NEW CHAPTER

Chapter 463-6X

WAC SITING STANDARDS – ENERGY FACILITIES – APPLICATION FOR SITE CERTIFICATION

WAC

WAC 463-62-001 –((~~Intent and p~~Purpose ~~of this chapter~~)).

1. The purpose of this chapter is to implement the policy and intent of RCW 80.50.010 by establishing objective standards for seismicity, noise, fish, wildlife, and habitat. wetlands, water quality, water quality, air quality, site restoration, need, and greenhouse gas, and appropriate corresponding mitigation associated with applications to construct and operate energy facilities proposed for siting in Washington State.
2. The provisions of this chapter shall apply to the construction and operation of energy facilities, as more fully set out in the controlling statue, RCW 80.50.060 those energy facilities defined in 86.50.020.
3. The entire requirements for siting a energy facility specified in (1) above are included in Chapter 463 Washington Administrative Code, of which this is a part.
4. RCW 80.50.010 establishes the policy and intent of the State of Washington to recognize the pressing need for increased energy and to ensure, through available and reasonable methods, that energy facilities are designed to protect the public interest and the environment
5. Compliance with the standards within this chapter shall satisfy, in their respective subject areas, the requirements for issuance of a site certificate for construction and operation of a combustion turbine energy facility specified in (1) above provided, however, that the Council may require additional mitigation in the event that in the course of the Council proceedings, including compliance with the State Environmental Policy Act, it is demonstrated that the project poses a probable significant adverse impact that is not mitigated by the provisions of this chapter.

WAC 463-60-010 Seismicity

This rule describes the seismicity standard for construction of combustion turbine energy facilities under council jurisdiction. The applicant shall provide evidence to the council showing that the applicant will comply with the building code for seismic hazards applicable at the proposed project location.

WAC 463-60-020 Noise limits for Energy Facilities as defined in RCW 80.50.000

1. Introduction. This rule describes the level of noise permitted from the operation of thermal power plants under the jurisdiction of EFSEC.
2. Applicable Noise Standards. Energy facilities under the jurisdiction of EFSEC shall meet the minimum noise standards established in chapter 70.107 RCW, The Noise Control Act of 1974, and rules adopted to implement those requirements in Chapter 173-60 WAC Maximum Environmental Noise Level as they exist as of the date of this rule and other requirements contained herein. In the event that a local government jurisdiction has promulgated rules governing the minimum noise standards applicable to that jurisdiction,

those local noise standards shall apply provided that they are at least as restrictive as those contained in this chapter.

3. Pre-Application Background Noise Monitoring. Any applicant requesting site certification approval to construct an energy facility shall conduct background noise level monitoring and include those results in the application for site certification.
    a. At a minimum the applicant will monitor background noise levels at three or more receptor sites in each quadrant surrounding the proposed site.
    b. Monitoring will take place at receptor properties located within a 5-mile radius of the proposed site.
    c. Monitoring will also be conducted at a representative sampling of receptor sites where high densities of people are expected to be found within the f-mile radius of the proposed site. High density sites would typically include, but are not limited to schools, hospitals, apartment complexes, office complexes and industrial areas.
4. Post-Construction Pre-Operational Noise Monitoring. Applicants receiving site certification approval to construct a combustion turbine electrical generator shall conduct background noise level monitoring commencing 30 days prior to commencement of commercial operation to establish current background ambient noise levels at receptor sites as described in Section 3 above unless conditions have changed and additional sites need to be monitored.
    a. Monitoring as required under this section shall be used to determine pre-operational background noise levels immediately prior to commencement of commercial operation. This is important for areas with rapid development and growth and where pre-application background noise monitoring may not reflect current conditions.
    b. Applicants receiving site certification approval to construct a combustion turbine electrical generator may request a wavier of this requirement from EFSEC.
5. Operational Noise Monitoring. Applicants receiving site certification approval to construct an energy facility shall conduct noise level monitoring commencing 30 days after commencement of commercial operation.
    a. Operational noise level monitoring shall be at a frequency to be specified by the council.
    b. Operational noise level monitoring shall monitor the same sites as were monitored under Section 3 and 4 above unless conditions have changed and additional sites need to be monitored.
    c. Operational noise level monitoring shall be conducted in the same manner as the Background Noise Level Monitoring required under Section 4 above.
    d. During operational noise level monitoring, the Site Certificate Holder or another appropriate party shall determine if the facility is operating with in the limits of the state or local noise control ordinances and if necessary take steps to ensure that the facility does not exceed applicable noise standards.
    e. Noise Monitoring of the Median Octave Band Sound Pressure Levels will be used to determine if the facility is producing low frequency noise or tones.
6. Monitoring will consist of:
    a. Measuring noise levels using the "dBA" scale, meaning the sound pressure level in decibels measured using the "A" weighting network on a sound level meter, and
    b. Pre-Application Background Noise Monitoring and Post construction Pre-Operational Noise Monitoring shall include monitoring of the Median Octave Band Sound Pressure Levels to determine the presence or absence of background low frequency noise.
        i. "Octave band sound pressure level" means that sound pressure level for the sound being measured within the specified octave band. The reference pressure is 20 micropascals (20micronewtons per square meter.)
        ii. "Sound pressure level (SPL)" means 20 times the logarithm to the base 10 to the ratio of the root-mean square pressure of the sound to the reference pressure. SPL is given in decibels (dB). The reference pressure is 20 micropascals (20) micronewonetons per square meter)

