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3
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, February 17, 2015
11 1:31 p.m.
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15 MONTHLY COUNCIL MEETING
16 Verbatim Transcript of Proceeding
17
18
19

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A P P E A R A N C E S

Councilmembers Present:

Bill Lynch, Chair

Liz Green-Taylor, Department of Commerce

Cullen Stephenson, Department of Ecology

Joe Stohr, Department of Fish and Wildlife

Local Government and Optional State Agency:

Bryan Snodgrass, City of Vancouver (via phone)

Christina Martinez, Department of Transportation

Assistant Attorney General:

Ann Essko, Assistant Attorney General

Staff in Attendance:

Stephen Posner

Tammy Mastro

Sonia Bumpus

Kali Wraspir

Joan Aitken

Guests in Attendance:

Mark Miller, PacifiCorp Energy

Jay Derr, Van Ness Feldman

Richard Downen, Grays Harbor Energy

Guests in Attendance Via Phone:

Brad Barfus, Energy Northwest

Eric Melbardis, EDP Renewables, Kittitas Valley

Timothy L. McMahan, Stoel Rives

Jennifer Diaz, Puget Sound Energy

Karen McGaffey, Perkins Coie

Haley Edwards, Puget Sound Energy

Bronson Potter, Vancouver

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1 OLYMPIA, WASHINGTON, FEBRUARY 17, 2015

2 1:31 P.M.

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5 CHAIR LYNCH: Good afternoon. Today is
6 February 17th, 2015, in the regular February meeting
7 of the Energy Facility Site Evaluation Council.

8 Could we please have Staff call the roll.

9 MS. MASTRO: Department of Commerce?

10 MS. GREEN-TAYLOR: Liz Green-Taylor
11 here.

12 MS. MASTRO: Department of Ecology?

13 MR. STEPHENSON: Cullen Stephenson here.

14 MS. MASTRO: Fish and Wildlife?

15 MR. STOHR: Joe Stohr is here.

16 MS. MASTRO: Department of Natural
17 Resources?

18 CHAIR LYNCH: Excused.

19 MS. MASTRO: Utilities and
20 Transportation Commission?

21 CHAIR LYNCH: Excused.

22 MS. MASTRO: Local Governments and
23 Optional State Agencies.

24 Department of Transportation?

25 MS. MARTINEZ: Christina Martinez here.

1 MS. MASTRO: City of Vancouver?

2 MR. SNODGRASS: Bryan Snodgrass on the
3 phone.

4 MS. MASTRO: Port of Vancouver?

5 CHAIR LYNCH: He may be calling in late,
6 or otherwise he is excused.

7 MS. MASTRO: Chair, there is a quorum.

8 CHAIR LYNCH: Thank you.

9 Can I please have the Councilmembers review
10 the proposed agenda and see if they have any suggested
11 edits. There will be only one action item today.

12 Hearing none, I would like to give an
13 opportunity for those people who are on the telephone
14 to identify themselves, realizing you are not required
15 to, so please go ahead.

16 MR. MELBARDIS: This is Eric Melbardis
17 with EDP Renewables for the Kittitas Valley Wind Power
18 Project.

19 MR. McMAHAN: Tim McMahan with Stoel
20 Rives.

21 MS. DIAZ: Jennifer Diaz with Puget
22 Sound Energy, Wild Horse Wind Facility.

23 MS. EDWARDS: Haley Edwards with Puget
24 Sound Energy.

25 MS. McGAFFEY: Karen McGaffey, Perkins

1 Coie.

2 MR. BARFUS: Good afternoon. This is
3 Brad Barfus from Energy Northwest.

4 CHAIR LYNCH: Anybody else that's on the
5 phone that would like to identify themselves?

6 MR. POTTER: Hi. Bronson Potter just
7 joined.

8 CHAIR LYNCH: Thank you.

9 And just a reminder for those of you who are
10 on the telephone listening to this. We have had
11 problems the last few Councilmembers [sic] with people
12 not muting their phones, and then we get a lot of
13 either feedback or noise that comes back over our
14 phones. And then when we mute you up here, it means
15 that people who are listening in cannot hear
16 everything that is being said at the Council meeting.
17 Please do us the courtesy of muting your phone, if you
18 are not going to speak.

