

Chapter 463-43 WAC

~~((PROCEDURE--APPLICATIONS FOR))~~ EXPEDITED PROCESSING

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-43-010 Purpose ~~((and scope))~~. This chapter sets forth eligibility and processing requirements for ~~((preparation of applications for energy facility site certification which qualify for expedited processing and delineates certain))~~ abbreviated procedures for ~~((processing eligible))~~ applications pursuant to RCW 80.50.075.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-43-020 Standard application required. An applicant seeking expedited processing shall ~~((~~

~~((1) Make application pursuant to chapter 463-42 WAC. The application must address all sections of chapter 463-42 WAC in sufficient detail so the council can determine the impacts under WAC 463-43-030,~~

~~((2) Submit those fees for independent consultant review and application processing pursuant to RCW 80.50.071 (1)(a) and (b) and chapter 463-58 WAC with the understanding that any unexpended portions thereof shall be returned to the applicant at the completion of application processing, and~~

~~((3) Submit a request for expedited processing to the council at the time of application which shall be accompanied by a completed environmental checklist as delineated in WAC 463-46-365)) submit an application for site certification, fees, and a request for expedited processing as required by RCW 80.50.075.~~

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-43-040 Prior to making a determination of eligibility for expedited processing. The council prior to making a determination of eligibility for expedited processing shall:

(1) Conduct a public informational meeting in the county of the proposed site within ~~((60))~~ sixty days of receipt of an application to provide information to the public concerning the nature and purpose of the energy facility and the review process to be undertaken by the council and to provide an opportunity for the public to present its views~~((τ))~~i

(2) Determine at a public hearing within ~~((60))~~ sixty days of receipt of an application if the proposed site is consistent and in compliance with city, county or regional land use plans ~~((œ))~~ and zoning ordinances~~((τ))~~i

(3) Review the application pursuant to WAC 463-43-030; in making its review the council may engage pursuant to RCW 80.50.071 (1)(a) an independent consultant to provide an assessment of the application and environmental checklist and to conduct any special study deemed necessary by the council~~((τ))~~i and

(4) Initiate processing of the applicant's NPDES application, if required, in accordance with chapter ~~((463-38))~~ 463-76 WAC.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-43-050 Expedited processing determination. Following the review of an application and land use hearing and within ~~((120))~~ one hundred twenty days of receipt of an application or such later time as is mutually agreed by the applicant and the council, the council ~~((at a regular or special meeting and))~~ by order will grant expedited processing for an application when it has found that:

(1) The proposed site is consistent and in compliance with city, county or regional land use plans ~~((œ))~~ and zoning ordinances~~((τ))~~i and

(2) The environmental impact, area potentially affected, cost and magnitude, and degree of change in use caused by the proposed energy facility are not significant enough to warrant a

full review of an application for certification under the provisions of chapter 80.50 RCW.

AMENDATORY SECTION (Amending WSR 91-03-090, filed 1/18/91, effective 2/18/91)

WAC 463-43-060 Effect of expedited processing. For an application granted expedited processing under WAC 463-43-050 the council shall not:

(1) Conduct any further review of an application by an independent consultant ~~(, and)~~;

(2) Hold an adjudicative proceeding ~~((hearing))~~ under chapter 34.05 RCW; and

(3) Continue an adjudicative proceeding that has commenced.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-43-070 Expedited application processing. The council will prescribe the form, content and necessary supporting documentation for site certification during ~~((regular or special))~~ council meetings ~~((of the council))~~. All interested persons and the counsel for the environment shall be afforded an opportunity to make presentations on the matters herein.

AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-43-080 Recommendation--Transmittal to governor. Within ~~((60))~~ sixty days following the granting of expedited processing or such later time as is mutually agreed by the applicant and the council, the council shall forward its recommendation, and if the recommendation is for approval ~~((with))~~, the council will also forward a copy of ~~((the))~~ a draft site certification agreement to the governor.