



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 02, 2024

TIME: 11:13 AM

WSR 24-20-147

Agency: Energy Facility Site Evaluation Council (EFSEC)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR _____ ; or

Expedited Rule Making--Proposed notice was filed as WSR 24-15-134; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Title 463 WAC Energy Facility Site Evaluation Council

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 7, 2024	<i>Tentative:</i> 10a – 12n. Check our website with a finalized time closer to the hearing date.	Virtual: Zoom Meeting Information to be finalized. Check our website closer to the hearing date for access information.	If you have difficulty joining the Zoom meeting at the time of the public hearing, please contact us at rulemaking@efsec.wa.gov or 360-930-4085.

Date of intended adoption: 12/03/2024_ (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name Ali Smith
Address 621 Woodland Square Loop SE, Olympia, WA 98504
Email rulemaking@efsec.wa.gov
Fax n/a
Other
Beginning (date and time) _____
By (date and time) _____

Assistance for persons with disabilities:

Contact Ali Smith
Phone 360-930-4085
Fax n/a
TTY
Email rulemaking@efsec.wa.gov
Other
By (date) _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed changes are to bring out-of-date items in 24 of the 26 chapters in Title 463 WAC into alignment with current statutes, rules, and EFSEC's internal operations, including updates to EFSEC's address, corrections to statutory and regulatory references due to changes (e.g., E2SHB 1812 that created EFSEC as independent agency), and style changes per the Code Reviser's Office style guide. None of the changes are substantive.

Reasons supporting proposal: In many cases, the rules have not changed since inception in the 1970s or even since 2004. In that time, EFSEC has moved, and the use of email and websites have come into modern use. Additionally, EFSEC's own statute has changed significantly in some parts, the Public Records Act was recodified, and other statutes, such as the Environmental Health Law Reorganization Act-SHB2246, were adopted. The rules correct information and references in order to make them simpler for users to navigate.

Statutory authority for adoption: RCW 80.50.040(1)

Statute being implemented: Chapter 80.50 RCW Energy Facility – Site Location Act

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Name of proponent: (person or organization) Energy Facility Site Evaluation Council
Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Lisa McLean and Ali Smith	PO Box 43172 Olympia, WA 98503-3172	360-930-4085
Implementation	Ami Hafkemeyer, Director of Siting and Compliance	PO Box 43172 Olympia, WA 98503-3172	360-664-1305
Enforcement	Sonia Bumpus Director	PO Box 43172 Olympia, WA 98503-3172	360-664-1363

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name
Address
Phone
Fax
TTY
Email
Other

No: Please explain: The proposed rule changes clarify items and begin to bring EFSEC into alignment with current day. The proposed rules do not pose any additional costs or changes in cost structures beyond what exists in statute.

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW _____.
- Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Date: October 1st, 2024	Signature: Place signature here 
Name: Martin McMurry	
Title: Director of Administrative Services	