19 Thank you.

20 Let's go ahead and turn to the meeting minutes
21 for January 20th. Are there any proposed changes to
22 that?

23 I'll give you all a few extra minutes to look
24 at this.

25 (Pause in the proceedings.)

1 CHAIR LYNCH: It looks like Ms. Bumpus
2 was 90 percent of the hearing last time.

3 (Pause in the proceedings.)

4 CHAIR LYNCH: At this time, I will go
5 ahead and entertain a motion for approval of the
6 January 20th, 2015 minutes.

7 MR. STEPHENSON: Chair Lynch, I will
8 move that we approve the minutes from Tuesday,
9 January 20th.

10 CHAIR LYNCH: Do I have a second?

11 MR. STOHR: I'll second.

12 CHAIR LYNCH: It has been moved and
13 seconded that we approve the minutes from
14 January 20th, 2015. All those in favor say "aye."

15 MULTIPLE SPEAKERS: Aye.

16 CHAIR LYNCH: Opposed?

17 Motion carries.

18 We will go ahead and turn to updates from
19 various facilities. We will start first with the
20 Kittitas Valley Wind Project. Mr. Melbardis, you're
21 up.

22 MR. MELBARDIS: Good afternoon, Chair
23 Lynch, EFSEC Council. This is Eric Melbardis for the
24 Kittitas Valley Wind Power Project, EDP Renewables.
25 We have nothing nonroutine to report. Winds have been

1 fairly low, as they typically are in the winter.

2 Although, this year winter seems to have passed us by.

3 CHAIR LYNCH: I'm sorry, could you speak
4 up a little bit louder, Mr. Melbardis? I missed that
5 last thing you were saying. If you could speak a
6 little louder, I would appreciate it.

7 MR. MELBARDIS: Okay. Is that better?

8 CHAIR LYNCH: Not much better.

9 MR. MELBARDIS: Sorry about that.

10 I just was saying that it has been a fairly
11 light winter for us, and it seems to be about over, so
12 we will be going into monitoring for stormwater
13 discharge.

14 CHAIR LYNCH: Okay. Any questions for
15 Mr. Melbardis?

16 Thank you.

17 And now we will have an update for Wild Horse
18 Wind Power Project. Ms. Diaz?

19 MS. DIAZ: Yes. Thank you, Chair Lynch
20 and Councilmembers. I only have two nonroutine
21 updates this afternoon. The first item is the Spill
22 Prevention, Control and Countermeasure Plan was
23 revised recently, to include a new oil storage
24 container and emergency diesel-powered generator. The
25 revised plan was reviewed by Department of Ecology and

1 certified by a professional engineer. EFSEC staff
2 formally approved the revisions on February 5th.

3 The second update is related to eagles. As a
4 recap, PSE filed a preliminary draft Eagle
5 Conservation Plan with the U.S. Fish and Wildlife
6 Service in December. The Service is currently
7 reviewing the draft and will provide comments to PSE
8 as --

9 (Bridge line interruption.)

10 MS. DIAZ: -- to support the development
11 and implementation of the Eagle Conservation Plan.
12 PSE will be conducting one year of eagle use surveys
13 and eagle fatality monitoring, which are scheduled to
14 begin next month. The protocols for the surveys and
15 monitoring were submitted to TAC members for review
16 and comment on January 23rd. A follow-up meeting was
17 then held on February 12th, to discuss the protocols
18 in detail and to answer questions from TAC members.

19 Based on feedback from the TAC, the protocols
20 were revised slightly to include data collection
21 regarding the availability of prey at Wild Horse. The
22 surveys and monitoring are scheduled to begin mid
23 March.

24 That's all I have for today.

25 CHAIR LYNCH: Ms. Diaz, you said it was

1 updated to reflect the availability of what?

