

Appendix D

Limits on Greenhouse Gas Emissions for Power Producers

The 2007 Washington Legislature approved Engrossed Substitute Senate Bill (ESSB) 6001, which Governor Chris Gregoire signed into law. ESSB 6001 directs the Washington Department of Ecology (Ecology) and the Energy Facility Site Evaluation Council (EFSEC) to:

- develop rules that implement an emissions performance standard for power producers that emit greenhouse gases, and
- set permitting requirements for capturing and permanently storing carbon dioxide emissions.

Carbon dioxide emissions are among the major greenhouse gases that form a heat-trapping blanket in the atmosphere, causing global temperatures to rise. Increasing temperatures trigger climate change. Limiting greenhouse gas emissions will help Washington's efforts to curb climate change.

Q: How will these rules affect climate change?

A: Power producers in Washington release about 20 percent of the state's greenhouse gas emissions. That makes them the second-largest source of such emissions, behind the transportation sector. Transportation - passenger vehicles, freight trucks, trains, ships, and aircraft - accounts for about 45 percent of greenhouse gas emissions. Limiting greenhouse gas emissions from power producers will help Washington meet its targets for cutting such emissions.

Q: Who is impacted by the rules?

A: The emission performance standard applies to power producers that enter into long-term financial commitments to supply baseload electric generation (see the explanation of baseload electric generation, below). Long-term financial commitments include new ownership interest in a baseload generation operation, upgrading a facility, and signing contracts to supply power for five or more years. The emissions performance standard also applies to all new baseload electric generation facilities located in Washington that begin operating after June 30, 2008.

MORE INFORMATION

To review the proposed Ecology rule, go to http://www.ecy.wa.gov/laws-rules/activity/wac173407_218.html. To obtain a printed copy, contact Nancy Pritchett in Ecology's Air Quality Program at 360-407-6082.

To review the proposed EFSEC rule, go to <http://efsec.wa.gov/rulerev.shtml>. To obtain a printed copy, contact Allen Fiksdal at EFSEC at 360-956-2152.

You can submit public comments until 5 p.m. April 18, 2008. To submit comments to Ecology, write to Nancy Pritchett, Air Quality Program, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600; e-mail npri461@ecy.wa.gov; or fax to 360-407-7534.

To submit comments to EFSEC, write to Allen Fiksdal, Energy Facility Site Evaluation Council, P.O. Box 43172, Olympia, WA 98504-3172; e-mail allenf@cted.wa.gov; or fax to 360-956-2158.

Special accommodations:

If you need this publication in an alternate format, call Ecology's Air Quality Program at 360-407-6800. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Air Quality & Water Quality Programs

Q: What is baseload electric generation ?

A: Baseload electric generation means power from plants designed and intended to produce electricity at 60 percent or more of their capacity on an annual basis.

Q: What is sequestration?

A: Sequestration means capturing and permanently storing carbon emissions so they are not released to the Earth's atmosphere. An example of sequestration is injecting carbon emissions underground. To help producers meet the emissions performance standard, the rules include methods to evaluate their required sequestration plans.

Q: When do the rules take effect?

A: Ecology and EFSEC must adopt rules by June 30, 2008. The rules will take effect 30 days after adoption.

Q: What is Ecology's role?

A: Ecology's Air Quality and Water Quality programs are developing a rule for power producers that generate less than 350 megawatts of electricity. Ecology's proposed rule includes amendments to Chapter 173-218 of the Washington Administrative Code (WAC). These amendments include permitting requirements to protect groundwater from being contaminated by emissions that are permanently stored underground. Also, proposed amendments to Chapter 173-407 WAC include adding new sections to implement and enforce the emissions performance standard.

Q: What is EFSEC's role?

A: EFSEC is developing a rule for power producers that generate 350 megawatts or more of electricity. EFSEC's proposed rule includes the new Chapter 463-85 WAC to implement and enforce the emissions performance standard.

Q: How can the public comment on the proposed rules?

A: Ecology and EFSEC will hold joint public hearings on their proposed rules on April 8 in Lacey and on April 10 in Spokane. Also, the agencies will accept public comments until 5 p.m. on April 18. See the box on the front page of this sheet for information on submitting comments.

