

**WAC 463-80-070 Carbon dioxide mitigation option statement and mitigation plan submittal and approval.** (1) Applicants must provide EFSEC with a statement selecting the mitigation option(s) in:

(a) Applications for site certification; or

(b) Requests to amend site certification agreements under chapter 463-66 WAC where changes to the facility will increase CO<sub>2</sub> emissions by 15 percent or more.

(2) Applicants choosing to use the payment to a third-party or the permanent carbon credit option must provide EFSEC with the documentation to show how the requirements will be satisfied before a recommendation to the governor is issued or an amendment to a site certification agreement is approved.

(3) Applicants seeking to use the applicant-controlled mitigation projects option must submit the entire mitigation plan to EFSEC. EFSEC will review the plan for consistency with the requirements of chapter 80.70 RCW.

(4) Approval of the mitigation plan will be by:

(a) The governor for approval of the application for site certification, or an amendment to the site certification agreement under WAC 463-66-080; or

(b) EFSEC for approval of an amendment to the site certification agreement under WAC 463-66-070.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-80-070, filed 5/22/25, effective 6/22/25. Statutory Authority: Chapters 80.70 and 80.80 RCW and RCW 80.50.040. WSR 08-14-064, § 463-80-070, filed 6/25/08, effective 7/26/08.]