2 MS. DIAZ: The availability of prey.

3 CHAIR LYNCH: Oh, prey.

4 MS. DIAZ: Prey, yes.

5 CHAIR LYNCH: Okay. Thank you.

6 MS. DIAZ: Eagle prey.

7 CHAIR LYNCH: What I thought I heard you
8 say didn't make any sense to me. Thank you.

9 MS. DIAZ: Absolutely.

10 CHAIR LYNCH: Mr. Posner, just to
11 clarify for the Councilmembers, the plan in relation
12 to the new oil storage container and emergency
13 diesel-powered generator, that's the sort of thing
14 that normally Staff just handles and approves, as part
15 of your ongoing oversight, and it doesn't rise to the
16 level of Council approval; is that correct?

17 MR. POSNER: That's correct.

18 CHAIR LYNCH: Thank you.

19 Any questions for Ms. Diaz?

20 Thank you.

21 Mr. Downen. Welcome back.

22 MR. DOWNEN: Thank you. I am happy to
23 be back. It's beautiful weather. I was in Western
24 Illinois where it was subzero. I am happy to be here.

25 CHAIR LYNCH: Could you check to see if

1 that microphone is on, please?

2 MR. DOWNEN: Yes, it is.

3 CHAIR LYNCH: Okay.

4 MR. DOWNEN: Good afternoon, Chair,
5 Council and Staff. My name is Rich Downen. I am the
6 plant manager at Grays Harbor Energy. Our monthly
7 report, the only thing that was nonroutine was that
8 there was some activity with our PSD Amendment 4
9 request. I think we are in our fifth year of working
10 out the details of that request. We met with EPA and
11 EFSEC on site. EPA has requested a bunch of new data.
12 I believe we are making progress, but kind of
13 starting -- starting over with a bunch of new data.

14 CHAIR LYNCH: My understanding is that
15 you furnished them with quite a bit of data, but they
16 asked for, was it minute-by-minute data?

17 MR. DOWNEN: For two years, yes. That
18 will take a while to put together, so we are going to
19 work on that.

20 CHAIR LYNCH: Thank you.

21 Any questions for Mr. Downen?

22 Hopefully, we will just continue to get
23 through these permits for you. We understand it is a
24 lot of work, but we hope to have all of this completed
25 for you in the near future.

1 MR. DOWNEN: That's what I hope too.

2 CHAIR LYNCH: Thank you, Mr. Downen.

3 Mr. Miller. Chehalis Generation Facility.

4 MR. MILLER: Good afternoon, Chair Lynch
5 and Councilmembers. My name is Mark Miller. I am the
6 plant manager for the PacifiCorp Energy Chehalis
7 Generation Facility. I have no nonroutine comments to
8 offer today.

9 Are there any questions?

10 CHAIR LYNCH: Any questions for
11 Mr. Miller?

12 Thank you.

13 MR. MILLER: All right. Thanks.

14 CHAIR LYNCH: Columbia Generating
15 Station, and then WNP 1 and 4. Ms. Khounnala.

16 MR. BARFUS: Good afternoon, Chair
17 Lynch. This is Brad Barfus, sitting in for Shannon
18 Khounnala this afternoon. Good afternoon,
19 Councilmembers and Staff.

20 Regarding Columbia Generating Station,
21 Columbia has been online for 602 days and we are at
22 100 percent power today. There are no nonroutine
23 items to report for Columbia this month.

24 Are there any questions regarding Columbia?

25 CHAIR LYNCH: Any questions for

1 Mr. Barfus regarding Columbia?

2 Go ahead and proceed to WNP 1 and 4.

3 MR. BARFUS: Okay. Regarding WNP 1 and
4 4 Water Rights, no changes from last month's update.
5 EN has received a formal copy of the water rights, and
6 the Department of Energy continues to evaluate the
7 necessary mechanisms for signing a new lease agreement
8 for WNP 1 and 4. This evaluation is expected to last
9 through approximately March.

