

RESOLUTION NO. 267

WHEREAS, under Chapter 80.50 RCW, the Energy Facility Site Evaluation Council (EFSEC, Council) has the authority to site major energy facilities and State Environmental Policy Act (SEPA) rule WAC 173-11-938(1) states that for all government actions relating to energy facilities under Chapter 80.50 RCW, the lead agency shall be the Council; and

WHEREAS, Application No. 93-1 was submitted by Weyerhaeuser and Mission Energy Companies on June 14, 1993 for site certification of the Cowlitz Cogeneration Project; and

WHEREAS, In conversations with Weyerhaeuser prior to its application to EFSEC for the Cowlitz Cogeneration Project, the company stated that the existing plywood mill would be demolished before Weyerhaeuser submitted its application and EFSEC had agreed that demolition of the mill before the application would be a separate action from the construction of the cogeneration facility and therefore would be under the county's authority, and not a part of EFSEC's jurisdiction; and

WHEREAS, on August 10, 1993 Weyerhaeuser submitted an application for a building permit to demolish the plywood mill on the cogeneration site to the Cowlitz County Department of Building and Planning and on September 1, 1993 the county issued a SEPA determination of non significance (DNS) for the permit; and

WHEREAS, The Council finds that Weyerhaeuser did not follow their commitment to the Council to demolish the mill before submitting its application to EFSEC nor did it comply with state law when the company applied to the County instead of the Council for a permit to demolish the plywood mill and that Weyerhaeuser failed to include any discussion of demolition of the mill in their application to the Council.

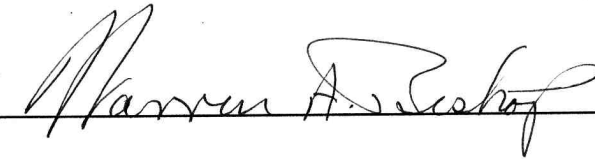
NOW THEREFORE BE IT RESOLVED, That the Council originally considered the demolition to be a separate activity from Application No. 93-1 but finds that because the demolition was delayed, it should have been the SEPA regulatory authority for the mill demolition by law and rule, and that the Cowlitz County Department of Building and Planning has reviewed the permit and has made an appropriate threshold determination based on SEPA rules and regulations.

BE IT FURTHER RESOLVED, That to require information about the plywood mill demolition be added to the application and to proceed with a change in lead agency status under SEPA for the demolition is justified and allowable under SEPA and EFSEC rules, however, the Council finds this action would not provide any additional or practical environmental benefit to the state or county, but could adversely affect the cost and the schedule of the project.

BE IT FURTHER RESOLVED, That EFSEC is interpreting the demolition as a separate activity from Application No. 93-1, and that EFSEC retains the authority to review the condition of the site before the initiation of any construction activities to ensure that the demolition and subsequent clean-up of the plywood mill was done in compliance with state law regarding removal of hazardous materials from the site and that this action does not set any precedent for future applications to EFSEC.

Dated this 13th day of September, 1993

WASHINGTON STATE ENERGY FACILITY  
SITE EVALUATION COUNCIL

By: \_\_\_\_\_

Warren A. Bishop  
EFSEC Chair

Approved as to form:

By: \_\_\_\_\_

Jason Zeller  
EFSEC Manager