



Washington State Implementation Plan Revision

**Including Revised Yakima Regional Clean Air Agency
Regulation 1, New Source Review and General
Regulations**

Air Quality Program

Washington State Department of Ecology
Olympia, Washington

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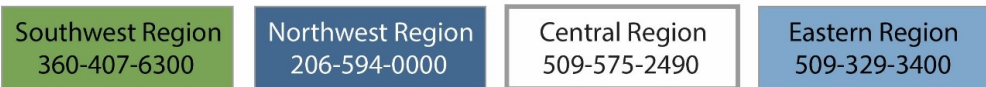
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Department of Ecology Regional Offices



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Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
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DEPARTMENT OF
ECOLOGY
State of Washington

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Acronyms and Abbreviations

CAA	Federal Clean Air Act
CO	Carbon Monoxide
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
NAAQS	National Ambient Air Quality Standards
NO ₂	Nitrogen Dioxide
NSR	New Source Review
O ₃	Ozone
Pb	Lead
PM ₁₀	Coarse Particle Matter or Particulate Matter; with an aerodynamic diameter of 10 microns or less
PM _{2.5}	Fine Particles or Particulate Matter; with an aerodynamic diameter of 2.5 microns or less
RCW	Revised Code of Washington
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
WAC	Washington Administrative Code
YRCAA	Yakima Regional Clean Air Agency

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Executive Summary

The Yakima Regional Clean Air Agency (YRCAA) adopted revisions to the new source review (NSR) and general air quality rules. These rules control the amount of criteria pollutants in the ambient air. Criteria pollutants are common ambient air pollutants for which the U.S. Environmental Protection Agency (EPA) established the National Ambient Air Quality Standards (NAAQS). A body of rules, permitting programs, and air quality plans that allow the state to attain and maintain the NAAQS is called the Washington State Implementation Plan (SIP).

The federal Clean Air Act (CAA) mandates that EPA review and approve all rules in the SIP. When EPA approves the rules into the SIP, the rules become federally enforceable, meaning that EPA and the citizens can enforce them under the federal Citizen Suit provisions. This is an additional mandatory level of federal oversight and enforceability provided in the CAA.

In March 2021, YRCAA submitted the revised rules to the Washington State Department of Ecology (Ecology) and requested Ecology submit them to EPA for review and approval into the SIP. This SIP revision applies to sources in YRCAA's jurisdiction located within Yakima County, Washington, except for tribal lands where EPA is the air quality regulator. This SIP revision document explains how the rules have changed from the previously SIP-approved version, and how the changes continue to implement the NAAQS.

Ecology held a public review process on whether or not to include the proposed updates. It included two comment periods:

1. April 8, 2021 – May 20, 2021. Not all public notices were published as planned.
2. July 30, 2021 – August 6, 2021. Public Hearing held on August 3, 2021.

We received comments from residents and a citizen group that expressed frustrations with the way YRCAA operates and implements the law, and the residents' ongoing experience of air pollution in the county. Yakima County has elevated levels of fine particulate (PM_{2.5}) pollution compared to other areas of the state. Most of the PM_{2.5} exceedances in Yakima County have occurred due to wildfires. However, the commenters believe unregulated Cattle Feed Operations contribute to elevated levels of PM_{2.5}. EPA has not designated any portion of Yakima County as not meeting (not attaining) the PM_{2.5} standard. This SIP revision is one of the steps in providing the regulatory framework to continue addressing PM_{2.5} levels. This SIP revision ensures that EPA reviews the current PM_{2.5} rules and that the rules are federally enforceable.

Ecology's response to comments is included in the document. A majority of the comments had to do with enforcement and thus were outside of the scope of the SIP revision. Comments did not result in revision to the SIP submittal.

On October 4, 2021, Ecology's Director, Laura Watson, as the Governor's Designee, for all SIP matters, reviewed the results of the public review process and made the determination to adopt the SIP revision and submit it to EPA for review and approval.

YRCAA SIP Revision Request

Background

The CAA authorizes EPA to establish NAAQS for common air pollutants, to protect public health and welfare, and to prevent adverse effects. The common air pollutants, called criteria pollutants include:

- Fine and coarse particulate matter (PM_{2.5} and PM₁₀)
- Ozone (O₃)
- Sulfur dioxide (SO₂)
- Carbon monoxide (CO)
- Nitrogen dioxide (NO₂)
- Lead (Pb)

The CAA requires states to have rules, permitting programs, and plans to monitor, attain, and maintain the NAAQS. These rules, permitting programs, and plans comprise an overarching plan called State Implementation Plan or SIP. The CAA assigns responsibility for the SIP to the Governors. In Washington, the Governor designated the Director of Ecology to handle SIP matters. Thus, Ecology develops or receives SIP-eligible rules and programs developed and implemented by the state and local agencies, and coordinates their submittal to EPA after the Director of Ecology approves adoption of each SIP revision.

