

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 93-1

WEYERHAEUSER AND MISSION ENERGY
COMPANIES
COWLITZ COGENERATION PROJECT

Finding of Fact and Conclusion of Law and
Order Granting the Cowlitz Cogeneration
Project Expedited Processing and Waiving
Certain Application Requirements

This matter came before the Energy Facility Site Evaluation Council of the State of Washington and Chairman Warren Bishop on October 11, 1993 in Olympia, Washington,

FINDINGS OF FACT

1. On June 14, 1993, a partnership of the Weyerhaeuser and Mission Energy companies filed an application with the Council to construct and operate a 395 megawatt cogeneration facility on the Weyerhaeuser Mill site in Longview, Washington. As provided in RCW 80.50.075 Weyerhaeuser and Mission Energy companies submitted a request for expedited processing in their application to EFSEC.
2. On August 3, 1993, fifty days from the date when the application was submitted, the Council held an informational meeting in Cowlitz County. During that meeting the public had an opportunity to speak about the Cowlitz Cogeneration Project. This meeting was held in accordance with WAC Section 463-43-040.
3. On August 3, 1993, the Council also held a land use hearing. The hearing was carried over to the August 9 and September 13 Council meetings. The Council reviewed comments and exhibits submitted by the applicant and county regarding local zoning, coastal zone management, and floodplain consistency. On September 23, 1993, based on the earlier hearing and exhibits the Council issued Order No. 663 granting Weyerhaeuser and Mission Energy companies a determination of consistency with local land use plans and zoning ordinances.

4. In July 1993, the Council retained ENSR Consulting and Engineering to review the Cowlitz Cogeneration Project application and the SEPA Environmental Checklist. After evaluating the application and SEPA checklist, ENSR recommended that the Council issue a Mitigated Determination of Nonsignificance MDNS. The Council issued the MDNS at a special meeting on September 23, 1993 with a 15 day comment period.
5. The Council received comments to its mitigated determination of nonsignificance from Ms. Hettie Herron of Longview, Washington, Mr. Larry Frazier, Director of the Cowlitz County Department of Building and Planning, and Mr. John Williams of Portland, Oregon. Ms. Herron and Mr. Williams had recommended the Council find that there would be significant environmental impact that an EIS was necessary to identify those impacts and address alternatives.
6. During its regular meeting of October 11, 1993 the Council reviewed the comments to its MDNS, discussed responses to those comments by the Department of Ecology and ENSR, and heard from staff. The Council determined that the issues raised by the commentators did not require an EIS to be conducted and let their MDNS stand.
7. ENSR reported that the issue raised by Mr. Williams regarding the transportation of ammonia was not addressed in Application No. 93-1. The Council concluded that the issue of ammonia transportation was important and asked staff to include a requirement for a study of ammonia transportation in the Site Certification Agreement for the Cowlitz Cogeneration facility.
8. Weyerhaeuser has not applied for a NPDES permit, because the effluent from the cogeneration facility will be discharged into the Weyerhaeuser mill complex waste treatment facility. The waste treatment facility's NPDES permit was recently amended and approved by Ecology allowing the cogeneration project's waste water. The department of Ecology is currently reviewing the existing mill's stormwater runoff NPDES permit. The amendments to the stormwater permit will probably include the cogeneration project. The inclusion of the project with these existing permits allows the Council to avoid issuing separate NPDES permits for the cogeneration facility. The Council has requested Ecology's industrial section to the review and advise the Council on the status and appropriateness of existing Weyerhaeuser NPDES permits to this project.

9. ENSR reviewed the application and the applicant's request for expedited processing and submitted a report to the Council which recommended the Council grant the applicant's request for expedited processing pursuant to WAC 463-43-030. ENSR found that:
 - a. The proposed Cowlitz Cogeneration Project will not significantly impact the environment because on completion of the project there will be a net reduction of air and water emissions from the overall Weyerhaeuser mill complex, and the construction and operation of the project will not have impacts on any animals, plants, or earth resources.
 - b. The area of potential impact is primarily limited to Weyerhaeuser's mill complex - a location that this is already a highly developed industrial site. Some potential impacts from noise or traffic might occur, but can be mitigated.
 - c. The cost (\$400 million) and magnitude of the project compare with the mill expansion currently underway and other major industrial projects is not unusually large¹.
 - d. The site has been historically used as an industrial site and the change in use of the site from a plywood mill to a cogeneration facility that produces electricity and steam is not significant.
10. ENSR additionally reported that they were able to agree with the assertions of the applicant about the environmental and other impacts of the proposed projects but found that the application did not, in many cases, provide adequate details to verify these conclusions. ENSR stated that the applicant has submitted additional information to clarify some of ENSR's concerns but additional data is necessary to make the application appropriately compete and accurate.
11. Speaking for Weyerhaeuser, Ken Johnson stated that Weyerhaeuser would provide the additional information and details identified by ENSR to the Council by November 1, 1993. In addition Mr. Johnson expressed Weyerhaeuser's commitment to continue funding EFSEC's consultant to review the additional information submitted by Weyerhaeuser to ensure there will be a complete and accurate application.

