



# Washington State Energy Facility Site Evaluation Council AGENDA

**MONTHLY MEETING**  
Tuesday, December 15, 2015  
1:30 PM

1300 S Evergreen Park Drive SW  
Olympia, WA 98504  
Hearing Room 206

1. Call to Order ..... Bill Lynch, EFSEC Chair
2. Roll Call ..... Tammy Mastro, EFSEC Staff
3. Proposed Agenda ..... Bill Lynch, EFSEC Chair
4. Minutes      **Meeting Minutes** ..... Bill Lynch, EFSEC Chair
  - November 24, 2015
5. Projects      **a. Kittitas Valley Wind Project**
  - Operational Update ..... Eric Melbardis, EDP Renewables**b. Wild Horse Wind Power Project**
  - Operational Update ..... Jennifer Diaz, Puget Sound Energy**c. Grays Harbor Energy Center**
  - Operational Update ..... Rich Downen, Grays Harbor Energy**d. Chehalis Generation Facility**
  - Operational Update ..... Mark Miller, Chehalis Generation Staff**e. Columbia Generating Station**
  - Operational Update ..... Shannon Khounnala, Energy Northwest
  - NPDES Update ..... Jim La Spina, EFSEC Staff**f. WNP - 1/4**
  - Non-Operational Update ..... Shannon Khounnala, Energy Northwest**g. Tesoro/Savage Vancouver Energy Distribution Terminal**
  - Project Update ..... Sonia Bumpus, EFSEC Staff
6. Other      **a. EFSEC Council**
7. Adjourn ..... Bill Lynch, EFSEC Chair

**Note: "FINAL ACTION"** means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.02

## Verbatim Transcript of Monthly Council Meeting

## Washington State Energy Facility Site Evaluation Council

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WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL  
Richard Hemstad Building  
1300 South Evergreen Park Drive Southwest  
Conference Room 206  
Olympia, Washington  
November 24, 2015  
1:32 p.m.

MONTHLY COUNCIL MEETING  
Verbatim Transcript of Proceeding

REPORTED BY: ANITA W. SELF, RPR, CCR #3032

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## APPEARANCES

## Councilmembers Present:

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

## Local Government and Optional State Agency:

Ken Stone, Department of Transportation  
Bryan Snodgrass, City of Vancouver  
Greg Shafer, Clark County  
Larry Paulson, Port of Vancouver

## Assistant Attorney General:

Ann Essko, Senior Counsel

## Staff in Attendance:

Stephen Posner  
Jim LaSpina  
Tammy Mastro  
Sonia Bumpus  
Cassandra Noble  
Kali Waspir  
Joan Aitken  
Patty Betts

## Guests in Attendance:

Rich Downen, Grays Harbor Energy  
Jan Aarts, Cardno  
Kevin Freeman, Cardno

Continued...

## APPEARANCES CONTINUED:

## Guests in Attendance Via Phone:

Mark A. Miller, PacifiCorp Chehalis Generation Facility  
Shannon Khounnala, Columbia Generating & WNP 1/4  
Kristen Boyles, Earthjustice  
Karen McGaffey, Perkins Coie  
Jennifer Diaz, Puget Sound Energy  
Daley Edwards, Puget Sound Energy  
Eric Melbards, EDP Renewables

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OLYMPIA, WASHINGTON, NOVEMBER 24, 2015

1:32 P.M.

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## PROCEEDINGS

CHAIR LYNCH: Good afternoon. Today is November 24th, it's 1:30 p.m., and this is the regular meeting of the Energy Facility Site Evaluation Council.

Could we please have the clerk call the roll?

THE CLERK: Department of Commerce?

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

THE CLERK: Department of Ecology?

MR. STEPHENSON: Cullen Stephenson, here.

THE CLERK: Fish and Wildlife?

MR. STOHR: Joe Stohr is here.

THE CLERK: Natural Resources?

MR. SIEMANN: Dan Siemann, here.

THE CLERK: Utilities and Transportation Commission?

MR. MOSS: Dennis Moss is here.

THE CLERK: Local governments and optional State agencies.

For the Tesoro Project, or Department of



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1 Transportation?

2 MR. STONE: Ken Stone is here.

3 THE CLERK: City of Vancouver?

4 MR. SNODGRASS: Bryan Snodgrass, here.

5 THE CLERK: Clark County?

6 MR. SHAFER: Greg Shafer, present.

7 THE CLERK: Port of Vancouver?

8 MR. PAULSON: Larry Paulson, here.

9 THE CLERK: Chair, there is a quorum for the

10 regular council as well as the Tesoro Project council.

11 CHAIR LYNCH: Thank you.

12 And if I could please have the

13 councilmembers review the proposed agenda for today and

14 see if they have any additions that they'd like to make.

15 I would note two things for the agenda

16 today. First of all, there will be an action item by

17 the Council. That would be the issuance of a minor

18 radiological emissions license for the Columbia

19 Generating Station; and then we'll be taking up the

20 publication of the Draft EIS toward the end of the

21 meeting.

22 So any suggested changes to today's agenda?

23 Seeing none, we'll move forward.

24 If I could have those people who are on the

25 phone who wish to identify themselves, please do so now,

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1 though you're not required to.

2 MR. MILLER: This is Mark Miller from the

3 Chehalis Generating Facility.

4 MS. DIAZ: Jennifer Diaz from --

5 CHAIR LYNCH: Ms. Diaz, if you could move a

6 little closer to your phone, it will be easier to hear

7 you, but --

8 MS. DIAZ: How's that?

9 CHAIR LYNCH: That's still pretty faint.

10 That's a little iffy.

11 MS. DIAZ: Okay. I might need to dial in on

12 a different phone, then.

13 CHAIR LYNCH: Okay. Thank you.

14 MS. DIAZ: I'll try that.

15 MS. EDWARDS: This is Haley Edwards of Puget

16 Sound Energy.

17 MS. KHOUNNALA: Shannon Khounnala with --

18 UNKNOWN CALLER: (Inaudible), State

19 Department of Health.

20 MS. KHOUNNALA: Shannon Khounnala, Energy

21 Northwest.

22 MS. MCGAFFEY: Karen McGaffey, Perkins Coie.

23 MS. BOYLES: Kristen Boyles, Earthjustice.

24 MR. MELBARDIS: Eric Melbardis, Kittitas

25 Valley.

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1 CHAIR LYNCH: I'm sorry. If we could have

2 the woman who was starting to state her name go and then

3 the gentleman follow her who just last spoke.

4 MS. BOYLES: Apologies, Chair Lynch.

5 Kristen Boyles, Earthjustice.

6 MR. MELBARDIS: Eric Melbardis, EDP

7 Renewables, Kittitas Valley.

8 CHAIR LYNCH: Anybody else?

9 MS. DIAZ: Chair Lynch, this is Jennifer

10 Diaz again. Can you hear me now?

11 CHAIR LYNCH: We can. That's perfect.

12 Thank you, Ms. Diaz.

13 MS. DIAZ: All right. Thank you.

14 CHAIR LYNCH: If I could have the Council

15 take a look at the meeting minutes from the October 20,

16 2015, meeting. And when you're ready, I will entertain

17 a motion for their adoption.

18 MR. MOSS: Chair Lynch, I would move the

19 adoption of the October 20th, 2015, meeting minutes as

20 transcribed.

21 CHAIR LYNCH: Do I have a second?

22 MR. STEPHENSON: I'll second.

23 CHAIR LYNCH: It's been moved and seconded

24 that the Council adopt the meeting minutes from the

25 October 20th, 2015, council meeting.

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1 All those in favor, say "aye."

2 MULTIPLE SPEAKERS: Aye.

3 CHAIR LYNCH: Opposed? Motion carries.

4 At this point in time, we'll go ahead and

5 move to updates from our various projects. We'll start

6 with the Kittitas Valley Wind Project.

7 Mr. Melbardis?

8 MR. MELBARDIS: Good afternoon, Chair Lynch,

9 EFSEC Council.

10 The only nonroutine item to report to the

11 Council today is that we had a failure of our automatic

12 curtailment mechanism. It's used to curtail turbines A1

13 and A2 during times of shadow flicker. The issue

14 occurred during a firmware upgrade to our controller.

15 We were notified by an affected landowner

16 and took steps to correct the issue, and we are

17 monitoring it now. It seems to be working as it should.

18 CHAIR LYNCH: And Mr. Melbardis, the -- has

19 the -- since those corrections were made, is the -- that

20 neighbor, are they satisfied?

21 MR. MELBARDIS: We -- we have not heard from

22 them since -- since that, so I'm assuming yes.

23 CHAIR LYNCH: So we're hoping no news is

24 good news is what you're saying?

