

## Jeffrey Adkins

1) WAC 173-446-030 "Applicability" makes any "facility" that had "covered emissions" during any single calendar year from 2015-2019 greater than 25,000 MT CO<sub>2</sub>e, subject to the entire first 4-year compliance period (2023 – 2026) of the Cap and Invest Program.

a. Would the exemption in WAC 173-466-040 (2)(a)(i) apply to biogenic emissions during the 2015-2019 applicability period, such that biogenic CO<sub>2</sub> can be removed from the "covered emissions" calculation for the purposes of triggering Cap and Invest?

2) WAC 173-446-030 "Applicability" does not include "suppliers of biomass-derived fuels" as a "covered entity" under the Cap and Invest Program

a. However, WAC 173-446-040 (3) "Allocation of Covered Emissions" section (c)(i) seems to require reporting of "covered emissions" for "suppliers of biomass-derived fuel" for "emissions from the combustion of any . . . biomass derived fuel"

b. Explain what WAC 173-446-040 (3)(c)(i) means in the context of the applicability of the Cap and Invest Program to suppliers of biomass derived fuels, and the exemption for biofuels combustion in WAC 173-466-040 (2)(a)(i)

c. Also explain how the covered emissions for facility reporters in section 173-446-040(3)(a)(i)(C) includes onsite combustion of biogas, but combustion of biofuels is exempted from the covered emissions definition under 173-446-040(2)(a)(i).