



Concise Explanatory Statement

Creating Chapter 173-476 WAC Ambient Air Quality Standards

Repealing Chapters:

- **173-470 WAC Ambient Air Quality Standards for Particulate Matter,**
- **173-474 WAC Ambient Air Quality Standards for Sulfur Oxides**
- **Chapter 173-475 WAC Ambient Air Quality Standards for Carbon Monoxide, Ozone, and Nitrogen Dioxide**

Revising State Implementation Plan

Summary of rule making and response to comments

Publication and Contact Information

This publication is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1302022.html>.

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Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

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Revising State Implementation Plan

Air Quality Program
Washington State Department of Ecology
Olympia, Washington 98504-7600

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Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act (APA) requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Provide Ecology's response to public comments.

This Concise Explanatory Statement provides information on The Washington State Department of Ecology's (Ecology) rule adoption for:

Title: Ambient Air Quality Standards
WAC Chapter(s): 173-476 and repealing 173-470, 173-474, 173-475
Adopted date: November 20, 2013
Effective date: December 21, 2013

To see more information related to this rule making or other Ecology rule makings please visit our web site: <http://www.ecy.wa.gov/laws-rules/index.html>

Reasons for Adopting the Rule

The purpose of this rule making is to:

- Adopt a new rule, Chapter 173-476 WAC Ambient Air Quality Standards, that contains the federal national ambient air quality standards for large and small particles (PM-10 and PM-2.5), lead, sulfur oxides, nitrogen oxides, ozone, and carbon monoxide. The rule retains the more stringent annual sulfur oxide state standard with a sunset provision.
- Repeal three outdated rules because the new Chapter 173-476 WAC includes updated versions:
 - Chapter 173-470 WAC Ambient Air Quality Standards for Particulate Matter
 - Chapter 173-474 WAC Ambient Air Quality Standards for Sulfur Oxides
 - Chapter 173-475 WAC Ambient Air Quality Standards for Carbon Monoxide, Ozone, and Nitrogen Dioxide

These updates are needed to meet requirements of the federal Clean Air Act (CAA) and to be able to gain EPA approval of our State Implementation Plans (SIPs). Ecology is requesting that EPA approve removing outdated language from the SIP and include updated language.

Differences between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the *Washington State Register* and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

There are some differences between the proposed rule filed on August 6, 2013 and the adopted rule filed on November 20, 2013. Ecology made these changes for all or some of the following reasons:

- In response to comments we received.
- To ensure clarity and consistency.
- To meet the intent of the authorizing statute.

The following content describes the changes and Ecology's reasons for making them.

Section	Change(s)	Purpose/Effect
030	Rephrased first sentence which states the definitions in Chapter 173-400 WAC also apply in this rule.	Improved readability.
	Alphabetized list of definitions.	Improved readability.
	Reordered "Federal Equivalent Method or FEM" and Federal Reference Method or FRM" so acronym is listed before the full term	Improved rule usability because that is what the reader will be looking up in the definition.
	Added definition for $\mu\text{g}/\text{m}^3$	Unit used in rule and table.
	Added "v" to ppm (ppmv)	Added ("v") for volume to clarify the correct method to denote pollutants in the air.
100	Changed title.	Better approximation of title in 40 CFR Part 51.
110	Changed title.	Better approximation of title in 40 CFR Part 51.
120	Added word "lead" to first sentence and removed "Pb" throughout section	Added for clarity and consistency.
130 (1)(b)	Changed emission standard from 0.1 ppmv to 0.14 ppmv	Change required by EPA to accommodate difference in state and EPA rounding conventions. Because the state standard has one less significant digit, measured values in the 0.145 to 0.149 ppm range would be considered a violation of the federal standard but not the state standard. This would make the state standard less stringent in some situations. To resolve this, we chose to go to a two significant digits

		measured value of 0.14.
130(1)(d)	Added “v” to “ppb” for clarity	Made more consistent with the intent of the definition. Added (“v”) for volume to clarify the correct method to denote pollutants in the air
130(2)	Removed extraneous word	No need to include “Part” when referencing a specific subsection within a section of CFR.
130(3)	Removed extraneous word	Including “Part” was incorrect when referencing a specific subsection within a section of CFR.
130(4)(a)	Added the 24-hr average and corrected the rounding convention description. Minor edit for clarity.	Both the annual and the 24-hour standards have the same number of significant figures. For consistency and clarity, put them both in this subpart. Changed the 24-hr standard to 0.14 ppmv to reflect this. Rounding convention now matches federal rounding convention.
130(4)(b)	Combine with 130(4)(a).	Consistency and clarity.
140(1)	Added “v” to “ppb” for clarity	Added (“v”) for volume to clarify the correct method to denote pollutants in the air.
180(2)	Minor rewording.	Added clarity and consistency.
900	Deleted extraneous word in title.	Not an appendix.
	Changed reference to Sulfur Dioxide/Measurement Method in appendix	Corrected reference.
	Added “v” to ppm and ppb	Added (“v”) for volume to clarify the correct method to denote pollutants in the air.

Commenter Index

The table below lists the names of organizations or individuals who submitted comments on the rule proposal and where you can find Ecology’s response to the comment(s). Ecology’s response immediately follows each individual comment.

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Response to Comments

Ecology accepted comments between August 6, 2013 and September 19, 2013. This section provides verbatim or by summary the comments that we received during this period and our responses. (RCW 34.05.325(6)(a)(iii))

This Concise Explanatory Statement responds to the identified comments in a comment-and-response format. Ecology's response follows each comment.

Comment # 1

Commenter: Kara Rowe, Washington Association of Wheat Growers

WAWG has always felt that state standards should mirror those of federal standards when regulating and assisting farmers and ranchers in air and water quality matters. We support Ecology's work to align the state standards with the National Ambient Air Quality Standards (NAAQS). We especially support no changes to the PM-10 ambient air standard, and we encourage the department to stay aligned with federal standards when considering future revisions.

Response

Thank you for your comment and support of adopting Ch. 173-476 WAC Ambient Air Quality Standards. No changes were made to the rule or SIP submittal in response to this comment.

Comment # 2

Commenter: Angela Blacksher

We are addressing the Skagit Valley Herald newspaper article dated 8-20-13 entitled "Ecology accepting comment on air quality updates." In this article it states specifically "The state Department of Ecology is accepting public comment on updates to state air quality standards for specific pollutants. The pollutants include lead, carbon monoxide, nitrogen dioxide, ozone, sulfur dioxide, and fine and coarse particles. These pollutants are regulated by state and federal Clean Air Acts to protect public health."

So, according to this article, you're stating that the State and Federal Department of Ecology, and The Clean Air Agency is "responsible to protect public health."

If that's the case, then why--after 7 years of torment from local Meth Labs, destroying our property and the environment of Skagit County in a devastating way--nothing has been done to stop it!! During the last 7 years, nearly every government agency has been contacted--agencies that "claim" to help, but DON'T! Instead, we've been mocked, insulted, threatened, harrassed, tormented, and ignored! A few times, certain agencies seemed interested, but then ultimately ignored us! All we get is lame excuses! Are you all a FRAUD?!

Excuses we've been given:

1. "Not enough room in the jail". This statement is true and the county recently passed building a new jail. (Sheriff's Department--Skagit County).

2. "Meth has been eradicated" (Sheriff's Department--Skagit County).
3. "That's not our department" (Dept. of Ecology--Skagit Cnty and Skagit County Clean Air Agency).
4. "That's up to the Sheriff's Department" (Everyone including Skagit County Health Department).
5. "If you call us one more time about Meth Labs, I'll have you put in jail" (Skagit County Sheriff's Department).
6. "You can get 'Wipes to test for drug residue' from Skagit County Health Department". When we asked the Health Department about it, they said "The Sheriff's Department is supposed to do that". The Sheriff's Department said "The Health Department is supposed to do that."
7. "Skagit County doesn't have a HAZMAT team" (Skagit County Health Department).
8. "Our hands are tied" (Skagit County Sheriff's Department).

Until you guys clean up all the Meth Labs in Skagit County--of which is at least 30% or more of the population--just look for the yards that look like chemical/junk pile dumps in which you see alarming and disgusting displays of chemical containers of all kinds, many junker & filthy RV's and cars, and piles of junk of all kinds filling the entire property--including cars stacked on top of each other, etc. A lot of these properties are right next to water-ways (creeks, rivers), schools, churches, grocery stores, towns, etc.

Our comments: If you're REALLY SERIOUS about our HEALTH????? Then we suggest that your "tests" include drug chemicals such as: Acid, Ammonia, and Anti-Freeze. These are the chemicals we smell constantly all over Skagit County.

Okay, and THEN, you need to INVOLVE the Sheriff's Department (good luck!) in order to get it cleaned up, and put drug makers and dealers and users in JAIL. Sounds simple to us. Who's making it so difficult?! And WHY?!

In Canada, Meth and Meth Lab drug-makers and dealers are put in jail for LIFE! Here in the United States they only get 6 months! We should follow Canada's lead in order to "curtail an epidemic such as what is happening in the United States" (quoted from the Canadian Department of Justice).

I hope your testing of "sulfur dioxide, nitrogen dioxide & coarse and fine particles" is enough. If not, we strongly suggest that you give it some sincere thought. We're not the only ones that smell the chemicals--we know many others who agree--people who are affected by the contamination. Even Patty Murray knows about it--she started a Meth Lab Clean-up organization years ago--but her funding was cut by Homeland Security and by The Department of Justice. There are many articles that claim as well that drugs on the West Coast is "epidemic". It's no secret. Take a wide-scale survey of Skagit County residents. "Someone" claiming to be from a Clean Air agency called a relative of ours asking about the air quality--our relative told them "it smells like drugs". She never heard back from them again.

If you don't have enough "authority" to clean-up Skagit County, then maybe you should also focus on changing the laws in regards to drugs and Meth Labs--make it an "Act of Terrorism" in order to give you the "authority" to clean up!

If you want to ignore us too--well, it's a shame that everyone is so willing to give up their freedoms to environment & health destroying drug-heads!

