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4 WASHINGTON STATE
5 ENERGY FACILITY SITE EVALUATION COUNCIL
6 Richard Hemstad Building
7 1300 South Evergreen Park Drive Southwest
8 Conference Room 206
9 Olympia, Washington
10 Tuesday, September 16, 2014
11 1:33 p.m.
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15 MONTHLY COUNCIL MEETING
16 Verbatim Transcript of Proceeding
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A P P E A R A N C E S

Councilmembers Present:

Bill Lynch, EFSEC Chair

Liz Green-Taylor, Department of Commerce

Andrew Hayes, Department of Natural Resources

Dennis Moss, Utilities and Transportation Commission

Attorney General's Office:

Brian Faller, Assistant Attorney General

Local Government and Optional State Agency:

Bryan Snodgrass, City of Vancouver (via phone)

Jeff Swanson, Clark County (via phone)

Staff in Attendance:

Stephen Posner

Sonia Bumpus

Jim LaSpina

Kali Wraspir

Joan Aitken

Guests in Attendance:

Shannon Khounnala, Energy Northwest

Brad Barfuss, Energy Northwest

Mark Miller, Chehalis Generation

Rich Downen, Grays Harbor Energy

Vince McGowen, Department of Energy

Bill Moore, Department of Ecology

Guests in Attendance Via Phone:

Haley Edwards, Puget Sound Energy

Jennifer Diaz, Puget Sound Energy

Natalie Currie, EDP Renewables

Tim McMahan, Stoel Rives

Cherie Sonoda, Bonneville Power

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1 OLYMPIA, WASHINGTON, SEPTEMBER 16, 2014

2 1:33 P.M.

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

5
6 CHAIR LYNCH: Good afternoon. Let's go
7 ahead and get started. Today is September 16th, 2014,
8 in the regular council meeting for the Energy Facility
9 Site Evaluation Council.

10 Could we please have the Staff call the role?

11 MS. WRASPIR: Department of Commerce?

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

14 MS. WRASPIR: Department of Ecology?

15 CHAIR LYNCH: Mr. Stephenson is excused.

16 MS. WRASPIR: Department of Fish &
17 Wildlife?

18 CHAIR LYNCH: Mr. Stohr is excused.

19 MS. WRASPIR: Department of Natural
20 Resources?

21 MR. HAYES: Andy Hayes is here.

22 MS. WRASPIR: Utilities and
23 Transportation Commission?

24 MR. MOSS: Dennis Moss.

25 MS. WRASPIR: For local government and

1 state agencies, Department of Transportation?

2 CHAIR LYNCH: Department of
3 Transportation, represented by Ms. Martinez, is
4 excused.

5 MS. WRASPIR: City of Vancouver?

6 MR. SNODGRASS: Bryan Snodgrass on the
7 phone.

8 MS. WRASPIR: Clark County?

9 MR. SWANSON: Jeff Swanson is on the
10 phone.

11 MS. WRASPIR: Port of Vancouver?

12 CHAIR LYNCH: I haven't heard from
13 Mr. Paulson, but I believe he would be here if
14 possible, so unless we hear otherwise, he is excused.

15 MS. WRASPIR: And Chair?

16 CHAIR LYNCH: I am here, thank you.

17 MS. WRASPIR: Chair, there is a quorum.

18 CHAIR LYNCH: Let's go ahead and take a
19 look at the agenda proposed for today and see if there
20 are any proposed changes to that.

21 And hearing none, let's go ahead and move
22 forward.

23 Before we take up the minutes, I will have --
24 I will give a chance for those people who might be
25 listening in on the phone to identify themselves for

1 the record. You are not required to identify
2 yourself, but I am offering that opportunity at this
3 time.

4 So does anybody listening in by phone care to
5 identify themselves, who already has not identified
6 themselves?

7 MS. EDWARDS: This Haley Edwards with
8 Puget Sound Energy.

9 MS. DIAZ: Jennifer Diaz --

10 UNIDENTIFIED SPEAKER: -- with Perkins
11 Coie.

12 MS. DIAZ: -- with Puget Sound Energy.

13 (Simultaneous talking.)

14 MS. CURRIE: Natalie Currie with EDP
15 Renewables.

16 CHAIR LYNCH: Okay.

17 MS. ONATA: Cherie Sonoda with
18 Bonneville Power.

19 CHAIR LYNCH: And is there anybody else
20 who would like to identify themselves for the record?

21 MR. McMAHAN: Tim McMahan with
22 Stoel Rives.

23 CHAIR LYNCH: Very good. So let's go
24 ahead and look at the meeting minutes for the
25 August 19th, 2014 meeting. Are there any additions or

1 corrections to the minutes?

2 I would entertain a motion for adoption of the
3 August 19th, 2014 minutes.

4 MR. MOSS: I'll move motion -- I'll move
5 the minutes, what was it, August 19th.

6 CHAIR LYNCH: Do I have a second?

7 MR. HAYES: Second.

8 CHAIR LYNCH: It's been moved and
9 seconded that the Council approve the August 19, 2014
10 minutes as submitted. All those in favor say aye.

11 MULTIPLE SPEAKERS: Aye.

12 CHAIR LYNCH: Opposed?

13 Motion carries.

14 So let's go ahead and turn to the updates from
15 our facilities. We will start first with Kittitas
16 Valley Wind Project. Mr. Melbardis.

17 MS. CURRIE: Actually, this is Natalie
18 Currie. I am stepping in for Eric today.

19 Good afternoon, everyone. We have nothing
20 nonroutine to report for the month of August.

21 CHAIR LYNCH: I'm sorry, could you say
22 that one more time, please? I didn't catch what you
23 said.

24 MS. CURRIE: This is Natalie Currie. I
25 am stepping in for Eric today, for EDP Renewables, for

1 the Kittitas Valley Wind Power project. We have
2 nothing nonroutine to report for the month of August.

