



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

**Emergency Rule Implementation Plan  
Chapter 173-446 WAC, Climate Commitment Act  
Program (Allowance Price Containment Reserve  
Emergency Rulemaking)**

---

September 2023

Publication 23-02-094

# Publication and Contact Information

This document is available on the Department of Ecology's website at:  
<https://fortress.wa.gov/ecy/publications/summarypages/2302094.html>

For more information contact:

Climate Pollution Reduction Program  
P.O. Box 47600  
Olympia, WA 98504-7600  
Phone: 360-407-6800

Washington State Department of Ecology – [www.ecology.wa.gov](http://www.ecology.wa.gov)

- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
- Southwest Regional Office, Olympia 360-407-6300
- Central Regional Office, Union Gap 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-764-6018 or email at [nikki.harris@ecy.wa.gov](mailto:nikki.harris@ecy.wa.gov). For Washington Relay Service or TTY call 711 or 877-833-6341. Visit <https://ecology.wa.gov/accessibility> for more information.

**Implementation Plan**  
**Chapter 173-446 WAC**  
**Climate Commitment Act (Allowance Price  
Containment Reserve Emergency Rulemaking)**

Climate Pollution Reduction Program  
Washington State Department of Ecology  
Olympia, Washington

*This page is purposely left blank.*

# Table of Contents

|   | <u>Page</u> |
|---|-------------|
| Purpose.....  | 1           |
| Introduction.....   | 2           |
| Implementation and Enforcement.....                                       | 3           |
| Informing and Educating Persons Affected by the Emergency Rule .....      | 4           |
| Promoting and Assisting Voluntary Compliance .....                        | 5           |
| Evaluating the Emergency Rule.....  | 6           |
| Training and Informing Ecology Staff.....                                 | 7           |
| List of Supporting Documents that May Need to be Written or Revised ..... | 8           |
| More Information.....   | 9           |
| Contact Information .....   | 10          |

## **Purpose**

The Washington State 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 September 7, 2023, Ecology adopted a second emergency rulemaking for Chapter 173-446 WAC Climate Commitment Act Program (AO # 23-02). At the same time, Ecology proposed a permanent rule, making the same changes as the emergency rule. The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-446 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 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 emergency rule
- Other resources where more information about the rule is available
- Contact information for Ecology employees who can answer questions about the emergency rule implementation

## **Implementation and Enforcement**

Ecology will instruct the auction administrator for any Allowance Price Containment Reserve (APCR) auction to reject bids for allowances that would result in the bidding entity receiving allowances that, when added to its current holdings, would exceed that entity's holding limit. Ecology will also ensure that all allowances awarded during an APCR auction are placed directly into the receiving entity's compliance account.



# Informing and Educating Persons Affected by the Emergency Rule

In the adoption of the emergency rulemaking, Ecology is doing the following to help inform interested persons:

- Emailing notices to the Greenhouse Gas (GHG) Reporting Program email list, the Air Quality Program general distribution list on rules and statewide plans email list, the Climate Commitment Act email list, and the WACTrack email list
- Sending out public notices and issuing a press release
- Sending out letters to Tribal governments
- Maintaining a blog with Climate Commitment Act updates
- Posting information on Ecology's Climate Commitment Act – APCR Emergency Rulemaking [website](#)<sup>1</sup>

Ecology will also continue to notify interested persons through the Climate Commitment Act email list about the adopted rule.

Ecology maintains a website for the Climate Commitment Act Program that houses many technical assistance documents and resources including press releases, focus sheets, slideshows from stakeholder meetings and public hearings, educational videos, and frequently asked questions. We will continue to update this website.

As the need arises, additional focus sheets or other materials may be developed to answer common questions about the new rule.

---

<sup>1</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-446-apcr>

## Promoting and Assisting Voluntary Compliance

Compliance with the provisions added to this rule in this rulemaking occurs via actions taken by the auction administrator and by Ecology. This rule does not require any additional action by the regulated community. However, the actions mentioned above that inform and educate stakeholders also help promote understanding and acceptance of the new provisions of the rule. A number of other activities have proven useful in promoting understanding and acceptance, such as:

- Posting the regulations, guidance documents, and emergency implementation plan on [Ecology's website](#).<sup>2</sup>
- Ensuring that Ecology staff are available to answer technical assistance questions from stakeholders.
- Assigning staff members who have been involved in the implementation of the current rule (WAC 173-446) and the development of the adopted emergency rule to implement this rule. Ecology will hold staff trainings, and use staff meetings, section meetings, and the agency website to train and inform any additional agency staff. These trainings will allow Ecology staff to answer compliance questions as they arise.
- Maintaining a file for comments and suggestions for improving regulations. We use the file during each subsequent rulemaking. These suggestions come from Ecology staff Tribes, the regulated community, and any other interested parties.

---

<sup>2</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-446-apcr>

## **Evaluating the Emergency Rule**

Ecology is adopting an emergency rule for Chapter 173-446 WAC at this time. The effectiveness of the rule will also be evaluated during the ongoing permanent rulemaking process and will help inform the final rule language regarding this matter.

## **Training and Informing Ecology Staff**

Staff responsible for implementing this rule have been involved in the development of the emergency rule. Ecology will hold staff trainings, use staff meetings, section meetings, and the agency website to train and inform any additional agency staff.

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

Ecology maintains a website for the [cap-and-invest program](https://ecology.wa.gov/air-climate/climate-commitment-act/cap-and-invest)<sup>3</sup> that houses resources including press releases, focus sheets, slideshows from stakeholder meetings and public hearings, educational videos, and frequently asked questions. We will continue to update this website.

---

<sup>3</sup> <https://ecology.wa.gov/air-climate/climate-commitment-act/cap-and-invest>

## More Information

[WAC 173-446 - Washington State Department of Ecology.](#)<sup>4</sup>

[WAC 173-446 APCR - Washington State Department of Ecology.](#)<sup>5</sup>

[Ecology's Cap-and-Invest Program.](#)<sup>6</sup>

[Chapter 70A.65 RCW: Greenhouse Gas Emissions - Cap-and-Invest Program.](#)<sup>7</sup>

---

<sup>4</sup> <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-446>

<sup>5</sup> <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-446-apcr>

<sup>6</sup> <https://ecology.wa.gov/air-climate/climate-commitment-act/cap-and-invest>

<sup>7</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.65>

## **Contact Information**

### **Climate Commitment Act Implementation Manager**

Luke Martland

Climate Pollution Reduction Program

P.O. Box 47600

Olympia, WA 98504-7600

360-764-3666

[Luke.Martland@ecy.wa.gov](mailto:Luke.Martland@ecy.wa.gov)

### **Rulemaking Lead**

Nikki Harris

Climate Pollution Reduction Program

P.O. Box 47600

Olympia, WA 98504-7600

360-764-6018

[Nikki.Harris@ecy.wa.gov](mailto:Nikki.Harris@ecy.wa.gov)