Proposed Ecology Rule:

Emissions Performance Standards For Power Plants that Emit Greenhouse Gases (Chapter 173-218 WAC)

The Department of Ecology (Ecology) and the Energy Facility Site Evaluation Council (EFSEC) are developing rules to set emissions performance standards for power plants that emit greenhouse gases. The 2007 Washington Legislature directed the two agencies to develop and adopt the rule by June 30, 2008. As of July 1, 2008, electric utilities that enter into long-term financial commitments to supply baseload electric generation must meet the emissions performance standard.

The proposed rules include requirements for Ecology and EFSEC to:

- Implement and enforce the emissions performance standard.
- Establish criteria for evaluating sequestration plans.
- Establish a method for calculating greenhouse gas emissions for a cogeneration facility

Ecology's rule

Ecology's Air Quality and Water Quality programs are developing the rule for power plants under Ecology's jurisdiction (less than 350 megawatts). Proposed amendments to Chapter 173-218 WAC include permitting requirements to protect groundwater from contamination due to permanently storing emissions underground, a process known as geologic sequestration. Proposed amendments to Chapter 173-407 WAC include adding new sections to implement and enforce the emissions performance standard. The proposed amendments also include minor corrections to existing rule language.

EFSEC's rule

EFSEC is developing the rule for large power plants (350 megawatts or greater). EFSEC's proposed rule includes new Chapter 463-85 WAC to implement and enforce the emissions performance standard.

DATES AND LOCATIONS

Lacey, WA

April 8, 2008

6:00 p.m.

Ecology Headquarters Building
Auditorium

300 Desmond Drive SE

Spokane, WA

April 10, 2008

6:00 p.m.

Spokane County Public Health
Center, Room 140

1101 W. College Ave.

Contact information:

Ecology:

Nancy Pritchett

360-407-6810

npri461@ecy.wa.gov

EFSEC:

Allen Fiksdal

360-956-2152

allenf@cted.wa.gov

Special accommodations:

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Public hearings

The two agencies will hold joint public hearings to receive public comment on the proposed rules (see hearing times and locations on page 1)

How to review the proposed rules

To review the proposed Ecology rule, go to http://www.ecy.wa.gov/laws-rules/activity/wac173407_218.html. For a printed copy, contact Nancy Pritchett in Ecology's Air Quality Program at (360) 407-6082. To review the proposed EFSEC rules, go to <http://efsec.wa.gov/rulerev.shtml>. For a printed copy, contact Allen Fiksdal at EFSEC at (360) 956-2152.

How to submit comments

You may submit comments until 5 p.m. April 18.

To submit comments to Ecology, write to Nancy Pritchett, Air Quality Program, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600; e-mail to npri461@ecy.wa.gov; or fax to (360) 407-7534.

To submit comments to EFSEC, write to Allen Fiksdal, Energy Facility Site Evaluation Council, P.O. Box 43172, Olympia, WA 98504-3172; e-mail to allenf@cted.wa.gov; or fax to (360) 956-2158.

Ecology's website: <http://www.ecy.wa.gov/>

EFSEC's website: <http://www.efsec.wa.gov/>



News Release

FOR IMMEDIATE RELEASE – March 19, 2008
08-DRAFT

Hearings set for comments on limits on greenhouse gas emissions for power plants

OLYMPIA – Public hearings are scheduled in April on a proposed rule that sets an emissions performance standard for power plants that emit greenhouse gases.

The 2007 Washington Legislature directed state agencies to develop and adopt the rule by June 30, 2008. As of July 1, 2008, electric utilities that enter into long-term financial commitments to supply baseload electric generation must meet the emissions performance standard. If they don't, they can't sign such contracts. To help producers meet the standard, the rule includes methods to evaluate plans for capturing and storing carbon emissions so they are not released to the Earth's atmosphere. Such efforts, called sequestration, may include permanently storing emissions by injecting them underground.

The Washington Department of Ecology's (Ecology) Air Quality and Water Quality programs are developing the rule for power plants under Ecology's jurisdiction (less than 350 megawatts). Proposed amendments to Chapter 173-218 WAC include permitting requirements to protect groundwater from contamination due to permanently storing emissions underground, a process known as geologic sequestration. Proposed amendments to Chapter 173-407 WAC include adding new sections to implement and enforce the emissions performance standard. The proposed amendments also include minor corrections to existing rule language.

At the same time, the Energy Facility Site Evaluation Council (EFSEC) is doing the work for large power plants (350 megawatts or greater). EFSEC's proposed rule includes the new Chapter 463-85 WAC to implement and enforce the emissions performance standard. The two agencies will hold joint public hearings and adopt the rules concurrently.

