

Verbatim Transcript of Monthly Council Meeting  
Washington State Energy Facility Site Evaluation  
Council

November 15, 2016



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WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL  
Richard Hemstad Building  
1300 South Evergreen Park Drive Southwest  
Conference Room 206  
Olympia, Washington  
Tuesday, November 15, 2016  
1:30 p.m.

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MONTHLY COUNCIL MEETING  
Verbatim Transcript of Proceeding

REPORTED BY: TAYLER RUSSELL, CCR# 3358

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## 1                   A P P E A R A N C E S

## 2   Councilmembers:

3   BILL LYNCH, Chairman  
4   JAIME ROSSMAN, Department of Commerce  
5   CULLEN STEPHENSON, Department of Ecology  
6   JOE STOHR, Department of Fish and Wildlife  
7   DENNIS MOSS, Utilities and Transportation Commission

8  
9   Local Government and Optional State Agency:

10   KEN STONE, Department of Transportation  
11   BRYAN SNODGRASS, City of Vancouver (via phone)  
12   LARRY PAULSON, Port of Vancouver (via phone)

## 13   Attorney General's Office:

14   DAVID STEARNS, Assistant Attorney General

## 15   EFSEC Staff:

16   STEPHEN POSNER  
17   JIM LASPINA  
18   TAMMY MASTRO  
19   SONIA BUMPUS  
20   JOAN AITKEN  
21   AMI KIDDER  
22   HALEIGH MISSILDINE

## 23   Guests:

24   JEFF AYRES, Department of Ecology (via phone)  
25   SHANNON KHOUNNALA, Energy Northwest (via phone)  
26   ERIC MELBARDIS, EDP Renewables (via phone)  
27   JENNIFER DIAZ, Puget Sound Energy  
28   BARB CRAIG, Stohl Rives  
29   HALEY EDWARDS, Puget Sound Energy  
30   PETE VALINSKE, Grays Harbor Energy  
31   MARK MILLER, Chehalis Generation Staff  
32   JUSTIN ALLEGRO, Washington Department of Fish & Wildlife

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1 OLYMPIA, WASHINGTON; NOVEMBER 15, 2016

2 1:30 P.M.

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4 P R O C E E D I N G S

5  
6  
7 CHAIRMAN LYNCH: Good afternoon. Today is  
8 November 15th, it is 1:30, it is the regular monthly  
9 meeting of the Energy Facility Site Evaluation Council.

10 Could we please have the clerk call the roll.

11 MS. MASTRO: Department of Commerce.

12 MR. ROSSMAN: Jaime Rossman is here.

13 MS. MASTRO: Department of Ecology.

14 MR. STEPHENSON: Cullen Stephenson, here.

15 MS. MASTRO: Department of Fish and  
16 Wildlife.

17 MR. STOHR: Joe Stohr is here.

18 MS. MASTRO: Natural Resources.

19 CHAIRMAN LYNCH: Mr. Siemann is going to try  
20 to call in.

21 MS. MASTRO: Utilities and Transportation  
22 Commission.

23 MR. MOSS: Dennis Moss is here.

24 MS. MASTRO: Local Government and Optional  
25 State Agencies Department of Transportation.

1 MR. STONE: Ken Stone, here.

2 MS. MASTRO: City of Vancouver.

3 MR. SNODGRASS: Bryan Snodgrass is on the  
4 phone.

5 MS. MASTRO: Clark County.

6 CHAIRMAN LYNCH: Not sure if Mr. Shafer is  
7 available or not. He's excused if he's not here.

8 MS. MASTRO: Port of Vancouver.

9 MR. PAULSON: Larry Paulson is on the phone.

10 MS. MASTRO: Chair, there is the quorum for  
11 the regular Council and for the Tesoro Project Council.

12 CHAIRMAN LYNCH: Great. Thank you.

13 If I could just have the Councilmembers take  
14 a look over the proposed agenda, see if they have any  
15 other items that they are -- would like to add, and just  
16 for your information, we're going to take some time at  
17 the very end regarding the Wild Horse Wind Power  
18 Project. We got some people here to give us an update  
19 on the eagle incident, so that will be taking some time  
20 at the end of our Council meeting.

21 We do not have any action items today. Just  
22 so you know, regarding the Chehalis Generation Facility,  
23 the Title 5 Air Permit update. Previously, we had given  
24 our approval to this measure pending no significant  
25 changes by EPA, any significant comments by EPA. EPA

1 has commented and we'll get an update about that. But  
2 just to be on the safe side with everything, we're going  
3 to actually at our December -- December is when the  
4 final comment period will be for -- for EPA. It's  
5 either the end of this month or early December, but  
6 anyway, I will be asking for the Council to take action  
7 on the Title 5 Air Permit at our December Council  
8 meeting and not today. So I am just saying that now  
9 because there were some various versions of our agenda  
10 floating around, and I'm not sure if you were having  
11 questions about that, but I just wanted to flag that.

12 So with that, if there's anybody on the  
13 phone who has not identified themselves already who is  
14 affiliated with our -- first of all, with our projects,  
15 if you'd like to identify yourself now though you're not  
16 required to.

17 MR. AYRES: This is Jeff Ayres, Department  
18 of Ecology Nuclear Waste Program.

19 MS. KHOUNNALA: Shannon Khounnala, Energy  
20 Northwest.

21 MR. MELBARDIS: Eric Melbardis, EDP  
22 Renewables.

23 CHAIRMAN LYNCH: Anyone else? Okay. Very  
24 good.

25 And let's turn our attention to the proposed

1 minutes for -- we've got two sets of minutes in front of  
2 us. Excuse me. First of all, there were -- there's  
3 meeting minutes for October 18th for our regular  
4 meeting, and then we've got meetings for -- the minutes  
5 for a special meeting on October 26th that we also need  
6 to approve. Let's approve those with two separate  
7 motions. I have had a chance to look through the  
8 minutes and they seem fine with me.

9 MR. STEPHENSON: Chair Lynch, I will move to  
10 approve the meeting minutes from Tuesday, October the  
11 18th.

12 CHAIRMAN LYNCH: Councilmember Stephenson  
13 has moved for approval of the minutes for October 18th,  
14 do we have a second?

15 MR. MOSS: I will second it.

16 CHAIRMAN LYNCH: Councilmember Moss has  
17 seconded it. All those in favor say "Aye."

18 COUNCILMEMBERS: Aye.

19 CHAIRMAN LYNCH: Minutes from October 18th  
20 are approved. And now for -- I would entertain a motion  
21 for the minutes -- approval of the minutes for the  
22 special meeting on October 26th.

23 MR. MOSS: Chair Lynch, I'd move for  
24 approval of the minutes of the meeting  
25 October 26th, 2016, as transcribed.

1 CHAIRMAN LYNCH: Do we have a second?

2 MR. STONE: Second.

3 CHAIRMAN LYNCH: It's been moved and  
4 seconded that we approve the Council minutes for a  
5 special meeting on October 26th. All those in favor say  
6 "Aye."

7 COUNCILMEMBERS: Aye.

8 CHAIRMAN LYNCH: Motion carries.

9 So let's go ahead and turn to our updates on  
10 our projects, and we will first hear from Mr. Melbardis  
11 with Kittitas Valley Wind Project.

12 MR. MELBARDIS: Good afternoon, Chair Lynch,  
13 EFSEC Council. This is Eric Melbardis for the EDP  
14 Renewables for the Kittitas Valley Wind Power Project.  
15 There was nothing bad or routine to report for the month  
16 of October. The site is running smoothly, and we're  
17 well-prepared for our winter and winter season.

18 CHAIRMAN LYNCH: Very good.

19 Any questions for Mr. Melbardis regarding  
20 the Kittitas Valley Wind Project?

21 Thank you, Mr. Melbardis.

22 Ms. Khounnala, the -- could you give us an  
23 update on the Columbia Generating Station?

24 MS. KHOUNNALA: Good afternoon, Chair Lynch  
25 and members of the Council. This is Shannon Khounnala



1 with Energy Northwest. In regard to Columbia Generating  
2 Station, we have no nonroutine items to report for the  
3 month of October. We did submit our Evaporation Pond  
4 Overflow closeout report to EFSEC, and I believe Jim  
5 will lead the discussion with the Council on that matter  
6 and happy to report with any additional questions.

7 CHAIRMAN LYNCH: Okay. Any questions for  
8 Ms. Khounnala? And we will take up the Evaporation Pond  
9 Overflow update following the update from WNP 1/4.

10 Please proceed, Ms. Khounnala.

11 MS. KHOUNNALA: Understood. So in regard to  
12 WNP 1/4, we continue to work with the Department of  
13 Energy on the NEPA environmental assessment. The  
14 cultural resource review was completed last month and  
15 submitted to the Tribes in the state. We do have a  
16 meeting tentatively scheduled for early December to work  
17 through some additional questions that the Tribes have.

18 In parallel to that effort, the NEPA  
19 environmental assessment documents need to be in  
20 preparation by the Department of Energy. So that  
21 process is ongoing and no other items to report on WNP  
22 1/4.

23 CHAIRMAN LYNCH: Thank you, Ms. Khounnala.

24 Any questions for Ms. Khounnala regarding  
25 WNP 1/4?

1           Now we will turn to our Staff. Mr. LaSpina,  
2 if you want to update us regarding the Evaporation Pond  
3 Overflow.

4           MR. LASPINA: Good afternoon, Chair Lynch  
5 and Councilmembers. In your meeting packets is a report  
6 by Energy Northwest in a memo to the Council describing  
7 an unauthorized wastewater discharge from Energy  
8 Northwest Evaporative wastewater treatment pond system.  
9 This treatment system is regulated by the NPDES permit  
10 issued by the Council to Energy Northwest in September  
11 2014. The Energy Northwest report describes the details  
12 of the discharge incident and Energy Northwest proposed  
13 corrective actions.

