

CHAPTER 463
Part IV. Site Certification Agreement

New Chapter 463-XX
PROCEDURE – ISSUANCE OF A SITE CERTIFICATION AGREEMENT

New Sections

WAC	
463-xx-xxx	Purpose.
463-xx-xxx	Recommendations to governor – approval or rejection of certification.
463-xx-xxx	Governor’s action – approval or rejection of certification, or reconsideration.
463-xx-xxx	Reconsideration of draft certification agreement.
463-xx-xxx	Rejection of an application for certification.

WAC 463-xx-xxx Purpose. This Chapter sets forth rules relating to reporting recommendations to the governor as to approval or rejection of an application for site certification and the governor’s actions regarding approval or rejection of certification or directing reconsideration of certain aspects of certification.

WAC 463-xx-xxx Recommendations to Governor - Approval or Rejection of Certification. The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of such an application, or such later time as is mutually agreed by the council and the applicant. If the council recommends approval of an application for certification, it shall also submit a draft certification agreement with the report. The draft site certification agreement shall include, but shall not be limited to, conditions to protect state or local governmental or community interests affected by the construction or operation of the energy facility, and conditions designed to recognize the purpose of the laws or ordinances, or rules or regulations promulgated there under, that are preempted or superseded pursuant to RCW 80.50.110 as now or hereafter amended.

WAC 463-xx-xxx Governor’s Action - Approval or Rejection of Certification, or Reconsideration. Pursuant to RCW 80.50.100, within sixty days of receipt of the council’s report the governor shall take one of the following actions:

- (1) Approve the application and execute the draft certification agreement; the certification agreement shall be binding upon execution by the governor and the applicant.
- (2) Reject the application; or
- (3) Direct the council to reconsider certain aspects of the draft certification agreement.

WAC 463-xx-xxx Reconsideration of Draft Certification Agreement. If directed by the governor under RCW 80.50.100(2)(c) to reconsider certain aspects of the draft certification agreement, the council shall:

(1) Reconsider such aspects of the draft application or, as necessary, reopen the adjudicative proceeding to receive additional evidence. Such reconsideration shall be conducted expeditiously.

(2) The council shall resubmit the draft certification to the governor incorporating any amendments deemed necessary upon reconsideration.

(3) Within sixty days of receipt of such draft certification agreement, the governor shall either approve the application and execute the certification agreement or reject the application. The certification agreement shall be binding upon execution by the governor and the applicant.

WAC 463-xx-xxx Rejection of an Application for Certification. The rejection of an application for certification by the governor shall be final as to that application but shall not preclude submission of a subsequent application for the same site on the basis of changed conditions or new information.