



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology AO # 07-11

Subject of possible rule making: This rulemaking proposes to adopt an emissions performance standard (EPS) for greenhouse gases (GHGs) for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after July 1, 2008. This rulemaking will:

- Amend Chapter 173-407 WAC – Carbon Dioxide Mitigation Program
- Amend Chapter 173-218 WAC – Underground Injection Control Program

Statutes authorizing the agency to adopt rules on this subject:
Engrossed Substitute Senate Bill 6001, Climate Change – Mitigating Impacts
Adopted 2007 Legislative Session

Reasons why rules on this subject may be needed and what they might accomplish:
Emissions of CO₂ and other GHGs are a major contributor to global warming and climate change. The proposed rules to implement an EPS for baseload power plants in ESSB 6001 will begin to address the impacts of climate change in Washington. Reducing GHG emissions from power plants supports the goals of Executive Order 7-02 to reduce GHG emissions within Washington over the next several decades. These goals were also adopted within ESSB 6001.

ESSB 6001 sets a deadline of June 30, 2008 to adopt a GHG EPS by rule for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after July 1, 2008. At a minimum, this rule must:

- Implement and enforce the EPS,
- Establish criteria for evaluating carbon sequestration plans, and
- Establish an output-based methodology for calculating emissions of GHGs for a cogeneration facility.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
Department of Ecology's Air Quality and Water Quality Programs and the Energy Facility Site Evaluation Council (EFSEC) will work closely together throughout the process to coordinate the development and adoption of rules by both agencies.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The proposed rule will be drafted and reviewed by a stakeholder group and internally by staff. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held and the proposed amendments will be posted on the agency website and provided to interested parties.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:
Interested parties can access more information on this rulemaking by contacting the Ecology staff member listed below or accessing the Ecology website: <http://www.ecy.wa.gov/laws-rules/index.html>

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