

WSR 24-21-058
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 24-08—Filed October 10, 2024, 7:51 a.m.]

Subject of Possible Rule Making: The department of ecology (ecology) is starting the rule-making process for a new rule, chapter 173-448 WAC, Air quality in overburdened communities, to implement parts of RCW 70A.65.020 Environmental justice review. This law passed in 2021 as part of the Climate Commitment Act and directs ecology to reduce air pollution in overburdened communities that are highly impacted by criteria air pollutants as defined under RCW 70A.65.005(7) and 70A.65.010(54).

During this rule making, ecology will consider determining processes and strategies for emission reductions to achieve air quality targets in overburdened communities initially identified by ecology, and other rule language necessary for implementation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70A.65.020, Environmental justice review; chapter 70A.15 RCW, Washington Clean Air Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A significant amount of the Climate Commitment Act is dedicated to reducing greenhouse gases at the state level. However, measures for reducing overall state levels of greenhouse gases might not decrease another category of air pollution, called criteria air pollutants, at the community level. As a result, RCW 70A.65.020 of the Climate Commitment Act directs ecology to reduce criteria air pollutants in overburdened communities highly impacted by air pollution.

In a 2023 Report, ecology reviewed air pollution data for overburdened communities to identify where stricter criteria air pollution limits are needed. Ecology plans to review the community data every two years thereafter as required by RCW 70A.65.020 (2)(a) and update this rule if necessary. Upcoming rules focused on reducing criteria pollutants in overburdened communities could include stricter emission standards and strategies that would improve local air quality in these communities. Subsequent review will inform how air quality is changing and ecology's progress on reducing criteria air pollution in overburdened communities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Environmental Protection Agency (EPA) sets national ambient air quality standards for criteria air pollution. Although the EPA sets federal standards on this subject, ecology can set stricter air quality standards in Washington and is not required to coordinate this rule with the EPA.

Ecology will consult with local air pollution control agencies throughout the rule-making process.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Anthony Bruma, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 564-669-1484, for Washington relay service or TTY call 711 or 877-833-6341, email anthony.bruma@ecy.wa.gov, website <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-448>.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Ecology will conduct an environmental justice assessment in accordance with RCW 70A.02.060 as a part of this rule making.

October 10, 2024
Kathy Taylor
Air Quality Program Manager