



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Chapter 173-441 WAC

Reporting of Emissions of Greenhouse Gases

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Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

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Rule Implementation Plan

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Purpose

The Washington State Department of Ecology (Ecology) developed this document to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions. The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-441 WAC about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the amended rule.
- Other resources related to the rule.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Introduction

Ecology is required by law (RCW 70.94.151) to keep the Reporting of Emissions of Greenhouse Gases rule consistent with the United States Environmental Protection Agency (EPA)'s Greenhouse Gas Reporting Program. The purpose of this rule is to collect accurate and timely data essential for informing future policy decisions.

On January 28, 2015, Ecology adopted amendments to Chapter 173-441 WAC – Reporting of Emissions of Greenhouse Gases (AO # 13-13). The following are examples of the adopted rule revisions:

- Revised the Global Warming Potentials.
- Updated calculation and monitoring methods.
- Made minor streamlining revisions to reporting requirements.
- Corrected minor errors and improved readability.

Implementation and Enforcement

The majority of the adopted amendments to Chapter 173-441 WAC – Reporting of Emissions of Greenhouse Gases were correcting minor errors to improve readability. Of the revisions made, the following are considered to be the most significant:

- Table A-1 was revised to match EPA's Greenhouse Gas Reporting regulation (Global Warming Potentials were updated, the table was reorganized into categories, default Global Warming Potentials were added, and a few chemical names and formulas were corrected).
- Greenhouse gas reporters will be required to input emissions data into the new EPA verification software and submit the verification report to Ecology along with the annual

greenhouse gas emissions report. This replaces an existing requirement to submit the same information using EPA spreadsheets.

- Text was added to clarify existing practices such as adding the program’s email address, explaining when to submit a report if the deadline is on a weekend or state holiday, etc. These edits should not alter current practices.
- Text was added to clarify what emissions should be reported for the electrical transmission and distribution equipment use facilities. This language reflects existing practices.

To assist stakeholders with the substantial rule amendments, Ecology will do the following:

- Update Washington’s Electronic Greenhouse Gas Reporting Tool (eGGR) to be able to accept the verification summary report.
- Share educational materials and opportunities with greenhouse gas reporters about EPA’s new verification tool. If there is a need, Ecology will develop guidance materials to help familiarize greenhouse gas reporters with the new tool. In addition, Ecology will provide technical support to greenhouse gas reporters, especially leading up to the deadline for annual emissions reports.
- Continue to work closely with electrical transmission and distribution use facilities so they understand how to report their emissions by the annual reporting deadline.
- Update the Greenhouse Gas Reporting Program website to reflect the adopted rule amendments.

Ecology will retain enforcement authority over all sources if they fail to report correctly or at all, including the possibility of assessing penalties of up to \$10,000 per violation per day.

Since Ecology is already implementing the standards in this rule and will continue to follow existing enforcement processes, we do not anticipate additional resources are needed to implement and enforce this rule.

Informing and Educating Persons Affected by the Rule

Throughout the rule-making process, Ecology has done the following to help inform interested persons:

- E-mailed persons who requested to be on the Greenhouse Gas Reporting Program e-mail list (listserv), current greenhouse gas reporters, the AQComments listserv, and the WACTrack listserv.
- Sent out public notices and issued press releases.
- Posted information on Ecology’s Greenhouse Gas Reporting Program website.
- Held one stakeholder meeting and one public hearing, both in-person and via a webinar.

Ecology will continue to notify interested persons through the Greenhouse Gas Reporting Program listserv about the adopted rule amendments. Email notifications will also be sent to facilities and transportation fuel suppliers that currently report their greenhouse gas emissions to Ecology and individuals that commented on the rule making.

Ecology maintains a website for the Greenhouse Gas Reporting Program that houses many technical assistance documents and resources including: press releases, focus sheets, and frequently asked questions. This website will continue to be updated.

As need arises, additional focus sheets or other media may be developed to answer common questions about the rule amendments. Additionally, Ecology staff will be available to provide technical assistance on the new rule amendments.

Promoting and Assisting Voluntary Compliance

The actions mentioned above that inform and educate stakeholders also help promote voluntary compliance. A number of other activities have proven useful in promoting voluntary compliance, such as:

- An index to the regulations to assist the regulated community in finding relevant requirements. The index is updated with each rule making.
- The regulations and guidance documents are available on Ecology's website.
- Routine training of Ecology staff on new and amended regulations to be able to answer questions.
- Maintenance of a file for comments and suggestions for improving regulations. The file is used during each subsequent rule making. These suggestions come from Ecology staff and the regulated community.

Evaluating the Rule

Changes to the rules will be monitored over a period of time and may be discussed at a variety of program staff meetings. To evaluate the effectiveness of the rule, Ecology will do the following:

- Work closely with facility and transportation fuel suppliers that report greenhouse gas emissions.
- Compare facility emissions to EPA records.
- Crosscheck fuel supplier information with Department of Licensing (DOL) records.

Training and Informing Agency Staff

The rule amendments did not make far-reaching changes to the existing program. A summary of adopted rule amendments will be made available to Ecology staff and training will be offered at staff meetings or other workshops as needed.

Staff responsible for implementing this rule have been involved in the development of the rule amendments. Staff will continue to familiarize themselves with the related EPA and DOL reporting systems and participate in EPA training sessions.

Supporting Documents

In the Air Quality Program, publications are reviewed for accuracy each time they are reprinted. Existing documents may need to be revised as a result of the adopted rule amendments.

Additionally, guidance documents may need to be written depending on the need of affected persons.

The Air Quality Program will maintain supporting documents by updating the following:

- Certificate of Representation
- Report Signature and Submittal Form
- Facility Reporting Training Presentation
- Ecology's Greenhouse Gas Reporting Program website

Documents related to this rule making may be found here:

<http://www.ecy.wa.gov/programs/air/rules/wac173441/1313ov.htm>

More Information

For additional information about this rule making, please visit:

<http://www.ecy.wa.gov/programs/air/rules/wac173441/1313ov.htm>

For additional information about the Greenhouse Gas Reporting Program, please visit:

http://www.ecy.wa.gov/programs/air/permit_register/ghg/ghg.html

To get updates about the Greenhouse Gas Reporting Program, please sign up for the Greenhouse Gas Reporting Program listserv at:

<http://listserv.wa.gov/cgi-bin/wa?A0=WA-GHG-REPORTING>

To get updates on Ecology's rule-making activities, sign up for the WACTrack e-mail at:

www.ecy.wa.gov/maillist.html

Contact Information

For more information about how these regulations will be implemented, contact:

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