We've got our house up for sale and we'll be moving far away from here. It's become a scary and disgusting place to live--and you are all letting it!

No words can describe the betrayal and torment we've endured by violent, tormenting drug-heads, AND OUR GOVERNMENT!!

Sincerely hope you care and do something about it,

Larry and Angela Blacksher

Response

Thank you for your comment. Regulating and clean-up of meth labs is beyond the scope of this rule making. No changes were made to the rule or SIP submittal in response to this comment.

Comment # 3

Commenter: Patricia Davis

From: Patricia Davis [<mailto:tapestry4@gmail.com>]

Sent: Monday, September 09, 2013 10:25 AM

To: Thompson, Margo (ECY)

Cc: 'Craig Kenworthy'

Subject: RE: wood smoke issues

good morning Margo- and yes, PLEASE, send my email to everyone who can help. This is a serious issue and one that is an increasing problem: we are getting more and more commercial pizza and BBQ places that emit unrelenting, excessive, choking amounts of smoke with ZERO regulations. Given the known health hazards of smoke this is ridiculous. Additionally, it is required that residential wood stoves, for example, be certified and yet we have no effective regulation of commercial entities that indeed can be generating smoke - NON STOP HOUR AFTER HOUR and there is no remedy

That is a reason I have been adamant about ECY keeping the reference to Nuisance Laws and also getting Legislation in place that gives a regular citizen half a chance to prevail in court. This poor woman who owns the apt. building directly downwind of Jones BBQ here in West Seattle has lost tenants, has made complaints to the Fire Dept. and Puget Sound Clean Air - only to have the 'buck passed' (read Diane Davis, DPD letter below) and find she has no pathway to impact the smoke. She suffers under (as do many living by these wood burning commercial food entities) from massive smoke exposure, impact on her business (people move away from the apartment to get away from breathing in smoke day after day.....on and on.

Seriously, there NEEDS to be a way for people to have remedy in these situations. They are being forced to breathe UNFILTERED smoke - for 40 or more hours per week - every single week. Week after week, and year after year with NO REGULATION. That is pitiful that a homeowner needs a certified wood burning device (and likely most homeowners do not burn continuously for 40 or more hours per week) and a commercial entity does not. RESTAURANTS are required to filter their cook smoke - why in the world is that not required - and at an even higher level - for a

WOOD BURNING restaurant ? They generate more smoke than a 'normal' restaurant and simply put up a steel flu and they are 'good to go'.....all in compliance while people and children suffer with breathing and perhaps an end point cancer.

Again: we NEED

- 1) Legislation that REQUIRES at least as much smoke filtering as a homeowner, and I think even more stringent standards: such as no smell or smoke
- 2) As ECY, EPA and PSCA address non-compliance it is also necessary to take into account COMMERCIAL WOOD BURNING and 1) above
- 3) We need to educate the public about the toxicity of wood smoke (12 times more toxic than a cigarette, EPA, 1991 gets through to the average person no matter what their education level/ability to comprehend complex issues)
- 4) We MUST be able to set up a legal process that takes wood smoke seriously (reminder: Seattle VOTED not to allow smoking in public places that speaks volumes: people are getting smart about their health and becoming more educated as a public. Regretfully most people do not truly understand the toxicity of wood burning smoke) Anyway: There must be a route for some remedy than can be relied on. Nuisance laws were written to intervene on people who are suffering in their own homes. It states (which used to be in the ECY bulletin) that any odor or smoke that interferes with the health or enjoyment of property is illegal. Ok, that is step one (get that back into the handout and educate the public they do not have to endless suffer or perhaps die later so some commercial entity can make \$ and poison their air with no consequence whatsoever) Next there MUST MUST MUST be some laws written that assist a person to prevail in court if they go so far as to hire a private attorney and pursue choking on smoke (day after day) in court. Nuisance Laws are there for a reason. And more laws needs to be written to protect the public. We have a RIGHT TO BREATHE. I understand this woman's absolute frustration: she hits wall after all after wall.....and she is breathing smoke that I actually thought was a flat out fire when I drove by. No recourse. That is heartbreaking and also irresponsible by those parties that are supposed to help protect the air.

Please advise if this letter can be part of public comment for what is being worked on currently. Also please forward this entire email 'everywhere' and let's get busy cleaning up the air on a commercial level as well.

cc: Craig Kenworthy, PSCA

Thank you

patricia davis

From: Patricia Davis [<mailto:tapestry4@gmail.com>]

Sent: Friday, September 06, 2013 7:14 PM

To: Thompson, Margo (ECY)

Subject: FW: wood smoke issues

Miss Thompson - Is it possible to get some legislation and intervention on commerical BBQ smoke? Please read below. I also sent an email to Craig Kenworthy asking for an appt. with him on this issue.

thank you.

also I am hoping to give public comment on the upcoming ECY/EPA material previously commented on.

tpat davis

From: Patricia Davis [<mailto:tapestry4@gmail.com>]
Sent: Friday, September 06, 2013 7:07 PM
To: 'Davis, DianeC'
Subject: FW: wood smoke issues

Hello again diane - It has been a hectic summer ! Today I was driving into our Alaska Street Junction here in W. Seattle and drove past what I thought was a fire. I had no time to stop right then, but did call 911 and reported it. Afterwards I did drive by again and saw the massive billows of smoke were still there. I parked and walked up to the source and it was an unattended BBQ activity by Jones BBQ. I did get some photos of the smoke and source. As I stood there I noticed an apartment building with multiple vacancy signs out (basically 'eating' the smoke from this activity) and I called the number. I spoke briefly with the woman who either owns or manages the apartment building and she said has tried 'everything' to get that smoke handled with no success. She had someone come in, so we had to cut it short, but I will telephone her back and try to understand what she has tried. She did mention she tried Puget Sound Clean Air, and the Fire Dept and could get nowhere. I could tell she was so distressed and upset on breathing in THAT much smoke - OMG !

So then I went over to Fire Station (who had responded to my 911 call - thinking it was like garbage on fire behind a fence) I was advised they have had many complaints about Jones BBQ and printed me the code for their response. He showed me that BBQ fires specifically have NO REGULATION whatsoever and it even states they are unregulated (CAM 5022 document. CAM means Client Assistance Memo entitled: Recreational and Cooking Fire Regulations, updated Nov. 2009)) I quote: "Barbeques (has it's own headline) "Use of barbecues for cooking is not regulated in the City of Seattle". and then it changes topics.

He said the Fire Dept is in a hard place because they can't write a citation for something that can't be backed up with code - which makes sense. After more inquiry I determined that the Fire Marshall's Office keeps records on 911 calls and also when the fire truck dispatches/complaints. Although the names may be private, he felt that there would be numerous Fire Dept calls/complaints about commercial BBQ (and other BBQ) and that it appears to be an issue upsetting a number of people. But, again: that the Fire Dept can only enforce the code with regard to residential fires (eg: the fire must be 25 feet from any combustible structure or material; a fire extinguishing equipment must be readily available (bucket of water, charged garden hose, or fire extinguisher with 4-A rating; and be not more than 3 feet in diameter and 2 feet high (there are more items, but those seem the most essential to note here)

Clearly these excessive smoking producing commercial entities are a nuisance and yet no effective intervention (for the health of the public: this is the air we breathe. Wood smoke is a known carcinogenic and toxic! We decided, as a City not to smoke, but allow these entities to puke out smoke hour after hour after hour with zero regulation or intervention.

Something must be done. I find it irritating that a private citizen, such as myself, has to work their tail off on things like this that are a no brainer scientifically with regard to health issues.

Additionally, that myself and others attempt an intervention, but none takes place. I have heard from multiple sources that this is the terrain of Puget Sound Clean Air.

I wrote you to ask if I can forward your email to me (below) and this email I am writing to Craig Kenworthy, Director of Puget Sound Clean Air. Please advise

Additionally, the public can go before the Board of Directors of Puget Sound Clean Air (which I did last year) and I will do that as well.

And lastly I would like to forward our emails to Dept of Ecology and EPA and get the ball rolling there - as well as make contact with the entities you advised me of in the email below. I am exceptionally busy, but someone needs to pursue this - and I guess that buck stops here. Please advise if you email can be readily forwarded around. And on my end: certainly forward my email around. This is a serious issue and people should not have to choke on smoke where they live.

I appreciate your email and contacts. thank you for taking that time and again: please feel free to forward my email (actually I ask you to) to 'others'

best regards,
pat davis

From: Patricia Davis [<mailto:tapestry4@gmail.com>]

Sent: Thursday, July 25, 2013 10:13 PM

To: 'Davis, DianeC'

Subject: RE: wood smoke issues

hello diane and THANK YOU THANK YOU for this follow up. I have worked a very long day (it is 10 pm) so I printed this and I will read in detail tomorrow.

thank you DEEPLY !!

patricia

From: Davis, DianeC [<mailto:DianeC.Davis@seattle.gov>]

Sent: Thursday, July 25, 2013 12:54 PM

To: Patricia Davis (tapestry4@gmail.com)

Subject: wood smoke issues

Patricia Davis
tapestry4@gmail.com

Dear Patricia:

Sorry for the delay in responding. I am sorry too that the smoke from Pizzeria 22 (4217 SW College St in our system) continues to be a problem. As you know, the codes we enforce allowed the construction of this establishment, and the required building and mechanical permits were obtained.

When this issue first came to my attention two years ago, I contacted Puget Sound Clean Air Agency (PSCAA) and was told they do not regulate or permit restaurants or their equipment, instead referring complainants to the health department. But, Seattle - King County Public Health told me that PSCAA is the resource for all outdoor air issues in the state even if the source comes from a restaurant (which is also what I concluded when I looked at the statutes and rules). The health department has no authority over outdoor air quality and they refer people back to the PSCAA. A frustrating situation.

