KAISER ALUMINUM

November 17, 2026

Linda Kildahl,
Washington State Department of Ecology
Air Quality Program
Rulemaking Lead

Re: Comments on Proposed Amendments to Chapters 173-476 and 173-400 WAC

Dear Ms. Kildahl:

Kaiser Aluminum appreciates the opportunity to comment on Ecology's proposed amendments to the ambient air quality standards and implementing regulations. We share Ecology's goal of protecting Washingtonians from air pollution and look forward to working with Ecology on standards and permitting rules that also allow for economic and job growth in the state.

The proposed amendments would do three things: lower the annual PM2.5 standard from 12.0 to 9.0 $\mu g/m^3$ (consistent with ongoing federal changes); reduce the annual PM2.5 "cause or contribute" value in Table 4a of WAC 173-400-113 from 0.3 to 0.13 $\mu g/m^3$; and add a new provision that would allow a permitting authority to require a cumulative impact analysis even when modeled impacts fall below Table 4a. Taken together, these changes could make permitting less efficient, costlier, and less predictable for industrial facilities that want to modernize to more efficient manufacturing equipment, expand production, and add jobs in Washington.

A preexisting manufacturing facility that does not invest in modernizing its primary assets will, over time, become less efficient, consuming more energy and emitting more emissions per unit of production. It will also become less competitive in the marketplace, which can shift production and emissions to facilities in less restrictive jurisdictions. By contrast, modernizing equipment to reduce resource consumption and improve energy and manufacturing efficiency benefits both business and the environment.

Although Washington air quality is heavily impacted by the localized effects of wildfires and transportation, EPA's October 2026 letter confirms that the entire state, based on 2023–2025 monitoring data, will remain in attainment. The proposed new PM2.5 standard would therefore operate as a constraint on new and modified sources in areas that are already in attainment, not as a tool to address areas of nonattainment. We respectfully provide these comments to emphasize the impacts of Washington moving first, while the federal rule process is still developing.

In summary, Kaiser respectfully requests that Ecology:

- Clarify how WAC 173-400-113(3) applies to modifications that reduce facility-wide emissions, including credit for retired equipment; consider a streamlined permitting process for such projects; and estimate in the cost-benefit analysis how many projects would newly require a cumulative impact analysis and at what cost.
- Bound the discretion in proposed WAC 173-400-113(3)(c) through written findings, a limited scope of analysis, reviewable decisions, and statewide guidance or criteria.
- Clarify how wildfire smoke data is treated in cumulative impact analyses, including excluding exceptional-event days, screening smoke-affected days, and publishing approved background concentrations.
- Delay the effective date of the proposed rules until the federal standard is settled or commit to a prompt review if it changes.

1. The proposal could stall modernization projects that would cut emissions

Table 4a is the screen that decides whether a modernization project faces a cumulative impact analysis. Under WAC 173-400-113(3)(a), if the modeled concentrations from a new source, or from the allowable increase from a modification, exceed Table 4a, the applicant must complete that analysis. Lowering the annual PM2.5 value from 0.3 to 0.13 $\mu g/m^3$, a reduction of more than half, would send many more projects into an analysis that includes an assessment of background and other nearby sources. Where background is already close to the standard, even a small, modeled increment can leave an applicant with no path to a permit.

Many of the projects Washington needs most are modernization projects. These projects, including replacing aging boilers, furnaces, or turbines, electrifying heat processes, or switching fuels, would reduce greenhouse gas emissions, consistent with the goals of the Climate Commitment Act and the state's emission limits. Even when a project would reduce facility-wide emissions, it could change the operations profile or emission points in ways that raise modeled impacts at particular receptors. A rule that screens such projects as though they were new sources works against Washington's climate goals and could discourage investment in modernizing facilities in the state.

We respectfully ask Ecology to clarify how WAC 173-400-113(3) applies to a modification project that reduces facility-wide PM2.5 intensity, including credit for emissions from equipment being retired, so that such a project is not modeled as though it were a new source. Ecology should consider a streamlined permitting process for modifications that reduce net PM2.5 and greenhouse gas emissions intensity. We also request that Ecology estimate in the cost-benefit analysis how many permitted projects would newly require a cumulative impact analysis under the lower 0.13 $\mu g/m^3$ value, and what that analysis would cost applicants in time and money.

