

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. 102
Emergency rules

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

Implementation of agency rules for compliance with provisions of the State Environmental Policy Act.

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

pursuant to Notice No. _____ ① filed with the code reviser on _____ ② were regularly adopted as permanent rules of this agency at _____ on _____ and are herewith 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 Utilities and Transportation Comm. on July 28, 1976 and Hearing Rm., Hiways- (place) Lic. Bldg., Oly., WA (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 2nd day of August 1976.

STATE OF WASHINGTON
FILED
AUG 2 1976
CODE REVISER'S OFFICE
DOCKET 7545 FILE # 1

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]

IN AND BEFORE THE
ENERGY FACILITY SITE EVALUATION COUNCIL
STATE OF WASHINGTON

Administrative Order No. 76-2

(1) I, Roger Polzin, Executive Secretary for the Energy Facility Site Evaluation Council of the State of Washington, by virtue of the authority vested in the Council by Chapter 80.50 RCW, and Chapter 34.04, the Administrative Procedures Act, hereby assert that the Council has ordered the adoption of the emergency rules and regulations, to wit:

Regulations for Compliance with the State Environmental Policy Act as emergency rules of the agency.

(2) This order shall, after first being recorded as an administrative order of the Energy Facility 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 July 28, 1976.

Attest: Roger Polzin
Roger Polzin
Executive Secretary

RESOLUTION NO. 102

ENERGY FACILITY SITE EVALUATION COUNCIL

WHEREAS: The Council on Environmental Policy has adopted final SEPA guidelines pursuant to chapter 43.21C RCW, which guidelines are set forth in chapter 197-10 of the Washington Administrative Code; and

WHEREAS: The foregoing guidelines became effective on January 16, 1976; and

WHEREAS: Pursuant to chapter 43.21C RCW, the Energy Facility Site Evaluation Council is directed to adopt its own rules implementing chapter 43.21C RCW within 120 days after the effective date of the foregoing guidelines; and

WHEREAS: The Energy Facility Site Evaluation Council was created by chapter 108, Laws of 1975-76, 2nd ex. sess., which was enacted over two months after the effective date of chapter 197-10 of the Washington Administrative Code; and

WHEREAS: The Energy Facility Site Evaluation Council is in the process of developing its own guidelines under chapter 108, Laws of 1975-76, 2nd ex. sess., and until such process is completed, the Council is unable to develop precise guidelines pursuant to chapter 43.21C RCW; and

WHEREAS: The failure to adopt any guidelines pursuant to chapter 43.21C RCW would require the Energy Facility Site Evaluation Council to apply the guidelines adopted by the Council on Environmental Policy in the manner described in WAC 197-10-900(2); and

WHEREAS: The Energy Facility Site Evaluation Council finds and declares it necessary for the preservation of the public health, safety and general welfare that a modified and revised version of the guidelines of the Council on Environmental Policy be immediately adopted and, further, finds and declares that observance of the requirements of notice and opportunity to present views would be contrary to the public interest, as specified in RCW 34.04.030;

NOW THEREFORE, Be it resolved that:

(1) The Energy Facility Site Evaluation Council hereby adopts by reference all of the provisions of WAC chapter 197-10, except that the following provisions are not adopted:

197-10-175
-220
-225
-230(2)
-230(3)
-230(4)
-230(6)
-230(7)
-230(8) through -230(12)
-235
-380
-800
-805
-820
-835
-860
-900

(2) Wherever reference is made in the adopted guidelines to state or local agencies to be governed thereby, such language shall be deemed to refer to the Energy Facility Site Evaluation Council, unless a contrary intent is clearly shown. Notwithstanding the foregoing, reference-adopted WAC 197-10-170(4)(b) and WAC 197-10-170(4)(d) shall continue to refer generally to agencies other

than the Energy Facility Site Evaluation Council.

(3) The Responsible Official shall be the executive secretary to the Energy Facility Site Evaluation Council.

(4) The SEPA Information Center shall be the Energy Facility Site Evaluation Council office.

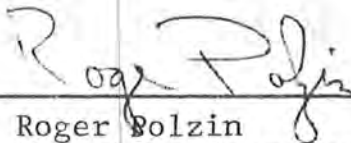
(5) For purposes of these emergency guidelines, reference-adopted WAC 197-10-100(4) is hereby amended to delete the following words: "If the guidelines of the lead agency so provide, an. . . ." In place of the deleted words, substitute the word: "An."

Passed and Dated This 28th Day of July 1976



Keith Sherman, Chairman

Attest:



Roger Polzin
Executive Secretary

Approved As To Form:



Thomas F. Carr
Assistant Attorney General