



## **Avista Comments on Proposed Rulemaking WAC 173-443 Hydrofluorocarbons (HFCs)**

September 8<sup>th</sup>, 2023

ATTN: Linda Kildahl  
Department of Ecology  
Air Quality Program  
P.O. Box 47600  
Olympia, WA 98504-7600

Dear Ms. Kildahl,

Avista Corp. (“Avista”) appreciates the opportunity to comment on the Washington State Department of Ecology’s (“Ecology”) 2023 Hydrofluorocarbons (“HFCs”) proposed rulemaking. This rulemaking encompasses updates to both Washington Administrative Code (“WAC”) WAC 173-443 Hydrofluorocarbons (HFCs) and WAC 173-445 Air Quality Fee Rule. The following comments pertain to this rulemaking and Ecology’s August 2023 Publication 23-02-080 entitled “Hydrofluorocarbons Proposed Rule Language: Informational Guidebook” are as follows:

1. Please provide a detailed account of how the Annual Implementation Fee will be applied to System Charge categories in Table 2.1 Registration deadlines and fees. Will fees apply to individual units or on a per-facility basis? If applied on a per-facility basis, please provide a definition of “facility”.
2. Under section “Leak detection and monitoring”, “Leak inspections”, Table 2.2 Leak inspection requirements, it is unclear what sizes are subject under “Facility Category”. Please define “Large”, “Medium”, “Small” and “Systems Not Operated Year-round”.
  - a. Please provide an end interval date for Facility Category “Systems Not Operated Year-round”. It is unclear what is meant by the “Leak Inspection frequency” of “Within 30 days of resuming operation; then every 3 months”. Please also provide end date leak inspection requirements under this category. If a system does not operate year-round, inspecting every 3 months without an end date appears unnecessary and financially burdensome for units that have records indicating no leaks are present.
  - b. Please provide subsequent guidance on systems that only operate for purposes of back-up systems in emergency situations. Avista believes this is a category separate to that of the category “Systems Not Operated Year-round”. Although a system has the potential to operate during an event shorter than year-round, it would only do so in an emergency capacity and should therefore not be subject to subsequent leak detection testing every 3 months as listed in “Leak Inspection frequency”. If testing is required, Avista proposes once-annually leak testing of any emergency system regardless of an emergency event occurring during the operating year or not. Additionally, these should also not be subject to annual fees due to their limitation of operations and would therefore only require an initial registration fee as well as annual recordkeeping regardless of size.

3. In paragraph two under section heading “Recordkeeping and reporting” where it reads “Beginning January 1, 2024...”, please amend the language referring to “all sized systems” to include all sized systems with a full charge greater than or equal to 200 pounds of high-GWP refrigerant. This would provide an important distinction between non-applicable and applicable units.

Avista appreciates the opportunity to engage with Washington State Department of Ecology as it relates to these proposed rules. If you would like to discuss this letter further or have any additional questions, please reach out via phone or email at (509) 495-8809 or [janna.loepky@avistacorp.com](mailto:janna.loepky@avistacorp.com).

Sincerely,

A handwritten signature in black ink that reads "J Loepky". The signature is written in a cursive, flowing style.

Janna Loepky  
Greenhouse Gas Program Lead  
Avista Corp.