25 MR. MELBARDIS: Yes.



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<p>1 CHAIR LYNCH: Yeah. I'd be -- I guess in my 2 own mind, I would appreciate it, if you wouldn't mind, 3 giving them a call to double-check that. 4 MR. MELBARDIS: Okay. Will do. 5 CHAIR LYNCH: Okay. Thank you. 6 Anything else, Mr. Melbardis? 7 MR. MELBARDIS: That's all we have here. 8 CHAIR LYNCH: Are there any questions for 9 Mr. Melbardis? 10 Very good. Thank you very much. 11 And Ms. Diaz, Wild Horse Wind Power Project. 12 MS. DIAZ: Yes. Thank you, Chair Lynch and 13 councilmembers. 14 For the operational update, I have nothing 15 nonroutine to report. 16 However, Chair Lynch did request an update 17 on the Eagle Conservation Plan and the eagle take 18 permit. And Haley Edwards, PSE's resource scientist, is 19 on the phone to provide that update. 20 Are you there, Haley? 21 MS. EDWARDS: Yes, I'm here. Good 22 afternoon, Chair Lynch and councilmembers. 23 For the record, this is Haley Edwards with 24 Puget Sound Energy's Avian Protection Program. And I 25 wanted to provide you with an update about the eagle</p>	<p>1 The protocol was reviewed and discussed by 2 the TAC in February of 2015. And once these surveys are 3 complete, the results will be provided to the TAC. No 4 additional eagles have been identified since April of 5 2015. 6 For the Eagle Conservation Plan update, PSE 7 has filed a preliminary draft Eagle Conservation Plan 8 with the Service for consideration of an eagle take 9 permit back in December of 2014. PSE received comments 10 from the Service in March of 2015, and has made 11 revisions in response to those comments. 12 PSE is preparing to submit a revised draft 13 ECP with the Service within the next several months, 14 next month or two probably, and to continue the 15 consultation process. The draft ECP is considered 16 pre-decisional by the Service, and is not publicly 17 available at this time. 18 The possible issuance of an eagle take 19 permit is subject to the National Environmental Policy 20 Act, and during the NEPA process, the Service will 21 provide an official notice in the Federal Register 22 seeking public comment. And the Service will release a 23 draft Environmental Assessment for Wild Horse at that 24 time. 25 Once the final ECP is complete and publicly</p>
Page 10	Page 12
<p>1 mortalities at Wild Horse. 2 So in response to the eagle take incidents 3 that occurred at Wild Horse, PSE provided funding to two 4 different entities that provide benefit to golden 5 eagles. 6 One was the Blue Mountain Wildlife Rehab 7 facility, and we provided funding for eagles and other 8 raptor rehabilitation, education and outreach programs, 9 and their lead abatement program. 10 And the second entity is HawkWatch 11 International, and we provided funding for an eagle and 12 vehicle road-strike study that's looking at eagle 13 behavior and risk of collisions with vehicles while 14 eagles are scavenging on roadsides and the effectiveness 15 of carcass-removal programs to reduce this risk. 16 PSE has submitted a letter to the Fish and 17 Wildlife Service, Office of Law Enforcement, to document 18 this response, and also to provide some information 19 about the value of these programs for golden eagles. 20 And we are currently waiting to hear back from the 21 service about whether these cases will be resolved. 22 In addition, just as a reminder, PSE is 23 conducting one year of formal eagle fatality monitoring 24 at Wild Horse at all turbines, and that study is going 25 on from March of this year through March of next year.</p>	<p>1 available, PSE will provide the ECP to the EFSEC council 2 and to the TAC. 3 CHAIR LYNCH: And do you have anything else, 4 Ms. Edwards? 5 MS. EDWARDS: That's all I have, council -- 6 Chairman Lynch. 7 CHAIR LYNCH: Thank you. We appreciate the 8 update. 9 Regarding the eagle incident, are there any 10 questions by councilmembers for either Ms. Edwards or 11 Ms. Diaz? No. Thank you, both of you. 12 MS. DIAZ: Yes, thank you. 13 CHAIR LYNCH: Thank you. 14 And now Grays Harbor Energy Center, 15 Mr. Downen. Welcome. 16 MR. DOWNEN: Good afternoon, Chair Lynch, 17 Council. My name's Rich Downen. I'm the plant manager 18 at Grays Harbor Energy. 19 The monthly report for the month of October, 20 the only things off-normal would be item 1.4. This is 21 normal, but not very routine. It's the annual 22 inspection by the State Fire Marshal was performed 23 during the month. Mr. LaSpina came out and was on site 24 for that, and we received a clean -- clean report. No 25 discrepancies noted. It was a positive report.</p>



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<p>CHAIR LYNCH: I think that's pretty good from the State Fire Marshal. I was recollecting, they usually can find something, so that's good that there's no discrepancies.</p> <p>MR. DOWNEN: Yeah. We were pleased that they couldn't find anything, so -- because there was nothing to find.</p> <p>And let's see. And the only other off-normal thing would be item 2.5. I mentioned this at the last meeting, that we reperformed a couple of tests from our RATA tests, the annual stack emissions testing, due to a vendor, they missed a couple of data points when they had done it in August, so that was done. And the report should be out this month; if not, in December. And that is all that I have that's not just a normal report.</p> <p>CHAIR LYNCH: Any questions for Mr. Downen? Very good. Thank you.</p> <p>Let's turn now to the Chehalis Generation Facility. Mr. Miller?</p> <p>MR. MILLER: Good afternoon, Chair Lynch, councilmembers and Staff. This is Mark Miller, the plant manager at the PacifiCorp Chehalis Generating Facility. I have two nonroutine comments to add. I want to clarify that the report I</p>	<p>quite as successful as Mr. Downen there.</p> <p>CHAIR LYNCH: And Mr. LaSpina, do you have anything to add to the report?</p> <p>MR. LASPINA: No, Chair Lynch.</p> <p>CHAIR LYNCH: So we'll be hearing more about those particular items later, then.</p> <p>Any questions for Mr. Miller?</p> <p>Thank you, Mr. Miller.</p> <p>MR. MILLER: Thank you.</p> <p>CHAIR LYNCH: Let's go ahead and turn to the Columbia Generation Station. Ms. Khounnala?</p> <p>MS. KHOUNNALA: Yes. Good afternoon, Chair Lynch and Council.</p> <p>For the update for Columbia Generating Station, we have just one nonroutine item to report. You may have seen in the newspaper -- in a newspaper report last week, on the fuel defect that was reported at Columbia. I know an article ran locally in the Tri-Cities newspaper, and I believe it ran in Oregon as well. So I wanted to mention this today in the event there were any questions, and just provide a brief high-level summary of that issue.</p> <p>So as you can see in your Council report, Columbia is operating at 100 percent power. However, this past week and the weekend, based on some ongoing</p>
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<p>submitted on the -- was for the November wastewater results and not October. The October results were within the measuring limits where the level of zinc is 0.11 milligrams per liter.</p> <p>The results from our resample taken for the month of November, which we indicate in the environmental section there, the second result came back at 0.15 milligrams per liter, for an average of 0.875 milligrams for the month of November. I would have reported on that next month, but I put it in this report.</p> <p>As required, we did notify the City of Chehalis Wastewater Treatment Facility as well as US EPA, Michael Lee, and copied Mr. LaSpina.</p> <p>Also, last Wednesday the plant experienced a catastrophic failure of the compressor on our unit two combustion turbine. The manufacturer, General Electric, has a root-cause analysis team here on site beginning the investigation. I will share more information in next month's report as we have it available.</p> <p>One thing to add to that as well is, we did also have an inspection from the Washington State Deputy Fire Marshal, and they scheduled a reinspection for mid-November. And there's still a couple items that he will be reinspecting next month again. So we weren't</p>	<p>monitoring programs that we have, we also performed some inspections and operational maneuvers, which identified two incidents of minor fuel defects within our reactor.</p> <p>So fuel defects can result either from manufacturing defects of the fuel, or abrasions from foreign materials through the cladding of the fuel pellets. With the identification of these two fuel defects, we have suppressed the associated fuel assemblies. And from that, Columbia continues to operate safely at 100 percent power.</p> <p>With the fuel assembly suppressed, it does not present a risk to plant safety, and it really does not affect our operational output at this time.</p> <p>However, what will happen is, we expect it to lead to slightly reduced power -- reactor power approximately two weeks earlier than scheduled as the plant approaches the May 2017 refueling outage. We call this a coastdown of power output, and that coastdown will take a couple of weeks as we approach that maintenance outage.</p> <p>I think it's important to note that, while Columbia has not had a fuel defect for 13 years, it does occur occasionally within the industry. To put the fuel defects in perspective, the levels we detected in our monitoring program would have to have been a thousand times higher to be of a safety concern to the Nuclear</p>