Why wood-burning commercial ovens are permitted and why the regulations don't do more to control emissions are questions outside my workgroup's authority and jurisdiction. It appears to me that a code or law change is necessary. That would be an issue for our legislators. DPD does have a mechanism to request a code change, which I learned about only recently (I previously had

directed customers to their City Council representatives for code changes, which is also an option). Please see our Tip 110, *Requesting a Code Amendment*, available here: <http://web1.seattle.gov/dpd/cams/camdetail.aspx?cn=110>. This would be a technical code issue, involving the requirements for ventilation (mechanical) systems. It may be that the change needs to be at a higher level such as the state legislature, but this would be a place to start.

Here are some people in DPD who are closer to this issue and would be more likely to be able to answer your questions about current law relating to mechanical systems and the likelihood of changes to our codes in the future as well as what the inspector evaluates in the field when investigating this type of complaint.

Technical code information and plan review: Mechanical Plans Engineer Supervisor Shailesh Desai, 206-233-7860, Shailesh.desai@seattle.gov. His supervisor is Andy Higgins, Manager, Construction Plans Administration, 206-615-0568, andy.higgins@seattle.gov.

Code Development: Code Development Manager Maureen Traxler, 206-233-3892, Maureen.traxler@seattle.gov. She reports to Chief Engineer & Building Official Jon Siu, 206-233-5163, jon.siu@seattle.gov.

Inspections: Victor Keys, Mechanical Inspector Supervisor, 206-684-8449, vic.keys@seattle.gov. His supervisor is Dave Cordaro, Construction Inspections Manager, 206-683-7933, dave.cordaro@seattle.gov.

I wish I could be more helpful but unfortunately my workgroup's responsibilities do not include this issue and I do not have the resources to focus on it.

Sincerely,
Diane Davis

Diane C. Davis
Code Compliance Manager

City of Seattle
Dept of Planning & Development (DPD)

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P O Box 34019
Seattle, WA 98124-4019

206-233-7873 (direct line)
206-615-1812 (fax)
dianec.davis@seattle.gov

Building a Dynamic and Sustainable Seattle!

Response

Ecology appreciates your comment and continued efforts towards cleaner air. We have inserted your entire comment for others to read. Regulation of commercial wood burning is outside the scope of this rule. No changes were made to the rule or SIP submittal in response to this comment.

Comment # 4

Commenter: Doris Deamid

Regarding: Rule and State Implementation Plan Concerning Air Quality

In Mount Vernon, the number of coal and oil tanker trains heading to Bellingham and Canada destinations have already increased significantly which has caused our air quality to diminish significantly.

Both coal and oil are considered high carbon risk in air pollution and very dangerous for the lungs are the diesel particulates released into the air by the engines pulling the rail cars. Not to be forgotten is the coal dust which means that coal dust and diesel particulates are released into the air for the entire route these trains take from start to destination. The effects are felt through all cities and the country side along the way in air pollution and traffic congestion.

In the specific case of Mount Vernon, the trains are causing long lines of idling cars, trucks, buses, while the trains pass by - often 150 or more rail cars long. The tracks go right through our city center at the busiest intersection of the city. This particular crossing, it should be noted, is the worst in the city - badly in need of repair which Burlington Northern has ignored.

Residents of Mount Vernon packed McIntyre Hall during the scoping process protesting the building of the Gateway Pacific Terminal in Bellingham.

With the terminal's approval, we are to expect 18 to 23 coal trains per day through Mount Vernon - total lunacy for downtown businesses, (some already closed). Questionable backers of the terminal cite exaggerated creation of jobs. More jobs may occur for the building of the terminal but far less permanent jobs, (also depending upon who they hire, local or otherwise).

Trading health of people and the environmental health of the Pacific Northwest for jobs is not a bargain. It is my hope and expectation that Ecology will see the great health risks ongoing right now with this project and also recognize the sacrifice of the Skagit Valley serenity of the agricultural and tulip industries. These industries have brought millions of dollars in economic benefit to the area, (to include tourism). This beautiful valley must not become a railway center. Even at this present time, there are oil tanker cars parked on tracks throughout Mount Vernon - a real eyesore and environmental risk.

The question must then be asked and answered, What monetary and health benefits are our many communities in WA State deriving from huge corporations exploitation of the Pacific Northwest - strictly for their profit??

Response

Thank you for submitting your comment letter. Your comments are outside the scope of this rule. No changes were made to this rule or SIP submittal in response to this comment. However, a copy of your letter was shared with Ecology staff working on the Gateway Pacific Terminal Project and the Millennium Bulk Terminals-Longview coal export proposals. For more information on these proposals, use the following links:

- Gateway Pacific Terminal - <http://www.eisgatewaypacificwa.gov/>
- Millennium Bulk Terminals-Longview - <http://www.millenniumbulkeiswa.gov/>

Comment # 5

Commenter: Jeff Hunt, EPA Region 10

Although it is a very minor change, the EPA has determined that the Chapter 173-476 rule language regarding Ecology's twenty-four hour sulfur dioxide standard would not be approvable into the SIP in its current form.

EPA analysis – with respect to the 24-hour standard, the difference in state and EPA rounding conventions would cause a problem from an EPA SIP approval standpoint. Because the state standard has one less significant digit, measured values in the 0.145 to 0.149 ppm range would be considered a violation of the federal standard but not the state standard; making the state standard less stringent in some situations. [See 40 CFR 50.2(d) for the EPA rounding convention].

Response

Thank you for your comment. Ecology agrees that differences in rounding conventions would cause a problem. We have changed the emission standard from 0.1 ppmv to 0.14 ppmv to align this rule with the current National Ambient Air Quality Standard (NAAQS) for sulfur dioxide. We also updated the SIP submittal accordingly.

Commenter #6: Monte R. Robinson

From: swanrobinson@gmail.com [mailto:swanrobinson@gmail.com]

Sent: Saturday, August 10, 2013 9:48 AM

To: ECY RE AQComments

Subject: pollution prevention

I would like to see more air prevention measures taken with industrial dust created by moving vehicles and equipment on unpaved or gravel roads. I live near such a problem and very often affected by the dust created into the air. I have worked as an Environmental Health and Safety Professional with a local University working to keep our environment clean and healthy. I have also studied the effects of dust pollution in Arizona that is very toxic to humans, called valley fever. The dust created by farming and vehicles near residential areas in our state contains toxics from weed sprays and numerous organic materials including silica. Some of this can be prevented by reasonable measures and should be implemented in best management practices.

My neighbors are renting from the local farm and afraid to complain to the owners for fear of some reprisal. They get a daily dose of dust that covers their house every dry day. Please include dust pollution in your proposal.

Sincerely,
Monte R. Robinson
8618 Ershig Road
Bow, Washington 98232

Response

Thank you for your comment. Fugitive dust is outside the scope of this rule making. We have forwarded your comment to the Northwest Clean Air Agency. No changes were made to the rule or SIP submittal in response to this comment.

Appendix A: Copies of all written comments

From: kararowe@gmail.com [mailto:kararowe@gmail.com] **On Behalf Of** Kara Rowe

Sent: Monday, September 16, 2013 3:20 PM

To: Thompson, Margo (ECY); ECY RE AQComments

Cc: Nicole Berg; Glen Squires; Wood, Karen K. (ECY); Rude, Brett (ECY)

Subject: Wheat grower comments on NAAQS

Please accept the attached comments from the Washington Association of Wheat Growers regarding the air quality standard revisions. If you have any questions, please email me or call my office at 509-659-0610. Thanks!

Kara Rowe

Director of Affairs & Outreach

Washington Association of Wheat Growers



Washington Association of Wheat Growers

109 E. First Ave. • Ritzville, WA • 99169 • Phone (509) 659-0610 • Fax (509) 659-4302

September 16, 2013

TO: Margo Thompson
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
RE: Comments on updated air quality standards

The Washington Association of Wheat Growers (WAWG) appreciates the opportunity to formally comment on the states' revision of air quality rules and proposed changes to the State Implementation Plan. WAWG understands the vital role that the Washington State Department of Ecology (Ecology) plays to ensure that our air is clean and healthy.

WAWG has always felt that state standards should mirror those of federal standards when regulating and assisting farmers and ranchers in air and water quality matters. We support Ecology's work to align the state standards with the National Ambient Air Quality Standards (NAAQS). We especially support no changes to the PM10 ambient air standard, and we encourage the department to stay aligned with federal standards when considering future revisions.

We have greatly appreciated the pro-active approach of staff within the Air Quality Program when working with farmers. Specifically, we are grateful for the past work with the Benton Clean Air Authority and Ag Burn Task Force. Stu Clark, Brett Rude, Laurie Hulse-Moyer, Karen Wood and others have been essential in helping keep farmers productive while improving the air of Washington state.

Again, thank you for the opportunity to comment on this work. If you have any questions, please contact our office in Ritzville at 509-659-0610.

Nicole Berg
Paterson, Wash.
Vice President & Natural Resource Committee Chairman
Washington Association of Wheat Growers

cc: Brett Rude, Washington State Department of Ecology
Karen Wood, Washington State Department of Ecology

From: Angela Blacksher [mailto:angelalb@broadstripe.net]
Sent: Tuesday, September 17, 2013 1:29 AM
To: ECY RE AQComments
Subject: Updates to state air quality standards for specific pollutants.

DATE: September 17, 2013

TO: State and Federal Department of Ecology.

RE: State Implementation Plan, etc.

To whom it may concern:

We are addressing the Skagit Valley Herald newspaper article dated 8-20-13 entitled "Ecology accepting comment on air quality updates." In this article it states specifically "The state Department of Ecology is accepting public comment on updates to state air quality standards for specific pollutants. The pollutants include lead, carbon monoxide, nitrogen dioxide, ozone, sulfur dioxide, and fine and coarse particles. These pollutants are regulated by state and federal Clean Air Acts to protect public health."

So, according to this article, you're stating that the State and Federal Department of Ecology, and The Clean Air Agency is "responsible to protect public health."

If that's the case, then why--after 7 years of torment from local Meth Labs, destroying our property and the environment of Skagit County in a devastating way--nothing has been done to stop it!! During the last 7 years, nearly every government agency has been contacted--agencies that "claim" to help, but DON'T! Instead, we've been mocked, insulted, threatened, harrassed, tormented, and ignored! A few times, certain agencies seemed interested, but then ultimately ignored us! All we get is lame excuses! Are you all a FRAUD?!