10 I have no other items to report for WNP 1 and
11 4.

12 CHAIR LYNCH: Any questions for
13 Mr. Barfus?

14 No questions. Thank you.

15 MR. BARFUS: All right. Thank you.

16 CHAIR LYNCH: And, Ms. Bumpus, do you
17 want to give us an update on Tesoro-Savage Vancouver
18 Energy Distribution Terminal?

19 We are still calling it that. What's the --

20 MS. BUMPUS: That's correct.

21 CHAIR LYNCH: Okay.

22 MS. BUMPUS: Thank you, Chair Lynch and
23 Councilmembers. Good afternoon. I am going to start
24 with an update on the application with respect to
25 facility plans.

1 Just to recap, the February 2014 ASC contained
2 a preliminary Draft Oil Spill Contingency Plan and
3 Spill Prevention Control and Countermeasure Plan. The
4 contingency plan was reviewed by our contractor at
5 Ecology, and it was determined to be incomplete. A
6 letter was provided to the applicant, along with a
7 checklist, to assist the applicant with completing the
8 plan.

9 Also, for the spill prevention plan, we are
10 currently finishing the review of that plan. We will
11 be completing the review this month, and we will be
12 sending a letter to the applicant, letting them know
13 what the findings are and what additional information
14 they need to provide to complete the plan. I will
15 keep you updated on that as we move forward.

16 For the permits, there is one issue that has
17 come up since the last update that I wanted to just
18 let Council know about. The construction that is
19 proposed at the marine terminal requires an HPA
20 permit, a Hydraulic Project Approval permit. And in
21 the February 2014 application, the job performs were
22 reviewed by DFW to prepare an HPA permit.

23 There was an issue that came up relative to
24 in-water work windows. DFW prepared an advisory
25 permit because we had not finished SEPA yet. And the

1 work windows that are part of the provisions in the
2 advisory permit differ from the work windows that are
3 stipulated in the ASC and in the biological evaluation
4 report that the applicant submitted to the Corps in
5 December of 2014.

6 We are working with DFW, our contractor at
7 DFW, to identify why there is a difference, why there
8 is an inconsistency with the published work windows
9 that the applicant is using and the actual work
10 windows that DFW has recommended they use.

11 I will keep you updated on that, but we are
12 going to need to resolve the issue and understand why
13 there is an inconsistency with the published work
14 window and what our DFW contractor is recommending for
15 the in-water work.

16 CHAIR LYNCH: I'm just going to give a
17 little bit of a translation for those of you who don't
18 know what all those acronyms mean.

19 Essentially, you are saying that because the
20 project involves work in the water, they need a permit
21 from the Department of Fish & Wildlife, to make sure
22 that fish are not impacted, primarily I would think
23 because of their migration.

24 MS. BUMPUS: Correct.

25 CHAIR LYNCH: And so there's a

1 disagreement between the federal agencies and the
2 state agencies about when that -- those -- when they
3 can work in the water without disturbing the fish, and
4 that's what needs to be resolved.

5 MS. BUMPUS: That is one issue that
6 needs to be resolved. The other that is relative to
7 just DFW is the in-water work window that they have
8 published. I believe it's -- the work window that may
9 have been used might be the work window that DFW uses
10 for mining, prospect mining. So that's one of the
11 other things that we want to clarify, along with the
12 point you just raised, Chair Lynch, with what the
13 federal agencies will look to as the appropriate work
14 window.

15 CHAIR LYNCH: It's your understanding
16 that these different entities are talking to each
17 other?

18 MS. BUMPUS: Yes. Our DFW contractor
19 has informed me that the DFW Region 5 office is
20 working with the Corps and that they are having
21 discussions about this issue now.

