



STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL  
PO Box 43172 • Olympia, Washington 98504-3172

## Notice of Rulemaking Activities

December 11, 2008

Dear Interested Persons:

You are receiving this letter because you are on our list of people interested in the Energy Facility Site Evaluation Council's (EFSEC) rule making activity. EFSEC has recently adopted an amendment to Chapter 463-78 WAC and is seeking public comment on additional proposed rule changes.

### Rule Adoption

EFSEC has adopted a single amendment to Chapter 463-78 WAC 463-78-005(1). The amendment changes the effective date of adoption by reference of Chapter 173-400 WAC to November 1, 2008 from March 1, 2005. This rule will become effective on January 9, 2009.

The effect of this amendment is that EFSEC will have the same rules as the Department of Ecology allowing the US Environmental Protection Agency to grant EFSEC full Prevention of Significant Deterioration (PSD) delegation. The end result will be EFSEC's ability to issue PSD permits without co-signature by US Environmental Protection Agency.

### Proposed Rule Changes

The purpose of this proposed rulemaking is to correct and clarify rule language, correct citations, update and add new sections within existing chapters of Title 463 WAC due to statute changes and previous adoption of rules. The changes are highlighted below:

- **Chapter 463-10 WAC Definitions** -Add new definition regarding electrical transmission and alternative energy facilities.
- **Chapter 463-43 WAC Expedited Processing** - Update to reflect statute changes.
- **Chapter 463-58 WAC Fees or charges for independent consultant study, regular and expedited application processing, determining compliance and potential site studies** – Clarify fee language, update to include required monetary charges for electrical transmission facilities, clarify responsibility for financial services, and correct citation.
- **Chapter 463-60 WAC Applications for site certification** - Add existing requirements for carbon dioxide plan submittal, meeting greenhouse gas performance standards, and meeting electrical transmission facilities rules.
- **Chapter 463-62 WAC – Construction standards for energy facilities** – Correct citation.

Although EFSEC has adopted rules on carbon dioxide (Chapter 463-80 WAC), greenhouse gasses (Chapter 463-85 WAC), and adopted new rules for electrical transmission facilities (Chapter 463-61 WAC), it has not integrated or updated some of its other rules relating to information to be supplied in applications for site certification as a result of the previous rule adoption. EFSEC's rule on Expedited Processing of applications for site certification rules need to be changed to reflect the 2006 changes to RCW 80.50.075 and changes to the criteria for granting requests for this process. EFSEC intends to clarify language in Chapter 463-58 WAC to reflect current terminology regarding costs and fees for reviewing applications and compliance monitoring of energy facilities. In addition EFSEC intends to correct some incorrect citations in its rules.

The effect of this proposal will be more clear and precise rules, rules that reflect current statutes and rules, and corrected citations.

The proposed rule changes can be viewed at [efsec.wa.gov](http://efsec.wa.gov) and click on Rulemaking. If you wish paper copies of these proposed rule changes please call 360-956-2121.

### **Comments to Proposed Rule Changes**

EFSEC is inviting public comments to these proposed rule changes. EFSEC has scheduled a **public rulemaking hearing** to receive oral or written comments starting at **2:30 p.m. February 10, 2009** at the address below. Other **written or emailed comments** regarding the draft rule changes are due by **5:00 p.m. on February 9, 2009** at the address below.

Energy Facility Site Evaluation Council  
PO Box 43172  
905 Plum Street SE, 3<sup>rd</sup> Floor  
Olympia, WA 98502-34172

Email: [efsec@cted.wa.gov](mailto:efsec@cted.wa.gov) - In subject line please reference "Rulemaking".

If you have questions regarding submitting comments or attending the hearing please contact me by phone at 360-956-2152, or by email at [allenf@cted.wa.gov](mailto:allenf@cted.wa.gov).

Sincerely;

/ s /

Allen J. Fiksdal  
EFSEC Manager