

TRANSMITTAL OF RULES ADOPTED

FROM: Thermal Power Plant Site Evaluation Council  
(Name of Agency)

TO: CODE REVISER  
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)  
Olympia 98501.

The enclosed Permanent rules  , being order No. 1-74  
Emergency rules

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

- 1. WAC 463-08 Rules of Practice
- 2. WAC 463-20 Public Disclosure

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

pursuant to Notice No. 4628 <sup>①</sup> filed with the code reviser  
 on 4/25/74 <sup>②</sup> were regularly adopted as permanent rules of this  
 (date)  
 agency at Olympia, Washington on 5/27/74 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 30 days <sup>③</sup>  
after filing

(ALTERNATIVE B. Use only for adoption of emergency rules)

~~pursuant to its finding 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 are herewith filed in  
 (place) (date)  
 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 (1971 ex.s. c 250) have been fulfilled.

Dated this 29th day of May 19 74

STATE OF WASHINGTON  
**FILED**  
 MAY 29 1974  
 CODE REVISER'S OFFICE  
 DOCKET #5743 FILE #1

Thermal Power Plant Site Evaluation Council  
 (AGENCY)  
 By Joseph F. Lightfoot  
 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.  
 FORM REVISED, EFFECTIVE 8/9/71 [FORM CR-2]

IN AND BEFORE THE  
THERMAL POWER PLANT SITE EVALUATION COUNCIL  
STATE OF WASHINGTON

Administrative Order No. 1-74

(1) I, Joseph Lightfoot, Executive Secretary for the Thermal Power Plant Site Evaluation Council of the State of Washington, by virtue of the authority vested in the Council pursuant to chapter 80.50 RCW, and chapter 34.04, the Administrative Procedures Act, hereby assert that the Council has ordered the promulgation and adoption of the annexed rules and regulations, to wit:

Public Disclosure

WAC 463-20-010 thru WAC 463-20-130 (NEW)

Rules of Practice

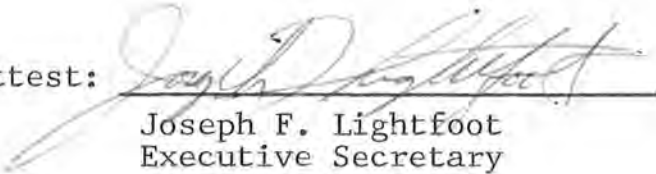
WAC 463-08-023 (AMD)  
WAC 463-08-060 (NEW)

as permanent rules of the agency.

(2) This Order shall, after being first recorded as an administrative order in the order register of the Thermal Power Plant Site Evaluation Council, be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and WAC 1-12-050.

Approved and Adopted May 27, 1974.

Attest:

  
\_\_\_\_\_  
Joseph F. Lightfoot  
Executive Secretary

AMD

WAC 463-08-023 NOTICE OF INTENT. Prospective applicants for certification, intending to invoke the terms and conditions of chapter 80.50 RCW, shall submit in writing to the Thermal Power Plant Site Evaluation Council office in Olympia, Washington, at least 90 calendar days in advance of filing an application, a "notice of intent" to file an application indicating the general location to be filed upon and the type of fuel and cooling to be utilized. Upon receiving such notice, the Council will initiate preliminary matters preparatory to processing the application, including the selection of a consultant for said proceedings, and such further acts which will expedite the processing of the application wherever possible. The Council may shorten, or waive, the 90-day notice period in those cases in which it deems that such action will not delay the initiation of the processing of the application.

WAC 463-08-060 POTENTIAL SITE STUDY. (1) A potential applicant may request the Council to conduct a study of any potential site prior to receipt of an application for site certification. Such a request made pursuant to Chapter 10, Laws of 1974, 1st ex. sess., shall be submitted to the Chairman, Washington Thermal Power Plant Site Evaluation Council, at the Council's office in Olympia, Washington. This request shall include a description of the general location, the legal description of the proposed site, and a description of the type, size and significant features of the proposed power plant. The Council may require further information as it deems necessary to complete the request in order to initiate the study. The Council may also require of the potential applicant whatever information it deems necessary during the course of the study.

A fee of \$10,000 for each study of potential site, to be applied toward the cost of said study, shall accompany the request and shall be a condition precedent to any action upon the request by the Council.

(2) Upon making a determination that the request is complete, the Council shall commission its own independent consultant to study the potential site. Such study shall analyze information pertaining to the potential environmental factors relating to the proposed thermal power plant and its associated transmission lines. It may determine areas and the nature of initially apparent environmental concerns. The study need not contain all the elements as may be required by RCW 43.21C.030(c). The study may also include whatever other matters the Council and potential applicant deem essential for an adequate appraisal of the potential site.