c. All monitoring results shall be reported to the Council.

7. Reporting Operational Noise Level Monitoring Results. If Operational noise level monitoring results show that the facility is producing noise above the level required to meet applicable state or local noise regulations or ordinances, the Site Certificate Holder or another appropriate party shall report the findings to the council promptly and not within 15 days. Within 100 days the site certificate holder or another appropriate party shall present a report to EFSEC documenting the findings and discussing options to reduce noise resulting from the operation of the facility at receptor sites.
8. Noise Receptor Property Monitoring Locations. Unless otherwise specified, the appropriate measurement point shall be that point on the noise sensitive property, described below, which is furthest from the noise source.
    a. 25 feet toward the noise source from that point on the noise sensitive building nearest the noise source;
    b. That point on the noise sensitive property line nearest the noise source.
9. Variances and Waivers.
    a. The Council may grant variances to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon existion noise sources, or because of non-availability of feasible technology or control methods. Any such variance or it's renewal shall be granted only for the minimum time period found to be necessary under the facts and circumstances.
    b. The Council may grant a waiver of the applicable noise limit with respect to a particular receiving property if the owner of such property grants a noise easement or otherwise agrees to be subject to noise from the facility that exceeds the limits established in appropriate State rule or local ordinance.
    c. In the event a property owner denies access to a receptor property, noise level modeling may be used to predict noise levels at that location.
10. Compliance.
    a. For purposes of complying with this chapter, noise from the facility shall be measured in dBA by a sound level meter at a point or points as described in Sections 3,4,5, and 8 above.
    b. The Council shall undertake enforcement of the limits established in this rule only upon receipt of a complaint made by a person who resides, owns property, or is employed on the property affected by the noise complained of, except for parks, recreational areas, and wildlife sanctuaries where the manager of said facility may file a complaint, or except for its own monitoring or review of monitoring information.

WAC 463-60-030 Fish and Wildlife. This rule applies to applications for the construction of energy facilities as defined in RCW 80.50. and describes the applicable standards for fish, wildlife, and habitat protection.

1. Intent. The council's intent is to achieve no net loss of habitat functions and values by maintaining the functions and values of fish and wildlife habitat in the areas impacted by energy development. This includes the productive capacity and opportunities reasonably expected of a site in the future.
2. The council encourages an applicants to select sites that avoid impacts to any species on federal or state lists of endangered or threatened species or to priority species and habitats.
3. Standards.
    a. An applicant must demonstrate no net loss of fish and wildlife habitat function and value.
    b. Restoration and enhancement are preferred over creation of habitats due to the difficulty in successfully creating habitat.
    c. Mitigation credits and debits shall be based on a scientifically valid measure of habitat function, value, and area.

d. The ratios of replacement habitat to impacted habitat shall be greater than 1:1 to compensate for temporal losses, uncertainty of performance, and differences in functions and values.
e. Wetlands shall be replaced at ratios following the wetland standard established by the council in WAC 463-XX-XXX.
f. Fish and wildlife surveys shall be conducted during all seasons of the year to determine breeding, summer, winter, migratory usage, and habitat condition of the site.
g. As required by Chapter 463-42 WAC, the application shall contain a full description of each measure to be taken by the applicant to protect all habitat types, vegetation, wetlands, wildlife, fish, and in-stream flows from the effects of project construction, operation, abandonment, termination, or cessation of operations.

