

NEW SECTION

WAC 463-43-025 Environmental checklist required. An applicant seeking expedited processing shall submit a completed SEPA environmental checklist with an application for site certification unless the council finds the proposal is categorically exempt.

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AMENDATORY SECTION (Amending Order 78-2, filed 4/26/78)

WAC 463-43-030 Eligible proposals. An application may be expedited when the council finds (~~that the following are not significant enough to warrant a full review of the application for certification under the provisions of chapter 80.50 RCW~~):

(1) The environmental impact of the proposed energy facility(~~(7)~~) will be mitigated to a nonsignificant level under the State Environmental Policy Act; and

(2) The (~~area potentially affected,~~

~~(3) The cost and magnitude of the proposed energy facility,~~
and

~~(4) The degree to which the proposed energy facility~~

~~represents a change in use of the proposed site))~~ project is found to be consistent and in compliance with city, county, or regional land use plans.

[Statutory Authority: RCW 80.50.071. 78-05-054 (Order 78-2), § 463-43-030, filed 4/26/78.]

AMENDATORY SECTION (Amending WSR 04-21-013, filed 10/11/04, effective 11/11/04)

WAC 463-43-040 Prior to making a determination of eligibility for expedited processing. The council prior to making a determination of eligibility for expedited processing shall:

(1) Conduct a public informational meeting in the county of the proposed site within sixty days of receipt of an application to provide information to the public concerning the nature and purpose of the energy facility and the review process to be undertaken by the council and to provide an opportunity for the public to present its views;

(2) Determine at a public hearing within sixty days of receipt of an application if the proposed site is consistent and in compliance with city, county or regional land use plans and zoning ordinances;

(3) Review the application pursuant to WAC 463-43-030; in making its review the council may engage pursuant to RCW

80.50.071 (1)(a) an independent consultant to provide an assessment of the application and environmental checklist and to conduct any special study deemed necessary by the council; and

(4) If applicable, initiate processing of (~~the applicant's~~) :

(a) A NPDES application(~~(, if required,)~~) in accordance with chapter 463-76 WAC;

(b) An air emissions or PSD permit application in accordance with 463-78 WAC;

(c) Other such authorizations or permits as may be required by law or rule and necessary for construction and operation of the project.

[Statutory Authority: RCW 80.50.040 (1) and (12). 04-21-013, § 463-43-040, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.071. 78-05-054 (Order 78-2), § 463-43-040, filed 4/26/78.]

AMENDATORY SECTION (Amending WSR 04-21-013, filed 10/11/04, effective 11/11/04)

WAC 463-43-050 Expedited processing determination.

Following the review of an application, environmental checklist, and land use hearing and within one hundred twenty days of receipt of an application or such later time as is mutually agreed by the applicant and the council, the council by order will grant expedited processing for an application when it has found that:

(1) The proposed site is consistent and in compliance with city, county or regional land use plans (~~(and)~~), zoning ordinances; and

(2) The environmental impacts (~~(, area potentially affected, cost and magnitude, and degree of change in use caused by the proposed energy facility)~~) are not significant (~~(enough to warrant a full review of an application for certification under the provisions of chapter 80.50 RCW)~~) or may be mitigated to nonsignificant level under RCW 43.21C.031.

[Statutory Authority: RCW 80.50.040 (1) and (12). 04-21-013, § 463-43-050, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.071. 78-05-054 (Order 78-2), § 463-43-050, filed 4/26/78.]

AMENDATORY SECTION (Amending WSR 04-21-013, filed 10/11/04, effective 11/11/04)

WAC 463-43-060 Effect of expedited processing. For an application granted expedited processing under WAC 463-43-050 the council shall not:

(1) Conduct any further review of an application by an independent consultant; however, at the direction of the council an independent consultant may prepare air or water discharge permits or other ancillary permits or studies that may be needed as part of a recommendation to the governor;

(2) Hold an adjudicative proceeding under chapter 34.05 RCW; and

(3) Continue an adjudicative proceeding that has commenced.

[Statutory Authority: RCW 80.50.040 (1) and (12). 04-21-013, § 463-43-060, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. 91-03-090, § 463-43-060, filed 1/18/91, effective 2/18/91. Statutory Authority: RCW 80.50.071. 78-05-054 (Order 78-2), § 463-43-060, filed 4/26/78.]