



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:** Energy Facility Site Evaluation Council

**Subject of possible rule making:** Within Title 463 WAC; adopt new rules in accordance with Chapter 80.70 RCW; adopt and revise rules to implement recent changes to Chapter 80.50 RCW; and adopt, revise, or repeal rules to enhance the siting of new energy facilities and regulation of permitted facilities. The subjects under consideration will include but not necessarily be limited to: 1) expedited processing, 2) timing of environmental review and land use determinations, 3) preemption, 4) carbon dioxide mitigation, 5) amendments and termination of site certification agreements, 6) potential site studies, 7) use of consultants, and 8) fees and allocation of costs.

**Statutes authorizing the agency to adopt rules on this subject:**  
RCW 80.50.040(1) and RCW 80.70.070

**Reasons why rules on this subject may be needed and what they might accomplish:** Governor's Executive Order on Regulatory Reform, ongoing review of siting procedures, recent legislation, and acquisition of funding to implement Chapter 80.70 RCW. The adoption of new rules, revisions of existing rules, and repeal of some rules will provide better guidance, clarify EFSEC processes, and implement new legislation. All of this will help streamline EFSEC's siting and regulatory process.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The Department of Ecology and the Department of Fish and Wildlife may regulate one or more of the subjects listed above. These agencies have membership on EFSEC. These agencies as well as other state agencies such as the Departments of Natural Resources, Health, Transportation, Community Trade and Economic Development, and the Utilities and Transportation Commission will automatically be notified of the rulemaking.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) EFSEC will first develop proposals for new and revised rules and identify rules to repeal. These proposals will be discussed at one or more of its monthly meetings to elicit Council Member and public comments. Based on comments regarding the proposals, EFSEC will develop proposed draft rules and issue a CR-102 with the rules it intends to adopt and repeal. At least one public hearing will be held on the proposed rules contained in the CR-102. EFSEC will consider all the public comments and issue a CR-103 adopting the final rules. Based on level of interest on a specific subject, EFSEC may choose to issue a separate CR-102 for proposed rule(s) that pertain to one or more of the specific subjects listed above. If there is a low level of concern or interest in one or more of the proposed rules, EFSEC may adopt a specific rule at an earlier date than those that elicit more comment and controversy.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

EFSEC has developed a list of persons interested in the Council's rulemaking and all persons on that list will receive notices and information regarding this notice. Any person wanting to be put on the Rule Making List should call 360-956-2121 or email EFSEC at [efsec@cted.wa.gov](mailto:efsec@cted.wa.gov) and request to be placed on the Rule Making List. Persons on this list will be notified of the comment periods and public meetings associated with this rule making process. Specific questions may be directed to Allen Fiksdal, EFSEC Manger, PO Box 43172, Olympia, WA 98504-3172, phone: 360-956-2152, email: [allenf@cted.wa.gov](mailto:allenf@cted.wa.gov).

**DATE**  
June 14, 2006

**NAME (TYPE OR PRINT)**  
Allen J. Fiksdal

**SIGNATURE**

**TITLE**  
EFSEC Manager

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