



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101

Do NOT use for expedited rule making

Agency: Energy Facility Site Evaluation Council (EFSEC)

Subject of possible rule making:

Adopt new rules, and/or revise existing rules that would set standards for siting new natural gas-fired combustion turbine electrical generation facilities. The subjects under consideration will be: 1) air quality, 2) fish and wildlife, 3) greenhouse gas mitigation, 4) noise, 5) seismicity, 6) socioeconomics, 7) water quality, 8) water quantity, 9) wetlands, 10) site certification expiration, 11) need for projects, and 12) mediation, stipulations and settlements. This CR-101 supplements the CR-101 issued on June 19, 2001.

(a) Statutes authorizing the agency to adopt rules on this subject:

RCW 80.50.040(1)

(b) Reasons why rules on this subject may be needed and what they might accomplish: This rulemaking is in response to:

- 1) 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;
2) Governor's directive to establish clear and objective criteria for new energy facilities; and
3) Results of a collaborative process involving stakeholders to develop suggested rules that would identify standards for siting natural gas-fired combustion turbine electrical generation facilities.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Department of Ecology and the Department of Fish and Wildlife may regulate one or more of the subjects listed above. These agencies were participants in the collaborative effort for developing proposed standards and have membership on EFSEC. These agencies as well as other state agencies such as the Departments of Natural Resources, Health, Transportation, Community Trade and Economic Development, Military, and the Utilities and Transportation Commission will automatically be notified of the rulemaking. The United States Environmental Protection Agency may also regulate one or more of the subjects listed above and will be notified of this rule making.

(d) Process for developing new rule (check all that apply):

- Negotiated rule making
Pilot rule making
Agency study

Other (describe) EFSEC will first develop preferred rules for the alternatives offered by the stakeholders. After the preferred alternatives are developed, EFSEC will hold two or more public meetings during a specified comment period to elicit public comments on the alternative rules. Based on public comments regarding a preferred alternative rule(s), EFSEC will develop proposed rules and issue a CR-102 with the rules it intends to adopt. One or more public hearing will be held on the proposed rules contained in the CR-102. EFSEC will consider all the public comments and issue a CR-103 adopting the final rules. Based on level of interest on a specific subject, EFSEC may choose to issue a separate CR-102 for proposed rule(s) that pertain to one or more of the specific twelve subjects listed in above. If there is a low level of concern or interest in one or more of the proposed rules, EFSEC may adopt a specific rule at an earlier date than those that elicit more comment and controversy.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.) The Council has developed an interested parties list from the June 19, 2001 CR-101. Any person who commented on the June 19, 2001 CR-101 or asked to be on EFSEC's Rule Making List will receive notices and information regarding this notice. Any person wanting to be put on the Rule Making List should call 360-956-2121 or email EFSEC at efsec@ep.cted.wa.gov and request to be placed on the Rule Making List. Persons on this list will be notified of the comment periods and public meetings associated with this rule making process.

Specific questions may be directed to Allen Fiksdal, EFSEC Manger, PO Box 43172, Olympia, WA 98504-3172, phone: 360-956-2152, email: allenf@ep.cted.gov.

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NAME (TYPE OR PRINT)

Allen Fiksdal

SIGNATURE

TITLE
EFSEC Manager

DATE