

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. 1-72  
Emergency rules

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

1. WAC 463-08 Rules of Practice (Amended)
2. WAC 463-12 Guidelines for Applicants Seeking Thermal Power Plant Certification (Amended)

(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 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 Olympia, Washington on 10-30-72 and 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 (1971 ex.s. c 250) have been fulfilled.

Dated this 3rd day of November 1972.

STATE OF WASH. IN  
**FILED**  
NOV 3 1972  
CODE REVISER'S OFFICE  
DOCKET # FILE # /

Thermal Power Plant Site Evaluation Council  
(AGENCY)  
By Oswald Greager  
Oswald Greager  
Chairman  
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.

RESOLUTION NO. 1-72


A Resolution of the Washington State  
Thermal Power Plant Site Evaluation  
Council relating to the adoption of  
certain emergency rules.

BE IT RESOLVED that as a consequence of the Council being advised that the Washington Public Power Supply System proposes to file an application for a thermal power plant site certification on or before January 8, 1973, the Council finds that the immediate adoption of the attached 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.

Approved this 30th day of October  
1972 in open meeting



Oswald H. Greager  
Chairman

ATTEST:   
Joseph F. Lightfoot  
Executive Secretary

AMD

Chapter 463-08

THERMAL POWER PLANT SITE EVALUATION COUNCIL

NEW

WAC 463-08-011 EFFECT OF CERTIFICATION. The thermal siting council administratively interprets the effect of RCW 80.50.120 where it is provided that a certification issued by the council is "in lieu of any permits, certificates, or similar documents required by any department, agency, division, bureau, commission, or board of the state" to mean the following:

Insofar as said documents, certificates or permits would otherwise be required by the applicant by state law on the effective date of chapter 80.50 RCW (February 23, 1970), where said matters relate to the protection and preservation of the quality of the environment, then a certification properly issued serves "in lieu of" such other requirements. Such includes, but is not limited to, waste discharge permits, water rights permits, and other related permits as required by law. However, as to matters not related directly to the environmental impact of a thermal power plant, such as tax certificates, permits from the department of labor and industries, etc., such must be obtained by the applicant separate and apart from the certification proceedings. The site certification properly issued is not intended to substitute for such items.

The council, therefore, has thus interpreted the effect of certification as blanketing in, as outlined above, only those state permits, certificates or similar documents by those state agencies which relate to and have authority over effects on the environment.

In keeping with this interpretation placed upon RCW 80.50.120, sub-applications together with any required fees and information shall be requested by the council from time-to-time from the applicant which, when received, will be transmitted by the council to the appropriate state agencies for further action. Insofar as water rights permits are concerned, the department of ecology shall make the determination upon information obtained in this manner as to the availability of water needed for any particular plant. The ultimate determination as to the appropriateness of the use of said water for power plant purposes shall reside with the siting council. Accordingly, permits issued by the department of ecology for such water rights shall, pursuant to that agency's regulations, be effective only when incorporated in an approved certification by the governor pursuant to chapter 80.50 RCW.

AMD

WAC 463-08-015 COUNCIL ORGANIZATION. (1) The council shall consist of the directors, administrators, or their designees of the following state departments or their statutory successors:

- (a) Water pollution control commission
- (b) Department of water resources
- (c) Department of fisheries
- (d) Department of game
- (e) State air pollution control board
- (f) Department of parks and recreation
- (g) Department of health
- (h) Interagency committee for outdoor recreation
- (i) Department of commerce and economic development
- (j) Utilities and transportation commission

(k) Office of program planning and fiscal management  
(l) Department of natural resources  
(m) Planning and community affairs agency  
(n) Department of civil defense  
(o) Department of agriculture  
(p) As well as an appointee by the county legislative authority from every county wherein a proposed site is intended.

(2) The principal office of the council shall be at Olympia, Washington, in care of the governor's office and shall be open each day for the transaction of business from 8 o'clock a.m. to 5 o'clock p.m., Saturdays, Sundays and legal holidays excepted. Submissions, requests and communications shall be sent to the council chairman, in care of the Governor's Office, Legislative Building, Olympia, Washington 98501.

(3) A majority of the council shall constitute a quorum for the promulgation and adoption of rules and regulations necessary for the conduct of its powers and duties. The general internal affairs of the council's operation shall be governed wherever possible by resolution. The council may delegate to its chairman all those duties commensurate with the functions of said position and may further designate appropriate individuals to conduct hearings, take testimony where appropriate on behalf of the council.

(4) A counsel for the environment shall represent the public and its interest in protecting the quality of the environment for the duration of the certification proceedings until a certification is issued or denied.

