



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Energy Facility Site Evaluation Council

Subject of possible rule making:

This rulemaking proposes to adopt a mandatory greenhouse gas reporting rule for owners or operators of facilities permitted by the Energy Facility Site Evaluation Council (EFSEC). This rulemaking will establish a new chapter, Chapter 463-90 WAC – Reporting of Emissions of Greenhouse Gases.

Statutes authorizing the agency to adopt rules on this subject:

Chapter 14, Laws of 2008 - Engrossed Second Substitute House Bill 2815, Greenhouse Gas Emissions
Adopted 2008 Legislative Session

Reasons why rules on this subject may be needed and what they might accomplish:

The state of Washington has taken several steps to begin responding to climate change. Executive Order 07-02, issued by the Governor in February 2007, 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, includes additional actions to reduce emissions of greenhouse gases and build a clean energy economy. One element of this legislation is a requirement for large stationary sources of greenhouse gases to begin reporting emissions in 2010. The legislation directs EFSEC to adopt rules that are the same as the Department of Ecology who will be developing and implementing a reporting system for those entities required to report.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

EFSEC will work with the Department of Ecology's Air Quality Program who is required to adopt a reporting rule for large mobile sources, and other source or combination of sources that emit at least 10,000 metric tons of greenhouse gases annually in the state. The Environmental Protection Agency (EPA) is expected to publish a draft greenhouse gas reporting rule in September 2008. EFSEC and Ecology will review EPA's draft rule language as we develop our draft rule.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The proposed rule will be drafted and reviewed by a stakeholder group and internally by staff. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held and the proposed amendments will be posted on the agency website and provided to interested parties.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested parties can access more information on this rulemaking by contacting the person listed below or accessing the EFSEC website:
<http://efsec.wa.gov/rulerev.shtml>

Allen Fiksdal
EFSEC
P.O. Box 43172
Olympia, WA 98504-3172
Phone: (360) 956-2152
Fax: 360-407-7534
allenf@cted.wa.gov

DATE
August 13, 2008

NAME (TYPE OR PRINT)
Allen J. Fiksdal

SIGNATURE
/s/

TITLE
EFSEC Manager

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STATE OF WASHINGTON
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