

TRANSMITTAL OF RULES ADOPTED

FROM: THERMAL POWER PLANT SITE EVALUATION COUNCIL
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1-70
Emergency rules

relating to (Name of rules or description of subject matter)

the adoption of two new chapters, 463-08 Rules of Practice for the conducting of public hearings having to do with the siting of thermal power plants, and; 463-12 Guidelines, relating to the data and informational requirements for the evaluation of thermal power plant sites.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 2617 ^① filed with the code reviser on 4-6-70 ^② were regularly adopted as permanent rules of this agency at Olympia, Washington on 5-4-70 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be _____ ^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this agency at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this 7th day of May 1970.

STATE OF WASHINGTON
FILED
MAY - 7 1970
CODE REVISER'S OFFICE
KET.# 2861 FILE # 1

THERMAL POWER PLANT SITE EVALUATION COUNCIL
(AGENCY)
Lawrence B. Bradley
By
Lawrence B. Bradley
Acting Executive Secretary
Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

WASHINGTON
STATE

DEVELOPING THE ECONOMY THROUGH TOURISM • INDUSTRY • RESEARCH • FOREIGN TRADE • RURAL PROGRESS

DEPARTMENT OF COMMERCE
AND ECONOMIC DEVELOPMENT
GENERAL ADMINISTRATION BLDG.
OLYMPIA, WASHINGTON 98501



David B. ... DIRECTOR
Paul ... GOVERNOR

May 7, 1970

Administrative Order No. 1-70

TO: Richard O. White, Code Reviser

FROM: L. B. Bradley, Acting Executive Secretary
Thermal Power Plant Site Evaluation Council

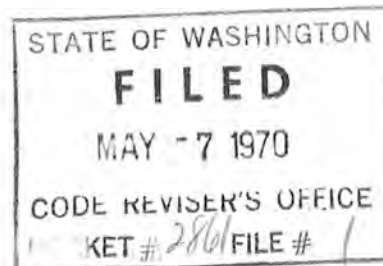
The adoption of (1) Rules of Practice; (2) Washington State Guidelines for Thermal Power Plant Site Certification has been accomplished in accordance with Chapter 45, Laws of 1970, Ex. Sess..

This action results from adoption of the Guidelines and Rules by the subject Council at its regular meeting held on April 30, 1970 and at a second public hearing on the same subject held May 4, 1970 in Olympia.

Lawrence B. Bradley

LBB:pf

cc: Chas. Murphy
James Dolliver



Chapter 463-12

Guidelines for Applicants

Seeking

Thermal Power Plant Certification

WAC 463-12-010 GUIDELINES FOR APPLICANT--GENERAL. Applicant

will be required to:

- (1) furnish a legal land description of the site, land use plans, the latest zoning status and a survey of land occupancy and land uses, including residential and industrial, within a 25 mile radius of the immediate site area.
- (2) indicate the source and the approximate amount of water required during construction and operation of the plant.
- (3) describe the available roads and railroads and indicate what additional access is needed for ingress and egress of personnel and materials during plant construction and operation of the plant.
- (4) submit an approximate routing as well as conceptual design and type of all proposed associated transmission lines to be constructed between the plant site and their connecting points with the existing Northwest grid and proposed plan for treatment of the natural features of the landscape, such as the existing vegetation and terrain, and newly planted vegetation.
- (5) submit plans relating to satisfaction of existing statutory criteria, requirements, standards and regulations of those state agencies which, prior to certification, have any legal authority over conditions or activities related to the site.
- (6) submit an inventory of historical and archeological sites which are existent within the thermal plant boundary area or transmission corridors and state the nature of the methods to be employed to enable their preservation and/or their interpretation. (RCW 43.51.750)
- (7) furnish an estimated investigation, planning and construction schedule flow chart expressing in months the time to execute and complete the several phases of planning and construction work. Give an approximate starting date of actual construction and operation.
- (8) finance studies, related to the site, approved by the Council and agreed to by the applicant. These studies may include, but not be limited to, data gathering and research on biological, ecological, meteorological, geological, hydrological and general environmental problems. (Sec. 7, chapter 45, Title 80 RCW)

