

WAC 173-442-200 Demonstrating compliance. (1) A covered party must demonstrate compliance with their compliance obligation at the end of each applicable compliance period.

(2) The compliance period is the three-year period specified in WAC 173-442-020 and 173-442-030(3) (Table 1).

(3) Calculation of the compliance obligation and ERU balance.

Compliance obligation = (Sum of covered GHG emissions for the compliance period) - (Emission reduction requirement for the compliance period)
(in MT CO₂e)

If difference > 1, then must acquire ERUs for each metric ton of CO₂e that exceeds the compliance obligation.

If difference < 0, then have excess ERUs for each metric ton of CO₂e below the compliance obligation.

(4) Covered parties must demonstrate compliance by submitting:

(a) GHG reporting data under chapter 173-441 WAC;

(b) ERUs under WAC 173-442-120; or

(c) A combination of (a) and (b) of this subsection that achieves a level meeting the compliance obligation.

(5) A covered party must document compliance consistent with the requirements in WAC 173-442-210.

(6) Regulatory order.

(a) By January 30 of the second year of a covered party's first compliance period, ecology will issue a regulatory order establishing emission reduction requirements for each covered party consistent with their emission reduction pathway.

(b) The emission reduction requirement established for the compliance period ending in 2035 must continue to be met for all following compliance periods.

(c) Ecology must assign GHG emission reduction requirements to each covered party with a baseline GHG emissions value greater than or equal to 70,000 MT CO₂e per year, or when requested by a voluntary party.

(d) The regulatory order establishes the following:

(i) The baseline GHG emissions value for the:

(A) Covered party determined through WAC 173-442-050; or

(B) EITE covered party determined through WAC 173-442-070; and

(ii) Emission reduction requirements for each compliance period consistent with WAC 173-442-060 or 173-442-070; and this section.

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-442-200, filed 9/15/16, effective 10/16/16.]