



# **Climate Pollution Reduction Program – Specific Guidelines to the Ecology Compliance Assurance Manual**

Prepared by

Washington State Department of Ecology

Climate Pollution Reduction Program

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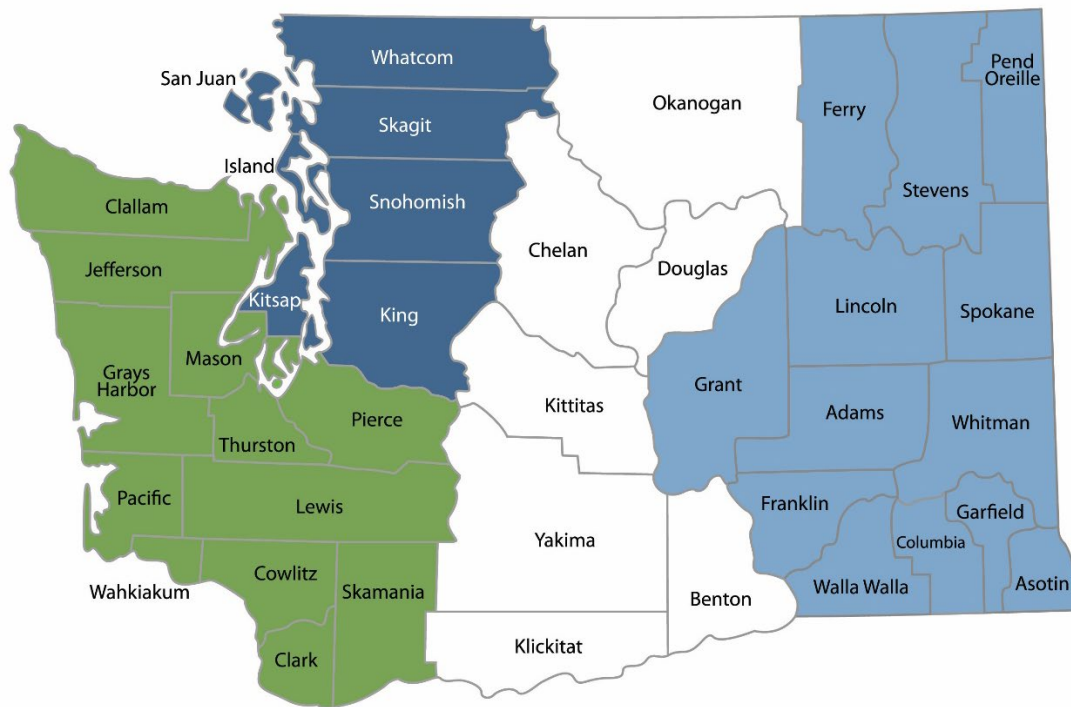
To request an ADA accommodation, contact Ecology by phone at 360-407-6800 or email at [Heather.Curtis@ecy.wa.gov](mailto:Heather.Curtis@ecy.wa.gov). For Washington Relay Service or TTY call 711 or 877-833-6341. Visit [Ecology's website](http://www.ecology.wa.gov) for more information.

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<sup>1</sup> [www.ecology.wa.gov/contact](http://www.ecology.wa.gov/contact)

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

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Climate Pollution Reduction Program  
Washington State Department of Ecology  
Lacey, WA

**June 2025 | Publication 25-14-032**



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

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## Abbreviations List

**CPRP** – Climate Pollution Reduction Program

**AQP** – Air Quality Program

**RCW** – Revised Code of Washington

**EPA** – Environmental Protection Agency

**CFR** – Code of Federal Regulations

**NOC** – Notice of Correction

**NOV** – Notice of Violation

**REA** – Recommendation for Enforcement Action

**WAC** – Washington Administrative Code

**BEN model** – [EPA's] Benefit Evaluation Model (for calculating economic benefit)

**CAP** – Corrective Action Plan

**HFC** – Hydrofluorocarbons

**CFS** – Clean Fuels Standard

**ZEVs** – Zero Emission Vehicles

**CAM** – Compliance Assurance Manual

## Introduction

This document explains how the Climate Pollution Reduction Program (CPRP) handles enforcement. It adds to the agency's enforcement manual based on program specific modifications of the Air Quality Program (AQP) guidelines, which were last updated in 2023.