WAC 463-12-015 HEALTH AND SAFETY. Applicant will be required to:

- (1) supply plans covering the safe use by the public of land and water areas under its control.
- (2) provide a plan for compliance with health and safety requirements of the State and the Atomic Energy Commission.
- (3) provide background radiation levels of appropriate receptor media pertinent to the site in question.
- (4) provide a plan for pre- and post-operational environmental radiation monitoring of appropriate receptor media in accordance with state criteria.
- (5) provide plans for protection of the plant facility complex against damage from flood waters, tsunamis, and natural disasters, and security provisions against sabotage and vandalism.

WAC 463-12-020 QUALITY OF THE ENVIRONMENT--LAND. Applicant will be required to:

- (1) furnish plans for the control of surface water runoff to prevent water pollution or adverse water quality

changes in variance with the water quality standards.

(2) provide plans for the excavation of borrow pits, disposal of surplus excavation or spoil material and earth fills which are designed to minimize erosion.

(3) furnish plans for the associated transmission line routes so as to avoid scenic, recreational, historical, archeological, heavily timbered areas, steep slopes, and proximity to highways where possible; and to minimize conflict between the rights-of-way for present and foreseeable uses of the land on which they are to be located.

(4) conduct a comprehensive geologic survey to determine geologic conditions of the site with particular attention to the nature of the foundation materials and recorded seismic activities. Geologic information will continuously be evaluated during preparation of the site for construction and appropriate steps taken in design and construction of the plant recognizing the geologic conditions.

WAC 463-12-025 -----WATER. (1) Use. Applicant will be required to:

(a) furnish plant siting plans that are compatible with the State water use programs.

(b) show evidence of consideration of multi-purpose use of cooling water.

(c) show by research, studies or other data, that adequate water flow is available to meet total known and future requirements of the plant.

(2) Quality. Applicant will be required to:

(a) provide plans for the compliance with regulations relating to water quality standards for waters of the State of Washington.

(b) provide plans for waste heat dissipation at all proposed sites including plans for off-stream cooling facilities for power sites located adjacent to fresh water bodies and estuarine locations.

(c) submit completed studies prior to site certification to identify the outfall configuration and locations, heated effluent distribution characteristics and extent of the dilution zone.

(d) provide an engineering report, plan and specifications which will reflect all known, available and reasonable methods of treatment of waste discharges, including, but not limited to, biocides, blow-down water, plant floor drains, sanitary sewage, and other waste discharges from the facility to state waters.

(e) make and submit a hydrographic study of temperature, salinity structure, and other physical factors in the receiving waters that may influence the dilution, dispersion and reconcentration of waste discharge.

(f) provide background water quality data pertinent to the site in question.

(g) provide a plan for pre- and post-operational water quality monitoring to insure the maintenance of water quality standards and continued beneficial uses of adjacent waters.

WAC 463-12-030 -----AIR. Applicant will be required to:

(1) provide plans for the compliance with air pollution control standards.

(2) demonstrate by acceptable research and study the extent to which fogging, misting, icing, obscuration of visibility or plumes would occur as a result of the operation of any proposed off-stream cooling facilities.

(3) provide an engineering report and evaluation of proposed fossil-fueled and nuclear-fueled power plants to demonstrate that the highest and best practicable contaminant emission control technology will be used, including the utilization of fossil fuel with the lowest technically feasible sulfur content consistent with applicable standards.

(4) provide preliminary data, either from available records or from reasonable estimates, as to air quality and meteorologic conditions at the proposed site. Meteorologic data should include (as a minimum) wind and direction patterns, rainfall and temperature regimes.

(5) provide a program and schedule to cover pre- and post-operational air quality monitoring and weather data on a continual basis. This program will be for a specific site and its nature will depend upon fuel to be used, contaminant potential and land characteristics and use and shall include contaminant emission monitoring when required by the appropriate agencies.