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<p>1 Regulatory Commission.</p> <p>2 So we caught -- we identified these two</p> <p>3 defects very quickly, and suppressed them very quickly,</p> <p>4 which is really the action that we want under these</p> <p>5 circumstances. So there are no EFSEC or NRC-related</p> <p>6 permit or operational violations or anything, and</p> <p>7 we're -- we're disappointed to have these fuel defects;</p> <p>8 however, we identified them quickly, and their location,</p> <p>9 and we continue operations as planned going forward.</p> <p>10 So with regards to Columbia, I don't have</p> <p>11 any other events to report.</p> <p>12 Are there any questions?</p> <p>13 CHAIR LYNCH: Just one, Ms. Khounnala.</p> <p>14 My understanding is, is that the incident</p> <p>15 you just were speaking about is considered so minor by</p> <p>16 the NRC they don't even require a report; is that</p> <p>17 correct?</p> <p>18 MS. KHOUNNALA: That's correct. We -- we</p> <p>19 make a minor kind of, like -- I guess a heads-up</p> <p>20 notification to them. However, there's no formal</p> <p>21 reporting or incidences or any actions that we take with</p> <p>22 them as a result of this.</p> <p>23 CHAIR LYNCH: Okay. Thank you. Any</p> <p>24 questions for Ms. Khounnala regarding the Columbia</p> <p>25 Generating Station?</p>	<p>1 Superior Court on the -- on our permit appeal directed</p> <p>2 EFSEC to modify the Columbia Generating Station permit</p> <p>3 condition to incorporate the Appellate Court's decision.</p> <p>4 And this is because the environmental organizations that</p> <p>5 appealed our permit included that Appellate Court</p> <p>6 decision in their appeal, so we got kind of up into it.</p> <p>7 At next month's council meeting, EFSEC Staff</p> <p>8 expects to present the proposed permit modification to</p> <p>9 the Council, and notify the Council that Staff intends</p> <p>10 to proceed -- to begin a 30-day public notice process.</p> <p>11 This is a public notice process required for nearly all</p> <p>12 permit modifications.</p> <p>13 Assuming no substantive comments are</p> <p>14 received, Staff plans to seek Council approval for</p> <p>15 issuance of a modified permit at its January 2016</p> <p>16 meeting.</p> <p>17 I'm prepared to answer any questions or</p> <p>18 concerns you may have at this time.</p> <p>19 CHAIR LYNCH: So basically, just to recap</p> <p>20 what Mr. LaSpina said there, our -- our permit for the</p> <p>21 Columbia Generating Station for the NPDES permit had</p> <p>22 some boilerplate language in it, or "whole effluent</p> <p>23 toxicity testing," and it's that boilerplate language</p> <p>24 that's in all -- that was in all Ecology NPDES permits</p> <p>25 that got thrown out by a Court decision subsequent to us</p>
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<p>1 And why don't we -- before we move on WNP</p> <p>2 1/4, let's go ahead and take up the draft order 875.</p> <p>3 Mr. LaSpina?</p> <p>4 MR. LASPINA: Chair Lynch, I would like to</p> <p>5 provide an update of the NPDES permit appeal before we</p> <p>6 move on, if that's all right.</p> <p>7 CHAIR LYNCH: Yes. Please do that.</p> <p>8 MR. LASPINA: Good afternoon, Chair Lynch,</p> <p>9 councilmembers.</p> <p>10 On September 30th, 2014, the Council</p> <p>11 reissued the NPDES permit to Energy Northwest for</p> <p>12 wastewater discharges from the Columbia Generating</p> <p>13 Station.</p> <p>14 The permit was subsequently appealed to the</p> <p>15 Thurston County Superior Court by three environmental</p> <p>16 organizations. The Court did not stay the permit, so</p> <p>17 the permit has been and remains in effect.</p> <p>18 On September 18th, 2015, the Court decided</p> <p>19 in favor of EFSEC and affirmed the permit. The Court</p> <p>20 decision was not appealed. However, on July 28, 2015,</p> <p>21 in a separate decision for an Ecology-issued permit, the</p> <p>22 State Appellate Court struck down a provision of all</p> <p>23 State-issued NPDES permits involving failure of a whole</p> <p>24 effluent toxicity test.</p> <p>25 The final order of the Thurston County</p>	<p>1 issuing the NPDES permit.</p> <p>2 So what we would be doing is getting new</p> <p>3 boilerplate language to insert in our permits, so we</p> <p>4 would be going to -- out for public comment on that</p> <p>5 particular permit modification.</p> <p>6 Any questions for Mr. LaSpina?</p> <p>7 Thank you.</p> <p>8 And do you want to continue on with the --</p> <p>9 with the license that we're going to be adopting today,</p> <p>10 or Council Order No. 875?</p> <p>11 MR. LASPINA: Thank you, Chair Lynch.</p> <p>12 At today's meeting, EFSEC Staff requires the</p> <p>13 Council approval to issue Order 875 to address closure</p> <p>14 of an unused stormwater infiltration system. Order 875</p> <p>15 is actually a license to regulate potential emissions of</p> <p>16 fugitive radionuclides that may occur during the closure</p> <p>17 process.</p> <p>18 Energy Northwest has discontinued the use of</p> <p>19 the infiltration system and proposes to decommission the</p> <p>20 system. The infiltration system will be filled to grade</p> <p>21 above -- filled to grade or above with clean fill and</p> <p>22 the site covered with gravel.</p> <p>23 I don't think I have it here. The</p> <p>24 infiltration system consists basically of an unlined</p> <p>25 ditch, and then a widening of the ditch into sort of an</p>



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<p>1 informal pond where the water infiltrates to the ground 2 water.</p> <p>3 The SEPA checklist for this action 4 identified the need for an emissions license to address 5 the possible emission of radionuclides that may occur 6 during decommissioning.</p> <p>7 EFSEC's contractor for radionuclide issues, 8 the State Department of Health, typically issues these 9 licenses for facilities not regulated by EFSEC.</p> <p>10 RCW 70.94.422, subpart (2), addresses EFSEC 11 to regulate activities such as those described in the 12 order.</p> <p>13 The language in the draft order was provided 14 by Health and is consistent with all applicable 15 regulatory requirements.</p> <p>16 Monitoring required by Order 875 will cease 17 at the completion of construction activity, but will be 18 picked up by the existing radiological environmental 19 monitoring program that has been in place at the 20 facility for quite some years.</p> <p>21 Issuance of Order 875 will fulfill the 22 requirements of Chapter 246-247, Washington 23 Administrative Code, and WAC 463-78-070.</p> <p>24 SEPA requirements for the filling and 25 grading of the channel and pond and issuance of Order</p>	<p>1 MULTIPLE SPEAKERS: Aye.</p> <p>2 CHAIR LYNCH: Opposed? Motion carries.</p> <p>3 Now we'll turn back -- thank you. Now we'll 4 turn back to Ms. Khounnala to hear about WNP 1/4.</p> <p>5 MS. KHOUNNALA: Yes. Thank you.</p> <p>6 So in regard to WNP 1/4, we have had some 7 development on the progress of our NEPA. We've had a 8 meeting -- a team meeting with DOE and their selected 9 contractor this past November, and we have another team 10 meeting planned for December.</p> <p>11 The goal of that meeting is to finalize the 12 scope of the NEPA evaluation and other permitting 13 considerations that will be required before we can put 14 the water system to use.</p> <p>15 So we have forward progress, but of course 16 we need -- as a reminder, we need to complete all the 17 NEPA permit efforts for the water systems for 1 and 4 18 before that goes into operation. So we still have a bit 19 of work ahead of us, but we have made some progress.</p> <p>20 Any questions?</p> <p>21 CHAIR LYNCH: Very good.</p> <p>22 Any questions for Ms. Khounnala on WNP 1/4?</p> <p>23 Thank you, Ms. Khounnala.</p> <p>24 MS. KHOUNNALA: Thank you.</p> <p>25 CHAIR LYNCH: Let's go ahead and turn to the</p>
Page 22	Page 24
<p>1 875 have been met with the submittal and review of a 2 SEPA checklist and issuance of a determination of 3 nonsignificance by the EFSEC manager.</p> <p>4 EFSEC Staff recommends that Council approve 5 issuance of the license in the form of EFSEC Order 875.</p> <p>6 And I'm happy to answer any questions or 7 concerns that you may have.</p> <p>8 CHAIR LYNCH: Any questions for Mr. LaSpina?</p> <p>9 You may remember, just a few months ago we 10 issued a similar license for this facility having to do 11 with the evaporation ponds, and this is the next step 12 within that process.</p> <p>13 If there's no questions, I entertain a 14 motion for adoption of Order 875.</p> <p>15 MR. MOSS: Chair Lynch, I would move that 16 the Council approve and direct Staff to issue Order 875 17 to address my licensure of the closure of an unused 18 stormwater infiltration system at the Columbia 19 Generating Station as described by Mr. LaSpina.</p> <p>20 CHAIR LYNCH: Do we have a second?</p> <p>21 MS. GREEN-TAYLOR: Chair, I'll second that.</p> <p>22 CHAIR LYNCH: It's been moved and seconded 23 that the Council issue Order No. 875 as presented by the 24 Staff.</p> <p>25 All those in favor, say "aye."</p>	<p>1 Tesoro Savage Vancouver Energy Distribution Terminal, 2 and we'll have a project update by Ms. Bumpus. And I 3 would note that we've got Jan Aarts and Kevin Freeman 4 here from Cardno here to answer any questions that the 5 councilmembers might have.</p> <p>6 But I would just -- before Ms. Bumpus starts 7 giving her update, I would just note that the Council is 8 extending the comment period to an additional 15 days, 9 and I believe it's -- I'm sorry. Is it January 22nd -- 10 is that correct, to January 22nd?</p> <p>11 MS. BUMPUS: Correct.</p> <p>12 CHAIR LYNCH: And Staff will be talking more 13 about the public hearings associated with those -- with 14 that comment period.</p> <p>15 But please go ahead, Ms. Bumpus.</p> <p>16 MS. BUMPUS: Thank you.</p> <p>17 Good afternoon, Chair Lynch and 18 councilmembers.</p> <p>19 We do have updates for you on the project. 20 EFSEC Staff would like to inform councilmembers that the 21 Draft Environmental Impact Statement has been completed 22 and is scheduled to be released today after the council 23 meeting.</p> <p>24 EFSEC's Draft EIS comment period also begins 25 today with the additional 15 days agreed to by the</p>



