

AMENDATORY SECTION (Amending WSR 09-05-067, filed 2/13/09, effective 3/16/09)

WAC 463-62-010 Purpose. (1) The purpose of this chapter is to implement the policy and intent of RCW 80.50.010. This chapter sets forth performance standards and mitigation requirements specific to seismicity, noise limits, fish and wildlife, wetlands, water quality, and air quality, associated with site certification for construction and operation of energy facilities under the jurisdiction of the council. 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 463-66 WAC, these regulations shall not apply to energy facilities for which site certification agreements have been issued before the effective date of this chapter.

(2) The provisions of this chapter shall apply to the construction and operation of energy facilities, pursuant to chapter 80.50 RCW.

(3) Compliance with the standards within this chapter shall satisfy, in their respective subject areas, the requirements for issuance of a site certificate for construction and operation of energy facilities specified in subsection (2) of this section provided, however, that the council may require additional mitigation in the event that documents prepared pursuant to (~~43.21~~) 43.21C RCW (State Environmental Policy Act), demonstrate that the project poses a probable significant adverse impact that is not mitigated by the provisions of this chapter.

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

WAC 463-62-020 Seismicity. The seismicity standard for construction of energy facilities shall be the standards contained in the state building code, chapter 51-50 WAC.

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

WAC 463-62-030 Noise standards. Energy facilities shall meet the noise standards established in (~~chapter 70.107~~) RCW 70A.20.010, the Noise Control Act of 1974; and state rules adopted to implement those requirements in chapter 173-60 WAC, Maximum environmental noise levels.

(1) Adoption by reference. The energy facility site evaluation council adopts the following provisions of chapter 173-60 WAC by reference.

- (a) WAC 173-60-010 Authority and purpose.
- (b) WAC 173-60-020 Definitions.
- (c) WAC 173-60-030 Identification of environments.

- (d) WAC 173-60-040 Maximum permissible environmental noise levels.
- (e) WAC 173-60-050 Exemptions.
- (f) WAC 173-60-080 Variances and implementation schedules.
- (g) WAC 173-60-090 Enforcement policy.
- (2) Additional definitions.
 - (a) "Council" means the energy facility site evaluation council.
 - (b) In addition to the definitions contained in WAC 173-60-020, "department" and "director" shall be synonymous with the council unless a different meaning is plainly required by context.

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

WAC 463-62-060 Water quality. Waste water discharges from projects under the council's jurisdiction shall meet the requirements of applicable state water quality standards, chapter 173-201A WAC, state groundwater quality standards, chapter 173-200 WAC, state sediment management standards, chapter (~~173-204A~~) 173-204 WAC, requirements of the Federal Water Pollution Control Act as amended (86 Stat 816,33 U.S.C. 1251, et seq.) and regulations promulgated thereunder.

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

WAC 463-62-070 Air quality. Air emissions from energy facilities shall meet the requirements of applicable state air quality laws and regulations promulgated pursuant to the Washington ((State)) Clean Air Act, chapter ((~~70-94~~)) 70A.15 RCW, ((and)) the Federal Clean Air Act (42 U.S.C. 7401 et seq.), and chapter 463-78 WAC.