



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

**Notice of Proposed Expedited Rule Making
And
Notice of Opportunity to File Written Comments
(By Monday, October 19, 2015)**

Minor Clarifications of Existing Water Quality Permitting Rules

The Energy Facility Site Evaluation Council (EFSEC) proposes to adopt minor clarifications of the following water quality permitting rules:

- Chapter 463-60 Washington Administrative Code (WAC) – Applications for Site Certification.
- Chapter 463-76 WAC – Regulations for Compliance with National Pollutant Discharge Elimination System (NPDES) Program.

WAC 463-60-540: The proposed revisions clarify requirements for submittal of the following documents with the application for site certification, as appropriate:

- A completed Joint Aquatic Resources Permit Application (JARPA).
- Completed notices of intent for coverage under statewide permits issued by the Department of Ecology (Ecology) and other state agencies.

WAC 463-76-005: Clarifies EFSEC's authority to issue coverages under Ecology-issued general permits.

WAC 463-76-010(27): Clarifies the definition of 'permit' to include coverage under an Ecology-issued general permit.

WAC 463-76-025: Clarifies EFSEC's intent to seek maximum coordination and avoid duplication between EFSEC and Ecology's permitting programs.

The proposed revisions will clarify EFSEC issuance of coverages under Ecology-issued NPDES general permits, authorized by RCW 90.48.160, RCW 90.48.262(2), and RCW 80.50.040.

EFSEC issuance of coverages under Ecology-issued general permits implements the legislative directive to adopt rules which will provide maximum coordination and avoid duplication between the two agencies with respect to permits. RCW 90.48.262(2).

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Interested persons can access information on this rulemaking on the EFSEC website at <http://efsec.wa.gov/rulerev.shtml> or by email to efsec@utc.wa.gov; or EFSEC, Attn: Jim La Spina, P.O. Box 43172, Olympia, WA 98504-3172.

Public Comment

Interested persons are invited to submit written comments regarding this rule making. **To be considered, all comments must be submitted by 5:00 p.m., Monday, October 19, 2015.** Comments should be sent to EFSEC: by email to efsec@utc.wa.gov; or EFSEC, Attn: Jim La Spina, P.O. Box 43172, Olympia, WA 98504-3172.

EFSEC expects to adopt this rule no earlier than October 21, 2015.