



PREPROPOSAL STATEMENT OF INQUIRY

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

Agency: Department of Ecology AO # 15-10

Subject of possible rule making:

The Washington State Department of Ecology (Ecology) proposes to adopt a new rule (Chapter 173-442 WAC) and amend two existing rules (Chapter 173-400 WAC and Chapter 173-441 WAC).

Chapter 173-442 WAC will establish emission standards for greenhouse gas emissions in Washington State, including process and combustion emissions from stationary sources, and emissions from the combustion of petroleum fuel and natural gas products. Potential standards could affect large:

- Stationary sources;
- Petroleum fuel producers; and
- Natural gas distributors.

Persons responsible for these emissions will have an obligation to reduce emissions over time. A wide variety of options to reduce greenhouse gas emissions will be available.

Ecology will make compatible changes in Chapter 173-400 WAC to coordinate with the proposed Chapter 173-442 WAC.

Ecology will amend Chapter 173-441 WAC to change the emissions covered by the reporting program, modify reporting requirements, and update administrative procedures.

Statutes authorizing the agency to adopt rules on this subject:

Chapter 70.94 RCW and Chapter 70.235 RCW

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

See Attachment A

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

Throughout this rulemaking process, Ecology will communicate with, and seek input from the Energy Facility Site Evaluation Council (EFSEC). EFSEC will need to update their existing greenhouse gas reporting rule for the facilities they regulate.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Ecology will follow a process for the adoption of a significant legislative rule.

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

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information)

Interested parties can participate by:

- Following updates on Ecology’s rulemaking website, <http://www.ecy.wa.gov/programs/air/rules/wac173442/1510ov.html>, and on Ecology’s Climate Change website, <http://www.ecy.wa.gov/climatechange/carbonlimit.htm>
- Signing up for email updates, by going to <http://listserv.wa.gov/cgi-bin/wa?SUBED1=WA-CARBON-REDUCTION-CLEAN-ENERGY&A=1>
- Participating in outreach meetings and/or public hearings
- Contacting Ecology staff, see below

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 21, 2015

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WSR 15-19-115

Attachment A

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

The purpose of this rulemaking is to reduce greenhouse gas emissions to protect human health and the environment. Greenhouse gas emissions cause climate change. Washington faces serious economic and environmental disruption from the effects of climate change. For instance:

- An increase in pollution-related illness and death due to poor air quality.
- Declining water supply for drinking, agriculture, wildlife, and recreation.
- An increase in tree die-off and forest mortality because of increasing wildfires, insect outbreaks, and tree diseases.
- The loss of coastal lands because of sea level rise.
- An increase in diseases and mortality in freshwater fish (salmon, steelhead, and trout), because of warmer water temperatures in the summer and more fluctuation of water levels (river flooding and an increase of water flow in winter while summer flows decrease).
- The heat stress to field crops and tree fruit will be more prevalent because of an increase in temperatures and a decline in irrigation water.

Compliance actions to reduce greenhouse gas emissions, such as producing cleaner energy and increasing energy efficiency, have the dual benefit of reducing other types of air pollution.

In 2008, Washington's Legislature required the specific statewide greenhouse gas reductions (RCW 70.235.020) below.

- By 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels
- By 2035, reduce overall emissions of greenhouse gases in the state to 25 percent below 1990 levels
- By 2050, reduce overall emissions of greenhouse gases in the state to 50 percent below 1990 levels or 70 percent below the state's expected emissions that year

Consistent with the Legislature's intent to reduce greenhouse gas emissions, Ecology is using its existing authority under the State Clean Air Act to adopt a rule that limits emissions of greenhouse gases.