22 CHAIR LYNCH: Good.

23 I'm sorry, please continue.

24 MS. BUMPUS: Does anyone else have any
25 questions before I move on to the other permits?

1 So for the air permit, last month we were
2 expecting to provide review comments on NOC, the
3 Notice of Construction permit application. We heard
4 back from our contractor at the Ecology Air Quality
5 Program that the application does look to be complete,
6 and that he is going to send a letter recommending
7 that we begin drafting the permit. That doesn't mean
8 that we won't go back to the applicant for additional
9 information. We may need to go back to them and get
10 more information as we begin drafting the permit. I
11 will keep you updated on how that is going. But we
12 will be providing a letter to the applicant later this
13 month, letting them know that there has been a
14 completeness determination for their NOC application.

15 CHAIR LYNCH: With these various
16 permits, unlike the air permit, Ms. Bumpus, the
17 Council will see that when it is put out for comment
18 to the public; is that correct?

19 MS. BUMPUS: Correct. You will see it
20 before we send it out for comment.

21 CHAIR LYNCH: And then we will see it
22 again at the end of the process, assuming we would
23 make any adjustments based upon the comments, and then
24 the Council would have to approve any permit that then
25 would be folded into the site certification agreement?

1 MS. BUMPUS: Correct.

2 CHAIR LYNCH: So we will see this more
3 than once?

4 MS. BUMPUS: Yes.

5 CHAIR LYNCH: Okay. Thank you.

6 Any questions about the air permit?

7 Thank you. Please continue.

8 MS. BUMPUS: This is the last of the
9 permit updates. For the stormwater NPDES industrial
10 and construction permits, just to recap, EFSEC sent a
11 letter dated August 1st, 2014, communicating to the
12 applicant a great deal of additional information that
13 we needed to continue the review of the permit
14 applications. This is for both the industrial and the
15 construction permits. We are waiting on that
16 information still, but we have been told by the
17 applicant that they are intending to provide that
18 additional information to us later this month. Once
19 we receive that information, we can begin reviewing it
20 and determining if we have enough to begin drafting
21 those permits.

22 I don't have a time line for you. It is very
23 much dependent on when we receive the information from
24 the applicant, and then from there, whether or not it
25 is everything that we needed and all of the permit

1 writers are satisfied with the information to go
2 forward. So we will keep you updated on that as well.
3 Basically, no change there. We are still waiting on
4 that information.

5 Are there any questions about the stormwater
6 permits?

7 Okay. So moving on. I did want to introduce
8 Patty Betts, who has come on board the EFSEC staff,
9 and is assisting with the draft EIS development.
10 Patty comes with several years of experience in SEPA
11 work and DEIS and EIS development. She is going to be
12 assisting EFSEC with -- and our consultant with
13 developing the DEIS over the next several months.

14 So to go into the SEPA update, at this time
15 there is not a whole lot to report, other than that
16 there has been some slight shift to the schedule, but
17 it's not -- it doesn't look like it is significant, it
18 may be just a few weeks. We do anticipate there could
19 be some significant shift, but we are going to get the
20 facts together and come to you with dates, if it does
21 look like in fact we are going to need to extend it a
22 little bit, as far as our target date to get it to
23 you.

24 Other than that, I just wanted to let you know
25 that we have a total of four data requests that we

1 have sent to the applicant. Data Request 1 was
2 received last month, but the other three are still out
3 there. We are still waiting on those. So those are
4 some other factors that can slow down the DEIS
5 process. It is information that the DEIS authors need
6 from the applicant. I will keep you updated on that
7 as well. There still are three that we are waiting
8 on, to get back.

9 CHAIR LYNCH: Any questions for
10 Ms. Bumpus?

11 MS. MARTINEZ: Ms. Bumpus, you mentioned
12 a potential slight schedule slip. I think earlier we
13 were talking March for the draft EIS. Are we thinking
14 later than that at this point?

15 MS. BUMPUS: That's right. We wanted to
16 get it to you in March, to begin your review. I think
17 right now it is a matter of just some weeks, a few
18 weeks.

19 MS. MARTINEZ: Okay.

20 MS. BUMPUS: But if there is anything
21 substantial that comes up that shifts it dramatically,
22 we will -- you know, we will let you know. Anything
23 more than a few weeks, we are going to let you know as
24 soon as we know, and tell you what the new target date
25 would be. We are still working to stay, you know,

1 within the time line that we have set.

2 MS. MARTINEZ: Thank you.

3 CHAIR LYNCH: Thank you, Ms. Martinez.

4 Any other questions for Ms. Bumpus?

5 Thank you.

6 Mr. Posner.

7 MR. POSNER: Good afternoon, Chair
8 Lynch, Councilmembers. Before we go on to the
9 potential action item, I just wanted to just update
10 the Councilmembers and let you know, you already know,
11 that we have commenced adjudication. There was an
12 order commencing adjudication that was issued on the
13 28th of January. It did set some dates for various
14 documents to be submitted. I will just summarize
15 those right now.

16 So the order was issued on the 28th, petitions
17 for intervention are due on the 27th of February.
18 Objections to those petitions are due on the 6th of
19 March, and then responses to objections are due on the
20 11th of March.

21 That is all I have on that matter.

22 Any questions?

23 CHAIR LYNCH: Any questions for
24 Mr. Posner regarding the commencement of the
25 adjudication?

1 Please proceed.

2 MR. POSNER: So the next item before the
3 Council is request to consider extending the review
4 time period for the Application for Site
5 Certification. We have received a letter from the
6 applicant and we do have the applicant's
7 representative here to briefly discuss their proposal,
8 or their letter that they submitted to the Council, if
9 the Council desires. Essentially, they have sent us a
10 letter and -- with a date which the Council and the
11 applicant need to agree to, at least a date needs to
12 be agreed to. They are suggesting November 1st as the
13 time that the recommendation would be made to the
14 governor.

15 So Mr. Derr is here, if the Councilmembers
16 have questions of him.

17 CHAIR LYNCH: Mr. Derr, do you care to
18 address the Council?

19 (Pause in the proceedings.)

20 CHAIR LYNCH: A good lawyer always says
21 "yes."

22 MR. DERR: A good lawyer always comes up
23 and gets on the record, but doesn't necessarily say
24 anything.

25 Jay Derr, representative for Vancouver Energy.

1 I am basically here to respond to questions, if you
2 have them. We have sort of laid out in our letter why
3 we proposed the date that we did. There is new
4 information that I heard for the first time 30 seconds
5 ago about EIS. The date we proposed is the date we
6 proposed based on what we know, which is pretty
7 limited, about the schedule.

8 I, basically, just am here if you have
9 questions. I didn't bring my client here because I
10 didn't think you needed my client here today.

11 CHAIR LYNCH: Any questions for
12 Mr. Derr?

13 Thank you, Mr. Derr.

14 MR. DERR: Thank you.

15 CHAIR LYNCH: We have a question for
16 Staff.

17 Mr. Stephenson.

18 MR. STEPHENSON: Thank you, Chair Lynch.

19 Stephen, is this November 1 deadline
20 reasonable?

21 MR. POSNER: Well, I think it is
22 possible. If you -- if you saw my letter, I sent
23 three letters out to Councilmembers last week, so you
24 could see sort of the chronology.

25 MR. STEPHENSON: I did see those.

1 MR. POSNER: After talking to our
2 administrative law judge and sort of reviewing the
3 process as we envisioned it, my response letter to the
4 applicant's first letter was that I was hopeful we
5 would get a recommendation by the end of the year.
6 And then they responded with the letter that you have
7 before you.

8 MR. STEPHENSON: Thank you.

9 CHAIR LYNCH: I would agree with
10 Mr. Posner, that the November 1 deadline at least
11 looks potentially possible. A lot of it depends on
12 the adjudication. The fact we have jump-started that
13 a little bit, I think helps us move further on down
14 the road.

15 Any other questions regarding the extension of
16 this deadline?

17 And so we will need a motion to agree to
18 extend the time for processing this application to
19 November 1st, 2015. Do I have a motion?

20 MR. STEPHENSON: Chair Lynch, I will
21 move that we extend the deadline to November 1st.

22 CHAIR LYNCH: Do I have a second?

23 MS. GREEN-TAYLOR: I will second.

24 CHAIR LYNCH: It has been moved and
25 seconded that the Council extend time for processing

1 the Tesoro-Savage application to November 1, 2015.

2 All those in favor say "aye."

3 MULTIPLE SPEAKERS: Aye.

4 CHAIR LYNCH: Opposed?

5 Motion carries.

6 Very good. So we just have a couple items I
7 wanted to bring up under "Other." One is regarding
8 our request legislation, Senate Bill 5310. You will
9 see that in your packets. There is an overview of
10 that particular piece of legislation. That's our
11 request legislation that would update our enforcement
12 authority. That passed unanimously out of the Senate
13 Energy, Environment and Telecommunications Committee
14 last week, and it is currently in the Rules Committee.
15 There was another bill, Senate Bill 5115, which asks
16 the -- asked EFSEC to study siting of small, modular
17 nuclear reactors in the state. That is scheduled for
18 executive action in that same committee tomorrow.
19 That is the type of bill that normally you will see
20 get reduced to a budget proviso.

21 And, Ms. Mastro or Mr. Posner, could you give
22 us a quick update about the greenhouse gas mitigation
23 list for qualified organizations? That is going to go
24 out -- the RFQ -- I'm sorry, that is going out this
25 month or --

1 MS. MASTRO: Chair Lynch, the plan is to
2 put out an RFQ onto the website by the end of the
3 month. That is calling for qualifications for
4 greenhouse gas --

5 CHAIR LYNCH: Okay. Very good.

6 As you recall, after we originally established
7 the list, we have not updated it since that time. We
8 have since -- while the Chehalis facility has met all
9 its responsibilities for mitigation under their
10 particular siting approval, we just think it is a good
11 idea to update the list because of potential projects
12 in the future.

13 Thank you.

14 MS. MASTRO: Uh-huh.

15 CHAIR LYNCH: Is there any other
16 business before the Council today?

17 MR. POSNER: No.

18 CHAIR LYNCH: With that, we're
19 adjourned. Thank you.

20 (Council meeting concluded 2:01 p.m.)
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22
23
24
25

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

February 17, 2015

Project Status Update

January Production Summary:

MWh 5,318 MWh
Wind 3.3 m/s or 7.3 mph
CF 7.1%

Safety:

No incidents

Compliance:

Project is in compliance as of February 12, 2015.

Sound:

No complaints

Shadow Flicker:

No complaints

Environmental:

Winter has been wet with little snow – monitoring for stormwater discharge and mud.

Wind Production: January generation totaled 31,895 MWh for an average capacity factor of 15.73%.

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

Compliance/Environmental:

In accordance with Article VI.A.2 of the SCA, the Operations Spill Prevention, Control and Countermeasure Plan (SPCCP) was revised to include a new oil storage container and emergency diesel-powered generator. The revised plan was reviewed by the Department of Ecology and certified by a Professional Engineer. EFSEC staff formally approved the revisions on February 5th.

Eagle Update:

The protocols for eagle use surveys and fatality monitoring were submitted to TAC representatives for review and comment on January 23rd. A follow-up meeting was held on February 12th to discuss the protocols in detail and answer questions from TAC members. The protocols were revised slightly based on feedback from the TAC. The surveys and monitoring are scheduled to begin mid-March.

January, 2014

EFSEC Monthly Operational Report

1. Safety and Training

- 1.1. Conducted scheduled and required monthly training.
- 1.2. Conducted the scheduled safety committee meeting.

2. Environmental

- 2.1. Submitted 2014 Dangerous Waste Report to Ecology.
- 2.2. Submitted the 2014 Tier Two Emergency and Hazardous Chemical Inventory report to the County.
- 2.3. Submitted the 2014 Q4 EDR to EFSEC and EPA.
- 2.4. Submitted the December DMR to EFSEC.
- 2.5. Met with EPA and EFSEC to discuss the path forward for PSD Amendment 4. EPA's Bryan Holtrop requested more data and files for inclusion in the administrative record for Amendment 4. EPA thought the Amendment 4 draft could be delivered by January 31, 2015.
- 2.6. URS is consolidating and evaluating 2014 discharge data for a final draft Engineering Report.