(5) All state agencies represented on the council as provided in RCW 80.50.030 will be treated as, and accorded all the rights of, a party during the course of certification proceedings as respects their areas of statutory authority and responsibility. In order to avoid duplication of effort, however, provisions may be made so as to have the notices, briefs and other material delivered to the council agency member suffice as delivery to his agency wherever permitted by law. Appropriate consent statements shall be filed by the agencies with the council for this purpose.

NEW WAC 463-08-021 HEARING EXAMINERS. The council may appoint a single hearing examiner or a multi-membered panel not to exceed five in number to perform examiner functions as directed by the council. Such panel may consist of either council members or non-council members or combinations thereof wherever appropriate for the council's purpose.

NEW WAC 463-08-022 PROPOSED ORDERS BY EXAMINERS. (1) General. WAC 463-08-022 shall apply in any proceeding under chapter 80.50 RCW which has been the subject of a hearing, whether by a single or multi-member hearing panel, except when:

- (a) no objection is made to a request on the record by a party or the examiner for omission of examiner's proposed order; or
- (b) the proceeding involves rule-making governed by RCW 34.04.020; or
- (c) the decision is not adverse to any party to the proceeding other than the council; or
- (d) the council finds that due and timely exercise of its functions requires in the public interest the omission of an examiner's proposed order.
- (2) Preparation and service of proposed order. In proceedings covered by (1) the examiner conducting the hearing, or, when required, such other examiner as shall be designated by the council, shall prepare a proposed order including findings of fact and conclusions of law and the same shall be served upon all parties of record.
- (3) Briefs to examiner. At the conclusion of the hearing, the examiner may provide for the submission of briefs and fix the time to be allotted therefore.
- (4) Exceptions--who may file. Any party of record may file exceptions to the examiner's proposed order.
- (5) Exceptions--time for filing. Exceptions to examiner's proposed order must be filed in triplicate with the executive secretary of the council and one copy must be served upon all other parties of record or their attorneys within ten days of the date of service of said proposed order. Proof of service must be made in accordance with WAC 1-08-120.
- (6) Exceptions--contents. Exceptions to examiner's proposed orders shall be specific and must be stated and numbered separately. Exceptions to findings of fact must be supported by reference to that page or part of the record or, in the alternative, by a statement of the evidence relied upon to support the exception, and shall be accompanied by a recommended finding of fact. Exceptions to conclusions of law must be supported by reference to the appropriate statute, and/or to the applicable rule and regulation involved and shall be accompanied by a corrected conclusion of law. When exceptions are taken to statements in the summary portion of the proposed order, there shall be included a statement showing the legal or factual justification for such exceptions, together with a statement showing how the alleged defect in the summary affects the findings of fact or conclusions of law, or the ultimate order.
- (7) Replies--who may file. Any party of record may file replies to exceptions.
- (8) Replies--time for filing. Replies to exceptions must be filed in triplicate with the executive secretary of council. One copy shall be served on all other parties of record or their attorney of record within ten days of the date of the service of the exceptions. Proof of service must be made in accordance with WAC 1-08-120.
- (9) Replies--contents. Replies to exceptions shall be specific and must be stated and numbered separately and must be supported by a reference to that page or part of the record, or in the alternative a statement of the evidence, relied upon to support the reply.

(10) Time for filing--variance. The council may in its discretion, upon notice to the parties, reduce or extend the time for filing exceptions and replies.

(11) Briefs or written arguments. Briefs or written arguments shall accompany exceptions and replies.

(12) Oral argument. The council may in its discretion hear oral argument at a time and place to be designated by it upon notice to all affected parties.

(13) Final decision. After reviewing the exceptions, replies, briefs, oral arguments, if any, and the record or such portions thereof as may be cited by the parties, or on its own motion if no exceptions are filed, a majority of the council may affirm or modify the examiner's proposed order by an appropriate order. The statutory time for review proceedings shall not commence until the date of the council's final decision and order.

AMD

Chapter 463-12

GUIDELINES FOR APPLICANTS SEEKING  
THERMAL POWER PLANT CERTIFICATION



NEW

WAC 463-12-100 PROJECT DESCRIPTION. The applicant shall:

(1) Describe the proposed site indicating its general location, prominent geographic features, typical geological and climatological characteristics, and such other information as is necessary to provide a general understanding of the area.

(2) Describe the characteristics of the project to be constructed upon the proposed site including the type, size and cost of the plant; description of major components and such information as will generally acquaint the Council with the significant features of the proposed project.

(3) Describe the available roads and railroads and indicate what additional access is needed for ingress and egress of personnel and materials during plant construction and operation.