Excuses we've been given:

1. "Not enough room in the jail". This statement is true and the county recently passed building a new jail. (Sheriff's Department--Skagit County).
2. "Meth has been eradicated" (Sheriff's Department--Skagit County).
3. "That's not our department" (Dept. of Ecology--Skagit Cnty and Skagit County Clean Air Agency).
4. "That's up to the Sheriff's Department" (Everyone including Skagit County Health Department).
5. "If you call us one more time about Meth Labs, I'll have you put in jail" (Skagit County Sheriff's Department).
6. "You can get 'Wipes to test for drug residue' from Skagit County Health Department". When we asked the Health Department about it, they said "The Sheriff's Department is supposed to do that". The Sheriff's Department said "The Health Department is supposed to do that."
7. "Skagit County doesn't have a HAZMAT team" (Skagit County Health Department).
8. "Our hands are tied" (Skagit County Sheriff's Department).

Until you guys clean up all the Meth Labs in Skagit County--of which is at least 30% or more of the population--just look for the yards that look like chemical/junk pile dumps in which you see alarming and disgusting displays of chemical containers of all kinds, many junker & filthy RV's and cars, and piles of junk of all kinds filling the entire property--including cars stacked on top of

each other, etc. A lot of these properties are right next to water-ways (creeks, rivers), schools, churches, grocery stores, towns, etc.

Our comments: If you're REALLY SERIOUS about our HEALTH?????? Then we suggest that your "tests" include drug chemicals such as: Acid, Ammonia, and Anti-Freeze. These are the chemicals we smell constantly all over Skagit County.

Okay, and THEN, you need to INVOLVE the Sheriff's Department (good luck!) in order to get it cleaned up, and put drug makers and dealers and users in JAIL. Sounds simple to us. Who's making it so difficult?! And WHY?!

In Canada, Meth and Meth Lab drug-makers and dealers are put in jail for LIFE! Here in the United States they only get 6 months! We should follow Canada's lead in order to "curtail an epidemic such as what is happening in the United States" (quoted from the Canadian Department of Justice).

I hope your testing of "sulfur dioxide, nitrogen dioxide & coarse and fine particles" is enough. If not, we strongly suggest that you give it some sincere thought. We're not the only ones that smell the chemicals--we know many others who agree--people who are affected by the contamination. Even Patty Murray knows about it--she started a Meth Lab Clean-up organization years ago--but her funding was cut by Homeland Security and by The Department of Justice. There are many articles that claim as well that drugs on the West Coast is "epidemic". It's no secret. Take a wide-scale survey of Skagit County residents. "Someone" claiming to be from a Clean Air agency called a relative of ours asking about the air quality--our relative told them "it smells like drugs". She never heard back from them again.

If you don't have enough "authority" to clean-up Skagit County, then maybe you should also focus on changing the laws in regards to drugs and Meth Labs--make it an "Act of Terrorism" in order to give you the "authority" to clean up!

If you want to ignore us too--well, it's a shame that everyone is so willing to give up their freedoms to environment & health destroying drug-heads!

We've got our house up for sale and we'll be moving far away from here. It's become a scary and disgusting place to live--and you are all letting it!

No words can describe the betrayal and torment we've endured by violent, tormenting drug-heads, AND OUR GOVERNMENT!!

Sincerely hope you care and do something about it,

Larry and Angela Blacksher

From: Patricia Davis [mailto:tapestry4@gmail.com]
Sent: Monday, September 09, 2013 10:25 AM
To: Thompson, Margo (ECY)
Cc: 'Craig Kenworthy'
Subject: RE: wood smoke issues

good morning Margo- and yes, PLEASE, send my email to everyone who can help. This is a serious issue and one that is an increasing problem: we are getting more and more commercial pizza and BBQ places that emit unrelenting, excessive, choking amounts of smoke with ZERO regulations. Given the known health hazards of smoke this is ridiculous. Additionally, it is required that residential wood stoves, for example, be certified and yet we have no effective regulation of commercial entities that indeed can be generating smoke - NON STOP HOUR AFTER HOUR and there is no remedy

That is a reason I have been adamant about ECY keeping the reference to Nuisance Laws and also getting Legislation in place that gives a regular citizen half a chance to prevail in court. This poor woman who owns the apt. building directly downwind of Jones BBQ here in West Seattle has lost tenants, has made complaints to the Fire Dept. and Puget Sound Clean Air - only to have the 'buck passed' (read Diane Davis, DPD letter below) and find she has no pathway to impact the smoke. She suffers under (as do many living by these wood burning commercial food entities) from massive smoke exposure, impact on her business (people move away from the apartment to get away from breathing in smoke day after day.....on and on.

Seriously, there NEEDS to be a way for people to have remedy in these situations. They are being forced to breathe UNFILTERED smoke - for 40 or more hours per week - every single week. Week after week, and year after year with NO REGULATION. That is pitiful that a homeowner needs a certified wood burning device (and likely most homeowners do not burn continuously for 40 or more hours per week) and a commercial entity does not. RESTAURANTS are required to filter their cook smoke - why in the world is that not required - and at an even higher level - for a WOOD BURNING restaurant ? They generate more smoke than a 'normal' restaurant and simply put up a steel flu and they are 'good to go'.....all in compliance while people and children suffer with breathing and perhaps an end point cancer.

Again: we NEED

- 1) Legislation that REQUIRES at least as much smoke filtering as a homeowner, and I think even more stringent standards: such as no smell or smoke
- 2) As ECY, EPA and PSCA address non-compliance it is also necessary to take into account COMMERCIAL WOOD BURNING and 1) above
- 3) We need to educate the public about the toxicity of wood smoke (12 times more toxic than a cigarette, EPA, 1991 gets through to the average person no matter what their education level/ability to comprehend complex issues)
- 4) We MUST be able to set up a legal process that takes wood smoke seriously (reminder: Seattle VOTED not to allow smoking in public places that speaks volumes: people are getting smart about their health and becoming more educated as a public. Regretfully most people do not truly understand the toxicity of wood burning smoke) Anyway: There must be a route for some remedy than can be relied on. Nuisance laws were written to intervene on people who are suffering in their own homes. It states (which used to be in the ECY bulletin) that any odor or smoke that interferes with the health or enjoyment of property is illegal. Ok, that is step one (get that back into the handout and educate the public they do not have to endlessly suffer or perhaps die later so some commercial entity can make \$ and poison their air with no consequence whatsoever) Next there MUST MUST MUST be some laws written that assist a person to prevail in court if they go so

far as to hire a private attorney and pursue choking on smoke (day after day) in court. Nuisance Laws are there for a reason. And more laws needs to be written to protect the public. We have a RIGHT TO BREATHE. I understand this woman's absolute frustration: she hits wall after all after wall.....and she is breathing smoke that I actually thought was a flat out fire when I drove by. No recourse. That is heartbreaking and also irresponsible by those parties that are supposed to help protect the air.

Please advise if this letter can be part of public comment for what is being worked on currently. Also please forward this entire email 'everywhere' and let's get busy cleaning up the air on a commercial level as well.

cc: Craig Kenworthy, PSCA
Thank you
patricia davis

From: Thompson, Margo (ECY) [<mailto:MATH461@ECY.WA.GOV>]
Sent: Monday, September 09, 2013 8:34 AM
To: Patricia Davis
Subject: RE: wood smoke issues

Good morning Patricia.
Very interesting email. This is a very frustrating topic for many. I have forwarded it on to my colleagues who work with smoke complaints and legislation.
Thank you for continuing to be concerned about smoke issues. I appreciate your continued diligence.
Best regards,
Margo Thompson
WA State Department of Ecology
Air Quality Program
360-407-6827
margo.thompson@ecy.wa.gov

From: Patricia Davis [<mailto:tapestry4@gmail.com>]
Sent: Friday, September 06, 2013 7:14 PM
To: Thompson, Margo (ECY)
Subject: FW: wood smoke issues

Miss Thompson - Is it possible to get some legislation and intervention on commerical BBQ smoke? Please read below. I also sent an email to Craig Kenworthy asking for an appt. with him on this issue.
thank you.
also I am hoping to give public comment on the upcoming ECY/EPA material previously commented on.
tpat davis

From: Patricia Davis [<mailto:tapestry4@gmail.com>]
Sent: Friday, September 06, 2013 7:07 PM
To: 'Davis, DianeC'
Subject: FW: wood smoke issues

Hello again Diane - It has been a hectic summer ! Today I was driving into our Alaska Street Junction here in W. Seattle and drove past what I thought was a fire. I had no time to stop right then, but did call 911 and reported it. Afterwards I did drive by again and saw the massive billows of smoke were still there. I parked and walked up to the source and it was an unattended BBQ activity by Jones BBQ. I did get some photos of the smoke and source. As I stood there I noticed an apartment building with multiple vacancy signs out (basically 'eating' the smoke from this activity) and I called the number. I spoke briefly with the woman who either owns or manages the apartment building and she said has tried 'everything' to get that smoke handled with no success. She had someone come in, so we had to cut it short, but I will telephone her back and try to understand what she has tried. She did mention she tried Puget Sound Clean Air, and the Fire Dept and could get nowhere. I could tell she was so distressed and upset on breathing in THAT much smoke - OMG !

So then I went over to Fire Station (who had responded to my 911 call - thinking it was like garbage on fire behind a fence) I was advised they have had many complaints about Jones BBQ and printed me the code for their response. He showed me that BBQ fires specifically have NO REGULATION whatsoever and it even states they are unregulated (CAM 5022 document. CAM means Client Assistance Memo entitled: Recreational and Cooking Fire Regulations, updated Nov. 2009)) I quote: "Barbeques (has it's own headline) "Use of barbecues for cooking is not regulated in the City of Seattle". and then it changes topics.

