



**RULE-MAKING ORDER
(RCW 34.05.360)**

CR-103 (7/10/97)

Permanent Rule

Emergency Rule

Expedited Adoption

Expedited Repeal

Agency: Energy Facility Site Evaluation Council

(1) **Date of Adoption** December 8, 1997

(2) **Purpose**
The amendment adds PSD permits as a possible basis for scheduling a separate session of the Council's adjudicative hearing.

(3) **Citation of existing rules affected by this order:**
 Repealed:
 Amended: WAC 463-30-300
 Suspended:

(4) **Statutory authority for adoption:** RCW 80.50.040(1)
Other authority: RCW 34.05.250

PERMANENT RULE ONLY (including EXPEDITED ADOPTION)
 Adopted under notice filed as WSR 97-19-062 on 09/15/97 (date).
 Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY
 Under RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
 Reasons for this finding:

EXPEDITED REPEAL ONLY
 Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(5.3) **Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**
 Yes If Yes, explain:
 No

(6) **Effective date of rule:**

Permanent Rules	Emergency Rules
Expedited Rule Making	<input type="checkbox"/> Immediately
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Later
<input type="checkbox"/> Other (specify)	

NAME (TYPE OR PRINT)
C. Robert Wallis

SIGNATURE
C. Robert Wallis

TITLE
Acting Chair

DATE
12/08/97

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 12 1997

437

TIME _____

98-01-083

NOTE: If any category is left blank, it will be calculated as zero.
No descriptive text.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	0	Repealed
Federal rules or standards:	New	Amended	0	Repealed
Recently enacted state statutes:	New	Amended	0	Repealed

The number of sections adopted at the request of a nongovernmental entity

New ___ Amended 0 Repealed ___

The number of sections adopted on the agency's own initiative:

New ___ Amended 1 Repealed ___

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ___ Amended 0 Repealed ___

The number of sections adopted using:

Negotiated rule making:	New	Amended	0	Repealed
Pilot rule making:	New	Amended	0	Repealed
Other alternative rule making:	New	Amended	0	Repealed

AMENDATORY SECTION (Amending WSR 90-05-018, filed 2/13/90, effective 3/16/90)

WAC 463-30-300 Hearing schedule guidelines. In any adjudicative site certification proceeding the council shall, after consultation with the parties, schedule the hearing process so that the following general subject areas may be heard separately at specified times, to the extent they are in issue:

(1) The description of the particular energy facility and the proposed site.

(2) Consistency of the proposal with zoning and land use regulations.

(3) Physical site suitability and related safety considerations.

(4) NPDES (~~permit or~~), PSD, or other permits.

(5) On-site and local impacts (physical): Such as aquatic, terrestrial and atmospheric.

(6) On-site and local impacts (societal): Such as housing, services, recreation, economics, transportation, health, and tax base.

(7) Peripheral area impacts (all categories).

(8) Adverse impacts minimization and consideration of conditions of certification.

At the commencement of the hearing, the council shall publicly announce the proposed schedule by which the hearing is to be conducted. The council may alter the schedule.