

TRANSMITTAL OF RULES ADOPTED

FROM: Energy Facility Site Evaluation Council  
(Name of Agency)

TO: CODE REVISER  
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)  
OLYMPIA 98504

The enclosed rules Permanent rules  , being Order No. 106  
Emergency rules

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

Procedures for Potential Site Studies

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

pursuant to Notice No. 7200 ① filed with the code reviser  
on 10/13/76 ② were regularly adopted as permanent rules of  
(date)  
this agency at Olympia, WA on 10/25/76 and are herewith  
(place) (date)  
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 in the attached administrative order,  
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  
(place) (date)  
are herewith filed in the office of the code reviser pursuant to  
chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter  
34.04 RCW and of the Open Public Meetings Act of 1971, chapter  
42.30 RCW have been fulfilled.

Dated this 3rd day of November 1976.



Energy Facility Site Evaluation Council  
(AGENCY)  
Roger Polzin  
By Roger Polzin  
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.  
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

Resolution No. 106

WHEREAS, the Energy Facility Site Evaluation Council has promulgated a notice of intent to adopt, amend or repeal rules concerning Procedures for Potential Site Studies; and

WHEREAS, notice of such proposed adoption, amendment or repeal was contained in Notice No. 6147 filed September 8, 1976 with the Code Reviser's office and continued by Notice No. 7200 filed October 13, 1976, with the Code Reviser's office;

NOW THEREFORE BE IT RESOLVED by the Energy Facility Site Evaluation Council that WAC 463-08-060 hereby repealed; and

BE IT FURTHER RESOLVED by the Energy Facility Site Evaluation Council that the rules listed on Exhibit "A" attached hereto, and by this reference made a part hereof, concerning Procedures for Potential Site Studies, are hereby approved and adopted as permanent rules of the Energy Facility Site Evaluation Council;


BE IT FURTHER RESOLVED by the Energy Facility Site Evaluation Council that this resolution and annexed regulations, after first being recorded in the Order Register of the Energy Facility Site Evaluation Council, shall be forwarded to the Code Reviser for filing pursuant to RCW 34.04.

Dated this 25th day of October 1976.




Keith Sherman, Chairman

ATTEST:

  
\_\_\_\_\_  
Roger Polzin  
Executive Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Tom Carr  
Assistant Attorney General

1                    PROCEDURE AND GUIDELINES--POTENTIAL SITE STUDIES

2  
3            WAC 463-22-            PURPOSE OF THIS CHAPTER. This chapter sets  
4 forth procedure and guidelines for processing potential sites studies  
5 pursuant to RCW 80.50.170 and RCW 80.50.175.

6  
7            WAC 463-22-            POTENTIAL SITE STUDY--WHERE SUBMITTED. Requests  
8 shall be submitted to the Energy Facility Site Evaluation Council at  
9 the Council office in writing.

10  
11           WAC 463-22-           POTENTIAL SITE STUDY--FEE. A fee of \$10,000  
12 shall accompany the study request and shall be a condition precedent  
13 to any action by the Council. Payment shall be made by a cashier's  
14 check payable to the state treasurer.

15  
16           WAC 463-22-           POTENTIAL SITE STUDY--CONTENTS. A request for  
17 potential site study is to include a legal description of the pro-  
18 posed site, a general description of the area in which the proposed  
19 energy facility is to be located, and a description of the type,  
20 size, and significant features of the proposed facility itself. The  
21 Council may require further information which it deems necessary to  
22 complete the request.

23  
24           WAC 463-22-           RETENTION OF CONSULTANT. Upon determining that  
25 the request is complete, the Council will commission an independent  
26 consultant of its choice to study and report in writing to the Council  
27 on the potential site. The report of study will set forth analysis  
28 of the potential environmental impact of the proposed energy facility  
29 and will identify significant areas of environmental concern. The  
30 study may also encompass whatever other matters the council and  
31 potential applicant deem essential for an adequate appraisal of the  
32 potential site.