The CAA also requires that EPA review SIP revisions to ensure each state have regulatory infrastructure to attain and maintain the NAAQS. The Congress put in place EPA's oversight via the SIP review process to ensure that there is no backsliding in state's implementation of the NAAQS, and to provide an enforcement tool for EPA and citizens under the Citizen Suit provisions, which is not automatically available for all state and local rules.

YRCAA is the primary air quality regulatory authority in Yakima County. Under the authority granted by the Revised Code of Washington (RCW), Chapter 70A.15 (previously Chapter 70.94 RCW), and U.S CAA (42 U.S.C. 7401 et seq.), YRCAA must adopt rules that provide for maintenance and attainment of the NAAQS, and control emissions of the criteria pollutants. These rules apply to all sources of air emissions located in the county, except for the sources on tribal lands, which are under EPA's jurisdiction, and those facilities that are under Ecology's jurisdiction or exempted by some laws and regulations.

According to the state regulations and laws, Ecology's rules apply statewide, except for specific subsections where a local authority has adopted and implemented corresponding local rules. Specifically, WAC 173-400-020 states:

“(1) The provisions of this chapter shall apply statewide, except for specific subsections where a local authority has adopted and implemented corresponding local rules that apply only to sources subject to local jurisdiction as provided under RCW 70.94.141 and 70.94.331.

(2) An authority may enforce this chapter and may also adopt standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. ...”

YRCAA primarily adopts, implements, and enforces state rules. In some instances, YRCAA adopted their own rules and standards in lieu of the provisions in Chapter 173-400 WAC *General Regulations for Air Pollution Sources* as allowed under WAC 173-400-020.

Purpose of the SIP revision

The purpose of this SIP submittal is to ensure that the SIP contains current YRCAA rules that align with the SIP-approved state rules, either through YRCAA adopting the state rules by reference, or adopting their own rules that are no less stringent than the provisions in Chapter 173-400 WAC.

Scope of the SIP revision

Ecology requests EPA to approve into the SIP YRCAA's NSR and general air quality portions of the revised YRCAA Regulation 1 as listed later in this document.

The SIP currently includes outdated portions of YRCAA Regulation 1 and references outdated provisions in the Washington Administrative Code (WAC). Last time EPA acted on YRCAA's rules was February 2, 1998. YRCAA has since revised its Regulation 1.

This SIP revision request includes currently adopted portions of YRCAA's NSR General Regulation amendments, including certain sections of Chapter 173-400 WAC, General Regulation for Air Pollution Sources that YRCAA has adopted by reference in Regulation 1. These regulations control criterial pollutants and thus require an EPA review for SIP purposes.

This SIP revision applies to the YRCAA jurisdiction of Yakima County, Washington. This SIP revision does not apply where YRCAA does not have jurisdiction, including major energy facilities under the jurisdiction of the Energy Facility Site Evaluation Council and any areas with tribal jurisdiction.

This SIP revision request outlines which provisions are new, revised, or to be removed from the current SIP. This SIP revision also includes some approved, but not incorporated by reference, provisions. All other portions of the SIP not specifically mentioned below remain unchanged.

SIP revision submittal documents

We included all supporting documents in the Appendices:

- Appendix A contains the YRCAA SIP Revision Table that summarizes all proposed changes to the SIP-approved rules:
 - Table A1: YRCAA Regulation 1 for proposed approval and incorporation by reference into the SIP, as well as enforcement and other general authorities for EPA approval, but not incorporated by reference into the SIP.
 - Table A2: Chapter 173-400 WAC YRCAA adopted by reference for proposed approval and incorporation by reference into the SIP.
- Appendix B contains the preliminary review of the rule revisions to identify portions that are subject to the SIP process. EPA conducted the review in coordination with YRCAA and Ecology. This review shows the proposed rulemaking changes in strikethrough.