14           The memo to the Council describes the  
15 regulatory background of the incident and the finding of  
16 EFSEC's compliance contractor, the Department of  
17 Ecology. In response to the incident and based on  
18 Ecology's recommendation, EFSEC's plan is to issue a  
19 warning letter to Energy Northwest. With the issuance  
20 of the warning letter, this matter will be closed  
21 pending the submittal of an approval of the revised O&M  
22 Manual.

23           I would be happy to answer any questions you  
24 may have.

25           CHAIRMAN LYNCH: Before we get to questions,

1 I would like to add a little bit to Mr. LaSpina's  
2 presentation. The Department of Ecology as indicated in  
3 the report, reviewed the incident and agrees with the  
4 corrective action but recommends no penalty be issued  
5 for this incident. Essentially, it was a case where the  
6 flocculent just kept building up over time and  
7 eventually there ended up plugging the -- the -- the  
8 valve, the -- that the -- that the flocculent flowed  
9 through to the pond, and it was something that was not  
10 foreseen. And I had Mr. LaSpina and myself just use  
11 that one particular penalty criteria that we had adopted  
12 either last year or the year before, I don't remember,  
13 and we both went through it independently and saw no --  
14 using that criteria, saw no grounds for the issuance of  
15 a penalty.

16           There would be a -- so I'm -- we're both  
17 agreeing with Department of Ecology's recommendation of  
18 issuing a warning letter, and just so you know, you  
19 might question as well do we have authority to issue  
20 warning letters. Well, we don't have anything  
21 specifically in our policy or regulations that talk  
22 about warning letters, but if you're authorized to do X,  
23 you're authorized to do something somewhat less than X.

24           So -- and some of you might remember we had  
25 discussions right before the Tesoro adjudication began

1 about doing some -- that final step for enforcement  
2 authority and that included -- and I actually put  
3 together a draft enforcement policy that laid out some  
4 additional steps, and that included informal enforcement  
5 by Staff such as the issuance of warning letters. And  
6 warning letters actually do serve an important function  
7 because it indicates that, yes, you are on notice of a  
8 particular incident and if something -- if this were to  
9 occur again, that's definitely something that you were  
10 put on notice about and would lead to a penalty. So  
11 they're not -- they do have an important function.

12 So I am hoping that when we get this Tesoro  
13 project out the door in the spring, that we can pick  
14 this up again and finish the final few pieces that  
15 remain on enforcement that would clarify this one piece  
16 that we're doing today. I think we have the authority  
17 to do it, it's just not specifically called out.

18 Any questions for either Mr. LaSpina or  
19 myself or Ms. Khounnala regarding the Evaporation Pond  
20 Overflow?

21 Yes, Councilmember Stohr.

22 MR. STOHR: Mr. Chair, I am -- concur with  
23 the warning letter. And I am just curious as to whether  
24 this triggers any kind of Nuclear Regulatory Commission  
25 at your activity. I understand it was backlash from a

1 portable water filter plant, but are there any other  
2 agencies involved, regulatory agencies involved?

3 CHAIRMAN LYNCH: Mr. LaSpina?

4 MR. LASPINA: No, sir. The discharge  
5 occurred -- the evaporative ponds are regulated by the  
6 NPDES Permit and the NRC has nothing to do with that.

7 MR. STOHR: Great. Thank you.

8 CHAIRMAN LYNCH: Any additional questions?

9 Thank you.

10 Let's go turn to the Grays Harbor Energy  
11 Center and the dynamic Mr. Valinske is here.

12 MR. VALINSKE: Good afternoon, Chair Lynch,  
13 EFSEC Council. My name is Pete Valinske, I'm the plant  
14 manager at Grays Harbor Energy. We have nothing out of  
15 the ordinary to report, but I would like to bring your  
16 attention to one item in our -- in our report and that  
17 was that the cooling tower monitor -- cooling tower  
18 replacement project will begin on Monday, the 21st of  
19 November. Our contractor will be mobilizing for that.  
20 And that's all I have.

21 CHAIRMAN LYNCH: Excellent.

22 Any questions for Mr. Valinske regarding the  
23 Grays Harbor Energy Center?

24 Good to see you, thank you.

25 MR. VALINSKE: Thank you.

1 CHAIRMAN LYNCH: Now if we could hear from  
2 the equally dynamic Mr. Miller for the Chehalis  
3 Generation Facility.

4 MR. MILLER: Good afternoon, Chair Lynch,  
5 and Councilmembers. I'm Mark Miller, the plant manager  
6 of PacifiCorp Generation Facility. I apologize for not  
7 having been to your recent EFSEC meetings. It's been a  
8 while. I have a couple of nonroutine comments to  
9 provide and a couple of questions.

10 The last of the approved energy efficiency  
11 carbon mitigation projects are beginning the design  
12 engineering phase, so we issued a purchase order last  
13 week to our engineer, Burns & McDonnell, so that's  
14 proceeding as promised.

15 The Washington State Fire Marshal conducted  
16 a site inspection and noted six issues that required  
17 maintenance attention. One item remains to be  
18 addressed. This is replacing a number of defective  
19 sprinklers that surround our 500,000 volt transformers,  
20 the step-up transformers. So we will not be able to  
21 address those until an outage is planned and those are  
22 taken out of service the 1st of May next year.

23 Regarding the questions that, Chair Lynch,  
24 you spoke to Title 5 discussion being continued to the  
25 next EFSEC meeting, I will defer -- after speaking with

1 Staff, Mr. LaSpina, I will defer my questions regarding  
2 those until then. And that's all I have.

3 Any questions?

4 CHAIRMAN LYNCH: Any questions for  
5 Mr. Miller?

6 I have got a question with regarding -- you  
7 said there were defective sprinklers, are those --

8 MR. MILLER: Defective.

9 CHAIRMAN LYNCH: I'm sorry?

10 MR. MILLER: Defective sprinklers.

11 CHAIRMAN LYNCH: Didn't I said that?

12 MR. MILLER: I thought you said effective.

13 Sorry.

14 CHAIRMAN LYNCH: Oh, I'm sorry. Yeah, we're  
15 on the same page.

16 MR. MILLER: Okay.

17 CHAIRMAN LYNCH: Were those defective  
18 sprinklers, are those something that get periodically  
19 tested or -- I am just kind of curious.

20 MR. MILLER: As far as operating the deluge  
21 system which surrounds the transformers, there is no  
22 routine testing except when they are put into service.  
23 What's unusual about the transformer that has the -- the  
24 one of the three step-up transformers that has the  
25 system on it, they've been recently actuated with the

1 sudden pressure event, which is the explosion and fire  
2 that happened a couple years ago. So they've been  
3 recently tested by an actual fault, but no routine  
4 testing as far as operating the -- spraying water on  
5 these transformers.

6 CHAIRMAN LYNCH: So how were they determined  
7 to be defective, then?

8 MR. MILLER: Just by physical inspection  
9 where the inspector can see that there are, you know,  
10 some of these, like sprinklers in this room, some of the  
11 pieces have been broken off, so there wasn't -- wouldn't  
12 be a uniform spray pattern.

13 CHAIRMAN LYNCH: I see, and is that --

14 MR. MILLER: That's just physical  
15 observation.

16 CHAIRMAN LYNCH: Mm-hmm. And that would be  
17 something that would be -- and assuming that's something  
18 he looked at, that's something the fire marshal looks at  
19 at each annual inspection?

20 MR. MILLER: Correct, so there are a number  
21 of others, some 20-some throughout the plant that's a  
22 simple maintenance evolution of unscrewing and screwing  
23 in new ones. And these we can't access because they're  
24 within the 20-foot minimum distance for approach to  
25 500,000 volts.



1 CHAIRMAN LYNCH: Okay. Any other questions  
2 for Mr. Miller?

3 MR. STEPHENSON: Let me ask one.

4 CHAIRMAN LYNCH: Yes, Councilmember  
5 Stephenson.

6 MR. STEPHENSON: Thank you, Mr. Chair.

7 Mr. Miller, is there now a plan in place --  
8 since the fire marshal could see these on inspection, is  
9 there a plan in place for plant personnel to look at  
10 those on a routine basis so that this doesn't happen  
11 again?

12 MR. MILLER: Since this inspection, we have  
13 added a number of preventative maintenance processes and  
14 procedures in our -- in our enterprise software which,  
15 you know, oversees not just the finance but also the  
16 maintenance activities. So they routinely pop up either  
17 monthly, quarterly, or even weekly. So yes, that has  
18 been added to that PM schedule, preventative  
19 maintenance.

20 CHAIRMAN LYNCH: And would you mind just  
21 sending a brief summary of those to Mr. LaSpina  
22 afterwards just to say here's the sorts of things that  
23 we'll be doing now.

24 MR. MILLER: Yeah, absolutely. I think  
25 Mr. LaSpina was copied on the report from the fire

1 marshal, if not, but I will ensure that our response  
2 back with the fire marshal. And his reinspection  
3 actually is going to occur next week prior to  
4 Thanksgiving holiday.

5 CHAIRMAN LYNCH: Okay. Very good. Thank  
6 you.

7 MR. MILLER: Great.

8 CHAIRMAN LYNCH: Now if we can have an  
9 update on the Tesoro/Savage Vancouver Energy  
10 Distribution Terminal. Excuse me, Mr. LaSpina.

11 MR. LASPINA: Title 5 update.

12 CHAIRMAN LYNCH: Oh, yeah, you were going to  
13 give us the update. I'm sorry.

14 MR. LASPINA: Good afternoon, Chair Lynch  
15 and Councilmembers. Over the last nine months, EFSEC  
16 Staff has been working with our permitting contractor,  
17 Clint Lamoreaux, of the Southwest Clean Air Agency on  
18 the Title 5 Permit renewal. That is an air emissions  
19 permit. Public notice for the draft permit began on  
20 August 25th and ended on September 26th. Comments were  
21 received from only one party, the U.S. Environmental  
22 Protection Agency. The comments were of an  
23 administrative nature and quickly resolved by EPA and  
24 Clint.