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<p>1 applicant. The comment period end date is extended from 2 January 8th to January 22nd, 2016, for a total of 3 60 days for public comments.</p> <p>4 EFSEC is scheduled to hold two public DEIS 5 meetings during the comment period. One will be held in 6 Vancouver, Washington, on January 5, 2016, at the Clark 7 County Event Center at the fairgrounds. And on 8 January 7th, EFSEC will hold its second public meeting 9 in Spokane Valley, Washington, at the CenterPlace 10 Regional Event Center.</p> <p>11 The public will be able to access the 12 complete DEIS document online at EFSEC's website after 13 the meeting. EFSEC's web address is <a href="http://www.efsec.wa.gov">www.efsec.wa.gov</a>. 14 A hard copy of the document is also available to the 15 public here at EFSEC's office. Other hard copies will 16 also be available at several local libraries. The 17 physical addresses are provided in the Draft EIS fact 18 sheet for those libraries' locations.</p> <p>19 Public comments on the DEIS can be submitted 20 by mail and electronically using EFSEC's web-based 21 comment system. Public comments will also be accepted 22 at the public meetings I just mentioned.</p> <p>23 On a special note, I did want to add, this 24 will be the first time EFSEC has utilized a web-based 25 comment system. This differs from how EFSEC has handled</p>	<p>1 over 31,000 public comments during that time.</p> <p>2 In February 2014, EFSEC prepared the SEPA 3 scoping report and presented that report to EFSEC 4 councilmembers in April of 2014 in Vancouver, 5 Washington.</p> <p>6 Over the next several months following the 7 April meeting, EFSEC received several submittals, 8 portions of the applicant's preliminary Draft EIS. 9 EFSEC and its independent consultant, Cardno, reviewed 10 those materials as they were submitted. And in 11 December 2014, the gap analysis was completed on the 12 PDEIS prepared by the applicant, and EFSEC staff and 13 Cardno presented an overview of the gap analysis 14 findings to councilmembers.</p> <p>15 The goals and objectives to prepare EFSEC's 16 DEIS being issued today were discussed with 17 councilmembers at that December meeting. We listed 18 corrective actions to address deficiencies that were 19 identified in the PDEIS.</p> <p>20 These included building on work completed by 21 the applicant, which were looking at geotechnical 22 studies, seismic hazard analysis, and facility design 23 plans to look at seismic concerns. These included and 24 are discussed in the DEIS, ground motion, soil 25 liquefaction, liquefaction-induced permanent ground</p>
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<p>1 comments in the past. This was considered after EFSEC 2 received over 31,000 SEPA scoping comments for this 3 proposal, which was a volume that greatly exceeds past 4 projects that EFSEC has reviewed.</p> <p>5 The address for the website for submitting 6 comments online is <a href="http://ts.efsec.wa.gov">ts.efsec.wa.gov</a>, but again, all of 7 this information is in the DEIS public notice, the DEIS 8 fact sheet, and on EFSEC's website.</p> <p>9 A link to the DEIS comment submittal page is 10 also on EFSEC's website, so if you go to the EFSEC 11 homepage, you'll be able to get the link to submit a 12 DEIS comment.</p> <p>13 So are there any questions before I move 14 forward into other updates? I have more on the DEIS, 15 but any questions about those particular items?</p> <p>16 CHAIR LYNCH: Any questions for Ms. Bumpus 17 so far?</p> <p>18 Please continue.</p> <p>19 MS. BUMPUS: Okay.</p> <p>20 For DEIS milestones, I just wanted to note, 21 or highlight some of the key milestones that we've 22 accomplished to get to the completion of the DEIS.</p> <p>23 From October to December of 2013, EFSEC 24 councilmembers will recall, we completed a 60-day SEPA 25 scoping comment period. As I mentioned, we received</p>	<p>1 deformation, landslides, surface fault rupture, 2 potential and tsunami potential.</p> <p>3 We also developed a separate section in the 4 DEIS, Chapter 4, meant to analyze potential impacts from 5 accidental releases of crude oil. These -- Chapter 4 6 looked at potential impacts from a proposed project on 7 the Vancouver Fire Department's operational response 8 capabilities, and an independent assessment of rail and 9 vessel spill risk analysis.</p> <p>10 There was also other areas that we just 11 supplemented with additional information or some 12 additional analysis, such as expanding on the 13 air-quality analysis to include construction activities 14 and mobile sources and the impacts associated with 15 those.</p> <p>16 Then there were several others that were 17 more general in scale that were really reorganizing the 18 document, improving clarity and project understanding, 19 revising the text for a more balanced and objective 20 tone, describing the analytical methods very clearly so 21 it's clear to the reader what we were -- what our 22 methodology was, and differentiating between on- and 23 off-site impacts.</p> <p>24 So those are my remarks on kind of 25 revisiting what we shared in December 2014 and what</p>



