PROPOSED RULE MAKING

CR-102 (December 2017)  
(Implements RCW 34.05.320)  
Do NOT use for expedited rule making

Agency: Washington State Department of Commerce
☐ Original Notice  
☒ Supplemental Notice to WSR 18-07-112 and 18-10-105  
☐ Continuance of WSR ______

☒ Preproposal Statement of Inquiry was filed as WSR 17-14-065; 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); or  
☐ Proposal is exempt under RCW ______.

Title of rule and other identifying information: (describe subject) Chapter 194-26 WAC; Determination of the average greenhouse gas emission output from new, commercially available combined cycle combustion turbines.

Hearing location(s):
Date: Time: Location: (be specific) Comment:
August 23rd, 2018 10 a.m. Washington State Department of Commerce Columbia Room 1011 Plum Street SE Olympia, WA 98501  
A courtesy call-in line will be available to allow for comments to be provided by phone during the hearing. The call-in number is (360) 407-3780 and PIN Code is 402223#. Participants choosing to provide oral comments via the conference line are advised to also submit written comments, in the event of technical difficulties..

Date of intended adoption: August 29th, 2018 (Note: This is NOT the effective date)

Submit written comments to:  
Name: Greg Nothstein  
Address: PO Box 42525, Olympia WA. 98504-2525  
Email: greg.nothstein@commerce.wa.gov  
Fax:  
Other:  
By (date) 5pm, August 24th 2018

Assistance for persons with disabilities:  
Contact Carolee Sharp  
Phone: 360-725-3118  
Fax:  
TTY: 360-586-0772  
Email: carolee.sharp@commerce.wa.gov  
Other:  
By (date) August 16, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Update the average greenhouse gas emission output from new, commercially available combined cycle combustion turbines.
**Reasons supporting proposal:** Updating the average greenhouse gas emission output from new, commercially available combined cycle combustion turbines every five years is required by statute.

**Statutory authority for adoption:** RCW 80.80.050.

**Statute being implemented:** RCW 80.80.040, RCW 80.80.050

<table>
<thead>
<tr>
<th>Is rule necessary because of a:</th>
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<tbody>
<tr>
<td>Federal Law?</td>
<td>☐ Yes ☒ No</td>
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<tr>
<td>Federal Court Decision?</td>
<td>☐ Yes ☒ No</td>
</tr>
<tr>
<td>State Court Decision?</td>
<td>☐ Yes ☒ No</td>
</tr>
</tbody>
</table>

If yes, CITATION:

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

**Name of proponent:** (person or organization) Washington State Department of Commerce  ☒ Governmental  ☐ Private  ☐ Public

**Name of agency personnel responsible for:**

<table>
<thead>
<tr>
<th></th>
<th>Office Location</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Drafting:</td>
<td>Greg Nothstein</td>
<td>1011 Plum St. SE, Olympia WA, 98501</td>
</tr>
<tr>
<td>Implementation:</td>
<td>Greg Nothstein</td>
<td>1011 Plum St. SE, Olympia WA, 98501</td>
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<tr>
<td>Enforcement:</td>
<td>Greg Nothstein</td>
<td>1011 Plum St. SE, Olympia WA, 98501</td>
</tr>
</tbody>
</table>

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:  

**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:  
TTY:  
Email:  
Other:  

☒ No: Please explain: Commerce is not an agency listed in RCW 34.05.328(5)(a)(i) as one to which that statute applies.
Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description: .

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b) (Internal government operations)

☒ RCW 34.05.310 (4)(e) (Dictated by statute)

☐ RCW 34.05.310 (4)(c) (Incorporation by reference)

☐ RCW 34.05.310 (4)(f) (Set or adjust fees)

☐ RCW 34.05.310 (4)(d) (Correct or clarify language)

☐ RCW 34.05.310 (4)(g) (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW ______.

Explanation of exemptions, if necessary: RCW 80.80.050 requires Commerce to update the average greenhouse gas emission output from new, commercially available combined cycle combustion turbines every five years

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's analysis showing how costs were calculated. ______

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: July 18, 2018
Name: Jaime Rossman
Title: Rules Coordinator

Signature: [Signature]

Page 3 of 3