(3) Upon receipt of a request, the Council shall give notice by letter to the county legislative authority and any council of governments and/or regional planning authority whose area of concern includes the proposed site.

(4) The result of any study of a potential site is merely an initial environmental assessment and shall not be interpreted as preliminary approval or disapproval of a potential site.

(5) The completion of a study requested is not a condition precedent for submittal of an application for certification at the potential site. In the event an application for certification is made prior to the completion of the study, the Council may terminate the study prior to completion, applying the information collected to the study of the application for certification.

Chapter 463-20

PUBLIC DISCLOSURE

WAC 463-20-010 PURPOSE. The purpose of this chapter shall be to insure compliance by the Thermal Power Plant Site Evaluation Council with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with § 25-32 of that act, dealing with public records.

WAC 463-20-020 DEFINITIONS. (1) "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) The Thermal Power Plant Site Evaluation Council is the Council established pursuant to RCW 80.50. The Thermal Power Plant Site Evaluation Council shall hereinafter be referred to as the "Council." Where appropriate, the term "Council" also refers to the staff and employees of the "Council."

WAC 463-20-030 OPERATIONS AND PROCEDURES. All decisions involving basic policy are made by the Council at its regular and special meetings as outlined in chapter 463 of the Washington Administrative Code.

WAC 463-20-040 PUBLIC RECORDS AVAILABLE. All public records of the Council, as defined in WAC 463-20-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by § 31, chapter 1, Laws of 1973 and WAC 463-20-090.

WAC 463-20-050 PUBLIC RECORDS OFFICER. The Council's public records shall be in charge of the Public Records Officer designated by the Council's Executive Secretary. The person so designated shall be located in the Administrative Office of the Council. The Public Records Officer shall be responsible for the following: The implementation of the Council's rules and regulations regarding release of public records, coordinating the staff of the Council in this regard, and generally insuring compliance by the staff with the public records disclosures requirements of chapter 1, Laws of 1973.



WAC 463-20-060 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the Council. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

WAC 463-20-070 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damaging or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the Council which shall be available at its administrative office. The form shall be presented to the Public Records Officer; or to any member of the Council's staff, if the Public Records Officer is not available, at the administrative office of the Council during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the Council's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the Public Records Officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

WAC 463-20-080 COPYING. No fee shall be charged for the inspection of public records. The Council shall charge a fee not to exceed twenty-five cents per page of copy for providing copies of public records and for use of the Council's copy equipment. This charge is to be the amount necessary to reimburse the Council for its actual costs incident to such copying and shall be payable at the time the requested copies are ordered.

WAC 463-20-090 EXEMPTIONS. (1) The Council reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 463-20-070 is exempt under the provisions of § 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to § 26, chapter 1, Laws of 1973, the Council reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The Public Records Officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

WAC 463-20-100 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the Public Records Officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the Public Records Officer or other staff member denying the request shall refer it to the Chairman of the Council. The Chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the Council as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the Council has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

WAC 463-20-110 PROTECTION OF PUBLIC RECORDS. All public records are located at the Council's office in Olympia, Washington. Records are available for inspection and copying at this location during office hours identified in WAC 463-20-060 and then only in the presence of a Council member, or an authorized employee of the Council and with the aid and assistance of such employee.

WAC 463-20-111 RECORDS INDEX. (1) The Council has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

"(a) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;"

"(b) those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;"



"(c) administrative staff manuals and instructions to staff that affect a member of the public;"

"(d) planning policies and goals, and interim and final planning decisions;"

"(e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others;" and

"(f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party."

(2) The current index promulgated by the Council shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

WAC 463-20-120 All communications with the Council including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules; requests for copies of the Council's decisions and other matters, shall be addressed as follows: Thermal Power Plant Site Evaluation Council, c/o Public Records Officer, 820 E. Fifth Avenue, Olympia, WA, 98504.

WAC 463-20-130 ADOPTION OF FORM. The Council hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for Public Record."

Appendix A

"REQUEST FOR PUBLIC RECORD"

TO: Thermal Power Plant Site Evaluation Council  
Attn: Public Records Officer  
820 E. Fifth Ave., Olympia, WA 98504

Name of requestor \_\_\_\_\_

Address of requestor \_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City) (State) (zip)

Date of request \_\_\_\_\_  
(month) (day) (year)

Time of request \_\_\_\_\_  
A.M.  
P.M.  
(hour)

What information is requested? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is information indexed? \_\_\_\_\_ If so, how? \_\_\_\_\_

Was information received? \_\_\_\_\_

Are copies requested? \_\_\_\_\_ If so, how many? \_\_\_\_\_

Total pages \_\_\_\_\_

Fee charged \_\_\_\_\_ \$ \_\_\_\_\_  
page x \$ \_\_\_\_\_