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<p>1 we've been working on in preparing this Draft EIS. And</p> <p>2 EFSEC staff's overall DEIS goals were and continue to be</p> <p>3 ensuring compliance with SEPA, analyzing the proposal</p> <p>4 and identifying potential environmental impacts,</p> <p>5 capturing EFSEC's initial SEPA scope, informed by public</p> <p>6 comments, including comments from agencies' affected</p> <p>7 tribes, and creating a well-organized, understandable</p> <p>8 and informed EIS.</p> <p>9 CHAIR LYNCH: Any questions for Ms. Bumpus</p> <p>10 so far?</p> <p>11 MS. BUMPUS: So we are looking forward to</p> <p>12 public input on the DEIS. And we'll continue to provide</p> <p>13 updates to councilmembers as we move forward into the</p> <p>14 60-day public comment period and prepare for the public</p> <p>15 meetings.</p> <p>16 CHAIR LYNCH: And does that conclude your --</p> <p>17 MS. BUMPUS: Yeah, that's everything.</p> <p>18 CHAIR LYNCH: I would like to at this point</p> <p>19 in time invite councilmembers to comment on the Draft</p> <p>20 EIS or to ask Staff questions that they might have.</p> <p>21 And I would just note that I appreciate the</p> <p>22 extra analysis that has been done on the Draft EIS, but</p> <p>23 recognizing that a lot of work has been done, I would</p> <p>24 just -- I just wanted to flag a couple things in my mind</p> <p>25 where I think some extra analysis would assist the</p>	<p>1 what have you.</p> <p>2 But I would like to see some modeling done</p> <p>3 where a spill -- my understanding from reading the Draft</p> <p>4 EIS and the appendices, a typical spill, if there's a</p> <p>5 derailment -- well, a derailment would be most likely</p> <p>6 four to five cars, and then it goes on and the -- a</p> <p>7 certain amount of contents of those cars would be</p> <p>8 spilled.</p> <p>9 So I would like to see that scenario be</p> <p>10 modeled, and then also a situation in the same WRIA</p> <p>11 where a number of other cars -- and I'm sorry, I don't</p> <p>12 have a number to tell you. You can work that out with</p> <p>13 the people who know more than me, which is just about</p> <p>14 anybody, I guess. So you can work out a scenario where</p> <p>15 there's a greater derailment and a greater spillage.</p> <p>16 But what I'm interested in is the fact that</p> <p>17 a particular response vessel to spills was called out in</p> <p>18 the Draft EIS, and if there was in fact a spill in this</p> <p>19 particular WRIA, how long would this vessel take to</p> <p>20 deploy, get out there, set the booms up and start</p> <p>21 recovering the oil that was spilled.</p> <p>22 And what I don't know is, are they likely to</p> <p>23 recover 10 percent of the oil, 90 percent of the oil,</p> <p>24 something in between? So what I would like to know --</p> <p>25 and recognizing that a number of assumptions need to be</p>
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<p>1 Council in helping -- determining the potential impacts</p> <p>2 from the project and how those impacts might be</p> <p>3 mitigated.</p> <p>4 Well, one that pops into my head having to</p> <p>5 do with the spill analysis, there was a distinction made</p> <p>6 between the Canadian tar sand oil and the Bakken oil,</p> <p>7 and I think the Draft EIS does a very good job of going</p> <p>8 through the various properties of the two different</p> <p>9 types of oil.</p> <p>10 And it notes that the -- the Canadian oil,</p> <p>11 the tar sand oil, won't sink immediately, but some</p> <p>12 factors that will lend it to sinking are: One, is it</p> <p>13 fresh water; two, is it in water that's somewhat</p> <p>14 turbulent; and the third is, is there some sediment in</p> <p>15 the water column.</p> <p>16 And so I read that, and I was thinking,</p> <p>17 well, what's the Columbia River? What's the -- so they</p> <p>18 took us so far, but then what is the risk here for the</p> <p>19 Columbia River?</p> <p>20 So what I would like to see is that some</p> <p>21 sort of modeling be done where a WRIA is selected --</p> <p>22 where it's been flagged as a WRIA where if a spill did</p> <p>23 occur, it would be particularly problematic because of</p> <p>24 the environmental values of that WRIA, whether it's</p> <p>25 sole-source aquifer or whether it's salmon spawning or</p>	<p>1 made when you put a model together like this, and that</p> <p>2 reality could be something different.</p> <p>3 But I think it would be helpful to me and</p> <p>4 other councilmembers to get a sense of what would happen</p> <p>5 if there is a spill of this dilbit in the Columbia in an</p> <p>6 area where it's particularly sensitive; and for that oil</p> <p>7 that is not recovered, what is the impact to the</p> <p>8 environment in that particular area?</p> <p>9 So that's one thing I would think would be</p> <p>10 of value to the Council in determining the proposed</p> <p>11 impacts from this project.</p> <p>12 And the second one I would like to see is</p> <p>13 the issue regarding seismic safety for the site itself.</p> <p>14 The -- it talks about the berm -- that analysis was done</p> <p>15 of the berm, and it appears to be, from what I remember</p> <p>16 reading, that the berm itself will withstand the</p> <p>17 back-and-forth shaking during an earthquake, but there's</p> <p>18 the land beneath the berm, which would be prone to</p> <p>19 collapsing.</p> <p>20 And there are some -- this has been</p> <p>21 identified as a potential problem, but there's a number</p> <p>22 of different ways that the applicant and the applicant's</p> <p>23 consultant and our consultant and Staff can work out</p> <p>24 which option makes the most sense to -- for the</p> <p>25 applicant to pursue to make sure that this doesn't</p>



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<p>1 happen. So that is one area where I would also like to 2 see some more work done before we get to the final EIS. 3 And there's -- I'm sure there's other little 4 things, but those were two things which I wanted to flag 5 in particular. And I'll just throw it open to other 6 councilmembers to see if they have any comments that 7 they'd like to share. And don't feel like you have to. 8 Yes, Mr. Stohr. 9 MR. STOHR: Thank you, Mr. Chair. 10 Ms. Bumpus, maybe -- one thing I noticed 11 when I looked through an earlier draft, and I think 12 others did, too, was the alternatives analysis. 13 And I know we talked earlier that there's 14 been some work done to improve the alternatives 15 analysis, but I'd be curious as to the thinking that's 16 gone into the evolution of that and what we would see in 17 the -- in the Draft EIS along those lines. 18 MS. BUMPUS: In terms of what has changed? 19 MR. STOHR: What's changed, what 20 alternatives are there and why, and, you know, just a 21 little bit of understanding about how those were 22 selected. 23 MS. BUMPUS: Well, I can tell you that in 24 the DEIS that we are issuing today, we -- we carry 25 through the no-action alternative and the proposed</p>	<p>1 reviewing, and sort of the back and forth that we've had 2 with our consultant and others is we're moving more 3 towards this project looking like a private project, 4 based on a number of factors in terms of, you know, who 5 the applicant actually is, the role of the port. 6 And so with that, you've seen, I would say, 7 from initial -- from, you know, first drafts, or earlier 8 versions, a less robust -- or the analysis does not 9 include as many options or the detail that you would see 10 in a public project. 11 But there is more analysis, and there are -- 12 there are off-site or alternatives sites that were 13 analyzed to a certain degree in the draft that we have 14 at this point. 15 MS. BUMPUS: Yes. We did retain -- although 16 we changed the -- or shifted the approach somewhat in 17 light of the public versus private sort of decision that 18 we were trying to make in formulating the analysis, we 19 retained information about off-site locations and the 20 evaluations that we had in the earlier iterations you 21 saw. 22 MR. STOHR: Okay. Thank you. That helps. 23 CHAIR LYNCH: And I think there's more 24 specificity, too, in some of the alternatives 25 discussion. If I remember correctly, the Port of</p>
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<p>1 action. We do not carry through any other alternatives 2 that we looked at. 3 We did revise the alternatives analysis. As 4 you noted, there were some reviews, earlier reviews of 5 previous iterations of the document and there were 6 several internal discussions between EFSEC staff and 7 Cardno about how best to fit that -- that section 8 together. And what was -- what were appropriate 9 alternatives that we wanted to discuss. 10 Stephen, do you have anything you might want 11 to add about -- 12 MR. POSNER: I would just -- 13 MS. BUMPUS: -- the changes to the 14 alternatives analysis? 15 MR. POSNER: I would just add that, you 16 know, originally when we first started doing this 17 analysis and looking at this project in terms of what 18 type of alternatives analysis was required, there was 19 questions about whether or not this was a public project 20 or a private project. And we took sort of the middle 21 ground in terms of how we would do an alternatives 22 analysis. 23 And since that time, which has been well 24 over a year, I would say, I'm not sure exactly how long, 25 but several months, the information that we've been</p>	<p>1 Longview and the Port of Kalama were discussed at some 2 point as potential sites, and then there was -- in this 3 version, there's more discussion as to hurdles that both 4 of those particular sites would have to overcome in 5 order for the proposal to work. So I remember there 6 being a lot more specificity in this version than there 7 were in previous versions. 8 Any other Council comments or questions? 9 Dan -- excuse me, Mr. Siemann. 10 MR. SIEMANN: Thank you, Chair Lynch. 11 My question revolves around the maximum 12 daily intake of crude oil. In earlier -- in some of the 13 earlier documents and some of the early drafts, there 14 were -- it was described in two different ways. 15 Sometimes it said "up to" 360,000 barrels, and sometimes 16 it said "an average of." 17 And I think that that's all been shifted now 18 to "an average of," but I think that "an average of" is 19 still somewhat vague, and, in my mind somewhat -- that 20 question becomes somewhat fundamental in terms of how 21 much oil can be shipped, and how many trains per day can 22 be accommodated, and what that means for safety, for 23 traffic and for other aspects of the project, and for 24 the environmental analysis in general. 25 So I was wondering if you could speak to</p>



1 that.

2 MS. BUMPUS: Right. So there were several  
3 discussions about this particular topic. There were --  
4 there was correspondence with the applicant about what  
5 the limitations were for offloading crude oil.

6 One of the big factors that we learned in  
7 talking with the applicant were the constraints of the  
8 size of the -- of the -- around the unloading area, not  
9 being able to stack unit trains one behind the other.  
10 They would not be able to do that.

11 So we also talked to them about the amount  
12 of time it takes to offload a single unit train, and  
13 they shared with us the amount of time that -- that  
14 they -- sort of a range, actually, that they provided to  
15 us. And it was based on -- really based on those  
16 constraints that we were coming up with what we think is  
17 the average amount that would be offloaded at this  
18 facility.

19 So we are assuming a set number of --  
20 assuming a volume for each tank car, and then looking at  
21 how long it would take to offload the trains, the fact  
22 that trains cannot be stacked one behind the other and  
23 brought in immediately after one train leaves. That's  
24 how we came to the -- to the four -- an average of four  
25 per day, and then the volume of 360,000 barrels per day.

1 And Cardno is here, too. They can answer some of the  
2 other questions about some of the assumptions that were  
3 made in those calculations.