WAC 463-12-035 -----NATURAL RESOURCES. (1) Vegetation. Applicant will be required to:

(a) provide a description and location of vegetation, or other receptor, terrestrial and aquatic, which might potentially be affected by the design, construction and operation of the plant and design, installation and maintenance of associated transmission lines.

(b) develop a pre- and post-operational environmental quality surveillance program of the appropriate receptor media, terrestrial and aquatic.

(2) Fish and Wildlife. Applicant will be required to:

(a) provide plans for fish protection facilities that assure maximum protection to the resource. These facilities shall include, but are not limited to, fish screens at the water intake and discharge, water intake and discharge design that minimizes fish attraction, and a system to by-pass fish safely to natural waters.

(b) provide acceptable research or study plans for determining the abundance of, distribution of, and project effects on wildlife, fish and other aquatic life, in the proposed project influence area.

(c) agree to provide replacement and/or compensation for any wildlife, fish and other aquatic life and eco-system damage or loss caused by project construction and operation.

(d) provide for post-operational studies that will monitor the effect of the project on wildlife, fish, other aquatic life, and the ecology of the area environs and agree to provide appropriate additional protective measures if such measures are deemed necessary by the Council.

WAC 463-12-040 -----AESTHETICS. Applicant will be required to:

(1) provide plans to show that the thermal power plant and appurtenant facilities are located and designed to insure that insofar as is practicable the physical appearance of the installation will be aesthetically compatible with the surroundings.

WAC 463-12-045 -----RECREATION. Applicant will be required to:

(1) provide plant construction and/or operational plans that, where applicable, contain provisions for the recreational development and use of the site and adjacent land and water areas and agree to provide replacement and/or compensation for any losses or damages to recreation opportunities.

WAC 463-12-050 ECONOMICS--FINANCES. Applicant will be required to:

(1) file an economic feasibility study on the proposed project setting forth

(a) the estimated investment in the site, thermal power plant and related properties and facilities;

(b) the source and amount of funds to finance the entire project;

(c) the proposed rate structure and type and number of power purchasers; and

(d) a pro forma statement of revenue and expenses.

The estimated investment and/or annual expenses to satisfy the requirements for quality of the environment shall be separately stated in the study.

Chapter 463-08

Rules of Practice

WAC 463-08-010 UNIFORM PROCEDURAL RULES. The Council adopts as its own rules of practice all those uniform procedure rules promulgated by the Code Reviser now codified in the Washington Administrative Code WAC 1-08-005 through WAC 1-08-590, as now or hereafter amended subject to any additional rules the Council may add from time to time. The Council reserves the right to make whatever determination is fair and equitable should any question not covered by its rules, come before the Council, said determination to be in accordance with the spirit and intent of the law (chapter 45, Laws of 1970, Ex. Sess.)

WAC 463-08-015 COUNCIL ORGANIZATION. (1) The Council shall consist of the directors, administrators, or their designees of the following state departments or their statutory successors:

- (a) Water pollution control commission
- (b) Department of water resources
- (c) Department of fisheries
- (d) Department of game
- (e) State air pollution control board
- (f) Department of parks and recreation
- (g) Department of health
- (h) Interagency committee for outdoor recreation
- (i) Department of commerce and economic development
- (j) Utilities and transportation commission
- (k) Office of program planning and fiscal management
- (l) Department of natural resources
- (m) Planning and community affairs agency
- (n) Department of civil defense
- (o) Department of agriculture
- (p) As well as an appointee by the county legislative authority from every county wherein a proposed site is intended.

(2) The principal office of the Council shall be at Olympia, Washington, in care of the Governor's Office and shall be open each day for the transaction of business from 8 o'clock a.m. to 5 o'clock p.m., Saturdays, Sundays and legal holidays excepted. Submissions, requests and communications shall be sent to the Council chairman, in care of the Governor's Office, Legislative Building, Olympia, Washington 98501.

