

ENVIRONS

Washington Legislature Adopts Broad Climate Change Measure

03/06/08

Breaking Developments In Environmental Law

One of Washington Governor Christine Gregoire's must-have climate change bills is headed for her signature following passage on March 5 of HB 2815 by the state Senate. Passage came after a vigorous 90-minute debate that turned back several efforts to amend the bill. The measure sets out a number of steps that are intended to begin addressing reductions in the emissions of greenhouse gases ("GHG") in Washington. The legislation follows Gov. Gregoire's executive order and legislation adopted last year mandating reductions in the state's GHG emissions to 1990 levels by 2020, to 25 percent of 1990 levels by 2035 and 50 percent of 1990 levels by 2050. [Read a copy of the bill \(http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/House%20Bills/2815-S2.E.pdf\)](http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/House%20Bills/2815-S2.E.pdf).

The bill passed March 5 provides for:

- Development by the Department of Ecology ("Ecology"), in coordination with the Western Climate Initiative ("WCI"), of a design for a regional multi-sector market-based system for trading and banking carbon emissions. Washington has been participating in the WCI with six other Western states and the provinces of British Columbia and Manitoba to develop a cap-and-trade system. The WCI has set an ambitious goal of releasing its design recommendations for the cap-and-trade program by August 2008.
- Adoption of rules that require reporting of GHG emissions beginning in 2010 for 2009 emissions, or by 2012 at the latest if Ecology phases in reporting. The reporting requirement would apply to industrial and commercial sources that emit at least 10,000 metric tons of GHG annually and to fleet owners and operators of on-road motor vehicles that emit at least 2,500 metric tons of GHG annually. Since gasoline emits 19.4 pounds of carbon per gallon and diesel emits 22.2 pounds, a fleet would have to use roughly 280,000 gallons of diesel or 322,000 gallons of gasoline a year to reach the 2,500 metric tons threshold for reporting. The bill allows Ecology to defer any reporting requirement for interstate and international commercial aircraft, rail, truck or marine vessels until a federal reporting requirement is developed or Ecology determines that there is a generally accepted protocol for determining interstate emissions from these sources.
- Requiring the Energy Facility Site Evaluation Council to adopt rules for reporting GHG emissions in site certifications for energy facilities.

- Adoption of statewide goals to reduce the per capita vehicle miles traveled by 18 percent by 2020, 30 percent by 2035 and 50 percent by 2050. The goals are to be evaluated in consideration of the economic hardship on small businesses to hire and retain employees who live in a county different from the location of the employer, and in consideration of the impact on low-income residents, agricultural employers, distressed rural counties and counties with more than 50 percent of the land base in public or tribal lands.
- Establishing a Green Economy Jobs Growth Initiative with a goal of increasing the number of estimated jobs from 8,400 in 2004 to 25,000 by 2020.

The bill also requires Ecology and the Department of Community Trade and Economic Development to report to the legislature the agencies' recommendations for implementing the Climate Advisory Team ("CAT") strategies. Thus, HB 2815 is a first step in what promises to be a series of ongoing legislative and regulatory efforts to address climate impacts in Washington.

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