25 At this time, EPA is conducting its final

1 review of the proposed Title 5 Permit. EPA's review  
2 will conclude on or about November 25th. At the  
3 December Council meeting, you will have the opportunity  
4 to discuss all of EPA's comments and EFSEC's responses  
5 to those comments.

6 Thank you.

7 CHAIRMAN LYNCH: Thank you.

8 Any questions for Mr. LaSpina?

9 And we don't anticipate, since EPA's already  
10 looked at this and commented, we don't anticipate  
11 getting much back, if anything; is that correct?

12 MR. LASPINA: Well, there will be different  
13 people reviewing it, so we could conceivably get another  
14 comment.

15 CHAIRMAN LYNCH: Okay. Thank you.

16 And now we are ready for the Tesoro/Savage  
17 Vancouver Energy Distribution Terminal update.

18 Ms. Bumpus.

19 MS. BUMPUS: Thank you. Good afternoon,  
20 Chair Lynch and Councilmembers. Just a few things, not  
21 a whole lot to update here. For the SEPA update  
22 Cardno's working to incorporate new and updated  
23 information and analysis into what will be the  
24 preliminary draft final EIS for EFSEC to review. As you  
25 know, we've been working on a schedule for the EIS with

1 Cardno, and I want to share with you that we do expect  
2 to have our first chance at a comprehensive internal  
3 review of a preliminary draft in early January. And  
4 this will include a legal review by EFSEC's AG and EFSEC  
5 Staff, and I will keep you updated on milestones that  
6 follow as we get closer to that milestone.

7 That's all I have on SEPA. Are there any  
8 questions before I move on to permits?

9 CHAIRMAN LYNCH: Any questions for Staff  
10 regarding SEPA?

11 MR. ROSSMAN: I do have a question.

12 CHAIRMAN LYNCH: Councilmember Rossman.

13 MR. ROSSMAN: So we would see it in January  
14 after those other reviews. We won't be reviewing in  
15 parallel; is that correct?

16 MS. BUMPUS: Correct.

17 MR. ROSSMAN: Thank you.

18 CHAIRMAN LYNCH: Please proceed.

19 MS. BUMPUS: Okay. For the update on the  
20 NPDES Stormwater Industrial Permit, EFSEC received some  
21 additional information that we requested from the  
22 applicant the end of October, and our Ecology contractor  
23 is reviewing the information. We'll continue to work  
24 with the applicant to get more information, but we do  
25 have a few of -- of the preliminary draft documents for

1 that permit that are being looked at by EFSEC Staff. So  
2 we're getting close there, and I will keep you updated  
3 on our progress with that. But with these things and as  
4 we saw with the construction permit, we will typically  
5 go through multiple rounds of internal review and as  
6 things come up, questions come up, we go back to the  
7 applicant and ask for more information so that we can  
8 keep going. So I expect this will go much the same way  
9 so I will keep you updated.

10 For the NPDES Stormwater Construction  
11 Permit, that permit went out for -- or the draft permit  
12 went out for public comment on October 31st and the  
13 public comment period ends on November 29th, which is  
14 also the day we're having the public meeting for that  
15 permit to receive public comment. And that's going to  
16 be at the Clark College campus at the Geyser Hall  
17 Center. And I wanted to let Councilmembers know that as  
18 of today, on our online commenting system, we have  
19 approximately 20 comments that we've received on the  
20 permit so far. We have not received any by mail yet.

21 CHAIRMAN LYNCH: And we're hoping that  
22 people who comment keep their comments focused on the  
23 Construction Stormwater Permit.

24 MS. BUMPUS: Yes.

25 CHAIRMAN LYNCH: In fact, that's what I'll

1 be doing when we have our hearing in Vancouver at Clark  
2 College, I will be -- and I will be presiding, I'll be  
3 ensuring the people keep their comments focused on the  
4 Construction Stormwater Permit. Please proceed.

5 MS. BUMPUS: Okay. The last update I have  
6 on permits is related to the notice of construction  
7 permit. EFSEC Staff completed an internal review of  
8 some of the preliminary draft permit documents. We have  
9 provided that back to our air permit contractor at the  
10 Southwest Clean Air Agency, and we're expecting to  
11 receive that shortly, and we'll look at the updated  
12 version of the permit. And it, too, will go through  
13 multiple rounds of internal review including legal  
14 review before we would provide that to Council to look  
15 at.

16 So with all of these permits, like I said  
17 before, I will keep you updated on our progress and let  
18 you know in advance with the -- give you some  
19 information about time frames of when you'll be looking  
20 at draft permit documents.

21 CHAIRMAN LYNCH: Any questions for  
22 Ms. Bumpus? And Mr. Posner and Ms. Kidder have anything  
23 to add today?

24 MS. BUMPUS: I don't think Ami has anything  
25 to add.

1 MR. POSNER: No, I have nothing to add.

2 CHAIRMAN LYNCH: Okay. Any questions for  
3 Staff regarding the Tesoro/Savage Vancouver Energy  
4 Distribution Terminal?

5 Very good. And at this point in time, I  
6 would like to call up the -- our guests today. I  
7 believe we have Ms. Edwards and Ms. Craig and along with  
8 Ms. Diaz?

9 MS. DIAZ: Yes.

10 CHAIRMAN LYNCH: Yes, please.

11 MS. DIAZ: I will start. Thank you, Chair  
12 Lynch and Councilmembers. For the record, can you hear  
13 me?

14 MS. MASTRO: Press the button on that  
15 microphone.

16 MS. DIAZ: Can you hear me now? Okay. For  
17 the record, my name is Jennifer Diaz. I'm the project  
18 manager for Puget Sound Energy at the Wild Horse Wind  
19 Facility in Ellensburg, Washington. I'm going to  
20 provide for you today a routine update on operations and  
21 maintenance of the facility, and then Barb Craig from  
22 Stoel Rives and Haley Edwards, our senior resource  
23 scientist from Puget Sound Energy, will come forward and  
24 provide a more detailed update on the most recent eagle  
25 incident at Wild Horse as well as the federal process

1 for obtaining an Eagle Take Permit and where we're at  
2 for that.

3           So for the routine update for safety, there  
4 are no lost-time accidents or safety illnesses or  
5 injuries to report for October. PSE did conduct an  
6 internal safety audit on October 19th and no major  
7 findings were identified. The hunting season, the  
8 general elk hunting season just concluded on  
9 November 8th. It was a very successful season this year  
10 with over 600 hunters coming through the facility. We  
11 implemented the new hunting plan that TAC reviewed and  
12 that EFSEC approved, which included new online permits  
13 for hunters and it went very well. The program was very  
14 smooth. We received great feedback from the hunting  
15 community saying that the overall hunting was  
16 successful. The safety issues went down and the quality  
17 of hunt had gone up, so that's what we were hoping to  
18 achieve with the new plan.

19           For weed control, roadsides and roads and  
20 turbine pads and foundations were treated with  
21 sterilants to control the speed of weeding vegetation.  
22 And then a plant, total plant outage, was scheduled the  
23 last week of October to repair four off-site  
24 transmission line poles and to perform maintenance in  
25 the substation.



1           And that's all I have for the routine  
2 update. Are there any questions before Barb Craig comes  
3 up?

4           CHAIRMAN LYNCH: Any questions for Ms. Diaz?

5           MS. DIAZ: Okay. I'll turn it over to Barb.

6 And you all have this on your screen, too, right? Can  
7 you see that?

8           CHAIRMAN LYNCH: Yes, at least I do.

9           MS. DIAZ: We have hard copies as well.  
10 Would you like hard copies of the presentation?

11          CHAIRMAN LYNCH: They are in our packets.

12          MS. CRAIG: Good afternoon, Chair Lynch and  
13 Staff. I gave a presentation like this I think it was  
14 maybe a year and a half ago, but there's updates, and  
15 then I was going to provide just the -- the context for  
16 Haley, who is our expert, from her scientific  
17 perspective and also leading the permitting process for  
18 the Wild Horse Eagle Permit. So feel free to go ahead  
19 and interrupt me if you have any questions.

20                 So there's three federal laws that protect  
21 avian species in the United States, the Endangered  
22 Species Act, the Migratory Bird Treaty Act, and the Bald  
23 and Golden Eagle Protection Act. The Bald and Golden  
24 Eagle Act protects bald eagles and golden eagles, and it  
25 protects take of the eagles, of their nests and eagles'

1 eggs as well as -- unless there's, of course, a permit.

2           So there's more notoriety and attention  
3 these days given to Bald and Golden Eagle Protection Act  
4 in part because Fish and Wildlife Service was successful  
5 in recovering bald eagles and they listed the bald  
6 eagle. Its decline was primarily BDT, elimination of  
7 that, the population rebound.

8           So as a result of the delisting of the bald  
9 eagle, Fish and Wildlife Service wanted an ability to  
10 continue to conserve and regulate, and it no longer felt  
11 like -- and it seems a little ironic, but as a result of  
12 the delisting under the Endangered Species Act.

13           So in 2009, for the first time, Fish and  
14 Wildlife Service worked on an incidental permit under  
15 the Eagle Act so it would have jurisdiction. And it  
16 went into effect in 2009, but it was slow to actually  
17 get guidance for folks trying to apply for the permit  
18 until April of 2013. And in 2009, the authorization of  
19 the regulation for Eagle Take Permit incidental to other  
20 lawful activities was a five-year permit.

