

**WAC 173-442-210 Compliance report.** (1) Each covered party must submit a compliance report:

- (a) In a format prescribed by ecology;
- (b) That includes verification complying with WAC 173-442-220;

and

- (c) By the deadline in WAC 173-442-250.
- (2) The covered party is solely responsible for ensuring that ecology receives its compliance report by the deadlines.
- (3) The compliance report must contain the following information:
  - (a) Record of ERUs generated.
    - (i) The record of each ERU generated must include:
      - (A) The source of each ERU(s).
      - (B) The source of the emissions data or computational method used to generate each ERU.
      - (C) The vintage year of each ERU.
    - (ii) The record may cover a distinct ERU or a block of ERUs from an identical source.
  - (b) Record of ERUs banked. The record of ERUs banked must include:
    - (i) Vintage year of the ERU.
    - (ii) Origin of the ERU.
  - (c) Record of ERU transactions. The record of each ERU transaction must include:
    - (i) The origin of any ERUs acquired.
    - (ii) The destination of any ERUs transferred.
    - (iii) The names and contact information of any entities who facilitated, brokered, or provided liaison services between the covered parties making the transfer.
    - (iv) The vintage year of the ERUs.
  - (d) Documentation that a third party verified the compliance report.
  - (e) Signature of the chapter 173-441 WAC covered party's designated representative or alternate designated representative.
  - (f) Statement attesting to the report's accuracy and validity.
- (4) A covered party must retain records for ten years.
- (5) **Compliance report corrections.**
  - (a) Covered parties must correct errors in their compliance report no later than forty-five days after discovery of an error.
  - (b) Ecology requires corrections regardless of whether errors are identified by:
    - (i) The third-party verifier;
    - (ii) The covered party; or
    - (iii) Ecology.
  - (c) A covered party may request to have a submitted compliance report for the most recent compliance period reopened for corrective edits and resubmittal.
  - (d) The covered party must provide justification to ecology for the report correction(s) and indicate the specific corrections they will make to the report.
  - (e) Each submitted request is subject to ecology review and approval. Permissions to correct a report does not preclude enforcement based on misreporting.
- (6) **Ecology denial of compliance report.**
  - (a) Ecology will determine if the compliance report contains errors that impact the verification status of the compliance report.
  - (b) Ecology may deny a compliance report regardless of verification. Ecology may deny for these reasons:

- (i) Failure to submit a complete compliance report by the deadline;
- (ii) Failure to complete third-party verification if required; or
- (iii) Other forms of noncompliance with this chapter.

**(7) Requirements when covered GHG emissions fall below the compliance threshold.**

(a) A covered party may discontinue submitting a compliance report for the purposes of this chapter under the following conditions:

- (i) After three consecutive years of reporting covered GHG emissions less than 50,000 MT CO<sub>2</sub>e/yr; and
- (ii) The covered party notified ecology of its intent to discontinue the report by the compliance report deadline in WAC 173-442-250.
- (iii) Covered parties must continue to submit annual GHG reports required by chapter 173-441 WAC.

(b) A covered party that shuts down or changes operations to eliminate covered GHG emissions is exempt from submitting future compliance reports under the following conditions:

- (i) The covered party must:
  - (A) Submit a compliance report for the last year of operation;
  - (B) Certify the closure of all GHG emitting processes and operations; and
  - (C) Notify ecology of its intent to discontinue the compliance report by the compliance report deadline in WAC 173-442-250.
- (ii) Exemptions. This provision does not apply to:
  - (A) Seasonal or temporary cessation of operations;
  - (B) Municipal solid waste landfills;
  - (C) Industrial waste landfills; or
  - (D) Underground coal mines.

(iii) The covered party must resume submitting a compliance report for any future calendar year when GHG-emitting processes or operations resume operation.

(c) A covered party must resume submitting a compliance report when total covered GHG emissions exceed 50,000 MT CO<sub>2</sub>e/year.

**(8) Ecology actions.**

(a) Ecology is not responsible for failure of electronically submitted reports.

(b) Ecology must deem a report submitted electronically to be validly signed when accompanied by a digital signature that meets the requirements designated by ecology.

[Statutory Authority: Chapters 70.94, 70.235 RCW. WSR 16-19-047 (Order 15-10), § 173-442-210, filed 9/15/16, effective 10/16/16.]