

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

**WAC 463-68-010 Purpose.** This chapter sets forth the length of time before a site certification agreement expires if construction is not started, or commercial operation has not commenced, defines what activities constitute start of construction, and specifies the time frame within which a certificate holder must notify the council of the certificate holder's intentions, any project design changes, and the status of the site. 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 this 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.

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**WAC 463-68-030 Term for start of construction.** Subject to conditions in the site certification agreement and this chapter, construction may start any time within (~~(ten)~~) 10 years of the effective date of the site certification agreement.

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**WAC 463-68-050 Submittal of plans and specifications prior to start of construction.** At least (~~(ninety)~~) 90 days prior to start of construction as defined in WAC 463-68-040, a certificate holder shall provide the plans and specifications required by the site certification agreement to the council for approval.

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

**WAC 463-68-060 Review and reporting changes in the project status or site conditions.** If construction does not both start within five years of the effective date of the site certification agreement and thereupon continue in a reasonably uninterrupted fashion toward project completion, then at least (~~(ninety)~~) 90 days prior to the end of the five-year period, the certificate holder shall report to the council its intention to proceed or not to proceed with the project. If the certificate holder intends to proceed with the project, the certificate holder shall submit a report to the council describing:

(1) The nature and degree of any changes to the following since the effective date of the site certification agreement:

- (a) Project design;
  - (b) Statements and information in the application;
  - (c) Statements and information in project-related environmental documents; and
  - (d) Project-related environmental conditions.
- (2) Whether any new information or changed conditions indicate the existence of probable significant adverse environmental impacts that were not covered in any project-related environmental documents, including, but not limited to, those prepared under chapter 43.21C RCW.
- (3) Suggested changes, modification, or amendments to the site certification agreement and/or any regulatory permits.

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**WAC 463-68-080 Site certification agreement expiration.** (1) If the certificate holder does not start or restart construction within (~~ten~~) 10 years of the effective date of the site certification agreement, or has canceled the project, the site certification agreement shall expire.

(2) If commercial operations have not commenced within (~~ten~~) 10 years of the effective date of the site certification agreement, the site certification agreement expires unless the certificate holder requests, and the council approves, an extension of the term of the site certification agreement.

(3) Upon a request to extend the term of the site certification agreement, the council may conduct a review consistent with the requirements of WAC 463-68-060 and 463-68-070, and other applicable legal requirements.