He said the Fire Dept is in a hard place because they can't write a citation for something that can't be backed up with code - which makes sense. After more inquiry I determined that the Fire Marshall's Office keeps records on 911 calls and also when the fire truck dispatches/complaints. Although the names may be private, he felt that there would be numerous Fire Dept calls/complaints about commercial BBQ (and other BBQ) and that it appears to be an issue upsetting a number of people. But, again: that the Fire Dept can only enforce the code with regard to residential fires (eg: the fire must be 25 feet from any combustible structure or material; a fire extinguishing equipment must be readily available (bucket of water, charged garden hose, or fire extinguisher with 4-A rating; and be not more than 3 feet in diameter and 2 feet high (there are more items, but those seem the most essential to note here)

Clearly these excessive smoking producing commercial entities are a nuisance and yet no effective intervention (for the health of the public: this is the air we breathe. Wood smoke is a known carcinogenic and toxic! We decided, as a City not to smoke, but allow these entities to puke out smoke hour after hour after hour with zero regulation or intervention.

Something must be done. I find it irritating that a private citizen, such as myself, has to work their tail off on things like this that are a no brainer scientifically with regard to health issues.

Additionally, that myself and others attempt an intervention, but none takes place. I have heard from multiple sources that this is the terrain of Puget Sound Clean Air.

I wrote you to ask if I can forward your email to me (below) and this email I am writing to Craig Kenworthy, Director of Puget Sound Clean Air. Please advise

Additionally, the public can go before the Board of Directors of Puget Sound Clean Air (which I did last year) and I will do that as well.

And lastly I would like to forward our emails to Dept of Ecology and EPA and get the ball rolling there - as well as make contact with the entities you advised me of in the email below. I am exceptionally busy, but someone needs to pursue this - and I guess that buck stops here.

Please advise if your email can be readily forwarded around. And on my end: certainly forward my email around. This is a serious issue and people should not have to choke on smoke where they live.

I appreciate your email and contacts. thank you for taking that time and again: please feel free to forward my email (actually I ask you to) to 'others'
best regards,
pat davis

From: Patricia Davis [<mailto:tapestry4@gmail.com>]
Sent: Thursday, July 25, 2013 10:13 PM
To: 'Davis, DianeC'
Subject: RE: wood smoke issues

hello diane and THANK YOU THANK YOU for this follow up. I have worked a very long day (it is 10 pm) so I printed this and I will read in detail tomorrow.
thank you DEEPLY !!
patricia

From: Davis, DianeC [<mailto:DianeC.Davis@seattle.gov>]
Sent: Thursday, July 25, 2013 12:54 PM
To: Patricia Davis (tapestry4@gmail.com)
Subject: wood smoke issues

Patricia Davis
tapestry4@gmail.com

Dear Patricia:

Sorry for the delay in responding. I am sorry too that the smoke from Pizzeria 22 (4217 SW College St in our system) continues to be a problem. As you know, the codes we enforce allowed the construction of this establishment, and the required building and mechanical permits were obtained.

When this issue first came to my attention two years ago, I contacted Puget Sound Clean Air Agency (PSCAA) and was told they do not regulate or permit restaurants or their equipment, instead referring complainants to the health department. But, Seattle - King County Public Health told me that PSCAA is the resource for all outdoor air issues in the state even if the source comes from a restaurant (which is also what I concluded when I looked at the statutes and rules). The health department has no authority over outdoor air quality and they refer people back to the PSCAA. A frustrating situation.

Why wood-burning commercial ovens are permitted and why the regulations don't do more to control emissions are questions outside my workgroup's authority and jurisdiction. It appears to me that a code or law change is necessary. That would be an issue for our legislators. DPD does have a mechanism to request a code change, which I learned about only recently (I previously had directed customers to their City Council representatives for code changes, which is also an option). Please see our Tip 110, *Requesting a Code Amendment*, available here: <http://web1.seattle.gov/dpd/cams/camdetail.aspx?cn=110>. This would be a technical code issue, involving the requirements for ventilation (mechanical) systems. It may be that the change needs to be at a higher level such as the state legislature, but this would be a place to start.

Here are some people in DPD who are closer to this issue and would be more likely to be able to answer your questions about current law relating to mechanical systems and the likelihood of changes to our codes in the future as well as what the inspector evaluates in the field when investigating this type of complaint.

Technical code information and plan review: Mechanical Plans Engineer Supervisor Shailesh Desai, 206-233-7860, Shailesh.desai@seattle.gov. His supervisor is Andy Higgins, Manager, Construction Plans Administration, 206-615-0568, andy.higgins@seattle.gov.

Code Development: Code Development Manager Maureen Traxler, 206-233-3892, Maureen.traxler@seattle.gov. She reports to Chief Engineer & Building Official Jon Siu, 206-233-5163, jon.siu@seattle.gov.

Inspections: Victor Keys, Mechanical Inspector Supervisor, 206-684-8449, vic.keys@seattle.gov. His supervisor is Dave Cordaro, Construction Inspections Manager, 206-683-7933, dave.cordaro@seattle.gov.

I wish I could be more helpful but unfortunately my workgroup's responsibilities do not include this issue and I do not have the resources to focus on it.

Sincerely,
Diane Davis

Diane C. Davis
Code Compliance Manager

City of Seattle
Dept of Planning & Development (DPD)

700 5th Av, Ste 2000
P O Box 34019
Seattle, WA 98124-4019

206-233-7873 (direct line)
206-615-1812 (fax)
dianec.davis@seattle.gov

Building a Dynamic and Sustainable Seattle!

1700 Fowler St.
Mount Vernon, WA 98274
Sept. 12, 2013

ATTENTION: MARGO THOMPSON & ANYA CAUDILL
Department of Ecology, Olympia, WA

Regarding: Rule and State Implementation Plan Concerning Air Quality

In Mount Vernon, the number of coal and oil tanker trains heading to Bellingham and Canada destinations have already increased significantly which has caused our air quality to diminish significantly.

Both coal and oil are considered high carbon risk in air pollution and very dangerous for the lungs are the diesel particulates released into the air by the engines pulling the rail cars. Not to be forgotten is the coal dust which means that coal dust and diesel particulates are released into the air for the entire route these trains take from start to destination. The effects are felt through all cities and the country side along the way in air pollution and traffic congestion.

In the specific case of Mount Vernon, the trains are causing long lines of idling cars, trucks, buses, while the trains pass by - often 150 or more rail cars long. The tracks go right through our city center at the busiest intersection of the city. This particular crossing, it should be noted, is the worst in the city - badly in need of repair which Burlington Northern has ignored.

Residents of Mount Vernon packed McIntyre Hall during the scoping process protesting the building of the Gateway Pacific Terminal in Bellingham.

With the terminal's approval, we are to expect 18 to 23 coal trains per day through Mount Vernon - total lunacy for downtown businesses, (some already closed). Questionable backers of the terminal cite exaggerated creation of jobs. More jobs may occur for the building of the terminal but far less permanent jobs, (also depending upon who they hire, local or otherwise).

Trading health of people and the environmental health of the Pacific Northwest for jobs is not a bargain. It is my hope and expectation that Ecology will see the great health risks ongoing right now with this project and also recognize the sacrifice of the Skagit Valley serenity of the agricultural and tulip industries. These industries have brought millions of dollars in economic benefit to the area, (to include tourism). This beautiful valley must not become a railway center. Even at this present time, there are oil tanker cars parked on tracks throughout Mount Vernon - a real eyesore and environmental risk.

The question must then be asked and answered:
What monetary and health benefits are our many communities in WA State deriving from huge corporations exploitation of the Pacific Northwest - strictly for their profit??

Concerned,

Toni Deamud

P.S. I am enclosing a copy of an article, dated 9-04-13 from the Cascadia Weekly. Please take the time to read this article and if you want real detailed information about coal or oil happenings, view the articles of this fact finding weekly paper on your computer.

From: Hunt, Jeff [mailto:Hunt.Jeff@epa.gov]
Sent: Friday, August 23, 2013 2:11 PM
To: ECY RE AQComments
Subject: Comment on proposed rule language for Chapter 173-476 WAC

Although it is a very minor change, the EPA has determined that the Chapter 173-476 rule language regarding Ecology's twenty-four hour sulfur dioxide standard would not be approvable into the SIP in its current form. For a full discussion of the EPA's review please see the attached August 23, 2013 letter from Kate Kelly, Director of the EPA Region 10 Office of Air, Waste, and Toxics to Stu Clark, Ecology Air Quality Program Manager. If you have any questions about the EPA's comment on the Chapter 173-476 rule language please feel free to contact me. Thank you.

Jeff Hunt
Air Quality Planner
EPA Region 10
Office of Air, Waste and Toxics
(206) 553-0256



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

AUG 23 2013

OFFICE OF
AIR, WASTE AND TOXICS

Stu Clark, Air Quality Program Manager
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Re: Review of Draft Chapter 173-476 Washington Administrative Code (WAC) *Ambient Air Quality Standards*

Dear Mr. Clark:

We have reviewed the draft version of "Chapter 173-476 WAC *Ambient Air Quality Standards*" to identify potential deficiencies prior to final submission of the regulation for EPA approval. When compared to the current Environmental Protection Agency (EPA) National Ambient Air Quality Standards, we have concluded that the draft version sent to the EPA on July 3, 2013, would likely be approvable into the Washington State Implementation Plan pending one minor change discussed on page 10 of the attached supporting memorandum. As discussed with your staff, the EPA intends to formally comment on this issue during the state public comment period.

The EPA will make a final decision based on our review of the complete State Implementation Plan revision submitted following your public process and after consideration of any comments received by you. If you have any questions please feel free to contact me at 206-553-1271 or have your staff contact either Debra Suzuki, Air Programs Unit Manager, at 206-553-0985 or Jeff Hunt, staff lead, at 206-553-0256.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Kelly".

