

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. 82-2

(1) Be it resolved by the Energy Facility Site Evaluation Council, acting at Olympia, Washington (place)

that it does adopt the annexed rules relating to:

- WAC 463-40-010 Purpose
- WAC 463-40-020 Coverage
- WAC 463-40-030 Regulations
- WAC 463-40-040 Monitoring and Enforcement

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

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____. These rules shall take effect:
 thirty days after they are filed with the code reviser 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, the Energy Facility Site Evaluation Council, find that an emergency exists and that this 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 the emergency is: to meet U.S. Environmental Protection Agency deadline for delegation to state for on-site activities at energy facilities which involve the generation, storage, transportation, treatment or disposal of dangerous wastes
These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026¹ 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 October 11, 1982

OCT 22 1982

By William I. Fitch Executive Secretary Title

CODE REVISER'S OFFICE WSR 82-22-010

NEW SECTION

WAC 463-40-010 Purpose. The Energy Facility Site Evaluation Council, under authority invested in it by chapter 80.50 RCW is charged with the responsibility of adopting rules sufficient to the protection of the public and the environment from the effects of dangerous wastes generated at energy facilities subject to chapter 80.50 RCW.

NEW SECTION

WAC 463-40-020 Coverage. The provisions of this chapter shall apply state-wide for those generators of dangerous wastes under the jurisdiction of the Energy Facility Site Evaluation Council.

NEW SECTION

WAC 463-40-030 Regulations. Notwithstanding the provisions of WAC 173-303-801, to the extent of their applicability and appropriateness, the provisions of WAC 173-303 shall apply to the on-site activities, at energy facilities subject to this chapter, which involve the generation, storage, transportation, treatment or disposal of dangerous wastes.

NEW SECTION

WAC 463-40-040 Monitoring and enforcement. The council hereby delegates to the Department of Ecology (DOE) the monitoring activities for dangerous wastes regulated by this chapter under a Certification Agreement. As a result of said monitoring activities, DOE shall report to the council any activity by a permittee which in its judgment requires the initiation of appropriate enforcement activities by the council. The council shall then take or initiate action to enforce the terms of any Certification Agreement. This in no way shall restrict any enforcement by other public agencies and officials under existing law. If DOE determines that immediate action is needed to enforce the Act or any statute or regulation derived therefrom, it shall report immediately to the Chairman who shall initiate such immediate enforcement action as may be necessary. Such action shall remain in effect until confirmed or modified by the council.