4. Definitions.
   a. "Mitigation" is defined as actions that will be required to avoid, minimize, or compensate for impacts to fish, wildlife, or habitat from the proposed project activity. Avoiding impacts is the highest mitigation priority. Mitigation shall continue for the duration of the project's impacts. Complete mitigation is achieved when the mitigation elements ensure no net loss of habitat functions or values, or fish and wildlife populations. Habitat loss and mitigation success shall be measured with the Habitat Evaluation Procedure (HEP) or other scientifically recognized method. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following sequential order of preference:
      i. Avoiding the impact altogether by not taking a certain action or parts of an action.
      ii. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
      iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
      iv. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
      v. Compensating for the impact by replacing or providing substitute resources or environments.
      vi. Compliance and effectiveness monitoring, and taking appropriate corrective measures to achieve the identified goal, is a necessary component of all of the above.
   b. "Habitat function" means one or more life requisites of a species that is met by the habitat. Function includes, but is not limited to, providing a species with food, cover, breeding area, water, migration route, escape cover or winter cover.
   c. "Habitat value" means the relative importance the habitat provides to a species or recreational opportunity. Habitat value includes, but is not limited to productivity, condition, availability, distribution, and importance to a species.
   d. "At risk" means when high quality priority habitats or habitats of priority species are subject to imminent development.
   e. "Best available science" means the scientific information that is produced through a valid scientific process. A valid scientific process is one that produces reliable information useful in understanding consequences of development and mitigation techniques that are effective in protection the function and values of habitat. A valid scientific process includes the following characteristics: peer review, methods, logical conclusions and reasonable inferences, quantitative analysis, context and references.

5. Priorities for Mitigation Location and Type. For federal endangered or threatened fish species, mitigation must occur within the habitat type supporting the same Evolutionary Significant Unit (ESU). Priorities for mitigation type and location are in the following sequential order and have the following meanings:
   a. On-site, in-kind.
      i. "On-site" means on or adjacent to the project impact site.

ii. "In-kind" means the same species or habitat that was impacted.

b. Off-site, in-kind.
   i. For off-site mitigation to be accepted, the project proponent must demonstrate that greater habitat function and value can be achieved off-site than on-site.
   ii. "In-kind" mitigation means the same species or habitat that was impacted.

c. On-site, out-of-kind.
   i. "On-site" means on or adjacent to the project impact site.
   ii. "Out-of-kind" mitigation is not acceptable for impacts to priority habitats and species, with on exception; priority habitats and species that are at greater risk can be substituted for impacted priority habitats and species. Priority habitats and habitats of priority species may be replaced at a level greater than the impacts of the project on those habitats and species.

d. Off-site, out-of-kind.
   i. For off-site mitigation to be accepted, the project proponent must demonstrate that greater habitat function and value can be achieved off-site than on-site.
   ii. Out-of-kind mitigation is not acceptable for impacts to priority habitats and species with two exceptions:
      1. priority habitats and species that are at greater risk can be substituted for impacted priority habitats and species. Priority habitats, and habitats of priority species can be replaced at a level greater than the impacts of the projects on those habitats and species, or
      2. out-of-kind wetland mitigation can be made for a wetland type that is at "greater risk" or is a wetland type of higher value.

