

WAC 173-407-220 Requirements for nongeologic permanent sequestration plans and sequestration programs under Part II. A baseload electric generation facility or unit or baseload electric cogeneration facility or unit that is subject to Part II and Part III of this chapter and proposes to use nongeologic sequestration of GHG to meet the GHG EPS must submit a sequestration plan or sequestration program for approval to ecology.

(1) A sequestration plan and sequestration program for nongeologic sequestration of GHG must include:

(a) Financial requirements. As a condition of plant operation, each owner or operator of a facility or unit must provide letters of credit sufficient to ensure successful implementation, closure, and post-closure activities identified in the sequestration plan or sequestration program.

(i) The owner or operator of a proposed sequestration project must establish a letter of credit to cover all expenses for construction and operation of necessary equipment, and any other significant costs. The owner or operator must revise the cost estimate for the sequestration project annually to include any changes in the project and cost changes due to inflation.

(ii) Closure and post-closure financial assurances. The owner or operator must establish a closure and a post-closure letter of credit to cover all closure and post-closure expenses, respectively. The owner or operator must designate ecology or EFSEC, as appropriate, as the beneficiary to carry out the closure and post-closure activities. The value of the closure and post-closure accounts must cover all costs of closure and post-closure care identified in the closure and post-closure plan. The owner or operator must revise the closure and post-closure cost estimates annually to include any changes in the sequestration project and cost changes due to inflation. The obligation to maintain the account for closure and post-closure care survives the termination of any permits and the cessation of injection. The requirement to maintain the closure and post-closure accounts is enforceable regardless of whether the requirement is a specific condition of the permit.

(b) The application for approval of a sequestration plan or sequestration program must include, but is not limited to, the following:

(i) A current site map showing the boundaries of the permanent sequestration project containment system(s) and all areas where the system(s) will store GHG.

(ii) A technical evaluation of the proposed project, including but not limited to, the following:

(A) The name of the area in which the sequestration will take place;

(B) A description of the facility or unit and place of GHG containment system(s);

(C) A complete site description including, but not limited to, the terrain, the geology, the climate (including rain and snowfall expected), and any land use restrictions that exist at the time of the application or the applicant will place on the site in the future;

(D) The proposed calculated maximum quantity of sequestered GHG and areal extent of the location where the facility will store GHG using a method acceptable to and filed with ecology; and

(E) Evaluation of the quantity of sequestered GHG and their physical or chemical forms that may escape from the containment system(s) at the proposed project.

(iii) A public safety and emergency response plan for the proposed project. The plan must detail the safety procedures concerning the sequestration project containment system and residential, commercial, and public land use within one mile, or as necessary to identify potential impacts, of the outside boundary of the project area.

(iv) A GHG loss detection and monitoring plan for all parts of the sequestration project. The approved GHG loss detection and monitoring plan must address identification of potential release to the atmosphere.

(v) A detailed schedule of annual benchmarks for sequestration of GHG.

(vi) A closure and post-closure plan.

(vii) Any other information that ecology deems necessary to make its determination.

(c) Monitoring plan. In order to monitor the effectiveness of the implementation of the sequestration plan or sequestration program, the owner or operator must submit a detailed monitoring plan that will ensure detection of failure of the GHG sequestration method to place the GHG into a sequestered state. The monitoring plan must be sufficient to provide reasonable assurance that the sequestration provided by the project meets the definition of permanent sequestration. The monitoring must continue for the longer of twenty years beyond the end of GHG placement of the greenhouse gases into a sequestration containment system, or twenty years beyond the date determined by ecology that all of the GHG have achieved a state that they are now stably sequestered in that environment.

(d) If the sequestration plan or sequestration program fails to sequester GHG as provided in the plan or program, the owner or operator of the baseload electric generation facility or unit or baseload electric cogeneration facility or unit is no longer in compliance with the GHG EPS.

(2) Public notice and comment. Ecology must provide public notice and a public comment period before approving or denying any sequestration plan or sequestration program.

(a) Public notice. Ecology will make a public notice only after the owner or operator of the facility submits all information required by ecology and ecology makes all applicable preliminary determinations. The owner or operator of the facility or unit must pay the cost of providing public notice. Public notice must include analyses of the effects on the local, state and global environment in the case of failure of the sequestration plan or sequestration program. The owner or operator of the facility must make the sequestration plan or sequestration program available for public inspection in at least one location near the proposed project.

(b) Public comment period.

(i) The public comment period must be thirty days or longer as specified in the public notice.

(ii) The public comment period must extend through the hearing date.

(iii) Ecology must make no final decision on any sequestration plan or sequestration program until the public comment period has ended and ecology has considered all comments received during the public comment period.

(c) Public hearing(s).

(i) Ecology must hold a public hearing within the public comment period. Ecology will determine the location, date, and time of the public hearing.

(ii) Ecology must provide at least thirty days prior notice of the hearing on a sequestration plan or sequestration program.

[Statutory Authority: Chapter 80.80 RCW. WSR 18-05-091 (Order 16-12), § 173-407-220, filed 2/21/18, effective 3/24/18; WSR 08-14-011 (Order 07-11), § 173-407-220, filed 6/19/08, effective 7/20/08.]