



November 16, 2021

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Air Quality Program
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RE: Rulemaking – Chapter 173-441 WAC, Reporting of Emissions of Greenhouse Gases

On October 6, 2021, the Washington Department of Ecology (Ecology) issued form CR-102 (WSR 21-20-137) soliciting formal comments on proposed amendments to Chapter 173-441 WAC (Reporting of Emissions of Greenhouse Gases) by November 16, 2021. The Public Generating Pool (PGP)—which represents eleven consumer-owned utilities that own and operate approximately 8,000 megawatts of generating resources in the state and purchase approximately 45 percent of Bonneville Power Administration’s preference power—appreciates the opportunity to comment.

PGP has joined the Joint Utility comments that address the proposed reporting for Energy Imbalance Market (EIM) or other centralized market transactions. Treatment of EIM is a priority issue for PGP and we strongly support the recommendations made in those comments. PGP’s intent in these additional comments is to clarify the reporting timeline for electric power entities and identify some technical issues in the current draft rule.

Clarifying the reporting timeline for electric power entities.

In our previously submitted comments, PGP supported moving the reporting deadline for electric power entities to June 1 and the verification deadline to August 10. We appreciate the addition of the June 1 final report deadline. However, we still hold that there will likely be significant gaps in the data available to utilities ahead of the currently proposed draft deadline of March 31. To the extent that Ecology determines that retaining the March 31 draft deadline is required under statute, any data submitted in the draft report would necessarily be incomplete or preliminary and therefore not of decision-making quality. This additional deadline will therefore only serve to create inefficiencies in the reporting process.

PGP requests additional clarity in the text of the rule regarding the first year in which electric power entities are expected to submit their mandatory reports. During the Public Hearing on the draft rule held November 9, 2021, Ecology staff indicated that electric power entities will not be expected to submit their first report until 2023 for 2022 emissions data. PGP appreciates the clarification, as an initial reporting deadline in 2022 would not be feasible given the proposed timing of final rule adoption. PGP suggests that WAC 173-441-050(2)(b) (“Reporting requirements begin:...”) be updated to specify the reporting initiation year for electric power entities as 2023 for 2022 emissions data.

Technical concerns.

WAC 173-441-030(3) provides that reporting is mandatory for an owner or operator of an electric power entity that imports or delivers 10,000 MTCO₂e or more per calendar year in total GHG emissions from all applicable source categories listed in WAC 173-441-124.

However, the “applicable source categories” provided in WAC 173-441-124(1)(a) that are to be used to determine the applicability of the mandatory reporting requirement are circular in relation to the defined subcomponents of the “electric power entity” itself. It is unclear whether this circularity is intentional, given that the remainder of WAC 173-441-124 refers not to the enumerated source categories (i.e., “electricity importers and exporters,” “retail providers,” and “BPA”), but rather to “specified”¹ versus “unspecified”² sources of electricity. We recommend that, instead of equating applicable source categories with other electric power entities, Ecology delineate source categories by electricity product sources, such as specified versus unspecified sources.

Finally, in reviewing the draft rules, PGP notes that there appears to be a technical error with the subsection numbering sequence after WAC 173-441-124(1)(k).

Sincerely,



Therese Hampton, Executive Director

¹ WAC 173-441-124(2)(j) defines “specified source of electricity” or “specified source” to mean “a facility, unit, or asset controlling supplier that is permitted to be claimed as the source of electricity delivered. The reporting entity must have either full or partial ownership in the facility or a written power contract to procure electricity generated by that facility or unit or from an asset controlling supplier at the time of entry into the transaction to procure electricity.

² WAC 173-441-124(2)(k) defines “unspecified source of electricity” or “unspecified source” to mean “a source of electricity that is not a specified source at the time of entry into the transaction to procure electricity.”