6. Mitigation Plans. Mitigation plans shall be required for an energy facility as defined in RCW 80.50. When high quality areas of priority habitats or habitats of priority species are at risk, preservation of those habitats may be accepted as part of a mitigation plan, so long as there is no net loss of habitat function. Mitigation plans shall include the elements specified in Chapter 463-42 WAC as well as a cost estimate to fulfill mitigation requirements including operations, maintenance, monitoring, and contingency plans for the duration of the project's impact.
7. Habitat mitigation measures shall be based on best available science.
8. Proven mitigation techniques shall be used. Experimental mitigation techniques are allowable only if advance mitigation is being performed and will be fully functional prior to the project impacts.
9. Mitigation shall proceed along with project construction. Mitigation measures are an integral part of a construction project and shall be completed before or during project construction, except projects with impacts which have no proven mitigation techniques. Those projects require advance mitigation.
10. Delayed mitigation shall include replacement that is greater than losses. Mitigation that is implemented after project construction, or that requires more than 5 years to reach replacement value, shall include additional habitat value (over and above replacement value) equal to the loss through time.
11. Cumulative impacts of projects shall be considered. Cumulative impacts of projects shall be identified, considered and appropriate measures taken to avoid or minimize those impacts.
12. Mitigation costs are the responsibility of the project owner, applicant, certificate holder, or successor in interest until the site is restored and fish and wildlife impacts cease. Mitigation costs may include but are not limited to:
    a. Studies to determine impacts and mitigation needs.
    b. Alteration of project design.
    c. Planning, design, and construction of mitigation features.
    d. Operation and maintenance of mitigation measures for duration of project impact (including personnel).

e. Compliance and effectiveness monitoring of mitigation measures.
f. Contingency plans and adaptive management.

13. Performance bond or other monetary assurance shall be required. A performance bond, letter of credit. escrow account or other secured financial guarantee shall be required to ensure that the applicant or their successor, will fulfill mitigation requirements, operation and maintenance, monitoring, and contingency plans for the duration of the project's impacts. The amount of the bond shall cover the costs plus 10 percent.
14. Mitigation site shall be protected for the duration of the impacts. Mitigation site protection shall be through fee title, conservation easement, deed restriction, donation, or other legally binding method, subject to council approval.
15. Compliance and effectiveness monitoring shall be performed and reported to the council. Compliance monitoring shall be performed to ensure that the required mitigation measures are developed in accordance with the site certification. Effectiveness monitoring of mitigation measures shall be performed to ensure that the mitigation measures achieve the desired results. The council shall analyze the monitoring reports and may require changes in the mitigation activities or the employment of contingency plans.
16. Mitigation banking may be an acceptable form of mitigation. The term "mitigation bank" means habitat creation, restoration, or enhancement project undertaken by a project proponent to act as a bank of credits to compensate for habitat impacts from future development projects. Credits and debits shall be based on area or a scientifically valid measure of habitat function and value such as the Habitat Evaluation Procedure (HEP) or the In stream Flow Incremental Methodology (IFIM), or other method acceptable to the council. The use of credits from a mitigation bank as a form of compensation shall occur only after all efforts to void, minimize, rectify, reduce, and then compensate for impacts have been exhausted and shall be subject to council approval.

463-60-040 WATER RESOURCES

1. Introduction. This rule describes the water right required for energy facility siting. Water is a finite and valuable natural resource necessary for the health and welfare of all citizens. It is the council's policy to promote the use of the state's water resources in a manner that maximizes the net benefits to the natural environment. Consistent with this policy, an applicant shall consider alternatives to consumptive water use including air cooling and reclaimed or reuse water or other alternatives. The applicant shall provide detailed information comparing the water use scenarios, their costs and overall water consumption rates that were considered during the preparation of the application. The applicant shall describe the water conservation methods that will be used during the construction and operation of the proposed facility and how those measures will be implemented. In addition, the applicant is encouraged to look at other opportunities to mitigate or other wise offset the facility's effects on water consumption.
2. Purpose. The purpose of this rule is to set forth how the applicant proposing to use water resources for an energy facility may request and receive authorization for such intended use.
3. Procedures for water use authorization:
    a. Submission of Water Rights – Any applicant proposing to use water for an energy facility shall do one of the following:
        i. submit water rights or other water use authorizations suitable for use by the proposed energy facility without change;
        ii. submit water rights which are approvable to be changed to meet points of withdrawal, place of use and purpose of use identified in the application; or
        iii. submit water rights from both categories sufficient to meet the needs of the proposed facility.