We updated this guidance using the latest CPRP procedures, laws, policies, and technical information. We also revised the AQP Civil Penalty Worksheet to match CPRP needs. This Worksheet helps us decide how much to fine for violations.

We will review and update this guidance regularly to keep it clear and up to date. This version reflects current laws, today's regulatory environment, and best practices for clear communication.



## Purpose

The Washington Clean Air Act's goal is to preserve and protect air quality for current and future generations. Since 2020, new laws and rules have increased focus on reducing climate pollutants to protect people's health and the environment. Ecology uses enforcement as one of many tools to carry out its mission of protecting the environment and people's health. This climate pollution reduction specific chapter of Ecology's enforcement manual builds on [agency-wide enforcement policies and guidance](#) with the passage of:

- Mandatory greenhouse gas emissions reporting ([Chapter 70A.15.2200 RCW](#))
- Greenhouse gas emissions – Cap-and-invest program ([Chapter 70A.65 RCW](#));
- Transportation fuel – Clean fuels program ([Chapter 70A.535 RCW](#));
- Hydrofluorocarbons – Emissions reduction ([Chapter 70A.60 RCW](#)); and
- Motor vehicle emission standards ([Chapter 70A.30 RCW](#)).

This guidance outlines the compliance tools available through the above statutes, the Washington Clean Air Act ([Chapter 70A.15 RCW](#)), and the Technical Assistance Program ([Chapter 43.05 RCW](#)), also called the Regulatory Reform Act. The guidance explains enforcement options available to Climate Pollution Reduction Program (CPRP) compliance staff to effect compliance with state climate statutes.

## Authority

The following state laws give the CPRP authority to implement and enforce air quality and climate laws and rules. These include:

- [Chapter 70A.15 RCW](#) - Washington Clean Air Act
- [Chapter 43.05 RCW](#) - Technical Assistance Program
- [Chapter 70A.65 RCW](#) – Greenhouse Gas Emissions – Cap and Invest Program
- [Chapter 70A.60 RCW](#) – Hydrofluorocarbons – Emissions Reduction
- [Chapter 70A.535 RCW](#) – Transportation Fuel – Clean Fuels Program
- [Chapter 70A.30 RCW](#) – Motor Vehicle Emission Standards

Under the Washington Clean Air Act, Ecology has the authority to take enforcement action against anyone that breaks the state's air quality and climate laws. This authority includes the pursuit of criminal penalties under [Chapter 70A.15.3150 RCW](#) or civil penalties under [Chapter 70A.15.3160 RCW](#). Both can result in penalty amounts up to \$10,000 per violation per day. We may consider each day of regulatory noncompliance as a separate and distinct violation. Other formal enforcement tools authorized by the Clean Air Act include notices of violation, administrative orders, and injunctions. Criminal penalties can include fines, imprisonment, or both.

Under the Climate Commitment Act, Ecology may take administrative actions against entities that fail to provide complete and accurate information to meet compliance obligations. This authority includes issuance of orders and penalties under [Chapter 70A.65.200 RCW](#) up to \$50,000 per violation per day. We may consider each day of regulatory noncompliance a separate and distinct violation.

The Regulatory Reform Act (Chapter 43.05 RCW) requires Ecology to provide technical assistance before issuing civil penalties in certain situations. Exceptions to technical assistance include violations of permits or approval orders. You can find descriptions of the Regulatory Reform Act requirements and procedures in [Ecology's general guidance](#), Chapter 4: Paperwork Violations, Technical Assistance Exemptions, and Notice of Correction.

## Discretion Factors

The Climate Pollution Reduction Program (CPRP) strives for consistency in its approach to enforcement and penalties. We must also treat each violation on a case-by-case basis. This guidance helps staff decide what enforcement action fits best in each situation. Key elements the program considers when selecting an appropriate enforcement action include:

1. What were the health and environmental impacts?
2. Did area residents complain about the violation?
3. What was the pollutant type, amount, and duration?
4. Was there potential for an economic advantage because of noncompliance?
5. Did we ever provide technical assistance?
6. Was the violation self-reported?
7. Was the violator cooperative in resolving the situation?
8. Does the entity have a history of compliance problems?

