



**Jessica Spiegel**

Vice President, Northwest Region

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Sent via email to: [linda.kildahl@ecy.wa.gov](mailto:linda.kildahl@ecy.wa.gov)

Linda Kildahl  
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Air Quality Program  
P.O. Box 47696  
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Re: WSPA Comments on Rulemaking (WSR-25-23-111) – Amendments to Chapter 173-400 and 173-476 WAC – Air Quality Standards and Impact Levels

Dear Ms. Kildahl:

The Western States Petroleum Association (WSPA) appreciates the opportunity to provide the Washington State Department of Ecology (Ecology) with our public input on the agency's forthcoming rulemaking, amending Chapter 173-400 and Chapter 173-476 of the Washington Administrative Code (WAC), Air Quality Standards and Impact Levels. We understand that Ecology intends to amend Chapter 173-476 WAC to align with the National Ambient Air Quality Standards (NAAQS) under 40 CFR Part 50 for PM<sub>2.5</sub> and SO<sub>2</sub>, and to amend Chapter 173-400 WAC to align with updated EPA recommended values.

WSPA is a non-profit trade association that represents companies that safely explore for, produce, refine, transport and market petroleum, petroleum products, natural gas, and other energy supplies in California, Washington, Oregon, Nevada, and Arizona.

We support Ecology's objective of maintaining alignment with federal Clean Air Act requirements. The comments below are offered to help ensure the rule remains consistent, workable, and effective.

### **Alignment with Federal Standards**

Ecology proposes to update Washington's ambient air quality standards to reflect recent EPA changes, including the PM<sub>2.5</sub> annual standard of 9 µg/m<sup>3</sup>. WSPA understands the state goal of maintaining consistency with federal standards. However, EPA has already signaled that federal standards may be revisited in response to evolving policy priorities. If the federal standard were to revert to 12 µg/m<sup>3</sup>, Washington would retain a more stringent state-only standard, contrary to the stated goal of alignment.

While the potential outcome of regulatory inconsistency and implementation complexity is significant, WSPA's larger concern is the potential for Washington facilities to face a competitive disadvantage relative to similar facilities operating in other states.

To support long-term alignment, Ecology should consider:

- Including provisions that automatically track federal NAAQS updates, or
- Establishing a mechanism to promptly revisit state standards in the event of federal changes.

### **Chapter 173-476 WAC – Ambient Air Quality Standards**

A more stringent PM<sub>2.5</sub> standard will result in narrow compliance margins in areas where ambient levels are influenced by regional and background sources, such as wildfire smoke, wood combustion, and commercial cooking. In these settings, small increases from individual projects can appear significant, even when those projects are not meaningful contributors to overall air quality conditions.

### **Chapter 173-400 WAC – “Cause or Contribute” Thresholds (SILs)**

The proposed updates to “cause or contribute” threshold values (SILs) warrant careful consideration given their central role in the permitting process. SILs are intended to function as screening tools to identify projects with negligible impacts. If thresholds are set too low, however, they can trigger detailed modeling requirements for projects that have minimal real-world impact.

There is a concern that the proposed thresholds may capture relatively small projects, resulting in increased reliance on cumulative modeling without a corresponding environmental benefit. This effect is magnified when combined with a more stringent PM<sub>2.5</sub> standard.

In a cumulative modeling context, even a small increase that slightly exceeds a low screening threshold may be difficult to reconcile with the ambient standard in areas where background concentrations are already elevated due to regional sources. In such cases, modeling outcomes may be driven primarily by background conditions rather than the project itself, making it challenging to demonstrate compliance even for minor emission increases.

Taken together, these factors could complicate permitting for routine projects. Maintaining SILs at levels that preserve their intended role as effective screening tools is therefore important to ensuring a workable and appropriately focused permitting program.

WSPA therefore recommends that Ecology remain consistent with the federal SIL and plan rulemaking if the federal number returns to a number that allows for projects expansions; and/or consider holding off this element of the cause-and-contribute language while the federal reconsideration is ongoing.

### **Revised SIL Applicability Language**

In addition to the threshold levels themselves, the proposed revisions to the applicability language governing “cause or contribute” determinations are problematic. The draft rule states that a permitting authority may require a cumulative impact analysis even when modeled concentrations are below the SIL values if there is information suggesting that impacts, when combined with nearby sources or background concentrations, could contribute to a violation. This language gives vague and overly broad discretion to the permitting authority and risks undermining the intended role of SILs as a clear and predictable screening tool.

By allowing cumulative modeling to be required even when a project screens below established thresholds, the provision introduces uncertainty into the permitting process and makes it more difficult for applicants to determine compliance obligations in advance.

As written, this approach could make SIL thresholds effectively non-determinative, resulting in case-by-case decisions that are less transparent and more difficult to implement consistently across jurisdictions. This is particularly concerning when combined with low SIL values and a more stringent ambient standard, which together may already increase the number of projects subject to detailed review.

EPA guidance and Appendix W also recognize that permitting authorities retain some discretion in unusual circumstances — particularly where there are concerns about background concentrations,

nearby sources, or atypical modeling conditions. The key distinction is that federal practice generally frames this as a limited exception, not a broad standalone authority untethered from the SIL screening concept. We recommend that this language be removed or tied to the federal guidance for unusual circumstances.

**Conclusion**

On behalf of WSPA and its member companies, I would like to express our thanks for considering our public input on this rulemaking. If you have any questions regarding our comments, please do not hesitate to contact me directly at (360) 918-2178 or via email at [jspiegel@wspa.org](mailto:jspiegel@wspa.org).

Sincerely,



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