

Resolution No. 113

WHEREAS, the Energy Facility Site Evaluation Council has promulgated a notice of intent to adopt, amend or repeal rules concerning Procedures/Guidelines: Applications For Site Certification; and

WHEREAS, notice of such proposed adoption, amendment or repeal was contained in Notice No. 7329 filed December 23, 1976, with the Code Reviser's office;

NOW THEREFORE BE IT RESOLVED by the Energy Facility Site Evaluation Council that WAC 463-12-100, 463-12-105, 463-12-110, 463-12-115, 463-12-120, 463-12-125, 463-12-130, 463-12-135, 463-12-140, 463-12-145, 463-12-150, 463-12-155, 463-08-020, 463-08-023 are hereby repealed; and

BE IT FURTHER RESOLVED by the Energy Facility Site Evaluation Council that the rules listed on Exhibit "A" attached hereto, and by this reference made a part hereof, concerning Procedures and Guidelines for Applications for Site Certification are hereby approved and adopted as permanent rules of the Energy Facility Site Evaluation Council;

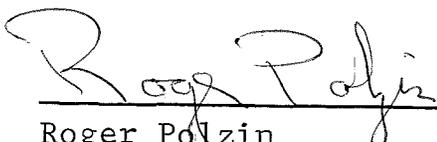
BE IT FURTHER RESOLVED by the Energy Facility Site Evaluation Council that this resolution and annexed regulations, after first being recorded in the Order Register of the Energy Facility Site Evaluation Council, shall be forwarded in proper form to the Code Reviser for filing pursuant to RCW 34.04.

Dated this 24th day of January, 1977.



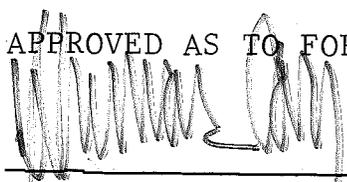
Lawrence B. Bradley
Chairman

ATTEST:



Roger Polzin
Executive Secretary

APPROVED AS TO FORM:



Thomas F. Carr
Assistant Attorney General

1 PROCEDURE/GUIDELINES: APPLICATIONS
2 FOR SITE CERTIFICATION

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4 WAC 463-42-1A PURPOSE AND SCOPE -- This chapter sets forth guide-
5 lines for preparation of applications for energy facility site certifi-
6 cation pursuant to Ch. 80.50 RCW in addition to delineating certain
7 initial-stage procedures.

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12 WAC 463-42-1B BASIC REQUIREMENT -- FULL DISCLOSURE BY APPLICANTS.
13 It is recognized that these guidelines can only be comprehensive in a
14 relative sense. Therefore, and in addition to the other guidelines
15 contained herein, the Council adopts the basic guideline that an appli-
16 cant for site certification must ~~disclose~~ **IDENTIFY IN THE APPLICATION**
17 applicant which ~~could affect ultimate~~ **HAS A BEARING ON** site certification.

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22 WAC 463-42-1C APPLICATION -- WHERE FILED. Applications for site
23 certification shall be filed with the Council at the Council office.

1 WAC 463-42-1D APPLICATION -- FORM AND NUMBER OF COPIES.

2 Applications shall be on 8-1/2 by 11" sheets, in loose-leaf form with
3 a hard cover binder. Thirty-five (35) copies of the application shall
4 be supplied to the Council, and two (2) copies to each county, and
5 one (1) copy to each port district in which the site is located at
6 the time that the original is filed. In addition, one (1) copy shall
7 be supplied to each intervenor on admission to the proceedings.
8 Information later submitted shall be by page-for-page substitutions
9 suitable for insertion in the application binder.

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14 WAC 463-42-2A APPLICATION -- ORGANIZATION: INDEX. The contents
15 of the application may be organized in any reasonable and logical
16 manner, including the substitution of an environmental report prepared
17 for the Nuclear Regulatory Commission **OR OTHER FEDERAL AGENCIES** provided that it is supplemented
18 as necessary to comply with this chapter. Applicants are encouraged to
19 organize and present information in a manner which avoids repetition
20 and internal cross-referencing. The contents of the application shall
21 be indexed so that specific reference is made to each applicable
22 guideline contained in this title.

IT IS RECOGNIZED THAT NOT ALL SECTIONS OF THESE GUIDELINES APPLY EQUALLY TO ALL PROPOSED ENERGY FACILITIES. IF THE APPLICANT DEEMS A PARTICULAR SECTION TO BE TOTALLY INAPPLICABLE THE APPLICANT MUST JUSTIFY SUCH CONCLUSION IN RESPONSE TO SAID SECTION.

AND APPLICABILITY

1 WAC 463-42-2B APPLICATION -- SPECIFIC CONTENTS ^A The applicant

2 must address all sections of this chapter and must substantially
3 comply with each section, ^{SHOW IT DOES NOT APPLY} or secure a waiver from the Council. Infor-
4 mation submitted by the applicant shall be accompanied by a certifi-
5 cation by applicant that all EFSEC application requirements have been
6 reviewed, the data have been prepared by qualified professional
7 personnel, and the application is substantially complete.

12 WAC 462-42-2C -- OPTIONAL APPLICATION FORM AND CONTENT: The

13 applicant has two options for submitting an application:

- 15 1. The applicant may submit an application initially satisfying
16 WAC 463-42-2B or;
- 17 2. The applicant on agreement to extend the Council review period
18 by 90 days, may complete an initial application form provided by the
19 Council and requiring descriptions of the applicant, the project,
20 the site and an application completion schedule. The completed
21 initial application form together with compliance with WAC 463-42-2D
22 (1, 2,) shall be deemed sufficient only for the purpose of the land
23 use and zoning ordinance consistency determination provided for in
24 RCW 80.50.090(1, 2). Further Council consideration of the proposed
25 site requires compliance with the remainder of this chapter.

1 WAC 463-42-2D -- OPTION (2) PROCEDURAL SCHEDULE: The following
2 schedule shall be followed by an applicant utilizing option (2) of
3 WAC 463-42-2C:

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- 5 1. Application form filed with fee,
- 6 2. Within 30 days of filing, the applicant shall provide copies
7 of all county or regional land use plans and zoning ordinances pertaining
8 to the site, and comply with WAC 463-42-4B,
- 9 3. Within 90 days of filing, the applicant shall comply with
10 WAC 463-42-2B
- 11 4. Generally, the commencement of prehearing procedures or
12 conferences will not be scheduled until at least 60 days after the
13 applicant complies with WAC 463-42-2B. However, upon a showing that
14 a prehearing conference is needed or would be useful in advance of
15 the scheduled time period, the Council may schedule such conference.
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20 WAC 463-42-2E APPLICATION -- DESIGNATION OF AGENT. The applicant
21 shall designate an agent to receive communications on behalf of the
22 applicant.

1 WAC 463-42-2F APPLICATION -- FEE. The statutory fee shall accompany
2 an application and shall be a condition precedent to any action by the
3 Council. Payment shall be by a cashier's check payable to the State
4 Treasurer.

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9 WAC 463-42-2G CONTENT -- GRAPHIC MATERIAL. It is the intent that
10 material submitted pursuant to these guidelines shall be descriptive
11 and shall include illustrative graphics in addition to narration.
12 This requirement shall particularly apply to subject matter that deals
13 with systems, processes, and spacial relationship. The material so
14 submitted shall be prepared in a professional manner and in such form
15 and scale as to be understood by those who may review it.

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20 WAC 463-42-3A CONTENT -- SOURCES OF INFORMATION. The applicant
21 shall disclose sources of all information and data and shall identify
22 all pre-application studies bearing on the site and other sources of
23 information.

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CONSTRUCTION & STUDY

1 WAC 463-42-3B CONTENT -- ~~APPLICATION RELATED SCHEDULES AND STUDIES~~.

2 The applicant shall furnish a brief description of all present or
3 ~~projected~~ ^{CONSTRUCTION} schedules and ^{SCHEDULES FOR} environmental studies which are necessary to
4 complete the application. ^{STUDIES} The description^S should outline ~~the~~ ^{THEIR} scope
5 ~~of such studies~~ and indicate projected completion dates.