    Submitted water rights or other authorizations to use water shall be specifically identified in the application. In no event shall the council authorize the use of a larger

quantity of water than authorized by the water rights or water use authorization submitted by the applicant and identified in the application;

b. Beneficial Us Requirement - Water rights by the applicant and identified in the application shall have been beneficially used pursuant to 90.54.120 and not subject to relinquishment for nonuse;

c. Water Use Authorizations – The term "water use authorization," as used herein, is any right to use water for a proposed energy facility that is not based directly upon a water right permit or certificate issued by the State. Such an authorization will consist of a contractual right to use water supplied by a municipal corporation or other water purveyor, however it may consist of any lawful right to use water for an energy facility;

d. Water Rights Suitable for Use Without Change – In the application for site certification an applicant shall identify water rights or water use authorizations sufficient to meet the requirements of the proposed energy facility that do not require any change to a water right permit or certificate issued by the state. In such events, the council shall determine whether the applicant holds, or will hold sufficient legal authority to water in a quantity sufficient to meet the requirements of the proposed energy facility;

e. Water Rights That Required Changes –

i. If the applicant submits water rights that require changes; to

a. the points of withdrawal and/or diversion;
b. the place of use; and/or
c. the purpose and time of use, in order to make the water rights suitable for use by the proposed energy facility, the council shall determine whether to authorize water use incorporation the requested changes;

ii. The council's foregoing determination shall be based on the substantive law applicable to a water rights change application, including but not limited to RCW 43.12a,90.03,90.14.90.44 and 90.54 or their successors, together with implementing regulations and judicial decisions. but not including require requirements for priority processing of application;

iii. In the application, the applicant must provide the council with a report of examination, identifying the water rights changes to be made, the quantities of water (both in gallons per minute and acre feet per year) that are eligible to be changed, together with any limitations on the use, including time of year. The report of examination shall also include comments by the Department of Fish and Wildlife with respect to the proposed changes, and be consistent with subsection 1 above.

iv. Unless otherwise authorized by the council, the report of examination shall be prepared by the Department of Ecology and submitted to the council. The applicant shall pay the Department of Ecology to prepare the report;

v. At least six months prior to submitting an application, the applicant shall notify the Department of Ecology of its intent to submit an application and the water rights changes that will be necessary;

vi. Within twenty-one calendar days, the Department of Ecology will notify the applicant in writing whether it will be able to complete a report of examination for inclusion in the application. If the Department of Ecology agrees to prepare the report of examination the applicant and the Department of Ecology shall work together to develop a schedule and exchange information needed to complete the report of examination. The Department of Ecology's preparation of a report of examination shall not make it a sponsor of the proposal or preclude it from taking a position with regard to the proposed energy facility;

vii. If the Department of Ecology notifies the applicant that it is unable to prepare a report of examination for submittal with the application, or the Department does not notify the applicant within twenty-one calendar days as described in this subsection, the applicant may retain a consultant to prepare the report. If a consultant prepares the report of examination, the Department of Ecology may provide the council with any comments related to any requested changes;

viii. If the council authorizes the applicant's requested water use in the site certification agreement, it may specify any additional terms and conditions of water use in the event that water usage in the amounts and at such times as proposed by the applicant will cause an adverse impact on other water users, established low flow limits, critical fisheries habitat or the environment;

ix. The council will not change the water rights submitted by the applicant. Rather, those water rights will be identified in the site certification agreement and form the basis for the water use authorized by the council. No other use shall be made of those water rights during the life of the site certification agreement;

f. Options for Applicant – Nothing in this section shall prevent an applicant from seeking to obtain new water rights from the Department of Ecology, or from applying to the Department of Ecology or a Water Conservancy Board to change a water right, but any such application shall be separate and distinct from an application for site certification, and subject to council approval.

WAC 463-60-080 – Environmental, Esthetic and Other Benefits

In addition to the other requirements found in Chapter 463, the applicant shall describe how the proposed facility is consistent with the intent and policy set forth in RCW 80.50.010 including but not limited to:

1. enhancing the environment and the esthetic and recreational benefits of the air, water and land resources;
2. promoting air cleanliness; and
3. providing abundant power at a reasonable cost.

WAC 463-60-090 Water Quality

1. Introduction. This rule describes the standard the Council will apply to waste water discharges from projects under the Council's jurisdiction.
2. Definitions.
    a. "Act" means the Federal Water Pollution Control Act as amended, (86 Stat 816,33 U.S.C. 1251, et seq.)
    b. "General permit" means a permit which covers multiple dischargers within a designated geographical area in lieu of individual permits being issued to each discharger.
    c. "National Pollutant Discharge Elimination System (NPDES)" means the national system for the issuance of permits under section 402 of the act and includes the Washington state program (set forth in chapter 151, Laws of 1973) for participation in said system which has been approved by the administrator in whole pursuant to section 402 of the act.
    d. "Privately owned treatment works" means nay device or system which is:
        i. used to treat wastes from any facility whose operator is not the operator of the treatment works; and
        ii. not a "POTW."
    e. "Publicly Owned Treatment Works or POTW" means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act.) This definition includes any devices and

systems used in the storage, treatment, recycling or reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

f. "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, ground waters, salt waters, and all other waters and water courses within the jurisdiction of the state of Washington.

