

**E2SHB 2815 – Mandatory Greenhouse Gas Reporting Rule
Draft Work Plan for Rule Advisory Committee
August 25, 2008**

	Discussion Topics	Referenced E2SHB 2815 Section(s) or Other Sources	Tentative Schedule*
1.	Reporting at the facility level or the organization level	<p>Sec. 5(5)(a): "...the department shall...adopt rules requiring any owner or operator: ... (ii) of a source or combination of sources that emit at least 10,000 metric tons of greenhouse gases annually in the state to report their total annual emissions of greenhouse gases."</p> <p>"For purposes of reporting emissions of greenhouse gases in this act, 'source' means any stationary source as defined in RCW 70.94.030, or mobile source used for transportation of people or cargo."</p> <p>RCW 70.94.030 (23): Stationary source is defined in RCW 70.94.030 to mean, "any building, structure, facility, or installation that emits or may emit any air contaminant."</p>	Meeting # 2
2.	Thresholds for reporting – Who will be required to report?	<p>Sec. 5(5)(a): "Except as provided in (b) of this subsection, the department shall, under the authority granted in subsection (1) of this section, adopt rules requiring any owner or operator:</p> <p>(i) Of a fleet of on-road motor vehicles that as a fleet emit at least twenty-five hundred metric tons of greenhouse gas annually in the state to report the emissions of greenhouse gases generated from or emitted by that fleet; or</p> <p>(ii) of a source or combination of sources that emit at least ten thousand metric tons of greenhouse gas annually in the state to report their total annual emissions of greenhouse gases. In calculating emissions of greenhouse gases for purposes of determining whether or not reporting is required, only direct emissions shall be included."</p>	Meeting # 2
3.	Deferring reporting for interstate/ international transport.	<p>Sec. 5(5)(b): "In its rules, the department may defer the reporting requirement under (a) of this subsection for emissions associated with interstate and international commercial aircraft, rail, truck, or marine vessels until</p> <p>(i) there is a federal requirement to report these emissions; or</p> <p>(ii) the department finds that there is a generally accepted reporting protocol for determining interstate emissions from these sources."</p>	Meeting # 2

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4.	Emissions Factors	Sources for emissions factors: <ul style="list-style-type: none"> • IPCC 2006 and IPCC Second Assessment Report (1995) • The Climate Registry – General Reporting Protocol emissions factors • CA Climate Action Registry – General Reporting Protocol emissions factors • Local Gov’t Operations Protocol 	Meeting # 2
5.	De minimis amount of emissions	Sec. 5(5)(a): “The rules must include a de minimis amount of emissions below which reporting will not be required for both indirect and direct emissions.”	Meeting # 3
6.	Direct and indirect emissions	Sec. 2: (11) “Total emissions of greenhouse gases” means all direct and indirect emissions.” Sec. 5(5)(a): “...adopt rules requiring any owner or operator...of a source or combination of sources that emit at least ten thousand metric tons of greenhouse gas annually in the state to report their total annual emissions of greenhouse gases.”	Meeting # 3
7.	Verification requirements	Sec. 5(5)(a): “The rules must establish an annual reporting schedule that takes into account the time needed to allow the owner or operator reporting emissions of greenhouse gases to gather the information needed and to verify the emissions being reported.”	Meeting # 3
8.	Phasing in reporting requirements for certain categories of sources until 2012.	Sec. 5(5)(a): “The department may phase in the reporting requirements for sources or combinations of sources under (a)(ii) of this subsection until the reporting threshold is met, which must be met by January 1, 2012.” <i>Note that fleets cannot be phased in.</i>	Meeting # 4
9.	Fees	Sec. 5(5)(d): (d) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. Owners and operators required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements unless it approves a local air authority's request to enforce the requirements for sources operating	Meeting # 4

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		<p>within the authority's jurisdiction.</p> <p>Sec. 5(2): The department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in section 2 of this act must be reported as required under subsection (5) of this section.</p>	
10.	Report content and submission requirements	<p>Sec. 5(5)(a): “The department shall adopt rules requiring the reporting of emissions of greenhouse gases...”.</p> <p>“The emissions of greenhouse gases must be reported as carbon dioxide equivalents. The rules must require that persons report 2009 emissions starting in 2010. The rules must establish an annual reporting schedule that takes into account the time needed to allow the owner or operator reporting emissions of greenhouse gases to gather the information needed and to verify the emissions being reported. However, in no event may reports be submitted later than October 31st of the year in which the report is due.”</p>	Meeting # 5
11.	Definitions	Any terms that come up during discussions that need to be added to definitions section	As needed, depending on what needs input from stakeholders

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12.	Other topics identified by stakeholders and/or staff		To be determined.
13.	Review Draft Rule Language		Last 2 meetings