3 CHAIR LYNCH: Okay, thank you.

4 Ms. Currie, how do you spell your last name?

5 MS. CURRIE: It's C-U-R-R-I-E.

6 CHAIR LYNCH: Thank you.

7 MS. CURRIE: Thank you so much.

8 CHAIR LYNCH: Does anyone have any
9 questions for Ms. Currie?

10 So let's go ahead and turn to the Chehalis
11 Generation Facility. We have Mr. Miller back with us.
12 We are glad to see you again.

13 MR. MILLER: Thank you.

14 Good afternoon, Chair Lynch and
15 Councilmembers. My name is Mark Miller. I am the
16 plant manager at the PacifiCorp Energy Chehalis
17 Generation Facility. We have no nonroutine comments
18 to make this month.

19 Are there any questions?

20 CHAIR LYNCH: I have one, Mr. Miller. I
21 just wanted to see where you are in terms of
22 finalizing the mitigation proposal.

23 MR. MILLER: So we continue to assemble
24 the quotes for the energy efficiency projects at the
25 plant. We fully intend -- and the engineering that

1 goes along with the vendors, for variable speed motor
2 drives, VFDs, and lighting consultants. When we have
3 the full package together, I will set a meeting with
4 Staff and come up and go over the package. I intend
5 to do that within the next six weeks or so.

6 CHAIR LYNCH: Okay, very good.

7 MR. MILLER: I can assure you that, as
8 your desires have been put forth, all of the monies
9 remaining will be committed prior to the end of the
10 year. Some of the projects may overlap into next
11 year, much like the tons of CO2 that are being
12 produced over a ten-year period, but we will have
13 fulfilled the commitment.

14 CHAIR LYNCH: Good. We are pleased that
15 this is moving forward.

16 Does anyone have any questions for Mr. Miller?

17 Thank you, Mr. Miller.

18 MR. MILLER: Thank you. Have a good
19 day.

20 CHAIR LYNCH: Mr. Downen, we missed you
21 as well last time.

22 MR. DOWNEN: Thank you, Chair Lynch,
23 Council. I am Rich Downen. I am the plant manager at
24 Grays Harbor Energy. I was on vacation. I would like
25 to say that I missed you guys too, but...

1 CHAIR LYNCH: Mr. Valensky did a very
2 capable job in your absence.

3 MR. DOWNEN: He is very capable.

4 The monthly report for Grays Harbor Energy for
5 the month of August, I will only cover the nonroutine
6 things. First, one correction on site visits. There
7 was a visitor. During our RATA test, which I will
8 talk about in a second, the ORCAA representative was
9 on site. That was the week that I was on vacation.
10 He did visit us.

11 The other nonroutine things is we met with
12 EFSEC staff, just starting to have a conversation
13 about a continuous noise monitoring system. And then
14 the next item is that we did perform our annual
15 Relative Accuracy Test Audit, which is the RATA test,
16 on both combustion turbines, and on the Continuous
17 Emissions Monitoring System, the CEMS system. All the
18 preliminary data indicates that those tests were
19 successful. We are waiting for a final report from
20 the vendor that did that.

21 That's all I have to report.

22 CHAIR LYNCH: Very good. Any questions
23 for Mr. Downen?

24 Thank you, Mr. Downen.

25 And I think I heard Ms. Diaz on the phone for

1 Puget Sound Energy and the Wild Horse Wind Project.

2 Are you there, Ms. Diaz?

3 MS. DIAZ: I sure am. Good afternoon,
4 Chair Lynch and Councilmembers. I am Jennifer Diaz,
5 the environmental manager for Puget Sound Energy at
6 the Wild Horse Wind and Solar Facility.

7 I only have two nonroutine updates for the
8 month of August. Both fall under compliance and
9 environmental heading.

10 The first is repairs to raptor perch
11 discouragers on two transmission line structures were
12 completed. The second is, in accordance with the
13 Stormwater Pollution Prevention Plan, road culverts
14 were inspected for signs of corrosion, sediment
15 build-up and effectiveness, and cleaned/repaired, as
16 needed.

17 That's all I have.

18 CHAIR LYNCH: And I have a question for
19 you. The TAC has taken up the issue of those two
20 golden eagles that were killed previously.

21 MS. DIAZ: The TAC, we had a meeting
22 back in, I believe it was July, where we informed the
23 TAC of the incident. We are currently in the process
24 of developing an eagle conservation plan, in
25 consultation with U.S. Fish & Wildlife Service.

1 CHAIR LYNCH: That's what we had a
2 report on at our last council meeting. I was just
3 wondering if the TAC was essentially just waiting for
4 that effort to conclude?

5 MS. DIAZ: Yes. We are still in the
6 process.

7 CHAIR LYNCH: Okay, very good.
8 Any questions for Ms. Diaz?

9 Very good. Thank you, Ms. Diaz.

10 MS. DIAZ: Thank you.

11 CHAIR LYNCH: And now if we could have
12 an update on the Tesoro/Savage Vancouver Energy
13 Distribution Terminal by our Staff, Ms. Bumpus.

14 MS. ~~MR.~~ BUMPUS: Good afternoon, Chair Lynch
15 and Councilmembers. Thank you. I just have one
16 update for a couple of things for the application for
17 site certification review, the SEPA environmental
18 review and permits.

19 For the application for site certification
20 review, Cardno ENTRIX, EFSEC's independent consultant,
21 provided their comments, their technical review
22 comments of the ASC, the February 2014 supplemental
23 ASC. Those comments were provided to the applicant,
24 and EFSEC is continuing to work with other assisting
25 state agencies in review of the document.

1 For the SEPA environmental review, since the
2 August council meeting update, the applicant submitted
3 the remaining chapter materials for the preliminary
4 draft EIS. Cardno ENTRIX is currently reviewing and
5 performing a gap analysis of those materials and EFSEC
6 staff will continue to provide updates on that review
7 as it progresses.

8 For the stormwater NPDES construction and
9 industrial permits, a letter was provided to the
10 applicant on August 1st, with comments on those
11 applications. EFSEC is coordinating with the
12 applicant to prepare responses and respond to those
13 review comments right now.

14 For the air permit, EFSEC received a revised
15 notice of construction on August 11th, and we are
16 working with the Department of Ecology Air Quality
17 Program to perform a review of that application, so
18 there will be more updates to come on that.