- Appendix C contains the preliminary analysis of the SIP revision for sections 3.03 and 3.04 of the YRCAA Regulation 1.
- Appendix D contains the YRCAA SIP revision request to Ecology including the request letter to Ecology and YRCAA Regulation 1 NSR SIP submittal in strikethrough.
- Appendix E contains YRCAA's Concise Explanatory Statement and other rulemaking documentation related to the last round of YRCAA Regulation 1 amendments.
- Appendix F (reserved) will contain copies of all public notices advertising the comment period and opportunity to request a hearing.
- Appendix G (reserved) will contain copies of the public comments received during Ecology's SIP review process.
- Appendix F (reserved) will contain a copy of the Director of Ecology's transmittal letter to EPA and SIP adoption order.

Ecology's request

Ecology requests EPA take the following actions:

- Approve the submitted portions of YRCAA Regulation 1 into the SIP, as described in Appendix A, Table A1 to be applicable in Yakima County, Washington.
- Approve the submitted portions of YRCAA Regulations that provide YRCAA adequate enforcement and general authority for implementing and enforcing their SIP, but not incorporated into SIP, as described in Appendix A, Table A1.
- Approve Chapter 173-400 WAC adoptions by reference into the SIP, as described in Appendix A, Table A2 to be applicable in Yakima County, Washington.
- Remove outdated SIP-provisions and replace them with current ones when appropriate, as described in Appendix A tables.

Summary of Changes to the 1st Public Review Draft

We made some updates to the Public Review Draft of this SIP submittal between the first and second public comment periods. We expanded several sections in the Public Review Draft and added records in the Appendices to provide additional details about the SIP process and this project. We did not make any changes to the YRCAA's Regulation 1, or portions of the Regulation 1 we proposed to include or remove from the SIP. Specifically, we:

- Expanded Executive Summary to clarify the scope and role of the SIP approval, and explained why this revision is important in Yakima County.
- Added clarifying information to the Background section detailing the pollutants that the SIP is designed to regulate.
- Renamed "Introduction" to "YRCAA SIP Revision Request."
- Separated "Scope and purpose of the SIP submittal" into two sections and added clarifying language into the "Purpose of the SIP submittal" section.
- Added details or modifying description of the Appendices for clarity.
- Added copies of the YRCAA Regulation 1 rulemaking documents, including their Concise Explanatory Statement to the new appendix "2020 YRCAA's Concise Explanatory Statement and Rulemaking Documentation."
- Added a new appendix, "Public Notification," to include copies of public notification upon submittal to EPA.
- Renumbered Appendixes to accommodate the two additions.
- Updated the Acknowledgement section.
- Miscellaneous minor formatting updates to improve readability.

Response to Comments

Ecology and YRCAA held two public comment periods on the proposed SIP revision:

- 1) April 10 - May 20, 2021. No public hearing was requested. Due to an oversight, we did not issue all public notifications to advertise the comment period as per our regular procedures. Thus, we made the decision to conduct an additional public comment period to ensure the public was properly notified about this opportunity.
- 2) July 30 – August 6, 2021. We received a request for public hearing and conducted one on August 3, 2021, via webinar.

We received six comment submittals via email and using our online e-comment form, and five people provided oral comments during the public hearing. A copy of the comment letters and transcript of the oral testimonies are included in **Appendix G. Public Comments**. Ecology's responses to the comments are below. No substantive changes to the 2nd Public Review Draft were made as the result of the comments. We updated the Executive Summary with the results of the public review process, added this Response to Comments section to the submittal, and included copies of the comments and public notices in the Appendices.

The majority of the comments were provided by community members affiliated with the Friends of Toppenish Creek (FOTC). In the comment letter submitted during the first public comment period, FOTC urged Ecology to not submit the SIP revision to EPA. In subsequent comments, the FOTC Executive Director requested to change portions of the current rule to be approved in the SIP including YRCAA regulating odor and dust, defining acceptable agricultural practices, investigating and restructuring their local board, incorporating health-screening process for public complaints, and having a local appeals process for air quality concerns. Other comments centered on concerns regarding the YRCAA organizational structure and personnel, lack of enforcement, and air quality problems related to concentrated animal feeding operations (CAFOs) in the area. In general, the comments provided expressed frustration with elements of the current Regulation 1 and the YRCAA's ability to implement it. However, the majority of comments were not within the scope of the current SIP revision.

Below are the summary of the comments provided, and Ecology's responses. Ecology summarized and aggregated repeated points made by the commenters. In other words, we focused our responses on specific points made, not addressing each submittal or testimony individually.

Comment 1:

"FOTC asks the WA State Dept. of Ecology (Ecology) to reject the YRCAA request for a rule change ..."