2. The discretion in new WAC 173-400-113(3)(c) should be bounded

Proposed subsection (3)(c) provides that:

> A permitting authority may require a cumulative impact analysis even if modeled values do not exceed the values in Table 4a of this section if there is information that indicates the impact of the proposed new source or modification could result in a violation of an ambient air quality standard when added to the impact of nearby sources or existing background concentrations.

Ecology's discretion under the proposed amendment should not be open-ended. As drafted, (3)(c) does not say what counts as "information," who must supply it, or how likely a violation must be; the trigger is only that a violation "could" result. Almost any project near an area with elevated background PM2.5 could meet that standard. Different permitting authorities could exercise this discretion very differently, so similar projects could face different requirements depending on location. An applicant would also have no way to anticipate or contest a demand for additional modeling that could add considerable time and expense.

We respectfully urge Ecology to bound this discretion by requiring a permitting authority to issue written findings, with a reasonable time to respond, that identify the specific information relied on and explain why it indicates a possible violation; to limit the analysis to the relevant pollutant and receptors; and to make the findings and decision reviewable. We also request that Ecology issue guidance or adopt criteria, so the rule is applied consistently across the state. Predictability in permitting is essential to investment and growth in Washington.

3. The rule should clarify how wildfire smoke data is treated

Wildfire events, not permittees, drive Washington's highest PM2.5 readings. Ecology's own record confirms this: it submitted a formal exceptional events demonstration for the Colville monitor in 2023, attributing exceedances to regional fires, and flagged smoke-affected days in 2021 at the Yakima, Toppenish, and Colville monitors. In those instances, Ecology concluded that industrial permittees did not cause high concentrations.

The proposed rule does not explain how wildfire events affect permitting. A cumulative impact analysis under WAC 173-400-113(3) adds a project's modeled impact to "nearby sources or existing background concentrations." If smoke-inflated monitor data feeds that background, a facility can be judged against concentrations it did not cause and cannot influence, particularly where Ecology does not recommend an exceptional events concurrence, as with the flagged 2021 days at Yakima, Toppenish, and Colville. We respectfully ask Ecology to (1) exclude from background inputs any days covered by an EPA-concurred exceptional events demonstration; (2) establish a process to identify and screen smoke-affected days for permitting purposes, even where no federal demonstration has been filed or concurred in; and (3) publish approved background concentrations by area, update them periodically, and document how smoke-affected days were handled. These steps would prevent wildfire conditions from becoming an obstacle to modernization projects that will reduce net emissions.

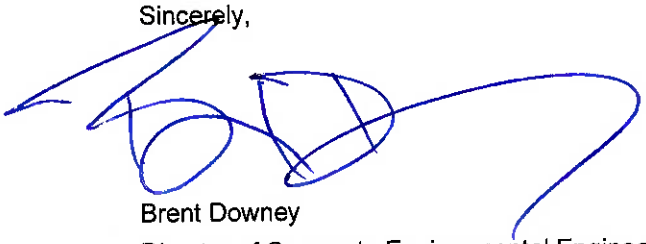
4. The proposed rule narrows room for economic growth in Washington

The proposed rule substantially reduces the capacity available to new and expanding facilities in Washington. Where background levels are already near the standard, little capacity remains for new production lines, new facilities, or the jobs that come with them. The impacts could fall hardest on communities designated as overburdened under the Climate Commitment Act for reasons other than industrial PM2.5, such as transportation, residential wood smoke, or wildfire smoke. A tighter standard would restrict investment and potential employment without addressing the most significant sources of local air quality impacts. Modern, lower-emitting industrial facilities can be part of Washington's economic growth, but only if permitting rules allow them to be modified or built.

In conclusion, Ecology's stated reason for lowering the standard is alignment with EPA's 2024 revision, yet that alignment is now uncertain. EPA is reconsidering the standard, which is also the subject of active litigation, and the federal designation deadline of February 6, 2027, falls only days before Ecology's intended adoption date of February 17, 2027. If the federal standard changes, Washington could be left with a stricter standard than the one it set out to match, at significant potential cost to the state's economy. We respectfully ask Ecology to delay the effective date of the proposed rules until the federal standard is settled or, at a minimum, to commit to a prompt review of the rules if it changes.

We appreciate Ecology's consideration of these comments and would welcome the opportunity to discuss our concerns before the rule is adopted.

Sincerely,



Brent Downey
Director of Corporate Environmental Engineering