21           So in 2013, the Fish and Wildlife Service  
22 decided that they had gotten a lot of feedback, that  
23 five-year permit, you're almost finished getting the  
24 permit when it's subject to renewal, so they extended  
25 the Eagle Take Permit to a maximum of 30 years, and the

1 issuance of an Eagle Take Permit was going to be  
2 subject -- is still subject to federal NEPA evaluation  
3 and consideration. But that was challenged by the  
4 American Bird Conservancy and was successful as it  
5 related to the NEPA challenge.

6           And so the district court remanded it back  
7 to the Fish and Wildlife Service and just last week, the  
8 Fish and Wildlife Service released its final EIS. We  
9 still don't have a final permit rule. There's a 30-day  
10 window of comment as it relates to the EIS, but they're  
11 making progress. They're hoping -- Fish and Wildlife  
12 Service is hoping to have a new 30-year permit rule  
13 available by the end of the year. So that's actually an  
14 update from this because there is a proposed rule, but  
15 it's just not final.

16           So PSE's been consulting with Fish and  
17 Wildlife Service for some time. Originally applied for  
18 a 30-year permit, but then that was invalidated or  
19 remanded back, and so we've continued to pursue the  
20 Eagle Take Permit without really -- since it's -- you  
21 evaluate the project as well as the permit under -- for  
22 the life of the project whether you're getting a 30-year  
23 permit or you're getting a five-year permit subject to  
24 renewal. We've -- we've -- from a scientific  
25 perspective and comprehensive business perspective,

1 we've -- taking a look at the full terms, so hopefully  
2 it will be an easy transition under the new rule that we  
3 anticipate soon.

4           And we have been working closer with Fish  
5 and Wildlife Service as well as outreach to the State on  
6 the development of the Eagle Conservation Plan. This is  
7 what Haley will spend more time talking about. If you  
8 have questions, she's clearly our expert, and we've also  
9 been working on an applicant, prepare an environmental  
10 assessment to accompany the Eagle Conservation Plan to  
11 assist the service in its compliance approach. They're  
12 understaffed and so having that draft EA for them to  
13 review and approve hopefully should expedite the  
14 process.

15           And PSE's met with Washington Department of  
16 Fish and Wildlife and has discussed the Eagle  
17 Conservation Plan process and development and continues  
18 to routinely update the TAC.

19           So I'm happy to take questions, but Haley  
20 will provide more depth, so either way.

21           CHAIRMAN LYNCH: Any questions for Ms. Craig  
22 at this time? Thank you.

23           At this time, then, Ms. Edwards.

24           MS. EDWARDS: Good afternoon, Chair Lynch,  
25 Councilmembers. For the record, my name is Haley

1 Edwards, and I am the senior resource scientist with  
2 Puget Sound Energy and support the Avian Protection  
3 Program. And I'm going to start out by giving a little  
4 bit of an overview of the project in general and then we  
5 will talk more about eagles.

6 CHAIRMAN LYNCH: Do you mind pulling the  
7 microphone a little closer to you, please.

8 MS. EDWARDS: Sure.

9 CHAIRMAN LYNCH: Thank you.

10 MS. EDWARDS: So just a brief overview if  
11 you're not familiar with the project. We have 127  
12 Vestas V80 1.8 MW wind turbine generators for the  
13 original project area, and then 22 Vestas V80 2.0 wind  
14 turbine generators in the expansion area. And the  
15 overall project footprint is 11,000 acres. We have  
16 approximately 38 miles of new or improved roads and  
17 about a hundred miles of underground 34.5 kV electrical  
18 distribution lines and then less than one mile of  
19 overhead 34.5 kV electrical lines.

20 CHAIRMAN LYNCH: Excuse me, if I could have  
21 you slow down a little bit.

22 MS. EDWARDS: Sure.

23 CHAIRMAN LYNCH: Thank you.

24 MS. EDWARDS: So this is a map of the Wild  
25 Horse Wind Facility here. The shaded red area is the

1 original project area, which became operational in  
2 December of 2006, and the area to the north of that that  
3 isn't shaded as much is the expansion area which went  
4 operational in November of 2009. So to give the  
5 timeline there.

6 So this next map shows the locations of the  
7 four eagle incidents that we've identified since the  
8 project became operational. You can see they're all  
9 generally in the same area. And let's see, so the one  
10 that's in the center was the most recent location.

11 So on Monday, September 26th, Vestas'  
12 technicians incidentally discovered the remains of an  
13 immature golden eagle during a routine turbine  
14 maintenance at Turbine N-4. Vestas notified the site --  
15 the on-site environmental manager, Jennifer Diaz,  
16 immediately, who responded by reporting all of the  
17 incident data. She collected the bird and notified  
18 myself and the other Avian Protection biologists. All  
19 the proper notification procedures were followed as per  
20 our Special Purpose Utility Permit, our Wildlife  
21 Incident Handling and Reporting System and -- and our  
22 Site Certification Agreement.

23 So that included notification to the U.S.  
24 Fish and Wildlife Service, Regional Migratory Bird  
25 Permit office, notification to the U.S. Fish and

1 Wildlife Service Office of Law Enforcement, and  
2 notification to the EFSEC and TAC representative, Jim  
3 LaSpina, as well as notification to the Washington  
4 Department of Fish and Wildlife biologist and TAC member  
5 Justin Allegro, and Fish and Wildlife Service biologist  
6 and TAC member Steven Lewis.

7           So as I mentioned, this is the fourth golden  
8 eagle found at Wild Horse since the project began  
9 operation. The first eagle fatality incident involved  
10 two immature golden eagles that were also discovered  
11 incidentally and that was in June of 2014, and they were  
12 found near Turbine F-4 [sic]. The second incident  
13 involved one immature golden eagle that was discovered  
14 by a WEST biologist while they were doing eagle fatality  
15 monitoring on site in April of 2015 at Turbine O-2,  
16 which is approximately one mile west of the previous  
17 incident location. And for all of these incidents,  
18 we've followed similar notification and response  
19 procedures.

20           So I wanted to talk a little bit about PSE's  
21 Avian Protection Program. We have a history of  
22 cooperation with U.S. Fish and Wildlife Service in  
23 responding to avian incidents in general and then eagles  
24 in particular. We do have eagle incidents that occur on  
25 our power lines as well. We have a very good and

1 long-standing relationship with Fish and Wildlife

2 Service regarding eagle incidents.

3           We've had a formal avian protection program  
4 with them since 2000, but we've been implementing  
5 measures that protect birds since the 1970s. And we  
6 have revised our avian protection plan in 2013. And  
7 then in 2014, we developed Bird and Bat Conservation  
8 Strategies for each of our wind facilities which are  
9 consistent with the Fish and Wildlife Service Land-Based  
10 Wind Energy Guidelines.

11           And to add to that, in response to the  
12 previous incidents, we are still working through the  
13 Fish and Wildlife Service law enforcement process, their  
14 federal legal process, under the Bald and Golden Eagle  
15 Protection Act, and we are working to resolve the prior  
16 take, which is under the purview of the Fish and  
17 Wildlife Service and their solicitor's office. We are  
18 currently in the settlement process to resolve this past  
19 take and so this most recent eagle will be considered as  
20 part of that.

21           In October of 2015, PSE contributed funding  
22 to two different entities in an effort to take some  
23 proactive action proactively to resolve the takes, and  
24 we have asked that these contributions be considered as  
25 part of the settlement process with Fish and Wildlife.



1           We contributed funding to Hawk Watch  
2 International to support a study that they were doing  
3 looking at eagles and vehicle road strikes, and we also  
4 contributed funding to the Blue Mountain Wildlife Rehab  
5 Facility.

6           So this is just a list of the wildlife  
7 studies that have occurred at Wild Horse. We did all  
8 the preconstruction baseline surveys that were part of  
9 the guidance provided by Washington Department of Fish  
10 and Wildlife at the time. We did raptor nest surveys,  
11 we did sage-grouse lek surveys and avian use surveys.

12           And then for our postconstruction  
13 monitoring, we monitored the original project in 2007  
14 and again in 2010 and the expansion area that was in  
15 2010 and then again in 2012. We did raptor nest surveys  
16 both in 2008 and 2011, and no eagle nests were  
17 identified during those surveys. And then we repeated  
18 the sage-grouse lek surveys in 2008 and did additional  
19 habitat monitoring for five years.

20           And then just this past year, we did some  
21 additional eagle fatality monitoring and eagle use  
22 surveys to look specifically at how eagles are using the  
23 site and try to identify any fatalities.

24           So as Barb mentioned, we've been working on  
25 an Eagle Conservation Plan which gets folded into our

1 Eagle Take Permit application since 2014. We have the  
2 four golden eagle fatalities, and the Eagle Take Permit  
3 would provide a framework that would address fatalities  
4 that would occur in the future and ensure that our  
5 actions are consistent with the Fish and Wildlife  
6 Service Goals for protection of eagles.

7 The Eagle Conservation Plan guidance, as  
8 Barb also mentioned, has been available since 2013, so  
9 it wasn't available at the time when we were siting the  
10 projects or during the early operation of the projects.

11 This just provides an outline for the  
12 different parts that compose the Eagle Conservation  
13 Plan, so it's a summary of all the baseline studies and  
14 conservation measures we've implemented through the FDA,  
15 additional sage-grouse conservation measures, all of our  
16 postconstruction monitoring, and et cetera. It also  
17 includes a risk assessment that's consistent with the  
18 U.S. Fish and Wildlife Service Eagle Conservation Plan  
19 guidance and their take prediction model using the  
20 results of the studies that have been done at Wild  
21 Horse.

22 It includes a plan for mitigation and  
23 offsetting compensatory mitigation and other potential  
24 mitigation options for the original project because it  
25 was considered in the Fish and Wildlife Services'

1 assessment of the population baseline. There is a  
2 little more flexibility when you're looking at  
3 mitigation options for the original project, and then  
4 also a monitoring plan going forward that we would be  
5 implementing as part of the Eagle Conservation Plan.  
6 And then there's an adaptive management piece, as well,  
7 and additional conservation measures that we would  
8 implement if the level of take nears the estimated  
9 threshold.

