

State of Washington

Energy Facility Site Evaluation Council

(name of governing body)

(agency name, if applicable)

Resolution No. 141

Administrative Order No. 78-1

(1) Be it resolved by the Energy Facility Site Evaluation Council

acting at Olympia, Washington

(place)

that it does promulgate and adopted the annexed rules relating to:

Fees for Determining Compliance

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on. Such rules shall take effect:

- checkbox pursuant to RCW 34.04.040(2).
checkbox at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, the Energy Facility Site Evaluation Council, find that an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is:

rule was necessary to cover deposit of funds for costs incurred by ongoing monitoring program for certificate holders until permanent rules currently being developed are adopted

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rule statement (a), (b), or (c) as appropriate):

- checkbox (a) This rule is promulgated pursuant to RCW 80.50.071 and is intended to administratively implement that statute.
checkbox (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

- checkbox (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED March 29, 1978

STATE OF WASHINGTON FILED

MAR 29 1978

By William L. Fitch Executive Secretary

Title

CODE REVISER'S OFFICE

WCD 78-04-056

in CR-8: Effective 12/1/77]

STATE OF WASHINGTON
ENERGY FACILITY SITE
EVALUATION COUNCIL

Administrative Order No. 78-1

STATEMENT OF PURPOSE AND IMPLEMENTATION

I. NAME OF AGENCY: ENERGY FACILITY SITE EVALUATION COUNCIL

DESCRIPTION OF RULES:

Concerns the deposit of funds by certificate holders to cover costs incurred to monitor the effects of construction and operation of energy facilities.

STATUTORY AUTHORITY:

RCW 80.50.071

II. SUMMARY OF RULES:

WAC 463-58-050 - sets amount of funds to be placed on deposit and specifies the manner and amount

III. The following agency personnel have responsibility for drafting, implementing and enforcing these rules:

- a) Drafting: Legislative, Legal and Rules Committee
Tom Stacer, Chairman 753-6417
%Utilities & Transportation Comm.
Olympia, WA 98504
- b) Implementing: William L. Fitch, Executive Secretary
Energy Facility Site Evaluation Council
820 East Fifth Avenue
Olympia, WA 98504 753-7384
- c) Enforcing: Nicholas D. Lewis, Chairman 753-7384
Energy Facility Site Evaluation Council
820 East Fifth Avenue
Olympia, WA 98504

IV. Section was adopted by Council (see attached Resolution No. 141) as an emergency rule to cover period until permanent rules currently being developed are adopted.

SUBMITTED this 29th of March 1978.


William L. Fitch
Executive Secretary

Resolution No. 141

WHEREAS, chapter 80.50.071(c) Revised Code of Washington authorizes the charging of certificate holders for costs incurred for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction and operations of the facility; and

WHEREAS, The above referenced statute provides that each certificate holder shall deposit twenty thousand dollars payable to the State Treasurer, or such other amount as may be specified by Council rule, to cover such monitoring costs; and

WHEREAS, Permanent rules to implement this section are currently being developed by the Council;

NOW, THEREFORE, BE IT RESOLVED By the Energy Facility Site Evaluation Council that the following is hereby adopted as a temporary, emergency rule of the Council and shall be forwarded to the Code Revisers office for filing:

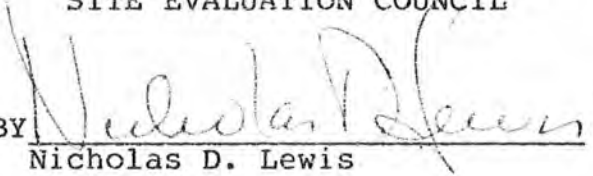
Each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the Council for inspection and determination of compliance by the certificate holder with the terms and conditions of the certificate and shall deposit funds therefore forthwith to the credit of the Washington State Treasurer. The amount of funds required to be placed on deposit by the certificate holder shall be determined as follows:

- (1) For the period subsequent to the date of execution of the site certification agreement until the beginning of construction or until the beginning of any work covered by an NPDES permit, five hundred dollars, and
- (2) For the period subsequent to beginning of construction or beginning of any work covered by an NPDES permit, twenty thousand dollars.

This rule is necessary for the public health, safety and welfare, and shall be effective immediately.

Dated this 27th day of March 1978.

WASHINGTON STATE ENERGY FACILITY
SITE EVALUATION COUNCIL

BY 
Nicholas D. Lewis
Chairman

ATTEST:

BY 
William L. Fitch
Executive Secretary

APPROVED AS TO FORM:

BY 
Thomas F. Carr
Assistant Attorney General

NEW SECTION

WAC 463-58-050 FEES FOR DETERMINING COMPLIANCE. Pursuant to RCW 80.50.071 each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the council for inspection and determination of compliance by the certificate holder with the terms and conditions of the certificate and shall deposit funds therefore forthwith to the credit of the Washington State Treasurer. The amount of funds required to be placed on deposit by the certificate holder shall be determined as follows:

- (1) For the period subsequent to the date of execution of the site certification agreement until the beginning of construction or until the beginning of any work covered by an NPDES permit, five hundred dollars, and
- (2) For the period subsequent to beginning of construction or beginning of any work covered by an NPDES permit, twenty thousand dollars.