



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan Chapters 173-441 WAC and 173-446 WAC Electricity Markets Rulemaking

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This document is available on the Department of Ecology's website at:
<https://apps.ecology.wa.gov/publications/SummaryPages/2414083.html>

For more information contact:

Climate Pollution Reduction Program
P.O. Box 47600
Olympia, WA 98504-7600
Phone: 360-407-6700

Washington State Department of Ecology – 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

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Implementation Plan

Chapter 173-441 WAC and 173-446 WAC Electricity Markets Rulemaking

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

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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 December 3, 2024, Ecology adopted amendments to Chapters 173-441 WAC and 173-446 WAC Electricity Markets Rulemaking (AO # 23-01). The purpose of this rule implementation plan is to inform those who must comply with Chapters 173-441 WAC and 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 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

In 2021, Ecology established the Climate Commitment Act (CCA) Implementation Group to design and implement Washington’s Cap-and-Invest Program. The CCA Implementation Group, now referred to as the Cap-and-Invest Group, will have primary responsibility for ensuring the successful implementation of Chapters 173-441 WAC and 173-446 WAC. The group includes a Greenhouse Gas Reporting and Verification unit, an Auctions and Market Unit, and a Policy Section, as well as communications and support staff. The Group’s staff will work to provide outreach, education, and technical assistance.

Informing and Educating Persons Affected by the Rule

Throughout the rulemaking process, Ecology has taken the following action to help inform interested persons:

- Emailed notices to the Greenhouse Gas 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
- Sent out public notices and issued a press release
- Sent out letters to Tribal Governments
- Posted information on Ecology’s Climate Commitment Act Program rulemaking website
- Held nine public meetings:
 - Four informational sessions
 - Three draft rule language meetings
 - Two listening session to gather input
- Held two public hearings via webinar
- Held meetings with interested parties upon request

Ecology will continue to notify interested persons through the Climate Commitment Act email list about the adopted rule. Ecology maintains a webpage for the Electricity Markets Rule that houses many resources including press releases, presentation slides and recordings from stakeholder meetings as well as public hearings. We will continue to update this webpage.

Additionally, Ecology maintains a [webpage for mandatory greenhouse gas reports](#)¹ and a [Cap-and-Invest reporting page](#)² that houses the following resources:

- Greenhouse gas emissions data
- Greenhouse gas reports
- Greenhouse gas reporting map
- Reporting requirements
- Emissions reporting training information
- Greenhouse Gas Registration (GHGReg) platform
- Excel reporting tools for electric power entities
- Reporting deadlines

¹ <https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/tracking-greenhouse-gases>

² <https://ecology.wa.gov/air-climate/climate-commitment-act/cap-and-invest/emissions-reporting>

- Reporting fees
- Published reporting guidance

As need arises, additional materials may be developed to provide guidance around this rule.

Promoting and Assisting Voluntary Compliance

The actions mentioned above that inform and educate interested parties also help promote voluntary compliance. Several other activities have proven useful in promoting voluntary compliance, such as:

- Posting the regulations and implementation plan on Ecology’s website.
- Availability of Ecology staff to answer technical assistance questions from interested parties.
- Involving staff responsible for implementing this rule in the development of the adopted rule.
 - Holding staff trainings, staff meetings, section meetings to allow Ecology staff to answer compliance questions as they arise.
 - Using the agency website to train and inform any additional agency staff.
- Maintaining a file for comments and suggestions for improving regulations. We use the file during each subsequent rulemaking. These suggestions come from Ecology staff and the regulated community.
- Hosting Cap-and-Invest Electricity Forums for technical dialogue on a variety of electricity topics.

Evaluating the Rule

Ecology will monitor the impacts of the rule. To evaluate the effectiveness of the rule, Ecology will do the following:

- Work closely with facilities, suppliers, and electric power entities that report greenhouse gas emissions.
- Continue to track greenhouse gas emissions sources and protocols and update this regulation as appropriate when new sources meet statutory requirements.
- Submit a report to the legislature that includes comprehensive review of the implementation of the program to date including but not limited to outcomes relative to the state's emissions reduction limits, overburdened communities, covered entities, and emissions-intensive, trade-exposed businesses (RCW 70A.65.060 (5)).
- Conduct rulemaking prior to each compliance period to adopt by rule the annual allowance budgets.

Training and Informing Ecology Staff

Ecology has conducted extensive internal communication and training to ensure staff understand the requirements of the Climate Commitment Act. Staff responsible for implementing this rule have been involved in the development of the adopted 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 webpage for the Electricity Markets rulemaking that houses resources including press releases, slideshows from public meetings and public hearings, educational videos, and frequently asked questions. We will continue to update this website.

Additionally, Ecology maintains a [webpage for mandatory greenhouse gas reports](#)³ and a [Cap-and-Invest reporting page](#)⁴ that houses the following resources:

- Greenhouse gas emissions data
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³ <https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/tracking-greenhouse-gases>

⁴ <https://ecology.wa.gov/air-climate/climate-commitment-act/cap-and-invest/emissions-reporting>

More Information

[WAC 173-441-446 - Washington State Department of Ecology](https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-441-446)⁵

[RCW 70A.65, Greenhouse Gas Emissions – Cap-and-Invest Program](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.65)⁶

[RCW 70A.15, Washington Clean Air Act](https://app.leg.wa.gov/rcw/default.aspx?cite=70A.15)⁷

[Washington's Cap-and-Invest Program](https://ecology.wa.gov/air-climate/climate-commitment-act/cap-and-invest)⁸

[Mandatory greenhouse gas reports - Washington State Department of Ecology](https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/tracking-greenhouse-gases/mandatory-greenhouse-gas-reports)⁹

[Cap-and-Invest Electricity Forums Webpage](https://www.ezview.wa.gov/site/alias__1962/41958/cap-and-invest_electricity_forums.aspx)¹⁰

⁵ <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-441-446>

⁶ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.65>

⁷ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.15>

⁸ <https://ecology.wa.gov/air-climate/climate-commitment-act/cap-and-invest>

⁹ <https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/tracking-greenhouse-gases/mandatory-greenhouse-gas-reports>

¹⁰ https://www.ezview.wa.gov/site/alias__1962/41958/cap-and-invest_electricity_forums.aspx

Contact Information

Emissions Reporting and Verification Section

Climate Pollution Reduction Program

PO BOX 47600

Olympia, WA 98504-7600

360-584-7426

GHGReporting@ecy.wa.gov

Rulemaking Lead

Gopika Patwa

Climate Pollution Reduction Program

PO BOX 47600

Olympia, WA 98504-7600

360-584-7426

Gopika.patwa@ecy.wa.gov