19 That concludes my update.

20 CHAIR LYNCH: Very good. I am pleased
21 that Staff has received all of the information from
22 the applicants, consultants, and that will hasten the
23 review by our own consultant and staff.

24 I just wanted to let the Councilmembers and
25 the public know that, because this EIS will be issued

1 by EFSEC, we are the ones that are the issuing entity,
2 I have discussed with our staff the need for our
3 consultant, Cardno ENTRIX, to take a deliberate and
4 thorough review of the material furnished by the
5 applicant's consultant, and our consultant will be
6 working under the direction of our Staff.

7 I anticipate that this review, although it
8 will be thorough and deliberative, it still at the
9 same time can be efficiently conducted, but when time
10 is needed to review something, I think it is important
11 that we take the time that is needed to review a
12 particular matter. So I -- I am appreciative that we
13 have the information available and everybody is
14 working with -- as expeditiously as required under the
15 circumstances.

16 Any questions for Ms. Bumpus?

17 Thank you.

18 MS. ~~MR.~~ BUMPUS: Thank you.

19 CHAIR LYNCH: And at this time we will
20 here from Ms. Khounnala from Energy Northwest, for WNP
21 1 and 4.

22 MS. KHOUNNALA: Yes, Chair Lynch, thank
23 you, and members of Council. For the record, my name
24 is Shannon Khounnala from Energy Northwest. We will
25 start today with the update for WNP 1 and 4.

1 As you see in your packet, our water rights
2 application is advancing as expected. As part of the
3 application process, the Department of Ecology
4 performs a site visit. That site visit was conducted
5 at the beginning of September, on September 3rd. Both
6 the Department of Energy and the Department of Ecology
7 came to WNP 1 and 4, toured the facilities and heard
8 our preliminary proposal for water distribution at the
9 site, and then toured all of those facilities as well.

10 They were very pleased with what they saw, in
11 terms of infrastructure and the site itself, and did
12 not leave with any questions or comments. Provided
13 any schedule changes, the Department of Ecology plans
14 to issue a water rights permit sometime around the end
15 of October. Without any changes, that's what we can
16 expect.

17 CHAIR LYNCH: Any questions for
18 Ms. Khounnala regarding WNP 1 and 4?

19 Thank you.

20 Do you want to introduce who is with you at
21 the microphone?

22 MS. KHOUNNALA: Absolutely. This is
23 Mr. Brad Barfuss.

24 CHAIR LYNCH: Welcome.

25 MR. BARFUSS: Thank you.

1 MS. KHOUNNALA: Yes.

2 CHAIR LYNCH: And were you anticipating
3 talking about the -- just the operational -- the WNP
4 permit issuance or...

5 Okay. I think what we will do first is the
6 operational update for the Columbia Generating
7 Station.

8 MS. KHOUNNALA: Correct.

9 CHAIR LYNCH: Please, go ahead.

10 MS. KHOUNNALA: So in terms of Columbia
11 Generating Station, there are no other nonroutine
12 items to report, any other safety instances or
13 regulatory issues to report for this council meeting.

14 CHAIR LYNCH: Thank you.

15 MS. KHOUNNALA: Thank you.

16 CHAIR LYNCH: Any questions about the
17 operational update for the Columbia Generating
18 Station?

19 Mr. Barfuss, I think what I am going to do
20 first is, as we turn to the final NPDES permit
21 issuance, is get an update first from Mr. LaSpina, our
22 staff, and then we will turn to you, and then we can
23 hear from others.

24 MR. BARFUSS: Thank you.

25 CHAIR LYNCH: Thank you.

1 Mr. LaSpina.

2 MR. LaSPINA: Thank you, Chair Lynch.

3 The plan this afternoon is to -- I will give a
4 very short update of the permit milestones, and then
5 Mr. Vince McGowen, who is the ecology permit writer,
6 will give some more information on the permit update.
7 After that, Energy Northwest will offer remarks and
8 the Council can ask questions at any time.

9 CHAIR LYNCH: Very good. So please go
10 ahead and start.

11 MR. LASPINA: Well, the current permit,
12 EFSEC issued the current permit in May of 2006. The
13 permit was administratively extended in 2011. The
14 draft permit underwent public notice from February 3rd
15 to April 18th of this year. The public comment period
16 was extended at the request of several commenters.

17 I would like to introduce Mr. McGowen.

18 CHAIR LYNCH: Mr. McGowen, the
19 Department of Ecology, please introduce yourself and
20 say what role you have had with this permit.

21 MR. MCGOWEN: Good afternoon, Chair and
22 Council. My name is Vince McGowen, I'm with the
23 Department of Ecology, and I was the permit writer for
24 the NPDES permit for the Columbia Generating Station.
25 What I would like to do is just give a brief summary

1 of the highlights of that permit.

2 Jim mentioned the public comment period
3 earlier this year. I also wanted to mention there
4 were past studies that informed this permit. There
5 was a mixing study, some groundwater studies and also
6 a major infrastructure update, main steam condenser
7 replacement, which influenced the permit.

8 So after the -- during the public comment
9 period, we received comments from ten entities. The
10 major topics included the cooling water intake
11 structure, and how the water quality standards were
12 addressed in the permit. The final proposed permit
13 has responses to comments received, and also the major
14 change in response to comments was the addition of
15 Condition S12 of the permit, with cooling water intake
16 structure requirements. The final permit also had the
17 addition of whole effluent toxicity testing. This was
18 a result of some sample results that came in during
19 the comment period.

20 So the major updates to the permit were
21 reporting requirements. The new permit will have the
22 facility reporting into Ecology's PARIS database
23 system, which will also fulfill the requirements for
24 reporting the information to EPA, and make them
25 more -- make the information more publicly available.

1 Groundwater requirements, I am sure you
2 probably heard earlier about the evaporative lagoon.
3 It's either under construction or probably complete.
4 That essentially removes the groundwater discharges
5 from the facility. There were also updates to the
6 permit limits, so the levels for copper, temperature,
7 chromium and zinc were all updated in this permit. I
8 mentioned also the whole effluent toxicity.

9 And then of course the cooling water intake
10 structure requirements. Those were -- that was the
11 major change from the draft permit.

12 There are some new requirements. Those
13 requirements were -- they are based on best
14 professional judgment. There was a new rule that's
15 applicable -- or will be applicable to the facility in
16 the future. The requirements were also informed by
17 that rule that -- to prepare the facility for
18 compliance with that rule when it is effective.

19 The requirements in general include operations
20 and maintenance requirements for the intake
21 structures, some reporting requirements, and then also
22 an entrainment study, to study the impact of --
23 entrainment is the aquatic life that may get through
24 the screens on the intakes into the facility, with the
25 potential for an engineering study as well.

1 With that, I think I would just leave it open
2 for questions or comments from the facility.

3 CHAIR LYNCH: Before we turn to comments
4 from the facility, Mr. McGowen, would you say this is
5 one of the most vigorously reviewed permits that you
6 are aware of?

7 MR. MCGOWEN: Yes, certainly in my
8 experience, it has had quite a bit of review and
9 input. Ecology started working on this permit in the
10 fall of 2012. Early issues were around groundwater.
11 We resolved a lot of those with a lot of coordination
12 with numerous agencies. And then over the past year,
13 the cooling water intake structure has involved a lot
14 of coordination with federal agencies, with EFSEC
15 staff, folks at the AG's office, other folks within
16 Ecology. It certainly has been under a lot of
17 scrutiny. A lot of detailed analysis informs this
18 permit, and I feel like it's a good permit.

19 CHAIR LYNCH: You are confident that
20 the -- both -- that this permit meets both any
21 scientific requirements and any legal requirements
22 that would be out there?

23 MR. MCGOWEN: Yes, the permit is written
24 to meet all the federal and state requirements,
25 particularly with the cooling water intake structure

1 requirements I mentioned. Those were based on best
2 professional judgment. Certainly the science played a
3 bigger role in those, in forming the exact nature of
4 those requirements. We considered both the current
5 regulatory requirements, the scientific information
6 that we had on the cooling water intake structures,
7 the research that's out there in general on intake
8 structures, and then also the future rule, preparing
9 the facility for compliance with that.

10 CHAIR LYNCH: Thank you.

11 Any other questions for this witness?

12 Mr. Barfuss.

13 MR. BARFUSS: Chair Lynch, Council and
14 members of EFSEC staff, my name is Brad Barfuss. As
15 the NPDES program owner, Energy Northwest, I would
16 like to take the opportunity to provide a statement of
17 support for the Columbia Generating Station NPDES
18 permit that's up for vote today before the Council.

19 As you are aware, Energy Northwest submitted
20 an application for renewal of the NPDES permit in
21 November 2010, and a supplemental application in
22 December 2013, and various reviews of the draft permit
23 since the original application. We have reviewed the
24 final proposed permit and fact sheet for accuracy and
25 completeness and provided input to EFSEC staff.

1 Energy Northwest supports EFSEC Council action
2 to approve the final proposed permit for Columbia
3 Generating Station. We are aware and appreciate the
4 concern expressed by various federal agencies related
5 to the Columbia Generating Station intake structure.
6 We concur with the final draft of the NPDES permit
7 that directs Energy Northwest to conduct a scientific
8 study to determine the effectiveness of our intake
9 structures against entraining fish.

10 We intend to work with capable and respected
11 scientific experts in the field and with agencies on
12 the design and review of our study and the results.
13 We believe transparent and collaborative effort will
14 aid in future discussions related to the intake
15 structure. We appreciate the exceptional support of
16 EFSEC and Ecology staff in preparing the permit and
17 look forward to implementing the new conditions
18 following EFSEC's vote today.

19 Thank you.

20 CHAIR LYNCH: Thank you.

21 Any Council questions for Mr. Barfuss?

22 Mr. McGowen, why don't you hang tough there in
23 case we have some questions for you during our Council
24 discussion.

25 So at this point in time, I would like for the

1 Council to discuss the current permit that's before
2 us. I think it has been, as Mr. McGowen has
3 indicated, one of the most heavily reviewed permits,
4 that I am aware of anyway, that has gone through
5 Ecology.

6 Mr. Stohr is not here, who represents the
7 Department of Fish & Wildlife, but I believe our staff
8 has talked to Mr. Stohr about his views about going
9 forward with this permit.

10 Mr. Posner; is that correct?

11 MR. POSNER: Yes, that is correct, Chair
12 Lynch. I spoke with Joe Stohr last week, and we
13 discussed the permit. He -- his comment was that he
14 supported issuing this permit. I have also spoken to
15 Cullen Stephenson, the Ecology representative, and he
16 also supported issuing the permit.

17 CHAIR LYNCH: Thank you, Mr. Posner.

18 I would recommend that we move forward today
19 with approval of this permit. One of the things that
20 really helped influence my decision is the information
21 provided by Dr. Coutant, regarding the likelihood of
22 fish being entrained or impinged through the current
23 intake structure. That seems very unlikely. In fact,
24 there has been no evidence of that ever happening,
25 even though that intake structure has been in place

1 for a number of years.

2 In fact, I was reading some of the reports
3 provided to us this morning. One of the points made
4 by the Department of Fish and Wildlife, they were
5 primarily concerned about the potential of upriver
6 bright fall Chinook salmon being potentially entrained
7 or impinged. As they recognized, those are not a
8 federally-protected species.

9 I think it's very, very unlikely that any fish
10 will be entrained or impinged, and the likelihood of
11 endangered or threatened fish being entrained or
12 impinged are even less likely under the current
13 structure. But just to add a degree of safety, we --
14 the applicant has agreed to conduct the studies and
15 come back and report to the Council, to see if in fact
16 there has been any entrainment or impingement. Not
17 only are they going to be working with our Staff, but
18 they will be working with National Marine Fishery
19 Service and the Department of Fish and Wildlife, in
20 preparation of those -- of how those -- and the design
21 of those particular studies.

22 I feel very confident that this particular
23 permit is a strong improvement over the past permits,
24 and the concerns raised by some groups out there just
25 don't seem to -- in my mind, to be justified in terms

1 of either the law or the science. I feel very
2 confident about us moving forward on this.

3 I would like to take the thoughts of the other
4 Councilmembers at this time.

5 Mr. Hayes.

6 MR. HAYES: Thank you, Chair.

7 I would just like to thank Staff and
8 Mr. McGowen for your hard work on this permit. I can
9 tell this is a complicated permit, there was a lot of
10 technical information. I appreciate both the work you
11 have done, and I think very clear documentation of the
12 process and some of the discussion around some of the
13 issues that were brought up by external parties and
14 folks who have been involved with this.

15 Based on what I have read, I feel satisfied
16 with the way in which the comments have been
17 addressed, and I am ready to support this permit.

18 CHAIR LYNCH: Thank you, Mr. Hayes.

19 Mr. Moss.

20 MR. MOSS: I would just briefly echo
21 Mr. Hayes' comments. I too have looked at this
22 documentation, read a fair amount of it, and found it
23 very thorough, well written. It was something that
24 provides a high level of comfort and satisfaction in
25 the work that EFSEC is doing in cooperation with

1 Ecology and with the applicant to produce a permit
2 that I think is -- I don't know if it's an appropriate
3 way to phrase it or not, but state of the art. It's
4 really a nice piece of work. I would be prepared to
5 support a motion for its approval.

6 CHAIR LYNCH: Thank you, Mr. Moss.

7 Ms. Green-Taylor.

8 MS. GREEN-TAYLOR: I agree, Chair.

9 Thank you. In particular I appreciate the care with
10 which the permit developers have responded to each of
11 the comments with good information and technical
12 documentation. While it appears to me, from a
13 layman's point of view, that it is -- it seems
14 extremely unlikely that given the depth and the speed
15 of the current in the Columbia River, that fish would
16 be caught in the intake structure. I appreciate that
17 there is a willingness to do a really thorough study
18 of that, and I am looking forward to hearing what the
19 results of that are.

20 I am also in favor of going forward with the
21 permit.

22 CHAIR LYNCH: Thank you very much.

23 When I say you have the vote, you shouldn't
24 talk, but I'm going to just talk a little bit longer,
25 and that's just to recognize that the -- I just want

1 to get on the record that this intake structure is in
2 the middle of the bottom of the river. Concerns about
3 emerging fish or fish eggs, I think people just need
4 to recognize that the water column itself is an
5 important factor to be considered when looking at the
6 potential to impinge or entrain fish.

7 Redds are not built by fish in the middle of
8 the bottom of a river, they are built on the sides of
9 the river. Emergent fish tend to stay along the
10 shoreline because the fish are smaller and they don't
11 want to be carried out into the bigger current, and
12 also that's where the predators are. They stay along
13 the shoreline, they are more likely to find refuge,
14 and they are also likely to find food.

15 So the potential for -- I guess when I'm
16 thinking about it, if you have an egg or a fish that
17 would -- somehow would be bumping along the middle of
18 the bottom of the Columbia River and then have the
19 ability to dive into one of these openings, this is a
20 fish that's probably not going to survive anyway.
21 It's hard for me to imagine that scenario happening.

22 I just wanted to get on the record the concept
23 of, it's not just only what segment of the river the
24 intake structure is located, it's also, you have to
25 consider where in the water column that this intake

1 structure is. Given all of that information, I feel
2 very confident that this permit can move forward.

3 So at this point in time, I would entertain a
4 motion for the -- oh, before I call for the vote, I
5 think it's important to recognize all the hard work of
6 all the people who worked on this particular permit.
7 Not only our Staff, Ecology Staff, Fish and Wildlife
8 Staff, the AG's office. Not only did we have our own
9 AGs, Mr. Faller and Ms. Essko, working on this, but
10 Mr. North, Ms. Barney have also provided a great deal
11 of work on this particular permit. That good work
12 should be recognized.

13 At this point in time I will entertain a
14 motion for passage of this permit.

15 MR. MOSS: Chair Lynch, I would move
16 that the Council approve the NPDES Permit No.
17 WA-002515-1 for Columbia Generating Station in its
18 current form, after its two years of careful
19 development.

20 CHAIR LYNCH: Mr. Moss has moved for
21 Council passage of this permit. Do I have a second?

22 MR. HAYES: Chair, I will second that
23 motion.

24 CHAIR LYNCH: Mr. Hayes has seconded the
25 motion. All in favor say aye.

1 MULTIPLE SPEAKERS: Aye.

2 Opposed?

3 Motion carries.

4 Very good. You should come over more often,
5 Ms. Khounnala.

6 MS. KHOUNNALA: I think I will.

7 CHAIR LYNCH: See what happens when you
8 come over?

9 MR. LaSPINA: Chair Lynch?

10 CHAIR LYNCH: Yes.

11 MR. LaSPINA: I would also recommend
12 that you recognize the enormous efforts of Bill Moore
13 in this development process. He was immensely helpful
14 in the numerous meetings we had with EPA and NMFS.
15 Bill Moore of Ecology.

16 CHAIR LYNCH: And we are not just saying
17 this because you are here, Mr. Moore.

18 Bill Moore is a true state treasure. You have
19 done great work for all of us in developing permits
20 that are both workable and enforceable and good for
21 the citizens of the state. Thank you.

22 And do we have any further business in front
23 of the Council today?

24 With that we are adjourned. Thank you.

25 (Meeting adjourned 2:10 p.m.)

C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KING

I, Sherrilyn Smith, 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.

SHERRILYN SMITH

Kittitas Valley Wind Power Project

Monthly Project Update

September 11, 2014

Project Status Update

August Production Summary:

MWh 32,599 MWh
Wind 8.3 m/s or 19 mph
CF 43.5%

Safety:

No incidents

Compliance:

Project is in compliance as of September 11, 2014.

Sound:

No complaints

Shadow Flicker:

No complaints

Environmental:

Nothing to report..

August, 2014

EFSEC Monthly Operational Report

1. Safety and Training:

- 1.1. There were no accidents or injuries to plant staff during the month of August.
- 1.2. Conducted monthly safety training.
- 1.3. Conducted monthly safety committee meeting.

2. Environmental:

- 2.1. Submitted the Discharge Monitor Report (DMR) for July 2014.
- 2.2. Met with EFSEC Staff regarding installation of a continuous noise monitoring system.
- 2.3. Performed annual Relative Accuracy Test Audit (RATA) and stack testing on both combustion turbines and the Continuous Emissions Monitor System (CEMS).

3. Operations & Maintenance:

- 3.1. Grays Harbor operated 28 days, generating 354,325 MWh during the month of August.
- 3.2. The capacity factor (CF) was 76.8% in August, and 22.1% YTD.
- 3.3. The availability factor (AF) was 98.2% in August, and 92.8% YTD.

4. Noise and/or Odor:

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

5. Site Visits:

- 5.1. There were no site visitors during the month of August.

6. Other:

- 6.1. Grays Harbor is fully staffed with 22 employees.

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

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

16 September 2014

Safety:

- There were no recordable incidents this reporting period and the plant staff has achieved 4303 days without a Lost Time Accident.

Environment:

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

Personnel:

- Authorized plant staffing level is currently 19 with 18 positions filled. We have one Control Room Operator position open.

Operations and Maintenance Activities:

- The Plant generated 246,374 megawatt-hours at a capacity factor of 69.7% for the month of August and the year-to-date capacity factor is 53.4%.

Regulatory/Compliance:

- There were no air emissions deviations, waste-water or stormwater deviations or spills during the month of August 2014.
 - Sound monitoring: There were no noise complaints to report.
-

Carbon Offset:

- Engineering design review and request for quotes continuing to put a package together for EFSEC staff to review.

Respectfully,

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. Attached are the **FINAL** minutes from the TAC meeting on July 17th. Thank you.

Wind Production: August generation totaled 43,359 MWh for an average capacity factor of 21.38%.

Solar Production: The Solar Demonstration Project generated 41 MWh in August.

Safety: No lost-time accidents or safety incidents to report in August.

Compliance/Environmental:

Repairs to raptor perch discouragers on two transmission line structures were completed.

In accordance with the Stormwater Pollution Prevention Plan (SWPPP), road culverts were inspected for signs of corrosion, sediment build-up, and effectiveness and cleaned/repared, as needed.

Wild Horse Wind Power Project
Technical Advisory Committee
Meeting Minutes
July 17, 2014, 10:00am

Attendance:

Jennifer Diaz*	PSE	Robert Kruse*	FWWP
Mel Walters	PSE	Eve Kruse	FWWP
Haley Edwards	PSE	Jim LaSpina	EFSEC
Melissa Woodworth	PSE	Janet Nelson*	Kittitas Audubon
Scott Heller	PSE	Brent Renfrow*	WDFW
Bill Essman*	KCF&SC	Justin Allegro	WDFW
Sherry Luke*	Luke Consulting	Chad Unland*	DNR
Marc Eylar*	KC Noxious Weeds	Stephen Lewis	USFWS

Regrets: Joe Meuchel*(Kittitas Audubon), Tip Hudson*(WSU Extension), Gregg Kurz*(USFWS), and Mike Ritter (WDFW)

*Denotes a voting member of the TAC.

1) Welcome and Introductions

- TAC members and guests introduced themselves and the organization they represent.
- A quorum of voting TAC members was present.

2) Golden Eagle Incident: Haley Edwards, PSE

- During wind turbine maintenance on June 18, Vestas technicians discovered the remains of a raptor near wind turbine F2 and reported the find to Jennifer Diaz.
- In accordance with the Wildlife Incident Reporting and Handling System, Jennifer responded immediately to the location where she collected data, took photos, and retrieved the raptor. Jennifer then contacted Haley Edwards and Mel Walters.
- On June 19th Haley and Mel confirmed that the bird was a juvenile golden eagle. While conducting a site visit at the location of the incident, a second juvenile golden eagle was discovered approximately 50 yards from where the first juvenile golden eagle was found. It appeared that the two incidents occurred at the same time. Additional data was collected and photos were taken.
- As part of PSE's notification process PSE immediately notified USFWS Office of Law Enforcement, Special Agent Corky Roberts. In accordance with the Wild Horse Site Certification Agreement, PSE also notified Mike Ritter and Justin Allegro WDFW Energy Policy Lead, Renewable Energy Section Manager, and Jim LaSpina (EFSEC). PSE also submitted data regarding this incident to the Regional Migratory Bird Permit Office within 48 hours of discovery in accordance with the Special Purpose Utility Permit.
- On June 23rd, PSE met with USFWS Special Agent Corky Roberts to discuss the incident, conduct a site visit at F2, and transferred the eagles. PSE provided Agent Roberts with the Baseline Wildlife Report for Wild Horse, which includes pre-construction raptor nest surveys, as well as post-construction monitoring reports. USFWS Law Enforcement is currently reviewing pre-construction survey protocol and results, raptor nest survey results, post construction monitoring protocol and results, and prior consultation as part of their investigation of this case.
- According to pre-construction raptor nest surveys and diurnal fixed-point avian use surveys, WEST determined that overall risk to golden eagles at this site is low, and predicted that a few individuals would collide with the turbines during the life of the project (Wild Horse Baseline Study Report 2003).
 - No active golden eagle nests were identified within the project area or one-mile buffer during baseline surveys. There are no known golden eagle nests within 2 miles of the project.
 - The nearby Quilomene nest was confirmed by WDFW to be inactive in the 2014 nesting season.
 - No golden eagles were observed in flight near the F turbine string during pre-construction fixed-point surveys.
- Post-construction monitoring background information:
 - F2 was included in a monitoring plot with F3 during 2007 monitoring.
 - No other birds have been identified at F2 incidentally or during post-construction monitoring.