Kate Kelly, Director
Office of Air, Waste, and Toxics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
AIR, WASTE AND TOXICS

August 16, 2013

MEMORANDUM

SUBJECT: Review of Draft Chapter 173-476 WAC Ambient Air Quality Standards

FROM: Jeff Hunt, Air Quality Planner 

TO: Debra Suzuki, Air Programs Unit Manager

The Washington Department of Ecology (Ecology) asked the EPA to review a draft version of Chapter 173-476 Washington Administrative Code (WAC) *Ambient Air Quality Standards*, so that any errors or EPA concerns can be addressed prior to final submission for approval into the State Implementation Plan (SIP). Attachment A is a copy of the draft rule language annotated with my analysis of the provisions. Attachment B is my analysis of the supporting SIP revision documentation. Once Ecology makes the minor correction identified on page 10 of Attachment A, I believe this draft version of Chapter 173-476 WAC meets the Clean Air Act requirements for incorporation into the SIP barring any significant public comments or changes in EPA policy.

Creation of a sample proposed Federal Register notice

In order to identify all relevant issues to the best of my ability, I drafted a sample Federal Register notice based on the *Approval and Promulgation of Implementation Plans; Georgia; State Implementation Plan Miscellaneous Revisions* recently published by the EPA on May 16, 2013. This Federal Register updates the Georgia SIP to reflect the EPA's current National Ambient Air Quality Standards (NAAQS) for sulfur dioxide, nitrogen dioxide, ozone, lead, and particulate matter similar to Ecology's draft rule language. This sample Federal Register notice is included as Attachment C. Upon submission of a final SIP revision, I will review any changes to Ecology's final rule language along with any comments received during the state public comment period and revise this draft as appropriate.

Attachment A – the EPA’s Analysis of Draft Chapter 173-476 Washington Administrative Code (WAC) *Ambient Air Quality Standards*

Chapter 173-476 WAC

AMBIENT AIR QUALITY STANDARDS

NEW SECTION

WAC 173-476-010 Purpose. This chapter establishes maximum acceptable levels in the ambient air for particulate matter, lead, sulfur dioxide, nitrogen oxides, ozone, and carbon monoxide.

EPA analysis – this introductory text is worded differently than 40 CFR 50.2, but the general framework is consistent with the EPA text.

NEW SECTION

WAC 173-476-020 Applicability. (1) The provisions of this chapter apply to all areas of the state of Washington.

(2) All federal regulations referenced in this regulation are adopted as they exist on August 3, 2013.

EPA analysis – the EPA supports statewide applicability of the NAAQS. This should lessen the burden on local agencies when future EPA NAAQS are updated.

NEW SECTION

WAC 173-476-030 Definitions. (1) Unless a different meaning is clearly required by context, words and phrases in this chapter have meanings consistent with general terms defined in chapter 173-400 WAC.

(2) Definitions specific to this chapter:

(a) "Period" means any interval of the specified time.

(b) "ppmv" means parts per million by volume.

EPA analysis – EPA typically uses the term "ppm" in our NAAQS, however Ecology's additional clarification of "ppmv" is consistent with our methodology.

(c) "ppb" means parts per billion by volume, which is 1 part in 1,000,000,000 parts by volume.

(d) "Federal Reference Method" or "FRM" means an EPA designated ambient air quality sampling and analysis method specified in an appendix to 40 C.F.R. Part 50, or a method that has been designated as a reference method according to 40 C.F.R. Part 53. It does not include a method for which a reference

method designation has been canceled according to 40 C.F.R.

53.11 or 53.16.

(e) "Federal Equivalent Method" or "FEM" means an EPA designated ambient air quality sampling and analysis method that has been designated as an equivalent method according to 40 C.F.R. Part 53. It does not include a method for which an equivalent method designation has been canceled according to 40 C.F.R. 53.11 or 53.16.

EPA analysis – These definitions are consistent with the EPA definitions located in 40 CFR 50.1

NEW SECTION

WAC 173-476-100 Ambient air quality standard for particulate matter, PM-10. (1) **Standard for PM-10.** The twenty-four-hour average concentration of PM-10 in the ambient air must not exceed 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) more than one time per year, on a three-year average.

(2) **Measurement method.** The levels of PM-10 in the ambient air must be measured by:

(a) A FRM based on 40 C.F.R. Part 50, Appendix J and designated according to 40 C.F.R. Part 53; or

(b) A FEM designated according to 40 C.F.R. Part 53.

(3) **Interpretation method.** The interpretation method found in 40 C.F.R. Part 50, Appendix K must be used.

EPA analysis – this section is consistent with the EPA PM₁₀ NAAQS provisions contained in 40 CFR 50.6 and Appendix K. Note that the EPA primary standard and the secondary standard for PM₁₀ are both 150 µg/m³. Throughout this draft rulemaking Ecology does not differentiate between primary and secondary standards, but instead incorporates all of them. This Ecology approach seems to be more straightforward and understandable compared to the EPA regulations.

NEW SECTION

WAC 173-476-110 Ambient air quality standards for particulate matter, PM-2.5. (1) Standards for PM-2.5.

(a) The three-year average of the annual arithmetic mean concentration of PM-2.5 must not exceed 12.0 micrograms per cubic meter (µg/m³).

(b) The three-year average of the ninety-eighth percentile twenty-four-hour average concentration of PM-2.5 must not exceed 35 µg/m³.

(2) **Measurement method.** The levels of PM-2.5 in the ambient air must be measured by:

(a) A FRM based on 40 C.F.R. Part 50, Appendix L and designated according to 40 C.F.R. Part 53; or

(b) A FEM designated according to 40 C.F.R. Part 53.

(3) **Interpretation method.** The interpretation method found in 40 C.F.R. Part 50, Appendix N must be used.

EPA analysis – this section is consistent with the EPA PM _{2.5} NAAQS provisions contained in 40 CFR 50.18 and Appendix N.

NEW SECTION

WAC 173-476-120 Ambient air quality standard for lead (Pb).

(1) **Standard for lead.** The three-month rolling average concentration of lead (Pb) and its compounds in the ambient air must not exceed 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).

(2) **Measurement method.** The levels of Pb in the ambient air must be measured by:

(a) A FRM based on 40 C.F.R. Part 50, Appendix G and designated according to 40 C.F.R. Part 53; or

(b) A FEM designated according to 40 C.F.R. Part 53.

(3) **Interpretation method.** The interpretation method found in 40 C.F.R. Part 50, Appendix R must be used.

EPA analysis – this section is consistent with the EPA lead (Pb) NAAQS provisions contained in 40 CFR 50.16 and Appendix R.

NEW SECTION

WAC 173-476-130 Ambient air quality standards for sulfur oxides (sulfur dioxide). (1) **Standard for sulfur oxides (measured as sulfur dioxide).**

(a) Annual. The annual average concentration for sulfur oxides in the ambient air must not exceed 0.02 ppmv in a calendar year.

EPA analysis – this state standard of 0.02 ppm is more stringent than the federal annual standard of 0.030 ppm contained in 40 CFR 50.4. Under the provisions of 40 CFR 50.2(d) states may establish more stringent NAAQS.

(b) Twenty-four-hour. The twenty-four-hour average concentration for sulfur oxides in the ambient air must not exceed 0.1 ppmv more than once per calendar year. The twenty-four-hour averages must be determined from successive

nonoverlapping twenty-four-hour blocks starting at midnight each calendar day.

EPA analysis – this state standard of 0.1 ppm is lower than the federal 24-hour standard of 0.14 ppm contained in 40 CFR 50.4. However, under certain rounding situations, discussed below, the state standard can be less stringent than the federal standard. Ecology has agreed to revise their rounding convention for the 24-hour standard, so this standard will likely be changed to 0.10 ppm. Alternatively, the state could adopt the federal standard of 0.14 ppm if desired.

(c) Three-hour. The three-hour average concentration for sulfur oxides in the ambient air must not exceed 0.5 ppmv more than once per calendar year. The three-hour averages must be determined from successive nonoverlapping three-hour blocks starting at midnight each calendar day.

EPA analysis – this section is consistent with the EPA's 3-hour sulfur oxides NAAQS provisions contained in 40 CFR 50.5.

(d) One-hour. The three-year average of the annual ninety-ninth percentile of the daily maximum one-hour average concentrations for sulfur oxides in the ambient air must not exceed 75 ppb.

EPA analysis – this section is consistent with the EPA's 1-hour sulfur oxides NAAQS provisions contained in 40 CFR 50.17 and Appendix T.

(2) **Measurement method.** The levels of sulfur oxides must be measured as sulfur dioxide by:

(a) A FRM based on 40 C.F.R. Part 50, Appendix A or A-1; or

(b) A FEM designated according to 40 C.F.R. Part 53.

(3) **Interpretation methods.**

(a) The annual arithmetic mean is based on the average of hourly data. To be used in calculating the annual average, the hourly data must be at least seventy-five percent complete in each calendar quarter of the year.

(b) The interpretation method for the twenty-four-hour average found in 40 C.F.R. Part 50.4(d) must be followed.

(c) The interpretation method for the three-hour average found in 40 C.F.R. Part 50.5(c) must be followed.

(d) The interpretation method for the one-hour average found in 40 C.F.R. Part 50, Appendix T must be followed.

(4) **Rounding of values.**

(a) The annual arithmetic mean must be rounded to three decimal places (fractional parts equal to or greater than 0.005 ppmv must be rounded up).

EPA analysis – this state draft rule language uses one less significant digit in their rounding convention for the annual standard than the EPA rounding convention found in 40 CFR 50.4(a). However, the state standard of 0.02 ppm is more stringent than the federal standard of 0.030 in all situations, so the difference in rounding conventions is fine from an EPA SIP approval standpoint.

(b) The twenty-four-hour averages must be rounded to two decimal places (fractional parts equal to or greater than 0.05 ppmv must be rounded up).

EPA analysis – with respect to the 24-hour standard, the difference in state and EPA rounding conventions would cause a problem from an EPA SIP approval standpoint. Because the state standard has one less significant digit, measured values in the 0.145 to 0.149 ppm range would be considered a violation of the federal standard but not the state standard; making the state standard less stringent in some situations. [See 40 CFR 50.2(d) for the EPA rounding convention]. As discussed with Ecology staff, the EPA intends to make this comment during the state public comment period.