¹ EFSEC staff noted that the Northwest Power Planning Council states in its most recent power plan that the cost of the electricity per kilowatt hour produced by cogeneration facilities is lower than other generating resources such as nuclear, coal or some hydro powered facilities.

12. ENSR reported that in Application No. 93-1 the applicant had requested waivers for the application requirements of WAC 463-42-165 Water Supply, WAC 463-42-185 Characteristics Of An Aquatic Discharge Systems, WAC 463-42-195 Wastewater Treatment, WAC 463-42-435 NPDES Application, and WAC 463-42-625 Criteria, Standards, and Factors Utilized to Develop Transmission Route. ENSR recommended waivers be granted to the applicant for WAC 463-42-165, WAC 463-42-185, WAC 463-42-625. ENSR recommended waivers not be granted for WAC 463-42-195 because the applicants failed to thoroughly describe its wastewater sources, applicability of treatment, and recycling and /or resource recovery. Similarly, ENSR recommended waivers not be granted for WAC 463-42-435 because of questions regarding appropriate permitting authority between the department of Ecology and EFSEC.

13. During its October 11, 1993 regular meeting, EFSEC approved by a majority vote Weyerhaeuser and Mission Energy companies request to review Application No. 93-1 under its expedited processing as outlined in Chapter 463-43 WAC. The Council also approved the applicant's request to waive the requirements for the requirements under WAC 463-42-165, WAC 463-42-185, and WAC 463-42-625. The Council did not waive the requirements of WAC 463-42-195 and WAC 463-42-435 until further clarification can be obtained from the Department of Ecology on requirements for NPDES and wastewater discharge permits.

CONCLUSIONS OF LAW

HAVING CONSIDERED THE WHOLE RECORD In this proceeding, and the foregoing Findings of Fact, the Council makes the following Conclusions of Law:

1. The Council has jurisdiction over the subject matter of Application No. 93-1 pursuant to Chapter 80.50 RCW.

2. Pursuant to the applicants' request for expedited processing of its application under RCW 80.50.075 and a waiver from certain application requirements specified in the Findings of Fact No. 13, above, the Council reviewed the applicant's request under Chapter 463-43 WAC.

3. Under WAC 463-43-040, prior to making a determination of eligibility for expedited processing, the Council is required to:

- (a) Conduct a public information meeting in the county of the proposed site within 60 days of receipt of an application to provide information to the public concerning the nature and purpose of the energy facility and the review process to be undertaken by the council and to provide an opportunity for the public to present its views,
 - (b) Determine at a public hearing within 60 days of receipt of an application if the proposed site is consistent and in compliance with city, county or regional land use plans or zoning ordinances.
 - (c) Review the application pursuant to WAC 463-43-030; in making its review the council may engage pursuant to RCW 80.50.071(1)(a) to provide an assessment of the application and environmental checklist and to conduct any special study deemed necessary by the council, and
 - (d) Initiate processing of the applicant's NPDES application, if required, in accordance with Chapter 463-38 WAC.
4. The Council performed all required functions under WAC 463-43-040 to make a determination regarding the applicants' eligibility for expedited processing.
5. In considering expedited processing, the Council must adhere to WAC 463-43-030, which states:

An application may be expedited when the council finds that the following are not significant enough to warrant a full review of the application for certification under the provisions of chapter 80.50 RCW:

- (a) The environmental impact of the proposed facility;
- (b) The area potentially affected;
- (c) The cost and magnitude of the proposed energy facility; and
- (d) The degree to which the proposed energy facility represents a change in use of the proposed site

6. The Council reviewed the environmental impact, the area potentially affected, the cost and magnitude, and the degree of change to the site and determined these matters do not warrant a full review of the application.

ORDER

WHEREFORE, IT IS HEREBY ORDERED That Application No. 93-1 of Weyerhaeuser and Mission Energy companies is hereby granted expedited processing consistent with EFSEC law and rules, and granted waivers from the requirements of sections WAC 463-42-165, WAC 463-42-185, and WAC 463-42-625.

Dated at Olympia, Washington and effective this 3rd day of November 1993.

Washington State Energy Facility Site
Evaluation Council

By _____
Warren A. Bishop
EFSEC Chair

Attest:

By _____
Jason Zeller
EFSEC Manager