- Other birds found near F-string turbines included small birds at F3 and F4.
- This incident is under the jurisdiction of the US Fish and Wildlife Service Office of Law Enforcement, the agency responsible for enforcing federal wildlife laws, and is being addressed under the Bald and Golden Eagle Protection Act.
- PSE met with Special Agent Corky Roberts in February 2014, to discuss PSE's Avian Protection Plan, its overall avian program, and discussed developing an Eagle Conservation Plan.
- PSE intends to work cooperatively with USFWS and biologists from WDFW to resolve this incident, and to develop an Eagle Conservation Plan in consultation with USFWS. The DOJ and U.S. Attorney are requesting a meeting with PSE's attorneys to discuss options for resolving this case in order to move forward with the ECP.
- PSE will continue to inform the TAC as this case proceeds with USFWS and we learn more. This incident is consistent with predicted take based on pre-construction raptor nest and avian use surveys, and turbine F2 has had no previous recorded mortalities, and does not require any action from the TAC at this time.
- The location of the incident is near a deep canyon. There was no obvious attractant for the eagles in this area, although snakes have been observed at F2. PSE has a program for removing dead wildlife carcasses from the site so they don't attract large raptors. The eagles may have been displaying courtship behavior and not paying attention to where they were going. This is the first incident with eagles at Wild Horse.
- Justin Allegro (WDFW) asked about the process for this incident and the role of the TAC as it relates to the SCA. Specifically for the TAC to look at new/current information regarding the population status of golden eagles in the state to see if any conditions have changed. Haley Edwards explained that PSE coordinated with WDFW on 2 years of golden eagle nest surveys. Justin Allegro was going to see if the reports are public and can be shared with the TAC.
- The Eagle Conservation Plan (ECP) will cover both bald and golden eagles, however, the ECP Guidance document focuses on golden eagles due to gaps in population data/information and development across their range. The eagle take permit will likely be a 30 year permit with the requirement to re-evaluate every 5 years in consultation with USFWS. The goal of the ECP and take permit is to have no-net-loss for eagle populations and to implement Advanced Conservation Practices or mitigation measures to reduce the risk to eagles and achieve the goal of no-net-loss. There have been other golden eagle incidents at other wind farms in Washington State.

3) **Field Visit – Sage-Grouse Nesting & Brood-Rearing Restoration Area (The Pines)**

The TAC visited the sage-grouse nesting and brood-rearing restoration area in The Pines to observe recent restoration and monitoring activities. In accordance with the Sage-Grouse Nesting & Brood-Rearing Habitat Restoration and Management Plan approved by the TAC, PSE has implemented the following restoration activities; installation of visibility markers on permanent fencing surrounding the restoration area; native seeding, mulching, and installation of straw wattles and erosion control blankets along the cutbanks of the riparian channel; and invasive weed management. Two monitoring plots have been established in the restoration area following recommendations outlined in the Sage-Grouse Habitat Assessment Framework (BLM, August 2010); one in the upland area to measure breeding habitat, and one in the riparian area to measure summer habitat. PSE will monitor these areas for the next 5 years beginning in the spring of 2015. Monitoring reports and photos will be provided to TAC members on an annual basis.

**Energy Northwest
EFSEC Council Meeting
September 16, 2014
(Shannon Khounnala)**

I. Columbia Generating Station Operational Status

Following a brief down-power in mid-August to perform some minor repairs and online maintenance tasks, Columbia is back to operating at 100% power, generating 1104 megawatts, and has been online for 448 days. This is a power generation record for continuous days online for the station.

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

II. WNP 1/4 Water Rights

The Department of Energy Water Right application for the WNP 1/4 property is advancing as expected. The Department of Energy and the Washington State Department of Ecology conducted a site visit to WNP 1/4 on September 3, 2014. The Department of Ecology was pleased with the existing infrastructure on the site and did not have any outstanding questions or issues with the water use or the application. Following the current schedule the Department of Ecology expects that a water rights permit will be issued in late October 2014.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
WATER AND
WATERSHEDS

September 11, 2014

Mr. Stephen Posner, EFSEC Manager
Energy Facility Site Evaluation Council
PO Box 43172
Olympia, Washington 98504-3172

(via e-mail to: sposner@utc.wa.gov)

Re: U.S. Environmental Protection Agency's Review of Proposed Final
National Pollutant Discharge Elimination System (NPDES) Permit for
Columbia Generation Station, NPDES Number WA0025151

Dear Mr. Posner:

The U.S. Environmental Protection Agency (EPA) provided comments on the public-notice draft of the above-referenced National Pollutant Discharge Elimination System (NPDES) permit. The EPA conducted the review pursuant to the *Memorandum of Agreement Regarding Operation of the NPDES Permit Program between the Energy Facility Site Evaluation Council (EFSEC), the State of Washington, and the United States Environmental Protection Agency Region 10*, dated August 1979.

The EPA submitted comments on the draft permit on May 5, 2014 and reserved our ability to object to the proposed final permit. EFSEC provided the proposed final permit, fact sheet and response to comments on August 20, 2014. The EPA reviewed the final proposed permit, fact sheet, and response to comments and decided to take no action on the proposed final permit.

Thank you for consideration of EPA and other stakeholder comments in development of the final draft permit. Please contact me at (206) 553-1755 or by email at lidgard.michael@epa.gov if you have any questions about this letter or related matters, or you may contact Karen Burgess, of my staff, at (206) 553-1644 or by email burgess.karen@epa.gov.

Sincerely,

A handwritten signature in blue ink, which appears to read "Michael J. Lidgard", is positioned above the printed name.