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10 WAC 463-42-3C CONTENT -- POTENTIAL FOR FUTURE ACTIVITIES AT SITE.

11 The applicant shall describe the potential for any future additions,
12 expansions, or further activities which might be undertaken by the
13 applicant on or contiguous to the proposed site.

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18 WAC 463-42-3D CONTENT -- ANALYSIS OF ALTERNATIVES: The applicant
19 shall provide an analysis of alternatives for site, route, and other
20 major elements of the proposal.

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25 WAC 463-42-3E CONTENT -- SAFETY STANDARDS COMPLIANCE. The applicant
26 shall identify all federal, state, and local health and safety standards
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1 | which would normally be applicable to a project of this nature and shall
2 | describe methods of compliance therewith.

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WAC 463-42-3F CONTENT -- DESCRIPTION OF APPLICANT. The applicant shall provide an appropriate description of the applicant's organization and affiliations for this proposal.

WAC 463-42-3G CONTENT -- SITE DESCRIPTION. The application shall contain a description of the proposed site indicating its location, prominent geographic features, typical geological and climatological characteristics, and other information necessary to provide a general understanding of all ~~areas~~ ^{SITES} involved, including county or regional land use plans and zoning ordinances.

WAC 463-42-4A CONTENT -- LEGAL DESCRIPTIONS AND OWNERSHIP INTERESTS. The application shall contain a legal description of the site to be certified and shall identify all nonprivate ownership interests in such land.

AND ZONING ORDINANCES.

1 WAC 463-42-4B CONTENT -- LAND USE PLANS [^] As part of the application,
2 the applicant shall furnish copies of adopted land use plans [^] **AND ZONING ORDINANCES** including
3 the latest land use regulation and a survey of ~~land occupancy and~~ present
4 land uses within the following distances of the immediate site area:

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- 6 1. In the case of thermal power plants, 25 miles radius;

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 - 8 2. In the case of petroleum refineries 10 miles radius;

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 - 10 3. In the case of petroleum or LNG storage areas or underground
11 natural gas storage, 10 miles radius from center of storage area or
12 well heads;

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 - 14 4. In the case of pipe lines and electrical transmission routes,
15 1 mile either side of center line.

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20 WAC 463-42-4C CONTENT -- CONSTRUCTION ON SITE. The applicant
21 shall describe the characteristics of the construction to occur at
22 the proposed site including the type, size, and cost of the facility;
23 description of major components and such information as will acquaint
24 the Council with the significant features of the proposed project.

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1 WAC 463-42-4D CONTENT -- CONTOUR MAPS. The applicant shall
2 include contour maps showing the original topography and any changes
3 likely to occur as a result of energy facility construction and
4 related activities. Contour maps showing proposed shoreline or
5 channel changes shall also be furnished.
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10 WAC 463-42-4E CONTENT -- ACCESS. The applicant shall describe
11 existing roads, railroads, and other transportation facilities and
12 indicate what additional access, if any, will be needed during planned
13 construction and operation.
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18 WAC 463-42-4F CONTENT -- ENERGY TRANSMISSION SYSTEMS. The applicant
19 shall describe the routing, conceptual design, and construction schedule
20 of all proposed associated facilities to be constructed.
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25 WAC 463-42-5A CONTENT -- CRITERIA, STANDARDS, AND FACTORS
26 UTILIZED TO DEVELOP TRANSMISSION ROUTE. The applicant shall indicate
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1 the federal, state, and industry criteria used in the energy transmission
2 route selection and construction factors considered in developing the
3 proposed design and shall indicate how such criteria are satisfied.

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8 WAC 463-42-5B CONTENT -- MULTIPURPOSE USE OF TRANSMISSION ROUTES.

9 The applicant shall indicate consideration of multipurpose utilization
10 of rights of way and describe the measures to be employed to utilize,
11 restore, or rehabilitate disturbed areas.

