

Issue	What are the Solid Waste Division’s (SWD’s) comments on the proposed rule changes to WAC 173-441, Reporting of Emissions of Greenhouse Gases (GHGs)?
Questions/ Issues for today	How do we coordinate with the Department of Natural Resources and Parks (DNRP) to provide our comments on the proposed rule changes to the Washington State Department of Ecology (Ecology)?
Background	<p>The Climate Commitment Act (CCA) (enacted 2021, effective 2023) establishes a cap-and-invest program to help achieve Washington's GHG limits by 2050. About 75% of GHG emissions included in the new cap-and-invest program are not currently reported or are reported using methods that conflict with the CCA. Ecology is proposing amendments to the existing WAC that governs GHG reporting (WAC 173-441) to align reporting requirements with the CCA. Public comments on the proposed amendments will be accepted through November 16, 2021.</p> <p>GHG emissions from Cedar Hills are subject to reporting under WAC 173-441. See a summary of comments compiled within SWD, below. Attached is the detailed language of the comments we propose providing.</p>
Policy Context	SWD must be carbon neutral by 2025, and this WAC sets the rules for how the division reports GHG emissions to Ecology.

Information

Division staff reviewed the proposed revisions to WAC 173-441 and proposes to submit comments to improve clarity, resolve conflicts, and improve schedule implementation.

Improve clarity in the rule:

- Simplify the language for calculation methods.
- Add language to indicate that the term “fuel supplier” does not apply to an entity that provides landfill gas to a processor for conversion to natural gas.

Conflicting requirements:

- States the owner/operator must retain documentation to support any revision to the annual GHG emissions report for at least 10 years in one place, and for 3 years in other places.

Schedule of implementation:

- The rule should state the effective date of March 12, 2022.

Options

1. SWD enters comments into the website.
2. SWD provides comments to the DNRP coordinator.

Recommendations and Next Steps

Notify the Department that we finished reviewing the proposed rule changes and request a single point of contact for the Department.

11/10/2021

Presenter: Jennifer

Attachment

Rule proposal notice: Chapter 173-441 WAC, Reporting of Emissions of Greenhouse Gases

Improve clarity in the rule:

- The proposed language in 173-441-120 Calculation methods Table 120-1 is unnecessarily confusing. The new language added should (98.346.(i)(13)) should read: “Use the higher methane emissions value from Eq HH-6 or Eq. HH-8 of this subpart.”
- In a Public Hearing on November 9, 2021, Ecology indicated that the term “fuel supplier” does not apply to an entity that provides landfill gas to a processor for conversion to natural gas. That clarification is appreciated, and the King County Solid Waste Division encourages Ecology to provide more clarity on that distinction in the proposed rule. We recommend revising the definition of “fuel supplier” to clearly exclude entities/processes not intended for inclusion in this definition. For example, Ecology could amend the definition of “fuel supplier” to include language such as “Fuel supplier does not include entities or processes upstream of fuel distribution at a fuel rack.”

Conflicting requirements:

- WAC 173-441-050(6) states the owner/operator must retain documentation for at least ten years, while WAC 173-441-050(7)(e) states the owner/operator must retain documentation for three years to support any revision to the annual GHG report.

Schedule of implementation:

- There is no statutory deadline to resolve this rulemaking. Both the July 22, 2021 presentation about Reporting of Emission of Greenhouse Gases and the Public Hearing on November 9, 2021 indicated the rule adoption date is February 9, 2022 and the rule will take effect 31 days after adoption (March 12, 2022). The King County Solid Waste Division encourages Ecology to include the effective date in the rule.