

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

ENERGY FACILITY SITE EVALUATION COUNCIL

(name of governing body)

ENERGY FACILITY SITE EVALUATION COUNCIL

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 86-1

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

acting at Lacey, Washington (place)

that it does adopt the annexed rules relating to:

WAC 463-26-080 Explanation of Entire Certification Process

WAC 463-38-051 General Conditions

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

This action is taken pursuant to Notice No. ~~86-21-04~~ WSR 86-21-104 filed with the code reviser on October 20, 1986. These rules shall take effect:

- thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
 at a later date, such date being _____

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

We, _____, find that an emergency exists and that this 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 the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW 80.50.040(1) which directs that the

Energy Facility Site Evaluation Council

(agency)

has authority to implement the provisions of

Chapter 80.50 RCW

(name of act or RCW citation)

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

(agency)

as authorized in RCW _____

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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.

STATE OF WASHINGTON APPROVED AND ADOPTED FILED

December 8, 1986

DEC 17 1986

By [Signature] Executive Secretary

Title

CODE REVISER'S OFFICE WSR 87-01-065

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-26-080 EXPLANATION OF ENTIRE CERTIFICATION PROCESS. At the commencement of the hearing, the council shall generally explain the entire hearing process as set forth in RCW ((89-50-090)) 80.50.090 and these regulations.

AMENDATORY SECTION (Amending Order 114, filed 2/4/77)

WAC 463-38-051 GENERAL CONDITIONS. (1) Any NPDES permit shall be issued for a period of five years, which period shall start on the date of issuance of said permit. The permittee shall inform the council at least 180 days prior to any initiation of such a discharge.

(2) The decision to approve or reject, and on what conditions an NPDES permit shall be issued, shall be in conformance with the requirements of this section. A majority vote of council members listed in RCW (~~90.50.030~~) 90.50.030 (3) shall resolve any dispute and shall determine the approval or rejection of a Refuse Act or NPDES application.