



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: January 06, 2021

TIME: 10:36 AM

WSR 21-02-091

Agency: Department of Ecology AO #19-08

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: The rule implements parts of the Washington Clean Energy Transformation Act (CETA), Chapter 19.405 RCW, which the Washington Legislature passed and the Governor signed into law in 2019. The rule:

- Establishes a process for determining what types of energy transformation projects (ETPs) may be eligible for compliance with CETA.
- Establishes a process and requirements for developing the standards, methodologies, and procedures for evaluating ETPs.
- Provides methods for calculating greenhouse gas (GHG) emissions content in electricity.

Citation of rules affected by this order:

New: WAC 173-444-010, WAC 173-444-020, WAC 173-444-030, WAC 173-444-040, WAC 173-444-050, WAC 173-444-060, WAC 173-444-070, WAC 173-444-080, WAC 173-444-090

Repealed: None

Amended: None

Suspended: None

Statutory authority for adoption: Chapter 19.405 RCW, Washington Clean Energy Transformation Act; RCW 19.405.020(18), RCW 19.405.040, and RCW 19.405.100

Other authority: RCW 70A.45.010

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 20-18-096 on September 2, 2020 (date).

Describe any changes other than editing from proposed to adopted version:

WAC 173-444-040 Greenhouse gas content calculation

Subsection (3): We corrected the reference in (3)(f)(ii)(A) to refer to the subsection establishing the Energy Information Administration (EIA) calculation method.

(A) EIA has published electric power data for the power plant or aggregate source consistent with ~~subsection~~ ~~(2)~~(b) and (c) of this subsection; or

Subsection (5): We revised the rule text in (5)(b)(ii)(A) to clarify "plant net output"; includes utility claims measured at the busbar.

(A) Utility claims are reported on a plant net output basis, like utility claims measured at the busbar; or

WAC 173-444-060 Eligible categories of energy transformation projects

Subsection (6): We corrected the reference in subsection (6) to refer to the subsection establishing the conditions that a project must meet to be eligible as energy transformation project.

(6) In addition to the conditions in subsection (45) of this section in order for a project category to be included in this list, potential projects that may fall under that category must not:

Subsection (11): We corrected the reference in subsection (11) to refer to the subsections establishing the positive and negative conditions that a project must meet to be eligible as energy transformation project.

(a) Evaluate whether the requested additional or modified categories meet the conditions established in subsections (45) and (56) of this section; and

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

Name: Debebe Dererie
Address: Department of Ecology
Air Quality Program
300 Desmond Dr. SE, Lacey, WA 98503
Phone: Desk -360-407-7558 or mobile – 360-688-8103
Fax: N/A
TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.
Email: debebe.dererie@ecy.wa.gov
Web site: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-444>
Other: N/A

**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>9</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	<u>9</u>	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	___

Signature:

Date Adopted: 1/6/2020

Name: Laura Watson

Title: Director

A handwritten signature in black ink, appearing to read 'L. Watson', written in a cursive style.