

**WAC 173-442-030 Applicability. Who does this rule apply to?**

(1) Emission reduction requirements apply to a covered party when their three calendar year rolling average, beginning with calendar year 2012, covered GHG emissions are greater than or equal to the compliance threshold in the corresponding compliance period in Table 1 of this section.

(2) Exception. Applicability to this chapter begins no earlier than 2020 for EITE covered parties and petroleum product importers.

(3) Compliance threshold. A covered party with covered GHG emissions that have a three calendar year rolling average, beginning with calendar year 2012, greater than or equal to the compliance threshold in Table 1 must comply with their compliance obligation under WAC 173-442-200.

**Table 1  
Compliance Threshold**

<b>Compliance Threshold (MT CO<sub>2</sub>e/Year)</b>	<b>First Compliance Period (Calendar Year)</b>
100,000	2017-19*
95,000	2020-22
90,000	2023-25
85,000	2026-28
80,000	2029-31
75,000	2032-34
70,000	2035 and beyond

\* The 100,000 MT CO<sub>2</sub>e/Year threshold is used for the three calendar year rolling average applicability determination beginning in 2012.

(4) Whenever there is any change that affects covered GHG emissions, a covered party must reevaluate whether this chapter applies. Changes include, but are not limited to:

- (a) Revised emissions calculations or other calculations;
- (b) Process modifications;
- (c) Changes in operating hours;
- (d) Changes in production;
- (e) Changes in fuel or raw material use;
- (f) Addition of equipment;
- (g) Source expansion;
- (h) Changes in the compliance threshold; and
- (i) Changes to this chapter.

(5) A covered party is not subject to the requirements in this section:

(a) After three consecutive years of covered GHG emissions less than 50,000 MT CO<sub>2</sub>e; and

(b) Compliance with the requirements in WAC 173-442-210(7).

(6) Voluntary participation.

(a) An entity with covered GHG emissions below the compliance threshold during a compliance period can choose to participate voluntarily in this chapter. A voluntary participant must comply with the requirements for a covered party except that a voluntary participant does not have a GHG emission reduction requirement.

(b) Opt-out.

(i) A voluntary party who elected to become a covered party by voluntarily participating in this chapter may decide later to return to exempt status.

(ii) For a voluntary party to opt-out of this chapter and for it to be effective, the voluntary party must complete all actions specified below.

(A) The actions must be completed and documentation submitted in a format specified by ecology.

(B) A voluntary covered party that wishes to opt-out of this program must apply to ecology by September 1 of the last year of a compliance period.

(iii) Notification requirements.

(A) Provide a ninety-day notice of intent to opt-out and a proposed effective date for the completion of the opt-out process; and

(B) Submit a final compliance report.

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-442-030, filed 9/15/16, effective 10/16/16.]