Ecology's response:

YRCAA requested Ecology and EPA to update which rules are federally-enforceable in their county. If we do not submit their current rules to EPA, then the rules that were in place in 1989 continue to be the rules that EPA and the public can enforce in the federal court, while the local

and state agencies would operate under the locally-adopted regulations. This creates uncertainty for the public, regulated community, and regulatory agencies.

Ecology does not generally review or approve local clean air or state agencies' rules or rule revisions during rulemaking processes. Besides YRCAA, there are seven other local clean air authorities as well as two state agencies authorized by the Legislature to develop air quality rules in Washington. Ecology collaborates with these agencies.

The local clean air agencies must ensure that their rules are as stringent as the state rules. If the local agency proposes a less stringent rule, they must notify the public and hold a public hearing. YRCAA updated their rule in 2020 to align with Ecology's rules, and updated references to the Washington State Codes to ensure that YRCAA operates under the current state rules. By requesting SIP approval, YRCAA attests that the rules in the submittal are as stringent as the state rules. Nothing in the comment demonstrated that YRCAA's rules are less stringent than the state rules, and Ecology's review of the material demonstrates that YRCAA's rules are as stringent as the current state rules.

In order to clarify the role of the SIP process versus rule change, after the first public comment period, and before the second public comment period, we updated the Background section in this document to include more details.

Comment 2:

"FOTC asks the WA State Dept. of Ecology (Ecology) to reject the YRCAA request for a rule change because the YRCAA, in fact, enforces neither the Federal Clean Air Act nor the Washington State Clean Air Act as required by law. Approval of a SIP for Yakima County would inaccurately signify that YRCAA actually follows rules and regulations." ... "Please, do not validate the ineffective YRCAA by approving the proposed WA State Implementation Plan for Yakima County."

Ecology's response:

The question of whether or not YRCAA enforces the rules is outside the scope of this SIP revision. The SIP is concerned with whether the agency has the authority to enforce the rules. To comply with the federal Clean Air Act (CAA), YRCAA must submit to EPA any updated rules that ensure that the area attains and maintains the National Ambient Air Quality Standards (NAAQS). If YRCAA does not submit their updated rules to EPA they would be in violation of the CAA. Thus, opposite to the commenters' assertion, if Ecology were to prohibit YRCAA from submitting the rules to EPA, it would then support YRCAA not following the federal law.

Comment 3:

Ecology received multiple comments concerned with toxic pollutants, especially ammonia, coming from the cattle feeding operations (CAFOs) in Yakima County. Some representative comments are below:

"Yakima County is home to 1/3 of all Washington dairy cows, about 100,000 milkers, that are concentrated in an approximately 271 square mile area in the Lower Yakima Valley (LYV).

According to the WA State Department of Ecology (Ecology), livestock in Yakima County emitted 8,053.58 tons of ammonia into the ambient air in 2011. Ammonia is a toxic air pollutant under Washington law, WAC 173-460-150. Dairy animals also emit significant amounts of methane, hydrogen sulfide and volatile organic compounds (VOCs) which, among other adverse effects, contribute to odor.”

“The YRCAA needs to reconsider their stand to ignore citizen science that is done by individuals or community groups. FOTC did a valid preliminary study of ammonia levels at a residence near CAFOs. This study which included controls in the upper Yakima Valley showed average ammonia levels over a year to be 66 times higher in the lower valley than in the upper valley. Despite the fact that this information contributed to the understanding of the YAWNS study it was ignored by YRCAA. The EPA encourages citizen science but YRCAA does not.”

“The only specific pollution sources the SIP includes are the dry-cleaning Industry and various burning scenarios. The only time CAFOs are mentioned is with regard to "dust from cattle feeding operations." Besides particulate matter and lowering air quality in the areas around them, CAFOs also emit greenhouse and methane gases and contribute to climate change. The EPA attributes manure management as the fourth leading source of nitrous oxide emissions and the fifth leading source of methane emissions. It can only be assumed that these and other greenhouse gas emissions from CAFOs will rise and continue to contribute to climate change and unhealthy air quality. As an example, one way emissions could be curtailed is that before CAFO permits are renewed, they would be required to install anaerobic digesters to capture the CO₂, methane and gases that are being emitted from their operations. I don't know if your agency has the authority to make those kinds of rules, but if it does it needs to start focusing on them now. Insofar as your agency is empowered to create rules and regulations, or to approve permits, the urgency of these federal, state and local emissions reduction goals should be emphasized. Until emissions from CAFOs are controlled, we are spinning our wheels in reaching our targets.”

