

January 24, 2020

RE: Chapter 173-444 WAC Rulemaking

Powerex appreciates the opportunity to comment on the draft rule language for Chapter 173-444 WAC (emission content calculation for electricity), as presented at the January 14th, 2020 Department of Ecology Clean Energy Transformation Act (*CETA*) Rulemaking meeting.

As discussed at the meeting, Powerex notes that the draft rules do not provide a methodology for determining the emissions content of electricity products sourced from facilities that are not registered or listed in the U.S. Environmental Protection Agency (EPA) or Energy Information Administration (EIA) databases—i.e. all non-U.S. sources. Many such generating facilities that supply customers in Washington State, either as individual facilities, or as a part of a system of resources, are not reported to EPA or EIA. Therefore, it would be appropriate to account for these facilities for accurate GHG reporting.

Specifically, draft rule section 173-444-0X0(1), “Utility Emissions”, does not provide an approach for reporting generation where a facility or facilities are known to the purchaser but are not registered and listed with the EPA and EIA. The current draft approach results in such sources being considered “unspecified”, and allocated the unspecified emissions factor.

While draft rule section 173-444-0X0(1)(iii) provides for consideration of an alternative emissions calculation methodology on a case-by-case basis, Powerex notes that the current language only allows for the limited use of the EIA or EPA methodologies already provided. This excludes an approach that does not rely on EIA or EPA data.

To remedy this issue, Powerex encourages the Department of Ecology to consider a methodology that could assign emissions to facilities not listed in the EPA or EIA databases. For instance, Ecology could consider including in draft rule section 173-444-0X0(1)(iii) a process which allows for determination of a facility GHG intensity based on fuel type and generation levels on a case-by-case basis.

Faced with a similar unavailability of EPA or EIA data, the California Air Resource Board (CARB) allows for an additional approach to the assignment of a facility GHG intensity in its “Regulation for the Mandatory Reporting of Greenhouse Gas Emissions” (*MRR*):

MRR Section 95111(b)(2)(D): Facilities or units will be assigned an emission factor by the Executive Officer based on the type of fuel combusted or the technology used when a U.S. EPA GHG Report or EIA fuel consumption report is not available, including new facilities and facilities located outside the U.S.

These resources are then publically listed (along with other facilities that have used EIA and EPA data) in CARB’s public reporting workbooks.

Powerex appreciates your consideration of our comments. Please feel free to contact us if you wish to discuss in detail our comments and our experience with emissions reporting of our products to other jurisdictions.

Sincerely,
Connor Curson
Trade Policy, Powerex Corp.