



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Energy Facility Site Evaluation Council (EFSEC)

**Title of rule and other identifying information:** This rulemaking would amend language in WAC 463-78-005 to adopt a mandatory greenhouse gas reporting rule for persons operating a single facility, source, or site that emits at least 10,000 metric tons of greenhouse gases annually in the state.

EFSEC proposes to adopt, by reference, the Department of Ecology's WAC 173-441 – Reporting of Emissions of Greenhouse Gases into existing EFSEC rule, WAC 463-78 - General and Operating Permit Regulations for Air Pollution Sources, as WAC 463-78-005(5) Adoption by reference.

### NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Al Wright, EFSEC Manager  
Agency: Energy Facility Site Evaluation Council  
Address: PO Box 43172  
Olympia, WA 98504-3172  
Email: [efsec@utc.wa.gov](mailto:efsec@utc.wa.gov)  
FAX: 360-586-1130

**AND RECEIVED BY** (Date) June 6, 2011

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This proposal would adopt, as directed in Chapter 70.94 RCW, a mandatory greenhouse gas reporting rule. The proposal would be adopted by reference into existing EFSEC rule, WAC 463-78 - General and Operating Permit Regulations for Air Pollution Sources, as WAC 463-78-005(5).

**Reasons supporting proposal:** Engrossed Second Substitute House Bill 2815 was passed by the 2008 Legislature and amended by Substitute Senate Bill No. 6373 in 2010 as part of the Governor's Climate Change Framework and is primarily codified in Chapters 70.94 and 70.235 RCW. One element of Chapters 70.235 and 70.94 RCW is a requirement for persons operating large stationary sources of greenhouse gases (GHGs) to begin reporting emissions. The statute directs the Washington Department of Ecology and EFSEC to adopt consistent rules to implement a reporting system for those entities required to report.

**Statutory authority for adoption:**  
Chapters 70.94 and 70.235 RCW

**Statute being implemented:**  
Chapters 70.94 and 70.235 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**  
April 6, 2011

**NAME (TYPE OR PRINT)**  
Al Wright

**SIGNATURE**

*Al Wright*  
EFSEC Manager

**TITLE**  
EFSEC Manager

(COMPLETE REVERSE SIDE)

**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..... Jim La Spina	1300 S. Evergreen Park Drive S.W. Olympia, WA 98504-3172	(360) 664-1362
Implementation.....Jim La Spina	1300 S. Evergreen Park Drive S.W. Olympia, WA 98504-3172	(360) 664-1362
Enforcement.....Jim La Spina	1300 S. Evergreen Park Drive S.W. Olympia, WA 98504-3172	(360) 664-1362

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

Chapters 70.94 and 70.235 RCW direct Ecology to adopt rules that establish a mandatory GHG reporting program that is consistent with EPA's mandatory GHG reporting program. The statutes also direct EFSEC to adopt GHG reporting rules that are consistent with rules adopted by Ecology. To maintain consistency and reduce costs for reporters, EFSEC proposes to adopt Chapter 173-441 WAC as the regulation applies to energy facilities with site certification agreements.