Michael J. Lidgard, Manager
NPDES Permits Unit

cc: Mr. Jim La Spina, EFSEC (via e-mail only: JLaSpina@utc.wa.gov)
Mr. Bill Moore, Ecology (via e-mail only: bmoo461@ecy.wa.gov)
Mr. Vince McGowan, Ecology (via e-mail only: vmcg461@ecy.wa.gov)
Mr. Richard Domingue, NOAA-NMFS (via e-mail only: richard.domingue@noaa.gov)



STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL
PO Box 43172 • Olympia, Washington 98504-3172

COLUMBIA GENERATING STATION
NPDES PERMIT No. WA-002515-1
COUNCIL BRIEFING MEMO

TO: EFSEC Council

FROM: EFSEC Staff

DATE: September 16, 2014

SUBJECT: Development and Issuance Milestones of NPDES Permit

EFSEC Permit Milestones

- NPDES Permit issued under authority of RCW 80.50.040(9) and RCW 90.48.262(2).
- EFSEC contracts with Ecology for technical support to revise and reissue the permit.
- EFSEC issued the current permit May 25, 2006.
- Permit administratively extended the permit May 17, 2011 for up to five years.
- Current draft permit public comment period February 3, 2014 - April 18, 2014.

Highlights of the Revised Permit

The proposed permit has been thoroughly revised to reflect current state and federal regulatory standards and policies. Major revisions include:

- Discharge limits (permit condition S1) and monitoring requirements (S2).
- Process wastewater and stormwater discharges to ground from outfalls 002 (S1.C) and 003 (S1.D) have been or will soon cease.
- Reporting requirements (S3) were revised to require EN to electronically report discharge monitoring data to Ecology's PARIS system.
- Schedule of compliance (S7) requires a ground water quality study and routine ground water quality monitoring to assess compliance with state ground water quality standards.
- Cooling water intake structures (CWIS) requires EN to verify in-water structures comply with applicable Clean Water Act regulations (S12). Requirements include:
 1. Submittal of an operations and maintenance (O&M) manual to be submitted for EFSEC approval. (S12.A.1.)
 2. Procedures in the draft O&M manual to routinely monitor CWISs for impingement of fish and shellfish and debris that may degrade the efficacy of the CWISs. (S12.A.4)
 3. An entrainment characterization study. (S12.B)

Cooling Water Intake Structures (CWISs)

The primary issue of concern to emerge throughout the development and public involvement phases of this draft permit has been the CGS CWISs and compliance with applicable requirements in the Clean Water Act. National Marine Fisheries Service asserts that the CWISs, and more specifically the intake screens, must comply with NMFS' *Anadromous Salmonid Passage Facility Design Manual*, dated July 2011. The remainder of this memo will first address the ways in which the proposed permit complies with requirements in the Clean Water Act and then address NMFS' concerns of compliance with the Endangered Species Act.

EPA's proposed, but not yet effective, CWIS rule is contained in Part 40 Code of Federal Regulations (CFR) Subpart J, sections 125.90 through 125.99. The rule is effective October 14, 2014. The best professional judgment (BPJ) regulations are contained in 40 CFR 125.90(b). These two regulations are discussed almost interchangeably for two reasons. First, there is a large degree of overlap between the rules and to some extent they inform each other. Second, due to the uncertainty of the issuance of EPA's new CWIS rule, the proposed permit is based primarily on the existing BPJ regulation, but incorporates elements of the new rule.

Clean Water Act Section 316(b) Regulatory Background

The Clean Water Act (CWA) and federal regulations require that NPDES permits ensure the location, design, construction, and capacity of cooling water intake structures reflect the best technology available (BTA) for minimizing adverse environmental impact. (CWA § 316(b), 33 U.S.C. §1326(b), and 40 CFR 401.14) During the development of this permit EFSEC was not certain when EPA would formally propose final rules that would define BTA, although EPA made available a preliminary draft of the rules. Until applicable BTA standards are effective, 40 CFR 125.90(b) requires a case-by-case, BPJ determination of requirements. Due to the uncertainty, the proposed permit was drafted to incorporate BPJ requirements informed by requirements contained in the preliminary draft rules.

On August 15, 2014, EPA published final rules in the federal register to establish BTA standards applicable to Columbia Generating Station. The proposed permit satisfies or exceeds requirements of EPA's BPJ rules and final proposed rules. In addition, EFSEC considered correspondence from EPA, National Marine Fisheries Service (NMFS), U.S. Nuclear Regulatory Commission (NRC), and Energy Northwest in evaluating factors unique to the facility.

Clean Water Act Requirements and CGS

The primary purpose of section 316(b) is to minimize the impacts of entrainment and impingement of aquatic life (eggs, larvae, juveniles, adults) from the permittee's CWIS. Entrainment is defined as the passing of aquatic organisms through the intake screens and into the cooling water intake system. Impingement is defined as entrapment of aquatic life on the outer part of the intake structure or against the screen.

Entrainment

EPA's new rule requires BTA for entrainment be determined for each intake on a site-specific basis. The permitting authority determines BTA based on technical data the permittee will submit with its next application for permit renewal. The supplemental information includes CWIS design specifications and operating characteristics, and characterization of waterbody, habitat and aquatic life in the vicinity of the CWIS. The new rule also contains a requirement that facilities withdrawing more than 125 million gallons per day (MGD) conduct an entrainment characterization study. The rule language continues on to state the permitting authority may require "performance equivalent to a closed-cycle recirculating system". 40 CFR 124.94(d)

In response to concerns expressed in public comments about the age of existing fish protection studies conducted on the CGS CWIS, the proposed permit requires CGS to conduct an entrainment characterization study, despite the fact that the permittee withdraws less than 20 MGD. Furthermore, the CGS already operates a closed-cycle recirculating cooling water system.

Impingement

EPA's new rule offers a variety of options to fulfill the BTA requirement for impingement. A facility that fulfills any one of the options satisfies the impingement BTA standard. 40 CFR 125.94(c)

CGS fulfills two of the performance options: 1) operation of a close-cycle recirculating cooling system, 2) intake structures with a design through-screen velocity of less than 0.5 feet per second. In addition, compliance with EPA's impingement standard is based on intake screen perforations of 3/8 inch or less. 40 CFR 125.92(n)

Monitoring, Reporting and Recordkeeping

EPA's new rule requires the permittee to comply with additional monitoring, reporting and recordkeeping requirements.

The proposed permit addresses all these requirements.

This permit incorporates requirements from both the existing BPJ regulation and EPA's proposed new CWIS rule. This approach will provide sufficient empirical data to make a final determination concerning compliance of the CWIS with all applicable CWA regulations.