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TAKEN BY: Katie A. Eskew, CCR, RPR

1 **APPEARANCES** 2. Council Members Present: 3 Bill Lynch, Chair Liz Green-Taylor, Department of Commerce Cullen Stephenson, Department of Ecology 4 Joe Stohr, Department of Fish & Wildlife 5 Local Government and Optional State Agency: 6 Christina Martinez, Department of Transportation Bryan Snodgrass, City of Vancouver 7 Jeff Swanson, Clark County (via phone) Larry Paulson, Port of Vancouver 8 9 Assistant Attorney General: 10 Ann Essko, Assistant Attorney General 11 Staff in Attendance: 12 Stephen Posner Jim LaSpina Tammy Mastro 13 Sonia Bumpus 14 Kali Wraspir Joan Aitken 15 Rudi Acevedo, Intern 16 Guests in Attendance: 17 Richard Downen, Grays Harbor Energy Project Mark Miller, Chehalis Generation Facility 18 Jan Aarts, Cardno ENTRIX Alison Uno, Cardno ENTRIX 19 Pat Freiberg Marion Ward 20 Anlina Thomas Tom Gordon 21 Tadas Kisielius, Van Ness Feldman 22 Guests in Attendance via Phone: 23 Bronson Potter, City of Vancouver Jennifer Diaz, Puget Sound Energy 24 Haley Edwards, Puget Sound Energy Shannon Khounnala, Energy Northwest 25 Cassandra Noble, Administrative Law Judge, EFSEC Kristin Boyle, Quinault Indian Nation

1	OLYMPIA WASHINGTON, DECEMBER 16, 2014, 1:30 P.M.
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3	PROCEEDINGS
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5	CHAIR LYNCH: Let's go ahead and get
6	started.
7	Good afternoon. Today is December 16th, 2014, the
8	December regularly scheduled monthly meeting of the
9	Energy Facility Site Evaluation Council.
10	Could we please have the staff call the roll.
11	MS. MASTRO: Department of Commerce?
12	MS. GREEN-TAYLOR: Liz Green-Taylor
13	here.
14	MS. MASTRO: Department of Ecology?
15	MR. STEPHENSON: Cullen Stephenson
16	here.
17	MS. MASTRO: Department of Fish &
18	Wildlife?
19	MR. STOHR: Joe Stohr here.
20	MS. MASTRO: Department of Natural
21	Resources?
22	CHAIR LYNCH: Excused.
23	MS. MASTRO: Utilities Transportation
24	Commission?
25	CHAIR LYNCH: Excused?

1	MS. MASTRO: Local governments and
2	optional state agencies.
3	Department of Transportation?
4	MS. MARTINEZ: Christina Martinez
5	here.
6	MS. MASTRO: City of Vancouver?
7	MR. SNODGRASS: Bryan Snodgrass here.
8	MS. MASTRO: Clark County?
9	MR. SWANSON: Jeff Swanson on the
10	phone.
11	MS. MASTRO: Port of Vancouver?
12	MR. PAULSON: Larry Paulson here.
13	MS. MASTRO: There is a quorum.
14	CHAIR LYNCH: Thank you.
15	And could we please have the council members look
16	through the proposed agenda, see if they would like to
17	make any additions. I'd like to point out one small
18	change to the agenda, and that's we're going to do Tesoro
19	last and we're going to have other updates before that
20	because we're going to be spending quite a bit of time on
21	Tesoro today.
22	And part of what we're going to be discussing under
23	the other updates is the declaratory order that had been
24	filed with the Council, and we did receive a couple of
25	protests to us issuing the declaratory order, but we'll

go into more detail later. And I understand that someone may wish to address the Council regarding the declaratory order, but we'll see later on.

And just to point out for the Council's benefit that no action items are going to be taken today, and I apologize for the cancellation of the executive session that was regularly scheduled, I believe it was December 10th, but we had determined after looking through what was going to be presented to the Council, that even though there's a lot of interweaving of legal analysis and the data, that it was more appropriate for the data to be presented separately to the council members so that the public could benefit from hearing what that data update would be and then we would do the legal discussion in executive session later.

And so we just thought for the benefit of the public it would be better for them to -- for them to listen in on the gaps analysis that's going to be presented under Tesoro.

And is there anybody on the phone who wishes to identify themselves for the record?

MS. CURRIE: This is Natalie Currie
with EDP Renewables.

MR. POTTER: Bronson Potter with City
of Vancouver.

1 MS. DIAZ: Jennifer Diaz with Puget 2 Sound Energy. 3 MS. EDWARDS: Haley Edwards with Puget 4 Sound Energy. 5 MS. KHOUNNALA: Shannon Khounnala with 6 Energy Northwest. 7 MS. NOBLE: Cassandra Noble, 8 administrative law judge, EFSEC. 9 MS. BOYLE: Kristin Boyle representing 10 the Quinault Indian Nation. 11 CHAIR LYNCH: Very good. 12 And I wanted to thank Shelby, our court reporter 13 from last time, she's not here today, we have a different 14 court reporter, but she did wonderful work in being able 15 to prepare the minutes for the Council to look at today 16 because you might remember, we had quite a bit of 17 problems with our sound system last time. There was a 18 lot of feedback coming through the system, and that was 19 partly due to people who were listening in on the phone 20 system not muting their phones. 21 So I'd encourage everybody to mute their phones, if you haven't done so far. And the other problem was that 22 23 there was a number of side conversations that were going on with people who were over the phone and we were 24

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able -- and that was coming through loud and clear while

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- 1 we were trying to have a Council discussion. And unfortunately, it was one of the more important parts of 2 3 our Council briefing that day because Mr. Posner was 4 giving us an update on EFSEC's relationship between our consultant and the City of Vancouver and how they -- and 5 6 all those efforts on getting a consultant lined up for 7 the Fire Protection Emergency Risk Assessment. So that 8 is in the minutes for today.
  - If a council member had trouble sorting all through that, then you can certainly review the minutes and help refresh your -- your memory.
  - And with that, let's turn to the meeting minutes for November 18th -- oh, I had asked if anybody -- for the council members to look over the proposed agenda. Are there any changes other than the one that I recommended? Okay. Very good.
  - So let's go ahead and take a look at the meeting minutes for November 18th, 2014. Are there any recommended corrections to that?
- 20 Mr. Stephenson?
- 21 MR. STEPHENSON: Thank you, Mr. Chair. On Page 23, Line 24 -- and again, thank you for thanking 22 23 our reporters, they do a wonderful job. And on that Line 24 24 it says "a particular matter" and it should say "particulate matter."

1 CHAIR LYNCH: I see that. Thank you. Any other suggested changes? 2 3 With that I would entertain a motion for approval of the November 18th minutes as corrected. 4 5 MR. STEPHENSON: I'll so move. 6 CHAIR LYNCH: Do we have a second? MS. GREEN-TAYLOR: I'll second. 7 8 CHAIR LYNCH: It's been moved and 9 seconded that we approve the council minutes from 10 November 18th as corrected. 11 All those in favor say "aye." 12 MULTIPLE SPEAKERS: Aye. 13 CHAIR LYNCH: Opposed? Motion 14 carries. 15 Now let's turn to the minutes from the November 21st 16 meeting. Are there any suggested corrections to this? 17 Mr. Stephenson. 18 MR. STEPHENSON: Sorry, Mr. Chair, to 19 be a pest. Page 5, Line 14, my first name is misspelled. 20 I'm sorry to have a difficult name, but it's C-U-L-L-E-N. Thank you. 21 22 CHAIR LYNCH: Thank you. 23 MS. ESSKO: Chair Lynch, I have a correction. This is Ann Essko with the attorney 24 25 general's office. On Page 2 it says -- it has my name

- 1 listed but above my name it says "Washington State
- Building Code Council," and I'm not sure why there's the 2
- 3 reference to the building code council.
- 4 CHAIR LYNCH: So we will strike that,
- 5 and hopefully you weren't trying to send us a message.
- 6 MS. ESSKO: No.
- 7 CHAIR LYNCH: So that line will be
- 8 stricken on Page 2 right above your name.
- 9 Any other changes?
- 10 If not, I will entertain a motion to adopt the
- 11 November 21 minutes as corrected.
- 12 MS. GREEN-TAYLOR: Chair, I'll move to
- 13 adopt.
- 14 CHAIR LYNCH: It's been moved that we
- 15 adopt the minutes from the November 21st meeting as
- 16 corrected. Do we have a second?
- 17 MR. STEPHENSON: I'll second.
- 18 CHAIR LYNCH: It's moved and seconded
- 19 that we approve the minutes from the November 21st
- 20 meeting as corrected.
- 21 All those in favor say "aye."
- 22 MULTIPLE SPEAKERS: Aye.
- 23 CHAIR LYNCH: Opposed? Motion
- 24 carries. Thank you.
- 25 MR. POSNER: Chair Lynch?