4 But I also wanted to note, I recall that,  
5 over the course of preparing the DEIS, we've added more  
6 information about the capacity, the offloading question.  
7 We've continued to add details about what our  
8 assumptions are, about the number of trains, the number  
9 of cars within a unit train, and the factor of time and  
10 constraints at the site.

11 MR. SIEMANN: Thank you for that.

12 What I did notice is that in the -- in the  
13 draft that I read, it did note that on this some days,  
14 more than the standard number of trains could come. And  
15 so what I'm wondering about is, how often could that  
16 actually occur?

17 And a corollary question to that is, is  
18 the -- is the offloading of the oil the constraint, or  
19 is there also a constraint with regard to storage and  
20 loading onto the barges or ships?

21 MS. BUMPUS: I'm going to direct that  
22 question to Cardno. I think we do have some discussion  
23 now. Over the course of iterations, I think we've added  
24 some detail about the possibility of a fifth, and -- but  
25 I am unsure about whether or not we talked about how

1 frequent that could occur. That was definitely  
2 something that was continuing to be supplemented and  
3 rewritten over the course of preparing the document.

4 CHAIR LYNCH: Mr. Aarts or Mr. Freeman?

5 MR. AARTS: Sure.

6 CHAIR LYNCH: Please approach the  
7 microphone.

8 MR. AARTS: Okay.

9 CHAIR LYNCH: And while you're there, I  
10 guess a follow-up to Mr. Siemann's question is, I notice  
11 that it said that, on average, you have four trains a  
12 day, but occasionally there would be a fifth that might  
13 come in.

14 But is there a situation where you can have,  
15 like, a full week of five trains coming in a day?

16 MR. AARTS: The way I understand it, and the  
17 information is based on what the applicant's provided,  
18 is that's going to be an infrequent occurrence. It's  
19 primarily an average of four trains per day. On  
20 occasion, a fifth train may arrive in a 24-hour period,  
21 but it wouldn't complete its offloading until partially  
22 into the next 24-hour period. So we've continuously  
23 used and consistently used the four trains per day.

24 One of the things that we have done in terms  
25 of trying to visualize a max would be a maximum

1 throughput on an annual basis. So using just the  
2 regular math of a 120-car unit train, approximately  
3 750 barrels per car, four trains a day, multiply by 365,  
4 I don't have the number off the top of my head, but  
5 that's basically the maximum throughput that we've been  
6 using throughout the document and the analysis.

7 MR. SIEMANN: Thank you.

8 CHAIR LYNCH: I want you to stay there,  
9 Mr. Aarts, for the -- in case there's some additional  
10 questions.

11 Mr. Snodgrass, you had a question?

12 MR. SNODGRASS: Thank you, Chair.

13 I have -- I guess I would echo the Chair's  
14 praise for the work done, but also some suggestions or  
15 requests on perhaps some additional work, and feel free  
16 to comment.

17 One is in the area of risk of explosion.

18 The document goes into some detail on the risk of  
19 derailment, I believe it's a two-year return. Or a  
20 spill, a 27-year return. But then stops short of risk  
21 of explosion, which is obviously critical from a number  
22 of factors.

23 And the concern there is that the  
24 document -- or the consultant had discussed that in  
25 terms of the additional data, it couldn't -- meaningful



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<p>1 conclusions, I believe, couldn't be drawn. And I'm  2 concerned, because elsewhere in the document it lists  3 and summarizes the -- I think there was 22 CBR accidents  4 involving derailments, of which there were 12  5 explosions.</p> <p>6 And so I don't know what the number should  7 be, and I think, though -- I'm not sure we have the  8 luxury of not drawing some conclusions from the  9 historical record we have, even if it isn't  10 statistically significant.</p> <p>11 So I hope there's some opportunity as we go  12 forward to either have Dagmar Etkin or someone else  13 analyze the historic -- recent historical record, at  14 least if it's CBR specific, and provide some  15 conclusions. And if they need to be tenuous, that's --  16 so be it, going forward.</p> <p>17 In terms of another impact that I don't  18 think the document identifies or identifies fully is the  19 economic impact from a threat of a fire or explosion.  20 And one of the source documents listed here in the --  21 for this EIS is the 2014 Department of Ecology study of  22 marine and rail transportation study.</p> <p>23 PHONE PARTICIPANT: We're having a hard time  24 hearing you.</p> <p>25 CHAIR LYNCH: If you can pull the mic a</p>	<p>1 phone.</p> <p>2 MR. SNODGRASS: A potential concern in terms  3 of the level of information in the seismic and, I  4 believe, the earth chapter, that the document, at least  5 the last version available for Council viewing from  6 October, did note that seismic disruptions -- or  7 particularly high potential that disruptions of rail  8 traffic is particularly high in Washington, but  9 information on some of the probabilities, not just of a  10 larger earthquake, but a smaller one as well. I did not  11 see there, it wasn't clear. And also some of the  12 impacts from that, what levels of earthquake would lead  13 to minor impacts to rail infrastructure, what levels of  14 earthquake would lead to potentially derailment of a  15 moving train. I think that's important information  16 moving forward.</p> <p>17 I think also in terms of cumulative impacts,  18 that was well documented in the cumulative impacts  19 chapter. I think it's -- it was unclear to the extent  20 to which the -- that information was carried forward in  21 the other analyses, and certainly one of the things the  22 cumulative impacts chapter noted was capacity -- level  23 of busyness, if you will, of the -- both the rail and  24 vessel corridor will be substantially higher during the  25 planning period. How that plays out, I think, is</p>
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<p>1 little bit closer.</p> <p>2 MR. SNODGRASS: One of the source documents  3 to this study is the 2014 DOE transportation study, and  4 it noted that -- perceived concerns about risks of fire,  5 explosion, may result in impacts to property values, and  6 so I think that's -- that's something I think should be  7 explored further.</p> <p>8 And I do note that this document does have  9 some information on property value impacts, but it's  10 based all on pre-CBR data. So I would question the full  11 relevance of that, and would ask that -- if there's a  12 way to look further into that as we go forward, that's  13 critical, beginning with simply identifying that this is  14 a potential impact.</p> <p>15 I think it's also a potential impact not  16 just to residential properties along the rail corridor,  17 but also potential commercial activities along the  18 corridor. Certainly we heard that in scoping. I  19 don't -- have no idea on the magnitude, but I do believe  20 that's an important question going forward.</p> <p>21 A concern just about the level of  22 information provided in the seismic section. The  23 document --</p> <p>24 PHONE PARTICIPANT: I'm sorry to interrupt,  25 but we can't hear you at all, for those of us on the</p>	<p>1 something that would be worth further analysis.</p> <p>2 Lastly, I think that just in terms of the  3 summary of it, one of the SEPA requirements is  4 identifying areas of uncertainty in a project, and I  5 think what needs to be clearly stated up front is  6 apparent, I think, just from reading the document, or  7 reading from these comments here, is the degree to which  8 crude by rail is a relatively new activity in the about  9 last five years, and also the various potential  10 mitigation measures identified are also new, and that  11 adding quite a bit of uncertainty as we go forward.</p> <p>12 So those would be my comments.</p> <p>13 CHAIR LYNCH: Any further comments or  14 questions by councilmembers?</p> <p>15 Yes, Mr. Shafer.</p> <p>16 MR. SHAFER: Thank you, Mr. Chair.</p> <p>17 Mine is in the area of emergency response.  18 I think the document shows very good and proactive work  19 was done to send out surveys to the fire departments  20 along the rail line and also within the site and the  21 city of Vancouver itself.</p> <p>22 My concern is, I can't recall that any of  23 the departments or other emergency response agencies, I  24 don't think there was one that came forward and said,  25 yes, we are ready in the event of a derailment or an</p>



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<p>1 accident, we're good, we're trained, we're good to go.</p> <p>2 In fact, I think all of them sided on the other side of</p> <p>3 that: We're not prepared, we're not trained up, it</p> <p>4 would be a concern.</p> <p>5 And so I would like to see, if possible, the</p> <p>6 document go further in addressing that. What might the</p> <p>7 various fire departments or other response agencies,</p> <p>8 what are their needs, how do we address those needs, is</p> <p>9 it training, is it added staff, is it equipment, is it</p> <p>10 supplies, all of the above, do they need to be better</p> <p>11 coordinated and such.</p> <p>12 CHAIR LYNCH: Thank you.</p> <p>13 Now, Mr. Aarts or Ms. Bumpus, do you have a</p> <p>14 response to that?</p> <p>15 MS. BUMPUS: I'm just going to note that</p> <p>16 it's correct that for those that -- that did respond,</p> <p>17 the feedback that we did get from those that responded</p> <p>18 was that there's concerns about lack of preparedness in</p> <p>19 terms of equipment, training, personnel and other</p> <p>20 resources, so --</p> <p>21 MR. AARTS: I was going to say, and the</p> <p>22 mitigation measures in chapter four are very specific</p> <p>23 and address some of the concerns you've just raised.</p> <p>24 CHAIR LYNCH: Right. And some of the</p> <p>25 concerns were, even if there were the resources to train</p>	<p>1 centennial court, agencies are required to reach out to</p> <p>2 tribes whenever they're doing any kind of analysis such</p> <p>3 as this. And we've been doing this all along throughout</p> <p>4 scoping, and I've had personal contact with various</p> <p>5 tribes and there have been a number of tribes that have</p> <p>6 provided comments, scoping comments.</p> <p>7 And we will be sending out a letter today to</p> <p>8 all of the tribes offering up or giving them an</p> <p>9 opportunity to engage in government-to-government</p> <p>10 consultation.</p> <p>11 CHAIR LYNCH: Okay. Very good.</p> <p>12 And before we leave the Vancouver Energy</p> <p>13 Distribution Terminal issue, I just wanted to thank</p> <p>14 councilmembers for their diligence in reading this</p> <p>15 information and responding to Staff, and Staff's hard</p> <p>16 work and patience in dealing with all of us.</p> <p>17 And this is the first time, to my knowledge,</p> <p>18 that Council has weighed in on a Draft EIS. In the</p> <p>19 past, the Council has just been told that a Draft EIS</p> <p>20 has been published. But I think this was well worth the</p> <p>21 time that you-all put into this because we got a lot of</p> <p>22 good questions, a lot of good comments, which make this</p> <p>23 a stronger draft, and which will make it a stronger</p> <p>24 final EIS.</p> <p>25 So I appreciate all your hard work on that,</p>
Page 46	Page 48
<p>1 all those people, you still need people to respond to</p> <p>2 fires and other emergencies, so it was just that -- to</p> <p>3 maintain a level of staffing, and then to get the people</p> <p>4 trained up was an issue.</p> <p>5 Mr. Moss, did you have --</p> <p>6 MR. MOSS: Chair Lynch, if I could just</p> <p>7 follow up on that.</p> <p>8 One of the things that struck me about this</p> <p>9 particular section of the draft was the low response</p> <p>10 rate relative to the number of agencies that are out</p> <p>11 there as first responders.</p> <p>12 Now, I know from experience that when you</p> <p>13 send out surveys, you often get a response rate of this</p> <p>14 level, but it seems to me that perhaps some</p> <p>15 consideration should be given to being more proactive in</p> <p>16 seeking out -- affirmatively seeking out response from</p> <p>17 the more than 50 percent of those first responders</p> <p>18 identified who did not give us any information at all.</p> <p>19 It leaves a pretty big gap in my mind about how prepared</p> <p>20 the responders are in terms of the entire project.</p> <p>21 CHAIR LYNCH: Any other questions or</p> <p>22 comments by councilmembers? Very good.</p> <p>23 And then, Mr. Posner, I believe you are</p> <p>24 going to say something about tribal consultation.</p> <p>25 MR. POSNER: Right. As part of the</p>	<p>1 and especially the Staff, because when -- I tend to work</p> <p>2 late, and whenever I go home, they're still here. So I</p> <p>3 appreciate the long hours that you-all put in on making</p> <p>4 this happen. So thank you.</p> <p>5 So let's go ahead and turn to other issues.</p> <p>6 Mr. LaSpina, do you want to give us a rules</p> <p>7 update?</p> <p>8 MR. LASPINA: Thank you, Chair Lynch.</p> <p>9 This update concerns minor revisions of</p> <p>10 EFSEC's NPDES rules contained in two WAC chapters that</p> <p>11 has been reported to the Council for the last several</p> <p>12 months.</p> <p>13 The purpose of the rulemaking was to clarify</p> <p>14 the process for EFSEC's issuance of coverage under</p> <p>15 Ecology-issued general permits. State statutes clearly</p> <p>16 authorize EFSEC to issue such coverages, but the current</p> <p>17 language in the rules are ambiguous.</p> <p>18 The rule revision utilized the State's</p> <p>19 expedited rulemaking process. The public comment period</p> <p>20 began on September 2nd, 2015, and ended October 19th,</p> <p>21 2015. EFSEC did not receive any public comments on the</p> <p>22 proposed rule adoption.</p> <p>23 The rule adoption order, or the CR-103, has</p> <p>24 been filed with the code reviser's office. The rule</p> <p>25 revisions will become effective on December 24th, 2015.</p>

1 If you have any questions, I'm happy to  
2 answer.

3 CHAIR LYNCH: And these are the rules that  
4 we adopted at our last council meeting, but we're just  
5 basically -- everything's been sent in to the code  
6 reviser, and it will be published in the register and  
7 then be taking effect a little bit later in the year.

8 Thank you, Mr. LaSpina.

9 And a couple items of note. One is, I did  
10 have a stakeholder meeting on the number of different  
11 people who's interested in our process. I had the  
12 hearing on -- a meeting on November 12th here in our  
13 offices for the purpose of putting together potential  
14 legislation for the 2017 session on how to streamline  
15 our EFSEC siting process. It was well attended. People  
16 had some good ideas. And when session ends in 2016,  
17 we're going to reconvene the group and see where we go  
18 from there.

19 I also wanted to flag for the  
20 councilmembers, if you didn't open your e-mail, the memo  
21 that we put together talking about recent  
22 accomplishments and initiatives at EFSEC, and this group  
23 started really getting going in November of last year,  
24 and it's interesting to see how much we've accomplished  
25 in that time. I've got 23 things listed on this piece

1 of paper. So sometimes people ask us, well, geez, you  
2 only have one application in the door, what are you guys  
3 doing? Well, this, I think, answers that question.

4 And is there anything else further before  
5 the Council?

6 Hearing none, we're adjourned. Thank you.

7 (Hearing concluded at 2:36 p.m.)

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# 1 CERTIFICATE

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3 STATE OF WASHINGTON )  
4 ) ss.  
COUNTY OF KING )  
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7 I, ANITA W. SELF, a Certified Shorthand Reporter  
8 in and for the State of Washington, do hereby certify  
9 that the foregoing transcript is true and accurate to  
10 the best of my knowledge, skill and ability.

11 IN WITNESS WHEREOF, I have hereunto set my hand  
12 and seal this 9th day of December, 2015.  
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ANITA W. SELF, RPR, CCR #3032  
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Page 1

Page 3

WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL  
Richard Hemstad Building  
1300 South Evergreen Park Drive Southwest  
Conference Room 206  
Olympia, Washington  
November 24, 2015  
10:03 A.M.

EXECUTIVE SESSION  
Verbatim Transcript of Proceeding

REPORTED BY: ANITA W. SELF, RPR, CCR #3032

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## APPEARANCES

### Councilmembers Present:

Bill Lynch, Chair  
Liz Green-Taylor, Department of Commerce  
Joe Stohr, Department of Fish and Wildlife  
Dan Siemann, Department of Natural Resources  
Dennis Moss, Utilities and Transportation Commission

### Local Government and Optional State Agency:

Ken Stone, Department of Transportation  
Greg Shafer, Clark County  
Bryan Snodgrass, City of Vancouver

\*\*\*\*\*

OLYMPIA, WASHINGTON, NOVEMBER 24, 2015

10:03 A.M.

--oOo--

## PROCEEDINGS

CHAIR LYNCH: Good morning. This is November 24th, and this is the executive session that we're calling on behalf of the Energy Facility Site Evaluation Council.

But before we go into executive session, I'll have the clerk call the roll.

THE CLERK: Department of Commerce?

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

THE CLERK: Department of Ecology?

CHAIR LYNCH: Mr. Stephenson is excused.

THE CLERK: Fish and Wildlife?

MR. STOHR: Joe Stohr's here.

THE CLERK: Department of Natural Resources? Utilities and Transportation Commission?

MR. MOSS: Dennis Moss is here.

THE CLERK: Optional State agencies and local governments.

For the Tesoro Savage Project, Department of Transportation?

Page 4

MR. STONE: Ken Stone is here.

THE CLERK: City of Vancouver?

MR. SNODGRASS: Brian Snodgrass is here.

THE CLERK: Clark County?

MR. SHAFER: Greg Shafer, present.

THE CLERK: Port of Vancouver?

CHAIR LYNCH: And call D & R again.

THE CLERK: Department of Natural Resources?

MR. SIEMANN: Present, Dan Siemann.

THE CLERK: Chair, there is a quorum for the regular council and the Tesoro Project council.

CHAIR LYNCH: Thank you.

And we will be going into executive session pursuant to RCW 42.30.110, sub (1), sub little (i), which is to discuss with legal counsel representing the Agency potential litigation in which the Agency is likely to become a party; and we will be discussing a proposed Vancouver Energy project.

And we will adjourn until right before noon. And with that, we'll be in recess until then.

Thank you.

(A break was taken from  
10:06 a.m. to 11:55 a.m.)

CHAIR LYNCH: This is Bill Lynch returning from the executive session. It is five minutes to



Page 5

1 12:00, and our executive session is concluded. And we  
 2 will return for the public -- regular public hearing at  
 3 1:30.

4 And for right now, we are in recess. Thank  
 5 you.

6 (Hearing concluded at 11:55 a.m.)

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Page 6

1 CERTIFICATE

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 18 ANITA W. SELF, RPR, CCR #3032  
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# Kittitas Valley Wind Power Project

## Monthly Project Update

December 15, 2015

### Project Status Update

#### **November Production Summary:**

Power generated: 13,725 MWh  
Wind speed: 5.1 m/s or 11.4 mph  
Capacity Factor: 17.4%

#### **Safety:**

No incidents

#### **Compliance:**

Project is in compliance as of December 11, 2015.

#### **Sound:**

No complaints

#### **Shadow Flicker:**

No complaints

#### **Environmental:**

No incidents

Today is our 5 year anniversary of being commercially operational.



## Wild Horse

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

**Wind Production:** November generation totaled 55,506 MWh for an average capacity factor of 28.28%.

**Safety:** No lost-time accidents or safety incidents to report in November. PSE conducted an internal safety audit on November 5<sup>th</sup>. Only 2 minor findings were listed in the audit report, both of which were corrected the same day as the audit.

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

## EFSEC Monthly Operational Report

November, 2015

1. Safety and Training

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

2. Environmental

- 2.1. Submitted the October Discharge Monitor Report (DMR) to WebDMR.
- 2.2. Reviewed the draft RATA Report.
- 2.3. Met with EFSEC, Ecology and AECOM on the proposed Engineering Report arsenic limit.

3. Operations & Maintenance

- 3.1. Grays Harbor Energy (GHE) operated 28 days and generated 369,149 MWh during the month of November.
- 3.2. The capacity factor (CF) was 82.7% in November, and 53.2% YTD.
- 3.3. The availability factor (AF) was 100% in November, and 95.2% YTD.

4. Noise and/or Odor

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

5. Site Visits

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

6. Other

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



## **Chehalis Generation Facility----Monthly Plant Report - November 2015**

### **Washington Energy Facility Site Evaluation Council**

**11 December 2015 2015**

---

#### **Safety:**

- There were no recordable incidents this reporting period and the plant staff has achieved 4761 days without a Lost Time Accident.

#### **Environment:**

- There were no air emissions or stormwater deviations or spills during the month of November 2015.
- The November waste water sample taken on November 3<sup>rd</sup>, with the monitoring results received on the 11<sup>th</sup> of November, identified that the level of zinc measured in the sample was above the threshold effluent limitation of 1.4 mg/L. The actual measurement was 1.6 mg/L. The City of Chehalis and U. S. Environmental Protection Agency were notified as required per section II (Reporting Requirements), subsection D (Non-Compliance Reporting) of the Wastewater Discharge Requirements. The Chehalis Generating Facility submitted this notification of the non-compliance of the applicable discharge limit for zinc, within 24 hours of becoming aware of the value above the threshold limitation.
  - The plants environmental analyst initiated resampling and retesting of the waste water discharge. The follow up results were 0.15 mg/L. We are continuing to investigate the anomaly and address any potential sources of zinc in the system
  - There have been no operational or process changes at the Facility.

#### **Personnel:**

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

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

- The Plant generated 111,889 MWhrs in November for a total YTD capacity factor of 24.9%.
- On November 18, 2015 at 10:20 PM, the combustion turbine #2 tripped offline. The trip was caused by the catastrophic failure of the compressor section of the turbine. A blade from the 1<sup>st</sup> row of the compressor (designated as R-0) liberated and passed through the balance of the compressor and hot gas path, exiting the turbine. The failure is a known concern in the industry with manufacturers, including General Electric, improving the design and robustness of the





compressor blading. The compressor and turbine rotor has been shipped to the General Electric repair facility in Greenville, NC. The length of time required for the repair is estimated to be 15 weeks.

**Regulatory/Compliance:**

- The Washington State Deputy Fire Marshal has a follow up site visit scheduled for the end of December to review status of annual inspections and code compliance observations.

**Sound monitoring:**

- There were no noise complaints to report.

**Carbon Offset Mitigation**

- The installation work of the high efficiency lighting Project will be completed prior to the end of December. One hundred eight LED high bay fixtures and 254 LED tubes and troffers have been installed, saving 183 MWh/year. Additional fixtures have been added to the scope to reach the projected 246 MWh/year energy savings which corresponds to a reduction of 48.7 tons CO2 emissions per year.
- A contract with the selected vendor has been approved for the variable frequency drives (VFD's) for the water treatment reverse osmosis pumps. This system will be installed in the January/February 2016 time frame.
- Design engineering firms and equipment supply vendors are being researched for the VFD's for the closed cooling water system.

Respectfully,

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

Mark A. Miller  
Manager, Gas Plant



**Energy Northwest  
EFSEC Council Meeting  
December 15, 2015  
(Shannon Khounnala)**

**I. Columbia Generating Station Operational Status**

Columbia is online at 100% power and producing 1160 MWs. The plant has been online for 169 days.

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

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

No Change from November status report.

The Department of Energy continues to work on the NEPA Environmental Assessment (EA) for WNP 1/4. ***Energy Northwest, the Department of Energy and their contractor meet in November to finalize the NEPA scope. A follow-up meeting is being planned for December to review the final scope.*** The NEPA Environmental Assessment will allow a new lease to be signed between EN and the Department of Energy, and thereby allow for use of the water rights obtained in January of this year. The preparation of the NEPA Environmental Assessment is expected to last through winter and spring 2016 with formal reviews to follow.

# **Supplemental Fact Sheet for NPDES Permit WA002515-1**

## **Columbia Generating Station**

**December \_\_, 2015**

Whole effluent toxicity (WET) testing is a form of biological monitoring to determine if a wastewater discharge will have toxic effects on organisms that are similar to or the same as those in the receiving water. WET testing is used because it is not possible to develop water quality standards for all of the toxic pollutants possibly found in wastewater discharges. WET testing is also the only method available for assessing the toxic interaction of pollutants.

In 2014, three environmental organizations appealed language in the wastewater discharge permit for the Columbia Generating Station (CGS). Among the issues raised was that the permit language allowed CGS to remain in compliance with the permit after failing a whole effluent toxicity test, as long as CGS took certain subsequent measures. The permit required CGS to conduct additional testing to confirm the presence of toxicity and if present, submit a plan to identify the cause of the toxicity and proposed measures to reduce or eliminate it.

In July 2015, the Court of Appeals ruled in a separate case that a single failed WET test, not deemed anomalous by the Department of Ecology, is a violation of the permit. The Court's ruling is narrow and applies only to compliance testing in permits for which there is an acute or chronic WET limit. The CGS permit contains an acute WET limit.

In October 2015, Thurston County Superior Court remanded the CGS permit to EFSEC solely for modification of Permit Condition S13 Acute Toxicity, for consistency with the earlier Court of Appeals ruling.

The Energy Facility Site Evaluation Committee (EFSEC) has revised the Columbia Generating Station permit in response to the Court's ruling. These revisions are discussed in more detail below.

### **Proposed Permit Changes**

EFSEC has modified special condition S13 Acute Toxicity, specifically S13.B and S13.D to explicitly state that a single failed WET test for acute toxicity, not deemed anomalous by EFSEC, results in a violation of the effluent limit for acute toxicity.

### **Public Involvement Information**





### **S13. Acute toxicity**

#### **S.A. Effluent limit for acute toxicity**

**The effluent limit for acute toxicity is:**

**No acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).**

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the acute mixing zone, defined in Section S1.B of this permit. The ACEC equals 11% effluent.

#### **SS.B. Compliance with the effluent limit for acute toxicity**

Compliance with the effluent limit for acute toxicity means the results of the testing specified in Section C show no statistically significant difference in survival between the control and the ACEC.

If the test results show a statistically significant difference in survival between the control and the ACEC, and EFSEC has not determined the test result to be anomalous under Section D. and the test is otherwise valid, the result is a violation of the effluent limit for acute toxicity. The Permittee must then immediately conduct the additional testing described in Section CD. The Permittee is in compliance with the requirements of Section A if all of the additional tests required by Section C show no significant difference in survival between the control and ACEC. If any toxicity test required by Section C shows a significant difference in survival between the control and the ACEC then the Permittee is in violation of its WET limit.

The Permittee must determine the statistical significance by conducting a hypothesis test at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10%, the Permittee must conduct the hypothesis test at the 0.01 level of significance.