

WAC 173-424-730 Forecast deferral. (1) **Conditions and deadline for forecast deferral.** No later than December 1st, ecology shall issue an order declaring a forecast deferral for the following compliance period if:

(a) Ecology receives a fuel supply forecast for the following compliance period by October 2nd; and

(b) The forecast projects that the amount of credits that will be available during the forecast compliance period will be less than 100 percent of the credits projected to be necessary for regulated parties to comply with the carbon intensity standard.

(2) **Forecast deferral content:** The forecast deferral order that ecology issues must set forth:

(a) The duration of the forecast deferral, which may not be less than one calendar quarter or longer than one compliance period;

(b) The types of fuel to which the forecast deferral applies; and

(c) Methods for deferring compliance with the carbon intensity standard during the forecasted deferral out of the following:

(i) Temporarily adjusting the scheduled applicable clean fuel standard to a standard identified that better reflects the forecast availability of credits during the forecast compliance period and requiring regulated parties to comply with the temporary standard;

(ii) Requiring regulated parties to comply only with the clean fuel standard applicable during the compliance period prior to the forecast compliance period; or

(iii) Suspending deficit accrual for part or all of the forecast deferral period.

(3) **Other or additional method of deferring compliance with the carbon intensity standard:**

(a) Ecology may take an action for deferring compliance other than, or in addition to, the method listed in subsection (2)(c) of this section provided that ecology determines that none of the methods under subsection (2)(c) of this section will provide a sufficient mechanism for containing the costs of compliance with the carbon intensity standard during the forecast deferral.

(b) If ecology makes the determination specified in (a) of this subsection, ecology shall:

(i) Include in such order ecology's determination and the action to be taken; and

(ii) Provide written notification and justification of the determination and the action to:

(A) The governor;

(B) The president of the senate;

(C) The speaker of the house of representatives;

(D) The majority and minority leaders of the senate; and

(E) The majority and minority leaders of the house of representatives.

(4) **Terminating a forecast deferral.** Ecology may terminate, by order, a forecast deferral before the expiration date of the forecast deferral. Termination is effective on the first day of the next calendar quarter after the date that the order declaring the termination is adopted.

[Statutory Authority: Chapter 70A.535 RCW. WSR 22-24-004 (Order 21-04), § 173-424-730, filed 11/28/22, effective 12/29/22.]