1 CHAIR LYNCH: Yes. 2 MR. POSNER: Excuse me. One thing to 3 note for folks who are on the phone, we will have a 4 PowerPoint presentation as part of our Tesoro update, and 5 that PowerPoint presentation is posted on our website. 6 If folks want to follow along, it is on our website. 7 CHAIR LYNCH: And I believe that it's 8 on our home page under the "Project Highlights." 9 MR. POSNER: That's correct. 10 CHAIR LYNCH: Thank you. 11 So once we get to the PowerPoint presentation, if 12 people want to follow along, they'll go to our home page and then look under "Project Highlights" and they should 13 14 be able to find it there. 15 So I think at this point we're ready for an update 16 regarding the Kittitas Valley Wind Project. 17 MS. CURRIE: Good afternoon, Chairman 18 Lynch and members of the EFSEC council. 19 CHAIR LYNCH: I'm sorry. I'm going 20 to -- we're going to turn the phone up a little bit 21 because we're having trouble hearing you. If you wouldn't mind speaking a little louder too. 22 23 MS. CURRIE: I'm sorry. I said good afternoon, Chair Lynch and members of the EFSEC Council. 24 25 Natalie Currie with EDP Renewables for the Kittitas

- 1 Valley Wind Power Project, and we have nothing nonroutine 2 to report. 3 CHAIR LYNCH: So no complaints, no 4 incidents, and nothing to report. Very good. 5 MS. CURRIE: Correct. 6 CHAIR LYNCH: Any questions regarding 7 the Kittitas Valley Wind Power Project? 8 No? 9 So we'll go ahead and move to the Wild Horse Wind 10 Power Project. 11 MS. DIAZ: Thank you, Chair Lynch. 12 Can you hear me okay? 13 CHAIR LYNCH: Yes, thank you. 14 MS. DIAZ: Okay. For the record, my 15 name is Jennifer Diaz. I'm the environmental manager for 16 Puget Sound Energy at the Wild Horse wind facility. 17 The only nonroutine update I have is related to the 18 development of the Eagle Conservation Plan. We are 19 making good progress on the development of the plan. 20 We've had two meetings with the Fish & Wildlife Service 21 and they are in the process of reviewing a draft of the
- Once we receive comments back from them, we'll incorporate them into the plan and finish the preliminary draft for submission. And then once the preliminary

plan.

- 1 draft is submitted to Fish & Wildlife Service, we will continue to consult with them throughout the process. 2
- 3 We're also looking into conducting eagle youth 4 surveys and eagle fatality monitoring at Wild Horse in 5 2015. Western Ecosystems Technology are developing 6 protocols for the monitoring which we will share with the
- 8 And that's all I have.

TAC in early 2015.

- 9 CHAIR LYNCH: Thank you. And could
- 10 you remind me, Ms. Diaz, once Fish & Wildlife completes
- 11 its review, is there any further role for the Council? I
- 12 mean, I know it would be presented to the Council, but
- 13 does that require any council action for approval?
- 14 MS. DIAZ: No. This is going through
- 15 the Fish & Wildlife Service process.
- 16 CHAIR LYNCH: Oh. U.S. Fish &
- 17 Wildlife?

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- 18 MS. DIAZ: It will go through NEPA
- 19 review --
- 20 CHAIR LYNCH: Okay. Yes. Thank you.
- 21 MS. DIAZ: -- the plan will, but we
- 22 will share a draft with the Council.
- 23 CHAIR LYNCH: Okay. Very good. Thank
- 24 you.
- 25 Any questions for Ms. Diaz? Very good.

1 Now we'll have an update regarding the Chehalis Generation Facility. Mr. Miller. 2 3 MR. MILLER: Is it fine from the chair? 4 5 CHAIR LYNCH: We have a --6 MR. POSNER: Could you come up here, 7 Mr. Miller? We'll move the microphones so you can speak 8 into that. 9 CHAIR LYNCH: It just makes it easier 10 for us to -- for you to be heard and for us to do our 11 recording. 12 MR. MILLER: Good afternoon, Chair 13 Lynch and Council Members. My name is Mark Miller. I'm 14 the plant manager at the PacifiCorp Energy Chehalis 15 generating facility. I have a few nonroutine comments to make on 16 17 greenhouse gas mitigation status. I gave -- I provided 18 Mr. LaSpina a document detailing kind of the summary of 19 what we've contracted for and what our commitments are 20 now going forward that we are recommending to staff and 21 Council and that we would ask for review and approval by 22 the Council at some point in the near future so that we 23 can proceed. 24 Once staff has had an opportunity to review the

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specifics of the proposal, PacificCorp intends to request

1 the approvals noted.

We're committing -- PacifiCorp is committing \$203,500 toward the installation variable frequency drives on the closed cooling water system which maintains cooling of the loop oil systems within the plant facility.

We are committing to 181,500 for the installation of high-efficiency lighting on the plant site, and we're committing 121,000 for the installation of variable frequency drives on the reverse osmosis pumps in our water treatment complex.

So the net energy savings for those three projects is 1,098 megawatt hours per year which equates to 217.5 tons of CO2 per year or 6,500 tons over a 30-year period.

Therefore, the contract and commitment with the National Climate Trust to purchase 70,000 tons of verifiable emission reductions and the 506,000 for plant efficiency projects total 1.4 million which includes the 160,000 already spent for the first set of VERs delivered by the Climate Trust to PacificCorp, and that leaves 103,000 headroom for EFSEC administrative fees and for project cost overruns on the energy efficiency.

And that's all I have.

24 CHAIR LYNCH: Mr. LaSpina, did you 25 have anything to add to this?

1 MR. LASPINA: No, sir. 2 CHAIR LYNCH: Okay. 3 MR. LASPINA: Unless you have a 4 specific question or something. 5 CHAIR LYNCH: I'm sorry. I'm just 6 getting the different facilities, they're all running 7 through my head all at the same time, so I'm trying to 8 remember if there was anything regarding -- oh, the --9 wasn't the Council going to update its list? 10 MR. LASPINA: Oh, yes. Sorry. I 11 thought it was going to be under the "Other" rather than 12 the "Project" so I was -- but I have some bullets here. 13 The current greenhouse gas mitigation laws of the 14 state of Washington require EFSEC to maintain a list of 15 independent qualified organizations. And I will tell you what that means. 16 17 Independent qualified organizations are 18 organizations not connected to the permittee and 19 recognized by the Council to receive payment for 20 selection, monitoring, and evaluation of CO2 emissions mitigation activities. 21 22 So basically, one of the options that a permittee 23 has to implement CO2 mitigation is to give mitigation 24 funds to one of these IQOs, and these -- these 25 organizations are certified to monitor and verify that

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the list.

- 1 the projects are doing what they say will do, such as basically related to mitigation of CO2 emissions. 2
- 3 So the existing list was established in 2008 when 4 the laws were passed, or at least the rule was issued, 5 and so the staff feels it's time to reopen the list and 6 solicit new organizations. EFSEC staff will soon issue a 7 request for qualifications to solicit additional IQOs for
  - EFSEC staff will review the proposals and compare each candidate's qualifications to the requirements in the rule, so there's sort of a vetting process. All organizations that fulfill the requirements in the rule will be presented to the Council and the Council has the final say on whether they are added to the list.
  - And I might also add that if one of the three organizations on the list wants to be removed, you can do that also.
- 18 So I can answer any questions you may have.
- 19 CHAIR LYNCH: And so you would 20 anticipate that we would do that sometime early next 21 year?
- 22 MR. LASPINA: Yes. Yes, sir.
- 23 CHAIR LYNCH: Okay. And one other 24 question I -- just for the Council's information, it's 25 not really a question, but I directed staff to see how

- 1 some other agencies such as Ecology maintain their list.
- Is it something that they regularly open up on a periodic 2
- 3 basis for different consultants or contractors? Do they
- do it, like, every -- you know, the first of every 4
- 5 January or how do they do it?
- 6 MR. LASPINA: Actually, I have a
- 7 response to that question.
- 8 CHAIR LYNCH: Yes.
- 9 MR. LASPINA: They use our list.
- 10 CHAIR LYNCH: I wish I could say that
- 11 was comforting. Very good. Thank you.
- 12 MR. LASPINA: Yes.
- 13 CHAIR LYNCH: Any questions for
- 14 Mr. LaSpina or Mr. Miller?
- 15 Council Member Stephenson.
- 16 MR. STEPHENSON: Thank you, Chair.
- 17 So can I assume that, Jim, you and staff are going
- to bring a recommendation back about this mitigation 18
- 19 proposal for us to consider?
- 20 MR. LASPINA: Yes. Yes.
- 21 CHAIR LYNCH: All right. We were --
- 22 Mr. Stephenson, you're probably remembering that I had
- 23 encouraged everyone to try and wrap it up this year, but
- 24 there was -- we just need a little more time for a little
- 25 more evaluation, and we'll anticipate the Council will be

- 1 dealing with this fairly soon.
- 2 MR. STEPHENSON: Thank you. I'm just
- 3 making sure it's not getting done today, I wanted to hear
- 4 the answers.
- 5 MR. LASPINA: I just got the proposal
- 6 today, so...
- 7 MR. STEPHENSON: Okay. Got it.
- 8 MR. MILLER: And Mr. Chair, this is
- 9 Mark Miller again. There may be some questions back and
- 10 forth providing more technical information to staff to
- 11 have others evaluate, see if our calculational
- 12 methodologies are correct.
- 13 CHAIR LYNCH: Right. I appreciate
- 14 that, Mr. Miller. And we're much further down the road
- 15 than when we started last year --
- 16 MR. MILLER: Yes, we are.
- 17 CHAIR LYNCH: -- so I appreciate that.
- 18 Thank you, Mr. Miller.
- 19 MR. MILLER: Thanks.
- 20 CHAIR LYNCH: Let's have an update
- 21 from Grays Harbor Energy Center. Mr. Downen.
- 22 MR. DOWNEN: Good afternoon, Chair
- 23 Lynch, Council. I'm Rich Downen. I'm the plant manager
- 24 at Grays Harbor Energy.
- 25 The monthly report for November I have no out of

- 1 ordinary comments, although, Mr. LaSpina asked me to comment on the status of noise monitoring equipment and 2 3 if we've had any progress on that. And we have that 4 budgeted for 2015 to install equipment. So at this point 5 it is our intention to do that.
- 6 CHAIR LYNCH: Very good. Thank you. 7 We much appreciate that, because the Council, as you 8 know, has a responsibility to respond to complaints, and 9 we certainly are -- until there is some noise monitoring 10 equipment installed, it's an empty remedy because we have 11 no ability to respond. So certainly appreciate Grays 12 Harbor Energy's stepping up and addressing this. So 13 we're very appreciative. Thank you.
  - And Mr. LaSpina, would you prefer to wait until the end under "other" to talk about a few things about Grays Harbor or would you rather deal with it now?
- 17 MR. LASPINA: We -- we can deal with 18 it now.
- 19 CHAIR LYNCH: Okay. Your preference.
- 20 MR. LASPINA: Well, we -- we have 21 initiatives, we have some permit revisions going on now at Grays Harbor Energy. The engineering report to 22 23 support a new NPDES permit which is a waste water 24 discharge permit is being picked up again. It was in a 25 short hiatus but is being picked up again.

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EFSEC staff is working with the Department of
Ecology on that engineering report. The expectation is
that when the engineering report is finished and
approved, which the Council will get to vote on approval
when the time comes, then that engineering report will
feed directly into a new updated permit that will very
closely reflect how the facility actually runs rather
than the way we thought it would run when the permit was
written before the facility actually ran.

Also, the Prevention of Significant Deterioration permit is an air quality permit under revision by the Environmental Protection Agency at this time, and there's -- the permit writer at EPA has just picked it up, so I don't have anything solid to report at this time, but EFSEC staff expects to move ahead with this and get that -- get those permit revisions finalized and then we can issue.

Once that's finalized and approved by the Council for issuance, then we can also issue the Title 5 permit.

CHAIR LYNCH: Thank you, Mr. LaSpina.

And I'm very happy to hear that EPA has picked up the PSD permit again because this facility has been operating a long time without EPA -- without the EPA permit. And as Mr. LaSpina indicated, there's a set of dominos: Once you -- you need this permit to get the air operating

- 1 permit, then there's all these other things that flow
- from that. So we're hoping to work things out with EPA 2
- 3 and with our facility and they can have all the permits
- 4 that they need instead of being in limbo. I'm sure
- 5 that's a frustrating experience for them. So I'm glad
- 6 that we're making progress.
- 7 MR. LASPINA: I just want to clarify,
- 8 Chair Lynch, that the facility does have a permit now.
- 9 It's just some -- some ambiguous language in the existing
- 10 permit made it a little bit challenging to determine
- 11 compliance, and so now the revisions will clarify those
- 12 ambiguities and we can move ahead.
- 13 CHAIR LYNCH: You're correct. It is a
- 14 revised permit. Thanks for the correction.
- 15 Any questions for Mr. Downen or Mr. LaSpina
- 16 regarding the Grays Harbor Energy Center?
- 17 Thank you.
- So it's time for one of our favorite people to 18
- 19 report, Ms. Khounnala, with Columbia Generating Station
- and WNP 1 and 4. 20
- 21 MS. KHOUNNALA: Well, thank you. Good
- afternoon, Chair Lynch, and the Council. 22
- 23 In regard to Columbia Generating Station, the only
- item to report this month is that this week Columbia 24
- 25 Generating Station is marking 30 years of operations

- 1 since Columbia Generating Station first began. Since
- that time in 1984 we've generated more than 214 million 2
- 3 net megawatt hours of electricity. So we had a
- 4 celebration this Monday and this is a memorable period
- 5 for us.
- 6 Outside of that, we have no other nonroutine items
- 7 to report on Columbia.
- 8 CHAIR LYNCH: Congratulations. Do you
- 9 want to just go ahead and do WNP 1 and 4?
- 10 MS. KHOUNNALA: Sure. So this week
- 11 the water -- water rights permit issued by the Department
- 12 of Ecology, their final report called the Report of
- 13 Examination, the 30-day appeal period ended this past
- 14 week. At this time we don't know if any appeals were
- 15 filed. We expect to hear from the Department of Ecology
- 16 and/or the Department of Energy later this week.
- appeals were filed, then we expect the Department of 17
- 18 Ecology to issue that permit, and at this time we expect
- 19 to receive that permit in late December.
- 20 CHAIR LYNCH: Very good.
- 21 Mr. LaSpina, I'm trying to think if we had anything
- 22 regarding Columbia or WNP 1 and 4.
- 23 MR. LASPINA: Yes. Yes, Chair Lynch.
- 24 This involves, this item involves for the Columbia
- 25 Generating Station, you may remember some time ago the

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1 Council approved an engineering report and an O&M manual for the new evaporation ponds waste water treatment 2 3 This -- this current item is called the Fugitive Radionuclide Emission License for those very same 4 5 evaporation ponds. The license basically addresses

fugitive emissions from the ponds.

It contains monitoring requirements, sampling requirements, those sorts of things. It's an effort to quantify and document any sort of emissions from these ponds that can occur when there's been water in the ponds and then they dry up because of the hot climate, or it's very windy out there, I don't know how familiar you are with the Richland area, but it's very windy and sometimes sediments blow into the ponds.

So the license is actually drafted by the Department of Health and will eventually be issued by the Council.

So I just have a couple of bullets here. At this time Energy Northwest is preparing a SEPA checklist for the issuance of the license. After EFSEC receives the check -- the SEPA checklist and reviews it, the EFSEC manager will issue a SEPA determination. Then EFSEC staff will implement the appropriate public notice procedures which can change depending on the determination, and after the end of public notice, the Council will vote to issue the license taking into

- 1 account any public comments we may receive.
- CHAIR LYNCH: Very good. It's -- I 2
- 3 think -- and again, this is another effort that I'm glad
- to see is coming to a conclusion. Thank you. 4
- Any questions for Ms. Khounnala or Mr. LaSpina 5
- 6 regarding Columbia Generating Station or WNP 1 and 4?
- 7 Thank you very much.
- 8 And now we're going to skip over Tesoro and we're
- 9 going to go into other updates. Mr. Posner? And we've
- covered a number of these as Mr. LaSpina filled us in on 10
- 11 a number of these, but please go ahead.
- 12 MR. POSNER: Good afternoon, Chair
- 13 Lynch, Council Members. I just have about four quick
- 14 updates on various items, and the first one is related to
- 15 the Amon Creek matter. As Council Members recall, a
- 16 couple months ago I updated council members on an issue
- 17 concerning the City of Richland and some action that they
- 18 had taken on a piece of property called the Amon Creek
- 19 property which was a mitigation property set aside for
- 20 the -- to compensate for the decommissioning of the WNP 1
- and 4 site. 21
- 22 And I just want to update you that the City of
- 23 Richland is in the process of developing a remediation
- plan for the actions that they took which were did not 24
- 25 comply with the overall use plan for that property, and

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1 we expect that that plan will be submitted within the next couple months. 2

The Department of Transportation is taking lead on reviewing that plan. The Department of Ecology and EFSEC will have an opportunity to look at the plan and to provide input on the actions that the City will be recommending. So that's the Amon Creek property.

CHAIR LYNCH: Before we move on, let's ask if there's any questions regarding Amon Creek.

Thank you. Please continue.

MR. POSNER: Okay. The next item is concerning the declaratory order matter for the Imperium and Westway Grays Harbor County proposed crude-by-rail projects. As Council Members know, we did receive a petition from Earthjustice representing the Quinault Indian Nation requesting the Council to issue a declaratory order on this -- on the regulatory jurisdiction issue surrounding these two proposed projects.

We issued two notices. The last notice set some deadlines for documents to be filed. The first date was December 12th, which was Friday, for objections to be filed. We received two objections. They are posted on our website. The objections were filed by Westway and Imperium. The next target date is 12/17 which is, I

- 1 | believe, tomorrow.
- 2 CHAIR LYNCH: Actually, let me
- 3 interject. Someone can still file a response, but that
- 4 | was the response that you got from Imperium and -- wait.
- 5 | Excuse me. I'm wrong. Those were -- I should think
- 6 | before I speak. Please continue.
- 7 MR. POSNER: Right. The responses to
- 8 | the objections are due tomorrow. And then the -- there
- 9 | is also an opportunity for replies to the responses which
- 10 | will be due on the 22nd. So we'll keep the Council
- 11 updated. I expect that we will be reviewing this
- 12 information with the Council before any action is taken
- 13 by the Council.
- 14 CHAIR LYNCH: And I just wanted to say
- 15 that we would wait for the reply, any reply to be filed
- 16 before we give the packet to the council members, and
- 17 | then we would at that point in time give them the
- 18 objections, the response, and the reply as a single
- 19 package and then we would schedule a council meeting
- 20 | shortly after that to -- an executive session to discuss
- 21 the briefings that you've received.
- 22 And I want to wait until there's a reply before
- 23 | we -- the Council acts, but I would just note that
- 24 | there's no stay request filed with the Council at this
- 25 time, and the Council intends to act rather quickly on

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    this briefing. So I -- so I just wanted to pass that
    information along for those of you who are listening.
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         Is there anything else regarding the request for
4
    declaratory order?
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                       MS. GREEN-TAYLOR: I have a question,
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    Chair.
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                       CHAIR LYNCH: Yes, Mrs. Green-Taylor.
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                       MS. GREEN-TAYLOR: I just wanted to
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    clarify the responses, those aren't from us. Those are
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    from other parties, outside parties --
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                       CHAIR LYNCH: Correct.
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                       MS. GREEN-TAYLOR: -- is that correct?
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                       CHAIR LYNCH: Normally with a briefing
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    you have -- someone files an initial brief and then the
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    other parties opposed to that have a chance to file a
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    response, and then the person who filed the initial
    motion files a reply. So that's typically how a motion
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    works. And so that's -- that's how we're treating this.
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                       MS. GREEN-TAYLOR: Okay. Thank you.
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                       CHAIR LYNCH: And am I correct, was
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    there any interest in anyone addressing the Council
    regarding the declaratory order?
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                       MR. POSNER: Chair Lynch, the
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    applicant's representative is here for Tesoro/Savage and
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    they wish to address the Council on the Tesoro matter.
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1 CHAIR LYNCH: And we also have the representative who filed the initial declaratory order on 2 3 the phone, I believe, and they can -- so I'll -- why don't we just depart from our agenda just for the moment 4 5 and let -- while we're on this declaratory order just let 6 them address the Council. 7 So Mr. Kisielius, did you want to say anything? MR. KISIELIUS: I have nothing. I was 8 9 not prepared to address the Council on that particular 10 topic today. 11 CHAIR LYNCH: Okay. 12 MR. POSNER: Today he is representing 13 the applicant Tesoro/Savage. 14 CHAIR LYNCH: Oh, excuse me. You're 15 right. 16 MR. POSNER: And he wishes to speak to 17 the Council concerning that project. 18 CHAIR LYNCH: I'm sorry. My 19 apologies. Sometimes things mush together in my head. I 20 know something's important. I just don't know where it 21 fits. 22 MR. POSNER: We do have two other 23 update items. 24 CHAIR LYNCH: Please go ahead. 25 Tammy Talbert [sic] will MR. POSNER:

- 1 give you an update on one item, and then Jim LaSpina will give you a quick update on one other item. 2 3 CHAIR LYNCH: Please go ahead. 4 MS. MASTRO: Chair Lynch, I wanted to 5 report to you that UTC on behalf of EFSEC issued a 6 request for proposal for an independent consultant 7 service on -- for on-call environmental consultant and 8 decommissioning plan review on December 2nd. 9 proposals are due on the 19th. There will be a review 10 period from the 19th to January 2nd and announcement of 11 an apparent successful contractor on the 8th. 12 CHAIR LYNCH: And Ms. Mastro, could 13 you or Mr. Posner just say briefly why it is that we are 14 sending this RFP out? 15 MS. MASTRO: We have two tasks set up for the RFP. One is to review and evaluate the initial 16 17 site restoration plans before the EFSEC regulated 18 facilities, and the other part of that is to provide 19 on-call environmental consulting services for EFSEC. 20 Does that help? 21 CHAIR LYNCH: Thank you. 22 MS. MASTRO: We'll keep you informed 23 on the process as it progresses.
- 24 CHAIR LYNCH: Very good. Because one 25 of the things, of course, EFSEC, as you recall, we're a

- 1 cradle-to-grave oversight entity where not only do we ensure that once a facility is approved we have a 2 3 contractor on-site to make sure that the construction 4 follows the plans that were approved by EFSEC, but we 5 actually oversee the decommissioning of these facilities 6 when they're ready to close, and we wanted to make sure 7 that the amount of security deposit with these facilities 8 was adequate to allow for decommissioning to occur and 9 then just for someone to actually review what plans there 10 So it's just a good oversight practice that we're 11 implementing. And you had something else, Ms. Mastro?
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- 13 MS. MASTRO: That's all I have, sir.
- 14 CHAIR LYNCH: Any questions for
- 15 Ms. Mastro? Thank you.
- MR. POSNER: Mr. LaSpina had a quick 16
- 17 update on air rules.
- 18 CHAIR LYNCH: Oh, good.
- 19 MR. LASPINA: Chair Lynch and Council
- 20 Members, this agenda item addresses the revision of
- EFSEC's air quality rule. The rule is outdated and needs 21
- 22 to be revised. So EFSEC staff has been working on
- 23 revision of its air quality rule for quite some time.
- 24 The draft -- the current draft air rule revision has
- 25 received preliminary review by Ecology and EPA and they

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1 feel it's -- it's ready for public notice.

Also, EFSEC staff will use the expedited process for rule adoption by reference and is preparing to go to public notice. So basically what EFSEC does is we adopt by reference Ecology's rules that have already undergone the public process and Ecology has addressed whatever concerns were relevant.

And so we use an expedited process, rule adoption process, which is sort of an abbreviated process. There's still a public notice period, but the process is fairly streamlined. And then once the rule goes through public process and we get public comments, then the Council would be able to vote to approve the rule.

CHAIR LYNCH: So the Council will be receiving the proposed rules and the comments after we've gone through the comment process. And the fact that these are, just as Mr. LaSpina indicated, just bringing our rules up to date with what Ecology already requires at their facilities, we didn't feel that there was a need to circulate those proposals to the Council prior to receiving the comments, so...

MR. LASPINA: I would add just as clarification that the relevant statutes require that EFSEC's rules be consistent with Ecology's rules. that's another motivation to get this done.

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                       CHAIR LYNCH: Right. And you might
    remember last council meeting we talked a little bit more
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    about this process and thanked Ecology and Mr. LaSpina.
    So I'm not going to thank you again. I've already done
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    that.
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                       MR. LASPINA: Can I have your cookie?
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                       CHAIR LYNCH: Any questions for
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    Mr. LaSpina regarding the air rules? Mr. Stephenson.
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                       MR. STEPHENSON: Thank you, Chair
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    Lynch.
        Looking forward, my guess is that by the time you
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    have this revision done to catch up with Ecology's rules
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    that Ecology's rules will have changed because we're
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    trying to keep up with the federal rules. So I'm trying
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    to wonder if there's a way that we can all work together
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    to -- you're adopting by reference, which is a really
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    good thing, but I don't think that works -- when ours
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    change, your reference can't change along with that, I
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    don't think, but if we can work together somehow at some
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    point to try to follow this because we keep changing. We
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    just got last Wednesday a new ozone federal standard that
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    came down, we'll be changing for that.
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        So this is a moving target that you're trying to
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    keep up that I'm trying to -- maybe somehow we can get
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together within the proper legal framework and talk about

- 1 how we can make sense out of this whole thing.
- 2 MR. LASPINA: We're already behind.
- 3 CHAIR LYNCH: Yeah, but that's a good
- 4 comment, Mr. Stephenson, and we'll see what we can do
- 5 about that. But you say it's a moving target. Well, our
- 6 target hasn't moved for a long, long time, so we're
- 7 really happy that we're at this point where we can be in
- 8 the 21st century with our air rules.
- 9 MR. STEPHENSON: I agree, Chair, and
- 10 I'm not trying to make you tired before you're even done
- 11 with the existing process because I applaud the effort to
- 12 do that.
- 13 MR. POSNER: Chair Lynch, one thing
- 14 I'd just add to that is that we have worked very closely
- 15 with the Department of Ecology and we really thank --
- 16 thank the Department of Ecology for their assistance
- 17 because they have dedicated staff to assist us and the
- 18 service has been outstanding. So there is that issue
- 19 that we've dealt with in the past that will continue, but
- 20 we have a commitment from them to help us stay updated to
- 21 the extent we can.
- 22 MR. STEPHENSON: Good. Just as a
- 23 note, I am aware of six different rules that are under --
- 24 we're not actively doing them, but six already on the
- 25 books and then ozone will be a seventh and then whatever

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- 1 comes up during session may mean several more. So just keep watching for new changes and we'll try to help or 2 3 they'll try to help.
- 4 CHAIR LYNCH: Thank you.
- 5 Any other questions or comments?
- 6 Are we ready for Tesoro? I'd like to -- if so, I'd 7 like to say just a few words before we start on the 8 Tesoro presentation by the staff, and it's just 9 recognizing that this is the first time that EFSEC has 10 operated in this fashion where the council members have 11 input this early in the process.
- And prior to this particular project, council members would not even comment on the EIS until after the 14 draft came back I believe for public comments, or at 15 least the staff would say This is going out for public comment, and it would just be that notice provided to the council members. But we are really making an effort to 17 have -- to allow council members to take an active part in review of this -- of the draft EIS early in the process, and I'm still convinced that although this will take a few weeks of time for council members to take 22 review of this, that in the long run, this will result in 23 time being saved at the back end of the process. I also 24 think it will result in a better project.
  - So as I mentioned earlier that we had -- the

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1 executive session was canceled so that we could have this presentation regarding the data from both our staff 3 person and our consultants, but because we are trying to maintain that separation between legal discussion and 4 presentation of data, I would -- council members 6 certainly can ask questions, but I would not like council 7 members to -- I would prefer if council members not ask 8 questions regarding the legal sufficiency of something. In fact, I will gavel you down if something sounds like 10 that to me because we're not trying to discuss any sufficiency with legal standards today. We're just trying to understand what sort of information is being collected, how are the studies being done, and the 14 council members can think about that.

And as part of the presentation, staff will be going through a timeline, and one of the things we will not be talking about today are proposed alternatives because that's something that we will be discussing later after our assistant attorney general has had an opportunity to provide us with some more information in an executive session regarding the SEPA requirements and how we -- how all this information is going to fit within the SEPA requirements.

So I just wanted to provide that background, and with that, Ms. Bumpus, please take over.

MS. BUMPUS: Thank you for those comments, Chair Lynch. Good afternoon, Council Members.

I'm going to start with the project update and I'm just going to talk about the application review and the permits and where they are because we'll have the presentation of the gap analysis following that.

So for the application review and permits, the review of the ASC has been ongoing, and in the coming weeks EFSEC is going to provide comments to the applicant based on review of their draft oil spill contingency plan that was provided in the appendices of the February 2014 application and will also be providing comments on the air quality and emission information in the ASC.

For the notice of construction permit and the ASC comments relative to air quality emissions, our ecology air quality contractor is currently reviewing the ASC materials and the NOC air permit application materials and we are expecting to hear the results of that review by mid January 2015 and we'll be providing that information to the applicant and will keep you posted on what we hear back after that review concludes.

For the HPA permit, the hydraulic project approval permit, EFSEC received a list of preliminary advisory provisions in a memo from the Department of Fish & Wildlife. We are reviewing that, and that review was

- 1 done based on DFW's review of the February 2014 JARPA application form that was also provided in the 2 3 application.
- So this information will be reviewed, packaged, and 4 shared with the applicant, and we're going to continue to 5 6 coordinate with DFW and the applicant to provide 7 additional input and additional reviews as necessary. 8 And we'll keep you posted on updates with regard to the 9 HPA permit as it develops.
- 10 For the NPDES permit this is the last permit that I -- that I will talk about. EFSEC's currently on 11 12 standby to receive additional information from the 13 applicant that we requested after the Department of 14 Ecology permit writers contracted with EFSEC performed a 15 review of the NPDES stormwater construction and 16 industrial permit applications. That letter was dated 17 August 1st, 2014, and we do understand from the applicant 18 that they do plan to provide that information. We just 19 do not have a date set as to when we'll receive it. 20 we will also keep you updated on that.
  - Before going further into the presentation, are there any questions about the application permit updates? CHAIR LYNCH: No. Please continue.
- 24 MS. BUMPUS: Okay. At this time we're

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- findings, and I would like to introduce Jan Aarts from
  Cardno ENTRIC. As you know, Cardno ENTRIC is EFSEC's
  independent consultant and EFSEC has been coordinating
- the gap analysis with them, and Jan will be covering some of the information that we'll be presenting here today.
- 6 The purpose --
- 7 CHAIR LYNCH: Excuse me. Do you want 8 to introduce Ms. Uno as well?
- MS. BUMPUS: Sorry. We also have

  Alison Uno. She's also with Cardno ENTRIX and I've also

  been coordinating with her to work on the gap analysis

  and she may be presenting some information as well to

  Council.
- 14 CHAIR LYNCH: Thank you.
- And just as a reminder to those of you who are
  listening over the phone that a link to this PowerPoint
  presentation is located on the EFSEC home page under
  "Project Highlights."
- 19 So please continue.
- MS. BUMPUS: Thank you.
- The purpose of this presentation is to provide the council members with an overview of the gap analysis findings for the Tesoro/Savage Vancouver Energy Project proposed at the Port of Vancouver.
- This presentation is going to outline EFSEC SEPA

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environmental review process. Jan and Alison will discuss key gaps and the recommended corrective actions that are being considered to address those gaps. will also include a schedule, an estimated schedule, for the issuance of a DEIS by EFSEC, and we will also have an opportunity to answer questions at the conclusion of the presentation, so if you could make note of those as we go along, we can address those at the end.

So this slide is highlighting EFSEC's environmental review process up to the point that we are now, which is the gap analysis. In April 2014 EFSEC approved the SEPA scope and in April and May EFSEC staff, along with Cardno ENTRIX, coordinated multiple workshops with the applicant to discuss methodologies that would be used to address the scope set by EFSEC in the DEIS.

And it was during this time that EFSEC staff was working on developing the Phase 2 scoping document. And Jan will be talking more about that later in the presentation about the Phase 2 document and where that is.

In June EFSEC requested from the applicant the applicant prepared PDEIS, and as you can see here, from August into November we continued to receive different packages of submittals that contained application -sorry -- not application, but PDEIS material, and overall

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we received nine chapters of narrative and Appendices A through O along with an additional report.

So the goal in performing this gap analysis is ultimately for EFSEC to create a DEIS that is compliant with SEPA, that captures EFSEC's SEPA scope, which is informed by EFSEC's scoping process that was carried out and the comments that were received and to create a well organized, understandable, and informed, balanced DEIS.

The way that we're doing this is, as I said, we've received information of the preliminary draft EIS from the applicant, and we are working to obtain a clear understanding of the project and the analysis that they performed, identifying the gaps in the information and the additional data that's needed.

We're developing a strategy to obtain additional information, both from the applicant and from other sources, performing the additional analyses and data collection and then incorporating that additional information into the DEIS. And I --

CHAIR LYNCH: Excuse me, Ms. Bumpus. While you're on this particular slide, my understanding is that the rail transportation -- I'm sorry -- I forget the title of it, the oil-by-rail transportation study that's been conducted --

MS. BUMPUS: Right.

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                       CHAIR LYNCH: -- by Ecology and
    submitted December 1st, the draft, that will be
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    incorporated as part of the draft EIS?
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                       MS. BUMPUS: Yes. When I mentioned
    the use of -- you know, the strategy of gathering
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    additional information from the applicant, we also are
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    referring there to additional resources that are now
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    available, and that would be one of the reports, the
9
    state rail and vessel analysis that's been done and the
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    draft was released December 1st. So we do intend to look
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    there.
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                       CHAIR LYNCH: And the reason I bring
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    that up is there were some questions by some council
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    members as to whether they could be reading that report
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    or not. And my feeling is since that's going to be
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    incorporated as part of the draft EIS, that's okay for
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    council members to read that report.
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                       MS. BUMPUS: Yes, it will certainly be
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    referenced and -- yes. Yeah.
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                       CHAIR LYNCH: If it -- yeah. Okay.
    Go ahead.
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                       MS. BUMPUS: I just didn't want to
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    talk too much about it because I know Jan's going to be
    discussing it a little bit when he's discussing the rail
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    and vessel impact analyses, so I didn't want to...
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- 1 CHAIR LYNCH: Thank you. MS. BUMPUS: Well, actually at this 2 3 point I'm going to hand this over to Jan to move on in to the next slides where he'll be --4 5 MR. AARTS: Can you push the buttons? 6 I'll screw it up. 7 Again, thank you for allowing me to be here and give 8 you an update on what we've been doing over the last 9 several months and to a year actually. 10 As you remember, our team of about 15 experts, 11 technical experts in a wide variety of fields have been 12 reviewing the application for site certification, so most 13 of those same analysts have been reviewing the 14 preliminary draft environmental impact statement because 15 much of that information in the preliminary draft 16 prepared by the applicant is based on information in the application for site certification. So there's a nice 17 18 kind of continuity that our team has based on all that 19 earlier work over the last year. 20 And indeed, if you've seen any of the materials that 21
  - And indeed, if you've seen any of the materials that have been prepared by the applicant, it is quite extensive. There's two very large volumes of material presented in your numerous chapters describing the project overall, describing alternatives, then separate sections describing rail and marine issues and cumulative

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- 1 impact. So it's a very large, complex document, and a lot of work has obviously gone into preparing that 2 information. 3
- 4 Nevertheless, our team when we did our thorough review, and the term "gap analysis" has been used 5 6 frequently, but we -- we did more than just a gap 7 analysis. We really did a thorough review of the entire 8 document in all manner of perspective, both content and 9 presentation, organization, content, tone, the whole 10 variety of things that need to be considered when the 11 attempt is to create a document that represents EFSEC's 12 perspective on the document, not the applicant's 13 perspective.

So we have identified a need to reorganize the document. And that won't be a small effort, but we know what we want to do. We've already presented a revised outline to EFSEC. We feel it's much more understandable, which is a goal, to make this document, a complex document on a complex project understandable to the public.

We are going to, as Sonia mentioned, take advantage of new data that hasn't been available until recently, and much of that comes from the legislative study on crude-by-rail in the state, and so that's very timely that we have access to that information.

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One of the things we're going to do, and this builds on Sonia's comment about what we were calling the Phase 2 scoping document, and that was an exercise we went through with the applicant and their staff to clearly identify the sources of information that would be used to create the content of the environmental impact statement as well as the methods, methodologies, technical approaches that were going to be used. We knew that was a concern to you folks.

What we intend to do, it's in the actual document, is at the beginning of each of the individual resource sections, we are going to capture what we eventually identified as the methods and sources and very clearly right at the beginning of each resource section portray that to the reader so it won't be a mystery. It will be very clear how the analysis was performed, the sources used, and how you can draw your conclusions directly from all of that information. So that's one of the things we propose to do in the document rewrite.

CHAIR LYNCH: Excuse me, Mr. Aarts, and that will take the place of the -- at one point in time the Council was told that they were going to be provided with an -- I'm sorry -- Ms. Bumpus --

MS. BUMPUS: Right. We were going to provide the Phase 2 -- a Phase 2 matrix --

1 CHAIR LYNCH: That's right. MS. BUMPUS: -- that would outline the 2 3 methodologies that were going to be applied in the analyses of the DEIS but --4 5 CHAIR LYNCH: But this takes the place 6 of that and it's a lot more reader friendly. MS. BUMPUS: Right. Well, and I would 7 8 say that it's not so much replacing it as it is that 9 through going -- in going through the process of having 10 the workshops with the applicant and discussing 11 appropriate methodologies, it's sort of the result --12 these methods that will be outlined are sort of the 13 result of going through that entire exercise. So right, 14 it will, you know, serve that same purpose so that you'll 15 be informed of what the methods are that were used and 16 the resources and references. 17 CHAIR LYNCH: So it's not --18 MS. BUMPUS: We'll be outlining that 19 as well. 20 MR. AARTS: I think the intent or 21 objective of that exercise will be reflected in the methods section very clearly. So that I believe that was 22 23 the overall intent. 24 CHAIR LYNCH: Right. So it's not 25 meant to displace any council review. It actually

- 1 | facilitates it.
- 2 MR. AARTS: Right. Exactly.
- 3 CHAIR LYNCH: Thank you.
- 4 MR. AARTS: One of the other
- 5 | approaches or challenges that was obvious both in the
- 6 | preliminary draft EIS and our exercise in coming up with
- 7 our new proposed outline is to clearly differentiate
- 8 | between the on-site impacts at the facility itself versus
- 9 the off-site indirect impacts related to the transport of
- 10 | the crude oil by rail and marine, and we -- we've created
- 11 | an outline to accomplish that where we bring that --
- 12 | those on-site and off-site impact analyses into each
- 13 resource topic so it's very clear.
- 14 We're not creating a totally separate chapter just
- 15 | for on-site and off-site. We're blending it into the
- 16 resource topic so I think it's a little more reader
- 17 | friendly, and I think it will serve a good purpose in
- 18 doing that reorg.
- One of the things we also did is we're going to
- 20 create a separate section and to focus on -- it's not the
- 21 | construction, it's not the operation, but it's an
- 22 assessment of the unusual and unanticipated release of
- 23 oil, so basically accidents, spills, releases.
- 24 So we are proposing creating a separate section that
- 25 | focuses on that, and that was something that came through

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very loud and clear during scoping and so forth that related to all of these other activities. The release of oil accidently by rail or marine transport into the environment and all of the consequences of that should be very clearly presented, and this is an approach we think that will accomplish that, and we can share more of our ideas on that at a later date. But that's one of the big things that we intended to do.

Again, objectives, create an easy to follow and understand document, clear understanding of impacts and proposed mitigation measures, and give you the information you need to formulate your decision process.

In terms of additional analysis, we did identify four areas in particular that from our perspective require additional rigor, analysis and taking advantage of either new or existing information.

The first area has to do with seismic hazards, geologic hazards at the site and potentially along some of the rail routes. We are also interested in addressing issues related to the -- the impacts that the proposed project could have on the City of Vancouver Fire Department's operational response capabilities, and I'll talk about each of these in a little bit more detail in subsequent slides. I just want to kind of give you the overview.

We're also proposing to conduct an independent assessment of the applicant's prepared rail and vessel risk analysis which are documents within the preliminary draft EIS, and also we intend to expand the air quality analysis by a little bit more rigor to include assessment of construction activities and mobile sources.

So again, additional analysis on top of the good work that already has been done, but we do see areas where we would like to propose additional work to make it a stronger document.

So a little bit more detail on the seismic concerns.

Now, this is to focus on the potential of seismic hazards to affect operation at the plant or at the facility. And a lot of concern has been raised about the storage tanks, for example, and how the design of the foundations, for example, for the tanks would take into account seismic risk in this area.

Now, the applicant has done numerous geotechnical studies. There is an analysis of seismic hazards in the preliminary draft, but we feel that it's appropriate to bring in an expert, which we are making arrangements right now to join our team, a very well-known seismic engineer who will assess, as you can see in the slides there, technical issues related to ground motion, soil liquefaction potential at this site, earthquake-induced

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1 fault ruptures on the site, anything that might pose a risk to the site during a large earthquake event. 2

And we also will be reviewing the facility design, like I mentioned, the foundation considerations for the tanks themselves. And if anything looks like it could be either enhanced or improved within the range of reasonableness to provide additional protection, there would be some recommendations that would come out from this effort about that.

A little bit more on the second large additional study that we're proposing, which is the potential effects of the project and its operation on the Vancouver Fire Department's what we call operational and response capabilities.

We -- this study would be an outreach to the Vancouver Fire Department. We intend to interview members of the fire department, all of the folks who are involved in emergency response planning and dealing with large accidents of this -- of a potential industrial nature that could involve fires and explosions.

We want to clearly understand the current capabilities of the fire department, emergency response personnel, equipment, current training, levels of training to deal with those kind of issues. As part of the study we'll conduct a local and regional risk

assessment that recognizes the increased amount of crude oil that would be transported through the response area for the fire department from this project and other projects.

Then the exercise would be to identify the gaps between the proposed facilities emergency response capabilities on-site and those of the fire department to respond to any incident at the site. So the end result of that exercise would be, in other words, a gap -- an identified gap between capabilities and needs. And we would recommend what we're calling mitigation measures for that kind of occurrence that could include enhanced emergency plans, discussions with tactics and strategies for responding to such an event, training, equipment, and other resources.

So that will be an exercise that's gone through working directly with the City of Vancouver Fire Department and creating an analysis that has some real results and recommendations.

The last additional study I'd like to talk about is, again, an independent assessment of the applicant's already prepared vessel and risk analysis. And we're in the process also at this time of securing experts to participate in this effort where our team will review the assumptions, analytical methods, and results from those

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two studies, the rail and marine study -- studies, and if necessary, we will propose an additional approach, use of additional data and a reassessment of the risks of the analysis.

Our experts will focus on the probability of spill events, the nature of those events with regard to a specific geographic location, whether it's along the rail routes or along the Lower Columbia River, and we'll also include an assessment of the potential impacts from those releases. So again, that will be encapsulated in a written report that we would then reflect in the impact analysis of the draft environmental impact statement.

So that's my summary of the overall major additional efforts. Again, like I mentioned before, we are doing a reorganization that involves rewriting, reorganization. There's some certain tone and language that we want to make sure we achieve an objective, unbiased tone, and we're ready to go and we'll be starting right away into our writing very soon.

MS. BUMPUS: Thank you, Jan.

So yeah, I meant to do a drum roll here, but we're already at the slide for timeline of future key events.

So you can see here that we have several things going on starting with where we are right now, December 2014, and this timeline is reflecting the activities that

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1 are related to staff, what staff will be doing to prepare the DEIS so that Council and staff can review it before 2 3 publishing.

So the March 2015 section here with the yellow block is where based on all the information you've heard of the gaps and the proposed corrective actions to address the gaps, it lands us here at the March 2015 time for having a DEIS ready for Council to review before publishing.

CHAIR LYNCH: And so would you essentially give Council Members three to four weeks for that review?

MS. BUMPUS: Right. Right. envision that staff would take some time to review the document, and then if we found it to be satisfactory, then provide it to Council, and then factoring in about three to four, right, weeks for your review, and then we would coordinate a process for you to provide comments and feedback on the document, and then we would likely hold a public meeting to adopt the DEIS and prepare it for publishing.

One other thing I wanted to note is that you've heard a lot of the information about some of these areas that we're going to do some significant work in with respect to gaps. There is also from the review in the gap analysis a lot of questions and points of

- 1 clarification that we'll need from the applicant. As you can imagine, it's -- as Jan said, it's an extremely large 2 3 document, there's a lot of information there, and so it's a lot of information to review and understand, and there 4 are some areas where we will be coordinating with the 5 6 applicant to get some more information and just to 7 clarify that we're understanding what they did or what 8 they assumed in a particular study or a method. 9 So we are currently working with the applicant to 10 carry out that exercise, so I just wanted you to be aware 11 that there is additional information that will be coming 12 in through that. 13 Are there any questions for us? 14 CHAIR LYNCH: It's taken awhile, but 15 you've come a long way. I appreciate that. 16 Ms. Green-Taylor? 17 MS. GREEN-TAYLOR: Thank you, Chair. I just wanted to have you refresh my memory of when 18 19 our six-month extension expires on reviewing this
- 20 project. 21 MR. POSNER: I believe that's in
- 22 March.
- 23 MS. GREEN-TAYLOR: Okay.
- 24 presumably, then, we would have a request for an
- 25 additional extension?

MS. BUMPUS: Yes. We would need to do

2 that.

MS. MARTINEZ: Thank you for the presentation. So just for my understanding, what I gather from this is, for the most part, not -- you did not find very many gaps, and that what I'm seeing in this is some additional work required with regards to seismic hazards, emergency response, those types of things. But from the perspective of impacts to air quality or noise or transportation, those things that you did not present here today, for the most part you're finding that the information was there and was adequate, maybe needs to be repackaged a bit, but...

MR. AARTS: Well, I would say we did a thorough analysis of all the elements of the environment, that's correct. And the reviewers, as Sonia pointed out, do still have some questions and need clarifications in certain areas. So that -- that represents a certain amount of not necessarily a data gap, but needs for clarification and additional information.

I did not list all of those items here. These were the larger items. But I would say, you know, in most topics, yes, the information was I'll say extensive, but there is still need for clarification and update.

Just one example, for example, would be perhaps a

- 1 species list that the data is out of date, for example,
- so we need to update that, something on that order. So 2
- 3 things like that might have been applicable to numerous
- resources. I just didn't go into all the detail. 4
- 5 MS. MARTINEZ: Okay.
- 6 MR. AARTS: We've communicated that to
- Sonia and staff, and they know precisely what we're 7
- 8 proposing to do for each section. So I hope that helps a
- 9 little bit.
- 10 MS. MARTINEZ: Okay.
- 11 CHAIR LYNCH: Further questions?
- 12 Thank you, Ms. Martinez.
- 13 Mr. Snodgrass.
- 14 MR. SNODGRASS: I appreciate the
- 15 approach, the outline and the presentation. I guess just
- 16 a question on the three to four weeks review time sounds
- 17 fully adequate but may not be providing whatever else we
- 18 have on our plates. And I'm just wondering is there an
- 19 ability or do you think it makes sense to have some of
- 20 the information on those sections that are pretty far
- along made available earlier or just in all one chunk for 21
- Council? 22
- 23 MS. BUMPUS: Well, I think it's
- 24 possible that we could do that. I do think that one of
- 25 the things that's built into the timeline is you'll see

- 1 here incremental submittal of DEIS sections for EFSEC
- So we will be doing something like that 2
- 3 internally on the staff level. As Jan and his team
- 4 develop the sections and the chapters of the DEIS, we'll
- be coordinating very closely in reviewing that, and so I 5
- 6 think that there is -- there at least -- you know, this
- 7 is happening on the staff level before Council reviews
- 8 it.
- 9 You know, I do think it's possible. I mean, I think
- 10 given the timeline that we have as far as March not being
- 11 very far from that time, I don't know that we would save
- 12 very much time by doing that.
- 13 Jan, what are your thoughts on that?
- 14 MR. AARTS: I'm trying to -- I'm just
- 15 trying to think if it's an actual review cycle where we
- 16 would receive comments, I'm trying to figure out how it
- would integrate that into the normal staff level review 17
- 18 revision cycle. I'm just trying to figure out how that
- 19 works. Certainly, though, we will have pieces of
- 20 information as shown here available almost sequentially.
- 21 Certain sections we're diving into very shortly, if not
- 22 already started, and would deliver those early.
- 23 The resource sections will probably lag later into
- 24 the beginning of the year, but there will be products
- available that staff, depending on timing, would be 25

1 prepared or available. 2 MS. BUMPUS: So on that note, I think 3 one thing that where I would really I think aim to do it 4 in this way that we're proposing is that I think that if 5 by Council looking at it in pieces that it may -- you 6 know, it could appear that something is deficient, you 7 don't have the whole picture in front of you. 8 I think that there is some, you know, value to 9 having the whole document in front of you and being able 10 if you don't see something addressed somewhere, it may be 11 somewhere else in the document. But if you don't have 12 the whole thing, you can't know that. 13 And so, also, I think that this would make the 14 coordination of getting your feedback on the document 15 much cleaner and more efficient as well than trying to 16 piecemeal the document to you in sections and then get 17 feedback on the sections. 18 MS. MARTINEZ: I personally would 19 prefer all at once, just for the record, especially legislative 20 considering we're talking legislation session 21 January/February time frame, so --22 MR. PAULSON: March, April? 23 MS. MARTINEZ: Well, yeah. 24 MR. PAULSON: May? 25 MS. MARTINEZ: That can be a

- 1 challenge.
- 2 CHAIR LYNCH: Thanks, Ms. Martinez.
- 3 Any other -- oh, Mr. Stohr, I think you were trying to
- 4 | get my attention.
- MR. STOHR: Yes, Mr. Chair. I'm just
- 6 | curious on the analysis of risk resource impacts and
- 7 response capacity. Are we looking -- is the intent to
- 8 | look at the site itself and not the, for instance,
- 9 | Spokane's response capacity or spill out near Ilwaco or
- 10 | something like that? I mean, are we looking at all the
- 11 state...?
- MR. AARTS: Well, the study that I
- 13 referred to was specifically focused on the Vancouver
- 14 | Fire Department area. Now, the section I talked about in
- 15 terms of spill incidents, that will reflect both the
- 16 | marine and rail routes. But the in-depth analysis of
- 17 | we'll call it a gap analysis between the response
- 18 | capacities of the fire department versus what's needed at
- 19 the site is focused strictly on the City of Vancouver.
- 20 But like I mentioned, in that separate section, we will
- 21 be analyzing not at that level of detail, but at an
- 22 appropriate level of detail we will be talking about
- 23 response capabilities along both the marine corridor,
- 24 | Lower Columbia and the rail route.
- MR. STOHR: And in that preliminary

```
1
    analysis, if you were to get a sense of an increased risk
    of some significance somewhere outside of that local
2
3
    area, there would be an opportunity to come back and
    address that still? I mean, that's one reason we're
4
5
    doing some of this early review and scoping?
6
                       MR. AARTS: That's correct. Right.
7
                       CHAIR LYNCH: That's a good point,
8
    Mr. Stohr, too. And remember, this is -- we're still
9
    talking about the draft. We're talking about all this
10
    information before it goes into a draft EIS, so we still
11
    would put out the draft for comments and then there's an
12
    opportunity for us to amend it even further.
13
        Any other questions or comments?
14
                       MR. STOHR: One more.
15
                       CHAIR LYNCH: Go ahead, Mr. Stohr.
16
                       MR. STOHR: We heard some of this at
17
    some of our hearings, and I'm not sure what to do with
18
    it, but I think about Oregon, you know, and the shared
19
    system, shared transportation system, shared resources,
20
    and I know, you know, we only have so much responsibility
21
    geographically, but it does make me wonder about Oregon
22
    and how or if they engage, what we do with them.
23
         I don't expect you to have an answer. I'm just
24
    thinking out loud.
25
                       CHAIR LYNCH: We will think about
```

- 1 that. Thank you.
- 2 MR. POSNER: One thing just to keep in
- 3 | mind is they are on a project mailing list, so they will
- 4 | have an opportunity to comment, the State itself, will
- 5 have an opportunity to comment on the draft EIS, and if
- 6 | their -- for instance, in their opinion isn't enough
- 7 detail in the draft, they can comment and we would have
- 8 an opportunity before we finalize the EIS perhaps to do a
- 9 more detailed analysis if we felt it was warranted.
- 10 CHAIR LYNCH: Any other questions for
- 11 | staff or our consultant?
- 12 Thank you. It's good to be at this point.
- MS. BUMPUS: Thank you.
- 14 CHAIR LYNCH: And Ms. Uno, good to see
- 15 | you as well.
- MS. UNO: Thank you.
- 17 CHAIR LYNCH: At this point in time
- 18 | we'll -- Mr. Kisielius, you wish to address the Council?
- 19 MR. KISIELIUS: Thank you, Mr. Chair.
- 20 | Would you like me to --
- 21 CHAIR LYNCH: Yes, if you would please
- 22 come up to the chair. And just for the record, would you
- 23 | identify yourself?
- 24 MR. KISIELIUS: Thank you, Mr. Chair.
- 25 | My name is Tadas Kisielius with Van Ness Feldman. I'm

here on behalf of Vancouver Energy, and I will keep my remarks short because there's been a lot of information presented already, including the schedule through publication of the draft EIS.

But I did want to segue off of Council Member

Green-Taylor's question related to the extension. I

think it is apparent that we're going to be asked to

extend that statutory review period in light of this

particular schedule. And that statutory review period

covers the entirety of EFSEC's process through

recommendation to the governor.

So as we've indicated in the past, we don't think it's appropriate to ask us to agree to an open-ended extension. The last time we agreed to an extension we proposed that based on input we had received to date on the schedule. And to help us and to help staff do that in preparation for a second extension, we are asking the Council and staff to establish a specific schedule beyond the publication of the draft EIS for all of the milestones in the EFSEC review process.

We think everybody would benefit from that greater clarity on what are the remaining steps and the anticipated time frame for all of those steps, but it would certainly help with respect to the second extension that would be requested.