10           And then, again, as part of the ECP  
11 development and to support our eagle fatality estimate,  
12 we implemented the one year of eagle fatality  
13 monitoring, so they were looking at every turbine  
14 monthly to identify any eagle, and we just had that one  
15 that was found during that year of studies. And we just  
16 provided that report to the TAC, as well.

17           Here is an overview of the timeline. We  
18 submitted the Draft ECP to Fish and Wildlife in December  
19 of 2014, and we have received comments from them. We've  
20 been working through revisions, and as Barb also  
21 mentioned, we've been working on the draft Environmental  
22 Assessment for the ECP, and we are in the process of  
23 making revisions to the Preliminary Draft EA and the ECP  
24 as well. And then we are also working with the Fish and  
25 Wildlife Service. They are providing us some additional

1 input.

2           We have been holding biweekly conference  
3 calls with Fish and Wildlife Service to discuss ECP  
4 progress and provide updates, and we've also met in  
5 person several times to review their comments and  
6 discuss the process and different elements to the ECP.  
7 We also meet annually with the Fish and Wildlife Service  
8 law enforcement and additionally as needed in response  
9 to other eagle incidents. We have also been  
10 coordinating with the Department of Fish and Wildlife,  
11 and we have coordinated with them on portions of the  
12 eagle conservation plan and potential opportunity for  
13 partnership and mitigation. Since 2012 we've been  
14 working with them on eagle issues.

15           In August of 2016, PSE met with Matt Stuber  
16 who is the Fish and Wildlife Service regional eagle  
17 coordinator and our local representative, Steven Lewis,  
18 along with Justin Allegro, Mike Ritter, Bret Renfrow,  
19 Scott McCorquodale and Jim Watson from Department of  
20 Fish and Wildlife to discuss our Eagle Conservation Plan  
21 and provide an update. And we've begun coordinating  
22 with them on potential mitigation options and efforts  
23 that provide benefits to golden eagles in Washington  
24 State. And we continue those conversations.

25           PSE has helped support Washington Department

1 of Fish and Wildlife's golden eagle nest surveys in 2013  
2 and 2014. And, let's see, and we just continue to  
3 coordinate with them, and I have some more information  
4 about that here, too.

5 As far as the TAC goes, we've met at least  
6 once annually since 2006, we met with Steven Lewis, our  
7 Fish and Wildlife Service TAC member and Corky Roberts,  
8 who was formerly our U.S. Fish and Wildlife Service law  
9 enforcement agent in March of 2014, to provide an  
10 overview of our Avian Protection Program and to provide  
11 all of the supporting documents. Steven Lewis was new  
12 to our TAC at that time, so we provided information to  
13 him to help him become familiar with the project. And  
14 we've notified them within 24 to 48 hours of every eagle  
15 incident that we've identified.

16 In 2014 -- in July of 2014, the TAC met in  
17 person and discussed the June 2014 eagle incident, PSE's  
18 plan to develop the ECP and apply for an eagle take  
19 permit and we provided background information from the  
20 baseline avian surveys and raptor nest surveys and the  
21 postconstruction monitoring. In February of 2015, PSE  
22 held the annual TAC meeting by conference call. The TAC  
23 discussed the Draft Wild Horse ECP, the proposed eagle  
24 fatality monitoring protocol, and PSE provided a status  
25 update regarding the Eagle Take Permit process.

1           In April of 2015, PSE notified law  
2 enforcement within 24 hours of the eagle incident as we  
3 stated for our permit, and also provided notification to  
4 the Fish and Wildlife Service and Department of Fish and  
5 Wildlife TAC members. And then in April of 2015, PSE  
6 provided an eagle update to the TAC including the  
7 April -- oh, I'm sorry, including the eagle incident and  
8 also inform the TAC of the corrective action PSE had  
9 taken in an effort to resolve the eagle incidents. So  
10 I'm sorry, that was January of 2016 that we had that  
11 update.

12           And then in October of this year, we  
13 provided an email update to the TAC, which included  
14 notification of the 2016 eagle incident, a brief summary  
15 of the eagle fatality monitoring study, and the eagle  
16 use surveys, and we provided the Wild Horse Eagle Report  
17 from those recent studies that were completed.

18           So the next steps, we will complete the  
19 revisions to the Draft ECP and submit them to Fish and  
20 Wildlife Service. We will also complete the Draft  
21 Environmental Assessment and submit that to Fish and  
22 Wildlife Service for their review and input. And then  
23 Fish and Wildlife Service will provide the final Draft  
24 EA for public review and comment, and then they will  
25 work to prepare the final EA and then make a

1 determination of whether or not to issue an Eagle Take  
2 Permit.

3 So that's all I have. Are there any  
4 questions?

5 CHAIRMAN LYNCH: I believe there are some  
6 questions. And I will start first.

7 Thank you, Ms. Edwards. I have a little  
8 trouble understanding how these different groups come  
9 together. I understand that you work on a conservation  
10 plan with U.S. Fish and Wildlife Service and that will  
11 eventually lead to an Eagle Take Permit, but I'm not  
12 quite sure how the -- how the state Fish and Wildlife  
13 fits in with that and how the TAC fits in with  
14 everything, or is it that they're just worried about the  
15 particular incident and what's appropriate mitigation  
16 or -- in fact I'm -- our Haleigh, do you mind letting  
17 Ms. Craig just sit up next to -- yeah, thank you.

18 MS. EDWARDS: I understand the confusion.

19 CHAIRMAN LYNCH: I just want to see how  
20 they -- I've got a pretty good sense of the U.S. Fish  
21 and Wildlife Service role, but I'm not quite sure how  
22 our state and the TAC fits in with that.

23 MS. EDWARDS: Yeah, and I think we're kind  
24 of still working through that. From my perspective, for  
25 one, we try to look at the two processes separately. So

1 one is involving past take and dealing with the  
2 fatalities that we've identified, and then the other  
3 piece is working on the Eagle Conversation Plan and  
4 trying to obtain the permit. They are both federal  
5 processes through the Fish and Wildlife Service.  
6 However, we feel that it -- it's beneficial to work with  
7 the State as well to understand the measures that we can  
8 take that will provide benefits to eagles in our area,  
9 and they also provide information on the local eagle  
10 population.

11 So I don't know if...

12 MS. CRAIG: No, unless you have more  
13 questions, I think that's a great answer.

14 CHAIRMAN LYNCH: I guess I'm still not quite  
15 sure. So if there is an incident that results in a take  
16 of an eagle, then that weighs into the development of  
17 the conservation plan and Eagle Take Permit, but our  
18 state Fish and Wildlife department and the TAC determine  
19 what's appropriate mitigation for that particular take  
20 or what happens?

21 MS. CRAIG: I'll give you the complex letter  
22 law answer. It -- this is a federal process and the  
23 Fish and Wildlife Service has jurisdiction so it  
24 divides, as Haley indicated, the process in two  
25 different compartments. One is what they refer to



1 legacy takes, so that would be dealt with and is being  
2 dealt with through a civil settlements. The ongoing  
3 Eagle Take Permit is forward-looking, so there's even  
4 within the Fish and Wildlife Service there's a  
5 separation really in terms of the processes and  
6 coordination.

7 But PSE, as well as in my practice, likes to  
8 coordinate and use all the best resources and the State  
9 has really, you know, good local knowledge and  
10 information and this was an EFSEC-sited project. So we  
11 have on the technical side, and the service has been  
12 appreciative of this, coordinated with the State, but it  
13 is a federal process and, you know, if push came to  
14 shove, Fish and Wildlife Service would understand that  
15 this is their jurisdiction, especially when it comes to  
16 the civil settlement side of it. So --

17 MS. EDWARDS: Yeah, the other thing I would  
18 add is at the time that we did the siting for the  
19 project and we did all of our baseline surveys, there  
20 wasn't a method identified at that time to model our  
21 estimated take for the project. And so since the rule  
22 came out and since the guidance came out, we now have a  
23 process to estimate our take at the project. The TAC's  
24 role is to suggest additional mitigation if there were  
25 unanticipated affects from the project.

1           We didn't really have a number to put to  
2 that at the time, so now through the ECP process, we're  
3 working towards getting a take estimate based on the  
4 studies that have been done. So I would think that as  
5 part of the adaptive management process of the ECP and  
6 the potential there for mitigation for the original  
7 project, which doesn't need to be quantified, we have  
8 the ability to have that flexibility. And if we have  
9 folks that are involved in TAC that have, you know, some  
10 good guidance on some mitigation options or if we get  
11 near those take thresholds where we have some concern  
12 about the numbers of eagles that we're actually taking  
13 with regards to that estimate, so that's, I think, where  
14 the TAC can have some input.

15           CHAIRMAN LYNCH: I see.

16           Any Council questions?

17           Yes, Councilmember Stohr.

18           MR. STOHR: Thanks, Mr. Chair. I just  
19 wanted to express some appreciation to PSE for the close  
20 cooperative arrangement in working these things out  
21 together, and we do think there's value added with the  
22 local biologists developing this process together with  
23 the Federal Government, the Company, and ourselves, you  
24 know, to move forward because it is a new thing to do at  
25 the facility. And so I just wanted to say thank you for

1 that, and I hope that continues as we think about  
2 mitigation and some of the other issues that you listed.

3 CHAIRMAN LYNCH: Thank you.

4 Councilmember Stephenson.

5 MR. STEPHENSON: Thank you, Chair Lynch, and  
6 thanks, again, for all the work. I agree with what Joe  
7 just said. I am just wondering, because I am new to  
8 this, but looking at the map, there's sort of this  
9 straight line thing going, you know, east to west or  
10 west to east or however the incidents happened. Did we  
11 at least look at that? Are there some geographic or  
12 other factors that might have caused that so that --  
13 yes, take is okay -- no, we don't like take. We'd like  
14 to have zero, I am sure all of us, but did we at least  
15 look at is there a factor there that might help us to  
16 take that out of the equation?

