

WSR 24-18-107

PROPOSED RULES

DEPARTMENT OF COMMERCE

[Filed September 3, 2024, 2:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-06-013.

Title of Rule and Other Identifying Information: Updating WAC 194-26-020 to decrease the average available greenhouse gas emissions output for the emissions performance standard.

Hearing Location(s): On October 8, 2024, at 10 a.m., via Zoom meeting. This hearing will be virtual only. Please check the emissions performance standard (EPS) web page for meeting information <https://www.commerce.wa.gov/growing-the-economy/energy/emission-performance-standards/>.

Date of Intended Adoption: October 25, 2024.

Submit Written Comments to: Aaron Tam, 2001 6th Avenue, #2600, Seattle, WA 98121, email aaron.tam@commerce.wa.gov, by October 8 by 5:00 p.m.

Assistance for Persons with Disabilities: Contact Nick Manning, phone 360-725-2901, email nick.manning@commerce.wa.gov, by October 1.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule updates the average rate of emissions of greenhouse gas emissions of new combined-cycle natural gas thermal electric generation turbines commercially available and offered for sale by manufacturers and purchased in the United States based on a survey of these turbines, as required under RCW 80.80.050. The proposed rule decrease the average available greenhouse gas emissions output of from 925 pounds per megawatt hour (MWh) to 863 pounds per MWh. The updated average rate of emissions of greenhouse gas emissions will be used by the department of ecology (DOE) and energy facility site evaluation council (EFSEC) to implement Washington's baseload electric generation performance standard as provided for under chapter 80.80 RCW.

Reasons Supporting Proposal: The rules are proposed to comply with RCW 80.80.050, which requires the department of commerce (commerce) update every five years its survey of the average rate of emissions of greenhouse gas emissions of new combined-cycle natural gas thermal electric generation turbines commercially available, offered for sale by manufactures, and purchased in the United States.

Statutory Authority for Adoption: RCW 80.80.050.

Statute Being Implemented: RCW 80.80.050.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of commerce, governmental.

Name of Agency Personnel Responsible for Drafting: Aaron Tam, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525, 206-454-2251; Implementation and Enforcement: EFSEC, 621 Woodland Square Loop S.E., Olympia, WA 98504, 360-664-1345 and DOE, 300 Desmond Drive S.E., Lacey, WA 98503, 360-407-6000.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Commerce is not a listed agency in RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.
Is exempt under RCW 19.85.025(4).
Scope of exemption for rule proposal:
Is fully exempt.

September 3, 2024
Amanda Hathaway
Legislative and Rules Coordinator

OTS-5723.1

AMENDATORY SECTION (Amending WSR 18-19-105, filed 9/19/18, effective 10/20/18)

WAC 194-26-020 Average available greenhouse gases emissions output. (1) The energy division of the department of commerce has surveyed new combined-cycle natural gas thermal electric generation turbines commercially available and offered for sale by manufacturers and purchased in the United States, and finds the average available greenhouse gases emissions output to be (~~nine hundred twenty five~~) 863 pounds per megawatt-hour as of the effective date of this section.

(2) The purpose of this subsection is to provide current and historical values for the average available greenhouse gases emissions output established in WAC 194-26-020.

Average available greenhouse gases emissions output (lb GHG/MWh) - Current and Historical Values	Start date	End date
<u>863</u>	<u>Effective date of this section</u>	
<u>925</u>	<u>10/28/18</u>	<u>Effective date of this section</u>
970	4/6/13	((<u>Effective date of this section</u>)) <u>10/28/18</u>