

expiration shall result in termination of the registration and a new application for registration must be made.

(9) **FEEES FOR EXEMPTIONS AND EXEMPTION APPLICATIONS:** For a review of an application for exemption under RCW 19.105.320(3), the applicant shall submit a fee of one hundred fifty dollars. If the exemption request is denied, the registrant shall be given credit for the one hundred fifty dollars fee submitted toward the registration fee under section (1) of this rule.

(10) All fees are nonrefundable after application has been received.

(11) All fees shall be paid to the order of the Washington state treasurer.

[Statutory Authority: RCW 19.105.411. 89-01-082 (Order PM 807), § 460-90A-145, filed 12/20/88.]

Title 463 WAC

ENERGY FACILITY SITE EVALUATION COUNCIL

(Formerly: Thermal Power Plant Evaluation Council)

Chapters

- 463-36** Procedure—Amending or terminating a site certification agreement.
- 463-42** Procedure—Guidelines—Applications for site certification.
- 463-54** Certification compliance determination and enforcement.

Chapter 463-36 WAC

PROCEDURE—AMENDING OR TERMINATING A SITE CERTIFICATION AGREEMENT

WAC

463-36-010	Council policy.
463-36-020	Termination.
463-36-030	Request for amendment.
463-36-040	Amendment review.
463-36-050	Environmental impact—Alternatives.
463-36-060	Council determinations.
463-36-070	Approval by resolution.
463-36-080	Approval by governor.
463-36-090	Council powers.

WAC 463-36-010 Council policy. The council may take such action as may be necessary to protect the public health, safety, and welfare.

[Statutory Authority: RCW 80.50.040(1). 87-24-006 (Order 87-2), § 463-36-010, filed 11/19/87.]

WAC 463-36-020 Termination. Termination of a site certification agreement (SCA), except pursuant to its own terms, is an amendment of the agreement.

[Statutory Authority: RCW 80.50.040(1). 87-24-006 (Order 87-2), § 463-36-020, filed 11/19/87.]

WAC 463-36-030 Request for amendment. A request for amendment of an agreement shall be made in writing by a certificate holder to the council. The council will consider the request at the next feasible council

meeting. The council will then refer the question to committee for recommendation, determine a schedule for action, or take action upon the request. The council may, if appropriate and required for full understanding and review of the proposal, secure the assistance of a consultant or take other action at the expense of the certificate holder. The council shall hold one or more public hearing sessions upon the request for amendment at times and places determined by the council.

[Statutory Authority: RCW 80.50.040(1). 87-24-006 (Order 87-2), § 463-36-030, filed 11/19/87.]

WAC 463-36-040 Amendment review. In reviewing any proposed amendment, the council shall consider whether the proposal is consistent with:

- (1) The intention of the original SCA;
- (2) Applicable laws and rules; and
- (3) The public health, safety, and welfare.

[Statutory Authority: RCW 80.50.040(1). 87-24-006 (Order 87-2), § 463-36-040, filed 11/19/87.]

WAC 463-36-050 Environmental impact—Alternatives. In reviewing whether a proposed amendment is consistent with the public health, safety, and welfare, the council shall consider the short-term and long-term environmental impacts of the proposal. Reasonable alternative means by which the purpose of the proposal might be achieved shall be considered as shall the availability of funding to implement the proposal.

[Statutory Authority: RCW 80.50.040(1). 87-24-006 (Order 87-2), § 463-36-050, filed 11/19/87.]

WAC 463-36-060 Council determinations. The council in acting upon a requested amendment may accept the amendment; reject the amendment; or reject the amendment, and state conditions or terms under which the amendment will be reconsidered.

[Statutory Authority: RCW 80.50.040(1). 87-24-006 (Order 87-2), § 463-36-060, filed 11/19/87.]

WAC 463-36-070 Approval by resolution. An amendment which changes a technical provision or requirement within the terms of the SCA, and constitutes no substantial alteration of any provisions of the SCA, and is determined to have no detrimental effect upon the environment, shall be effective upon adoption of a council resolution.

[Statutory Authority: RCW 80.50.040(1). 87-24-006 (Order 87-2), § 463-36-070, filed 11/19/87.]

WAC 463-36-080 Approval by governor. An amendment which substantially alters the substance of any provision of the SCA or which is determined to have a significant detrimental effect upon the environment shall be effective upon the signed approval of the governor of Washington state.

[Statutory Authority: RCW 80.50.040(1). 87-24-006 (Order 87-2), § 463-36-080, filed 11/19/87.]

WAC 463-36-090 Council powers. The council has power to initiate proceedings leading to the SCA

amendment where it perceives that a certificate may be abandoned or when it deems such action to be appropriate.

[Statutory Authority: RCW 80.50.040(1), 87-24-006 (Order 87-2), § 463-36-090, filed 11/19/87.]

Chapter 463-42 WAC

PROCEDURE--GUIDELINES--APPLICATIONS FOR SITE CERTIFICATION

WAC

463-42-075	General--Assurances.
463-42-455	Physical environment--Impact of construction, operation, abandonment, termination, or cessation of operations on vegetation, animal life, and aquatic life.
463-42-465	Physical environment--Description of measures taken to protect vegetation, animal life, and aquatic life.
463-42-515	Physical environment--Safety where public access allowed.
463-42-655	Physical environment--Initial site restoration plan.
463-42-665	Detailed site restoration plan--Terminated projects.
463-42-675	Site preservation plan--Suspended projects.

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, operation, abandonment, termination, or when operations cease at the completion of a project's life.

