INFORMATION ITEM #4
WAC Chapter 504-49 Emergency Rules
(Daniel J. Bernardo)

Emergency Rules regarding the WAC Chapter 504-49
Effective October 1, 2017 and per legislation passed over the summer in ESSB 5939, a large share of the responsibility for administering the Renewable Energy System Incentive Program was transferred from the Washington State Department of Revenue to the Washington State University Energy Program. The WSU Energy Program resides within the College of Agricultural, Human, and Natural Resource Sciences and is administered by WSU Extension.

In order to meet the requirements of ESSB 5939 and be able to provide immediate guidance to the public, Washington State University, under the delegated authority to President Schulz, filed the attached, revised chapter with the state Code Reviser’s Office as emergency rules on Monday, October 30, 2017. Prior to the submission, the Renewable Energy System Incentive Program, the College of Agricultural, Human, and Natural Resource Sciences (WSU Extension), the Office of the Provost, and the Office of the President carefully reviewed and approved the filing. The Renewable Energy System Incentive Program has been operating under the emergency rules since October 30, 2017.

The WSU Energy Program has developed the permanent rules for operating the Renewable Energy System Incentive Program and introduced those rules as a future action item at the March meeting of the Board of Regents. The proposed permanent rules have been published and open to a public commenting phase that extended through April 12, 2018. As a result of comments received, the WSU Energy Program anticipates making substantive changes to the permanent rules prior to adoption by the Board of Regents. Making substantive changes to the rules will entail another draft, review and approval process, as well as another public hearing prior to sending these rules forward for approval by the Board of Regents.

In the interim timeframe, Washington State University will refile the emergency rules as the current filing expires on June 26, 2018. The refiling process is critical as the Energy Program cannot operate without rules needed to administer the incentive program as mandated by the state legislature.

The permanent rules pertaining to the Renewable Energy System Incentive Program and the WAC Chapter 504-49 will be shared with the Washington State University Board of Regents an Action Item in September, 2018.