

Spokane Regional Clean Air Agency (April Westby)

Date: February 11, 2026

To: Washington State Department of Ecology

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

Thank you for the chance to comment on Ecology's draft rule for Chapter 173-448 WAC. Spokane Regional Clean Air Agency (SRCAA) has the following comments on the draft rule:

WAC 173-448-010 Policy and purpose.

1. The sentence in (2) that states "This chapter is a component of improving air quality in overburdened communities highly impacted by air pollution" makes it sound like there are other components of improving air quality in OBCs. What are the other components?

WAC 173-448-020 Applicability.

1. Ecology used lower threshold/design values for criteria pollutants than the current NAAQS to identify OBC communities. For transparency, the regulation should clearly communicate that Ecology is using lower design values than the NAAQS to identify OBC communities and list the lower threshold/design values that were used.
2. Subsection (2) seems to be focused on industrial stationary sources of air pollution and not on area sources of air pollution like solid fuel burning devices, motor vehicles, etc.

WAC 173-448-030 Definitions and acronyms.

1. In the definition for "Greatest Contributors," it would be helpful to list examples (solid fuel burning devices, motor vehicles, etc.)
2. Does the definition of "Neighboring Communities" mean that for Spokane County, the rural counties in the Ecology Eastern Region jurisdiction (such as Whitman and Stevens Counties), will be used for comparison with Spokane's OBC? Comparing air quality outcomes in a rural area like the Palouse to those in a densely populated urban area like Spokane is not reasonable, given the substantial differences in population density, emissions sources, and land use.

WAC 173-448-040 Determining air quality in identified communities.

1. Will Ecology determine a design value for each criteria pollutant in each OBC? The regulation is not clear about this.

2. Under (3) of this section, how will Ecology determine which elevated concentrations to exclude due to an exceptional event, such as a wildfire? Does the excluded data need to be i-flagged by Ecology or the local air agency, or some other designation?
3. Under (5) of this section, it says Ecology will “calculate or estimate” the design value for each pollutant. It is confusing to use the term “estimate” in reference to design values because they are always calculated. Under what scenarios would design values be estimated? If the word “estimate” must be kept, there needs to be an explanation of when a design value would be calculated and when and how a design value would be estimated.

WAC 173-448-050 Air quality targets.

1. The statute (RCW 70A.65.020) states that Ecology is to establish air quality targets in consultation with local air agencies. However, the draft rule only lists Ecology as the agency that will set air quality targets in identified communities. This is not consistent with the underlying statute.
2. If neighboring communities for Spokane County are defined as rural counties within Ecology’s Eastern Region (such as Whitman and Stevens Counties), then it is not appropriate to set Spokane County’s air quality target based on the design values in these rural communities. Comparing air quality outcomes in a rural area like the Palouse to those in a densely populated urban area like Spokane is not reasonable, given the substantial differences in population density, emissions sources, and land use.
3. Spokane County is considered by Ecology as overburdened for “cumulative criteria air pollution driven by levels of PM2.5, ozone, and nitrogen dioxide.” How will design values and air quality targets be calculated for cumulative criteria air pollution? How will nitrogen dioxide and sulfur dioxide be evaluated when there is no monitoring data?

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

1. What happens if the greatest contributors are not commercial/industrial sources? For example, for the Spokane County emission inventory, the largest 3 contributors to PM2.5 emissions are Wood Heating (25%), Roads (18.5%), Construction (17.5%). Commercial/Industrial emissions are only 2.4% of total PM2.5 emissions. Even if emissions from commercial/industrial sources were eliminated, it would have a negligible impact on the total PM2.5 emissions and would not change monitored PM2.5 values.
2. How will monitoring data from monitors and sensors and air quality models give Ecology information to determine the sources constituting the greatest contributors of criteria

air pollution in each identified OBC? Monitoring data only measures total PM2.5 and will not give any information about the source of the emissions.

3. Under (3), will the high priority emitters be evaluated based on actual or potential emissions? Will a source's annual or potential emissions be compared against the emission thresholds given in Table 1?

WAC 173-448-100 Emission reductions for high priority emitters.

1. Under (4), it is unclear how the authority to issue enforceable orders under the Washington Clean Air Act in RCW 70A.15.3000 would be applicable for this regulation which has an underlying statutory authority (Climate Commitment Act) that is not under the Washington Clean Air Act.
2. Are the emission reductions given in Table 2 based on actual or potential emissions? If the baseline and the required reductions are both based on actual emissions, could a facility just decrease their production for a period of time to lower their emissions to meet the required reductions in Table 2? How long do the required reductions have to be met?
3. Is there any cost consideration in the emission reduction plan? Many industrial sources already use Best Available Control Technology (BACT) under current air permits. When a source already has highly effective controls, there may not be much room left to reduce PM2.5 further.
4. Under RCW 70A.65.020(2)(c) of the CCA, it states that Ecology cannot impose requirements on permitted stationary sources 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 community. With stationary sources only comprising 2.4% of the total PM2.5 emissions in Spokane County, this rule imposes disproportionate requirements on stationary sources compared to other sources of PM2.5 in the OBC.

WAC 173-448-120 Enforcement.

1. It is unclear how a violation of this chapter is a violation of the Washington Clean Air Act when the underlying statutory authority for the regulation (Climate Commitment Act) is not under the Washington Clean Air Act.