[Statutory Authority: RCW 80.50.040(1), 87-05-017 (Order 87-1), § 463-42-075, filed 2/11/87. Statutory Authority: RCW 80.50.040(1) and chapter 80.50 RCW. 81-21-006 (Order 81-5), § 463-42-075, filed 10/8/81.]

WAC 463-42-455 Physical environment--Impact of construction, operation, abandonment, termination, or cessation of operations on vegetation, animal life, and aquatic life. The applicant shall describe the projected effect of project construction, operation, abandonment, termination, or cessation of operations upon vegetation, animal life, and aquatic life.

[Statutory Authority: RCW 80.50.040(1), 87-05-017 (Order 87-1), § 463-42-455, filed 2/11/87. Statutory Authority: RCW 80.50.040(1) and chapter 80.50 RCW. 81-21-006 (Order 81-5), § 463-42-455, filed 10/8/81. Formerly WAC 463-42-560.]

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 project construction, operation, abandonment, termination, or cessation of operations.

[Statutory Authority: RCW 80.50.040(1), 87-05-017 (Order 87-1), § 463-42-465, filed 2/11/87. Statutory Authority: RCW 80.50.040(1) and chapter 80.50 RCW. 81-21-006 (Order 81-5), § 463-42-465, filed 10/8/81. Formerly WAC 463-42-570.]

WAC 463-42-515 Physical environment--Safety where public access allowed. The applicant shall describe the means proposed to ensure safe utilization of those

areas under applicant's control on or in which public access will be granted during project construction, operation, abandonment, termination, or when operations cease.

[Statutory Authority: RCW 80.50.040(1), 87-05-017 (Order 87-1), § 463-42-515, filed 2/11/87. Statutory Authority: RCW 80.50.040(1) and chapter 80.50 RCW. 81-21-006 (Order 81-5), § 463-42-515, filed 10/8/81. Formerly WAC 463-42-270.]

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.

[Statutory Authority: RCW 80.50.040(1), 87-05-017 (Order 87-1), § 463-42-655, filed 2/11/87.]

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.

[Statutory Authority: RCW 80.50.040(1), 87-05-017 (Order 87-1), § 463-42-665, filed 2/11/87.]

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.

[Statutory Authority: RCW 80.50.040(1), 87-05-017 (Order 87-1), § 463-42-675, filed 2/11/87.]

**Chapter 463-54 WAC
CERTIFICATION COMPLIANCE
DETERMINATION AND ENFORCEMENT**

WAC
463-54-080 Site preservation or restoration plan.

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.

[Statutory Authority: RCW 80.50.040(1), 87-05-017 (Order 87-1), § 463-54-080, filed 2/11/87.]

**Title 468 WAC
TRANSPORTATION, DEPARTMENT OF
(Formerly: Highway Commission, etc.)**

Chapters

468-12	Transportation commission and transportation department State Environmental Policy Act rules.
468-30	Highway property.
468-38	Vehicle size and weight—Restricted highways—Equipment.
468-58	Limited access highways.
468-66	Highway Advertising Control Act.
468-70	Motorist information signs.
468-95	Manual on uniform traffic control devices for streets and highways.
468-300	State ferries and toll bridges.
468-310	Prequalification of ferry system contractors.

Chapter 468-12 WAC

**TRANSPORTATION COMMISSION AND
TRANSPORTATION DEPARTMENT STATE
ENVIRONMENTAL POLICY ACT RULES**

WAC
468-12-510 Public notice procedures.
468-12-680 Administrative review.

WAC 468-12-510 Public notice procedures. (1) The department shall inform the public of actions requiring notice and invitation to comment under WAC 197-11-502 and 197-11-510 in the following manner:

(a) For a determination of nonsignificance (DNS) or a mitigated DNS, issued under WAC 197-11-340(2) and 197-11-350 and requiring public notice under WAC 197-11-502 (3)(b); by (i) sending a copy of the DNS and the letter of transmittal sent to the department of ecology pursuant to WAC 197-11-508, to a newspaper of general circulation in the county, city, or general area where the proposed action is located, agencies with jurisdiction, affected Indian tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and (ii) any other agency, organization, or member of the public who has made a specific request for information on the proposed action in writing to the department. Each person requesting information shall submit such request individually in writing by mail.

(b) For a determination of significance (DS) issued under WAC 197-11-360 and requiring public notice under WAC 197-11-502 (4)(a); by (i) publishing notice in a newspaper of general circulation in the county, city, or general area where the proposed action is located; (ii) sending a copy of the DS to any agencies with jurisdiction, affected Indian tribes, and any other agencies, members of the public, and organizations who have commented on the proposed action in writing to the department or expressed in writing to the department an interest in the proposed action; and (iii) using one or more of the other methods specified in WAC 197-11-510 (1)(a), (d), (e), and (f), as selected by the department;

(c) For a draft EIS issued under WAC 197-11-455 and requiring public notice under WAC 197-11-455(5) and for a public hearing held under WAC 197-11-535 and requiring public notice under WAC 197-11-502(6); by (i) publishing notice in a newspaper of general circulation in the county, city, or general area where the proposed action is located; (ii) sending notice of the availability of the draft EIS or the notice of the hearing to any agencies with jurisdiction, affected Indian tribes, and any other agencies, members of the public, and organizations who have commented on the proposed action in writing to the department or expressed in writing to the department an interest in the proposed action; and (iii) using one or more of the other methods specified in WAC 197-11-510 (1)(a), (d), (e), and (f), as selected by the department;

(d) For a final EIS issued under WAC 197-11-460 the document shall be sent to (i) the department of