



Your Pacific Northwest Law Firm®

Sustainability & Climate Change Reporter

Posted at 2:10 PM on November 19, 2010 by Mike Nesteroff

UPDATE: WA Draft GHG Rules Adoptions to Continue

Within in a day of Washington Governor Christine Gregoire issuing an Executive Order suspending state agencies' adoption or development of non-critical rules, the Washington Department of Ecology has [identified](#) three proposed greenhouse gas regulations, among others, that it considers critical and will proceed with adoption during the moratorium.

Ecology listed the following three draft rules as "critical:"

- The greenhouse gas [reporting rule](#) applicable to stationary facilities in Washington that emit at least 10,000 metric tons of greenhouse gases per year, or suppliers of liquid fuel products equivalent to at least 10,000 metric tons of carbon dioxide annually (roughly 1.1 million gallons of gasoline);
- Revisions to the [general operating air permit](#) requirements, including an exemption from new source review requirements for facilities emitting less than 75,000 tons of greenhouse gases per year; and
- Updates to the [operating permit](#) regulations to include greenhouse gas emissions and avoid approximately 1,000 Washington facilities that emit less than 100,000 metric tons of greenhouse gases having to apply for permits after July 1, 2011.

For each of these draft rules, Ecology cites an exemption under Criteria 3(a) of a November 16, 2010 [implementation memorandum](#), allowing agencies to proceed with adopting and developing rules that are required by federal or state law or required to maintain federally designated or authorized programs.

Consequently, it appears that the Executive Order moratorium on agency rule development and adoption will not have any impact on the state's proposed greenhouse gas regulations. All three rules are scheduled for adoption in December 2010.

Seattle

1420 Fifth Avenue
Suite 4100
Seattle, WA 98101-2339
Phone:
206.223.7000

Fax:
206.223.7107

Portland

601 SW Second Avenue
Suite 2100
Portland, OR 97204-3158
Phone:
503.778.2100

Fax:
503.778.2200

Olympia

111 Market Street NE
Suite 360
Olympia, WA 98501
Phone:
360.754.6001

Fax:
360.754.1605

Anchorage

301 West Northern Lights Blvd.
Suite 301
Anchorage, AK 99503
Phone:
907.277.9511

Fax:
907.276.2631

London

Office 2.24
148 Leadenhall Street
London, EC3V 4QT, England
Phone:
020.7645.8240

Fax:
020.7645.8241