(4) Provide a description of the applicant and his reason for undertaking the proposed project including the need for the power to be used, the customers to be served, financing and marketing arrangements, cost of power production, and other information of a general nature concerning the proposed project.

(5) Provide a detailed statement of the plant investment which is attributable to environmental considerations, identifying specifically those costs which are incurred in satisfaction of governmental requirements. Indicate also the anticipated annual cost of proposed programs for the protection and/or enhancement of the environment.

(6) Furnish a projected schedule of environmental studies, planning and construction expressing in months the time required to complete the several phases of the studies, planning and construction work. Give an approximate starting date of actual construction and operation.

NEW

WAC 463-12-105 SITE CHARACTERISTICS. The applicant shall:

(1) Furnish a legal land description of and ownership interest in the site.

(2) Furnish land use plans, the latest zoning status and a survey of land occupancy and land uses within a 25-mile radius of the immediate site area.

(3) Supply documentation, attested to by the executive authority of the unit(s) of government exercising land use control and planning responsibilities with respect to the proposed site, detailing the currently effective land use classification (zoning) at the site and indicating that the site may be used for a thermal power plant under that classification.

NEW

WAC 463-12-110 TRANSMISSION LINES. The applicant shall:

(1) Describe approximate routing, conceptual design and construction schedule of all proposed associated

transmission lines to be constructed as the result of the addition of the proposed plant to the northwest power grid.

(2) Provide the analysis involved in selection of proposed transmission corridors and efforts made to avoid scenic, recreational, historical, archaeological and heavily-timbered areas, steep slopes and proximity to highways to minimize conflict between the rights-of-way with present and future uses of the land on which they are located.

(3) Indicate the federal, state and industry criteria for power line routing and construction considered in developing the proposed design including the manner and extent to which the proposal satisfies the criteria.

(4) Show evidence of consideration of multi-purpose utilization of rights-of-way and describe measures anticipated to be employed to restore, or rehabilitate, disturbed areas.

NEW

WAC 463-12-115 HEALTH AND SAFETY. The applicant shall:

(1) Describe the means proposed to assure the public the safe utilization of land and water areas under the applicant's control to which public access will be allowed.

(2) Describe proposed methods of compliance with all state and local health and safety standards.

(3) Provide background radiation levels of appropriate receptor media pertinent to the site in question.

(4) Describe the radioactive waste treatment process, the anticipated releases of radionuclides, their expected distribution and retention in the environment, the pathways which may develop to become sources of radiation exposure, and estimates of the resulting radiation doses to human populations. Also describe other sources of radiation which may be associated with the project.

(5) Describe the means to be employed for protection of the plant facility against damage from flood waters, tsunamis, and natural disasters, and security provisions against sabotage and vandalism.

(6) Provide a preliminary description of the emergency plan to assure the public safety both on and off site in the event of a natural disaster or a nuclear incident/accident.

NEW

WAC 463-12-120 ENVIRONMENTAL IMPACT--LAND. The applicant shall:

(1) Describe proposed procedures to minimize erosion during the excavation of borrow pits, disposal of surplus excavation and construction of earth fills. The location of and quantities involved in such activities shall also be described.

(2) Describe proposed measures to be employed to restore, or landscape, land areas disturbed during construction.

(3) Treat temporary roads as disturbed land areas as considered in No. 2 above and describe the Washington State standards to which permanent roads are to be constructed.

(4) Furnish the results of a comprehensive, geologic survey to determine geologic conditions of the site with particular attention to the nature of the foundation materials and recorded and potential seismic activities.

NEW

WAC 463-12-125 ENVIRONMENTAL IMPACT--WATER. The applicant shall:

(1) Indicate the source and the approximate amount of all water required during construction and operation of the plant and demonstrate that water adequate to meet the requirements of the plant is legally available for this use.

(2) Demonstrate that the proposed utilization of the site is compatible with the state water use programs.

(3) Show evidence of consideration of multi-purpose use of cooling water.

(4) Describe means to be utilized to assure the compliance with laws and regulations relating to water quality and water management for the waters of the State of Washington.

(5) Describe the system of waste heat dissipation proposed to be utilized including plans for offstream cooling facilities for sites located adjacent to fresh water bodies and estuarine locations.

(6) Identify the outfall configuration and locations proposed and the resultant heated effluent distribution characteristics and extent of the dilution zone.

(7) Submit a hydrographic study of the temperature, salinity structure and other physical factors in the receiving waters that may influence dilution, dispersion and reconcentration of waste discharge.

(8) Provide background water quality data pertinent to the site in question.

(9) Describe methods to be employed for the control of surface water runoff and the control of erosion at the site during construction to prevent water pollution and to assure compliance with state water quality standards.