"This work is a key part of Washington's ongoing efforts to curb climate-changing greenhouse gases. Power producers in Washington release about 20 percent of the state's greenhouse gas emissions. That makes them the second-largest source behind the transportation sector, which accounts for about 45 percent," said Sarah Rees, an Ecology Air Quality Program manager.

The proposed rules include requirements for Ecology and EFSEC to:

- Implement and enforce the emissions performance standard.
- Establish criteria for evaluating sequestration plans.

Rule proposal - 2 of 2

- Establish a method for calculating greenhouse gas emissions for a cogeneration facility.

Public comments on the proposed rule will be accepted at two public hearings scheduled in April:

- April 8, 6 p.m., Ecology Headquarters Building Auditorium, 300 Desmond Drive SE, Lacey
- April 10, 6 p.m., Room 140, Spokane County Public Health Center, 1101 W. College Ave., Spokane

To review the proposed Ecology rule, go to http://www.ecy.wa.gov/laws-rules/activity/wac173407_218.html. To obtain a printed copy, contact Nancy Pritchett in Ecology's Air Quality Program at (360) 407-6082. To review the proposed EFSEC rules, go to <http://efsec.wa.gov/rulerev.shtml>. To obtain a printed copy, contact Allen Fiksdal at EFSEC at (360) 956-2152.

Public comments may be submitted starting today (Wednesday, March 19) and continuing until 5 p.m. April 18. To submit comments to Ecology, write to Nancy Pritchett, Air Quality Program, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600; e-mail to npri461@ecy.wa.gov; or fax to (360) 407-7534.

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Media Contact: Seth Preston, Ecology communications manager, 360-407-6848; cell 360-584-5744; spre461@ecy.wa.gov

Ecology's website: <http://www.ecy.wa.gov/>

EFSEC's website: <http://www.efsec.wa.gov/>.

Read the original legislation (Engrossed Substitute Senate Bill 6001):
<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6001>

[Ecology home](#) > [News](#) > News Release

Department of Ecology News Release - March 19, 2008

08-071

Hearings set for comments on limits on greenhouse gas emissions for power plants

OLYMPIA – Public hearings are scheduled in April on a proposed rule that sets an emissions performance standard for power plants that emit greenhouse gases.

The 2007 Washington Legislature directed state agencies to develop and adopt the rule by June 30, 2008. As of July 1, 2008, electric utilities that enter into long-term financial commitments to supply baseload electric generation must meet the emissions performance standard. If they don't, they can't sign such contracts. To help producers meet the standard, the rule includes methods to evaluate plans for capturing and storing carbon emissions so they are not released to the Earth's atmosphere. Such efforts, called sequestration, may include permanently storing emissions by injecting them underground.

The Washington Department of Ecology's (Ecology) Air Quality and Water Quality programs are developing the rule for power plants under Ecology's jurisdiction (less than 350 megawatts). Proposed amendments to Chapter 173-218 WAC include permitting requirements to protect groundwater from contamination due to permanently storing emissions underground, a process known as geologic sequestration. Proposed amendments to Chapter 173-407 WAC include adding new sections to implement and enforce the emissions performance standard. The proposed amendments also include minor corrections to existing rule language.

At the same time, the Energy Facility Site Evaluation Council (EFSEC) is doing the work for large power plants (350 megawatts or greater). EFSEC's proposed rule includes the new Chapter 463-85 WAC to implement and enforce the emissions performance standard. The two agencies will hold joint public hearings and adopt the rules concurrently.

Carbon emissions are among the major greenhouse gases that form a heat-trapping blanket in the atmosphere, which causes global temperatures to rise. Increasing temperatures trigger climate change.

"This work is a key part of Washington's ongoing efforts to curb climate-changing greenhouse gases. Power producers in Washington release about 20 percent of the state's greenhouse gas emissions. That makes them the second-largest source behind the transportation sector, which accounts for about 45 percent," said Sarah Rees, an Ecology Air Quality Program manager.

The proposed rules include requirements for Ecology and EFSEC to:

- Implement and enforce the emissions performance standard.
- Establish criteria for evaluating sequestration plans.
- Establish a method for calculating greenhouse gas emissions for a cogeneration facility.