An important aspect in determining when enforcement discretion may be applied includes whether actual environmental impacts from the violation occurred. Environmental impacts are usually air, or climate, pollutant emissions. CPRP uses its discretion, along with policy and guidance, whenever a violation occurs.

If we decide issuance of a civil penalty is appropriate based on the discretionary criteria, we use similar criteria to determine the penalty amount.

A limited set of violations do not allow us to use enforcement discretion. Specifically, enforcement discretion may not be available for violations that qualify as "high priority" in the State's Compliance Assurance Agreement with EPA. "Federally reportable violations" (as described in the Minimum Data Requirements for [Clean Air Act Stationary Source Requirements \(40 CFR 51\)](#)), trigger mandatory reporting, even if enforcement discretion is applied.

## Violation Categories

Once we document a violation, we must determine its seriousness and select an appropriate enforcement response. We categorize violations as either serious or general. Then, we select the appropriate formal or informal enforcement tool to address it.

If we determine issuance of a civil penalty is appropriate, we calculate the amount using the civil penalty tool and penalty matrix.

CPRP considers existing regulations and policies to decide the seriousness of a violation. Assuming that all emission violations are potentially serious, compliance staff should take steps to determine whether a violation is significant enough to justify formal enforcement action or general enough to justify informal action. The flowchart below lists some considerations.