(3) A majority of the Council shall constitute a quorum for the promulgation and adoption of rules and regulations necessary for the conduct of its powers and duties. The general internal affairs of the Council's operation shall be governed wherever possible by resolution. The Council may delegate to its chairman all those duties commensurate with the functions of said position and may further designate appropriate individuals to conduct hearings, take testimony where appropriate on behalf of the Council.

(4) A counsel for the environment shall represent the public and its interest in protecting the quality of the environment for the duration of the certification proceedings until a certification is issued or denied.

WAC 463-08-020 OFFICIAL APPLICATION. (1) All applicants shall submit an application substantially in accordance with the following suggested form with special attention given to supplying available information required by the Council

guidelines in a sequential manner substantially similar to the outline form of the guidelines, e.g., categorize all material submitted into those specific areas and sections of the guidelines. All later information and data transmitted to the Council by an applicant shall likewise be referenced to this outline format of the guidelines.

(See form A)

(2) Inasmuch as certain submissions and materials have previously been received by the Council from prospective applicants, before the effective date of Chapter 45, Laws of 1970, Ex. Sess., it shall be incumbent upon all applicants when filing officially pursuant to requirements of above form, to review any prior submittals expressly reiterating to the Council those guideline topics previously covered. Although this is intended to avoid duplication, no proposed site can be officially considered by the Council until the application is in conformity with the above requirements. This is not, however, intended to curtail any unofficial agency activity on prospective sites with which they may be currently engaged.

TO: WASHINGTON STATE THERMAL POWER PLANT SITE EVALUATION COUNCIL, In care of Chairman, Governor's Office, Olympia, Washington 98501

Request is hereby made for approval of the following proposed site location of a thermal power plant:

1. Proposed plant site (description to include all counties wherein plant site and environs are to be located).
2. Proposed power plant type, size and nature of fuel:
3. Description of proposed pertinent related or supporting facilities and location of associated transmission lines:

A fee of \$25,000 for each site application, to be applied toward the cost of any study authorized by the Council pursuant to Section 7 (2), Chapter 45, Laws of 1970, Ex. Sess., shall accompany this application and shall be a condition precedent to any further action on this application by the Council. (Said payment in the form of a cashier's check shall be made payable to the Washington State Treasurer)

The form, content, and necessary supporting documentation for site certification shall be as detailed by the Council from time to time including, but not limited to, compliance with the Council's comprehensive guidelines as adopted on May 4, 1970, or as hereafter amended. Twenty-five (25) copies of said materials and information are to be submitted, with this application or as soon thereafter as practicable.

Attachments and Enclosures: Please attach an inventory list of all those reports, items or materials submitted with your application with special attention given to organizing your submitted information in an outline form as detailed within the guidelines.

Applicant's Name: _____

Address: _____

Phone: _____

Person and mailing address to whom

Council correspondence shall be directed:

Phone: _____

Date received by Council: _____

WAC 463-08-025 INTERVENTION. Upon timely application in writing to the Council, anyone shall be permitted to petition for intervention in an application hearing process (a) when a statute confers a right to intervene, or (b) when the petitioner claims a pertinent interest relating to the proposed site, the subject of the application, and he is so situated that the disposition of the site application may as a practical matter impair or impede his ability to protect that interest, unless the petitioner's interest is adequately represented by existing parties including counsel for the environment. The Council shall, in exercising its discretion, consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

WAC 463-08-030 PARTICIPATION BY INTERVENOR. Any person accepted as an intervenor pursuant to WAC 463-08-025 will have the following limited procedural rights: (a) he shall be permitted to submit briefs to the Council; (b) he shall receive notices given by the Council to the parties; (c) he will be permitted to present oral arguments and testimony where appropriate to the Council subject to limitations imposed by the Council; and (d) he shall be served with all orders and decisions entered by the Council and the Governor in the application process, and shall have the right to file a petition for rehearing.

WAC 463-08-035 INFORMATIONAL HEARING. (1) The Council shall sponsor an informational public hearing in the county of the proposed power plant site within sixty days of receipt of an application at a place as close as practical to the proposed site. Said hearing shall not be considered adversarial in nature, but rather shall have as its primary purpose the presentation by the applicant of their proposal.