Public comments on the proposed rule will be accepted at two public hearings scheduled in April:

- April 8, 6 p.m., Ecology Headquarters Building Auditorium, 300 Desmond Drive SE, Lacey
- April 10, 6 p.m., Room 140, Spokane County Public Health Center, 1101 W. College Ave., Spokane

To review the proposed Ecology rule, go to http://www.ecy.wa.gov/laws-rules/activity/wac173407_218.html. To obtain a printed copy, contact Nancy Pritchett in Ecology's Air Quality Program at (360) 407-6082. To review the proposed EFSEC rules, go to <http://efsec.wa.gov/rulerev.shtml>. To obtain a printed copy, contact Allen Fiksdal at EFSEC at (360) 956-2152.

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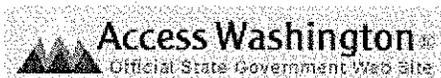
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EFSEC's website: <http://www.efsec.wa.gov/>

Read the original legislation (Engrossed Substitute Senate Bill 6001):
<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6001>



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WASHINGTON STATE
DEPARTMENT OF
ECOLOGY

Air Quality Program
Notice of Public Hearing
and Notice of SEPA Determination
Proposed Ecology Rule
Emissions Performance Standards
for Power Plants that Emit Greenhouse Gases
Chapters 173-218, 173-407,
463-85, and 463-90 WAC

Ecology and the Energy Facility Site Evaluation Council (EFSEC) are developing rules to set emissions performance standards for power plants that emit greenhouse gases. The 2007 Washington Legislature directed the two agencies to develop and adopt the rule by June 30, 2008. As of July 1, 2008, electric utilities that enter into long-term financial commitments to supply baseload electric generation must meet the emissions performance standard.

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EFSEC's rule
EFSEC is developing the rule for large power plants (350 megawatts or greater). EFSEC's proposed rule includes new Chapter 463-85 WAC to implement and enforce the emissions performance standard. EFSEC is also proposing new Chapter 463-90 WAC to implement carbon dioxide mitigation requirements under RCW 80.70.

Public hearings
The two agencies will hold joint public hearings to receive public comment on the proposed rules:

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- April 10, 6 p.m. Room 140, Spokane County Public Health Center, 1101 West College Avenue, Spokane

SEPA Determination
Ecology and EFSEC, as SEPA lead agency for their respective rules, have determined there will not be a probable significant adverse impact on the environment. Ecology and EFSEC have each issued a Determination of Nonsignificance (DNS) for their rules. The public is invited to comment on Ecology's or EFSEC's DNS by submitting written comments no later than 5 p.m. on April 18, 2008. See below for instructions about how to review and comment on either DNS.

How to review the proposed rules or DNS
To review the proposed Ecology rule or DNS, go to <http://www.ecy.wa.gov/laws/rules/activity/wac173407-218.html>. For a printed copy, contact Nancy Pritchett in Ecology's Air Quality Program at (360) 407-6082. To review the proposed EFSEC rules or DNS, go to <http://efsec.wa.gov/rule/rev.shtml>. For a printed copy, contact Allen Fiksdal at EFSEC at (360) 956-2152.

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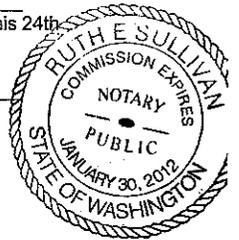
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March 19, 2008

That said notice was published in the regular and entire issue of every number of the paper during the period of time of publication, and that the notice was published in the newspaper proper and not in a supplement

Katie M. Shaw
Subscribed and sworn to before me at the City of Spokane, this 24th day of March, 2008

Ruth Sullivan
Notary Public in and for the State of Washington,
residing in Spokane County, Washington



**Daily Journal of Commerce
Public Hearing Notice**

First Publication: March 18, 2008

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State of Washington

Air Quality Program

Notice of Public Hearing

and Notice of SEPA Determination

Proposed Ecology Rule:

Emissions Performance Standards

for Power Plants that Emit Greenhouse Gases

Chapters 173-218, 173-407,

463-85, and 463-80 WAC

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- Implement and enforce the emissions performance standard;
- Establish criteria for evaluating sequestration plans;
- Establish a method for calculating greenhouse gas emissions for a cogeneration facility.

Ecology's rule

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emissions performance standard. EFSEC is also proposing new Chapter 463-80 WAC to implement carbon dioxide mitigation requirements under RCW 80.70.

Public hearings

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