



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 13-13

| | |
|--|--|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 14-16-076; 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) or 34.05.330(1). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject)

Ecology proposes to amend an existing rule, Chapter 173-441 WAC Reporting of Emissions of Greenhouse Gases.

Hearing location(s):

See attachment A.

Submit written comments to:

Name: Stacey Callaway
 Address: P.O. Box 47600, Olympia, WA 98504-7600
 E-mail: AQComments@ecy.wa.gov
 Fax: 360-407-7534
 By: December 10, 2014

Date of intended adoption: January 20, 2015

(Note: This is **NOT** the **effective** date)

Assistance for persons with disabilities:

For special accommodations or documents in alternate format, call 360-407-6800, 711 (relay service), or 877-833-6341 (TTY)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The Washington State Department of Ecology (Ecology) proposes to amend Chapter 173-441 WAC – Reporting of Emissions of Greenhouse Gases in order to maintain consistency with the United States Environmental Protection Agency (EPA)'s Greenhouse Gas Reporting Program, as required by RCW 70.94.151. The following are examples of the proposed amendments:

- Revising the Global Warming Potentials (GWPs) in WAC 173-441-040
- Updating calculation and monitoring methods
- Making minor streamlining revisions to reporting requirements
- Correcting minor errors and improving readability

Ecology is not changing requirements established in Chapter 173-441 WAC for transportation fuel suppliers or the following elements pertaining to facilities: reporting threshold, confidential business information, or fees.

Reasons supporting proposal:

Ecology is required by statute to periodically update Chapter 173-441 WAC to maintain consistency with EPA's Greenhouse Gas Reporting Program which has been amended multiple times since Chapter 173-441 WAC was adopted in 2010. Keeping Ecology's rules current with EPA increases efficiency by maximizing data uniformity at the state and federal level, utilizing the most up-to-date calculation methods based on a national standard, and enabling Washington reporters to continue using EPA's online electronic reporting tool.

Statutory authority for adoption:

- Chapter 70.235 RCW Limiting Greenhouse Gas Emissions
- Chapter 70.94 RCW Washington Clean Air Act

Statute being implemented:

- Chapter 70.235 RCW Limiting Greenhouse Gas Emissions
- Chapter 70.94 RCW Washington Clean Air Act

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:

DATE

10/20/2014

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE

Deputy Director, Department of Ecology

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 20, 2014

TIME: 4:19 PM

WSR 14-21-135

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 | Stacey Callaway | Lacey, WA | (360) 407-7528 |
| Implementation | Neil Caudill | Lacey, WA | (360) 407-6811 |
| Enforcement | Neil Caudill | Lacey, WA | (360) 407-6811 |

Has a small business economic impact statement been prepared under Chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, Chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

No. Explain why no statement was prepared.

As found in research supporting the Preliminary Cost-Benefit and Least-Burdensome Alternative Analyses, the proposed rule amendments do not impose costs on existing businesses in an industry. The rule making, therefore, is not subject to the Small Business Economic Impact Statement requirement.

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: Economics and Regulatory Research

Department of Ecology

PO Box 47600

Lacey, WA 98504-7600

Phone (360) 407-6184

Fax (360) 407-6989

E-mail Kasia.Patora@ecy.wa.gov

No: Please explain:

Attachment A

Hearing Location:

Ecology is holding one public hearing on this rule proposal. The hearing will begin with a short presentation followed by a question and answer (Q&A) session. Testimony will start after the Q&A session. Comments may be provided orally by those who attend in person or via the webinar. Staff will also accept written comments submitted at the hearing but **not** via the webinar.

Date: December 3, 2014

Time: 10:00 a.m.

Location: Department of Ecology, Headquarters
300 Desmond Drive SE
Lacey, WA 98503

Directions: http://www.ecy.wa.gov/directory_hq.html

Webinar: Ecology is also offering the presentation, Q&A session, and public hearing through a webinar. A webinar is an online meeting forum that can be accessed from any computer or smart phone with an internet connection. For more information about the webinar and instructions on how to join and participate through the webinar, visit:
<http://www.ecy.wa.gov/programs/air/rules/webinars.htm>

Comments: Comments may be provided at the hearing in the following ways:

- In person:
 - Oral testimony
 - Written comments
- Through the webinar:
 - Oral testimony only