

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. 81-2

(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:

Emergency Action by Chairman.

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

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____. Such rules shall take effect:

- checkbox pursuant to RCW 34.04.040(2).
checkbox 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 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:

State is in process of promulgating emergency response plans effective April 1, 1981 which require the chairman of the council to be able to respond to any imminent emergency concerning matters under council's general oversight and jurisdiction

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.____ (1977 c 19 § 2) 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):

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

checkbox (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)

checkbox (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).

STATE OF WASHINGTON

(5) This order, when 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 March 25, 1981

MAR 25 1981

CODE REVISER'S OFFICE WSR 81-08-023

By William L. Fitch Executive Secretary

Title

AMENDATORY SECTION (Amending Order 78-3, filed 6/23/78)

WAC 463-54-070 Emergency action by chairman. (1) The chairman of the council or his designee is authorized and shall take action to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the ~~((discharge))~~ release of pollutants from facilities sited under chapter 80.50 RCW including as appropriate:

(a) The issuance of ~~((a stop work))~~ an order to immediately terminate an endangerment or an endangering ~~((discharge))~~ release and ~~((suspend))~~ the suspension of the NPDES or other permit issued by the council.

(b) The ~~((requesting))~~ notification of the departments of emergency services and social and health services and other appropriate agencies, as necessary, ~~((to immediately take))~~ that protective measures are required immediately to safeguard the health or welfare of persons ~~((resulting from the discharge of pollutants))~~ so endangered.

(c) The reference of matters to the attorney general for appropriate enforcement action for violations of site certification agreements and NPDES or other permits issued by the council.

(2) The chairman's action will be confirmed or modified by the council within seventy-two hours of execution at a special or regular meeting of the council, whichever will occur the earliest.