

WAC 173-442-040 Exemptions. (1) Covered GHG emissions do not include:

(a) The following subparts referenced in Table 120-1 in WAC 173-441-120;

(i) Manure Management: Subpart JJ;

(ii) Suppliers of Coal-Based Liquid Fuels: Subpart LL;

(iii) Suppliers of Industrial Greenhouse Gases: Subpart OO;

(iv) Importers and Exporters of Fluorinated Greenhouse Gases Contained in Pre-Charged Equipment or Closed-Cell Foams: Subpart QQ.

(b) CO₂ from industrial combustion of biomass in the form of fuel wood, wood waste, wood by-products, and wood residuals, as provided in RCW 70.235.020(3);

(c) CO₂ that is converted into mineral form and that is not emitted into the atmosphere; and

(d) Emissions from a coal-fired baseload electric generation facility in Washington that emitted more than one million tons of GHGs in any calendar year prior to 2008, as provided in RCW 80.80.040(3).

(2) Covered GHG emissions from petroleum product producer or importer do not include:

(a) CO₂ emissions that would result from the complete combustion or oxidation of the following products as specified in 40 C.F.R. Part 98, Table MM-1, as adopted by May 1, 2016:

(i) Kerosene-type jet fuel;

(ii) Residual fuel oil No. 5 (navy special);

(iii) Residual fuel oil No. 6 (a.k.a. bunker C);

(iv) Petrochemical feedstocks: Naphthas (< 401 °F);

(v) Petrochemical feedstocks: Other oils (> 401 °F);

(vi) Lubricants;

(vii) Waxes; and

(viii) Asphalt and road oil.

(b) CO₂ emissions that result from the complete combustion or oxidation of products when all of the following occur:

(i) The products are exported from Washington;

(ii) Final destination of the product is outside of Washington;

and

(iii) The GHG emissions associated with exported petroleum products are voluntarily reported in compliance with chapter 173-441 WAC.

(3) Covered GHG emissions for a natural gas distributor do not include:

(a) Emissions from the combustion, oxidation, or other use of products supplied to a covered party or voluntary party that has an emission reduction requirement; or

(b) Units or processes exempted in subsection (4) of this section.

(4) Stationary sources included in the Clean Power Plan (40 C.F.R. Part 60 Subpart UUUU) will be considered to comply with the requirements of this chapter at the beginning of the first compliance period of the Clean Power Plan provided that:

(a) EPA has approved Washington's implementation plan for the Clean Power Plan;

(b) The approved implementation plan requires greater GHG emissions reduction than required under 40 C.F.R. Part 60, Subpart UUUU; and

(c) When a unit within a covered party's facility is subject to the Clean Power Plan, then only the GHG emissions from that unit(s) are covered under this subsection.

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-442-040, filed 9/15/16, effective 10/16/16.]