“We have lived here since 1955. I would like to talk to you folks about the many dusty fecal days of summer, that surrenders to the fecal liquid matter days of winter. With the winter comes the haul out of manure field animal pens that leave our county roads hard to navigate with track out from these vehicles that transport manure to fields within a five mile radius of the farms. That has fecal dust appearing on these gravel roads from their usage.

The winter months also produce huge amounts of ammonia that fills the air with choking aroma, totally eradicating any fresh, breathable oxygen nearby. Riverview Dairy, ... permitted at 1194 Vance Road mapped in Washington, puts a daily cloud of fecal dust into the air by dragging the corrals to redistribute defecation piles left by cows daily. The dust cloud goes high into the atmosphere, hundreds of feet, sometimes thousands where prevailing winds send this fecal clouds to neighbors adjacent to the dairy. This daily dusting causes breathing disorders and makes everything uncovered a nasty brown.

There are several households nearby with children who sometimes get on or off the school bus for Mabton in a fecal dust cloud. I have called Yakima Regional Clean Air Authority many times complaining, only to be told that because they are a dairy operation that nothing can be done. I do not agree with this determination, and I object to the status quo. We need monitoring, and not self-monitoring as is now the procedure. Elements such as ammonia, ammonia nitrate, ammonia sulfate, ammonia phosphate are all just some of the contaminants in this fecal dust that people are breathing and eating daily without masks.

I hope there can be some system put into place that we all can live by. However, as long as the Yakima Regional Clean Air Authority has a do nothing to grievances reported by citizens locally, I think many have and will continue to suffer and eventually many will pay with their health. The last thing I'd like to speak to you about is a thing that they have started here recently within the last 10 years or so. Dairymen have started this practice of putting lines from cold storage, controlled atmosphere rooms, into pens to help with the foot rot problems. While this practice helps the cattle's feet, this practice also lets blowing winds distribute it into the air and people's lives."

Ecology's response:

The SIP revision applies to common ambient air pollutants called criteria pollutants. These pollutants are:

1. fine and coarse particulate matter (PM_{2.5} and PM₁₀)
2. ozone (O₃)
3. sulfur dioxide (SO₂)
4. carbon monoxide (CO)
5. nitrogen oxides (NO₂)
6. lead (Pb)

SIP-approved rules may contain provisions to control criteria pollutant precursors when they are found to contribute to formation of the elevated levels of particulate, ozone, sulfur dioxide or other criterial pollutants. Since SIP is specific to criteria pollutants and NAAQS, it does not apply to toxics (eg. ammonia) or greenhouse gases and flammables (eg. methane). Comments related to toxic air pollutants are beyond the scope of the SIP revision.

At this time, all areas in Yakima County are meeting or attaining all NAAQS. There were two nonattainment areas in the past, one for PM₁₀, and another for CO. They both attained the respective NAAQS and have been in compliance since their redesignation to attainment. Yakima County's levels of sulfur dioxide, nitrogen dioxide, carbon monoxide, lead, and ozone are well below the NAAQS. We will address the levels of the fine particulate matter levels (PM_{2.5}) and the role of the precursors in detail in the responses further below (see Comment #5).

If EPA finds an area to violate any of the NAAQS, EPA designates that area as being in nonattainment. A violation of the NAAQS occurs when there are persistent exceedances of the NAAQS levels during three consecutive years. A nonattainment designation triggers an in depth review of the causes for the elevated levels of criteria pollutants in the air. If the review

identifies that the local air authority must change the rules to reach attainment, EPA requires the agency to revise the rules and the SIP.

Comment 4:

FOTC provided copies of the requests they made in 2019, to the Washington Department of Ecology, to conduct a formal review of the YRCAA's ability to implement the air quality program in Yakima County. The majority of the documents provided in the comments were to substantiate this formal request for the review. The specific complaints included:

"The YRCAA:

1. Ignores citizen complaints regarding odor, dust, and air pollution that threaten public health.
2. Refuses to do the research that would clarify the impact of dairy operations on the health of citizens in the Lower Yakima Valley.
3. Accepted false testimony from an "expert in manure management" who egregiously misinformed the YRCAA regarding health impacts of manure spreading during air inversions as they rejected a citizen petition to band this practice.
4. Hired an agency director who lacks qualifications and fails to lead the agency.
5. Allowed and continues to allow board members to vote on issues in which they have financial interests.
6. Knowingly fails to regulate emissions from the 100,000 cows that are housed in a 271 square mile area in Yakima County."

