



DEPARTMENT OF
ECOLOGY
State of Washington

**Rule Implementation Plan
Chapter 173-423 WAC
Clean Vehicles Program
and
Chapter 173-400 WAC
General Regulations for Air Pollution Sources**

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Publication and Contact Information

This document is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/summarypages/2102031.html>

For more information contact:

Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600
Phone: 360-407-6800

Washington Department of Ecology — www.ecology.wa.gov

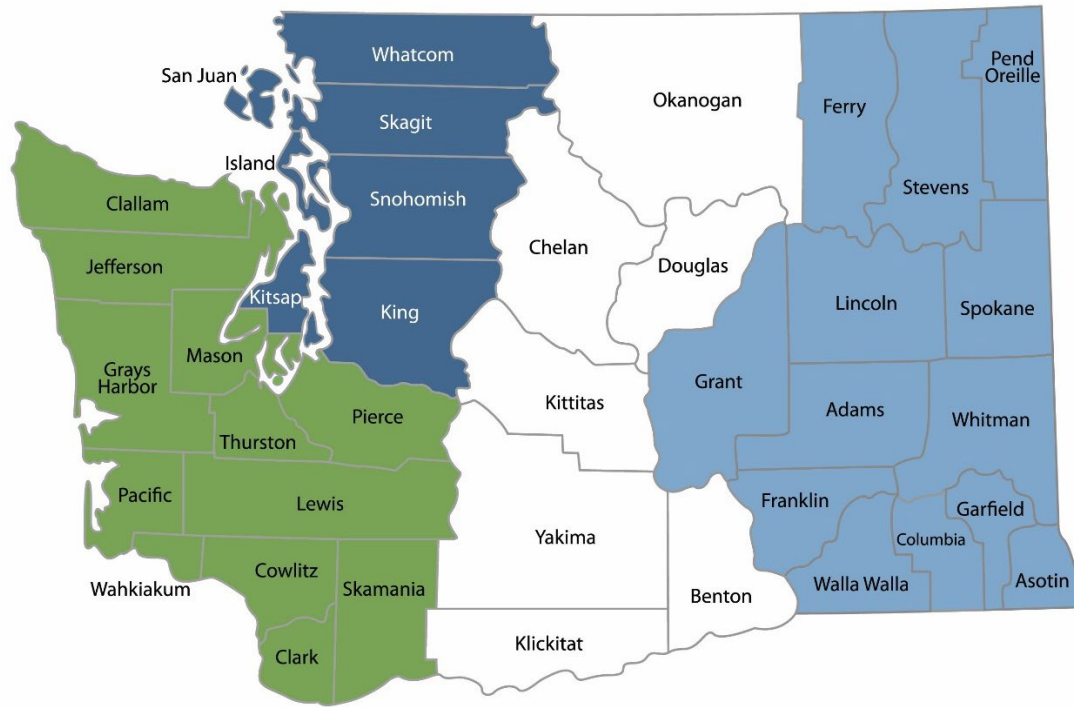
- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Shoreline 206-594-0000
- Southwest Regional Office, Olympia 360-407-6300
- Central Regional Office, Union Gap 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

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Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region
360-407-6300

Northwest Region
206-594-0000

Central Region
509-575-2490

Eastern Region
509-329-3400

| Region | Counties Served | Mailing Address | Phone |
|---------------------|--|--|--------------|
| Southwest | Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum | P.O. Box 47775 Olympia, WA 98504 | 360-407-6300 |
| Northwest | Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom | P.O. Box 330316 Shoreline, WA 98133 | 206-594-0000 |
| Central | Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima | 1250 W Alder St Union Gap, WA 98903 | 509-575-2490 |
| Eastern | Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman | 4601 N Monroe Spokane, WA 99205 | 509-329-3400 |
| Headquarters | Statewide | P.O. Box 46700 Olympia, WA 98504 | 360-407-6000 |

Implementation Plan
Chapter 173-423 WAC
Low Emission Vehicles
and
Chapter 173-400 WAC
General Regulations for Air Pollution Sources

Air Quality Program
Washington Department of Ecology
Olympia, Washington

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Purpose

The Washington Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On December 19, 2022, Ecology adopted amendments to Chapter 173-423 Washington Administrative Code (WAC), Clean Vehicles Program, and Chapter 173-400 WAC, General Regulations for Air Pollution Sources - Agreed Order (AO) # 21-12. The purpose of this rule implementation plan is to inform those who must comply with these rules 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 new or amended rule

Also included in this plan is information about:

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

Implementation and Enforcement

Chapter 173-423 WAC

The Zero-Emission Vehicle Specialist and Clean Vehicle Specialist in Ecology's Air Quality Program at the headquarters office will implement and enforce this rule.