33

1        WAC 463-22-        NOTIFICATION OF LOCAL AUTHORITIES. Upon receipt  
2 of a request for study of a potential site, the Council will give  
3 notice to the county legislative authority in each county which would  
4 be directly affected by location of the proposed energy facility at  
5 the potential site.

6  
7        WAC 463-22-        INDEPENDENT CONSULTANT STUDY--NO PRELIMINARY  
8 APPROVAL. Nothing stated or recommended by the consultant, either  
9 during the study stage or in its report, shall be interpreted as  
10 preliminary approval or disapproval of the potential site by the  
11 Council.

12  
13        WAC 463-22-        PROCEDURE WHERE APPLICATION PRECEDES CONCLU-  
14 SION OF STUDY. In the event an application for certification is  
15 made prior to completion of the study, the Council may terminate the  
16 study prior to completion.

17  
18        WAC 463-22-        ADDITIONAL COSTS PROCEDURE. In the event that  
19 the Council determines that the initial fee of \$10,000 is insuffi-  
20 cient to adequately fund the potential site study, the Council shall  
21 so advise the potential applicant and shall furnish an estimate of  
22 the supplemental fees needed to complete the study. In no event  
23 shall the study be allowed to continue if the potential applicant  
24 has not agreed to pay the cost thereof.

25  
26  
27  
28  
29  
30  
31  
32  
33

NEW

WAC 463-22-010 PURPOSE OF THIS CHAPTER. This chapter sets forth procedure and guidelines for processing potential sites studies pursuant to RCW 80.50.170 and RCW 80.50.175.

NEW

WAC 463-22-020 POTENTIAL SITE STUDY--WHERE SUBMITTED. Requests shall be submitted to the Energy Facility Site Evaluation Council at the Council office in writing.

NEW

WAC 463-22-030 POTENTIAL SITE STUDY--FEE. A fee of \$10,000 shall accompany the study request and shall be a condition precedent to any action by the Council. Payment shall be made by a cashier's check payable to the state treasurer.

NEW

WAC 463-22-040 POTENTIAL SITE STUDY--CONTENTS. A request for potential site study is to include a legal description of the proposed site, a general description of the area in which the proposed energy facility is to be located, and a description of the type, size, and significant features of the proposed facility itself. The Council may require further information which it deems necessary to complete the request.

NEW

WAC 463-22-050 RETENTION OF CONSULTANT. Upon determining that the request is complete, the Council will commission an independent consultant of its choice to study and report in writing to the Council on the potential site. The report of study will set forth analysis of the potential environmental impact of the proposed energy facility and will identify significant areas of environmental concern. The study may also encompass whatever other matters the council and potential applicant deem essential for an adequate appraisal of the potential site.

NEW

WAC 463-22-060 NOTIFICATION OF LOCAL AUTHORITIES. Upon receipt of a request for study of a potential site, the Council will give notice to the county legislative authority in each county which would be directly affected by location of the proposed energy facility at the potential site.

NEW

WAC 463-22-070 INDEPENDENT CONSULTANT STUDY--NO PRELIMINARY APPROVAL. Nothing stated or recommended by the consultant, either during the study stage or in its report, shall be interpreted as preliminary approval or disapproval of the potential site by the Council.



NEW

WAC 463-22-080 PROCEDURE WHERE APPLICATION PRECEDES CONCLUSION OF STUDY. In the event an application for certification is made prior to completion of the study, the Council may terminate the study prior to completion.

NEW

WAC 463-22-090 ADDITIONAL COSTS PROCEDURE. In the event that the Council determines that the initial fee of \$10,000 is insufficient to adequately fund the potential site study, the Council shall so advise the potential applicant and shall furnish an estimate of the supplemental fees needed to complete the study. In no event shall the study be allowed to continue if the potential applicant has not agreed to pay the cost thereof.

REP

WAC 463-08-060 is hereby repealed.