Ecology's response:

Ecology reviews carefully all comments received. Enforcement actions, including formal review of YRCAA's ability to conduct enforcement actions, are beyond the scope of this SIP action. The action of updating YRCAA's rule in the SIP addresses a specific requirement of the Federal Clean Air Act, with which YRCAA is complying. Not sending the SIP revision to EPA would not resolve any of the raised issues.

Comment 5:

"Ecology conducted a study in 2013 that examined high levels of fine particulate matter in Yakima County. The study found, "Yakima is unusual within Washington in that a significant fraction of the PM_{2.5} during winter is comprised of particulate nitrate, usually in the chemical form of ammonium nitrate (NH₄NO₃)¹".

"Fine particulate matter and ammonia negatively impact human health. People in Yakima County suffer from higher-than-average rates of heart disease, lung disease, and adverse perinatal **problems**. Most recently, Yakima recorded the highest rates of infection and rates of

¹ WA State Dept. of Ecology (2015) Yakima Air Winter Nitrate Study. Available at <https://ecology.wa.gov/DOE/files/a6/a67789dd-aed4-461e-b138-e77537dd1952.pdf>

death due to COVID 19 in Washington State. There is a relationship between air quality and COVID 19 morbidity and mortality.”

Ecology’s response:

Ecology, YRCAA, and EPA have recognized the elevated PM_{2.5} levels in the county and have been working on identifying the contributing factors. This work includes the study cited by the commenters. The SIP process focuses on achieving specific air quality targets and the PM_{2.5} levels in Yakima County have met the current, most stringent, level that EPA set in 2006. As long as Yakima County meets the National Ambient Air Quality Standard for PM_{2.5}, as well as other criteria pollutants, the federal SIP process is not designed to mandate changes to reduce PM_{2.5} levels further. However, all involved agencies are acutely aware that Yakima County has the highest PM_{2.5} levels in the state, they are the closest to violating the standard, and that there is a growing body of scientific evidence encouraging EPA to lower the standard to be more protective of public health. Thus, the work to address PM_{2.5} is ongoing.

YRCAA voluntarily participated in the EPA’s PM Advance program from 2012 through 2017 to evaluate potential measures to prevent nonattainment for PM_{2.5}. YRCAA also worked with Ecology to collect additional data to better understand the contributing sources to PM_{2.5} levels in the county. YRCAA implemented a wood stove exchange program to reduce PM_{2.5} emissions associated with residential wood burning. The work is ongoing. This SIP revision contributes to this work by allowing the current PM_{2.5} rules that apply in YRCAA be reviewed by EPA and if approved, they would be federally-enforceable giving EPA and the citizens additional tools to participate in the air quality regulatory work, as provided for by the federal Clean Air Act. This SIP revision is therefore a foundational regulatory component of a robust PM_{2.5} program in the county.

Comment 6:

We received several comments regarding the YRCAA Board of Directors. A representative comment states:

“I would ask Department of Ecology to ask the legislature to revise the make up of the voting membership of YRCAA. More than 50% of the members should be community members without financial or family links to industries that contribute to air pollution. The other 50% would be industry representatives and county commissioners. Scientists who work for YRCAA should be attending the board meetings as an informational source but not as a voting member. This allows the board to go beyond scientific reports, wood smoke, and wood stoves to address air quality problems that effect citizens' health, well being, and their ability to enjoy their private property. Right now the YRCAA does not address the air quality conditions in all parts of the county and ignores those conditions that are most unhealthy and contribute most to the dissatisfaction of private citizens. As long as the industry dominates the YRCAA board these complaints will go unaddressed. At a minimum there should be at least one community member on the board who is not working in the agriculture industry or is a family member of

someone who works in the agriculture industry. Ideally that citizen member should be someone who lives in a rural neighborhood where most of the air quality complaints come from.”

Ecology’s response:

Federal Clean Air Act at 42 U.S.C. Chapter 85, Subchapter I, Part A, Section 110(a)(2) outlines “infrastructure” requirements for an air quality program that each state must have in order to meet the federal expectations for a robust program protecting the NAAQS. Specifically, Section 110(a)(2)(E)(ii) states: “Adequate personnel, funding and authority to carry out plan; comply with state boards; oversee local and regional governmental agencies” requires each state to put in place “requirements that the State comply with the requirements respecting State boards under section 128 of this title”.

Section 128 provision reads:

“§128. State boards

(a) Not later than the date one year after August 7, 1977, each applicable implementation plan shall contain requirements that—

(1) any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this chapter, and

(2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

A State may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other entities which are more stringent than the requirements of paragraph (1) and (2), and the Administrator shall approve any such more stringent requirements submitted as part of an implementation plan.”

