



STATE OF WASHINGTON

## ENERGY FACILITY SITE EVALUATION COUNCIL

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### **Energy Facility Site Evaluation Council**

#### **Delegating Certain Plan Approvals to the EFSEC Manager**

**Policy #16-01**

**March 25, 2016**

#### **POLICY PURPOSE**

To establish a consistent and timely review and approval process for energy facility plans that do not require an amendment to a site certification agreement.

#### **General Discussion**

The Legislature intended, as part of the energy facility siting process, for EFSEC to: preserve and protect the quality of the environment, assure that sufficient operational safeguards are in place, and avoid costly duplication in the siting process and ensure that decisions are made in a timely manner. See RCW 80.50.010.

A number of specific powers implementing this legislative intent are set forth in both statutes and rules. RCW 80.50.040(2) gives the Council the power “[t]o develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, and operational conditions of certification of energy facilities subject to this chapter.” Similarly, RCW 80.50.040 (9) authorizes the Council “[t]o prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council. . . .” WAC 463-68-050 states: “at least ninety days prior to start of construction . . . a certificate holder shall provide the plans and specifications required by the site certification agreement to the council for approval.” WAC 463-70-020 and 463-70-030 address compliance monitoring procedures and compliance determinations as prescribed by the council.

An energy facility must submit many types of plans to EFSEC for review and approval to ensure that the appropriate protocols are met. Many of the plans are detailed and contain technical/engineering documents for which EFSEC staff and state and local agencies have

expertise. To ensure EFSEC has access to additional expertise when needed, interagency agreements have been developed with appropriate agencies.

The Legislature has recognized that some work of the Council will be performed by Council staff. RCW 80.50.030(2)(b). The Council's rules also recognize the propriety and necessity of delegating some tasks to EFSEC staff. WAC 463-10-010 ("Council" means the energy facility site evaluation council ... and, where appropriate to the staff of the council"). Approval of this policy implements the legislature's directive by delegating to the EFSEC Council Manager the authority to review and approve technical plans related to facility construction and operation when an amendment to a site certification is not required.

Implementing this policy will contribute to timely completion of the plan review process and is consistent with EFSEC's past practice of delegating certain review and approval authorities to the EFSEC Manager. The adoption of this policy formalizes the delegation of this authority to the EFSEC Manager and specifies the type of plans to which this delegated authority extends.

Approval of plans by the EFSEC Manager may only occur after EFSEC staff and contractors, which may include state and local agencies, have identified and the certificate holder has addressed areas of concern. As a prerequisite to plan approval, EFSEC staff will obtain written verification from the appropriate agency documenting that review has taken place to ensure plans are compliant with applicable requirements. Deficiencies noted by EFSEC staff or reviewing agencies must be addressed before a plan may be considered for approval. EFSEC staff will update the Council of any plans which have been approved by the EFSEC Manager.

For plans subject to EFSEC Manager approval, the Manager shall consider whether any individual plan should be forwarded to the Council for review and, at the Council's discretion, Council approval. The Manager will forward to the Council for Council review any plan for which the EFSEC responsible official issues a SEPA Determination of Significance or a Mitigated Determination of Nonsignificance.

#### **I. Plans Subject to EFSEC Manager Approval:**

- Construction Best Management Practices Plan
- Construction Emergency Plan
- Construction Management Plan
- Construction Phase Health and Safety Plan
- Construction Phase Site Security Plan
- Construction Stormwater Pollution Prevention Plan
- Construction Spill Prevention, Control and Countermeasures Plan
- Construction Soil Management Plan
- Construction Traffic Management Plan
- Habitat Restoration Plan
- Hunting, Livestock Grazing Plan
- Technical Advisory Committee Rules of Procedure

- Erosion and Sedimentation Control Plan
- Cultural and Archeological Resources Plan
- Fire Control Plan
- Other Non-Specified Construction Plan
- Noise and Shadow Flicker Modeling Plan (wind facilities)
- Greenhouse Gases Mitigation Plan
- Environmental Monitoring Stop Work Criteria Plan
- Rare Plant Survey/Plant Conservation Plan
- Operations Stormwater Pollution Prevention Plan
- Operation Spill Prevention, Control and Countermeasure Plan
- Operations Emergency Plan
- Operations Fire Control Plan
- Forest Practices Application Class 1 and II
- Traffic Monitoring Plan
- Solid Waste Control Plan
- Operations Phase Health and Safety Plan
- Operations Phase Site Security Plan
- Facility Operations and Monitoring Plan
- Post Construction Avian Monitoring Plan
- Post Construction Bat Monitoring Plan

## **II. Plans/Actions Requiring Council Approval**

- Initial Site Restoration Plan
- Forest Practices Application – Class III and IV
- Wetlands Compensation Mitigation Plan
- Post Construction Bald Eagle/Golden Eagle Plan
- Detailed Site Restoration Plan
- Site Preservation Plan