



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 01-13-084 ; 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: Title 463, Rules Relating to Siting Energy Facilities.

Adopt new rules, and/or revise existing rules that would set standards and/or application requirements for siting new electrical generation facilities in the following areas: 1) seismicity, 2) noise, 3) fish and wildlife 4) wetlands, 5) water quality, 6) air quality, 7) socioeconomics, 8) water quantity. Adopt new rules for mediation, stipulations and settlements. Adopt new/revise existing rules for site certification agreement issuance, amendment, monitoring, and term of certification. Update NPDES rules for consistency with federal requirements. Reorganize Title 463 for clarity.

Hearing location(s):

WSU Energy Building
925 Plum Street S.E., Building 4,
Conference Room 308
Olympia, WA 98504-3172

Date: August 10, 2003 Time: 2:00 P.M.

Submit written comments to:

Name: Allen Fiksdal, EFSEC Manager
Address: EFSEC, P.O. Box 43172, Olympia, WA, 98504-3172

e-mail efsec@ep.cted.wa.gov
fax (360)956-2158 by (date) August 13, 2004

Assistance for persons with disabilities: Contact

Mariah Laamb by August 3, 2004

TTY (360) 586-4224 or (360) 956-2121

Date of intended adoption: October 10, 2004
(Note: This is NOT the effective date)

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

This rulemaking is being conducted in response to:

- 1) Changes to EFSEC statute resulting from EHB 2247,
- 2) A report on EFSEC reform requested by Governor Locke entitled "Improving Washington Energy Facility Site Evaluation Council" by Charlie Earl, President of Everett Community College that included suggested changes to EFSEC including rule making to improve the application and review process; and
- 3) Governor's directive to establish clear and objective criteria for new energy facilities.

This rulemaking will give direction to future applicants to EFSEC regarding application content and levels of mitigation required resulting in streamlining the processing of the applications for large energy facilities.

The following chapters will be revised and/or added. Certain existing sections are consolidated into new chapters for clarity. The Title will be reorganized for clarity.

Existing Chapters that will be revised WAC 463-06, -10, -14, -18, -22, -26,-28, -30, -34, -36, -38, -39, -40, -42, -43, -47, -50, -54, -58;

New Chapters that have been created: WAC 463 -62, -64, -68, -72.

Statutory authority for adoption: Chapter 80.50 RCW

Statute being implemented: Chapter 80.50 RCW, Chapter 90.48 RCW (NPDES Rules Chapter 463-38 WAC)

Is rule necessary because of a:

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

CODE REVISER USE ONLY

DATE
June 23, 2004

NAME
Allen J. Fiksdal

SIGNATURE

TITLE
EFSEC Manager

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

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 J. Fiksdal, EFSEC Manager	925 Plum Street S.E., Building 4, Olympia, WA 98504-3172	(360) 956-2152
Implementation.... Allen J. Fiksdal, EFSEC Manager	925 Plum Street S.E., Building 4, Olympia, WA 98504-3172	(360) 956-2152
Enforcement..... Mike Mills, Compliance Manager	925 Plum Street S.E., Building 4, Olympia, WA 98504-3172	(360) 956-2151

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: Allen J. Fiksdal, EFSEC Manager
Address: EFSEC, P.O. Box 43172, Olympia, WA, 98504-3172

phone (360) 956-2152
fax (360) 956-2158
e-mail efsec@ep.cted.wa.gov

No. Explain why no statement was prepared.

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 a listed agency under RCW 34.05.328 (5)(a)(i).