

July 17, 2018 Stakeholder Meeting Summary

Chapter 173-405 WAC Kraft pulping mills, Chapter 173-410 WAC Sulfite pulping mills, and Chapter 173-415 WAC Primary aluminum plants July 17, 2018 2:00 – 4:00 PM Ecology HQ, Lacey, WA/Webinar

Caroline (Ying) Sun (Ecology) gave an overview of the rulemaking process and went over major changes in the draft rule language.

Next steps:

Since some of the stakeholder comments need additional internal and external discussion, the timing of the next steps are revised from what we said during the stakeholder meeting.

- Ecology:
 - Distribute revised draft rule **by 5:00 PM on August 6, 2018**
 - Hold second stakeholder meeting on **August 14, 2018 at 2:00 PM**
- Stakeholders:
 - Provide comments on the revised rule **by August 20, 2018** to Caroline Sun at caroline.sun@ecy.wa.gov.
 - Let us know if any of the changes would be burdensome for you to comply.

The following is a summary of the key notes, questions and concerns shared at the meeting:

- **Does the adoption version of Chapter 173-400 WAC change much from the proposed version?**
Ecology: The rule language to be adopted will have a number of changes from the proposed language. This rule will be adopted in mid-August.

- **Multiple stakeholders commented that all these three rules have outdated provisions and there are more stringent federal rules. They suggested Ecology streamline all three rules by removing outdated and redundant requirements, and possibly incorporate the remaining requirements in to Chapter 173-400 WAC and rescind these three rules.**

Ecology: Each of these three rules establishes Ecology with the sole statewide authority to regulate these sources and these three rules must be maintained regardless of where the final requirements reside.

Ecology is updating outdated provisions and aligning these three rules with the upcoming changes to Chapter 173-400 WAC as part of this rulemaking. For further streamlining, we are still considering our options. This action may be outside the the scope of this rulemaking.

Chapter 173-400 WAC is already long, but Ecology could consider relocating these requirements from these three rules into Chapter 173-400 WAC as part of a future rulemaking action.

- **Is this rulemaking a significant legislative action?**
Ecology: Yes, it is. Rulemaking that is not just adopting by reference or house cleaning is considered significant legislative rules under the Washington Administrative Procedure Act (RCW 34.05.328).

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- **The stakeholders would like to have the option to request alternative total fluoride (TF) performance testing schedule other than the monthly schedule.**

Ecology: Ecology is considering adding language in the draft rule to allow a facility to request an alternative testing schedule for TF, provided that the facility can document that quarterly or semiannual testing shows compliance with the state monthly emissions standard.

- **One stakeholder commented that having the monthly TF testing and reporting schedule in Chapter 173-415 WAC would put the facility at risk since this requirement would be in the State Implementation Plan (SIP) and would be federally enforceable.**

Ecology: Requirements to be included in the SIP are about compliance with criteria pollutants (national ambient air quality standards (NAAQS)). As there is no NAAQS for TF, it is out of the scope of the SIP. Therefore, the TF testing and reporting requirements are not, nor will they be in the SIP.

- **There is a federal rule with work practice standards for start-up and shut down periods for aluminum reduction plants. The stakeholders suggested Ecology incorporate by reference these provisions so that they can avoid requesting the alternative emission standards during start up and shut down. The stakeholders will send the cited federal rule to Ecology.**

Ecology: Ecology will consider whether to incorporate by reference of the federal work practice standards (40 CFR 63.854 - Work practice standards for potlines) into the draft rule language. Intaco's committed to provide comments on this.

In-person attendees:

Caroline Sun	Ecology
Chris McCabe	Northwest Pulp and Paper Association
Debebe Dererie	Ecology
Jason Alberich	Ecology
Jimmy Jones	Alcoa-Intalco
Judy Schwieters	Ecology
Kathryn Mitchell	Alcoa-Intalco
Ken Johnson	Cygnnet Environmental LLC
Lacy Kooiman	Ecology
Paula Stoppler	Cosmo
Sam Jones	Port Townsend Paper Company
Shingo Yamazaki	Ecology

Call-in/webinar attendees:

Amber Chapman	Hanford
Andrew Wineke	Ecology
Darren Wilson	Port Townsend Paper Company
Eric Steffensen	Boise Cascade
Greg Bean	Nippon Dynawave Packaging Co.
Julie Fox	Washington Department of Health
Karl Schumacher	WestRock

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Lenford O'Garro	Washington Department of Health
Linda Woodson	Port Townsend Resident
Paul Butkus	Packaging Corporation of America
Rich Garber	Packaging Corporation of America
Roberto Artiga	Kapstone Paper