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1
        So I just wanted to jump in and address Council
    Member Green-Taylor's comments on that question.
2
3
                       MS. GREEN-TAYLOR:
                                          Thank you.
4
                       CHAIR LYNCH: And we will consider
            I think the biggest part of this proposed project
5
    that.
6
    is the preparation of the environmental impact statement.
7
    I think once that's finished the adjudicat- -- that will
8
    drive a lot of the issues in the adjudication and I think
9
    that could be completed very efficiently. But I think
10
    we're getting far enough along with where we are in the
    draft EIS that I feel confident that we can take care of
11
12
    this in an efficient manner. We'll try to get a sense of
13
    completion for you.
14
        Thank you. Any questions for Mr. Kisielius?
15
        Thank you.
        Is there any further business before the Council
16
17
    today? Thank you all for your participation and have a
18
    good rest of the week. Thank you.
19
                               (Meeting adjourned at 2:59 p.m.)
20
21
22
23
24
25
```

1	STATE OF WASHINGTON ) I, Katie A. Eskew, CCR, RPR, ) ss CCR # 1953, a duly authorized
2	County of King ) Certified Court Reporter in and for the State of Washington, hereby
3	certify:
4	
5	I, KATIE A. ESKEW, a Certified Shorthand Reporter
6	in and for the State of Washington, do hereby certify that
7	the foregoing transcript is true and accurate to the best of
8	my knowledge, skill and ability.
9	
10	IN WITNESS WHEREOF, I have hereunto set my hand
11	and affixed my official seal this 23rd day of December, 2014.
12	
13	
14	
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19	
20	Katie A. Eskew, CCR, RPR
21	Certified Court Reporter, #1953 My License expires 8/26/15
22	
23	
24	
25	

### Kittitas Valley Wind Power Project Monthly Project Update

December 16, 2014

### Project Status Update

### **November Production Summary:**

MWh 13,667 MWh Wind 5.2 m/s or 11.6 mph CF 18.8%

### Safety:

No incidents

### Compliance:

Project is in compliance as of December 09, 2014.

### Sound:

No complaints

### Shadow Flicker:

No complaints

### Environmental:

Ready for winter, project roads are in great shape.

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

<u>Wind Production:</u> November generation totaled 71,807 MWh for an average capacity factor of 36.59%.

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

Compliance/Environmental: Nothing to report.



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

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

### 15 December 2014

### Safety:

• There were no recordable incidents this reporting period and the plant staff has achieved 4395 days without a Lost Time Accident.

### **Environment:**

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

### Personnel:

• Authorized plant staffing level is currently 19 with 18 positions filled. We have one Control Room Operator position open an offer has been accepted.

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

• The Plant generated 204,581 megawatt-hours at a capacity factor of 56.11% for the month of September and the year-to-date capacity factor is 58.15%.

### Regulatory/Compliance:

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

### **Carbon Offset:**

• Engineering design review and final quotes have been received a submittal package is being prepared to submit in December 2014 to EFSEC staff for review and recommendation to the Council. This was delayed due to PacifiCorp staff availability.

Respectfully,

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

November, 2014

### **EFSEC Monthly Operational Report**

### 1. Safety and Training

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

### 2. Environmental

- 2.1. Submitted the October DMR for Outfall and storm water.
- 2.2. Completed collecting water samples for the waste water characterization phase of the Engineering Report following implemented changes.

### 3. Operations & Maintenance

- 3.1. Grays Harbor Energy operated 8 days and generated 96,379 MWh during the month of November.
- 3.2. The capacity factor (CF) was 21.6% in November, and 32.7% YTD.
- 3.3. The availability factor (AF) was 97.5% in November, and 94.6% YTD.

### 4. Noise and/or Odor

4.1. There were no complaints received during the month of November.

### 5. Site Visits

5.1. There were no site visitors during the month of November.

### 6. Other

6.1. Grays Harbor is fully staffed with 22 employees.

### Energy Northwest EFSEC Council Meeting December 16, 2014 (Shannon Khounnala)

### I. Columbia Generating Station Operational Status

Columbia is operating at 100% power, generating 1120 megawatts.

Saturday, December 13, 2014 marked 30 years since Columbia Generating Station first began commercial operations. Since that December day in 1984, Columbia has generated more than 214 million net megawatt-hours of electricity.

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

### II. WNP 1/4 Water Rights

The WA Department of Ecology posted the Report of Examination to their website for a 30 day appeal period. The appeal period expired on December 13, 2014. The water rights permit for the WNP 1/4 site would be automatically issued to the Department of Energy if no appeals have been received. Energy Northwest expects to hear from the Department of Energy on the status of the appeal period this week. At this time, Energy Northwest continues to expect to receive the water rights permit in late December 2014.



# ENERGY FACILITY SITE EVALUATION COUNCIL

TESORO/SAVAGE Vancouver Energy Project

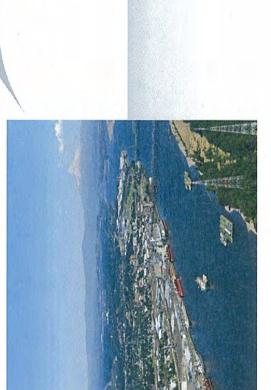
December 16, 2014

## INFORMATION NEEDS AND DEIS DEVELOPMENT PRESENTATION



### PRESENTERS:

SONIA BUMPUS (EFSEC) JAN AARTS (Cardno) ALISON UNO (Cardno)





## PRESENTATION:

- REVIEW PROCESS EFSEC SEPA ENVIRONMENTAL
- DISCUSS KEY GAPS AND CORRECTIVE **ACTIONS**
- DEIS SCHEDULE
- QUESTIONS



# EFSEC ENVIRONMENTAL REVIEW PROCESS

AUG 2013	SEP 2013	OCT 2013	_ \ ^	NOV 2013	DEC 2013	JAN 2014	FEB 2014	MAR 2014	APR 2014
Received	• ASC Reviews Begin	• DS Scoping Notice • Start SEPA Scoping		•	• End 60-day • Review Scoping Period Comme	Review Scoping Comments	Scoping Report Released Feb 21, 2014		EFSEC Approves DEIS Scope Phase 2 Scoping Workshops
MAY 2014	JUN 2014	JUL 2014	Z6 A	AUG 2014	SEP 2014	OCT 2014	NOV 2014	DEC 2014	JAN 2015
Continue Phase 2 Scoping Workshops	• EFSEC Requests Applicant's PDEIS		• Receive PDEIS CH 1-4	天	• Receive PDEIS CH 5-8	<ul> <li>Additional PDEIS Data Received</li> </ul>	<ul> <li>Additional PDEIS Data Received</li> </ul>	• Completed PDEIS Review and Data	

Strategy for DEIS Completion

Completed

Gap Analysis



## EFSEC DEIS GOALS

- Ensure compliance with SEPA
- Capture EFSEC's SEPA scope informed by EFSEC scoping period
- Create a well organized, understandable, and informed DEIS

### **OBJECTIVES**

- Obtain a clear understanding of the project and analyses performed
- Identify informational gaps and additional data requirements
- Develop a strategy to obtain additional information, perform additional analyses
- Perform additional analyses and data collection
- Incorporate PDEIS information and results from additional analyses into a complete



### DEVELOP DEIS

- Build on extensive work completed by the Applicant
- Reorganize PDEIS to improve clarity and project understanding
- Revise text to achieve a balanced and objective tone
- Supplement information in PDEIS with additional data
- · Clearly describe analytical methods used to identify potential impacts
- Clearly differentiate between onsite and offsite impacts
- Include separate section analyzing potential impacts from accidental releases

### **OBJECTIVES**

- Create an easy to follow document that clearly presents technical information
- Enable clear understanding of potential impacts and proposed mitigation
- Provide EFSEC objective and up-to-date information to make an informed decision

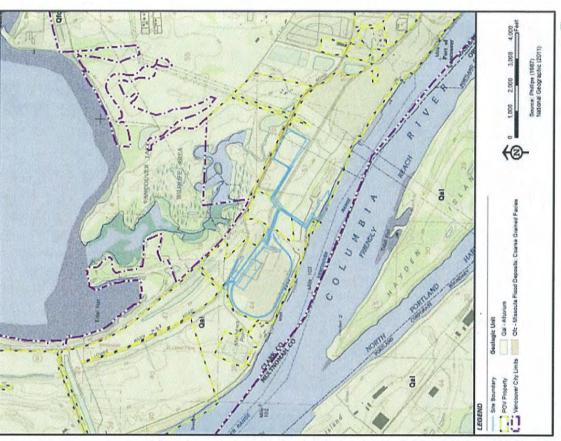


- Review Applicant prepared geotechnical studies, seismic hazards analysis, and facility design
- Evaluate potential impacts from the proposed project on the Vancouver Fire Department's operational and response capabilities
- Conduct independent assessment of rail and vessel risk analysis
- Expand air quality analysis to include construction activity and mobile sources

### **OBJECTIVES**

- Carefully evaluate topics of concern raised by the public and agencies
- Use best available data and independent experts to analyze risks and potential impacts
- Prepare a document that informs decision makers of potentia environmental impacts and identifies appropriate mitigation for the proposed action and alternatives
- Ensure compliance with SEPA

- Conduct independent review of Applicant prepared geotechnical studies, seismic hazards analysis, and facility design
- Seismic hazards to be evaluated:
- · Ground motion
- Soil liquefaction susceptibility and likelihood
- Liquefaction-induced permanent ground deformation (settlement and lateral spreading) and effects on foundation loads
- Earthquake-induced landslides other than those due to liquefaction
- Surface fault-rupture potential at site
- Tsunami potential
- Focus on seismic hazards and mitigation options





- Evaluate potential impacts on Vancouver Fire Department's operational and response capabilities
- Study to include:
- Interviews with members of the VFD to clearly understand operational capabilities, emergency response personnel, equipment, and training
- A local and regional risk assessment based on projected increase in crude oil transport (rail and vessel) within the VFD response area
- the proposed facility's emergency systems and VFD's response capabilities
- Recommendations to mitigate identified impacts, including emergency plans, tactics and strategies, training, equipment, and other resources





Conduct independent assessment of Applicant prepared vessel and rail risk analysis

### Independent experts will:

- Review assumptions, analytical methods, and results
- If necessary, conduct additional analysis to more accurately assess risks associated with rail or vessel traffic
- Prepare a written report describing amended approaches, methods, and risk outcomes

## The risk analysis will focus on:

- Probability of spill incidents
- Nature of those incidents with regard to geographic location and spill volume
- Potential impacts of spills









## TIMELINE OF FUTURE KEY EVENTS

Data Request provided to the Applicant

Obtain additional data from the Applicant

Incremental submittal of DEIS sections for EFSEC Staff comment and review

Write the DEIS; incorporate additional information and results

from additional analyses

Perform additional analyses

EFSEC Council Review of the DEIS

Recommendations response to Council DEIS revised in

EFSEC Council Approves DEIS for Publication

DEIS is published – start of public

DEC 2014

FEB 2015

MAR 2015

MAY 2015

## QUESTIONS?

