



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Adoption Notice

Underground Injection Control Program, Chapter 173-218 WAC and Carbon Dioxide Mitigation Program, Greenhouse Gases Emissions Performance Standard and Sequestration Plans and Programs for Thermal Electric Generating Facilities, Chapter 173-407 WAC

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As a result of legislation passed in 2003 (ESSB 5766), the Department of Ecology (Ecology) is required to notify businesses affected by rule adoptions. To comply with this law and to keep the regulated community better informed of Ecology's rule adoptions, you are receiving this notification of a rule adoption.

Requirements of the rules

Chapter 173-218 WAC, Underground Injection Control (UIC) Program, protects ground water quality by regulating UIC wells that inject fluids into the ground. The requirements of the rule are:

- UIC wells must be registered.
- The UIC wells must meet the non-endangerment standard or be issued a State Waste Discharge Permit under Chapter 173-216 WAC. UIC wells must be constructed, operated, maintained, and decommissioned in a manner that protects ground water quality.

Chapter 173-407 WAC adopts a greenhouse gases emissions performance standard for baseload electric generation of 1,100 pounds per megawatt-hour, as directed in Chapter 80.80 RCW, and establishes criteria to implement and enforce the emissions performance standard. The requirements of the rule include:

- New baseload electric generation located in Washington beginning operation after June 30, 2008, must comply with the greenhouse gases emissions performance standard.
- All long-term financial commitments entered into by electric utilities on or after July 1, 2008, must comply with the emissions performance standard.
- Those emissions that are permanently sequestered by geologic or other methods of sequestration approved by Ecology are not counted when determining compliance with the greenhouse gases emissions performance standard.

Summary of the rule changes adopted on June 19, 2008

Changes to Chapter 173-218 WAC, the UIC program, set specific standards that allow UIC wells to inject carbon dioxide into naturally non-potable aquifers for permanent sequestration. UIC wells used for permanent sequestration must:

- Be permitted by State Waste Discharge Permit Program of Chapter 173-216 WAC.
- Protect ground water quality in potable aquifers.

- Meet specific well construction standards.
- Have subsurface leak detection monitoring.
- Have a fully funded closure and post-closure financial assurance account.

Chapter 173-407 WAC contains rules to mitigate carbon dioxide emissions from all new and certain modified fossil-fueled thermal electric generating facilities to implement Chapter 80.70 RCW. The changes to Chapter 173-407 WAC add new sections to implement Chapter 80.80 RCW. The changes to the rule will:

- Modify the title to reference the greenhouse gases emissions performance standard.
- Add new sections to implement and enforce the greenhouse gases emissions performance standard for baseload electric generation, as directed in Chapter 80.80 RCW.
- Make minor corrections to existing rule language implementing Chapter 80.70 RCW.

Effective July 19, 2008

These amendments to Chapters 173-218 and 173-407 WAC become effective on July 19, 2008.

Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For additional information about appealing this adoption please contact Jerry Thielen, Ecology's Regulatory Affairs Manager at (360) 407-7551 or by email jthi461@ecy.wa.gov.