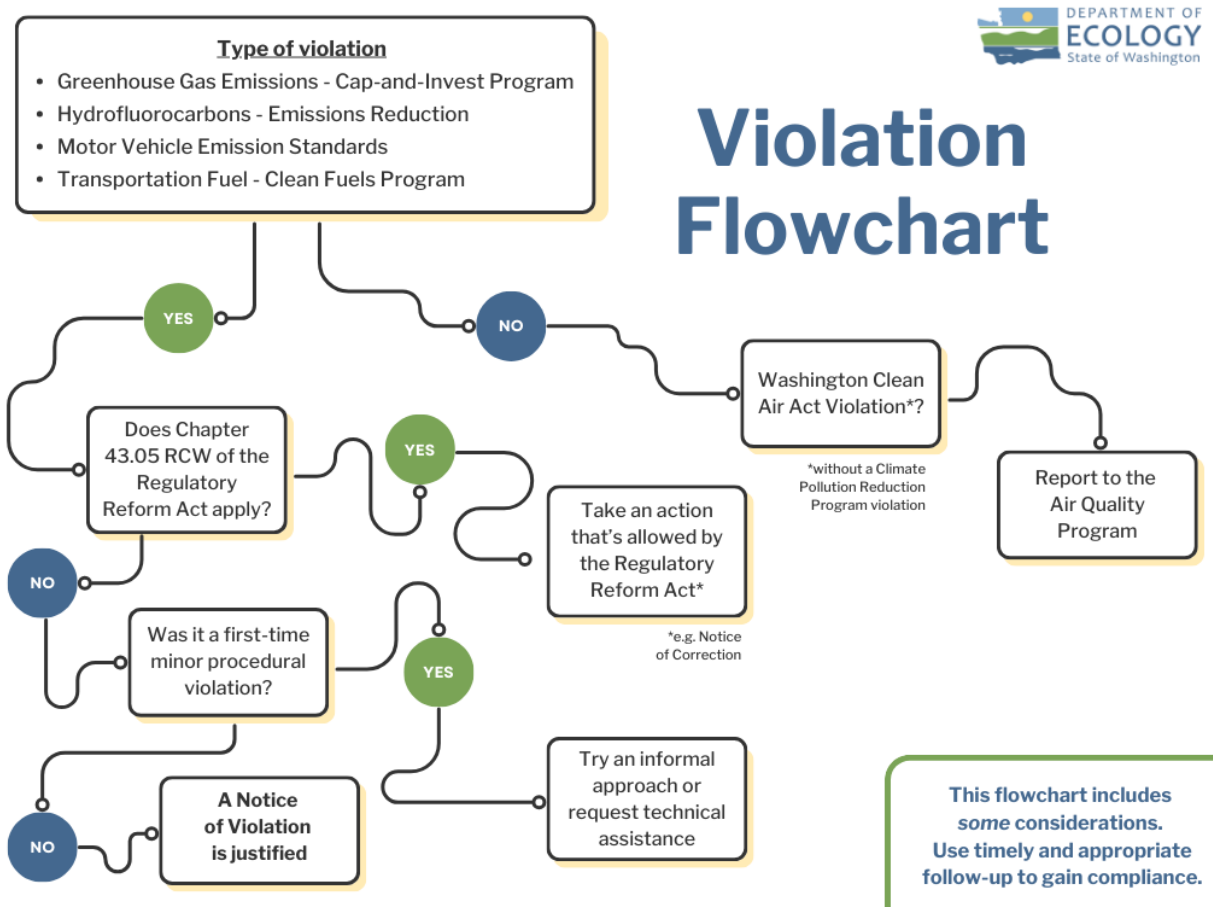


Figure 1 Follow the “Areas of Responsibility” section for enforcement guidance of specific source types. Formal enforcement actions may need a communications plan and news release.

## Enforcement Options

After classifying a violation as serious or general, match the enforcement action that fits with the degree of severity. CPRP staff can use both informal and formal enforcement actions.

**Informal actions** don't require a manager's signature. Staff can use them after checking in with management. These actions work best for general violations and should be used when possible.

**Formal actions** need a manager's signature and a Recommendation for Enforcement Action (REA). Serious violations justify formal actions. Document all actions, even informal ones. Place documentation in the appropriate facility file and maintain a complete and accurate record of enforcement and compliance history.

## Informal Enforcement Actions

We use informal enforcement to help fix problems early. These actions don't need a manager's signature. Staff can take these steps after checking with their supervisor. Listed below are the types of informal actions, in order of escalation:

1. **Verbal Warning:** Issue a verbal warning when someone makes a complaint or to stop a possible violation before it happens. Give the warnings by phone, in person, or during a meeting. Staff must write a memo to file to document the warning.
2. **Written Warning:** Send a written warning when a violation causes little or no harm to the environment or poses a threat to public health. Send a written warning when a violation hasn't happened but would if they do not act. Use warning letters when the issues can be fixed quickly without formal enforcement action. Send a warning letter after giving a verbal warning or when technical support does not achieve compliance.
3. **Notice of Correction:** Issue a notice of correction (NOC) when a violation during a site visit is not technical assistance. Use NOCs under the authority of [Chapter 43.05.060 RCW](#), usually for first-time violations. An NOC allows a person or business to fix the problem without penalty.
  - Include the following in the notice:
    - A clean description of the problem.
    - The specific law or rule that applies
    - Where to get technical assistance
    - How to request an extension.
  - An NOC is not a formal enforcement. If the problem can't be fixed and there is a risk to people and the environment, issue a formal enforcement notice instead. We don't give penalties for violations listed in an NOC unless a person or business ignores the notice.

## Formal Enforcement Actions

Listed in order of escalation:

1. **Notice of Violation:** Issue a notice of violation (NOV) when a serious or significant violation is likely to have happened. Under Chapter 70A.15.3010 RCW, send this notice at least 30 days before any civil or criminal penalty. The NOV may include instructions to fix the issues or ask the source for more information.
2. **Administrative Order:** Issue an administrative order to require action and clearly state what must change. The order tells the source what to do and sets a deadline. Further enforcement, including civil penalties, may happen if they don't follow the order.
3. **Administrative Order with Compliance Order or Schedule:** [Under WAC 173-400-230\(6\)](#), issue a compliance order with a Notice of Violation when the source must take corrective action or submit a Corrective Action Plan. The order must include a clear deadline.
  - If a compliance schedule is necessary, [WAC 173-400-161\(1\)](#) requires the order to include a full timeline: installation dates, key milestones, and final completion date.
  - All compliance schedules must follow the public involvement process described in [WAC 173-400-171](#).
4. **Notice of Penalty:** Issue a penalty when a source breaks the rules. Penalties help ensure current and future sources follow the law and encourage others to do the same.
5. **Court Actions (Restraining Orders, Injunctions, Court Orders):** If nothing else works, recommend legal action through the Attorney General's Office. Their requests go from the Program Manager to the Director of Ecology for signature, as outlined in ([Chapter 70A.15.3140 RCW](#)).
6. **Assurance of Discontinuance:** Ecology can agree with someone to stop a violating practice, using an assurance of discontinuance under Chapter 70A.15.3170 RCW of any violating practice from any person engaging in such practice. The assurance must specify a deadline to discontinue the practice. Failure to discontinue the practice is considered a violation, which we then refer to superior court as provided in [Chapter 70A.15.3140 RCW](#).
7. **Criminal Sanctions:** Under [Chapter 70A.15.3150 RCW](#), criminal sanctions apply when someone knowingly and willfully breaks the law. Those found guilty are subject to fines, imprisonment, or both. The general enforcement guidance in Ecology's Compliance Assurance Manual, Chapter 2: Enforcement Options, describes the process for making a criminal investigation referral.

# Penalties

CPRP issues penalties to correct violations, fix problems, prevent repeat offenses, ensure future compliance, and influence behavior. When setting a penalty, consider the severity of the violation and whether the violator gained any economic advantage.

The Notice of Penalty must clearly explain:

- What the violator did wrong
- What rule or law was broken
- The final penalty amount

Only include the chosen amount for each violation in the internal document, such as the Recommendation for Enforcement. In the penalty action, clearly explain any part of the penalty or supplemental environmental project that:

- Compensates for damage or harm caused by the violation
- Pays for cleanup or property repair, or
- Covers the costs the violator spent to comply, make that clear in the penalty action.

## Penalty Calculations

To calculate the gravity of a penalty by document, all the following must be included:

- The impact on public health and safety;
- The type and extent of environmental damage; and
- Whether the violation was repeated.<sup>2</sup>

Use the CPRP penalty matrix worksheet (Appendix A, Calculating Penalties) as the main tool for penalty calculations. Document the gravity portion of the penalty in the case file using this worksheet. The penalty matrix worksheet serves as the basis for CPRP penalty calculations.

If a compliance team has other factors to consider, include those in the worksheet. Some CPRP groups' specific compliance and enforcement guidelines are provided in the appendices to this document.

## Economic Benefit

Estimating economic benefit may be difficult. Offset an economic benefit the source may have received from violating CPRP regulations, whenever possible, to recover the economic benefit as part of the penalty amount. When the amount of economic benefit is obvious, include it in the penalty amount. Any economic benefit component to a civil penalty must not elevate the

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<sup>2</sup> Washington State determined that greenhouse gas emissions comprise air pollution that “pose significant threats to the environment” (RCW 70A.60.005) and pose an “existential crisis with major negative impacts on environmental and human health” (RCW 70A.65.005), for example.



assessment above the maximum penalty allowed in law. Use [EPA's BEN model](#) to calculate economic benefit in more complex situations.

## Legal Authority

The Clean Air Act ([Chapter 70A.15.3160 RCW](#)) says each violation is separate. Each day the violation continues counts as a new violation. Penalties can be up to **\$10,000 per day, per violation**.

The Climate Commitment Act ([Chapter 70A.65.200 RCW](#)) allows Ecology to issue orders and penalties of up to **\$50,000 per violation per day** for not providing complete and accurate information. Each day of regulatory noncompliance may count as a separate violation.

While CPRP may assess a penalty per violation per day, we may choose to assess a penalty in a lump sum that corresponds to the general gravity of the violation. When deciding whether to assess a penalty per violation per day, consider the discretion factors in Appendix A and the agency Compliance Assurance Manual.

## Communications planning

Use communication plans for enforcement actions.

Ecology must issue a news release for all fines and settlements over \$10,000. All fines more than \$1,000 are recorded in a quarterly penalty summary as required by [Administrative Policy 20-03](#): Publicizing Penalties and Settlements. These communication requirements are not optional.

