

## Appendix D



STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL  
PO Box 43172 • Olympia, Washington 98504-3172

**Notice of Proposed Rule Making**  
New Chapters 463-80 WAC and 463-85 WAC

The Energy Facility Site Evaluation Council (EFSEC) is proposing to adopt two new chapters to Title 463 of the Washington Administrative Code (WAC). These new chapters will:

1. Implement Chapter 80.70 of the Revised Code of Washington (RCW) for carbon dioxide (CO<sub>2</sub>) mitigation; and
2. Implement Chapter 80.80 RCW in which the 2007 Legislature directed the EFSEC and the Department of Ecology to adopt rules by June 30, 2008 to implement and enforce a greenhouse gases emissions performance standard and establish criteria for evaluating sequestration plans.

The purpose of new Chapter 463-80 WAC is to set the procedure for calculating the carbon dioxide emissions from a fossil fuel-fired power facility under EFSEC jurisdiction and the options allowed for mitigation as set by RCW 80.70. In addition the proposed rule sets how EFSEC will develop and maintain a list of Independent Qualified Organizations who could receive payment for implementing carbon dioxide mitigation.

The purpose of new Chapter 463-85 WAC is to implement the greenhouse gases emissions performance standard for baseload electric generation 350 megawatts or larger and establish criteria for enforcement of the emissions performance standard. As directed in Chapter 80.80 RCW EFSEC's new rule is very similar to proposed amendments to WAC 173-407 proposed by the Department of Ecology for baseload electric generation less than 350 megawatts.

EFSEC and the Department of Ecology are holding two joint public hearings to receive comment on the proposed rules. They will be held as follows:

**April 8, 2008, 6:00 pm**  
**Ecology Headquarters Building**  
**Auditorium**  
**300 Desmond Drive SE**  
**Lacey, WA**

**April 10, 2008, 6:00 pm**  
**Spokane County Public Health Center**  
**Room 140**  
**1101 W. College Ave.**  
**Spokane, WA**

EFSEC's intended date of adoption is June 10, 2008.

Written comments may be submitted to Allen Fiksdal, EFSEC Manager; P.O. Box 43172, Olympia, WA 98504-3172, or emailed to [allenf@cted.wa.gov](mailto:allenf@cted.wa.gov), or faxed to 360-956-2158.

**All comments must be received by 5:00 p.m., April 18, 2008.**

The proposed rules are available on EFSEC's website at <http://efsec.wa.gov/rulerev.shtml> or by calling 360-956-2121. The proposed Ecology rules are at [http://www.ecy.wa.gov/laws-rules/activity/wac173407\\_218.html](http://www.ecy.wa.gov/laws-rules/activity/wac173407_218.html) or by calling 360-407-6082.