3. Policy. Waste water discharges from projects under the Council's jurisdiction shall meet or exceed the requirements of the state water quality standards, Chapter 173-201A WAC and groundwater quality standards, Chapter 173-200 WAC and shall not result in a degradation of the quality of the waters of the state of Washington or have a significant adverse impact on the environment or human health. Compliance with this policy shall be determined based on the requirements outlined in subsections (4), (5) and (6) below.

4. Wastewater Discharges Subject to the National Pollution Discharge Elimination System (NPDES) Permitting Program.
For projects under the Council's jurisdiction that discharge wastewater including storm water subject to the NPDES permitting program, compliance with existing state and federal regulations concerning the NPDES permitting program, as adopted by the Council in Chapter 463-38 WAC and in rules pertaining to storm water general permits, shall create a presumption that the Council's standards has been satisfied. This presumption may be overcome only if the Council determines, after a review of all the relevant evidence before it, that the discharges would, despite compliance with existing state and federal standards, have a significant adverse impact on the environment or human health. If such a determination is made, the Council may require additional effluent limitations or mitigation measures necessary to prevent significant adverse impacts to the environment and human health.

5. Wastewater Discharges to Publicly Owned Treatment Facilities.
   a. For projects under the Council's jurisdiction that discharge wastewater to publicly owned treatment works, waters of the state, compliance with WAC Chapter 463-XX-XXX (NEW) shall create a presumption that the Council's standard has been satisfied. This presumption may be overcome only if the Council determines, after a review of all the relevant evidence that the discharges would, despite compliance with existing state standards, have a significant adverse impact on the environment or human health. If such a determination is made, the Council may require additional effluent limitations or mitigation measures necessary to prevent significant adverse impacts to the environment and human health.
   b. Where a discharge is proposed to a publicly owned treatment works the applicant shall provide an engineering analysis showing that the proposed discharge will not cause the waste treatment facility to exceed capacities or to violate its authorized discharge limits, including both the quality of the discharge and the volume of the discharge, or to violate the permits governing its operation.
   c. Depending on the nature of the proposed wastewater discharge to a treatment facility, the council may require that industrial pretreatment of wastewater flows be provided prior to such discharge.

6. Wastewater Discharges to Ground Waters of the State.
For projects which discharge wastewater to groundwater of the state, compliance with WAC Chapter 463-XX-XXX (NEW) shall create a presumption that the Council's standard has been satisfied. This presumption may be overcome only if the Council determines, after a review of all the relevant evidence before it, that the discharges would, despite compliance with existing state standards, have a significant adverse impact on the

environment or human health. If such a determination is made, the Council may, require additional effluent limitations or mitigation measures necessary to prevent significant adverse impacts to the environment or human health. In addition, the council may require that a ground water monitoring program be established to determine that groundwater quality standards are not being exceeded or that others rights to use such water is not impacted in any negative manner.

7. Wastewater Discharges to Privately Owned Conveyance Systems.
   For projects which discharge wastewater to facilities other than publicly owned treatment facilities, the provisions of subsections (4), (5), and (6) above shall apply. In addition, the applicant shall provide the Council with:
   a. Documentation that the wastewater conveyance and discharge facilities are capable of handling the discharge and not causing a violation of water quality standards at the point of discharge;
   b. Documentation that the facilities are in good repair and functioning as designed; and
   c. Documentation that the applicant is authorized to use the facilities and has the ability to execute necessary repairs in the event of damage to the conveyance or discharge facilities.

WAC 463-60-100 Air Quality Standard –

1. An applicant satisfies the air quality standard upon a determination by the council that the project's air emission complies with existing state and federal air quality regulations;
2. The provisions of section (1) above do not apply to issues related to carbon dioxide emissions from proposed energy facilities.