



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Energy Facility Site Evaluation Council

- Preproposal Statement of Inquiry was filed as WSR 07-16-024 and 02-23-039;  
or  
 Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
 Proposal is exempt under RCW 34.05.310(4).

- Original Notice  
 Supplemental Notice to WSR \_\_\_\_\_  
 Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** This proposal will create the following two chapters to implement Chapter 80.80 RCW in which the 2007 Legislature directed the Energy Facility site Evaluation Council (EFSEC) to adopt rules by June 30, 2008 to implement and enforce a greenhouse gases emissions performance standard and to establish criteria for evaluating sequestration plans and implement Chapter 80.70 RCW for carbon dioxide (CO2) mitigation:

- Chapter 463-85 WAC, Greenhouse Gases Emissions Performance Standard and Sequestration Plans and Programs for Baseload Electric Generating Facilities; and
- Chapter 463-80 WAC, Carbon Dioxide Mitigation Program for Thermal Electric Generating Facilities

**Hearing location(s):** EFSEC hearings are being conducted in concert with the Department of Ecology:

**Olympia:**

**Date:** April 8, 2008 **Time:** 6:00 pm  
Ecology Headquarters Building, Auditorium  
300 Desmond Drive SE, Lacey, WA

**Spokane:**

**Date:** April 10, 2008 **Time:** 6:00 pm  
Spokane County Public Health Center  
1101 W. College Ave., Room 140, Spokane, WA

**Submit written comments to:**

**Name:** Allen Fiksdal  
**Address:** P.O. Box 43172  
Olympia, WA 98504-3172  
**e-mail:** [allenf@cted.wa.gov](mailto:allenf@cted.wa.gov)  
**fax** (360)956-2158 **received by (date)** 5:00 PM April 18, 2008

**Assistance for persons with disabilities:** Contact Tami Dahlgren at (360) 407-6800 by April 1, 2008

If you have a hearing loss, call 711 for Washington Relay Service.  
If you have a speech disability, call (877) 833-6341.

**Date of intended adoption:** June 10, 2008

(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 80.80 RCW, a greenhouse gases emissions performance standard for baseload electric generation and establish criteria to implement and enforce the emissions performance standard; and under Chapter 80.70 RCW set the procedure for implementing carbon dioxide mitigation standards and develop procedures for listing Independent Qualified Organizations who could receive payment for implementing CO2 mitigation under RCW 80.70. The proposal will:

- 1) Create a new Chapter 463-85 WAC to implement and enforce the greenhouse gases emissions performance standard for baseload electric generation, as directed in Chapter 80.80 RCW.
- 2) Create a new Chapter 463-80 WAC that sets the procedure for calculating the carbon dioxide emissions from a fossil fuel-fired power facility under EFSEC jurisdiction and the options allowed for mitigation as set by RCW 80.70. The proposed rule sets how EFSEC will develop and maintain a list of Independent Qualified Organizations who could receive payment for implementing CO2 mitigation under RCW 80.70.

**Reasons supporting proposal:** Executive Order 07-02 established goals for the statewide reduction of greenhouse gases emissions within Washington over the next several decades as one of the methods of addressing climate change. These emissions reductions goals were also adopted within ESSB 6001 and codified in Chapter 80.80 RCW. The Legislature passed Chapter 80.80 RCW in 2007 with the intent to establish statutory goals for statewide reductions in greenhouse gases emissions and to authorize immediate actions in the electric power generation sector for the reduction of greenhouse gases emissions. RCW 80.80.040 directs the Energy Facility Site Evaluation Council to adopt rules by June 30, 2008 to implement and enforce a greenhouse gases emissions performance standard and to establish criteria for evaluating sequestration plans. RCW 80.70 set CO2 mitigation requirements and directs the Council to develop procedures and maintain a list of Independent Qualified Organizations to implement payment to a third party for CO2 mitigation.

**Statutory authority for adoption:** ESSB 6001, codified as RCW 80.80 and RCW 80.50.040(1).

**Statute being implemented:** Chapters 80.80 and 80.70 RCW

**Is rule necessary because of a:**

- Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No  
If yes, CITATION:

**CODE REVISER USE ONLY**

**DATE** 2/26/28

**NAME** (type or print)  
Allen J. Fiksdal

**SIGNATURE** /s/

**TITLE**  
EFSEC Manager

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

N/A

**Name of proponent:** (person or organization) Energy Facility Site Evaluation Council

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Allen Fiksdal	Olympia, WA	(360) 956-2152
Implementation.... Allen Fiksdal	Olympia, WA	(360) 956-2152
Enforcement..... Allen Fiksdal	Olympia, WA	(360) 956-2152

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

Yes. Attach copy of small business economic impact statement.

The statement prepared by the Department of Ecology can also be used for the proposed EFSEC rules.

A copy of the statement may be obtained by contacting:

Name: Cathy Carruthers  
Address: Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

phone (360) 407-6564  
fax (360)407-6989  
e-mail caca461@ecy.wa.gov

No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes The statement prepared by the Department of Ecology can also be used for the proposed EFSEC rules.

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

Name: Cathy Carruthers  
Address: Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

phone (360) 407-6564  
fax (360)407-6989  
e-mail caca461@ecy.wa.gov

No: Please explain: