

**WAC 173-400-136 Use of emission reduction credits (ERC).** (1)  
**Permissible use.** An ERC may be used to:

(a) Satisfy the requirements for authorization of a bubble under WAC 173-400-120;

(b) As an offsetting reduction to satisfy the requirements for new source review in WAC 173-400-830 or 173-400-113(4);

(c) Or if the reduction meets the criteria to be a creditable contemporaneous emission reduction, to demonstrate a creditable contemporaneous emission reduction for determining a net emissions increase under WAC 173-400-700 through 173-400-750 and 173-400-800 through 173-400-860.

(2) **Surrender of ERC certificate.** When an ERC is used under subsection (1) of this section, the certificate for the ERC must be surrendered to the permitting authority. If only a portion of the ERC is used, the amended certificate will be returned to the owner.

(3) **Conditions of use.**

(a) An ERC may be used only for the air contaminants for which it was issued.

(b) The permitting authority may impose additional conditions of use to account for temporal and spatial differences between the emissions units that generated the ERC and the emissions units that use the ERC.

(4) **Sale of an ERC.** An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after the transfer of ownership, the certificate must be surrendered to the issuing authority. After receiving the certificate, the issuing authority shall reissue the certificate to the new owner.

(5) **Redemption period.** An unused ERC expires ten years after date of original issue.

(6) **Discount due to change in SIP.** If reductions in emissions beyond those identified in the SIP are required to meet an ambient air quality standard, issued ERCs may be discounted as necessary to reach attainment.

(a) Issued ERCs may be discounted if:

(i) Reductions in emissions beyond those identified in the SIP are required to meet an ambient air quality standard;

(ii) The ambient standard cannot be met through controls on operating sources; and

(iii) The plan must be revised.

(b) The discount shall not exceed the percentage of additional emission reduction needed to reach attainment.

(c) ERCs may be discounted by the permitting authority only after notice to the public according to WAC 173-400-171 and the owners of affected ERCs.

[Statutory Authority: Chapter 70.94 RCW. WSR 12-24-027 (Order 11-10), § 173-400-136, filed 11/28/12, effective 12/29/12; WSR 11-06-060 (Order 09-01), § 173-400-136, filed 3/1/11, effective 4/1/11. Statutory Authority: RCW 70.94.152. WSR 05-03-033 (Order 03-07), § 173-400-136, filed 1/10/05, effective 2/10/05. Statutory Authority: Chapter 70.94 RCW, RCW 70.94.141, [70.94.]152, [70.94.]331, [70.94.]510 and 43.21A.080. WSR 01-17-062 (Order 99-06), § 173-400-136, filed 8/15/01, effective 9/15/01. Statutory Authority: Chapter 70.94 RCW. WSR 93-18-007 (Order 93-03), § 173-400-136, filed 8/20/93, effective 9/20/93; WSR 91-05-064 (Order 90-06), § 173-400-136, filed 2/19/91, effective 3/22/91.]