17 MS. EDWARDS: We are looking at that. We  
18 had Matt Stuber, who is the regional eagle coordinator  
19 out on site, and he said it was the most obvious  
20 geographic connection between fatalities at a site that  
21 he's seen. Often they are very random. So we -- there  
22 is a seep drainage there. We don't have a high  
23 appraisings [phonetic] we haven't seen a concentration  
24 of eagles using that area, but we find it interesting as  
25 well and we are going to continue to look at that and --

1 yeah, so we're -- we're -- we definitely have our eye on  
2 that and we'll see if there is something that -- some  
3 connection between them and we'll continue to watch that  
4 area. And we have some ideas about that going forward.

5 MR. STEPHENSON: Thank you.

6 CHAIRMAN LYNCH: Any further Council  
7 questions?

8 Thank you for coming today. This was very  
9 helpful.

10 MR. POSNER: Chair Lynch, I just have a few  
11 comments. I would just like to note that we do have  
12 Justin Allegro here. He is our WDFW contractor. He's  
13 worked very close with PSE, U.S. Fish and Wildlife  
14 Service, so I just want to make sure Councilmembers know  
15 he is available if you did have questions for him. He's  
16 been actively involved in the -- this process and he is  
17 a TAC representative.

18 And the other thing just to note as far as  
19 the TAC goes, you know, the TAC, I'm not sure all the  
20 Councilmembers understand, but the TAC is really the  
21 means by which the Council sort of keys in to what's  
22 happening at the project as far as if, in fact, there  
23 are other mitigation measures that might be -- need to  
24 be considered that maybe were not considered initially  
25 or were not known through adaptive management. So we

1 haven't talked much about the TAC at Council meetings,  
2 you know, we've been focused on other projects, but it  
3 is very important I think that Councilmembers understand  
4 it is a way in which information concerning the impacts  
5 of the project can be relayed to the Council. So if, in  
6 fact, there are unanticipated or unplanned for impacts,  
7 the Council has the discretion to require extra  
8 mitigation. So it's just something I think that's  
9 important for the Council to be aware of.

10 CHAIRMAN LYNCH: Any questions for  
11 Mr. Posner? Any questions for Mr. Allegro?

12 I knew I saw that face before. Welcome.

13 MS. EDWARDS: Thank you for coming.

14 CHAIRMAN LYNCH: And I think -- I think  
15 we're done with Wild Horse, then.

16 MS. EDWARDS: Thank you.

17 MS. CRAIG: Thank you.

18 CHAIRMAN LYNCH: And let's see, now we're  
19 just down to the good of the order and, Mr. LaSpina, do  
20 you just want to remind us again where -- Ecology is, I  
21 think, later this month going to submit the SIP to EPA;  
22 is that correct?

23 MR. LASPINA: Yes, sir, that is -- you have  
24 it exactly right, and what the remainder of the process  
25 is -- the Environmental Protection Agency has to do a

1 public notice in the Federal Register and then once  
2 that's completed, then -- then we would -- the process  
3 would be completed and hopefully we would get our full  
4 delegation.

5 CHAIRMAN LYNCH: Great.

6 MR. LASPINA: Hopefully -- hopefully in the  
7 spring, early spring.

8 CHAIRMAN LYNCH: But we're one step closer.

9 Thank you.

10 Anything else for the good of the order?

11 Seeing none, thank you for all your participation today  
12 and we're adjourned.

13 (Adjourned at 2:33 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON  
COUNTY OF THURSTON

I, Tayler Russell, a Certified Shorthand Reporter  
in and for the State of Washington, do hereby certify  
that the foregoing transcript is true and accurate to  
the best of my knowledge, skill and ability.

\_\_\_\_\_  
Tayler Russell, CCR

## **Wild Horse Wind Facility - Monthly Compliance Report - October 2016**

### **Safety**

No lost-time accidents or safety injuries/illnesses to report for October. PSE conducted an internal safety audit on October 19<sup>th</sup>. No major findings were identified.

### **Compliance/Environmental**

Hunting - The general elk hunting season concluded on November 8<sup>th</sup>.

Weed Control – Roads/roadsides and turbine pads/foundations were treated with sterilant to control the spread of weedy vegetation.

### **Operations/Maintenance**

A planned total plant outage was scheduled the last week of October to repair four off-site transmission line poles and to perform maintenance in the substation.

### **Wind Production**

October wind generation totaled 43,350 MWh for an average capacity factor of 21.37%

### **Eagle Update**

Haley Edwards, PSE Senior Resource Scientist, and Barb Craig, Stoel Rives, will provide a detailed update on the most recent eagle incident and the USFWS process for obtaining an eagle take permit (see presentations attached).



## **Chehalis Generation Facility---Monthly Plant Report – October 2016** **Washington Energy Facility Site Evaluation Council**

11-10-2016

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### **Safety:**

- There were no recordable incidents this reporting period and the plant staff has achieved 459 days without a Lost Time Accident.

### **Environment:**

- There were no air emissions or stormwater deviations or spills during the month of October 2016.
- Wastewater and Stormwater monitoring results were in compliance with the permit limits for the month of October 2016.

### **Personnel:**

- The Chehalis plant staffing level is currently 17 of 19 approved positions filled.
- The open positions are for Operations Manager and Administrative Coordinator.

### **Operations and Maintenance Activities:**

- The Plant generated 135,664 MW-hrs in October for a 2016 YTD generation total of 1,085,999 MW-hrs and a capacity factor of 29.3%.

### **Regulatory/Compliance:**

- The Washington Office of the State Fire Marshal conducted the 2016 Annual site Inspection on October 6, 2016. There were six (6) items requiring plant maintenance action. The Fire Marshal has scheduled a re-inspection for Wednesday November 3<sup>rd</sup>.

### **Sound monitoring:**

- There were no noise complaints to report.



### Carbon Offset Mitigation

- PacifiCorp has received the scoping proposal from the engineer (Burns & McDonnell) for the reverse osmosis and closed cooling water systems, variable frequency drive design efficiency project implementation. A purchase order has been issued and engineering design is underway.

Respectfully,

A handwritten signature in black ink, appearing to read "M. Miller".

Mark A. Miller  
Manager, Gas Plant



## EFSEC Monthly Operational Report

October, 2016

### 1. Safety and Training

- 1.1. There was one injury during the month of October. An employee cut a finger on insulation banding while touring the plant. The injury was classified as a first aid case and treated on site.
- 1.2. Conducted scheduled and required monthly training.
- 1.3. Conducted the scheduled safety committee meeting.

### 2. Environmental

- 2.1. Submitted the September Outfall Discharge Monitor Report (DMR) to Ecology.
- 2.2. Submitted the 2016 Q3 and Q4 Storm Water DMRs to Ecology.
- 2.3. Submitted the 2016 Q3 Emissions Data Report (EDR) to EFSEC and EPA.
- 2.4. Submitted the 2016 Priority Pollutant sample results to Ecology
- 2.5. Submitted the 2016 RATA and stack test report to EFSEC.
- 2.6. Mobilization for the cooling tower replacement is scheduled to begin on 11/21/16.

### 3. Operations & Maintenance

- 3.1. Grays Harbor Energy (GHE) operated 14 days and generated 173,217 MWh during the month of October.
- 3.2. The capacity factor (CF) was 37.6% in October, and 56.4% YTD.
- 3.3. The availability factor (AF) was 95.1% in October, and 90.1% YTD.

### 4. Noise and/or Odor

- 4.1. There were no complaints made to the site during the month of September.

### 5. Site Visits

- 5.1. The State Fire Marshal completed his annual site inspection. There were no discrepancies identified.

### 6. Other

- 6.1. Grays Harbor is staffed with 20 personnel. The Plant Engineer and Operations Manager positions are vacant. Interviews for both position are in progress.

# MEMO

TO: EFSEC Council

FROM: EFSEC Staff

DATE: November 15, 2016

SUBJECT: Columbia Generating Station NPDES Permit No. WA-002515-1: Evaporation Pond 1B Overflow and Discharge to Ground

## Background

The Energy Facility Site Evaluation Council (EFSEC) issued National Pollutant Discharge Elimination System (NPDES) Permit No. WA-002515-1 to Energy Northwest (EN) for its Columbia Generating Station (CGS) on September 30, 2014. This permit regulates CGS wastewater and stormwater discharges to the environment. The permit allows two discharges: 1) cooling water blowdown through Outfall 001 to the nearby Columbia River, and 2) a variety of smaller volume wastewater discharges through Outfall 002 to an onsite evaporative wastewater treatment system. An unauthorized discharge from the onsite evaporative wastewater treatment system to ground is the subject of this memo.

The evaporative pond treatment system is approximately 14 acres in area and consists of five cells of varying sizes. Please refer to the diagram in EN's report. Both the treatment system engineering report and the operations and maintenance (O&M) manual for the treatment system were reviewed by EFSEC's compliance contractor, the Department of Ecology (Ecology), and were approved by EFSEC on March 2, 2015. This approval was granted based on a recommendation from Ecology.

Pond 1B, the source of the overflow, receives non-power block wastewaters consisting of backwash water from the potable water filter plant, reverse osmosis filtrate, and fire test water. The backwash is potable water and includes filtrate and some flocculation agents. The non-power block water is conveyed to pond 1B where the water is used for construction purposes or road watering.

## Incident Report

On the morning of June 13, 2016, pond 1B was found to be overflowing on the south side. An estimated 500-1,000 gallons of water had flowed over the side of the pond and down into the graveled area south of the pond. The overflow was caused by a plugged drain in pond 1B. The plugged drain was caused by a buildup of flocculant present in the potable water plant backwash.

