

WAC 173-444-060 Eligible categories of energy transformation projects. (1) Ecology will identify eligible categories of energy transformation projects. A list of these eligible categories of energy transformation projects will be established, expanded, and maintained through the processes in this section.

(2) This list will identify categories of projects that have been subject to a preliminary but not definitive evaluation and screening relative to the conditions, requirements, and criteria established in RCW 19.405.040 and 19.405.020(18) for energy transformation projects.

(3) Inclusion on this list of a project category does not grant or imply preapproval or preauthorization for any particular project that may conform to a listed category relevant to that project.

(4) Inclusion of a category on this list does not indicate a final determination as to whether a particular project has or will meet the criteria established in WAC 173-444-070.

(5) In order for a project category to be included in this list, hypothetical projects that may fall under that category must have the potential of meeting all of the following conditions:

(a) Providing energy-related goods or services;

(b) Reducing fossil fuel consumption and GHG emissions attributable to that consumption;

(c) Providing benefits to the customers of an electric utility or electric utilities in a manner that can satisfy the equity considerations required for this chapter;

(d) Associated with the consumption of energy in Washington;

(e) Being enforceable by the state of Washington;

(f) Providing quantifiable benefits in units of energy or units of GHG emissions;

(g) Resulting in permanent reductions of greenhouse gas emissions; and

(h) Satisfying the additionality tests required by RCW 19.405.040 (2)(e) and (f).

(6) In addition to the conditions in subsection (5) of this section in order for a project category to be included in this list, potential projects that may fall under that category must not:

(a) Be intended to generate electricity for delivery, sale, or other provision of electricity to retail customers as a good or service as the primary purpose of the project. Indirect provision of stored electricity to retail customers as a secondary benefit (e.g., certain grid-connected vehicle energy storage technologies) is not in and of itself a disqualifying factor. Generation of electricity for another energy-related purpose (e.g., vehicle propulsion) is not disqualifying;

(b) Have the capacity to create a new use of fossil fuels resulting in a net increase of fossil fuel usage;

(c) Have the capacity to be credited as a resource that could meet the standard established in RCW 19.405.040 (1)(a) in addition to use as an alternative compliance mechanism consistent with this chapter.

(7) Ecology will begin preparation of an initial list of eligible program categories within thirty days after the effective date of this chapter.

(a) Ecology will include in its evaluation of project categories that should be considered eligible all of the project type descriptions and groupings listed for consideration in RCW 19.405.020 (18)(b).

(b) Ecology will provide a thirty day public comment period for interested parties to submit to ecology project categories, concepts, or groupings not described in RCW 19.405.020 (18)(b), and any justification or background materials for the submission, which they wish to have subject to the evaluation process for adding to this list.

(c) In the preparation of the initial list ecology will take into account comments received in the rule-making process for this section, including recommendations for the evaluation of project categories, concepts, or groupings not described in RCW 19.405.020 (18)(b) and comments regarding the appropriateness of including those described in RCW 19.405.020 (18)(b).

(d) At a minimum, ecology will include project categories in the initial list that have the potential to facilitate electrification of the transportation sector, including at least one project category pertaining to the establishment of electric vehicle charging infrastructure and at least one category pertaining to either the use or supply of renewable hydrogen.

(8) After completing its evaluation, ecology will post on its website a draft list of eligible categories of energy transformation projects along with an evaluation report summarizing its analysis process for public comment. Ecology will send out notice to invite the public comment on the draft list. The public comment period for this stage will be not less than sixty days.

(9) Not less than ninety days after the close of the comment period ecology will post on its website a revised initial list of eligible categories of energy transformation projects. This will be the initial list of eligible project categories.

(10) Ecology can modify or add to this initial list of project categories after posting it on its website. Additions or modifications to this list must:

(a) Be capable of meeting the conditions established in subsections (5) and (6) of this section; and

(b) Go through a public review and comment process for at least forty-five days.

(11) Ecology will allow interested parties to submit requests for consideration of additional or modified categories of projects after posting this initial list, through a method approved by ecology. Prior to making a decision on the request, ecology will:

(a) Evaluate whether the requested additional or modified categories meet the conditions established in subsections (5) and (6) of this section; and

(b) Send notice and post on its website for public comment any proposed additions or modifications to the list of project categories for a period of not less than forty-five days before any final determination.

[Statutory Authority: Chapter 19.405 RCW, RCW 19.405.020(18), 19.405.040, 19.405.100 and 70A.45.010. WSR 21-02-091 (Order 19-08), § 173-444-060, filed 1/6/21, effective 2/6/21.]