



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: April 23, 2024

TIME: 7:40 AM

WSR 24-10-028

Agency: Department of Ecology AO #22-18

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR** 23-12-011 ; or
- Expedited Rule Making--Proposed notice was filed as WSR** _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) The rulemaking is proposing a new chapter in the Washington Administrative Code, Chapter 173-446B, Climate Commitment Act Funds Reporting. The purpose of this new chapter is to set reporting requirements for recipients of funding from the Climate Commitment Act accounts so that Ecology can complete an annual report to the state legislature, as required by the Climate Commitment Act (RCW 70A.65.300).

For more information on this rulemaking visit: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-446B>

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 5, 2024	6:00PM	Hearing via webinar. Join and see instructions: https://waecy-wa.gov.zoom.us/meeting/register/tZUkd-GprTssEtXbgykYl12w4vLzsuuO83VH#/registration	Presentation and question and answer session, followed by the hearing. We are holding this hearing via webinar. This is an online meeting that you can attend from any computer with internet access.
June 13, 2024	9:00AM	Hearing via webinar. Join and see instructions: https://waecy-wa.gov.zoom.us/meeting/register/tZ0od-6opz0sHdV5Ka67JXtXeBhCXoH57pl#/registration	Presentation and question and answer session, followed by the hearing. We are holding this hearing via webinar. This is an online meeting that you can attend from any computer with internet access.

Date of intended adoption: October 1, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Harrison Ashby
Address: Send US mail to:
Department of Ecology
Climate Pollution Reduction Program
PO Box 47600, Olympia, WA 98504-7600

Or
Department of Ecology
Climate Pollution Reduction Program
300 Desmond Dr. SE, Lacey, WA 98503
Email: harrison.ashby@ecy.wa.gov
Fax: N/A

Other: <https://aq.ecology.commentinput.com/?id=E8NYGSfC4>

Assistance for persons with disabilities:

Contact Harrison Ashby
Phone: 360-485-2771

Fax: N/A
TTY: For Washington Relay Service or TTY call 711 or 877-833-6341
Email: harrison.ashby@ecy.wa.gov

By (date) June 28, 2024

Other:

By (date) June 28, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rulemaking proposes to establish reporting requirements for recipients of funding from the Climate Commitment Act accounts so that Ecology can complete our required annual report to the state legislature. These reporting requirements will include those related to RCW 70A.65.230 regarding expenditures that benefit vulnerable populations within the boundaries of overburdened communities and those that are formally supported by a resolution of a Tribe. The rule will define what information funding recipients must report to Ecology. Additionally, the rule includes requirements for recipients to report on the quantity of greenhouse gas (GHG) emissions reductions expected to result from work funded by the CCA.

Reasons supporting proposal: This rulemaking is required by RCW 70A.65.300.

Statutory authority for adoption: RCW 70A.65.300

Statute being implemented: RCW 70A.65.300

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

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

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Department of Ecology

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Harrison Ashby	Lacey, WA	360-485-2771
Implementation:	Tai Ralston	Lacey, WA	564-233-1616
Enforcement:	Tai Ralston	Lacey, WA	564-233-1616

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name: N/A

Address: N/A

Phone: N/A

Fax: N/A

TTY: N/A

Email: N/A

Other: N/A

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name: Harrison Ashby

Address: Department of Ecology
Climate Pollution Reduction Program
PO Box 47600, Olympia, WA 98504-7600

Phone: 360 485-2771

Fax: N/A

TTY: For Washington Relay Service or TTY call 711 or 877-833-6431

Email: harrison.ashby@ecy.wa.gov

Other:

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: The only entities required to comply with the proposed rule are the recipients of appropriations from the CCA accounts. These entities are government agencies and universities. Recipients may, in turn, choose to have some of the underlying work done by their sub-recipients, but the proposed rule does not apply any requirements to those entities. Therefore, this rule does not impose compliance costs on small businesses, and this rulemaking is exempt from analysis under the Regulatory Fairness Act (Chapter 19.85 RCW) according to RCW 19.85.025(4) which states, "This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses."

(2) Scope of exemptions: Check one.

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: April 23, 2024

Name: Heather Bartlett

Title: Deputy Director

Signature:

A handwritten signature in black ink that reads "Heather Bartlett". The signature is written in a cursive style with a large, stylized initial 'H' and 'B'.