

**WAC 173-442-020 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) Definitions.

(a) **"Actual emissions"** means GHG emissions reported under chapter 173-441 WAC except for emissions exempted under WAC 173-442-040.

(b) **"Allowance"** means a limited tradable authorization to emit up to one metric ton of carbon dioxide equivalent that is issued or otherwise distributed by a GHG emission reduction program established by a jurisdiction other than the state of Washington. Offset credits from the same program are not considered allowances.

(c) **"Baseline GHG emissions value"** means a value defined by WAC 173-442-050.

(d) **"Calendar year"** means January 1 through December 31.

(e) **"Carbon dioxide equivalent"** or **"CO<sub>2</sub> equivalent"** or **"CO<sub>2</sub>e"** means a metric measure used to compare the emissions from various GHGs based upon their global warming potential. Ecology uses the global warming potential values listed in WAC 173-441-040 to determine the CO<sub>2</sub> equivalent of emissions.

(f) **"Compliance obligation"** means the value calculated using WAC 173-442-200(3).

(g) **"Compliance period"** means a consecutive three-year period beginning in 2017 (2017 through 2019), and continuing forward (2020 through 2022; 2023 through 2025; etc.).

(h) **"Compliance report"** means the report required by WAC 173-442-210.

(i) **"Compliance threshold"** means the emission levels in WAC 173-442-030(3).

(j) **"Covered GHG emissions"** means any of the following:

(i) **"Covered stationary source GHG emissions"** means GHG emissions from source categories listed in WAC 173-441-120. This includes emissions voluntarily reported under chapter 173-441 WAC using methods established in WAC 173-441-120.

(ii) **"Covered petroleum product producer or importer GHG emissions"** means CO<sub>2</sub> emissions that result from the complete combustion or oxidation of products covered under the Suppliers of Petroleum Products, 40 C.F.R. Part 98, Subpart MM, source category listed in WAC 173-441-120. This includes emissions voluntarily reported under chapter 173-441 WAC using methods established in WAC 173-441-120.

(iii) **"Covered natural gas distributor GHG emissions"** means CO<sub>2</sub> emissions that result from the complete combustion or oxidation of products covered under WAC 173-441-120. This includes:

(A) Natural gas and natural gas liquids listed under 40 C.F.R. Part 98, Subpart NN; and

(B) Emissions voluntarily reported under chapter 173-441 WAC.

(iv) Exemptions are listed in WAC 173-442-040.

(k) **"Covered party"** means the owner or operator of a:

(i) Stationary source located in Washington;

(ii) Petroleum product producer in Washington or importer to Washington; or

(iii) Natural gas distributor in Washington.

(l) **"Curtailement"** means the cessation of production at a stationary source greater than four consecutive months in a calendar year. Curtailement does not include the following activities:

(i) Cessation of production to:

(A) Perform routine maintenance;

- (B) Perform nonroutine maintenance;
- (C) Make capital improvements to the covered party's facility; or
- (D) Perform facility life extension projects.
- (ii) Electric generating units are ineligible for this provision.
- (m) **"EITE covered party"** means a covered party that:
  - (i) Has a primary North American Industry Classification System (NAICS) code included in the following list:
    - (A) 311411: Frozen fruit, juice, and vegetable manufacturing;
    - (B) 311423: Dried and dehydrated food manufacturing;
    - (C) 311611: Animal (except poultry) slaughtering;
    - (D) 322110: Pulp mills;
    - (E) 322121: Paper (except newsprint) mills;
    - (F) 322122: Newsprint mills;
    - (G) 322130: Paperboard mills;
    - (H) 325188: All other basic inorganic chemical manufacturing;
    - (I) 325199: All other basic organic chemical manufacturing;
    - (J) 325311: Nitrogenous fertilizer manufacturing;
    - (K) 327211: Flat glass manufacturing;
    - (L) 327213: Glass container manufacturing;
    - (M) 327310: Cement manufacturing;
    - (N) 327410: Lime manufacturing;
    - (O) 327420: Gypsum product manufacturing;
    - (P) 327992: Ultra high purity silicon manufacturing;
    - (Q) 331111: Iron and steel mills;
    - (R) 331312: Primary aluminum production;
    - (S) 331315: Aluminum sheet, plate, and foil manufacturing;
    - (T) 331419: Primary smelting and refining of nonferrous metal (except copper and aluminum);
    - (U) 334413: Semiconductor and related device manufacturing;
    - (V) 336411: Aircraft manufacturing;
    - (W) 336413: Other aircraft parts and auxiliary equipment manufacturing.
  - (ii) A covered party with a primary NAICS code in (m)(i) of this subsection can choose not to be treated as an EITE covered party under this rule. This decision cannot be reversed, even if there is a change in the operational control of the covered party. A covered party choosing not to be treated as an EITE covered party must notify ecology of the decision no later than:
    - (A) A covered party with covered GHG emissions averaging greater than or equal to 70,000 MT CO<sub>2</sub>e per year during calendar years 2012 through 2016 must notify ecology by January 1, 2017.
    - (B) All other covered parties must notify ecology by January 1 of the first year in their baseline period as established under WAC 173-442-050(4).
  - (n) **"Emission reduction unit"** or **"ERU"** is an accounting unit representing the emission reduction of one metric ton of CO<sub>2</sub>e. An emission reduction unit is composed of any GHG listed in WAC 173-441-040, or, for the purposes of using WAC 173-442-160 (6)(b), destroyed chlorofluorocarbons or hydrochlorofluorocarbons.
  - (o) **"Emission reduction pathway"** means the annual reduction requirement established in WAC 173-442-060 and 173-442-070.
  - (p) **"Emission reduction requirement"** means a covered party's limit in MT CO<sub>2</sub>e for a compliance period based on the sum of the GHG emission reduction pathways for that period.

(q) **"Independent qualified organization"** means an organization identified by the energy facility site evaluation council as meeting the requirements of RCW 80.70.050.

(r) **"Renewable energy credit"** means a tradable certificate of proof of an eligible renewable resource that is verified by the renewable energy credit tracking system identified in WAC 194-37-210(1) and which includes all of the nonpower attributes associated with that electricity as identified in RCW 19.285.030.

(s) **"Reserve"** means an account established by ecology to ensure consistency with an aggregate emission cap for the program and for purposes consistent with this chapter.

(t) **"Vintage year"** means the calendar year in which an ERU is first recorded, or, in the case of an allowance, the year designated as the vintage year for that allowance by the GHG emission reduction program supplying the allowance.

(2) **Definitions from chapter 173-441 WAC.** If subsection (1) of this section provides no definition, the definition found in chapter 173-441 WAC applies.

(3) **Definitions from chapter 173-400 WAC.** If subsections (1) and (2) of this section provide no definition, the definition found in chapter 173-400 WAC applies.

(4) **Acronym list.**

**CO<sub>2</sub>** means carbon dioxide.

**CO<sub>2</sub>e** means carbon dioxide equivalent.

**EITE** means energy intensive and trade exposed.

**ERU** means an emission reduction unit.

**GHG** means greenhouse gas.

**MT** means metric ton.

**MT CO<sub>2</sub>e** means metric ton of carbon dioxide equivalent.

**REC** means Renewable Energy Credit.

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-442-020, filed 9/15/16, effective 10/16/16.]