In accordance with the requirements in condition S3.E of the permit, EN reported the incident to EFSEC and Ecology within approximately 24 hours of discovering the overflow. EN also submitted an initial written report to EFSEC and Ecology within the prescribed five-day timeframe.

EN submitted a draft summary report to EFSEC on October 6, 2016 describing the incident and proposing measures to prevent reoccurrence of overflows at the treatment system. The primary measures include removal of the pond 1B overflow drain screen to prevent future clogging and establishing an inspection schedule in the O&M manual to more closely monitor drains and other operational features of the treatment system. EN committed to submit a revised O&M manual to EFSEC by January 27, 2017 for review and approval.

### Summary-Next Steps

Ecology has reviewed EN's summary report describing the incident and EN's proposed corrective actions. Ecology's review determined the proposed corrective actions appear appropriate and recommends no enforcement action be taken at this time.

In response to the incident, EFSEC staff believes an appropriate response is for the EFSEC Manager to issue a warning letter to EN for the following reasons: 1) EN voluntarily designed and built the treatment system, the regulatory agencies did not require it, 2) the treatment system was constructed in accordance with the EFSEC-approved engineering report and operated in accordance with the EFSEC-approved O&M manual, 3) the discharge from pond 1B did not cause a threat to the environment or human health, 4) the discharge from pond 1B consisted of water that is intended for such purposes as dust suppression on roads and at construction projects, 5) EN complied with permit requirements to report the incident, and 6) EN has worked collaboratively with EFSEC and Ecology to develop operational measures to prevent recurrence of overflows to the environment. With the issuance of the warning letter this matter will be closed pending the submittal of and approval of the revised O&M manual.



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November 8, 2016  
GO2-16-115  
DIC 409

EFSEC Manager  
Energy Facility Site Evaluation Council  
P.O. Box 43172  
Olympia, WA 98504-3172

**ELECTRONIC SUBMITTAL ONLY**

Subject: **COLUMBIA GENERATING STATION  
EVAPORATION POND OVERFLOW CLOSEOUT REPORT**

References: 1) NPDES Permit No. WA002515-1

2) Letter (GO2-16-091), R.A. Dutton (EN) to EFSEC Manager, "Columbia  
Generating Station Evaporation Pond Overflow," dated 06/20/2016

Energy Northwest is providing a National Pollutant Discharge Elimination System (NPDES) closeout report for the overflow of evaporation pond 1B at Columbia Generating Station. Energy Northwest previously provided a 5-day report related to this issue as referenced above.

If you have any questions concerning this information, please contact SE Khounnala at (509) 377-8639.

Respectfully,

Robert A. Dutton,  
General Counsel and Chief Ethics Officer

Enclosure

cc: J LaSpina (EFSEC, email)  
J Ayres (WDOE, email)

RAD/nb



**Columbia Generating Station  
Evaporation Pond Overflow Closeout Report**

**Enclosure**

**Page 1 of 3**

**National Pollutant Discharge Elimination System  
Evaporation Pond Overflow Closeout Report**

**Description of evaporation pond overflow and cause**

As described in the original 5-day report, the event and cause of the Pond 1B overflow remains unchanged as described below:

*On the morning of June 13, 2016, evaporation pond 1B was found to be overflowing on the south edge; approximately 15 feet from the east corner of the pond (see Figure 2B). Evaporation pond 1B receives backwash water from the potable water filter plant, reverse osmosis filtrate, and fire test water. These non-power block wastewaters are typically sent directly to Ponds 1A, 1B, and 2, where the water can be utilized for construction water or road watering. An estimated 500-1000 gallons of water drained over the edge of the pond and washed down into the graveled area south of the evaporation pond. The overflow was caused by a partially-plugged drain in pond 1B. Evaporation pond 1B is designed to automatically overflow to pond 2 at cistern 1 to preclude it from overflowing. However, the partially-plugged drain in pond 1B precluded the overflow feature from functioning as designed.*

**Evaporation Pond System Design and Engineering**

The potable water backwash stream was designed to first discharge to evaporation pond 1B then into pond 2. This sequence helps reduce the transport of solids into the other ponds. The pond 1B drain was built with ½" screen, designed to accommodate some solids when the water filled pond 1B and drained to pond 2. While the clinging nature of the backwash flocculating agent doesn't show up as restricting on short term tests, this event reveals that the agent does build up over time. It took nearly two years to clog the ½" screen.

The original evaporation pond design included assumptions for solids accumulation and settlement in the ponds and estimated that the ponds would require cleaning every few years. Cleaning the ponds is included in the Operations and Maintenance Manual.

**Steps taken or planned to reduce, eliminate, and prevent recurrence:**

Energy Northwest hosted a site inspection by EFSEC and the Department of Ecology staff on September 20, 2016. Agency staff observed the actions taken and discussed future planning to prevent recurrence, which includes the following:

1. The screen over the 10" drain from pond 1B has been cleaned.
2. The 10" drains of pond 1B & pond 2 were replaced with a modified larger intake screen. Additionally, the overflow pipe was modified with an open (no screen) inlet so solids accumulation cannot plug the drain/overflow line.
3. Pond 1B was cleaned with a vacuum truck to remove the accumulated solids.
4. Accumulation of backwash and other solids will be monitored on a scheduled frequency-this frequency will be outlined in a revision to the O&M Manual and submitted to EFSEC staff by January 27, 2017.

Columbia Generating Station  
Evaporation Pond Overflow Closeout Report

Enclosure

Page 2 of 3

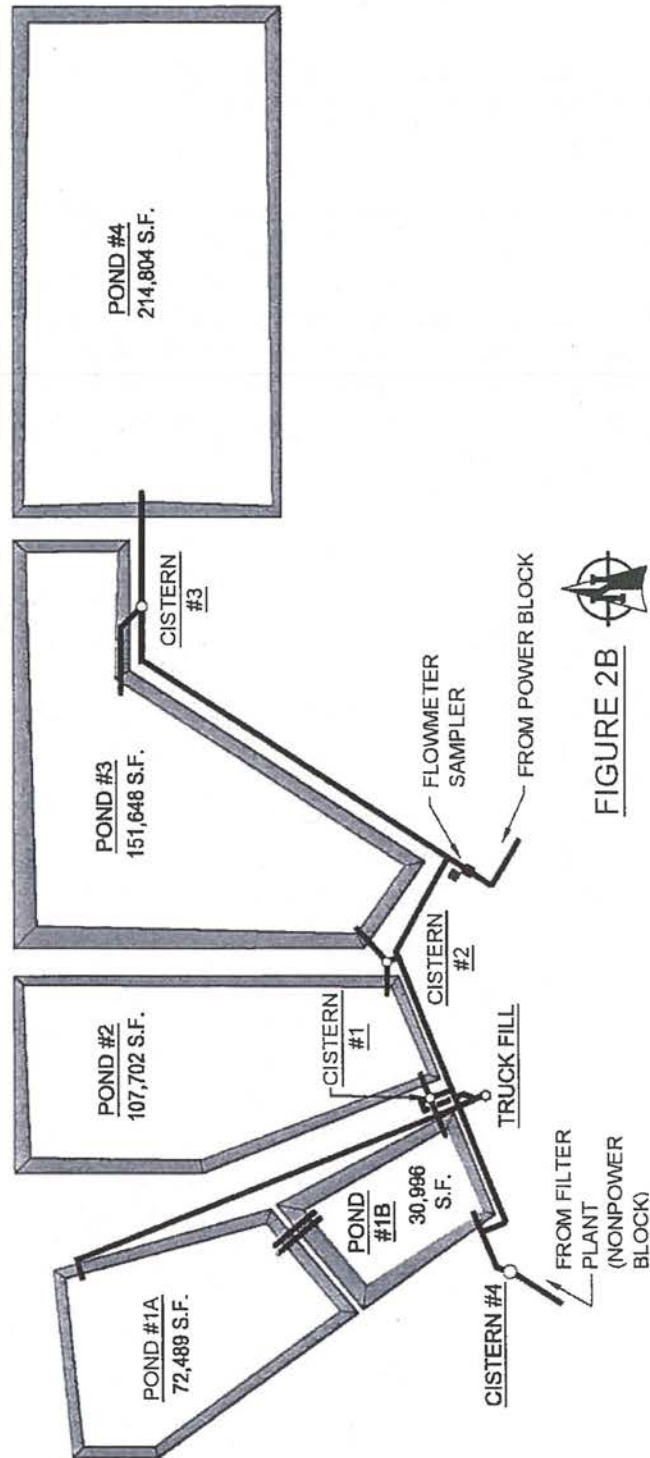


FIGURE 2B

Source: Operation and Maintenance Manual For Stormwater/Industrial Wastewater Evaporation System, Energy Northwest Columbia Generating Station, Figure 2B



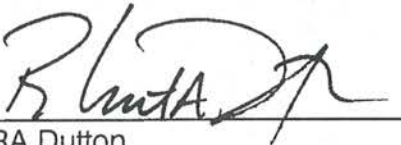
**Columbia Generating Station  
Evaporation Pond Overflow Closeout Report**

**Enclosure**

**Page 3 of 3**

**National Pollutant Discharge Elimination System  
Evaporation Pond Overflow Closeout Report  
Certification Statement**

*I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*



RA Dutton  
General Counsel and Chief Ethics Officer

*8 Nov 2016*

Date

**Energy Northwest  
EFSEC Council Meeting  
November 15, 2016  
Shannon Khounnala**

**I. Columbia Generating Station Operational Status**

Columbia is online at 100% power and producing 1136 MWs. The plant has been online for 228 days.

There are no other events, safety incidents, or regulatory issues to report.

**II. WNP 1/4 Water Rights**

NEPA/Leasing

The Department of Energy continues to work on the NEPA Environmental Assessment (EA) for WNP 1/4. The Cultural Resources report was submitted for comment. Energy Northwest and the Department of Energy will participated in a meeting with tribes in early December. Following completion of the EA, a new lease will be signed between EN and the Department of Energy. The new lease will allow for use of the water rights obtained in January 2015.

# Kittitas Valley Wind Power Project Monthly Project Update

November 15, 2016

## Project Status Update

### **October Production Summary:**

Power generated: 6,882 MWh  
Wind speed: 4.3 m/s or 9.6 mph  
Capacity Factor: 9.2%

### **Safety:**

No incidents

### **Compliance:**

Project is in compliance as of November 7, 2016.

### **Sound:**

No complaints

### **Shadow Flicker:**

No complaints

### **Environmental:**

No incidents

# Wild Horse Wind Facility EFSEC Eagle Update

November 15, 2016







## Project Overview

1. 127 Vestas V80 1.8 MW wind turbine generators (original project)
2. 22 Vestas V80 2.0 MW wind turbine generators (expansion)
3. Approximately 38 miles of new or improved roads
4. Approximately 100 miles of underground 34.5 kV electrical distribution and fiber optic lines
5. Less than 1 mile of overhead 34.5 kV electrical lines
6. One on-site electrical step-up substation, and one off-site interconnection substation





**Quilomene Wildlife Area**

**Wild Horse  
Wind Facility**

**Whiskey Dick Wildlife Area**

**Ag Lands**

- Green Dot Roads
- Shosholumuck
- MDPW
- WDMR
- State Parks
- BLM
- Yakima Training Co
- PSE

0 0.6 1.2 Miles  
0 0.6 1.2

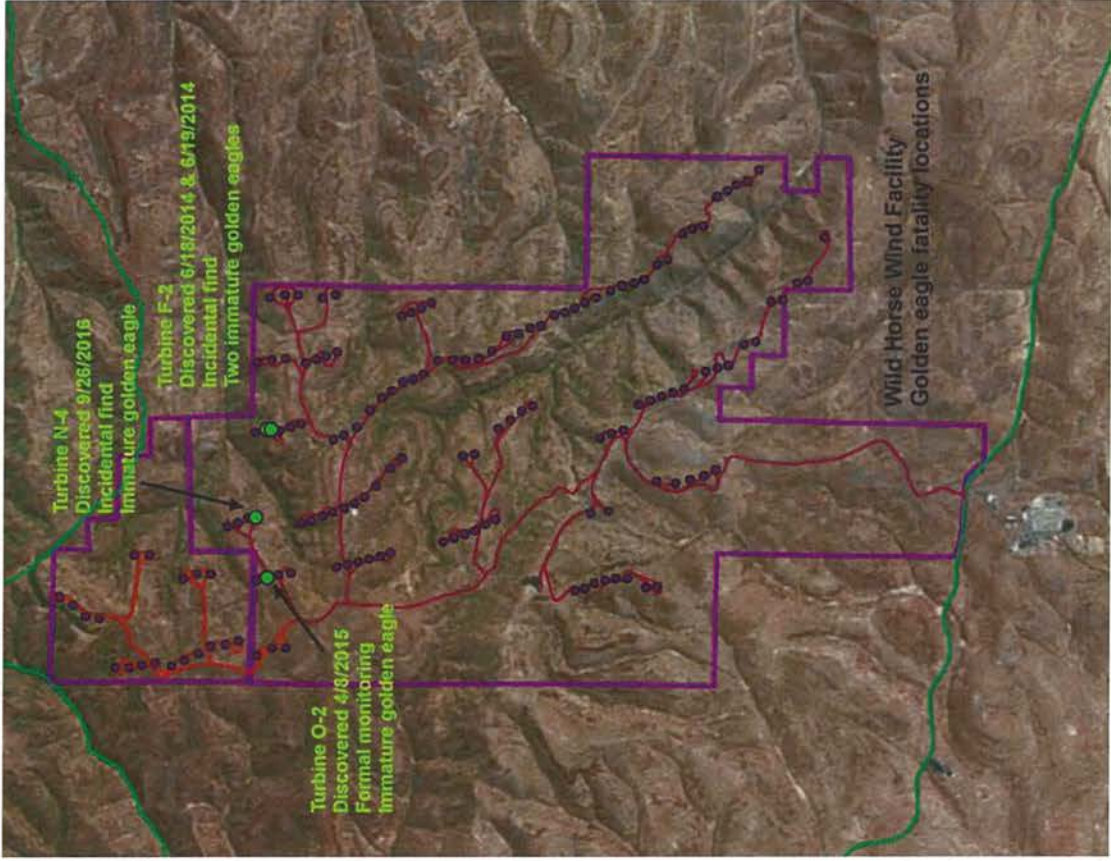




# Map of eagle incident locations

All known eagle incidents have occurred in northern portion of the original project area. PSE followed all proper notification procedures in response to each of the eagle fatality incidents.

- **Turbine F-2**  
Two immature golden eagles incidentally found on 6/18/2014 and 6/19/2014
- **Turbine O-2**  
One immature golden eagle found during formal eagle fatality monitoring on 4/8/2015
- **Turbine N-4**  
One immature golden eagle found incidentally on 9/26/2016



# PSE's Avian Protection Program

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- PSE has a history of cooperation with USFWS in responding to avian incidents in general, and eagle incidents in particular.
- PSE has had a formal avian protection program since 2000, however, PSE has been implementing measures to help protect birds since the 1970's.
- PSE developed its original Avian Protection Plan (APP) in 2005, and revised the APP in 2013.
- In 2014, PSE completed Bird and Bat Conservation Strategies (BBCSs) for each of its wind facilities, consistent with USFWS Land-Based Wind Energy Guidelines.
- In 2014, PSE began development of Eagle Conservation Plans for its wind facilities, consistent with USFWS Eagle Conservation Plan Guidance.



# Wildlife Studies at Wild Horse

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- Pre-Construction Baseline Studies
  - Raptor nest surveys
  - Sage-grouse lek surveys
  - Avian use surveys
- Post-construction monitoring
  - Original project – avian monitoring (2007, 2010)
  - Expansion – avian monitoring (2010, 2012)
  - Raptor nest surveys (2008, 2011)
  - Sage-grouse lek surveys (2008)
  - Habitat monitoring (5 years)
- Eagle fatality monitoring and eagle use surveys (2015/2016)

# PSE's Wild Horse ECP

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PSE decided in 2014 to voluntarily apply for an Eagle Take Permit (ETP)

- There have been four golden eagle mortalities documented at Wild Horse since the beginning of operations. An ETP would provide a framework for addressing eagle mortalities in the future and ensure that actions taken are consistent with USFWS goals for the protection of eagles.
- This is the process that USFWS recommends, particularly for wind facilities.
- The Eagle Conservation Plan Guidance has been available since 2013, which provides recommendations and procedures for developing an Eagle Conservation Plan and applying for/implementing an ETP.

# PSE's Wild Horse ECP

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## **ECP Outline** consistent with the US Fish and Wildlife Service ECP Guidance for Land-Based Wind Energy

- Project background
- Regulatory framework
- Stage 1 – Preliminary assessment
- Stage 2 – Site-specific surveys and assessments
- Stage 4 – Avoidance and minimization of risk/conservation measures
- Stage 5 – Post-construction monitoring
- Stage 3 – Assessing risk and predicting fatalities
- Ongoing monitoring and reporting
- Compensatory mitigation
- Adaptive management under the ECP



# PSE's Wild Horse ECP

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## ECP Timeline

- Dec 2014 - PSE submitted a Preliminary draft ECP to USFWS.
- Mar 2015 - USFWS provided comments to PSE.
- Mar 2016 - PSE revised the Preliminary draft ECP in response to USFWS comments, and met with USFWS to discuss.
- After meeting with USFWS, USFWS agreed that PSE should draft an applicant-prepared Environmental Assessment for the USFWS's review. The proposed federal action for purposes of NEPA is the proposed issuance of an Eagle Take Permit.
- PSE is in the process of revising the Preliminary Draft EA, and making further revisions to the Draft ECP in response to USFWS comments/discussion at the August 30<sup>th</sup> meeting with USFWS.
- USFWS is in the process of applying data from Wild Horse to the take prediction model, which would support discussions related to mitigation and adaptive management under the ECP.

# PSE and TAC Coordination

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- The TAC has met at least once annually since 2006.
- July 2014 TAC meeting: PSE provided information about the eagle fatality incident, discussed PSE's plan to develop an ECP and apply for an ETP, and also discussed WDFW's two-year Golden Eagle survey program, providing the most current data on nesting golden eagles in WA, which PSE supported.
- February 2015 TAC meeting : we discussed the draft ECP, the proposed eagle fatality monitoring protocol, and a status update of the Eagle Take permit process.
- January 2016 TAC meeting : PSE provided an update on the draft ECP and Eagle Take Permit process, the corrective action taken by PSE in coordination with USFWS OLE, and an update on the most recent eagle fatality incident.
- PSE notified WDFW, EFSEC, and USFWS TAC representatives within 48 hours of each eagle fatality incident as per the Site Certification Agreement, and provided updates to the TAC at the annual meetings.

More detail about TAC coordination is provided in the EFSEC monthly report handout.



# PSE's Wild Horse ECP

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## Next steps

- PSE to complete revisions to the Draft ECP and submit to USFWS
- PSE to revise draft EA in response to USFWS comments
- PSE to submit the revised draft EA to USFWS for review and approval
- USFWS to provide final draft EA for public review and comment
- Once the ECP is finalized and ready for public review, PSE will provide a copy to the TAC
- USFWS to review EA, respond to public comments, and prepare the final EA
- USFWS will make a determination on whether to issue an ETP