



# EXPEDITED RULE MAKING

## CR-105 (June 2024) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: July 23, 2024

TIME: 3:29 PM

WSR 24-15-134

**Agency:** Energy Facility Site Evaluation Council (EFSEC)

**Title of rule and other identifying information:** (describe subject) Title 463 WAC, with the exception of Chapter 463-50 WAC and Chapter 463-66 WAC all chapters of Title 463 WAC will be updated.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** EFSEC proposes to amend all but two of the chapters in Title 463 WAC in order to bring them into alignment with the current statute. In particular, the Legislature adopted E2SHB 1812 in 2022 that established EFSEC as an independent agency. Additionally, other legislation such as the Environmental Health Law Reorganization (SHB 2246 of 2020) was also adopted. The agency rules – Title 463 WAC – have not been updated since that time.

Proposed changes only affect internal agency operations not subject to violation by a person, adopt or incorporate Washington state statutes or rules of other state agencies; correct typographical errors, make address or name changes, or clarify language without changing its effect; or is content explicitly and specifically dictated by statute.

**Reasons supporting proposal:** Some of the rules in Title 463 WAC have not been amended since the agency was established and a number have not been amended since 2004. Correcting legal references, updating the agency address, and bringing the rules in line with current statute will clarify the agency's internal operations for the benefit of individuals and companies who use the services of the agency.

**Statutory authority for adoption:** RCW 80.50.040

**Statute being implemented:** Chapter 80.50 RCW

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Name of proponent:** (person or organization) Energy Facility Site Evaluation Council (EFSEC) |  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Ali Smith Management Analyst 3	P.O. Box 43172 Olympia, WA 98503-3172	(360) 515-2011
Implementation:	Ami Hafkemeyer, Director of Siting & Compliance	P.O. Box 43172 Olympia, WA 98503-3172	(360) 664-1305
Enforcement:	Sonia Bumpus Director	P.O. Box 43172 Olympia, WA 98503-3172	(360) 664-1363

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

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** EFSEC believes that expedited rule-making is appropriate to bring its rules into line with prevailing statute without materially altering processes, especially since most rules have not been amended since 2004 or earlier and there has been a considerable amount of change in statutory language related to the environment and energy policy..

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

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Other:

**BEGINNING** (date/time) August 7, 2024 **AND RECEIVED BY** (date/time) September 24, 2024

**Date:** July 23, 2024

**Name:** Martin McMurry

**Title:** Director of Administration

**Signature:**

