

WAC 173-441-090 Compliance and enforcement. (1) **Violations.** Any violation of any requirement of this chapter must be a violation of chapter 70A.15 RCW and subject to enforcement as provided in that chapter. A violation includes, but is not limited to, failure to submit a complete report by the reporting deadline, failure to report accurately, failure to collect data needed to calculate GHG emissions or product data, failure to continuously monitor and test as required, failure to retain records needed to verify the amount of GHG emissions or product data, failure to calculate GHG emissions or product data following the methodologies specified in this chapter, failure to have the annual GHG report third-party verified, and failure to pay the required reporting fee. Each calendar day and each metric ton CO₂e of emissions of a violation constitutes a separate violation.

(2) **Enforcement responsibility.** Ecology must enforce the requirements of this chapter.

(3) **Phased enforcement for some reporting elements for the 2022 emissions year.** Ecology is phasing in enforcement for nonconformance with new reporting requirements, including WAC 173-441-122 and 173-441-124, adopted February 9, 2022, during the 2022 emissions year reported in 2023 as follows.

(a) Ecology may issue violations under subsection (1) of this section for any nonconformance with new reporting requirements, including WAC 173-441-122 and 173-441-124, adopted February 9, 2022, during the 2022 emissions year reported in 2023; however, ecology will not issue monetary penalties under this section, except for failure to comply with the requirement to submit a complete report by the reporting deadline, for this period. All other provisions of this chapter apply during this period.

(b) New reporting requirements, including WAC 173-441-122 and 173-441-124, adopted February 9, 2022, are fully subject to compliance and enforcement provisions of this section, including potential monetary penalties for violations, beginning with the 2023 emissions year reported in 2024.

[Statutory Authority: RCW 70A.15.2200. WSR 22-05-050 (Order 21-07), § 173-441-090, filed 2/9/22, effective 3/12/22. Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-441-090, filed 9/15/16, effective 10/16/16; WSR 15-04-051 (Order 13-13), § 173-441-090, filed 1/29/15, effective 3/1/15. Statutory Authority: 2010 c 146, and chapters 70.235 and 70.94 RCW. WSR 10-24-108 (Order 10-08), § 173-441-090, filed 12/1/10, effective 1/1/11.]