



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 08-13

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 08-15-171 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) This proposal will establish a new chapter in the Washington Administrative Code, Chapter 173-441 WAC, Reporting Emissions of Greenhouse Gases. This new rule will implement RCW 70.94.151 in which the 2008 Legislature directed the Department of Ecology to adopt rules establishing a mandatory reporting system for emissions of greenhouse gases for owners or operators of :

1. A fleet of on-road motor vehicles that as a fleet emit at least 2,500 metric tons of greenhouse gases annually in the state; or
2. A stationary source, a mobile source for transportation of people or cargo, or a combination of these stationary and mobile sources that emit at least 10,000 metric tons of greenhouse gases annually in the state.

Hearing location(s): Department of Ecology hearings will be held at the following locations:

Spokane:
Date: November 3, 2009
Time: 6:00 pm
 WA. Department of Ecology
 Eastern Regional Office
 4601 N. Monroe St.
 Spokane, WA 99205

Lacey:
Date: November 5, 2009
Time: 6:00 pm
 WA. Department of Ecology
 Headquarters Building
 300 Desmond Drive SE
 Lacey, WA 98503

Submit written comments to:

Name: Nancy Pritchett
Address: P.O. Box 47600
 Olympia, WA 98504-7600

e-mail nancy.pritchett@ecy.wa.gov
 fax (360) 407-7534 by (date) 5:00 p.m. November 12, 2009

Assistance for persons with disabilities: Contact

Tami Dahlgren at (360) 407-6830 by October 27, 2009

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Date of intended adoption: January 20, 2010

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to adopt, as directed in Chapter 70.94 RCW, a mandatory greenhouse gas reporting rule. The proposal will establish a new chapter, Chapter 173-441 WAC.

Reasons supporting proposal: The state of Washington has taken several steps to begin responding to climate change. Executive Order 07-02 established goals for the statewide reduction of emissions of greenhouse gases within Washington over the next several decades as one of the methods of addressing climate change. The 2007 Legislature passed Chapter 80.80 RCW establishing statutory goals for statewide reductions in greenhouse gases and setting a greenhouse gas emissions performance standard for baseload electric power generation. E2SHB 2815, passed by the 2008 Legislature as part of the Governor's Climate Change Framework and primarily codified in Chapters 70.235 RCW and 70.94 RCW, requires the state to meet the emissions reductions goals established in 2007 and includes additional actions to reduce emissions of greenhouse gases and build a clean energy economy. One element of this legislation is a requirement for owners or operators of large mobile sources and large stationary sources of greenhouse gases to begin reporting emissions, beginning with 2009 emissions reported in 2010. Ecology is directed by statute to adopt rules to develop and implement a reporting system for those entities required to report. Establishing an inventory of greenhouse gas emissions will support future policy initiatives to meet the emissions reductions established in RCW 70.235.020.

Statutory authority for adoption: E2SHB 2815, codified primarily in Chapters 70.235 RCW and 70.94 RCW

Statute being implemented: Chapter 70.94 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: **September 21, 2009**
 TIME: **5:10 PM**

WSR 09-19-109

DATE
9-21-09

NAME (type or print)
Polly Zehm

TITLE
Deputy Director, Department of Ecology

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization)
Department of Ecology Air Quality Program

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Nancy Pritchett	Lacey, WA	(360) 407-6082
Implementation.... Nancy Pritchett	Lacey, WA	(360) 407-6082
Enforcement..... Nancy Pritchett	Lacey, WA	(360) 407-6082

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Kasia Patora
 Address: Department of Ecology
 Economic and Regulatory Research
 P.O. Box 47600
 Olympia, WA 98504-7600

phone (360) 407-6184
 fax (360)407-6989
 e-mail kasia.patora@ecy.wa.gov

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Kasia Patora
 Address: Department of Ecology
 Economic and Regulatory Research
 P.O. Box 47600
 Olympia, WA 98504-7600

phone (360) 407-6184
 fax (360)407-6989
 e-mail kasia.patora@ecy.wa.gov

No: Please explain: