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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, June 17, 2014  
1:32 P.M.

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MONTHLY COUNCIL MEETING  
Verbatim Transcript of Proceeding

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A P P E A R A N C E S

Councilmembers Present:

Bill Lynch, Chair  
Liz Green-Taylor, Department of Commerce  
Cullen Stephenson, Department of Ecology  
Joe Stohr, Department of Fish and Wildlife  
Andrew Hayes, Department of Natural Resources  
Dennis Moss, Utilities and Transportation Commission

Local Government and Optional State Agencies:

Christina Martinez, Department of Transportation  
Bryan Snodgrass, City of Vancouver  
Jeff Swanson, Clark County  
Larry Paulson, Port of Vancouver

Staff in Attendance:

Stephen Posner, EFSEC Manager  
Tammy Talburt, Commerce Specialist 1  
Sonia Bumpus, Siting Specialist  
Kali Wraspir, Administrative Assistant

Assistant Attorney General:

Ann Essko, Assistant Attorney General

Guests in Attendance:

Irina Makarow, BergerABAM  
Adam Torem, Utilities and Transportation Commission  
Richard Downen, Grays Harbor Energy Project  
Mark Miller, PacifiCorp Energy  
Jan Aarts, Cardno ENTRIX  
Kelly Flint, Tesoro Savage  
Jay Derr, Van Ness Feldman

Guests in Attendance Via Phone:

Eric Melbardis, Kittitas Valley Wind Project, EDPR Renewables  
Jennifer Diaz, Puget Sound Energy, Wild Horse Wind Power Project  
Karen McGaffey, Perkins Coie  
Bronson Potter, City of Vancouver

1 OLYMPIA, WASHINGTON, JUNE 17, 2014

2 1:32 P.M.

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

6  
7 CHAIR LYNCH: Good afternoon and welcome. Today is  
8 June 17, 2014, and it's the regular Council meeting of the  
9 Energy Facility Site Evaluation Council.

10 Could we please have Staff call the roll?

11 MS. TALBURT: Department of Commerce?

12 MS. GREEN-TAYLOR: Liz Green-Taylor here.

13 MS. TALBURT: Department of Ecology?

14 MR. STEPHENSON: Cullen Stephenson here.

15 MS. TALBURT: Department of Fish and Wildlife?

16 MR. STOHR: Joe Stohr is here.

17 MS. TALBURT: Department of Natural Resources?

18 MR. HAYES: Andy Hayes is here.

19 MS. TALBURT: Utilities and Transportation  
20 Commission?

21 MR. MOSS: Dennis Moss for the UTC.

22 MS. TALBURT: Local Governments and Optional State  
23 Agencies: Department of Transportation?

24 MS. MARTINEZ: Christina Martinez here.

25 MS. TALBURT: City of Vancouver?

1 MR. SNODGRASS: Bryan Snodgrass here.

2 MS. TALBURT: Clark County?

3 MR. SWANSON: Jeff Swanson is here.

4 MS. TALBURT: Port of Vancouver?

5 MR. PAULSON: Larry Paulson here.

6 MS. TALBURT: Chair, there is a quorum.

7 CHAIR LYNCH: Thank you.

8 And you will see that -- well, first of all, let's  
9 take a look at the agenda for today's Council hearing.

10 Are there any proposed additions to the agenda?

11 Okay. Then let's go ahead and turn to the Council  
12 meeting minutes. We have two sets of minutes to approve, the  
13 May 20, 2014 regular hearing, and then the May 28, 2014 land use  
14 consistency hearing that we held down in Vancouver. And after  
15 the Councilmembers have had a chance to look through these, I'll  
16 entertain a motion for approval.

17 MR. STEPHENSON: I'll move for approval of the May  
18 20th Council meeting minutes.

19 CHAIR LYNCH: Do we have a second?

20 MR. HAYES: I'll second.

21 CHAIR LYNCH: It's been moved and seconded that we  
22 approve the regular Council minutes from May 20th.

23 All those in favor say "aye."

24 MULTIPLE SPEAKERS: Aye.

25 CHAIR LYNCH: Opposed?

1 Motion carries.

2 And can we have a motion on the May 28, 2014 minutes?

3 MR. STEPHENSON: I have a change.

4 CHAIR LYNCH: Oh, there's been a proposed change by  
5 Councilmember Stephenson.

6 MR. STEPHENSON: On page 6 of the meeting minutes  
7 when we're doing our introductions -- just for the record, I  
8 think this needs to get changed -- I'm introduced as Mr. Cullen,  
9 and the name is Mr. Stephenson, just for the notes, that shows  
10 that the Councilmembers are there.

11 CHAIR LYNCH: Thank you. So your name is just not  
12 like Cher or Prince?

13 MR. STEPHENSON: You can call me Mr. Cullen if you  
14 want informally.

15 CHAIR LYNCH: With that correction, are there any  
16 other changes?

17 Can I have a motion on the minutes with that  
18 correction?

19 MR. HAYES: Chair, I'll move that we adopt the  
20 minutes from the May 28, 2014 meeting.

21 CHAIR LYNCH: Do I have a second?

22 MR. MOSS: I'll second that.

23 CHAIR LYNCH: It's been moved and seconded that we  
24 approve the minutes as corrected, the May 28, 2014 hearing.

25 All those in favor say "aye."

1                   MULTIPLE SPEAKERS:   Aye.

2                   CHAIR LYNCH:   Opposed?

3                   Motion carries.

4                   And would anybody who's on the telephone who wishes  
5 to identify themselves who otherwise wouldn't be reporting to  
6 the Council, if you choose to, please identify yourself now.

7                   MS. DIAZ:   Jennifer Diaz, Puget Sound Energy, Wild  
8 Horse Wind Facility.

9                   MR. MELBARDIS:   Eric Melbardis, EDP Renewables,  
10 Kittitas Valley Wind Power Project.

11                  MS. MCGAFFEY:   Karen McGaffey, Perkins Coie.

12                  MR. POTTER:   Bronson Potter, Vancouver City  
13 Attorney's Office.

14                  CHAIR LYNCH:   Thank you.   Let's go ahead and proceed.

15                  And you may remember that at our last Council  
16 hearing, that right when we were ready to take updates from  
17 people, the phone system was out.

18                  And so my question for you, Ms. Diaz, is:   What did  
19 you do?

20                  MS. DIAZ:   Well, I can pull up my April update, but  
21 let me start off with my May.   If you wouldn't mind, I'll start  
22 with that.

23                  CHAIR LYNCH:   Oh, no.   Please go ahead and start with  
24 your April.

25                  MS. DIAZ:   With the April?   Okay.   Just a moment.

1 Let me bring it up here. I didn't prepare to bring that.  
2 April.

3 All right. So for the record, my name is Jennifer  
4 Diaz. I'm the environmental manager for Puget Sound Energy at  
5 the Wild Horse Wind and Solar Facility.

6 For April the only nonroutine update I have is a site  
7 inspection was completed following a significant rain-on-snow  
8 event. No stormwater was observed leaving the site, and road  
9 and stormwater BMP maintenance was completed following the  
10 inspection.

11 And in accordance with the Wildlife Incident  
12 Reporting and Handling System, site staff completed annual  
13 training on the proper procedures for reporting all avian and  
14 wildlife incidents found within the project boundary.

15 And that's for April.

16 For May the only nonroutine update I have falls under  
17 the safety heading. Site staff participated in an emergency  
18 response drill with Kittitas Valley Fire and Rescue and Airlift  
19 Northwest. The drill scenario included rescuing a victim from a  
20 wind turbine followed by emergency helicopter transport by  
21 Airlift Northwest.

22 And that's all I have for those two months.

23 CHAIR LYNCH: Very good.

24 Does anyone have any questions for Ms. Diaz?

25 Thank you, Ms. Diaz.

1                   And could we hear from Mr. Melbardis, please,  
2   Kittitas Valley Wind Project?

3                   MR. MELBARDIS:   Yes.   Good afternoon EFSEC Council  
4   Chair and Staff.   There is nothing nonroutine in my report,  
5   although it has been rather windy and our production has been  
6   higher than normal.   And we are also in the process of doing our  
7   spring/summer weed spraying for noxious weed control.

8                   CHAIR LYNCH:   Any questions for Mr. Melbardis?

9                   Thank you, Mr. Melbardis.

10                  MR. MOSS:   Mr. Chairman?

11                  CHAIR LYNCH:   Oh, excuse me.

12                  Mr. Moss?

13                  MR. MOSS:   I just noticed in the record -- so our  
14   records are accurate -- that the date on the Kittitas Valley  
15   report is June 17, 2013.   That should probably be 2014.

16                  CHAIR LYNCH:   Thank you, Mr. Moss.   We will make that  
17   correction that it's -- it is June 17, 2014.

18                  MR. MELBARDIS:   I apologize for the typo.

19                  CHAIR LYNCH:   That's fine.   Thank you, Mr. Melbardis.

20                  If we can hear now from Ms. Khounnala, Columbia  
21   Generating Station, and then WNP 1 and 4?

22                  Ms. Khounnala, are you on the line?

23                  MR. POSNER:   Chair Lynch?

24                  CHAIR LYNCH:   Yes?

25                  MR. POSNER:   She may not be on the line.   We had an



1 issue with our call-in phone number. And we sent out an e-mail  
2 earlier, but she may not have gotten it with the new number, so  
3 she doesn't sound like she's on the line.

4 CHAIR LYNCH: Okay. I thought I heard her earlier,  
5 but I must be mistaken.

6 So let's skip forward to Mr. Miller with the Chehalis  
7 Generation Facility.

8 MR. MILLER: Good afternoon, Chair Lynch and  
9 Councilmembers. My name is Mark Miller, and I am the plant  
10 manager at PacifiCorp Energy Chehalis Generation Facility. I  
11 have no nonroutine comments today.

12 CHAIR LYNCH: And it's Chehalis that is -- it's your  
13 facility that is still looking to complete the mitigation?

14 MR. MILLER: Yes.

15 CHAIR LYNCH: Yes.

16 MR. MILLER: Our environmental policy staff have  
17 scheduled a meeting with the EFSEC Staff next Tuesday; am I  
18 correct there, Mr. Posner?

19 MR. POSNER: That is correct.

20 MR. MILLER: Yeah. So myself and two other  
21 individuals. One's from Salt Lake and one from the Olympia area  
22 will be here to discuss mitigation options --

23 CHAIR LYNCH: Okay.

24 MR. MILLER: -- to try to move this forward as Chair  
25 has desired.

1 CHAIR LYNCH: Okay. Very good.

2 Any questions for Mr. Miller?

3 Thank you, Mr. Miller.

4 MR. MILLER: All right. Thanks.

5 CHAIR LYNCH: Let me hear from Mr. Downen now from  
6 Grays Harbor Energy Center.

7 MR. DOWNEN: Good afternoon, Chair Lynch and  
8 Councilmembers. I got a question for Kali, to start.

9 Did the new sheet get in the packets today?

10 MS. WRASPIR: Yes.

11 MR. DOWNEN: Okay. I updated the sheet this morning,  
12 so I wanted to make sure that you had the same information that  
13 I have.

14 My name is Rich Downen. I'm the plant manager at  
15 Grays Harbor Energy. I've got a few non or off-normal items to  
16 talk about, so I'll just go through those with you. If you have  
17 your sheets, then I'll start with Item 3.2.

18 Grays Harbor was unavailable 14 days during the month  
19 of May as we performed our annual maintenance outage for the  
20 year, so we had things torn apart. We had a lot of contractors  
21 onsite, which takes us up to Item 1.2.

22 One of the contractors injured his hand. It was a  
23 Bay Valve employee. And while they were pulling a valve out of  
24 the plant, they dropped the valve actuator, and it smashed a  
25 finger of one of the contractors. He was driven to the local

1 hospital and got stitches and came back to work. So that was a  
2 contractor employee, not a Grays Harbor Energy employee.

3 Under "Environmental," Item 2.3, we made notification  
4 to EFSEC Staff that we will be performing our annual RATA  
5 testing in August. We also submitted Draft No. 3 of the  
6 engineering report to EFSEC and Department of Ecology for review  
7 and comment.

8 And per the revised schedule of compliance that is  
9 part of that engineering report that's ongoing, we've  
10 implemented some of those pollution prevention measures that we  
11 talked about in meetings past. We altered the circ water and  
12 condensate system chemical injection concentrations.

13 Under 2.5.1, there, the circ water system, it's a  
14 ratio of those two chemicals that are listed. They're just a  
15 blend from Nalco, the chemical provider to the plant. We raised  
16 the ratio of those two chemicals to reduce overall phosphate  
17 discharge, and in the condensate system we've adjusted our  
18 procedure actually for ammonia injection to tighten up the  
19 control so that we have -- reduces the ammonia and the nitrogen  
20 content specifically in the discharge.

21 So those are the changes that we've taken to try to  
22 proactively just reduce things by changing the way we operate  
23 those chemical systems versus mitigation methods which could  
24 come later. But those are the steps that we've taken so far.

25 CHAIR LYNCH: Okay.

1 MR. DOWNEN: That's all the off-normal things, but I  
2 would be happy to answer any questions that you might have.

3 CHAIR LYNCH: Any questions for Mr. Downen?

4 No questions. Thank you, Mr. Downen.

5 MR. DOWNEN: All right. Thank you.

6 CHAIR LYNCH: Now it's time for an update on Tesoro  
7 Savage, that project. And my understanding is that following  
8 the Staff update, Mr. Derr, who represents Tesoro Savage on this  
9 project, would like to address the Council.

10 So, Ms. Bumpus?

11 MS. BUMPUS: Good afternoon, Chair Lynch and  
12 Councilmembers. Thank you. Mr. Posner is going to be providing  
13 an update to you on the land use part of this project update.

14 In my project update to you at last month's Council  
15 meeting, I informed the Council that Staff would be working with  
16 our consultant and the applicant to complete the Phase II SEPA  
17 scoping document. That document was to be provided to the  
18 Council about two weeks before this Council meeting, but based  
19 on information that we have gained through our discussions,  
20 multiple discussions and meetings with the applicant and EFSEC's  
21 consultant, we have reached a point where we believe that a  
22 review would be needed of the documents that the applicant has  
23 completed thus far. We'd want to have our consultant do a  
24 review of the information in those documents completed by the  
25 applicant before we can bring the Phase II document to

1 completion for the Council.

2 I did just want to let you know that we did make  
3 substantial progress on the Phase II document, but we just feel  
4 that it's difficult to bring that document to completion and  
5 identify the methodologies without having a chance to look at  
6 the applicant's information and their documents.

7 And so what -- to change our -- our plan in our  
8 course forward, Staff would like to have that analysis done by  
9 our consultant and then provide that document once it's complete  
10 to the Council along with the draft EIS.

11 CHAIR LYNCH: Thank you, Ms. Bumpus.

12 When talking with Staff earlier, I thought it would  
13 be more efficient for the Council to have a more completed  
14 document than have something that was just partially completed.  
15 And you're trying to review that and then getting another  
16 document later, so the idea is that you'll be getting a much  
17 more complete package and have an opportunity to review that and  
18 make your comments back to Staff at that time rather than having  
19 something that could change and not the best use of your time  
20 reviewing a document that is not as complete.

21 Mr. Posner?

22 MR. POSNER: I would just add concerning that in our  
23 review at the Staff level -- just to reiterate what Sonia has  
24 said and Chair Lynch -- looking at one document, it was  
25 difficult to get a sense of how that's going to translate into,

1 you know, a draft document, draft EIS. And we believe that had  
2 the Council, having both of those draft documents in front of  
3 them, looking at them together would be a more efficient review  
4 process and believe it would save a lot of time.

5 So, essentially, the Council will have an opportunity  
6 to look at both documents alongside each other, so that's all I  
7 really had to say on that.

8 Do Councilmembers have any questions?

9 CHAIR LYNCH: And I believe that there's a -- I'm  
10 sorry. I missed part of what you said.

11 Did you talk about the land use consistency hearing?

12 MR. POSNER: No. I'm sorry. I haven't gone there  
13 yet. I just wanted to add just a comment or two just to kind of  
14 reinforce what Sonia was saying about sort of moving in a  
15 slightly different direction than, you know, what we had talked  
16 about earlier about providing the matrix as a standalone  
17 document to review and that we feel it would be a cleaner  
18 process to have them looking -- the Councilmembers looking at  
19 them together, so...

20 CHAIR LYNCH: And why don't you go ahead and talk  
21 about the land use consistency process.

22 MR. POSNER: Okay.

23 CHAIR LYNCH: And then once you do that, I'll have  
24 Councilmembers ask questions if they have any.

25 MR. POSNER: Okay. So the land use hearing was held

1 on May 28th in Vancouver. I'll just give you a quick update on  
2 some of the numbers.

3 We had 14 speakers who testified. Eight of those  
4 speakers provided exhibits, which are all posted on our website,  
5 and, hopefully, you all have had a chance to look at all of  
6 those. And we haven't done a thorough analysis of the exhibits.  
7 Staff has reviewed them.

8 And just a couple comments, things that we talked  
9 about at the land use hearing, basic information. For the site  
10 to be determined consistent with land use, local land use, it  
11 needs to be consistent with local zoning and/or land use plans.  
12 The site zoning designation for where this project is proposed  
13 to be sited is heavy industrial. You heard that during the land  
14 use hearing. I just thought it would be important to reiterate  
15 that.

16 Based on what we have reviewed at the Staff level, I  
17 would like to recommend that the Council consider scheduling an  
18 executive session to go over the information in detail, and I  
19 propose the date of July 10th.

20 And we have reviewed -- our attorney, Ann Essko, and  
21 I have reviewed the need for an executive session and feel that  
22 it clearly falls under the RCW, Section 42.30.110(i).

23 And so in an earlier e-mail -- an e-mail to  
24 Councilmembers last week, I believe I asked all of you to bring  
25 your calendars with you so we could talk about dates for the

1 executive session, so I would like to just propose the 10th of  
2 July, which is a Thursday.

3 CHAIR LYNCH: Do you want people to say now if  
4 they're unavailable?

5 MR. POSNER: Yes. If you're prepared to commit to  
6 that date, that would be fine. If you want to -- if you need to  
7 think about it, I'm fine waiting, but I wanted to propose that  
8 date.

9 MR. MOSS: Do you have a time in mind?

10 MR. POSNER: 1:30.

11 MR. MOSS: How long would it take?

12 MR. POSNER: I would say about two hours; allow two  
13 hours.

14 MR. MOSS: It would be better for me if it were in  
15 the morning.

16 MR. POSNER: Okay. And we do have flexibility all  
17 day. I just proposed 1:30, since that's our normal time, but we  
18 can work with Councilmembers on that date, whatever time works  
19 best.

20 CHAIR LYNCH: How about we -- Councilmembers, maybe  
21 we can talk to Stephen after the hearing. It might be a better  
22 use of our time right now and -- and then just move forward with  
23 the rest of our hearing today. But see if July 10th will work  
24 for you and if the morning or afternoon is better.

25 MR. POSNER: Okay. That's fine. That works well.



1                   CHAIR LYNCH: And I know that -- and just a short  
2 follow-up.

3                   In Vancouver we were presented with two very  
4 different interpretations of the statute and what the Council's  
5 role was in interpreting that statute. And I remember  
6 Councilmember Stohr having some questions about how has this  
7 been interpreted before and what are our responsibilities, and  
8 we'll be able to go through that as part of the executive  
9 session.

10                  Are there any questions for either Ms. Bumpus or  
11 Mr. Posner on Tesoro?

12                  MS. GREEN-TAYLOR: Chair, I have a question.

13                  CHAIR LYNCH: Ms. Green-Taylor?

14                  MS. GREEN-TAYLOR: Thank you. I just wanted to  
15 clarify.

16                  We will be getting the draft of the Phase II scoping  
17 and the draft EIS at the same time; is that what you said?

18                  MS. BUMPUS: You'll be receiving the -- well, let me  
19 back up.

20                  So, first, we will do the analysis. Cardno ENTRIX  
21 will do the analysis and -- of the documents that the applicant  
22 has prepared thus far. They'll identify methodologies and will  
23 fill that information into the matrix. And we'll also identify  
24 where there are additional studies needed or more information  
25 needed. We'll fill the document in with that information as

1 well.

2 And then once we've completed the document, we'll  
3 provide that, that final version to you along with the draft  
4 EIS. The draft EIS would be a version that Staff is comfortable  
5 with, as far as presenting to the Council for publishing, but,  
6 obviously, you would have the Phase II scoping matrix as a  
7 technical guidance tool for your review of the preliminary or  
8 draft draft EIS.

9 MS. GREEN-TAYLOR: Okay. I was previously under the  
10 impression that the Phase II scoping would be driving the  
11 content of the EIS; is that not correct?

12 MS. BUMPUS: It is what -- what Staff has referred to  
13 as a technical guidance document for the development of the  
14 preliminary draft EIS, and so it -- it is driving that, but  
15 there is likely additional work that will need to be done once  
16 we get the information that the applicant has at this time and  
17 then do a gap analysis of that information.

18 So the document will likely evolve a little bit in  
19 that we will -- we may see that there's other studies or other  
20 analysis that EFSEC wants to do in the draft EIS.

21 CHAIR LYNCH: So what you're saying is Staff  
22 determined it was hard to just look at the matrix by itself --

23 MS. BUMPUS: Exactly.

24 CHAIR LYNCH: -- and determine how that translated  
25 into the draft, proposed draft EIS.

1                   So with both of those together, you'll be able -- the  
2   matrix makes more sense because you can look at that and then  
3   see how that translates into the draft EIS, but this by no means  
4   forecloses the opportunity for Councilmembers to have additional  
5   input into this. It was just more how do we save the members  
6   time and save the Staff time by having a more refined product  
7   for your review.

8                   MS. GREEN-TAYLOR: So the draft EIS that we will be  
9   getting at the same time that we get the matrix is not the draft  
10   EIS that's going to be put out for public comment; is that  
11   correct?

12                  MS. BUMPUS: Well, so I did want to just correct  
13   myself. I kind of used some words interchangeably. I said  
14   "draft draft EIS." "Preliminary draft."

15                  The document that you would be reviewing would be the  
16   draft draft EIS. Sorry for the confusion there, but it's the  
17   draft draft EIS. And then once we're able to publish it, then  
18   you would have your draft EIS.

19                  MS. GREEN-TAYLOR: Okay. So this is still an  
20   iterated process. The draft EIS that we'll be looking at along  
21   with the matrix will not be the draft that's put out for public  
22   comment? That's a subsequent draft?

23                  MS. BUMPUS: It would, I imagine, depend on your  
24   feedback. If there were any issues that the Council had after  
25   looking at the document, we would take those into consideration

1 as far as, you know, publishing the document. I think we would  
2 have comments from you guys.

3 MR. POSNER: Yeah. I would just add that what we  
4 hope to do is -- you know, there's like three phases. There was  
5 a scoping document that the Council approved, and then an  
6 offshoot of that was the matrix, if you will, which will lead to  
7 the preliminary draft EIS.

8 I think it would be helpful when Councilmembers look  
9 at the documents that you have all three documents in front of  
10 you and so you can see how we started with the approval, the  
11 scope, and then you went to the matrix, and now you have the  
12 draft and then you can see how the process unfolded.

13 And my hope is that the document that we submit to  
14 you, we will have gone through it at the Staff level and with  
15 our independent consultant to the point that we can -- that we  
16 at the Staff level can provide the Council assurance that we  
17 believe this is ready to go out to the public, but we want you  
18 to look at it first and see if you agree.

19 So, you know, essentially, we're doing all the  
20 technical Staff level work before you see it because there's  
21 quite a bit of work that needs to be done and we feel that is  
22 really appropriate for the Staff to be doing that work.

23 But, you know, as we agreed earlier in earlier  
24 meetings, for the Council to take a look at the document, the  
25 draft EIS, before it becomes a public document for the public to

1 review, so, hopefully, that helps clarify.

2 MS. GREEN-TAYLOR: Yes, that does. Thank you.

3 CHAIR LYNCH: Any other questions for Staff?

4 MS. MARTINEZ: I have a question.

5 CHAIR LYNCH: Ms. Martinez?

6 MS. MARTINEZ: Mr. Posner, I thought we also agreed  
7 to review the draft methodologies before the draft EIS was  
8 written so that we were going to agree on what would get studied  
9 in the EIS before a lot of time and energy was spent developing  
10 the EIS.

11 So now what I'm hearing is those methodologies are  
12 kind of set in stone, we're going to get a copy of the matrix,  
13 and a preliminary draft EIS that's, for the most part, ready to  
14 be published.

15 And I'm just curious. You know, will there really be  
16 opportunity to influence how things are analyzed and what gets  
17 analyzed at this stage in the game, or are you really thinking  
18 this is pretty much ready to go?

19 MR. POSNER: Well, my response would be that even the  
20 so-called "draft methodologies" -- and these are the  
21 methodologies that we, you know, working with our consultant and  
22 with the applicant, have come to agreement that we believe are  
23 appropriate methodologies, but that that would all -- everything  
24 that we send to you would be essentially opened for your comment  
25 and review.

1           And if you felt that the wrong methodology was used,  
2   we'd certainly want to hear that from you, or if you felt that  
3   something needed to be modified, that, you know, a general data  
4   set or a source of data was incorrect or wrong, then we'd want  
5   to hear from you on that for sure.

6           MS. MARTINEZ:   Okay.   That's all.   Thank you.

7           CHAIR LYNCH:   Mr. Hayes?

8           MR. HAYES:   So I think I share what I perceive to be  
9   Ms. Martinez' and Ms. Green-Taylor's concerns about moving  
10   forward in this way.   It seems to me the Phase II scoping is  
11   only useful as a scoping document, if it actually is part of the  
12   scoping process, in terms of our having an opportunity to form  
13   what goes into the EIS.

14           So it seems a bit unorthodox for me to roll the  
15   scoping into the draft documents, if it is indeed meant as a  
16   scoping, part of the scoping process, but I could be comfortable  
17   with it as long as the understanding is clear that it may be  
18   that once we look at that scoping document -- just to back up.

19           I mean, the reason why we thought the -- at least the  
20   reason I thought that the Phase II scoping was useful was that  
21   we had fairly little detail on the sort of Phase I process where  
22   we sort of identified some larger issues but not a lot of  
23   specificity on how we're going to address those and so -- so  
24   from my standpoint, that's what was useful about the Phase II  
25   sort of phased process.

1           So as long as Staff is comfortable with the idea that  
2     the Council may come -- after reading the Phase II scoping and  
3     the draft document may come back with substantive concerns about  
4     approaches or methodologies, et cetera, that may require going  
5     back to the drawing board, then I'm comfortable with that  
6     process. But I just want to make sure that expectation is  
7     established upfront.

8           MR. POSNER: Right. And I believe it is, and I think  
9     that what we found is that to really know whether the  
10    methodology is correct, I think it will be very helpful to  
11    actually see how that is translated into a narrative in a  
12    document so that I think that it might be more difficult for  
13    Councilmembers to really make that call with just looking at the  
14    matrix.

15           So it was really an attempt to kind of consolidate  
16    but also just make it a more efficient review process for  
17    Councilmembers and -- but, you know, essentially everything is  
18    still on the table when you get it. But our hope is that we're  
19    going to provide you with documents that meet what we think is,  
20    you know, the scope of the -- should be the scope of the EIS so  
21    there won't be a whole lot of, you know, extensive rewrites or  
22    edits or comments. But, certainly, we're open to that if  
23    Councilmembers feel it's necessary.

24           MR. HAYES: Okay. Thank you.

25           CHAIR LYNCH: Any other questions for Mr. Posner or

1 Ms. Bumpus? Thank you.

2 Mr. Derr?

3 MR. DERR: Yeah.

4 CHAIR LYNCH: And just for the record, would you  
5 please identify yourself.

6 MR. DERR: I will, yeah.

7 For the record, I'm Jay Derr, D-e-r-r, with the law  
8 firm of Van Ness Feldman, and we represent Tesoro Savage, the  
9 applicant for this project. And I think I'm largely here  
10 speaking to you to kind of offer similar reassurance and  
11 understanding of the iterative nature of this process.

12 We support, I think Staff's conclusion, that the best  
13 way to move this forward is to get into the drafting of the  
14 draft EIS, get that document in the shape that your Staff and  
15 consultant think covers the ground it needs to cover to then  
16 show you that with the matrix that then explains the  
17 methodologies, the data sets that were used for that, because  
18 then we were otherwise in this discussion of, Well, how about  
19 this data set? How about this methodology?

20 Well, I don't know. What's it going to show?

21 Well, I don't know. We haven't done it because we  
22 don't know if that's the one that they want us to do.

23 And we got -- to confess -- I think got a little  
24 stuck in trying to figure out what's the best way to proceed  
25 with you, so our sense was, is let's get into the draft EIS



1 document.

2 And, again, they've got a huge team both between  
3 EFSEC's consultant and our consultants that think we've covered  
4 the ground on what's available and what needs to happen. But,  
5 again, we'll present to you a document that we think does that,  
6 and then you'll have the opportunity to look at that. And we  
7 understand that if between now and then some things become  
8 available that you say, Hey, we need to look at this as well.

9 That's part of what's recognized, and I think we all  
10 know that there are several other projects -- and now a State  
11 study -- that's also looking at at least two key issues on this  
12 project that are, frankly, some of the more complicated. And  
13 that's the marine vessel -- kind of downriver transportation  
14 impact issues that are not really about the site. They're about  
15 the transport once it gets on the boat -- and the rail  
16 transport, which is kind of up before it gets to the site. And  
17 those are things that other projects are looking at, those are  
18 things the State's looking at, and so we may all learn some  
19 things as those get done that are relevant to this document and  
20 relevant to your decision-making.

21 So I think for that reason as well, recognizing that  
22 we will have drafted something -- and you all may say we need to  
23 take a fresh look at the approach, but that's, frankly, still  
24 going to be a more efficient process, we think, than kind of  
25 waiting and waiting and waiting on a matrix until -- or trying

1 to give you a matrix that doesn't give you enough clarity on how  
2 that works to make that go.

3 The other thing. I'd remind Council about the SEPA  
4 process; that even the publication of the draft document is not  
5 the end of the evaluation of the project nor its impacts; that  
6 there's now a whole public review process. And the public will  
7 weigh in and the public may say that there's different ways of  
8 looking at this or a different methodology that needs to be  
9 considered, and then the job of the final EIS is to address  
10 those comments.

11 So we're not even done with this and what it's all  
12 going to say when we get a draft EIS ready for publication, and  
13 I think from our perspective, the last two public events on the  
14 project -- both your land use consistency hearing and then a  
15 hearing that the City Council had -- sort of really demonstrates  
16 that everybody wants to get on with understanding the facts  
17 about the project. Wants to get on with the environmental  
18 impact statement so that, from our perspective, also drives us  
19 to urge moving forward with that process because when we get  
20 those assessments completed, that information out in the public  
21 forum, then everybody can look at the facts. Everybody can look  
22 at the impacts. Everybody can look at the mitigation and figure  
23 out whether they think it covers the ground that it needs to  
24 cover or not, so for that reason, I think even the public debate  
25 will benefit from getting this document moving forward and out

1     there for public review.

2             I wanted to close, really, with just a comment about  
3     schedule, because I'm sure some of you know, or all of you  
4     suspect, we're not going to hit the one-year -- we're not going  
5     to be finished with the one-year time frame under the statute,  
6     so we get that. And so we need to -- we've started the  
7     discussion with Staff about saying, Okay. We need to talk about  
8     an extension of that time. The statute says we sort of agree on  
9     a date, but we agree it's not going to be August of this year.  
10    We're not sure what the date's going to be.

11            I do think from our perspective, to give you a little  
12    bit of sense of where we think this may be headed, is we have  
13    been working on portions of the draft EIS, especially portions  
14    that were kind of clear to understand how to tackle, and we  
15    expect that a significant chunk of the preliminary draft  
16    document should be available for us to transmit to Staff by the  
17    end of June.

18            There are two sections in particular. And I would  
19    comment on one of the benefits of the scoping matrix in the  
20    discussion is we have come up with some new thoughts and ideas  
21    of how to address both the marine vessel and the rail transport  
22    issues and the risk assessments, and so we're doing some  
23    different new work on that. For that reason, that information  
24    we don't expect to have ready to transmit until probably late  
25    July, and so we're thinking about submitting to Staff some

1 information in late June, the balance of the information late  
2 July.

3 And then, of course, the question mark is if it's  
4 good -- which we think it will be -- then maybe it's a couple  
5 months to be ready for your review. If your Staff thinks it's  
6 got holes in it, then it may be a different time frame to get  
7 that ready for your review. But that, at least, I think, gives  
8 you some sense of when we think we'll have the environmental  
9 analysis done, and if it's as we hope, then we'd be -- we think  
10 we'd be ready by fall for you to look at it, for a draft  
11 document to publish, and then we move into the public vetting  
12 and kind of the -- what is Phase III, or whatever it would be,  
13 of the SEPA review process.

14 So I'm here just to urge you to take Staff's  
15 recommendation to let us bring you both the matrix and a draft  
16 document -- or draft draft, I guess she called it, document  
17 together because I think you'll be able to understand better how  
18 the methodologies and the data work or don't work and analyzing  
19 the impacts, if we do it that way, and I am hopeful that we can  
20 have that for you; have it to your Staff by July and have it for  
21 you by late summer or early fall.

22 And I'm happy to answer questions if you have any.

23 CHAIR LYNCH: Thank you, Mr. Derr. And I just wanted  
24 to just respond briefly about why we're doing the things that  
25 we're doing.

1           First of all, I wanted to say that me and the other  
2 Councilmembers and the Staff certainly share your client's  
3 concern for moving expeditiously through this process, and I  
4 think that's why we're actually doing the things that we're  
5 doing.

6           The decision to have more input from Councilmembers  
7 upfront was my decision. It's a little bit different than what  
8 traditionally happens with SEPA, but each day, each Council  
9 meeting when I sit here and I hear the roll call, I feel like  
10 the manager of one of the teams at the All-Star Game. I just  
11 thought, you know, what a great group of Councilmembers, and it  
12 makes sense to have not only their input, but their input early  
13 in the process. So by getting their input early in the process,  
14 that saves us time for the substantive decisions that are made  
15 later when there's a question of adequacy of the EIS.

16          So rather than wait till the very end and have  
17 Councilmembers question why is it that we're doing something one  
18 way and not looking at other particular avenues, it just seemed  
19 to make sense, to save time in the long run, and to be more  
20 efficient by having their input early.

21          And so even though we're still talking in terms of  
22 scoping, the scoping was actually done at the first meeting when  
23 we said, Let's -- the Staff said, Let's go forward, and the  
24 Council -- with this general approach, and the Council said,  
25 Yes.

And so even though we're talking about refining the scoping, it's -- essentially what we're doing is we're using the flexibility that SEPA gives a lead agency to streamline the process so that we can work to a quicker substantive approval by the organization.

And I was just looking through some of the SEPA WACs today, and one of them says -- and I'm just looking at WAC 197-11-055(2)(a)(ii), which certainly will put people to sleep if they want to dig through that, but that says, "Preliminary steps or decisions are sometimes needed before an action is sufficiently definite to allow meaningful environmental analysis."

And there's some other provisions like that, and I believe that our Council's actions are consistent with the provisions in the WAC. And the need to be thorough, particularly with some aspects of this decision, really bring home when you look at just a 2010 Court of Appeals decision involving the City of Spokane Valley. That was Lanzce G. Douglass, Incorporated v. City of Spokane Valley.

In that case, although it just involved an MDNS, the Court said the proposed development, the impacts from that were not sufficiently discussed in terms of whether in cases of a fire evacuation there was sufficient means for the populus to evaluate and also for emergency vehicles to access the area.

1                   And so that was just a -- you can see somewhat of the  
2 analogies that are presented between that case and here,  
3 although it's not perfect. So the need to be thorough in some  
4 aspects are -- and a lot of the aspects are important because  
5 the last thing anybody wants is a remand back to this Council.

6                   MR. DERR: Agreed.

7                   CHAIR LYNCH: I think we can all agree with that.

8                   Are there any other comments that Councilmembers  
9 would like to make?

10                  Thank you, Mr. Derr.

11                  MR. DERR: All right. Thank you.

12                  CHAIR LYNCH: Do we have anything else in front of  
13 us, Mr. Posner?

14                  MR. POSNER: I don't believe so.

15                  CHAIR LYNCH: Anything else that Councilmembers would  
16 like to bring up today?

17                  Now, Ms. Khounnala, have you joined us yet?

18                  Well, next time we'll hear three months of updates  
19 from you.

20                  Thank you. And with that, we're adjourned.

21                  (Whereupon, the meeting was adjourned at 2:16 p.m.)