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16 WAC 463-42-5C CONTENT -- SAFETY WHERE PUBLIC ACCESS ALLOWED.

17 The applicant shall describe the means proposed to insure safe
18 utilization of those areas under applicant's control to which
19 public access will be granted.

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24 WAC 463-42-5D CONTENT -- RADIATION LEVELS. For facilities which
25 propose to release any radioactive materials, the applicant shall set
26 forth information relating to radioactivity. Such information shall

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1 include background radiation levels of appropriate receptor media
2 pertinent to the site. The applicant shall also describe the proposed
3 radioactive waste treatment process, the anticipated release of
4 radionuclides, their expected distribution and retention in the
5 environment, the pathways which may become sources of radiation
6 exposure, and projected resulting radiation doses to human populations.
7 Other sources of radiation which may be associated with the project
8 shall be described in all applications.

NATURAL HAZARDS

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13 WAC 463-42-5E CONTENT -- PROTECTION FROM ~~MAJOR OCCURRENCES~~. The
14 applicant shall describe the means employed for protection of the
15 facility from earthquakes, flood, tsunami, storms, avalanche or land-
16 slides, ~~sabotage, vandalism~~, and other major ^{NATURAL} disruptive occurrences.

17 WAC 463-42-5F CONTENT - SECURITY CONCERNS.

18 **THE APPLICANT SHALL DESCRIBE THE MEANS EMPLOYED**
19 **FOR PROTECTION OF THE FACILITY FROM SABOTAGE,**
20 **VANDALISM AND OTHER SECURITY THREATS.**

21 WAC 463-42-6A CONTENT -- EMERGENCY PLANS. The applicant shall
22 describe emergency plans to assure the public safety and environmental
23 protection on and off the site in the event of a natural disaster or
24 other major incident and further, will identify the specific responsi-
25 bilities which will be assumed by the applicant.

1 3. Expected traffic volumes during normal operation of the
2 facility;

3 4. For transmission facilities, anticipated maintenance access;
4 and

5 5. Consistency with local comprehensive transportation plans.
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10 WAC 463-42-6E CONTENT -- TRANSPORTATION FACILITY CONSTRUCTION.

11 The applicant shall indicate the applicable standards to be utilized
12 in improving existing transportation facilities and in constructing
13 new permanent or temporary access facilities, and shall indicate
14 the final disposition of new access facilities and identify who
15 will maintain them.
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20 WAC 463-42-7A CONTENT -- TRANSPORTATION OF FUELS AND WASTE

21 PRODUCTS. Except where security restrictions are imposed by the
22 federal government, the applicant shall indicate the manner in which
23 fuels and waste products are to be transported to and from the facility,
24 including a designation of the specific routes to be utilized.
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1 WAC 463-42-7B CONTENT -- ENVIRONMENTAL SAFEGUARDS. GEOLOGIC
2 AND HYDROLOGIC SURVEY. The applicant shall include the results of
3 a comprehensive hydrologic and geologic survey showing conditions
4 at the site, the nature of foundation materials, and potential
5 seismic activities.

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10 WAC 463-42-7C CONTENT -- WATER SOURCE AND USAGE. The applicant
11 shall indicate the source and the amount of water required during
12 construction and operation of the plant and show that it is available
13 for this use and describe all existing water rights, withdrawal
14 authorizations or restrictions which relate to the proposed source.

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19 WAC 463-42-7D CONTENT -- WATER SUPPLY. The applicant shall
20 describe the location and type of water intakes and their impact
21 on ground and surface waters.

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26 WAC 463-42-7E CONTENT -- COMPATIBILITY WITH WATER QUALITY
27 STANDARDS. The applicant shall demonstrate that facility construction

1 and/or operational discharges will be compatible with and meet state
2 water quality standards.

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7 WAC 463-42-7F CONTENT -- SPILLAGE PREVENTION AND CONTROL. The
8 applicant shall describe all spillage prevention and control measures
9 to be employed regarding accidental and/or unauthorized discharges
10 or emissions, relating such information to specific facilities,
11 including but not limited to locations, amounts, storage duration,
12 mode of handling, and transport.