(a) Where a proposed site lies within more than one county, a public hearing held within one of the affected counties shall be considered proper compliance.

The hearing shall: (i) be given advance public notice through appropriate press, radio and television;

(ii) afford applicant an opportunity for presenting evidence regarding whether the proposed site is consistent and in compliance with county or regional land use plans or zoning ordinances. Certificates from local zoning authorities to this end containing a copy of the current zoning regulation relating to the proposed plant site may be filed and general testimony as required may be submitted by the applicant. Where Council determines that a proposed site is consistent and in compliance with county or regional land use plans or zoning ordinances, the Council shall prepare a preliminary finding to said effect, copies of which will be provided applicant, any other parties and the concerned appropriate land use or zoning authority.

(2) As this hearing is informational only, only parties, intervenors and Council members or their designees will have the right to present information. The hearing officer may, at his discretion, allow nonparties the opportunity to present information subject to limitations imposed by the hearing officer wherever said information would further the purpose of the hearing. No right of cross-examination shall be permitted to any person or party at this informational hearing

without the approval of the hearing officer. The Council may direct that portions of the hearing be recorded for purposes of preserving information and testimony presented at said hearing.

WAC 463-08-040 FORMAL PUBLIC HEARING. The Council shall hold a formal public hearing, conducted as a contested case under the Administrative Procedure Act, prior to the issuance of a Council recommendation to the Governor, pursuant to chapter 45, Laws of 1970, Ex. Sess., Section 9, subparagraph (3). Said hearing shall be conducted according to all pertinent Administrative Procedure Act requirements for a contested case in accordance with RCW 34.04.090, 34.04.100, 34.04.105, as now or hereafter amended.

The Council reserves, to its discretion, the right to make informal disposition of all hearing matters by stipulation, agreed settlement, consent order, or default.

WAC 463-08-045 ADDITIONAL PUBLIC HEARINGS. The Council may hold, as deemed appropriate, additional public hearings in the exercise of its functions under its legislative authority pursuant to chapter 45, Laws of 1970, Ex. Sess., Section 9, subparagraph (4). Said hearings shall include, but not be limited to, pertinent and where applicable, Administrative Procedure Act requirements depending upon the scope and nature of the particular hearing. Opportunity shall be provided for all parties and intervenors to present testimony at said additional public hearings.

WAC 463-08-050 DISPOSITION AFTER FORMAL HEARING. After the formal hearing, the Council may, if the recommendation is adverse to the applicant, (a) serve, in addition to a copy of the record of the formal hearing, a copy of its recommendation to the Governor in the form of a proposal for decision, including information as to whether the application is in compliance with the Council's topical guidelines and criteria specific to its site and transmission line routings, and findings of fact and conclusions of law. The recommendation in the above form shall also be served upon all parties affording each party adversely affected twenty days to file exceptions and written argument with the Governor's Office. The Governor need personally consider only such portions thereof as may be cited by the parties. He may allow oral arguments thereon at his discretion and within sixty days of receipt of the Council's recommendations he shall approve or reject the application for certification. (b) or the Council may submit its recommendation only to the Governor in the form above described, together with the record compiled at the formal hearing for reading and determination by the Governor.

In any method followed by the Council, the approval or rejection of an application for certification by the Governor shall be subject to judicial review pursuant to the provisions of RCW 34.04.130 as now or hereafter amended.

WAC 463-08-055 PETITION FOR REHEARING. (1) Any party may, after final decision of the Governor on the site appli-

cation, petition for a rehearing. A petition for rehearing must be filed with the Governor's Office within fifteen days of service of notice of final decision on the application. The petition for rehearing, and any answer if called for, must be served on all other parties in the hearing and three copies filed with the Governor's Office.

(2) The filing of a petition for rehearing shall suspend final decision of the Governor until denied or a modified decision is entered by the Governor.

(3) In response to a petition for rehearing, the Governor may either (a) deny same, (b) call for an answer, (c) modify his decision, or (d) permit a rehearing.