



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

**Agency:** Energy Facility Site Evaluation Council

- Permanent Rule**  
 **Emergency Rule**

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The purpose of adopting Chapters 463- 80 and 85 WAC is to adopt, as directed in Chapter 80.70 and 80.80 RCW, carbon dioxide mitigation and greenhouse gases emissions performance standard for baseload electric generation and establish criteria to implement and enforce the emissions performance standard.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended:  
 Suspended:

**Statutory authority for adoption:** Chapters 80.70 and 80.80 RCW

**Other authority :** RCW 80.50.040

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 08-06-033 on 2/26/08 (date).

Describe any changes other than editing from proposed to adopted version:

Chapter 463-85 WAC includes clarifying changes within several sections in response to public comments. Examples include adding modifying text throughout the document to ensure consistent and correct usage of "baseload electric generation facility or unit" and "baseload electric cogeneration facility or unit".

The full list of changes to Chapters 463-80 and 85 WAC are included in Section II of the Concise Explanatory Statement.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Cathy Carruthers phone (360) 407-6564  
 Address: Department of Ecology fax (360) 407-6989  
 P.O. Box 47600 e-mail [catc461@ecy.wa.gov](mailto:catc461@ecy.wa.gov)  
 Olympia, WA 98504-7600

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:** June 24, 2008

**NAME (TYPE OR PRINT)**

Allen J. Fiksda

**SIGNATURE**

**TITLE**

EFSEC Manager

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: June 25, 2008

TIME: 9:43 AM

**WSR 08-14-064**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	<u>27</u>	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____