

Resolution No. 131

WHEREAS, the Energy Facility Site Evaluation Council has applied to the United States Environmental Protection Agency for modification of the Council's National Pollutant Discharge Elimination System permitting authority to include all energy facilities whose siting is under Chapter 80.50 RCW, and

WHEREAS, the Environmental Protection Agency regulations Title 40, Protection of Environment, Part 124.73, Enforcement, require that there be an authorized individual:

- (1) To halt or eliminate by order any endangerment to the health or welfare of persons resulting from the discharge of pollutants, and
- (2) To seek through the courts, appropriate enforcement action for violations of NPDES permits, and

WHEREAS, Chapter 371, Laws of 1977, provided that there be a Chairman of the Council to be appointed by the Governor with the advice and consent of the Senate, and

WHEREAS, the Council has adopted rule WAC 463-18-040 which states: "The Chairman or any member of the Council may perform such duties as are specifically authorized and directed by the Council,"

NOW THEREFORE BE IT RESOLVED by the Energy Facility Site Evaluation Council that the following policy statement is adopted by the Council to be effective this date and will be promulgated as a Council rule at the earliest opportunity:

- A. The Chairman has the authority of the Council to immediately and effectively halt or eliminate any imminent or substantial endangerments to the health or welfare of persons resulting from the discharge of pollutants from facilities sited under Chapter 80.50 RCW.
  - (1) The Chairman may issue a stop work order to immediately terminate an endangering discharge and suspend the NPDES permit.
  - (2) The Chairman may request the Departments of Emergency Services and Social and Health Services

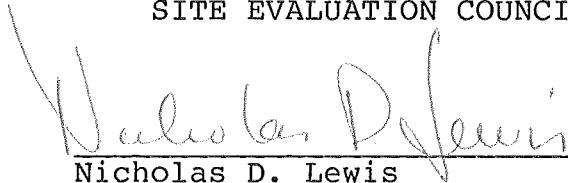
and other appropriate agencies, as necessary, to immediately take protective measures to safeguard the health or welfare of persons resulting from the discharge of pollutants.

(3) The Chairman shall have the authority to refer matters to the Attorney General for appropriate enforcement action for violations of Site Certification Agreements and NPDES permits.

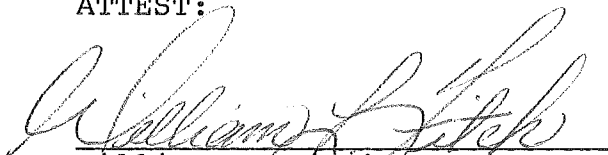
B. The Chairman's action will be confirmed or modified by the Council within 72 hours of execution at a special or regular meeting of the Council, whichever will occur the earliest.

Dated this 9th day of January, 1978.


WASHINGTON STATE ENERGY FACILITY  
SITE EVALUATION COUNCIL

  
\_\_\_\_\_  
Nicholas D. Lewis  
Chairman

ATTEST:

  
\_\_\_\_\_  
William L. Fitch  
Executive Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Thomas F. Carr  
Assistant Attorney General