22                                 -o0o-

C E R T I F I C A T E

STATE OF WASHINGTON     )  
  ) ss  
COUNTY OF KING         )

I, SHELBY KAY K. FUKUSHIMA, a Certified Shorthand Reporter  
and Notary Public 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.

IN WITNESS WHEREOF, I have hereunto set my hand and seal  
this 30th day of June, 2014.

\_\_\_\_\_  
SHELBY KAY K. FUKUSHIMA, CCR

My commission expires:  
June 29, 2017



# Kittitas Valley Wind Power Project

## Monthly Project Update

June 17, 2013

### Project Status Update

#### **May Production Summary:**

MWh 32,186 MWh  
Wind 8.4 m/s or 18.7 mph  
CF 42.9%

#### **Safety:**

No incidents

#### **Compliance:**

Project is in compliance as of June 11, 2014.

#### **Sound:**

No complaints

#### **Shadow Flicker:**

No complaints

#### **Environmental:**

None



May, 2014

EFSEC Monthly Operational Report

1. Safety:

- 1.1. There were no accidents or injuries to plant staff during the month of May.
- 1.2. One contractor was injured during the maintenance outage. A valve being removed from the plant was dropped by the contractors, and smashed one contractor employee's fingers. He was driven by the contractor to the local hospital where he received stitches and returned to work.

2. Environmental:

- 2.1. Submitted the April Discharge Monitor Report (DMR) for Outfall 001.
- 2.2. Submitted the second quarter DMR for Storm Water to the Energy Facilities Site Evaluation Council (EFSEC).
- 2.3. Notified EFSEC of the stack emissions testing and Relative Accuracy Test Audit (RATA) scheduled for August 2014.
- 2.4. Submitted Draft #3 of the Engineering Report to EFSEC and the Department of Ecology for review and comment.
- 2.5. Per the Revised Schedule of Compliance, we have implemented pollution prevention measures by altering our Circulating Water (CW) System and Condensate (CO) System chemical injection concentrations.
  - 2.5.1. In the CW System the ratio of 3DT195 to 3DT185 has been raised from 7:1 to 10:1 in an effort to reduce overall phosphate discharge.
  - 2.5.2. The CO System ammonia injection has been altered procedurally to provide more consistent control of the ammonia injection during plant transients and evolutions. The intent of this change is to reduce the ammonia and nitrogen in the discharge.

3. Operations & Maintenance:

- 3.1. Grays Harbor operated 1 day during the month of May.
- 3.2. The plant was unavailable for 14 days during the month of May for the performance of our 2014 annual maintenance outage.
- 3.3. The capacity factor (CF) was 1.8% in May, and 10.7% YTD.
- 3.4. The availability factor (AF) was 54.8% in May, and 90.4% YTD.

4. Noise and/or Odor:

- 4.1. There were no complaints received during the month of May.

5. Site Visits:

- 5.1. There were no site visits during the month of May.

6. Other:

- 6.1. None



**Chehalis Generation Facility----Monthly Plant Report to the Washington Energy  
Facility Site Evaluation Council – May 2014**

1813 Bishop Road Chehalis, WA 98532  
Phone (360) 748-1300, FAX (360) 740-1891

12 June 2014

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**Safety:**

- There were no recordable incidents this reporting period and the plant staff has achieved 4211 days without a Lost Time Accident.

**Environment:**

- Waste water monitoring results are in compliance with the permit limits for the month of May 2014.

**Personnel:**

- Authorized plant staffing level is currently 19 with 17 positions filled. The Operations Manager position and a Control Room Operator are open.

**Operations and Maintenance Activities:**

- The Plant generated 187,511 megawatt-hours at a capacity factor of 51.4% for the month of May and the year-to-date capacity factor is 51.4%.

**Regulatory/Compliance:**

- There were no air emissions deviations, waste-water or stormwater deviations or spills during the month of May 2014.

**Other:**

- Sound monitoring: There were no noise complaints to report.
- 

Mark A. Miller  
Manager, Gas Plant  
PacifiCorp-Chehalis Power  
1813 Bishop Road  
Chehalis, WA 98532  
360-827-6462



Below is the monthly operational/compliance update for Wild Horse. Please let me know if you have any questions.

**Wind Production:** May generation totaled 57,966 MWh for an average capacity factor of 28.58%.

**Solar Production:** The Solar Demonstration Project generated 99 MWh in May.

**Safety:** No lost-time accidents or safety incidents to report in May. Site staff participated in an emergency response drill with Kittitas Valley Fire & Rescue and Airlift Northwest. The drill scenario included rescuing a victim from a wind turbine followed by emergency helicopter transport by Airlift NW.

**Compliance/Environmental:** Nothing to report.



**Energy Northwest  
EFSEC Council Meeting  
June 17, 2014  
(Shannon Khounnala)**

**I. Columbia Generating Station Operational Status**

Columbia is currently operating at 100% power, generating 1113 megawatts, and has been online for 357 days. This is a power generation record for continues days online for the station.

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

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

There are no changes from the May 2014 status report. The water rights application for the WNP 1/4 site is proceeding. Energy Northwest continues to work with the Department of Energy and will support any Department of Ecology requests, as needed.