

**WAC 173-407-030 Carbon dioxide mitigation program applicability for Part I.** (1) New facility. A fossil-fueled thermal electric generating facility must mitigate CO<sub>2</sub> emissions when the facility meets the following criteria:

(a) A facility submits a notice of construction application after July 1, 2004;

(b) The station-generating capability is between 25 MWe and 350 MWe; and

(c) The facility is not a fossil-fueled floating thermal electric generation facility regulated by EFSEC (100 MWe or more).

(2) Modifying an existing fossil-fueled thermal electric generating facility. A fossil-fueled thermal electric generating facility seeking to modify the facility or an electrical generating unit must mitigate the increased CO<sub>2</sub> emissions when the facility meets the following criteria:

(a) A facility submits a notice of construction application after July 1, 2004;

(b) The unmodified station generating capability is between 25 MWe and 350 MWe;

(c) The increase to the facility or units is the greater of the following measures:

(i) An increase in station-generating capability of at least 25 MWe; or

(ii) An increase in CO<sub>2</sub> emissions output by 15 percent or more;

(d) The facility is not a fossil-fueled floating thermal electric generation facility regulated by EFSEC (100 MWe or more).

(3) Examples of fossil-fueled thermal electric generation units. The following are some examples of fossil-fueled thermal electric generating units:

(a) Coal, oil, natural gas, or coke fueled steam generating units (boilers) supplying steam to a steam turbine - electric generator;

(b) Simple cycle combustion turbine attached to an electric generator;

(c) Combined cycle combustion turbine (with and without duct burners) attached to an electric generator and supplying steam to a steam turbine - electric generator;

(d) Coal gasification unit, or similar device, where the synthesis gas produced is used to fuel a combustion turbine, boiler or similar device used to power an electric generator or provide hydrogen for use in fuel cells; or

(e) Hydrocarbon reformer emissions where the hydrogen produced is used in fuel cells or other combustion units to produce electricity. Hydrogen used to fuel motor vehicles is not subject to the requirements of this part.

[Statutory Authority: Chapter 80.70 RCW. WSR 18-05-091 (Order 16-12), § 173-407-030, filed 2/21/18, effective 3/24/18. Statutory Authority: Chapter 80.80 RCW. WSR 08-14-011 (Order 07-11), § 173-407-030, filed 6/19/08, effective 7/20/08. Statutory Authority: RCW 70.94.892 and chapter 80.70 RCW. WSR 05-01-237 (Order 03-09), § 173-407-030, filed 12/22/04, effective 1/22/05.]