



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Department of Commerce

- Preproposal Statement of Inquiry was filed as WSR 17-12-094; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

WAC 194-37-135 Energy Independence Act – documentation of incremental biomass energy

Hearing location(s):

Washington State Department of Commerce
1011 Plum Street SE
Olympia, WA 98504

Date: 09/6/2017 Time: 10:00 am

Submit written comments to:

Name: Glenn Blackmon, Energy Office
Address: P.O. Box 42525
Olympia, WA 98504-2525
e-mail EIA@commerce.wa.gov
fax () _____ by (date) 9/6/2017

Assistance for persons with disabilities: Contact

_____ Carolee Sharp by 8/30/2017

TTY (360) 586-0772 or (360) 725-3118

Date of intended adoption: 9/13/2017

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed amendment establishes documentation requirements and the baseline generation methodology for incremental generation from qualified biomass energy facilities, consistent with the requirements of Chapter 315, Laws of 2017 (Engrossed Senate Bill 5128).

Reasons supporting proposal:

The 2017 legislation expands the eligibility under the Energy Independence Act (Chapter 19.285 RCW) of electricity generated by pre-1999 biomass generating facilities. Incremental generation, above a historical baseline, is eligible if it results from capital investment completed in 2010 or after. The rule is required in order to establish documentation requirements and to provide a methodology for determining the baseline level of generation.

Statutory authority for adoption: RCW 19.285.080(2); Chapter 315, Laws of 2017.

Statute being implemented: Chapter 19.285 RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION: _____

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 28, 2017

TIME: 9:51 AM

WSR 17-16-103

DATE
July 28, 2017

NAME (type or print)
Jaime Rossman

SIGNATURE

TITLE
Rules Coordinator

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization)
Washington State Department of Commerce

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Glenn Blackmon, Department of Commerce	1011 Plum Street SE Olympia, WA 98504-2525	(360) 725-3115
Implementation: Washington State Department of Commerce	1011 Plum Street SE Olympia, WA 98504-2525	(360) 407-6000
Enforcement: Washington State Department of Commerce	1011 Plum Street SE Olympia, WA 98504-2525	(360) 407-6000

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:
Address:
phone () _____
fax () _____
e-mail _____

No. Explain why no statement was prepared.

A SBEIS is not required for this rulemaking as none of the affected entities are small businesses. Not applicable.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
phone () _____
fax () _____
e-mail _____

No: Please explain:

Subsection 5(a)j of RCW 34.05.328 does not require Commerce to provide a cost-benefit analysis. Not applicable.