Chapter 463-68 WAC
SITE CERTIFICATION AGREEMENT—START OF CONSTRUCTION, EXPIRATION, AND REPORTING

Last Update: 5/22/25

WAC

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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, these regulations shall not apply to energy facilities for which site certification agreements have been issued before the effective date of this chapter.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-68-010, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-68-010, filed 10/11/04, effective 11/11/04.]

WAC 463-68-020 Construction and operation subject to certification conditions. The state of Washington authorizes a certificate holder to construct and operate an energy facility as defined in RCW 80.50.060 and 80.50.020 at the approved site subject to the terms and conditions of the site certification agreement approved by the governor and applicable laws and rules.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-68-020, filed 10/11/04, effective 11/11/04.]

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 10 years of the effective date of the site certification agreement.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-68-030, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-68-030, filed 10/11/04, effective 11/11/04.]

WAC 463-68-040 Start of construction. Construction shall be deemed to have started with the initiation of any of the following construction activities:

(1) Site preparation by grading of the site, foundation excavation, or other significant earthwork on the site;

(2) Construction of footings or foundations, form work, installation of rebar, or pouring concrete for a project's major components or auxiliary structures;

(3) Excavation for natural gas supply, water supply, water or waste water discharge pipelines or structures;

(4) Earthwork or construction of access or service roads, electrical transmission lines, switchyard structures, or laydown areas.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-68-040, filed 10/11/04, effective 11/11/04.]

WAC 463-68-050 Submittal of plans and specifications prior to start of construction. At least 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.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-68-050, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-68-050, 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 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.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-68-060, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-68-060, filed 10/11/04, effective 11/11/04.]

WAC 463-68-070 Review of changes. Under WAC 463-68-060, construction may start, or restart if construction has been suspended, only upon the council finding that no changes or amendments to the site certification agreement, regulatory permits, or project-related environmental documents are necessary or appropriate, or upon the council's approval of any necessary or appropriate changes or amendments. The council may retain an independent consultant, at the certificate holder's expense, to evaluate and make recommendations about whether changes to the site certification agreement, regulatory permits, or project-related environmental documents are necessary or appropriate. This work may include, but is not limited to, verification of project-related environmental conditions, regulatory requirements, or appropriate technology.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-68-070, filed 10/11/04, effective 11/11/04.]

WAC 463-68-080 Site certification agreement expiration. (1) If the certificate holder does not start or restart construction within 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 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.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-68-080, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-68-080, filed 10/11/04, effective 11/11/04.]