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17 WAC 463-42-8A CONTENT -- SYSTEM OF HEAT DISSIPATION. The applicant
18 shall ~~where applicable~~ **BOTH PROPOSED AND ALTERNATIVE** describe the systems of heat dissipation ~~to~~ **FROM**
19 ~~be utilized, to include off stream cooling facilities.~~ **THE PROPOSED FACILITIES. ^ ^ FOR**

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24 WAC 463-52-8B CONTENT -- CHARACTERISTICS OF AQUATIC DISCHARGE
25 SYSTEMS. Where discharges into water are involved, the applicant
26 shall identify outfall configurations and show proposed locations.
27 The applicant shall also describe fully the effluent distribution

1 characteristics and the extent of dilution, showing plume charac-
2 teristics under all discharge conditions.

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7 WAC 463-42-8C CONTENT -- HYDROGRAPHIC STUDY OF WATERS. The
8 application shall set forth all background water quality data pertinent
9 to the site, and ~~as appropriate~~ hydrographic study data and analysis
10 of the receiving waters within one-half mile of any proposed discharge
11 location with regard to: bottom configuration; minimum, average and
12 maximum water depths and velocities; water temperature and salinity
13 profiles; and other relevant characteristics which could influence the
14 impact of any wastes discharged thereto.

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19 WAC 463-42-8D CONTENT -- GROUND-WATER ACTIVITY. The applicant
20 shall describe any changes in ground-water activity or quality which
21 might result from project construction or operation.

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26 WAC 463-42-8E CONTENT -- SURFACE-WATER RUNOFF. The applicant
27 shall describe how surface-water runoff and erosion are to be controlled

1 during construction and operation to assure compliance with state water
2 quality standards.

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7 WAC 463-42-8F CONTENT -- WASTEWATER TREATMENT. The applicant
8 ~~where appropriate,~~ **EACH WASTEWATER SOURCE ASSOCIATED WITH** shall describe ~~all water usage within~~ the facility
9 and for each ~~wastewater~~ source, the applicability of all known, **WASTEWATER CONTROL**
10 available, and reasonable methods of ~~waste prevention~~ and treatment, **WASTEWATER CONTROL**
11 ~~which have been considered.~~ Where ~~waste prevention~~ involves collection
12 and retention for recycling and/or resource recovery, the applicant
13 shall show in detail the methods selected, including at least the
14 following information: waste source(s), average and maximum daily
15 amounts and composition of wastes, storage capacity and duration, and
16 any bypass or overflow facilities to the wastewater treatment system(s)
17 or the receiving waters. Where wastewaters are discharged into receiving
18 waters, the applicant shall provide a detailed description of the
19 proposed treatment system(s), including appropriate flow diagrams and
20 tables showing the sources of all tributary waste streams, their average
21 and maximum daily amounts and composition, individual treatment units
22 and their design criteria, major piping (including all bypasses), and
23 average and maximum daily amounts and composition of effluent(s).

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1 WAC 463-42-9A CONTENT -- NPDES APPLICATION. ~~Where appropriate,~~

2 The applicant shall include a completed National Pollutant Discharge
3 Elimination System application.

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8 WAC 463-42-9B CONTENT -- SOLID WASTES DISPOSAL. The applicant
9 shall describe the disposition of all solid or semisolid construction
10 and operation wastes including spent fuel, ash, sludge, and bottoms,
11 and show compliance with applicable state and local comprehensive solid
12 waste disposal plans.

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17 WAC 463-42-9C CONTENT -- AIR POLLUTION CONTROL. The applicant
18 shall identify all pertinent air pollution control standards. The
19 application shall contain adequate data showing air quality and
20 meteorological conditions at the site. Meteorological data shall
21 include, at least, adequate information about wind direction patterns,
22 air stability, wind velocity patterns, precipitation, humidity, and
23 temperature. The applicant shall describe the means to be utilized
24 to assure compliance with air quality and emission standards.

