**Webinar Summary**

**Greenhouse Gas Assessment for Projects (GAP) Rule, Chapter 173-445 WAC**

**June 25, 2020**

**Overview of Ecology Presentation**

The presentation slides and video are available at:

<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-445>

**Rulemaking Process**

* Ecology is starting rulemaking as directed by Governor’s Directive 19-18.
* The purpose of this rulemaking is to create a new rule: Chapter 173-445 WAC, Greenhouse Gas Assessment for Projects
* This rulemaking will:
  + Address analysis and mitigation of greenhouse gas emissions for environmental assessments of industrial and fossil fuel projects
  + Provide consistent and comprehensive assessment methods for industrial and fossil fuel projects
  + Provide clarity and transparency to industry, the public, and agencies
* Provided rulemaking schedule with draft rule expected to be released in April 2021 and the final rule on September 1, 2021.
* Provided information on six webinars in rule development phase from June through November 2020. Topics include: rule purpose and process, applicability, environmental assessment methods, mitigation, and draft rule overview.

**Projects**

* The rule will apply to proposed projects with likely greenhouse gas emissions
* The focus of this rule will be on fossil fuel and industrial projects per the Governor’s Directive 19-18
* Proposed projects could be for a new facility or for changes to an existing facility which require environmental review
* An initial screening process will be used to determine if the rule applies to a project or not. (This will be discussed at the July webinar.)
* In general, the rule would not apply to:
  + Programmatic reviews or plans, like a Comprehensive Plan update
  + Highway, road, or passenger rail projects
  + Housing projects

**Greenhouse Gases (GHGs)**

* Greenhouse gases are defined in RCW 70.235.010.
* They include: Carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride or any other gas or gases designated by the department by rule in RCW 70.94.151(5)(b)(ii) and WAC 173-441-040

**Types of GHGs**

* Potential vs Actual (*when the GHG emissions occur*)
  + Actual (Reported)
    - Emissions released during operation
    - Used for operating facilities and permit compliance
  + Potential (Estimated)
    - Emissions that could be released if operated fully
    - Used for non-operational or changing facilities, permit applications, and policy evaluations
* Direct vs Indirect (*who emits the GHGs*)
  + Direct (owned or controlled by applicant)
    - Onsite, smokestack, chemical reactions, company fleets
  + Indirect (consequence of the activities by applicant)
    - Upstream: materials consumed (electricity, natural gas pipeline leaks, cement purchased)
    - Downstream: products made (refineries -> gasoline, wastes generated)
* Components of a fictional refinery were used to show examples of potential, actual, direct, and indirect (upstream and downstream) emissions.

**Project Lifecycle and Analysis Boundaries**

* Identified a critical question is what is included in the lifecycle analysis
* Provided examples of lifecycles which could be included

**Role of the GAP Rule**

* Discussed three general areas – environmental assessment, environmental law and regulation, and environmental compliance
* Identified that the GAP rule would be part of the environmental assessment category

**Use of the GAP Rule with the State Environmental Policy Act (SEPA)**

* The State Environmental Policy Act (SEPA) is a state law that directs state and local agencies to evaluate the environmental consequences of a project and ensure they are consistent with state and local environmental policies.
* SEPA helps agencies protect and enhance the natural and built environment.
* The GHG analysis identified in the GAP rule is expected to be used in the SEPA environmental review process for industrial and fossil fuel projects.
* Even if a project is not required to do the GHG assessment in this rule, evaluation of GHG emissions is still required under SEPA.
* Discussed key features of SEPA including substantive, procedural, and supplemental aspects
* Identified three points in the typical SEPA process where the GAP rule GHG assessment could be done. These include as part of the permit application, when the lead agency is evaluating the project information, or as part of an Environmental Impact Statement (EIS) process.

**Types of Mitigation in SEPA**

* Avoid the impact by not taking a certain action or parts of an action
* Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts
* Rectify the impact by repairing, rehabilitating, or restoring the affected environment
* Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action
* Compensate for the impact by replacing, enhancing, or providing substitute resources or environment
* Monitor the impact and take appropriate corrective measures

**Input and Feedback from Groups Representing Key Interest Areas**

* Environmental
  + Amanda Goodin, Earthjustice
* Business and Industry
  + Peter Godlewski, Association of Washington Business
  + Edgar Scott, Kaiser Aluminum
* Local Government
  + Carl Schroeder, Association of Washington Cities
  + Gerry O’Keefe, Washington Public Ports Association

This input and feedback will be posted online soon. Once the link is available, it will be included on our webpage:

<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-445>

**Public Input and Feedback**

Public input and feedback will be posted online soon. Once the link is available, it will be included on our webpage:

<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-445>