



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Energy Facility Site Evaluation Council

- Preproposal Statement of Inquiry was filed as WSR 08-18-090 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

Chapter 463-10 WAC Definitions -Add new definition. **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.

Hearing location(s):

Energy Facility Site Evaluation Office, 3rd Floor
 905 Plum Street SE, Olympia, WA 98504-3172

Date: 2/10/09 Time: 2:30 pm

Submit written comments to:

Name: Allen Fiksdal
Address: P.O. Box 43172
 Olympia, WA 98504-3172
e-mail: allenf@cted.wa.gov
fax (360)956-2158 **received by (date)** 2/9/09

Assistance for persons with disabilities: Contact

Tammy Talburt by 2/6/09

TTY () _____ or (360) 956-2121

Date of intended adoption: 2/10/09
 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this proposal is to correct and clarify rule language; correct citations and update add new sections within existing chapters of Title 463 WAC due to statute changes and previous adoption of rules. The effect of this proposal will be more clear and precise rules, rules that reflect current statutes and rules, and corrected citations.

Reasons supporting proposal: 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. Clarifying language in Chapter 463-58 WAC is needed to reflect current terminology regarding costs and fees. Some WAC citations need to be corrected.

Statutory authority for adoption: RCW 80.50.040(1)

Statute being implemented: RCW 80.50

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE 12/10/08

NAME (type or print)
 Allen J. Fiksdal

SIGNATURE /s/

TITLE
 EFSEC Manager

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: December 10, 2008
TIME: 2:41 PM

WSR 09-01-050

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

NA

Name of proponent: (person or organization) Energy Facility Site Evaluation Council

- Private
 Public
 Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|----------------------------------|---|----------------|
| Drafting..... Allen Fiksdal | 905 Plum Street, Olympia, WA 98504-3172 | (360) 956-2152 |
| Implementation.... Allen Fiksdal | 905 Plum Street, Olympia, WA 98504-3172 | (360) 956-2152 |
| Enforcement.....Allen Fiksdal | 905 Plum Street, Olympia, WA 98504-3172 | (360) 956-2152 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

EFSEC has determined that these rule changes are: 1. citation corrections, 2. language clarification that does not substantive change the intent of the rule(s), and 3. minor modification or additions to existing rules as a result of statue changes and previous rule adoption. These changes and will have no economic impact.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: EFSEC is not listed as an agency required to prepare a cost-benefit analysis and this proposed rule does not meet the definition of a "significant legislative rule" under RCW 34.05.328.