Zero-Emission Vehicle (ZEV) and Low-Emission Vehicle Standards for Light-Duty and Passenger Vehicles

Starting in model year (MY) 2026, the rule requires that an increasing percentage of light-duty and passenger vehicles that are registered, leased, rented, licensed, or sold for use anywhere in Washington State meet new ZEV requirements. Manufacturers will be required to meet a 35% ZEV sales requirement in MY 2026, with that percentage increasing annually until 100% of new

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light-duty vehicles sold in Washington are ZEVs in 2035. The rules also require that new non-ZEVs sold in Washington meet new low-emission vehicle requirements.

Ecology's implementation role is to:

- Review and monitor annual sales reports from manufacturers to ensure compliance with the rule provisions
- Allocate ZEV credits to manufacturers as described in the rule
- Monitor auto dealers to ensure they are selling vehicles that meet the new emission standards and have the required environmental performance labels
- Coordinate with the Department of Licensing over registration issues from sales of new non-compliant vehicles

Heavy-Duty Omnibus and Phase 2 Greenhouse Gas Regulations

Starting in MY 2026, Ecology is also requiring that heavy-duty engine manufacturers comply with new rules limiting the amount of nitrogen oxides, particulate matter, and greenhouse gases that can be emitted from these engines.

Ecology's implementation role is to:

- Review heavy-duty engine sales in Washington and ensure compliance with the rule provisions
- Coordinate with the Department of Licensing over registration issues from sales of new non-compliant vehicles

Early Action Credits

Ecology is offering early action credits to manufacturers that sell ZEVs in Washington prior to the implementation of ZEV sales requirements in MY 2025. Under this part of the rule, model year 2023 and 2024 ZEV sales will be eligible for ZEV credits that follow the credit system in California's Advanced Clean Cars I rule. For this portion of the rule, Ecology's implementation role is to:

- Review sales reports submitted by auto manufacturers and allocate ZEV credits as described in the rule provisions
- Convert any banked credits to historical credits starting in model year 2026

Fleet Reporting Requirement

Ecology is requiring owners and operators of medium- and heavy-duty vehicle fleets to report information about their fleets to Ecology by September 30, 2023. Ecology's implementation role is to:

- Assist in the development of an online reporting portal where fleet managers can submit information required by the rule

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- Answer fleet managers' questions and assist them with completion of the reporting form, as needed
- Compile reporting results and distribute them to Ecology staff and interested stakeholders

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This rulemaking updated the adoption by reference date of federal rules in WAC 173-400-025. Ecology staff implement and enforce these federal rules:

- Air Quality Program staff
 - Central, Eastern, and Northwest (San Juan County only) Regional Offices
 - Headquarters office: Statewide for industries subject to the Prevention of Significant Deterioration (PSD) Program
- Industrial Section staff at the headquarters office: Statewide for paper mills, refineries, and chemical plants
- Nuclear Waste Program – Hanford staff in the Richland Field Office

Staff from a local clean air agency may also implement and enforce federal rules if they rely on the authority in this provision. Some agencies rely on the authority in their own rules that adopt federal rules by reference.