YRCAA Regulation 1, which YRCAA and Ecology are submitting to EPA as part of this action, does not speak to the composition of the Board, only its authorities and actions. Thus, the submittal itself is not the subject of the comment and cannot address the changes asked for in the comment.

EPA reviewed Washington’s compliance with the Section 110(a)(2)(E)(ii) as part of the SIP submittal called “Infrastructure SIP” which Ecology last submitted to EPA, on September 30, 2019². At the time of approval, EPA found that Ecology or YRCAA regulations comply with

² Washington State Implementation Plan (SIP) Revision: Infrastructure SIP for 2015 Ozone and 2010 Sulfur Dioxide (Number of pages: 40) (Publication Size: 387KB), at: <https://apps.ecology.wa.gov/publications/SummaryPages/1902019.html>

Section 110(a)(2)(ii). Consequently, issues raised by the commenters regarding the YRCAA Board composition are outside of the scope of the SIP revision action at hand.

Comment 7:

Commenters expressed frustrations and a desire for YRCAA to recognize the health issues with which the commenters feel they and other residents are struggling. They expressed expectations that YRCAA should take steps to evaluate the pollutants, identify and measure them, and then reduce them. Some representative comments state:

“We have been constantly bombarded with air issues out here. We wonder what it is that's in this air that we breathe on a daily, 24/7 basis. Manure particles, urine gases, mold from pen straw, composting manure with dead calves inside, ... pharmaceutical, all kinds of possibilities, but not one person says they can do anything about it.”

“YRCAA needs to work with citizen groups to obtain money to measure air quality in residential areas near agricultural pollution sources so that it can be known whether neighbors are exposed to unhealthy air. As long as the board is dominated by industry this will never happen.

When citizens complain about a health issue regarding pollution that is occurring right at the moment of the complaint, having an onsite visit within 48 hours is not adequate. Their policy should be changed to 12-24hrs for health complaints.”

Ecology's response:

Ecology supports citizens and YRCAA efforts to identify what pollutants may possibly drive the observed health concerns within Yakima County. The requested actions are outside the scope of this SIP revision. We forwarded these concerns and suggestions to Sanjay Barik, Central Regional Office Air Quality Manager³, for review and decision on any follow up with YRCAA.

Comment 8:

Several commenters wanted to see more commitments to lowering greenhouse gas (GHG) emissions to mitigate climate change impacts. A representative comment is below:

“I just recently learned about your open meeting to give comments on your proposed SIP. I understand that YRCAA is our local organization tasked with enforcing the federal and state air quality laws. As you know, President Biden has set targets lowering GHG emissions 50-52% by 2030 from 2005 levels, achieving net zero greenhouse gas emissions by no later than 2050, and limiting global warming to 1.5 degrees Celsius. On the State level, Governor Inslee has set goals to reduce greenhouse gas emissions by 2030 to 45% below 1990 levels, by 2040 to 70% below 1990 levels, and by 2050 to 95% below 1990 levels to achieve net zero emissions. These targets are grounded in analysis that explored sectors of the economy that produce CO₂ and non-CO₂ greenhouse gases: electricity, transportation, buildings, industry, and lands. I would like to see

³ Phone: 509-379-1464, Email: Sanjay.Barik@ecy.wa.gov

YRCAA pledge its alliance with these targets in ALL of these sectors. These goals and targets should be included in the current SIP. Currently neither in its SIP nor on its website does YRCAA commit to these incremental reductions over time nor does it express its desire to adhere to the federal and state targets. I would like assurances that the local agency is in line with our nation's goals.”

Ecology’s response:

Ecology has a separate program to address climate change impacts. It includes the GHG Reporting Program. SIPs do not currently apply to GHG pollutants under the federal Clean Air Act. This SIP revision addresses criteria pollutants only, which are an important part of air quality protection. The commenters are invited to visit Ecology’s Greenhouse Gases program web page for additional details and to sign up for the listserv notifications:

<https://ecology.wa.gov/Air-Climate/Climate-change/Greenhouse-gases>.

