

WSR 21-02-089

AGENDA

UTILITIES AND TRANSPORTATION
COMMISSION

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The Washington utilities and transportation commission (UTC) submits its semi-annual rule development agenda report for publication in the Washington State Register pursuant to RCW 34.05.314. This report also includes the rule development agenda for the energy facility site evaluation council (EFSEC).

Please direct any questions to Paige Doyle at 360-664-1140 or paige.doyle@utc.wa.gov.

UTC

Semi-Annual Rules Development Agenda

(January 1 - July 31, 2021)

This report is UTC's semi-annual report rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

Additional rule-making activity not on the agenda may be undertaken to meet conditions not now anticipated.

Dates that are in "bold" print, indicate that filing has occurred. All other dates are projected. The commission maintains a schedule of rule-making activity that is updated several times per month. See www.utc.wa.gov.

| WAC CHAPTER | DOCKET | TITLE | AGENCY CONTACT | PROPOSED TIMELINE AND STATUS | | | DESCRIPTION OF POSSIBLE CHANGES |
|-----------------|-----------|----------------------------|-----------------------------|------------------------------|------------------|------------------|---|
| | | | | CR-101 | CR-102 or CR-105 | CR-103 HEARING | |
| CURRENT: | | | | | | | |
| 480-30 | TC-190898 | Flexible fares rule making | Ann LaRue 360-664-1245 | 11/6/19 | To be determined | To be determined | Consider revising chapter 480-30 WAC to allow flexibility in setting rates and promote competition in the auto transportation industry. |
| 480-62 | TR-200536 | HB 1841 Rule making | Betty Young 360-664-1202 | 7/21/22 | To be determined | To be determined | Revise chapter 480-62 WAC to implement HB 1841. |

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| | | | CR-101 | CR-102 or CR-105 | CR-103 or HEARING | |
| PROPOSED: | | | | | | |
| 480-100-238 | Old integrated resource planning rule permanent repeal (expedited) | Paige Doyle 360-664-1140 | | 1/15/21 | To be determined | Permanently repeal WAC 480-100-238 which was repealed by emergency rule making. |
| 480-100-600 | Cumulative impact analysis rule making | Kendra White 360-701-5363 | To be determined | To be determined | To be determined | The cumulative impact analysis rule making will incorporate department of health's new analysis on climate change impacts and fossil fuel impacts into commission rules implementing the Clean Energy Transformation Act. |

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| 480-100-600 | Carbon and electricity markets rule making | Brad Cebulko 360-664-1309 | To be determined | To be determined | To be determined | This rule making will define the requirements for using market purchases to meet the standards of RCW 19.405.030, [19.405.]040, and [19.405.]050, and to address to [the] prohibition on double counting of nonpower attributes under RCW 19.405.040 with other programs. The commission may also consider the interpretation of the term "use" in RCW 19.405.040 (1)(a)(ii) and the reporting requirements for compliance with RCW 19.405.030. |

EFSEC

**Semi-Annual Rules Development Agenda
(January 1 - July 31, 2021)**

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|------------------|-------------------------|------------------------------|------------------------------|------------------------------|------------------|---|
| | | | CR-101 | CR-102 or CR-105 | CR-103 HEARING | |
| CURRENT: | | | | | | |
| 463-76 | NPDES compliance | Sonia Bumpus 360-664-1363 | 7/26/17 | To be determined | To be determined | Adopt ecology water quality rules and additional revisions to ensure consistency with EFSEC statutory authorities, ecology rules, and federal regulations to support the Environmental Protection Agency's (EPA) renewal of EFSEC's National Pollutant Discharge Elimination System delegation. |
| PROPOSED: | | | | | | |
| Title 463 | Administrative updates | Sonia Bumpus 360-664-1363 | | (CR-105) To be determined | To be determined | Amend multiple chapters of Title 463 WAC to reflect EFSEC's administrative incorporation into UTC, such as EFSEC's street address, and other changes specifically dictated by statutory revisions. |
| Title 463 | Process updates | Sonia Bumpus 360-664-1363 | To be determined | To be determined | To be determined | Inquiry to examine whether EFSEC should adopt new or modify existing rules to address process changes related to siting and compliance monitoring. |
| 463-76 | Enforcement and appeals | Sonia Bumpus 360-664-1363 | To be determined | To be determined | To be determined | Creates a new chapter of rules and amends multiple chapters of Title 463 WAC to incorporate statutory changes made in 2015 (SB 5310), and to clarify EFSEC's enforcement and appeals process. |

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| 463-78 | Air quality permitting | Sonia Bumpus 360-664-1363 | To be determined | To be determined | To be determined | Amend existing rule: 1. In response to EPA rule revisions in 40 C.F.R. Parts 51 and 52, including startup, shutdown and malfunction, as necessary. 2. To be consistent with department of ecology rule revisions addressing new source review and additional prevention of significant deterioration issues in chapters 173-400 and 173-401 WAC including applicable provisions of the governor's proposed clean air rule, as necessary. 3. To support submittal of EFSEC's state implementation plan update to United States EPA. |

Mark L. Johnson
Executive Director and Secretary