized mark.

Uri Papish
Executive Director