

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. 87-1

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

- that it does adopt the annexed rules relating to: WAC 463-42-075 General -- Assurances
WAC 463-42-455 Physical Environment--Impact of construction, operation, abandonment, termi-
nation, or cessation of operations on vegetation, animal life, and aquatic
WAC 463-42-465 Physical Environment--Description of measures taken to protect vegetation,
animal life, and aquatic life
WAC 463-42-515 Physical Environment--Safety where public access allowed
WAC 463-42-655 Physical Environment--Initial Site Restoration Plan
WAC 463-42-665 Detailed Site Restoration Plan--Terminated Projects
WAC 463-42-675 Site Preservation Plan--Suspended Projects
WAC 463-54-080 Site Preservation or Restoration Plan

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

This action is taken pursuant to Notice No. WSR 87-01-115
filed with the code reviser on December 24, 1986. These rules shall take effect:
[X] 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, \_\_\_\_\_, 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:

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

(3) Pursuant to the requirements of RCW 34.04.026<sup>1</sup> 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.

[X] (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 February 9, 1987

FEB 11 1987

[Signature]

Executive Secretary
Title

CODE REVISER'S OFFICE
WSR 87-05-017

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-075 GENERAL--ASSURANCES. The application shall set forth insurance, bonding or other arrangements proposed in order to mitigate for damage or loss to the physical or human environment caused by project construction ~~((or))~~, operation, abandonment, termination, or when operations cease at the completion of a project's life.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-455 PHYSICAL ENVIRONMENT--IMPACT OF CONSTRUCTION ~~((AND))~~, OPERATION, ABANDONMENT, TERMINATION, OR CESSATION OF OPERATIONS ON VEGETATION, ANIMAL LIFE, AND AQUATIC LIFE. The applicant shall describe the projected effect of ~~((facility))~~ project construction ~~((and/or))~~, operation, abandonment, termination, or cessation of operations upon vegetation, animal life, and aquatic life.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-465 PHYSICAL ENVIRONMENT--DESCRIPTION OF MEASURES TAKEN TO PROTECT VEGETATION, ANIMAL LIFE, AND AQUATIC LIFE. The application shall contain a full description of each measure to be taken by the applicant to protect vegetation, animal life, and aquatic life from the effects of ~~((facility-operation-and))~~ project construction, operation, abandonment, termination, or cessation of operations.

AMENDATORY SECTION (Amending Order 81-5, filed 10/8/81)

WAC 463-42-515 PHYSICAL ENVIRONMENT--SAFETY WHERE PUBLIC ACCESS ALLOWED. The applicant shall describe the means proposed to ~~((insure))~~ ensure safe utilization of those areas under applicant's control ~~((to))~~ on or in which public access will be granted during project construction, operation, abandonment, termination, or when operations cease.

NEW SECTION

WAC 463-42-655 PHYSICAL ENVIRONMENT--INITIAL SITE RESTORATION PLAN. The applicant or certificate holder shall in the application, or within twelve months after the effective date of this section, whichever occurs later, provide an initial plan for site restoration at the conclusion of the plant's operating life. The plan shall parallel a decommissioning plan, if such a plan is prepared for the project. The initial site restoration plan shall be prepared in sufficient detail to identify, evaluate, and resolve all major environmental, and public health and safety issues presently anticipated. It shall describe the process used to evaluate the options and select the measures that will be taken to restore or preserve the site or otherwise protect all segments of the public against risks or danger

resulting from the site. The plan shall include a discussion of economic factors regarding the costs and benefits of various restoration options versus the relative public risk and shall address provisions for funding or bonding arrangements to meet the site restoration or management costs. The plan shall be prepared in detail commensurate with the time until site restoration is to begin. The scope of proposed monitoring shall be addressed in the plan.

#### NEW SECTION

WAC 463-42-665 DETAILED SITE RESTORATION PLAN--TERMINATED PROJECTS. When a project is terminated, a detailed site restoration plan shall be submitted within twelve months after termination or within twelve months after the effective date of this section, whichever occurs later. An extension of time may be granted for good cause shown. The site restoration plan shall address the elements required to be addressed in WAC 463-42-655, in detail commensurate with the time until site restoration is to begin. The council may take or require action as necessary to deal with extraordinary circumstances.

#### NEW SECTION

WAC 463-42-675 SITE PRESERVATION PLAN--SUSPENDED PROJECTS. In the event that construction is suspended, a plan for site preservation shall be prepared at the earliest feasible time and the council shall be advised of interim concerns and the measures being taken to remedy those concerns. The site preservation plan shall address environmental, and public health and safety concerns, the scope of proposed monitoring and the provisions for funding or bonding to meet site preservation costs. It shall describe measures that will be taken to preserve the site or otherwise protect all segments of the public against risks or danger resulting from the site. The preservation plan shall also address options for preservation and the costs and benefits associated with those options. The council may take or require action as necessary to deal with extraordinary circumstances.

NEW SECTION

WAC 463-54-080 SITE PRESERVATION OR RESTORATION PLAN. When a site is subject to preservation or restoration pursuant to a plan as defined in WAC 463-42-655 through 463-42-675, the certificate holder shall conduct operations within terms of the plan; shall advise the council of unforeseen problems and other emergent circumstances at the site; and shall provide site monitoring pursuant to an authorized schedule. After approval of an initial site restoration plan pursuant to WAC 463-42-655, a certificate holder shall review its site restoration plan in light of relevant new conditions, technologies, and knowledge, and report to the council the results of its review, at least every five years or upon any change in project status. The council may direct the submission of a site preservation or restoration plan at any time during the development, construction, or operating life of a project based upon the council's review of the project's status. The council may require such information and take or require such action as is appropriate to protect all segments of the public against risks or dangers resulting from the site.