PROPOSED 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).

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

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

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

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 gases (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)

Is rule necessary because of a:
Federal Law? [ ] Yes [X] No
Federal Court Decision? [ ] Yes [X] No
State Court Decision? [ ] Yes [X] No
If yes, CITATION:

DATE 12/10/08

NAME (type or print) Allen J. Fiksdal

SIGNATURE / s /

TITLE EFSEC Manager

(COMPLETE REVERSE SIDE)
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

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
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<tbody>
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Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

☐ 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 statute 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.