

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

Energy Facility Site Evaluation Council

(name of governing body)

Energy Facility Site Evaluation Council

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 82-3

(1) Be it resolved by the Energy Facility Site Evaluation Council,
acting at Olympia, Washington,
(place)
that it does promulgate and adopt the annexed rules relating to:

WAC 463-39-115 Standards of Performance for New
Stationary Sources

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 82-11-067 filed with the code reviser on 5-14-82. Such rules shall take effect:

- pursuant to RCW 34.04.040(2).
- at a later date, such date being _____

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, _____, find that an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW 80.50.040 (1) which directs that the

Energy Facility Site Evaluation Council

(agency)

has authority to implement the provisions of

Chapter 80.50 RCW

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW _____

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED June 28, 1982

JUN 30 1982

By William L. Fitch
Executive Secretary

Title

CODE REVISER'S OFFICE
WSR 82-14-051

Amendatory Section (Amending Order 79-1, filed 8/6/79) (MM)

WAC 463-39-115 **Standards of performance for new stationary sources.** (@50) Subparts A, D, Da, GG, J, K and Y of Title 40, code of federal regulations, part 60 (standards of performance for new stationary sources), as promulgated prior to ((~~June 12, 1979~~)) May 1, 1982 are by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the Council.

Sections 60.5 and 60.6 of Title 40, code of federal regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 463-39-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.