(c) The three-hour standard averages must be rounded to one decimal place (fractional parts equal to or greater than 0.05 ppmv must be rounded up).

EPA analysis – this text matches the text of 40 CFR 50.5(a) which states, “[the level of the 3-hour standard] shall be rounded to 1 decimal place (fractional parts equal to or greater than 0.05 ppm shall be rounded up).”

(5) **Sunset provision.** The ambient standards in WAC 173-476-130 (1)(a) and (b) are no longer applicable in a specific area one year after the effective date of the EPA's designation of attainment status of that area for the standard in WAC 173-476-130 (1)(d) and 40 C.F.R. 50.17.

EPA analysis – these sunset provisions are consistent with the sunset provisions contained 40 CFR 50.4(e).
--

NEW SECTION

WAC 173-476-140 Ambient air quality standards for nitrogen oxides (nitrogen dioxide). (1) Standards for nitrogen oxides (measured as nitrogen dioxide).

(a) The annual average concentration for nitrogen oxides in ambient air must not exceed 53 ppb (100 $\mu\text{g}/\text{m}^3$) measured in the ambient air as nitrogen dioxide.

(b) The three-year average of the ninety-eighth percentile of the daily maximum one-hour average concentration of nitrogen oxides must not exceed 100 ppb, as measured in the ambient air as nitrogen dioxide.

(2) **Measurement method.** The levels of nitrogen oxides must be measured as nitrogen dioxide by:

(a) A FRM based on 40 C.F.R. Part 50, Appendix F; or

(b) A FEM designated according to 40 C.F.R. Part 53.

(3) **Interpretation method.** The interpretation method found in 40 C.F.R. Part 50, Appendix S must be followed.

EPA analysis – these provisions are consistent with the EPA's nitrogen oxides standard contained in 40 CFR 50.11
--

NEW SECTION

WAC 173-476-150 Ambient air quality standard for ozone. (1)

Standard for ozone. The three-year average of the annual fourth highest daily maximum eight-hour average concentration of ozone in the ambient air must not exceed 0.075 ppmv.

(2) **Measurement method.** The levels of ozone in the ambient air must be measured by:

(a) A FRM based on 40 C.F.R. Part 50, Appendix D and designated according to 40 C.F.R. Part 53; or

(b) A FEM designated according to 40 C.F.R. Part 53.

(3) **Interpretation method.** The interpretation method found in 40 C.F.R. Part 50, Appendix P must be followed.

EPA analysis – these provisions are consistent with the EPA's ozone standard contained in 40 CFR 50.15
--

NEW SECTION

WAC 173-476-160 Ambient air quality standards for carbon monoxide. (1) Standards for carbon monoxide.

(a) The eight-hour average concentration of carbon monoxide in the ambient air must not exceed 9 ppmv (10 milligrams per cubic meter) more than once per year.

(b) The one-hour average concentration of carbon monoxide in the ambient air must not exceed 35 ppmv (40 milligrams per cubic meter) more than once per year.

(2) **Measurement method.** The levels of carbon monoxide in the ambient air must be measured by:

(a) A FRM based on 40 C.F.R. Part 50, Appendix C and designated according to 40 C.F.R. Part 53; or

(b) A FEM designated according to 40 C.F.R. Part 53.

(3) **Interpretation method.** An eight-hour average must be considered valid if at least seventy-five percent of the hourly averages for the eight-hour period are available. In the event that only six (or seven) hourly averages are available, the eight-hour average must be computed on the basis of the hours available using six (or seven) as the divisor.

(4) **Rounding of values.** When summarizing data for comparison with the standards, averages must be stated to one decimal place. Comparison of the data with the levels of the standards in ppmv must be made in terms of integers with fractional parts of 0.5 or greater rounding up.

EPA analysis – these provisions are consistent with the EPA's carbon monoxide standard contained in 40 CFR 50.8

NEW SECTION

WAC 173-476-170 Monitor siting criteria. Ambient monitors must be sited as required in 40 C.F.R. Part 58.

EPA analysis – the EPA encourages direct incorporation by reference of the monitor siting criteria, as Ecology did above.

NEW SECTION

WAC 173-476-180 Reference conditions. (1) All measurements of air quality that are expressed as mass per unit volume (e.g., micrograms per cubic meter) must be corrected to:

- (a) A reference temperature of 25°C; and
- (b) A reference pressure of 760 millimeters of mercury (1,013.2 millibars (hectopascals)).

(2) Exception for measurements of particulate matter (PM-2.5) and Pb. Measurements of PM-2.5 and Pb must be reported based on the actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.

EPA analysis -- this provision is consistent with the EPA's reference conditions contained in 40 CFR 50.3

NEW SECTION

WAC 173-476-900 Appendix A-Table of standards.

Disclaimer: This table is provided as an overview. See complete rule for more detail.

Pollutant		Averaging Time	Level	Remarks	Measurement Method	Interpretation Method
Particle Pollution	PM-10	24-hour	150 $\mu\text{g}/\text{m}^3$	Not to be exceeded more than once per year averaged over 3 years	40 C.F.R. Part 50, Appendix J	40 C.F.R. Part 50, Appendix K
	PM-2.5	Annual	12.0 $\mu\text{g}/\text{m}^3$	Annual mean, averaged over 3 years	40 C.F.R. Part 50, Appendix L	40 C.F.R. Part 50, Appendix N
		24-hour	35 $\mu\text{g}/\text{m}^3$	98th percentile, averaged over 3 years		
Lead		Rolling 3-month average	0.15 $\mu\text{g}/\text{m}^3$	Not to be exceeded	40 C.F.R. Part 50, Appendix G	40 C.F.R. Part 50, Appendix R
Sulfur Dioxide		Annual	0.02 ppmv	Not to be exceeded in a calendar year	40 C.F.R. Part 50, Appendix A or A-1	WAC 173-476-130(3)
		24-hour	0.1 ppm	Not to be exceeded more than once per year		
		3-hour	0.5 ppm	Not to be exceeded more than once per year		
		1-hour	75 ppb	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years		
Nitrogen Dioxide		Annual	53 ppb	Annual Mean	40 C.F.R. Part 50, Appendix F	40 C.F.R. Part 50, Appendix S
		1-hour	100 ppb	98th percentile of 1-hour daily maximum concentrations, averaged over 3 years		
Ozone		8-hour	0.075 ppm	Annual fourth-highest daily maximum 8-hr concentration, averaged over 3 years	40 C.F.R. Part 50, Appendix D	40 C.F.R. Part 50, Appendix P
Carbon Monoxide		8-hour	9 ppm	Not to be exceeded more than once per year	40 C.F.R. Part 50, Appendix C	WAC 173-476-160(3)
		1-hour	35 ppm			

EPA analysis -- the summary information contained in this chart is consistent with the Ecology rule language for each of the NAAQS.

Attachment B – the EPA’s Review of Ecology’s Draft SIP Revision

WASHINGTON STATE DEPARTMENT OF ECOLOGY

**Including New Chapter 173-476 WAC into
the Washington State Implementation Plan
Rule SIP Revision**

Air Quality Program
8/9/2013

What is submitted?

Ecology submits to the Environmental Protection Agency (EPA) a new rule, Ambient Air Quality Standards, Chapter 173-476 WAC for inclusion into the Washington State Implementation Plan (SIP). The new rule incorporates the current National Ambient Air Quality Standards (NAAQS) for criteria pollutants. These standards are federally required and applicable statewide.

The new chapter replaces the following chapters of the Washington Administrative Code:

- Ch. 173-470 WAC Ambient Air Quality Standards for Particulate Matter (formerly Ch. 18-40 WAC)
- Ch. 173-474 WAC Ambient Air Quality Standards for Sulfur Oxides (formerly Ch. 18-56 WAC)
- Ch. 173-475 WAC Ambient Air Quality Standards for Carbon Monoxide, Ozone, and Nitrogen Dioxide

These chapters are repealed. Of those chapters, WAC 173-470¹ was approved into the SIP on January 15, 1993².

What Ecology would like EPA to do with the submittal?

Ecology proposes for EPA to take two actions:

- Approve the new rule, Ambient Air Quality Standards, Ch. 173-476 WAC, into the SIP.
- Remove the repealed rule, National Ambient Air Quality Standards for Particulate Matter, Ch. 173-470 WAC, from the SIP.

Analysis of Submittal

The new rule incorporates the NAAQS, current as of August 2013, for the following air pollutants:

- Particulate matter (PM₁₀)
- Particulate matter (PM_{2.5})
- Lead (Pb)
- Sulfur oxides (SO_x) (except for the annual and 24 hour standards)
- Nitrogen oxides (NO_x)
- Ozone (O₃)
- Carbon monoxide (CO)

The rule retains Washington's current annual and 24-hour state standards for sulfur oxides. They are more stringent than the respective NAAQS.

¹ Sections WAC 173-470-010, 020, and 160 were state adopted in 1987 and sections WAC 173-470-030 and 100 were state adopted in 1989.

² 58 FR 4578

The new rule does not include references to Total Suspended Particulate (TSP) found in SIP-approved WAC 173-470(100)(1) and (2). EPA promulgated NAAQS for TSP in 1971. In 1987, EPA revised its particulate matter standards changing the indicator from TSP to PM-10 to focus on “inhalable” particles (<10 µm), subsequently separating NAAQS for the “fine”, PM_{2.5}, and “coarse”, PM₁₀, fractions of PM₁₀ in 1997. Ecology adopted these newer, and more protective, NAAQS and repealed the outdated standards for TSP.

EPA analysis – the EPA agrees that it is appropriate for Ecology to remove the revoked 1971 TSP standard.

The new rule also does not contain obsolete reporting requirement for local agencies found in SIP-approved WAC 173-470-160. Ecology and local clean air agencies have an elaborate monitoring network in place that collects monitoring data. Ecology’s staff has access to the data collected. The data are also reported in real time on the agency’s web site³. These data are being submitted regularly to EPA.

