



STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL  
*PO Box 43172 • Olympia, Washington 98504-3172*

**PUBLIC NOTICE AND PUBLIC HEARING**

To receive public comments for the

**PROPOSED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(NPDES) PERMIT MODIFICATION**

For the

**ENERGY NORTHWEST  
COLUMBIA GENERATING STATION**

**Introduction**

In accordance with the provisions of Chapter 80.50 and 90.48 of the Revised Code of Washington; Chapters 463 and 173 of the Washington Administrative Code; and the Federal Water Pollution Control Act as amended; **NOTICE** is hereby given that the Washington State Energy Facility Site Evaluation Council (EFSEC or Council) has made a tentative determination to modify NPDES Permit No. WA-002515-1 to Energy Northwest, P.O. Box 968, Richland, Washington, 99352-0968 for its Columbia Generating Station (CGS). The CGS is located on the U.S. Department of Energy's Hanford Site.

The CGS is a boiling water nuclear power reactor that has been in commercial operation since 1984. The plant discharges to the Columbia River at Outfall 001 and to an evaporative wastewater treatment facility at Outfall 002.

**Background**

Whole effluent toxicity (WET) testing is a form of biological monitoring to determine if a wastewater discharge will have toxic effects on organisms that are similar to or the same as those in the receiving water. WET testing is used because it is not possible to develop water quality standards for all of the toxic pollutants possibly found in wastewater discharges. WET testing is also the only method available for assessing the toxic interaction of pollutants.

In 2014, three environmental organizations appealed language in the wastewater discharge permit for the CGS. Among the issues raised was that the permit language allowed the CGS to remain in compliance with the permit after failing a whole effluent toxicity test, as long as the CGS took certain subsequent measures. The permit required the CGS to conduct additional testing to confirm the presence of toxicity and if present, submit a plan to identify the cause of the toxicity and proposed measures to reduce or eliminate it.

In July 2015, the Court of Appeals ruled in a separate case that a single failed WET test, not deemed anomalous by the Department of Ecology, is a violation of the permit. The Court's ruling is narrow and applies only to compliance testing in permits for which there is an acute or chronic WET limit. The CGS permit contains an acute WET limit.

In October 2015, Thurston County Superior Court remanded the CGS permit to EFSEC solely for modification of Permit Condition S13 Acute Toxicity, for consistency with the earlier Court of Appeals ruling.

The Energy Facility Site Evaluation Committee (EFSEC) has modified the Columbia Generating Station permit in response to the Court's decision.

### **Tentative Determination to Modify the Permit**

EFSEC has made a tentative determination to modify NPDES Permit No. WA-002515-1 for the Columbia Generating Station (formerly WNP-2), subject to appropriate changes or adjustments as may result from public comments, the public hearing record, or the U.S. Environmental Protection Agency (EPA) review. Pursuant to Council regulation, this tentative determination is based on a draft modified permit that incorporates recent court decisions and applicable state and federal laws and regulations.

### **Copies of the Modified Permit and Fact Sheet Addendum Available**

The draft modified permit and fact sheet addendum may be viewed at the EFSEC website:

<http://www.efsec.wa.gov/nuclearproj.shtml>

Copies of the draft modified permit and fact sheet addendum are on file in the Council Office, located at the Utilities and Transportation Commission, 1300 S. Evergreen Park Dr. S.W., Olympia, Washington 98504, and are available for inspection and copying by any interested member of the public. Review of the documents can be arranged by calling EFSEC at 360-664-1345. Copies will also be mailed to persons or agencies upon request.

### **Public Participation**

The purpose of this notice is to inform the public and interested agencies that the draft modified permit and fact sheet addendum are available for review. This notice also serves as an announcement of a public hearing to receive written and oral comments.

**Public comments will only be accepted on the proposed revisions to conditions S13.B and D.**

### **Comments Invited**

The Council invites interested persons to submit written comments concerning the tentative determination to reissue the permit. Written comments should be mailed to:

Energy Facility Site Evaluation Council  
Attention: Jim La Spina  
P.O. Box 43172  
Olympia, WA 98504-3172

Comments may also be submitted by email at [efsec@utc.wa.gov](mailto:efsec@utc.wa.gov).

The Council will consider all written comments submitted during the comment period in formulating its final determination. The Council's response to all significant comments will be available upon request. **All comments must be received by EFSEC no later than 5 pm on January 21, 2016.**

### **Public Hearing**

**NOTICE IS HEREBY GIVEN that a hearing in this matter will be held at 2 p.m., Tuesday, January 19, 2016**, in Room 206 at the Utilities and Transportation Commission, 1300 S. Evergreen Park Dr. S.W., Olympia, Washington. The hearing will be conducted in accordance with the state's Administrative Procedures Act, Chapter 34.05 Revised Code of Washington.

### **Council Action**

After the public hearing and after the close of the comment period, the Council will consider the information before it and reach a decision on modifying the permit in such form as it considers appropriate.

Washington State Energy Facility Site Evaluation Council

By \_\_\_\_\_ /s/  
Stephen Posner  
EFSEC Manager

Dated at Olympia, Washington this 21<sup>st</sup> day of December, 2015.