

**WAC 173-407-010 Policy and purpose of Part I.** (1) Chapter 80.70 RCW requires mitigation of CO<sub>2</sub> emissions from all new and certain modified fossil-fueled thermal electric generating facilities with station-generating capability of more than 25 megawatts of electricity (MWe).

(2) A fossil-fueled thermal electric generating facility is not subject to the requirements of chapter 173-401 WAC solely due to its emissions of CO<sub>2</sub>.

(a) Emissions of other regulated air pollutants must trigger the requirements of chapter 173-401 WAC.

(b) For a fossil-fueled thermal electric generating facility subject to chapter 173-401 WAC, the CO<sub>2</sub> mitigation requirements are an applicable requirement under that regulation.

(3) A fossil-fueled thermal electric generating facility not subject to the requirements of chapter 173-401 WAC is subject to the requirements of the registration program in chapter 173-400 WAC.

[Statutory Authority: Chapter 80.70 RCW. WSR 18-05-091 (Order 16-12), § 173-407-010, filed 2/21/18, effective 3/24/18. Statutory Authority: Chapter 80.80 RCW. WSR 08-14-011 (Order 07-11), § 173-407-010, filed 6/19/08, effective 7/20/08. Statutory Authority: RCW 70.94.892 and chapter 80.70 RCW. WSR 05-01-237 (Order 03-09), § 173-407-010, filed 12/22/04, effective 1/22/05.]