A strong communications plan, developed before issuing enforcement actions, helps staff and executives:

- Clearly explain why the penalty is necessary;
- Prepare answers for tough questions before they are asked;
- Identify important interested parties to notify; and
- Avoid extra work later.

The Communications Team develops plans to prepare agency outreach, and the response that comes from our issues and projects. These plans keep our messaging consistent for staff and executives that deliver information about our work. Communications managers consider current events, political climate, and a variety of other factors when developing communications plans. They plan messaging, strategies, and tactics for both internal and external communications with help from staff.

## Timeframes

Enforcement actions must be carried out in a reasonable timeframe. Normally, we should take initial enforcement action within 45 days of becoming aware of the violation. Staff should notify the violator of the potential problem as soon as possible following discovery. This is accomplished through a verbal warning delivered immediately or a letter sent within a few days of finding the violation. A formal enforcement action follows the initial notification.

Once the enforcement process is started, CPRP must take action to ensure current and future compliance. Each case is different. Some violations require immediate action to prevent injury or further damage. Other cases may not require immediate action and can be balanced with competing demands on limited staff resources.

# Areas of Responsibility

## Climate Commitment Act

The legislature passed the Climate Commitment Act (CCA) in May 2021. This law requires Ecology to run a cap-and-invest program to reduce greenhouse gas emissions across Washington.

Businesses that must follow this law are called “covered entities.” They must report their emissions to CPRP, which verifies those emissions for accuracy along with third-party verifiers. Covered entities must also obtain compliance instruments (allowances and offset credits) equivalent to their covered emissions.

Ecology holds four auctions each year where entities can buy allowances. Entities can also obtain allowances and offset credits on the secondary (private) market. Certain types of entities are provided with allowances at no cost.

Entities must submit compliance instruments at the end of each compliance period to meet their compliance obligations. The proceeds from the allowance auctions are invested in projects and initiatives across Washington to decarbonize the economy, promote clean energy, implement climate resilience strategies, and advance equity and environmental justice.

As an auction-based market program results in large sums of money, there is a need for strict compliance and enforcement action. Appendix B includes the Cap-and-Invest Program Compliance and Enforcement Guidelines. These guidelines supplement the principles and procedures outlined in this document. It explains in greater detail how the Cap-and-Invest Program ensures compliance with the relevant laws and rules concerning greenhouse gas emissions reporting and verification, and the proper functioning of the allowance auctions and market.

## Greenhouse Gas Reporting

We track emission sources and require large facilities and state agencies to report their emissions ([WAC 173-441](#)).

## Clean Fuel Standard

The Clean Fuel Standard (CFS) requires producers and suppliers of most transportation fuels to register, report, and meet the program's requirements (WAC 173-424). Producers and suppliers of low-carbon intensity fuels can choose to opt into the program and earn credits, which can be traded on the private market. Fuel producers must meet compliance standards and deadlines.

## Zero Emission Vehicles

The Zero-Emission Vehicles law (Chapter 70A.30.010 RCW) directs Ecology to follow California's vehicle emission rules. These rules increase the number of new zero-emission vehicles (ZEVs) sold in Washington each year. Over time, all new vehicles sold in the state are zero-emission ([WAC 173-423](#)). Vehicle manufacturers must meet compliance standards.

## Hydrofluorocarbons Emission Reduction

The Hydrofluorocarbons (HFC) Emissions Reduction law ([Chapter 70A.60 RCW](#)) gives Ecology the authority to reduce HFC emissions. In Washington, businesses are required to follow the requirements of the HFCs and other fluorinated gases (f-gases) program ([WAC 173-443](#)). This program has two parts:

1. Prohibitions on the use of certain HFCs restricts the use of certain HFCs and other fluorinated gases from new equipment and products from entering Washington commerce; and
2. The Refrigerant Management Program requires the reduction of emissions from existing stationary refrigeration and air conditioning equipment containing 50 or more pounds of certain HFC and fluorinated gas refrigerants in Washington.