(10) Provide an engineering report discussing the applicability of the known, available and reasonable methods of waste prevention and treatment which have been considered for the project; and a flow diagram, with design criteria for the waste system proposed, showing the sources, amounts and characteristics of all liquid and/or water borne wastes and the conceptual design for their treatment and disposal.

NEW

WAC 463-12-130 ENVIRONMENTAL IMPACT--AIR. The applicant shall:

(1) Describe the means to be utilized to assure compliance with air pollution control standards.

(2) Provide data, either from available records or from reasonable estimates, as to the air quality and meteorological conditions at the proposed site. Meteorological data shall include (as a minimum) wind and direction patterns, rainfall and temperature regimes.

(3) Describe the extent to which the operation of any proposed offstream cooling facilities would cause fogging, misting, icing, obscuration of visibility or visible plumes.

(4) Demonstrate that the highest and best practicable contaminate emission control technology will be used. In the case of fossil-fueled plants, this discussion should address the utilization of low sulphur-content fuel.

NEW

WAC 463-12-135 ENVIRONMENTAL IMPACT--VEGETATION, FISH AND ANIMAL LIFE. The applicant shall:

(1) Provide a description, including the location and quantity, of terrestrial vegetation, animal life or other receptor which potentially might be affected by the design, construction, operation and maintenance of the proposed plant and its associated transmission lines.

(2) Provide a description, including the distribution and quantity, of aquatic vegetation, fish and other aquatic life which potentially might be affected by the design, construction, operation and maintenance of the proposed plant and its associated transmission lines.

(3) Describe the anticipated project effect upon terrestrial vegetation, animal life and other receptor in the proposed project's influence area.

(4) Describe the anticipated project effect upon the aquatic vegetation, fish and other aquatic life in the proposed project's influence area. Describe specific provisions to be made for fish protection at any water intakes and discharges that will minimize fish attraction, bypass fish safely to the natural waters and assure maximum protection to the resource.

(5) Provide for appropriate additional measures to protect terrestrial and aquatic receptor, animal life, fish and other aquatic life, if such measures are deemed necessary by the Council.

(6) Provide for replacement and/or compensation for any animal life, fish or other aquatic life and eco-system damage or loss caused by project construction and operation, if such measures are deemed necessary by the Council.

NEW

WAC 463-12-140 ENVIRONMENTAL IMPACT--AESTHETICS. The applicant shall:

(1) Demonstrate that the proposed thermal power plant and pertinent facilities are located and designed to assure, insofar as is practical, that the physical appearance of the installation will be aesthetically compatible with its surroundings.

NEW

WAC 463-12-145 ENVIRONMENTAL IMPACT--RECREATION AND HERITAGE. The applicant shall:

(1) Submit an inventory of historical and archeological sites which are existent within the proposed site boundary or transmission corridors and describe the methods to be employed to enable their preservation and/or their interpretation.

(2) Describe recreational resources and facilities, if any, that will be created or added to those already existing at the site and in the project influence area of the proposed plant.

(3) Provide for replacement and/or compensation for any loss or damage to recreational opportunities, if such measures are deemed necessary by the Council.

NEW

WAC 463-12-150 MONITORING AND FUTURE STUDIES. The applicant shall:

(1) Finance such studies related to the site as are requested by the Council and agreed to by the applicant. These studies may include, but not be limited to, data gathering and research on biological, ecological, meteorological, geological, hydrological and general environmental problems.

(2) Continuously evaluate geologic information developed during construction and take appropriate steps in the designing and construction of the plant to accommodate the geologic conditions disclosed.

(3) Provide pre-operational and continuing environmental radiation monitoring programs of appropriate receptor media in accordance with state criteria.

(4) Provide a pre-operational and continuing water quality monitoring program to assure the maintenance of water quality standards and continued beneficial uses of adjacent waters.

(5) Provide a pre-operational and continuing air quality monitoring program and weather data collection program for the proposed site. The nature of these programs will depend upon the fuel to be used, contaminate potential and land characteristics and use and shall include emission monitoring when required by the Council.

(6) Provide a pre-operational and continuing environmental quality surveillance program to monitor the effect of the project on vegetation and other terrestrial and aquatic receptor, animal life, fish and other aquatic life and the ecology of the area.

(7) Retain the services of a competent archaeologist to inspect the construction site in the course of the construction excavation of the project to determine if archaeological or historical sites are being invaded or disturbed and to preserve and provide for interpretation of any historical or archaeological artifacts which may be discovered in the course of excavation and/or construction.

REP

WAC 463-12-010 through WAC 463-12-050 are each hereby repealed.