

Sixth ESSB 6001 Rule Stakeholder Meeting Notes  
*SeaTac Airport, December 11, 2007, 9:00 am to 4:00 pm*

**Overall Goal of the Committee’s Work:**

To provide input to the Department of Ecology (DOE) about issues, concerns and recommendations related to ESSB 6001. The input will inform the writing of rules that DOE will then propose for adoption.

**Overall Outcome:**

A report of stakeholder recommendations and noted concerns about how the rules will deal with:

- ◆ The implementation and enforcement of the Emission Performance Standard (EPS)
- ◆ Criteria for evaluating carbon sequestration plans
- ◆ An output-based methodology for calculating emissions of greenhouse gases (GHGs) for cogeneration facility.

**Today’s Meeting Objectives:**

- 1) Learn about and discuss concerns & recommendations regarding what is written in ESSB 6001 about:
  - a) How will Ecology enforce the EPS?
  - b) Review the draft language that has been shared with the stakeholders to date (The drafts are available on the rule webpage).
  - c) Unspecified Sources of Power.
- 2) Wrap up, set timeline for final comments, review next steps in rule making process.
- 3) Briefly evaluate the group process.

<i>Time</i>	<i>Topic</i>
<b>9:00</b>	<b>Welcome, Overall Purpose Review &amp; Agenda</b>
<b>9:10</b>	<b>Brief (Re-) Introductions</b>
<b>9:30</b>	<b>Enforcing the EPS</b>
<b>10:15</b>	<b>Break</b>
<b>10:30</b>	<p><b>Continuation of review of draft rule sections that the Stakeholder Committee has had the opportunity to provide comments on:</b></p> <p><b>WAC 173-407</b></p> <ul style="list-style-type: none"> <li>• <b>First Draft Dated 11-9-07 :</b> <ul style="list-style-type: none"> <li>10:30 – WAC 173-407-050 and 060 (corrections to existing text)</li> <li>10:35 – WAC 173-407-120 (Applicability of EPS)</li> <li>10:45 – WAC 173-407-140 and 150 (Calculating GHG emissions and determining compliance)</li> <li>11:00 – WAC 173-407-170 (Monitoring, record keeping and reporting requirements)</li> </ul> </li> <li>• <b>Second Draft Dated 11-9-07</b> <ul style="list-style-type: none"> <li>11:15 – WAC 173-407-110 Definitions</li> <li>11:30 – WAC 173-407-160 Sequestration Plans</li> <li>11:45 – WAC 173-407-180 Relationship of Ecology with PUD Commissions and WUTC</li> </ul> </li> </ul>

<b>12:00</b>	<b>Break to get lunch, then resume discussion</b>
<b>12:30</b>	<b>Unspecified Sources of Power</b>
<b>3:00</b>	<b>Summary</b> <ul style="list-style-type: none"> <li>➤ Wrap up any final questions/issues on today's topics</li> <li>➤ Set deadline for final comments on draft rule</li> </ul>
<b>3:15</b>	<b>Review of Rule Process – What happens next</b> <ul style="list-style-type: none"> <li>➤ Regulatory timeline for public hearings and adoption</li> </ul>
<b>3:45</b>	<b>Brief evaluation of process</b>
<b>3:55</b>	<b>Closing</b>
<b>4:00</b>	<b>Adjourn</b>

**Stakeholder Members Present:**

Tom Wood (for Dave Arbaugh), William Bridges, Dick Byers, Donald Brookhyser, Jessica Coven, Kyle Davis, Carrie Dolwick, Peggy Duxbury, Keith Faretra, Danielle Dixon (for Mo McBroom), Tom Krueger, Pete McGrail, Chris Smith Towne, Mark Anderson (for Tony Usibelli), and Dave Warren

**Others in Attendance:**

Nicolas Garcia, Ted Beatty, Tony Ilfie, Suzanne Grassell, Victoria Lincoln, Bob Mack, and Steve Mashuda.

**Staff Members Present:**

Dept. of Ecology: Tom Todd, Nancy Pritchett, John Stormon, Alan Newman, and Sarah Rees.

