

Chapter 463-72 WAC

SITE RESTORATION AND PRESERVATION

WAC

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WAC 463-72-010 Purpose. This chapter sets forth rules for the content and timing of preparing site restoration or preservation plans for implementation at the conclusion of a plant's operating life; if a project is terminated; or if construction is suspended. The council shall apply these rules to site certification agreements issued in connection with applications filed after the effective date of this chapter. Except for the provisions in chapter 463-36 WAC, these regulations shall not apply to energy facilities for which site certification agreements have been issued before the effective date of this chapter.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-010, filed 10/11/04, effective 11/11/04.]

WAC 463-72-020 Plan elements. Site restoration or preservation plans shall be prepared in sufficient detail to identify, evaluate, and resolve all major environmental and public health and safety issues, to include provisions for funding or bonding and monitoring. Specific plans shall:

(1) Describe the process and/or assumptions used to evaluate the options considered and the measures selected to restore or preserve the site to protect the environment and all segments of the public against risks and dangers resulting from the site operations and activities.

(2) Address provisions for funding or bonding to meet restoration or preservation costs. Financial assurance shall be provided to ensure that funding is available and sufficient for site restoration or preservation. Such financial assurances shall include evidence of pollution liability insurance coverage in an amount justified for the project, and a site closure bond, sinking fund, or other financial instrument or security in an amount justified in the initial site restoration plan.

(3) Address the scope of monitoring to be conducted during site restoration or preservation and possible continued monitoring to ensure site restoration is achieved.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-020, filed 10/11/04, effective 11/11/04.]

WAC 463-72-030 Council approval and schedules required. The council shall approve all site restoration or preservation plans. Each plan shall include schedules for implementation of the proposed site restoration or preservation activities.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-030, filed 10/11/04, effective 11/11/04.]

(10/11/04)

WAC 463-72-040 Initial site restoration plan. (1) At least ninety days prior to the beginning of site preparation, the certificate holder shall provide the council with an initial site restoration plan which addresses site restoration occurring at the conclusion of the plant's operating life, or in the event the project is suspended or terminated during construction or before it has completed its useful operating life.

(2) The plan shall parallel a decommissioning plan, if such a plan is prepared for the project.

(3) 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 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 provision of financial assurances shall include evidence of pollution liability insurance coverage in an amount justified for the project, and a site closure bond, sinking fund, or other financial instrument or security in an amount justified in the plan.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-040, filed 10/11/04, effective 11/11/04.]

WAC 463-72-050 Detailed site restoration plan—Terminated projects. When a project is terminated, a detailed site restoration plan shall be submitted within ninety days from the time the council is notified of the termination. 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 463-72-040, in detail commensurate with the time until site restoration is to begin. The council will act on the plan at the earliest feasible time and may take or require action as necessary to deal with extraordinary circumstances.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-050, filed 10/11/04, effective 11/11/04.]

WAC 463-72-060 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, as agreed to by the council, 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 and envi-

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ronment 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 will act on the plan at the earliest feasible time and may take or require action as necessary to deal with the extraordinary circumstances.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-060, filed 10/11/04, effective 11/11/04.]

WAC 463-72-070 Site restoration—Terminated projects. In the absence of a council determination as to the level of site restoration, restoration of the site to a reasonable approximation of its original condition prior to construction shall be required.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-070, filed 10/11/04, effective 11/11/04.]

WAC 463-72-080 Site preservation or restoration plan. When a site is subject to preservation or restoration pursuant to a plan as defined in WAC 463-72-040 through 463-72-060, 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 463-72-040, 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 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 the environment and all segments of the public against risks or dangers resulting from conditions or activities at the site.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-72-080, filed 10/11/04, effective 11/11/04.]