EPA analysis – the EPA agrees that the 1987 particulate matter reporting requirements found in the SIP-approved version of Chapter WAC 173-470-160 are obsolete and it is appropriate for Ecology to rely on the current monitoring network requirements contained in 40 CFR 58. In a letter dated October 25, 2012, the EPA approved the Washington Ambient Air Monitoring Network Plan which describes the Washington monitoring network for 2012-2013. This annual review satisfies the state obligations under 40 CFR 58.

By consolidating existing criteria pollutant rules into one rule, adding a Lead (Pb) standard, incorporating current federal NAAQS, and retaining existing, more stringent state SO₂ standards, Ecology ensures it can implement and maintain the NAAQS as required by the federal Clean Air Act.

Appendices below include:

- Appendix A: New Chapter 173-476 WAC, adopted on [insert adoption date], proposed to be included into the SIP.
- Appendix B: Current SIP-approved Chapter 173-470 WAC in red strike out indicating proposed removal from the SIP.

³ http://www.ecy.wa.gov/programs/air/air_monitoring_data/WAQA_Intro_Page.html

Appendix A

Insert new rule language

Appendix B

~~WAC 173-470 Ambient Air Quality Standards for Particulate Matter~~

~~173-470-010 PURPOSE.~~

~~This chapter promulgated under RCW 70.94.305 and 70.94.331 establishes maximum acceptable levels for particulate matter in the ambient air. Particulate matter is characterized in criteria developed by the United States Environmental Protection Agency.~~

~~173-470-020 APPLICABILITY.~~

~~The provisions of this chapter apply to all areas of the state of Washington.~~

~~173-470-030 DEFINITIONS.~~

~~Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC.~~

~~173-470-100 AMBIENT AIR QUALITY STANDARDS.~~

~~(1) The level of the 24-hour ambient air quality standard for total suspended particulate is 150 micrograms per cubic meter (ug/m3), 24-hour average concentration. The standard is attained when the number of days per calendar year is less than or equal to one for measured 24-hour concentrations above 150 ug/m3.~~

~~(2) The level of the annual standard for total suspended particulate is sixty micrograms per cubic meter (ug/m3), annual geometric mean. The standard is attained when the annual geometric mean concentration is less than or equal to 60 ug/m3.~~

~~(3) The level of the 24-hour ambient air quality standard for PM-10 is 150 micrograms per cubic meter (ug/m3), 24-hour average concentration. The standard is attained when:~~

~~(a) The expected number of days per calendar year with a 24-hour average concentration above 150 ug/m3, as determined in accordance with 40 CFR 50 Appendix K as in effect on July 1, 1988, is equal to or less than one; and~~

~~(b) The number of days per calendar year the measured 24-hour average concentration above 150 ug/m3 is equal to or less than one.~~

(4) The level of the annual standard for PM-10 is 50 micrograms per cubic meter (ug/m³), annual arithmetic mean. The standard is attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50 Appendix K as in effect on July 1, 1988, is less than or equal to 50 ug/m³.

173-470-160 REPORTING OF DATA.

~~(1) Air authorities sampling for particulate matter shall notify the department of all infractions of these standards. Notification shall be made quarterly. A quarterly summary of all samples greater than the standards shall be submitted within sixty days of the end of each calendar quarter. Quarterly data shall include:~~

~~(a) Location of sampler.~~

~~(b) Time period (day and year).~~

~~(c) Individual concentrations recorded at each air monitoring station.~~

~~(d) The applicable geometric or arithmetic mean for each monitoring station (first quarter report only for previous calendar year).~~

~~(2) If particulate matter values greater than the standards are measured by the department, the air authority shall be notified quarterly. This notification shall include:~~

~~(a) Location.~~

~~(b) Time or time period.~~

~~(c) Concentrations recorded.~~

~~(d) The applicable geometric or arithmetic mean (first quarter report only for previous calendar year).~~

EPA analysis – removal of the 1993 SIP-approved version of Chapter WAC 173-470 *Ambient Air Quality Standards for Particulate Matter* is appropriate since all relevant provisions are contained in the new rule, Chapter 173-476 WAC *Ambient Air Quality Standards*.

From: swanrobinson@gmail.com [mailto:swanrobinson@gmail.com]
Sent: Saturday, August 10, 2013 9:48 AM
To: ECY RE AQComments
Subject: pollution prevention

I would like to see more air prevention measures taken with industrial dust created by moving vehicles and equipment on unpaved or gravel roads. I live near such a problem and very often affected by the dust created into the air. I have worked as an Environmental Health and Safety Professional with a local University working to keep our environment clean and healthy. I have also studied the effects of dust pollution in Arizona that is very toxic to humans, called valley fever. The dust created by farming and vehicles near residential areas in our state contains toxics from weed sprays and numerous organic materials including silica. Some of this can be prevented by reasonable measures and should be implemented in best management practices.

My neighbors are renting from the local farm and afraid to complain to the owners for fear of some reprisal. They get a daily dose of dust that covers their house every dry day. Please include dust pollution in your proposal.

Sincerely,
Monte R. Robinson
8618 Ershig Road
Bow, Washington 98232

Appendix B: Transcripts from public hearings

Public Hearing on the Rule Proposal

Lacey – September 10, 2013

Melanie Forster:

I'm Melanie Forster, hearings officer for this hearing. This morning, we are to conduct a hearing on the rule proposal for chapter 173-476 WAC, ambient air quality standards. Let the record show it's 10:53 a.m. on September 10th, 2013 and this hearing is being held at the Department of Ecology headquarters, room 16 and 17 at 300 Desmond Drive Southeast, Lacey, Washington 98503.

Legal notices of this hearing were published in the Washington State register, August 21st, 2013, Washington state register number 13-16-083. Notices of the hearing were sent to an e-mail list of interested people and a news release was issued on August 7th, 2013. Notice was also published in the Daily Journal of Commerce August 7th, 2013 and on Ecology's online public involvement calendar.

I will be calling people up to provide testimony based on the order your name appears on the sign-in sheet and once everyone who has indicated they would like to testify has had the opportunity, I will open it up for others. It looks like no one has signed up to testify. Would anyone like to testify now? No?

If you would like to send Ecology written comments, please remember they are due received or postmarked by September 19th, 2013. And as I mentioned before, please specify whether you're commenting on the rule proposal, including the rule in the SIP, or both.

Let the record show that two people attended this public hearing and no one wanted to provide oral testimony.

So I'm going to go over the address to send your comments to. Send them to Margo Thompson, PO Box 47600, Olympia, Washington 98504-7600, or you can e-mail comments to aqcomments@ecy.wa.gov. You may also fax comments to 360-407-7534. All testimony received at this hearing, along with all written comments received or postmarked no later than September 19th, 2013 will be part of the official hearing record for this proposal. Ecology will send notice about the concise explanatory statement, or CES, publication to everyone that provided written comments or oral testimony on this rule proposal and submitted contact information, everyone that signed in for today's hearing that provided an e-mail address, and other interested parties on the agency's mailing address for this rule.

The CES will, among other things, contain the agency's response to questions and issues of concern that were submitted during the public comment period. If you would like to receive a copy but did not give us your contact information, please let one of the Ecology staff at this hearing know or contact Margo Thompson at the contact information provided for submitting comments.

The next step is to review the comments and make a determination whether to adopt the rule. Ecology director, Maia Bellon, will consider the rule documentation and staff recommendations

and will make a decision about adopting the proposal. Adoption is currently scheduled for no sooner than October 15th, 2013. If the proposed rule should be adopted on that day and filed with the code reviser, it will go into effect 31 days later.

If we can be of further help to you, please do not hesitate to ask, or you could contact Margo Thompson if you have other questions.

On behalf of the Department of Ecology, thank you for coming.

Public Hearing on the SIP Revision Proposal

Melanie Forster:

I'm Melanie Forster, hearings officer for this hearing. This morning we are to conduct a hearing on including updated ambient air quality standards in the State Implementation Plan, or SIP. Let the record show it's 11:03 a.m. on September 10th, 2013 and this hearing is being held at the Department of Ecology headquarters, room 16 and 17, 300 Desmond Drive, Lacey, Washington 98503. Notices of the hearing were sent to an e-mail list of interested people and a news release was issued on August 7th, 2013. Notice was also published in the Daily Journal of Commerce on August 7th, 2013 and on Ecology's online public involvement calendar.

I will be calling people up to provide testimony based on the order your name appears on the sign-in sheet. Once everyone who has indicated that they would like to testify has had the opportunity, I will open it up for others. Let the record show that about three people attended this public hearing, no one wanted to provide oral testimony. Is that still true? Have any of you changed your minds? No? OK.

If you would like to send Ecology written comments, please remember they are due, received or postmarked, by September 19th, 2013. You may send them to Margot Thompson, PO Box 47600 Olympia, Washington 98504-7600. You may e-mail comments to AQComments@ecy.wa.gov. You may also fax comments to 360-407-7534. All testimony received at this hearing, along with all written comments postmarked no later than September 19th, 2013, will be part of the official hearing record for this proposal.

As I mentioned before, please specify whether you are commenting on the rule proposal, including the rule in the SIP, or both. Ecology will send notice about the response to comments to everyone that provided written comments or oral testimony on this rule proposal and submitted contact information, everyone that signed in for today's hearing that provided an e-mail address, and other interested parties on the agency's mailing list for this rule. The response to comments will, among other things, contain the agency's response to questions and issues of concern that were submitted during the public comment period. If you would like to receive a copy but did not give us your contact information, please let one of the staff at this hearing know or contact Anya Caudill at the contact information provided.

The next step is to review the comments and make a determination whether to submit the proposed SIP provision to EPA. The response to comments will be published on Ecology's website. Ecology director Maia Bellon will consider the SIP submittal documentation and staff recommendations and will make a decision about adopting the SIP revision. Ecology will submit the proposed SIP revision to EPA after adoption. EPA will then accept public comments before making a decision to approve the SIP revision.

If we can be of further help to you, please do not hesitate to ask, or you can contact Margot Thompson if you have other questions. On behalf of the Department of Ecology, thank you for coming. Let the record show this hearing is adjourned at 11:07 a.m.