Wa. State Attorney General's Office: Leslie Seffern

EFSEC: Allen Fiksdall

**Facilitator:**

Debbie Rough-Mack

***Enforcement of the EPS***

Tom Todd, Unit Manager in DOE's Air Quality Program, was the client for this discussion. Tom introduced some of the complexities of the topic and reviewed section 190 of the draft WAC 173-407 dated 12/11/07.

***Review of Draft Rules: WAC 173-407 – First Draft Dated 11-9-07***

Alan Newman, Engineer with Ecology's Air Quality Program, reviewed the proposed changes to existing text in WAC 173-407-050 and 060 and proposed new text in WAC 173-407-120, 140, 150, and 170.

Feedback captured during this discussion appears in a document, attached, and is also available as a .pdf on the DOE website at [http://www.ecy.wa.gov/laws-rules/activity/wac173407\\_218.html](http://www.ecy.wa.gov/laws-rules/activity/wac173407_218.html)

**Review of Draft Rules: WAC 173-407 – Second Draft Dated 11-9-07**

Nancy Pritchett, Tom Todd, and Alan Newman, Ecology’s Air Quality Program staff, reviewed proposed definitions in WAC 173-407-110; Tom Todd reviewed proposed new text related to sequestration plans found in WAC 173-407-158, 159, and 160 and proposed new next related to the relationship of Ecology and the WUTC and the governing boards of consumer-owned utilities found in WAC 173-407-310 and 320. Feedback captured during these discussions appears in a separate document, attached, and is also available as a .pdf on the DOE website at [http://www.ecy.wa.gov/laws-rules/activity/wac173407\\_218.html](http://www.ecy.wa.gov/laws-rules/activity/wac173407_218.html)

**Unspecified Sources of Power**

Nancy Pritchett and Tom Todd were the clients for this discussion. The stakeholder committee reviewed and discussed proposed language submitted by Dave Warren of the Washington PUD Association and proposed language submitted jointly by NW Energy Coalition and Climate Solutions. Feedback captured during this discussion appears in a separate table, attached, and is also available as a .pdf on the DOE website at [http://www.ecy.wa.gov/laws-rules/activity/wac173407\\_218.html](http://www.ecy.wa.gov/laws-rules/activity/wac173407_218.html)

**Review of Rule Process**

Jerry Thielen, Manager of the Rules Unit at Ecology, provided a Rule Development Timeline that laid out the process for taking this draft rule through the regulatory process for public review and adoption. He explained that the average time it takes to adopt a rule is 18 months. The statutory deadline of June 30, 2008 for adoption of this rule provided less than 1 year to complete the rule writing process. Jerry reviewed the required steps in rule making: CR-101 (already completed), CR-102, and CR-103 and explained all of the regulatory steps and the time needed to complete the work in each of these steps. The Rule Development Timeline is attached, and is also available as a .pdf on the DOE website at [http://www.ecy.wa.gov/laws-rules/activity/wac173407\\_218.html](http://www.ecy.wa.gov/laws-rules/activity/wac173407_218.html)

**Brief Evaluation Process**

The facilitator lead a discussion of “what worked, what didn’t” during this stakeholder process. The stakeholders identified the following:

Positive	Changes
Respectful disagreement	Thumb gauge
Looking for solutions	Different pieces of rules/fragmented
Facilitator	Short time frame
Ecology’s willingness to listen and learn	Meeting facilities
Ecology staff’s quick turnaround	

**Closing**

This was the last stakeholder meeting. The deadline for final comments related to the draft rules is close of business on December 18<sup>th</sup>. Comments received by this deadline will be reviewed and considered by staff as they prepare the draft rule for submittal to the Rules Unit on January 9, 2008. Once the draft is submitted to the Rules Unit, no additional changes can be made until after the formal public hearings are completed. The anticipated timeline includes filing the CR-102 on February 20, 2008 and publishing the CR-102 on March 5, 2008. Public hearings will be held the last week of March (exact dates, times, and locations to be determined).