

STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL
P. O. BOX 43172
OLYMPIA, WASHINGTON 98504-3172

In the Matter of:

GRAYS HARBOR ENERGY CENTER

COUNCIL ORDER No. 876

**Order to Revise the Schedule of
Compliance in National Pollutant
Discharge Elimination System (NPDES)
Permit No. WA-002496-1**

Regulatory Authority:

Pursuant to the Revised Code of Washington (RCW) 90.48.160, 90.48.262(2), Chapter 80.50 RCW, and Washington Administrative Code (WAC) 463-76-054, 463-76-065(6)(a) the Energy Facility Site Evaluation Council (EFSEC) now finds the following:

Findings:

1. Grays Harbor Energy, LLC, (GHE) is the operator of the Grays Harbor Energy Center, an electric generating plant located near Satsop in Grays Harbor County, Washington.
2. EFSEC issued the current NPDES Permit No. WA-002496-1 to GHE for its Grays Harbor Energy Center facility on May 13, 2008. EFSEC issued a permit modification on November 1, 2010 to correct technical errors.
3. The permit authorizes discharge of cooling water through Outfall 001 to the Chehalis River at River Mile 19.7 and stormwater through Outfall 002 to the Grays Harbor Public Development Authority pond immediately west of Keys Road.
4. Permit condition S5 contains a schedule of compliance that requires GHE to demonstrate application of all known, available and reasonable methods of prevention, control and treatment (AKART) and compliance with applicable water quality standards to all discharges to the environment. Demonstration of compliance will be accomplished through completion of an engineering report. The existing schedule of compliance was approved by EFSEC on April 4, 2014 and requires compliance with AKART and water quality standards by August 1, 2016.
5. On March 1, 2016, EFSEC received a request for extension of the schedule of compliance from GHE to allow additional time to implement AKART and to demonstrate compliance with the water quality standards. GHE requests extension of the schedule of compliance to December 31, 2017.
6. The request for extension is based on the time required to conduct source control for pollutants, recharacterize the discharge, and issue the engineering report incorporating the source removal and new discharge characterization.
7. Permit condition S5.C provides for extension of the schedule of compliance through an administrative order.

8. EFSEC's NPDES compliance contractor, the state Department of Ecology, has recommended approval of GHE's request for extension of the schedule of compliance.

Order:

THEREFORE, IT IS ORDERED by EFSEC that the schedule of compliance approved by EFSEC on April 4, 2014 be replaced with the following schedule of compliance:

Task	Proposed Completion Date
Submittal of signed contract	December 31, 2016
Commencement of construction	April 30, 2017
Replace all treated wood timbers in the cooling tower structure with FRP	September 1, 2017
Submit engineering report addendum	December 31, 2017

3.0 APPROVAL ORDER AND RESTRICTIONS

Any application form, report, or compliance certification submitted pursuant to this Order shall contain certification by a responsible official of truth, accuracy, and completeness.

Nothing in this Order alters the facility's obligation to comply with other permit conditions, laws or statutes, including water quality and regulations. Any violation of such laws, statutes, regulations, or of the terms of this Order or the permit shall be subject to the sanctions provided in RCW 80.50.

Reconsideration of this Order may be sought by petitioning the Council within ten (10) days of issuance.

This Order is subject to judicial review pursuant to the Administrative Procedure Act, Chapter 34.05 RCW, EFSEC rules, EFSEC policies, or as otherwise provided by law. The Administrative Procedure Act can be found on-line at: <http://apps.leg.wa.gov/rcw/default.aspx?cite=34.05>.

DATED at Olympia, Washington this 19 day of April, 2016.

FOR THE WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL.

_____/s/_____
William Lynch
EFSEC Chairman

ATTEST:

_____/s/_____
Stephen Posner
EFSEC Manager