Comment 9:

One of the commenters questioned the discretionary enforcement authority asserted by the YRCAA Air Pollution Control Officer (APCO) during the 2020 rulemaking and in response to comments on the rule amendments. Specifically, the commenter stated:

“A statement that the YRCAA shall enforce the laws, as opposed to the current statement that YRCAA may enforce the laws. See Section 2.01 B & Section 2.01 E. FOTC made this request in July 2020 during the first review of YRCAA Regulation 1. YRCAA replied, “Enforcement discretion is and should remain with the duly appointed APCO.” What this means in fact is that the decision whether to investigate a complaint lies entirely with one man. The current APCO has no training in the law, in science, in public health or in agriculture. If citizens go to court to complain about lack of investigation, there is a legal defense imbedded in the proposed SIP, that says the YRCAA regulations allow the APCO to choose which air quality violations to address. This probably could not stand up in court, but citizens would have to struggle through years of litigation to secure justice. Why not do the right thing at the start and write a SIP that is not arbitrary and capricious?”

Ecology’s response:

It is not clear from the comment where to find the specific statement regarding that YRCAA may enforce the laws. As a general matter, however, every regulatory agency does possess a degree of enforcement authority as well as a degree of enforcement discretion. As a specific matter pertaining to this SIP action, three separate agencies (YRCAA, Ecology, and EPA) have or will have conducted a legal analysis of the rule and associated SIP materials prior to adoption. The issue of whether or not the regulatory agency used their discretionary enforcement authority appropriately is outside the scope of this action.

Comment 10:

A request for a rule change on the appeal process:

“A change to Section 2.05 Appeals. Delete Section C and replace it with a process in which the YRCAA Board of Directors hears appeals of YRCAA action. This is more appropriate than forcing citizens to appeal to the WA State Pollution Control Hearings Board over complaints that can easily be addressed at the local level.”

Ecology’s response:

This is an appropriate comment on the rulemaking. However, there is nothing in the federal SIP requirements that Ecology staff is aware of to compel this change for SIP purposes. Ecology always encourages the most cost-effective and collaborative resolution at the local level.

This SIP revision fulfills the requirement to provide the local rule to EPA for review and approval into the SIP. SIP approval of the rule makes the approved rules federally-enforceable meaning that EPA and citizens can enforce the rules in the federal court.

Concluding Ecology's response:

Ecology staff appreciates the time, energy, and information the commenters shared with us during this public review process. Ecology recognizes that there are ongoing and emerging air quality concerns in Yakima County. Ecology, YRCAA, and EPA have been working, and will continue to work, on addressing these issues. This SIP action serves as a step towards compliance with the CAA and provides an important enforcement tool for the citizens, that would not be available should Ecology not submit the Regulation 1 to EPA for review for SIP purposes.

There is nothing in the comments that indicated that the current YRCAA Regulation 1, proposed for SIP submittal, is less stringent than the previously approved version of 1989 Regulation 1. Current Regulation 1 is consistent with state rules and laws, and thus is regulatory adequate for inclusion in the SIP. Yakima County at this time has not violated federal national ambient air quality standards, which would authorize EPA and Ecology to mandate SIP-changes. Thus, Ecology determines that it is in the best interest of the Yakima County residents, and in compliance with the applicable federal and state requirements, that Ecology submits the SIP revision without changes to EPA for review and approval.

Appendices

Due to document size constraints, [Appendices A through E](#)⁴, [Appendix F](#)⁵, [Appendix G](#)⁶, and [Appendix H](#)⁷ are available as separate documents. Note that some content in the appendices was not drafted by Ecology and cannot meet Ecology’s document accessibility requirements. To request documents in an alternate format, email AQComments@ecy.wa.gov or call 360-407-6800.

Appendix A. YRCAA SIP Revision Tables

Appendix B. EPA/Ecology preliminary analysis of YRCAA Regulation I SIP revision

Appendix C. EPA/Ecology preliminary analysis of YRCAA Regulation I SIP revision – Sections 3.03 and 3.04

Appendix D. YRCAA SIP Revision Request to Ecology

YRCAA Regulation 1 NSR SIP submittal regulatory text and SIP submittal letter to Ecology.

Appendix E. 2020 YRCAA’s Concise Explanatory Statement and Rulemaking Documentation

Appendix F. Public Notification

Copies of public notices that were posted to ensure the public was properly notified and had an opportunity to participate in the decision-making process.

Appendix G. Public Comments

Copies of public comments received.

Appendix H. SIP Adoption Order

A copy of the SIP Adoption Order and transmittal letter to EPA, signed by the Director of Ecology

⁴ <https://apps.ecology.wa.gov/publications/parts/2102025part1.pdf>

⁵ <https://apps.ecology.wa.gov/publications/parts/2102025part2.pdf>

⁶ <https://apps.ecology.wa.gov/publications/parts/2102025part3.pdf>

⁷ <https://apps.ecology.wa.gov/publications/parts/2102025part4.pdf>