ESSB 6001 Stakeholder Committee
October 2, 2007 Meeting
Decision Matrix:
"Work in Unison"

"Will Work in Unison" Background: ESSB 6001 says in Sec. 1: (1) The legislature finds that: (e) A greenhouse gases emissions performance standard (GGEPS) will work in unison with the state's carbon dioxide mitigation policy, chapter 80.70 RCW and its related rules, for fossil-fueled thermal electric generation facilities located in the state;

Links to existing rules:

Ch. 173-407 WAC, "Carbon Dioxide Mitigation program for Fossil-Fueled Thermal Electric Generating Facilities"
http://www.ecy.wa.gov/pubs/wac173407.pdf

Issue	What concerns are there (e.g. with current law)?	What approaches should be considered?	What is the reflected opinion (recommendation) of the committee?	What complicating factors (or minority opinions) are there?
Sec. 1: (1) The legislature finds that: (e) A greenhouse gases emissions performance standard (GGEPS) will work **in unison** with the state's carbon dioxide mitigation policy, chapter 80.70 RCW and its related rules, for fossil-fueled thermal electric generation facilities located in the state;				
What parts of 6001 and 80.70 should be addressed?	Section 13		Consistent with Tom's interpretation	
Application of the sequestered carbon to both laws and requirements?				
More?				

This ***one*** attempt to explain what "will work in unison" could mean.

- The rules that were adopted by Ecology's Air Quality Program in response to Chapter 80.70 RCW is Chapter 173-407 WAC. In short the law and rule require that for sources, where this requirement is applicable, a specified percentage of the new emissions of carbon dioxide must be mitigated.

- In short ESSB 6001 requires that specified electric generators (mostly fossil fueled units) must sequester greenhouses gasses that would be emitted at rates above the greenhouse gases emissions performance standard.

- A "mitigation plan" is defined on Chapter 80.70 RCW as:

  "(12) "Mitigation project" means one or more of the following:
  (a) Projects or actions that are implemented by the certificate holder or order of approval holder, directly or through its agent, or by an independent qualified organization to mitigate the emission of carbon dioxide produced by the fossil-fueled thermal electric generation facility. This term includes, but is not limited to, the use of energy efficiency measures, clean and efficient transportation measures, qualified alternative energy resources, demand side management of electricity consumption, and carbon sequestration programs;"
  (Emphasis added)

- The two laws stand alone and requirements of both must be met by the source. When reviewing a plan or application for dealing with carbon dioxide and other greenhouse gasses compliance with both laws must be considered.

- But meeting both requirements could be concurrent. The two different applicability criteria will be calculated separately in order meet the requirements of both statutes. But under some circumstances the amount of CO_2 that is sequestered can be counted towards both requirements, as limited by the applicable law. Sequestration is an option for mitigating CO_2 under Chapter 80.70 RCW, and a requirement under ESSB 6001. If a source chooses sequestration as the compliance option under Chapter 80.70 RCW, then the CO_2 that is sequestered would count towards the amount of CO_2 required to be sequestered under ESSB 6001. If a source chooses to mitigate CO_2 using a method other than sequestration as the compliance option under Chapter 80.70 RCW, then it does not change the amount of CO_2 required to be sequestered under ESSB 6001.

- Alternately, Chapter 80.70 RCW compliance can be accomplished by a self-directed mitigation project based on sequestration of a portion (or even all) of the potential CO_2 emissions. If the amount required to be sequestered to meet the performance standard of ESSB 6001exceeds the quantity to be mitigated or offset under Chapter 80.70 RCW, then both laws can be complied with by the sequestration required to comply with ESSB 6001. This is because under ESSB 6001, the applicant is required to sequester GHGs

to meet the performance standard. Conversely under Chapter 80.70 RCW the quantity to be mitigated is calculated with a formula based on the maximum emissions of CO_2 possible over a 30 year project lifetime with deductions for permitted operating rate, less than full-time operation, cogeneration credits, the final twenty percent multiplier, and a total project dollar limit based on these considerations.

- If a source chooses to meet its obligation under Chapter 80.70 RCW by using other than sequestration methods (the use of energy efficiency measures, clean and efficient transportation measures, qualified alternative energy resources, or demand side management of electricity consumption), those other mitigation methods do not qualify as sequestration. Sequestration has a connotation of permanency, whereas the other methods do not.