Appendix C includes compliance and enforcement guidelines for the fluorinated gases program. These guidelines supplement the principles and procedures set forth in the CPRP Program Specific Guidelines to the Ecology Compliance Assurance Manual. It explains in greater detail how the Hydrofluorocarbon program ensures compliance with the relevant laws and rules concerning program prohibitions and the refrigerant management program.

## Conclusion

Ecology's enforcement policy goal is to ensure compliance with environmental laws and regulations. To ensure compliance, CPRP:

- Offers education and technical assistance when appropriate
- Follows Ecology enforcement guidance and policies
- Deals firmly, fairly, and professionally with the regulated community
- Holds the regulated community accountable for compliance with state laws and regulations
- Addresses violations in a timely manner, appropriate to the specific situation
- Makes enforcement decisions that encourage voluntary compliance
- Issues formal enforcement actions to significant violators
- Escalates enforcement with repeat violations

Approved:  6/9/2025

Joel Creswell, Climate Pollution Reduction

Date

Program Manager

# Climate Pollution Reduction Program Enforcement Manual Reference List

DOCUMENT NAME	DATE
GENERAL	
<a href="#">Chapter 43.05 RCW</a> : Notice to Legislature Packet	1998
<a href="#">PCHB 01-174 Ted Rasmussen Farms LLC v. Ecology</a> (Chapter 43.05 RCW and notification requirements)	6/27/02
<a href="#">PCHB 00-103 James D. Wilson v. Ecology</a> (Responsibility of violator to know laws; documentation of penalty matrix)	5/26/00
<a href="#">PCHB 00-162 Michael Goyke v. Ecology</a> (Clarity of permit requirements)	4/17/01
COMPLIANCE ASSURANCE AGREEMENT	
<a href="#">Updated Issuance of Policy on Timely and Appropriate Enforcement Response to High Priority Violations (HPV)</a>	08/25/14
Pacific Northwest States and EPA Compliance Assistance Strategy	07/99
<a href="#">Environmental Performance Partnership Agreement</a>	07/23
LAWS, REGULATIONS, AND POLICIES Available on Ecology's intranet or the Office of the Code Reviser's website. Not a comprehensive list.	
<a href="#">Washington Clean Air Act: Chapter 70A.15 RCW</a>	
<a href="#">Greenhouse Gas Emissions – Cap and Invest Program: Chapter 70A.65 RCW</a>	
<a href="#">Transportation Fuel – Clean Fuels Program: Chapter 70A.535 RCW</a>	
<a href="#">Hydrofluorocarbons – Emissions Reduction: Chapter 70A.60 RCW</a>	
<a href="#">Motor Vehicle Emission Standards: Chapter 70A.30 RCW</a>	

## Document Version Log

Ecology revised the agency enforcement guidance in June 2011. The agency updated the [Ecology Compliance Assurance Manual \(CAM\)](#) to incorporate new procedures, rules, and regulations that influence how and when we issue enforcement actions. Each environmental program within Ecology contributed program-specific enforcement guidance to the revised CAM.

Version	Description	Date
CPRP created draft compliance and enforcement guidelines to the Ecology CAM	Adopted guidelines from AQ program guidelines.	July 2023
CPRP final draft compliance and enforcement guidelines to the Ecology CAM	Incorporated feedback from CPRP sections and practice implementation.	July 2024
CPRP Compliance and Enforcement Guidelines to the Ecology CAM published internally	Incorporated program manager feedback	January 2025



## NOTES ON LOCATIONS OF APPENDICES

Appendix A, Calculating Penalties (Location: [Draft CPRP CAM Appendix A Penalty Calculation.docx](#))

Appendix B – [Cap and invest program compliance manual Final \(April 5 2023\).pdf](#)

Appendix C - [HFC Compliance and Enforcement Guidelines 02-2024.docx](#)

Appendix D - Enforcement Letter Templates (Location: [Boiler Plate Compliance Letters](#))

Include templates or example language for:

- **Warning letters**
- **Notice of Correction (NOC)**
- **Notice of Violation (NOV)**
- **Settlement offer language**
- Any **optional outreach follow-up** language