



DEPARTMENT OF
ECOLOGY
State of Washington

Concise Explanatory Statement
Chapter 173-485 WAC
Petroleum Refinery Greenhouse Gas
Emission Requirements

Summary of rule making and response to comments

Appendix A: Transcript from public hearing

May 2014
Publication no. 14-02-012

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Public Hearing on the Rule Proposal

Bellevue – January 22, 2014

Melanie Forster:

I'm Melanie Forster, hearing's officer for this hearing. This morning we are to conduct a hearing on rule proposal Chapter 173-485 WAC—to set Reasonably Available Control Technology to limit Greenhouse Gas emissions from petroleum refineries in Washington State.

Let the record show it's 10:07 a.m. on January 22, 2014 and this hearing is being held at Department of Ecology Northwest Regional Office, 3190 160th Ave SE, Bellevue, WA 98008.

Notices of this hearing were sent by Email to interested people subscribed to the project's email distribution list. Notice was also published in Ecology's online Public Involvement Calendar.

I will be calling people up to provide testimony based on the order your name appears on the sign-in sheet. Once everyone who has indicated that they would like to testify has had the opportunity, I will open it up to others.

So when I call your name, please step up to the front, state your name and address for the record. Please speak clearly, so that we can get a good recording of your testimony

OK. So first I have Sasha Pollack.

Sasha Pollack:

Good morning. For the record my name is Sasha Pollack. I am the Climate and Clean Energy Campaign Director for Washington Environmental Council at 1402 – 3rd Avenue in Seattle, Washington. Washington Environmental Council and the Sierra Club appreciate the efforts Ecology and the Clean Air Agencies have put in to creating this rule and we acknowledge the difficulties of determining RACT for refineries given the complexities of the refining process. We are not necessarily opposed to a benchmarking kind of approach. The combined effect, however, of Ecology's use of a black box benchmark process with known weaknesses and gaps coupled with a weak and ineffectual standard of average and an outdated benchmark year results in a process that is not well reasoned, not supported, and does not meet the definition of RACT in state or federal law. Even adjusting the standard of performance to something better than average and using an up-to-date year would improve the RACT determination. We urge Ecology not to squander this excellent opportunity to make real progress on greenhouse gas emissions and be a serious leader in the region by settling for business as usual. Washington is capable of more and its citizens deserve better. We will be submitting substantive comments to this affect prior to the 31st of January and we look forward to working with Ecology to improve RACT controls on GHG emissions for refineries in Washington State.

Melanie Forster:

Thank you very much. Is there anyone else who wishes to provide testimony? Alright. I am going to talk about submitting written comments.

If you would like to send Ecology written comments, please remember they are due by January 31, 2014. And you may send them to Margo Thompson, PO Box 47600, Olympia, WA 98504-7600. Or you may email comments to AQComments@ecy.wa.gov. You may also fax comments to 360-407-7534.

All testimony received at this hearing along with all written comments postmarked or received no later than January 31, 2014 will be part of the official hearing record for this proposal.

Ecology will post the Concise Explanatory Statement, or CES, on Ecology's website and send notice about the publication to everyone that provided written comments or oral testimony on this rule proposal and submitted their contact information, everyone that signed in for today's hearing and provided an email address, other interested parties on the agencies mailing lists for this rule.

The CES will among other things, contain the agency's response to questions and issues of concern that were submitted during the public comment period. If you would like to receive a copy but did not give us your contact information, please let one of the Ecology staff at this hearing know, or contact Margo Thompson at the contact information provided for submitting comments.

The next step is to review the comments and make a determination whether to adopt the rule. Ecology Director, Maia Bellon, will consider the proposed rule documentation and staff recommendations and will make a decision about adopting the rule.

Adoption is expected no sooner than April 1, 2014. If the proposed rule is adopted and filed with the Code Reviser, it will go into effect 31 days after the date it is adopted.

If we can be of further help to you, please do not hesitate to ask or you can contact Margo Thompson if you have other questions.

On behalf of the Department of Ecology, thank you for coming.

Let the record show that this hearing is adjourned at 10:12 a.m.