



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 01, 2022

TIME: 2:05 PM

WSR 22-13-002

Agency: Department of Ecology AO #21-05

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Ecology is adopting a new rule – Chapter 173-446A WAC, Criteria for Emissions-Intensive, Trade-Exposed Industries – to implement portions of the Washington Climate Commitment Act (Engrossed Second Substitute Senate Bill 5126) or Greenhouse Gas Emissions - Cap and Invest Program (Chapter 70A.65 RCW).

This rulemaking:

- Establishes criteria to identify emissions-intensive, trade-exposed industries (EITE) that will be eligible for no-cost emission allowances.
- Considers the locations of potential EITE industries in relation to overburdened communities while developing the criteria.
- Includes requirements necessary to support the above items, the overall objectives of the statute or chapter, or the goals of the Climate Commitment Act (CCA).

Citation of rules affected by this order:

New: WAC 173-446A-010, -020, -030, -040, and -050

Repealed:

Amended:

Suspended:

Statutory authority for adoption: Washington Climate Commitment Act (Engrossed Second Substitute Senate Bill 5126), Chapter 316, Laws of 2021, codified as RCW 70A.65.110

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-01-217 on 12/22/2021 (date).

Describe any changes other than editing from proposed to adopted version: Small changes were made for clarity and intent in the adopted rule language that were not significant. To see the specific changes made, please refer to the Concise Explanatory Statement.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Katie Wolt

Address: Send US mail to:

Department of Ecology

Air Quality Program

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Olympia, WA 98504-7600

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TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.

Email: Katie.wolt@ecy.wa.gov

Web site: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-446A>

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>5</u>	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: 6/1/2022	Signature: 
Name: Laura Watson	
Title: Director	