



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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DATE: April 30, 2020

TIME: 11:27 AM

WSR 20-10-057

Agency: Department of Ecology AO #20-02

Subject of possible rule making: The Department of Ecology (Ecology) is beginning rulemaking as per the Directive of the Governor #19-18. The purpose of this rulemaking is to create a new rule under Chapter 173-445 WAC Greenhouse Gas Assessment for Projects. This rule will address analysis and mitigation of greenhouse gas emissions for environmental assessments of industrial and fossil fuel projects.

Statutes authorizing the agency to adopt rules on this subject: Chapter 43.21C RCW State Environmental Policy Act, Chapter 70.235 RCW Limiting Greenhouse Gas Emissions, Chapter 70.94 RCW Washington Clean Air Act.

Reasons why rules on this subject may be needed and what they might accomplish: The rule is to adopt by September 1, 2021 per the Directive of the Governor #19-18. The intent of this rulemaking is to provide consistent and comprehensive assessment methods for industrial and fossil fuel projects and to provide clarity and transparency to industry, the public, and agencies.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Ecology will notify and request input during rulemaking from state and local agencies who may be lead under the State Environmental Policy Act, U.S Environmental Protection Agency, U.S. Army Corps of Engineers, State of Washington Energy Facility Site Evaluation Council, Washington State Clean Air Agencies, Washington State Department of Commerce and Washington Utilities and Transportation Commission.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (Chapter 34.05 RCW). During the rule development process, Ecology will ask for feedback from stakeholders on rule language and key issues related to this rulemaking. Ecology will post rulemaking information on our rulemaking webpage and distribute it to our email lists.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Fran Sant, Rulemaking Lead	(If necessary) Name:
Address: Department of Ecology Shorelands and Environmental Assistance PO Box 47600 Olympia, WA 98504	Address:
Phone: 360-407-6004	Phone:
Fax: N/A	Fax:
TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.	TTY:
Email: gap-rule@ecy.wa.gov	Email:
Web site: https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-445	Web site:
Other: Sign-up to receive Listserv announcements: http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=GAP-RULE&A=1	Other:

Additional comments: Interested parties can stay informed about the rulemaking and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Date: April 30, 2020	Signature: 
Name: Heather Bartlett	
Title: Deputy Director	