3. Operations & Maintenance

- 3.1. Grays Harbor Energy operated 0 days and generated 0 MWh during the month of January.
- 3.2. The capacity factor (CF) was 0% in January, and 0% YTD.
- 3.3. The availability factor (AF) was 100% in January, and 100% YTD.

4. Noise and/or Odor

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

5. Site Visits

- 5.1. Bryan Holtrop with EPA and Jim Laspina with EFSEC visited the site during the month of January for the meeting regarding the PSD Amendment 4.

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 – January 2015**

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

17 February 2015

Safety:

- There were no recordable incidents this reporting period and the plant staff has achieved 4457 days without a Lost Time Accident.

Environment:

- Waste water monitoring results are in compliance with the permit limits for the month of January 2015.

Personnel:

- Authorized plant staffing level is currently 19 with 19 positions filled.

Operations and Maintenance Activities:

- The Plant generated 76,703 megawatt-hours at a capacity factor of 20.3% for the month of January and the year-to-date capacity factor is 20.3%.

Regulatory/Compliance:

- There were no air emissions deviations, waste-water or stormwater deviations or spills during the month of January 2015.
 - Sound monitoring: There were no noise complaints to report.
-

Carbon Offset:

- Nothing to report this period.

Respectfully,

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

**Energy Northwest
EFSEC Council Meeting
February 17, 2015
(Brad Barfuss)**

I. Columbia Generating Station Operational Status

Columbia is operating at 100% power, generating 1122 megawatts. The plant has 602 days of continuous online operation.

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

II. WNP 1/4 Water Rights

Energy Northwest and The Department of Energy received the formal water right permit from the Department of Ecology last month. The Department of Energy is formalizing their internal review process to approve a new land lease for WNP 1/4. The lease will serve as the implementation matrix for use of water provided in the new water right issued by Washington State Department of Ecology. The Department of Energy expects to finalize the lease process within the next two months.

SB 5310 - 2015 EFSEC AGENCY REQUEST LEGISLATION

AN ACT Relating to enforcement actions at facilities sited by the energy facility site evaluation council

Statement of Need

The Energy Facility Site Evaluation Council (EFSEC) is responsible for siting certain energy plants and transmission facilities within the state. If a project is sited through the EFSEC process, EFSEC retains monitoring oversight and enforcement authority over the project after it becomes operational.

The EFSEC enforcement statute contains numerous errors and has not been amended in recent years to reflect changes in other laws.

To give one important example of the need to update the law, the maximum penalty amount that EFSEC may impose is limited to \$5000 per day per violation, in contrast to the \$10,000 maximum daily penalty amount that the Department of Ecology may impose for a violation. Ecology has had this \$10,000 maximum penalty amount since 1985.

** Increasing the maximum penalty amount may be critical for agency efforts to seek delegation authority from EPA. EPA requires state and local agencies to have the same maximum penalty authority as EPA in order to obtain and retain delegation authority. EFSEC is in the midst of a major effort to get out from a joint delegation agreement with EPA for the issuance of air permits, which could be at risk if the maximum penalty amount is not raised.

In addition, it is not clear whether the additional penalty under RCW 90.56.330 for oil spills may be imposed at energy facilities under the jurisdiction of EFSEC. [Ecology thinks it can do this already.]

Summary of the Major Provisions of the Bill

1. Mistakes, omissions, and outdated material are all corrected.
2. Penalty amounts which may be imposed by EFSEC are increased from \$5000 per day to \$10,000 per day per violation.
3. Ecology is expressly authorized to issue additional penalties for oil spills at facilities under EFSEC jurisdiction.

**** This bill was widely distributed among stakeholders and there is no known opposition.**

Staff Responsible for Questions

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