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Washington Clean Air Rule

To: Washington Department of Ecology
From: Therese Hampton, Executive Director, Public Generating Pool
Subject: PGP Comments on Ecology's Clean Air Rulemaking
Date: November 16, 2015

The Public Generating Pool* (PGP) appreciates the listening sessions the Department of Ecology hosted to outline the Washington State's proposed Clean Air Rule. This rulemaking has the potential to have significant financial impacts across multiple sectors within the state. For that reason, it is important to provide opportunities for potentially affected entities to understand and comment on the relationship between the rulemaking and other state and federal regulatory requirements.

PGP members participated in all of Ecology's Clean Air Rule listening sessions held to date. At each of these sessions, questions regarding the relationship between the State Clean Air Rule and the State Implementation Plan under EPA's Clean Power Plan have been raised. To date, Ecology has not provided a clear answer about the interrelationship between these two efforts. For the electricity sector, defining this relationship is a critical first question given the federal requirements under the Clean Power Plan. Without clarity about the harmonization between federal efforts implemented at the state level and state-driven efforts, there is a high risk of regulatory redundancy, unnecessary complexity, and unintended consequences.

PGP asks Ecology to consider the following requests:

- Clearly explain how the Clean Air Rule and the CPP State Implementation Plan interact.
- Immediately focus on and address the interaction of the multiple and potentially redundant programs intended to reduce greenhouse gas emissions in Washington State.
- Focus on the CPP implementation first in order to preserve Washington's compliance choices, such as harmonizing western state approaches.
- Ensure that Washington State does not propose or take actions under Clean Air Rule that precludes compliance options for the electric sector under the CPP State Implementation Plan.
- Exempt electric sector entities from the state Clean Air Rule if they are covered by the Clean Power Plan.

** PGP includes: Clark Public Utilities, Cowlitz PUD, Snohomish PUD, Lewis PUD, Grant PUD, Tacoma Public Utilities, Chelan PUD, Klickitat PUD, Pend Oreille PUD, and Eugene Water and Electric Board.*