

WAC 173-446-555 Issuance of ecology offset credits. (1) One ecology offset credit, which represents one metric ton of CO₂e for a direct GHG emission reduction or direct GHG removal enhancement, will be issued only for a GHG emission reduction or GHG removal enhancement that occurs during a reporting period. One ecology offset credit will be issued for each metric ton of CO₂e only if:

(a) Ecology or an offset project registry has listed the offset project;

(b) The GHG emission reductions and GHG removal enhancements were issued a positive offset or qualified positive offset verification statement;

(c) Ecology or an offset project registry has received a positive offset or qualified positive offset verification statement issued and attested to by an ecology accredited verification body for the offset project data report for which registry offset credits were issued if the offset project was submitted for listing with an offset project registry, or for which ecology offset credits would be issued; and

(d) The issued ecology offset credits would not immediately be subject to invalidation.

(2) Requirements for offset projects submitted through an offset project registry seeking issuance of ecology offset credits. The offset project operator or its authorized project designee, if applicable, must submit a request for issuance of ecology offset credits to ecology for each offset project data report for which they are seeking issuance of ecology offset credits. Such a request must identify which holding account(s) the ecology offset credits should be placed into and how many ecology offset credits will be placed into each holding account, if applicable. The offset project operator or authorized project designee may request that ecology offset credits be placed into the holding account of any party not prohibited from holding compliance instruments under this chapter.

(a) An offset project operator or authorized project designee may request that only a portion of the eligible GHG emission reductions and GHG removal enhancements for the applicable reporting period be issued ecology offset credits in the request for issuance.

(b) If the offset project was listed by an offset project registry, the request for issuance of ecology offset credits may not be provided to ecology until the offset project registry has issued registry offset credits for the applicable offset project data report(s).

(3) Within 45 calendar days of receiving a positive offset or qualified positive offset verification statement, ecology will determine whether the information submitted is complete, whether GHG emission reductions and GHG removal enhancements meet the requirements of this chapter and the applicable compliance offset protocol, and whether the positive offset or qualified positive offset verification statement meets the requirements of WAC 173-446-535.

(4) Before ecology issues an ecology offset credit for GHG emission reductions and GHG removal enhancements achieved by an offset project in a reporting period, the primary account representative or alternate account representative must attest, in writing, to ecology as follows:

(a) "I certify under penalty of perjury under the laws of the state of Washington the GHG emission reductions or GHG removal enhancements for (project) from (date) to (date) have been measured in accordance with the (applicable Compliance Offset Protocol) and all

information required to be submitted to Ecology is true, accurate, and complete.";

(b) "I understand that the offset project activity(ies) and implementation of the offset project must be in accordance with all applicable local, regional, state, and national environmental and health and safety regulations that apply in the jurisdiction in which the offset project is located. I understand that offset projects are not eligible to receive Ecology or registry offset credits for GHG emission reductions and GHG removal enhancements that are not in compliance with the requirements of this chapter.";

(c) "I certify under penalty of perjury under the laws of the state of Washington that all information provided to Ecology in support of issuance of Ecology offset credits is true, accurate, and complete."; and

(d) "I certify under penalty of perjury under the laws of the state of Washington that the GHG emission reductions and GHG removal enhancements for which I am seeking Ecology Offset Credits have not been issued any offset credits or been used for any GHG mitigation requirements in any other voluntary or mandatory program, except, if applicable, an Offset Project Registry pursuant to this chapter."

(e) Except as provided in (f) of this subsection: "I understand I am voluntarily participating in the Washington cap and invest program, and by doing so, I am now subject to all regulatory requirements and enforcement mechanisms of this program and subject myself to the jurisdiction of Washington as the exclusive venue to resolve any and all disputes arising from the enforcement of provisions in this chapter.";

(f) For federally recognized tribes who elect to participate as offset project operators pursuant to RCW 70A.65.090(5), the following attestation may be submitted in lieu of the attestation required by (e) of this subsection: "I understand I am voluntarily participating in this program. The tribal government on whose behalf I am authorized to make this submission has entered into a written agreement, negotiated on an individual basis between ecology and the tribal government, that establishes a dispute resolution process and/or other compliance mechanisms in order to ensure the enforceability of all program requirements applicable to the tribe in its role as an offset project operator."

(5) Determination for timing and duration of initial crediting periods for offset projects submitted through ecology. The initial crediting period will begin with the date that the first verified GHG emission reductions and GHG removal enhancements occur, according to the first positive offset or qualified positive offset verification statement that is received by ecology, unless otherwise specified in the applicable compliance offset protocol.

(6) Determination for timing and duration of renewed crediting for offset projects submitted through ecology. A renewed crediting period will begin the day after the conclusion of the prior crediting period.

[Statutory Authority: RCW 70A.65.220. WSR 22-20-056 (Order 21-06), § 173-446-555, filed 9/29/22, effective 10/30/22.]