Informing and Educating Persons Affected by the Rule

The audience for Chapter 173-423 WAC includes:

- Consumers who purchase a new low or zero emission vehicle
- Auto manufacturers and dealers who sell low emission and zero emission vehicles and trucks
- Manufacturers of heavy-duty truck engines and powertrains
- Fleet owners and operators who manage vehicle fleets with at least five vehicles weighing 8,500 pounds or more

The audience for Chapter 173-400 WAC includes:

- Large and small businesses with emissions
- Large industrial facilities

Ecology will inform and educate persons affected by these rules in the following ways:

- Send an email notice through three distribution lists: the Clean Vehicles Program listserv, Air Quality Program Rules and State Implementation Plans listserv, and the agency email list (WAC Track) that provides information on all Ecology rulemakings

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- Keep rulemaking information and documents posted on the rulemaking website for at least two years following the rule's adoption
- Update and maintain the zero emission vehicles webpage

Promoting and Assisting Voluntary Compliance

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Ecology will update the zero emission vehicles web page¹ to help manufacturers and vehicle dealers understand and meet the ZEV rules by providing the following information:

- Yearly ZEV reports with electric vehicle sales data within Washington
- Automakers' annual compliance status
- Other helpful information to facilitate increasing the sales of electric vehicles and other ZEVs

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Ecology will promote and assist voluntary compliance through technical assistance when a business applies for a new air emissions permit or a revision to an existing permit. We will also update the PSD permit web page to reflect that Washington will continue to implement and enforce the requirements for project emissions accounting that were in effect before the November 24, 2020, rule changes in 85 FR 74890.

Evaluating the Rule

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Ecology will work with Northeast States for Coordinated Air Use Management, National Association of Clean Air Agencies, California Air Resources Board, and officials from other states to review and validate automakers' annual submissions. Automakers are required to submit the vehicle identification numbers (VINs) for their annual ZEV sales. We must verify that the ZEVs automakers claimed to have sold in Washington were registered in Washington, including correcting duplicate VINs or VINs assigned to the wrong state.

Ecology will track each automakers' annual sales of electric vehicles and other ZEVs to ensure that they are complying with the increasing annual credit or sales requirements. Ecology will post this information on the zero emission vehicles web page.²

¹ <https://ecology.wa.gov/Air-Climate/Climate-change/Reducing-greenhouse-gases/ZEV>

² <https://ecology.wa.gov/Air-Climate/Climate-change/Reducing-greenhouse-gases/ZEV>

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This rule is a substantial part of the framework of Washington’s program to meet federal air quality standards and protect human health. We monitor the rule through discussions with commercial and industrial sources, local clean air agency staff, and Ecology’s permitting staff. Ecology’s Air Quality Program staff will track suggested changes.

Training and Informing Ecology Staff

Ecology will use staff meetings, the agency website, and e-mail to train and inform agency staff.

List of Supporting Documents that May Need to be Written or Revised

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We have identified the supporting documents or systems that we may need to write, revise or develop because of the amended rule:

- Develop an online system for automakers to report sales of zero-emission and low-emission vehicles
- Develop an online reporting system for fleet managers to complete the reporting requirement by September 30, 2023
- Develop an implementation plan that considers the logistics of implementing and enforcing the new rule, including staffing requirements, reporting and evaluation procedures, and compliance and enforcement procedures

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No documents need to be revised in response to this change.

More Information

Websites

- More information on the Air Quality Program:
<http://www.ecy.wa.gov/programs/air/airhome.html>
- Rulemaking documents – We retain each rulemaking web page online for two years:
<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-423-400Jan18>
- Washington clean cars:
<https://ecology.wa.gov/Air-Climate/Air-quality/Vehicle-emissions/Clean-cars>

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- Zero emission vehicles:
<https://ecology.wa.gov/Air-Climate/Climate-change/Reducing-greenhouse-gases/ZEV>
- Notice of construction permit:
<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Air-Quality-permits/Notice-of-Construction-permit>
- Prevention of Significant Deterioration (PSD) permit:
<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Air-Quality-permits/Prevention-of-Significant-Deterioration-PSD>

Contact Information

Clean Vehicles Program

Dustin Watson
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600
360-764-6785
dustin.watson@ecy.wa.gov

Josh Grandbouche
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600
564-669-3210
Joshua.grandbouche@ecy.wa.gov

Air Quality Permitting

Phil Gent
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600
360-918-6922
phil.gent@ecy.wa.gov

Rule Development

Adam Saul
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600
360-972-5166
adam.saul@ecy.wa.gov