1 WAC 463-42-9D CONTENT -- AIR POLLUTION IMPACT. The applicant
2 shall describe the extent to which facility operations cause visible
3 plumes, fogging, misting, icing, or impairment of visibility, and
4 changes in ambient levels caused by all emitted pollutants.
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9 WAC 463-42-9E CONTENT -- EMISSION CONTROL. The applicant shall
10 ~~fully demonstrate that the most effective emission control devices will~~
11 **HIGHEST AND BEST PRACTICABLE TREATMENT**
12 **FOR CONTROL OF EMISSIONS WILL**
13 be utilized in facility construction and operation. In the case of
14 fossil fuel power plants and petroleum refineries, the applicant should
15 deal with products containing sulphur and particulates. In the case
16 of a nuclear-fueled plant, the applicant should deal with optional
17 plant designs as these may relate to gaseous emissions.
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20 WAC 463-42-9F CONTENT -- DUST CONTROL. The applicant shall
21 describe for the area affected, all dust caused by construction
22 or operation of the facility and shall describe how these are to be
23 minimized or eliminated.
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1 WAC 463-42-10C CONTENT -- DESCRIPTION OF MEASURES TAKEN TO PROTECT
2 VEGETATION, ANIMAL LIFE, AND AQUATIC LIFE. The application shall contain
3 a full description of each measure to be taken by the applicant to
4 protect vegetation, animal life, and aquatic life from the effects of
5 facility operation and construction. Specifically, the application
6 shall set forth insurance, bonding or other arrangements made in order
7 to replace or compensate for damage or loss to vegetation, animal life,
8 or aquatic life.

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13 WAC 463-42-10D CONTENT -- AESTHETICS. The applicant shall describe
14 the aesthetic impact of the proposed energy facility and associated
15 facilities and any alteration of surrounding terrain. The presentation
16 will show the location and design of the facilities relative to the
17 physical features of the site in a way that will show how the installa-
18 tion will appear relative to its surroundings.

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23 WAC 463-42-10E CONTENT -- NOISE AND GLARE. The applicant shall
24 describe the impact of lights, noise, and glare from construction and
25 operation and shall describe the measures to be taken in order to
26 eliminate or lessen this impact.

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1 WAC 463-42-10F CONTENT -- ENERGY CONSUMPTION. The applicant
2 shall generally describe the energy consumption during both construction
3 and operation of the proposed facilities as to sources of supply,
4 locations of use, types, amounts, and new delivery facilities.

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9 WAC 463-42-11A CONTENT -- HISTORICAL, ARCHAEOLOGICAL, AND
10 RECREATIONAL SITE PRESERVATION/CREATION. The applicant shall list all
11 historical, archaeological, and recreational sites within the area
12 affected by construction and operation of the facility and shall then
13 describe how each will be impacted by construction and operation.

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18 WAC 463-42-11B CONTENT -- SOCIOECONOMIC IMPACT. ~~The applicant~~
19 **AT LEAST 90 DAYS PRIOR TO THE FINAL CONTESTED**
~~shall describe the primary and secondary positive and negative impacts~~
20 **HEARING THE APPLICANT SHALL SUBMIT A DE-**
~~upon the socioeconomic environment, including those upon units of~~
21 **TAILED SOCIOECONOMIC IMPACT STUDY WHICH**
~~local government, which may occur as a result of construction and~~
22 **IDENTIFIES PRIMARY AND SECONDARY AND POSITIVE**
~~operation of the facility and appurtenances. The applicant shall then~~
23 **AS WELL AS NEGATIVE IMPACTS ON THE SOCIOECONOMIC**
24 **ENVIRONMENT WITH PARTICULAR ATTENTION AND ANALYSIS**
~~impacts. The applicant shall at least address subject matter pertaining~~
25 **OF IMPACT ON**
26 **LOCAL ECONOMY**
27 ~~to population, work forces, property values, housing, traffic, health~~
~~and safety facilities and services, education facilities and services,~~
~~and economic impact.~~