

# Chapter 463-43 WAC

## EXPEDITED PROCESSING

### WAC

463-43-010	Purpose.
463-43-020	Standard application required.
463-43-025	Environmental checklist required.
463-43-030	Eligible proposals.
463-43-040	Prior to making a determination of eligibility for expedited processing.
463-43-050	Expedited processing determination.
463-43-060	Effect of expedited processing.
463-43-070	Expedited application processing.
463-43-080	Recommendation—Transmittal to governor.

**WAC 463-43-010 Purpose.** This chapter sets forth eligibility and processing requirements for abbreviated procedures for applications pursuant to RCW 80.50.075.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-43-010, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.071. WSR 78-05-054 (Order 78-2), § 463-43-010, filed 4/26/78.]

**WAC 463-43-020 Standard application required.** An applicant seeking expedited processing shall submit an application for site certification, fees, and a request for expedited processing as required by RCW 80.50.075.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-43-020, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.071. WSR 78-05-054 (Order 78-2), § 463-43-020, filed 4/26/78.]

**WAC 463-43-025 Environmental checklist required.** An applicant seeking expedited processing shall submit a completed SEPA environmental checklist with an application for site certification unless the council finds the proposal is categorically exempt.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. WSR 09-05-067, § 463-43-025, filed 2/13/09, effective 3/16/09.]

**WAC 463-43-030 Eligible proposals.** An application may be expedited when the council finds:

- (1) The environmental impact of the proposed energy facility will be mitigated to a nonsignificant level under the State Environmental Policy Act; and
- (2) The project is found to be consistent and in compliance with city, county, or regional land use plans.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. WSR 09-05-067, § 463-43-030, filed 2/13/09, effective 3/16/09. Statutory Authority: RCW 80.50.071. WSR 78-05-054 (Order 78-2), § 463-43-030, filed 4/26/78.]

**WAC 463-43-040 Prior to making a determination of eligibility for expedited processing.** The council prior to making a determination of eligibility for expedited processing shall:

- (1) Conduct a public informational meeting in the county of the proposed site within sixty days of receipt of an application to provide information to the public concerning the nature and purpose of the energy facility and the review process to be undertaken by the council and to provide an opportunity for the public to present its views;

(2/13/09)

- (2) Determine at a public hearing within sixty days of receipt of an application if the proposed site is consistent and in compliance with city, county or regional land use plans and zoning ordinances;

- (3) Review the application pursuant to WAC 463-43-030; in making its review the council may engage pursuant to RCW 80.50.071 (1)(a) an independent consultant to provide an assessment of the application and environmental checklist and to conduct any special study deemed necessary by the council; and

- (4) If applicable, initiate processing of:

- (a) A NPDES application in accordance with chapter 463-76 WAC;

- (b) An air emissions or PSD permit application in accordance with 463-78 WAC;

- (c) Other such authorizations or permits as may be required by law or rule and necessary for construction and operation of the project.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. WSR 09-05-067, § 463-43-040, filed 2/13/09, effective 3/16/09. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-43-040, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.071. WSR 78-05-054 (Order 78-2), § 463-43-040, filed 4/26/78.]

**WAC 463-43-050 Expedited processing determination.** Following the review of an application, environmental checklist, and land use hearing and within one hundred twenty days of receipt of an application or such later time as is mutually agreed by the applicant and the council, the council by order will grant expedited processing for an application when it has found that:

- (1) The proposed site is consistent and in compliance with city, county or regional land use plans, zoning ordinances; and

- (2) The environmental impacts are not significant or may be mitigated to nonsignificant level under RCW 43.21C.031.

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. WSR 09-05-067, § 463-43-050, filed 2/13/09, effective 3/16/09. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-43-050, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.071. WSR 78-05-054 (Order 78-2), § 463-43-050, filed 4/26/78.]

**WAC 463-43-060 Effect of expedited processing.** For an application granted expedited processing under WAC 463-43-050 the council shall not:

- (1) Conduct any further review of an application by an independent consultant; however, at the direction of the council an independent consultant may prepare air or water discharge permits or other ancillary permits or studies that may be needed as part of a recommendation to the governor;

- (2) Hold an adjudicative proceeding under chapter 34.05 RCW; and

- (3) Continue an adjudicative proceeding that has commenced.

[Ch. 463-43 WAC p. 1]

[Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. WSR 09-05-067, § 463-43-060, filed 2/13/09, effective 3/16/09. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-43-060, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 91-03-090, § 463-43-060, filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 80.50.071. WSR 78-05-054 (Order 78-2), § 463-43-060, filed 4/26/78.]

**WAC 463-43-070 Expedited application processing.**

The council will prescribe the form, content and necessary supporting documentation for site certification during council meetings. All interested persons and the counsel for the environment shall be afforded an opportunity to make presentations on the matters herein.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-43-070, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.071. WSR 78-05-054 (Order 78-2), § 463-43-070, filed 4/26/78.]

**WAC 463-43-080 Recommendation—Transmittal to governor.** Within sixty days following the granting of expedited processing or such later time as is mutually agreed by the applicant and the council, the council shall forward its recommendation, and if the recommendation is for approval, the council will also forward a copy of a draft site certification agreement to the governor.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-43-080, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.071. WSR 78-05-054 (Order 78-2), § 463-43-080, filed 4/26/78.]