



Washington State Energy Facility Site Evaluation Council

AGENDA

MONTHLY MEETING
Tuesday May 21, 2019
1:30 PM

901 E. 7th Avenue,
Ellensburg, WA 98926,
Kittitas Valley Event Center Armory
Conference number: (360) 407-3810 ID: 4057717

1. Call to Order Kathleen Drew, EFSEC Chair
2. Roll Call Tammy Mastro, EFSEC Staff
3. Proposed Agenda Kathleen Drew, EFSEC Chair
4. Minutes **Meeting Minutes** Kathleen Drew, EFSEC Chair
 - April 16, 2019
5. Projects
 - a. Kittitas Valley Wind Project
 - Operational Updates Eric Melbardis, EDP Renewables
 - b. Wild Horse Wind Power Project
 - Operational Updates Jennifer Diaz, Puget Sound Energy
 - c. Chehalis Generation Facility
 - Operational Updates Mark Miller, Chehalis Generation
 - d. Columbia Solar Project
 - Project Updates Ami Kidder, EFSEC Staff
 - e. Desert Claim
 - Project Updates Amy Moon, EFSEC Staff
 - f. WNP – 1/4
 - Non-Operational Updates Mary Ramos, Energy Northwest
 - g. Columbia Generating Station
 - Operational Updates Mary Ramos, Energy Northwest
 - h. Grays Harbor Energy Center
 - Operational Updates Chris Sherin, Grays Harbor Energy
6. Other
 - a. EFSEC Council
 - Air Rules Sonia Bumpus, EFSEC Staff
*The Council may consider and take **FINAL ACTION** on adopting Air Rules.*
7. Adjourn Kathleen Drew, 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 42.30.020

Verbatim Transcript of Monthly Council Meeting
Washington State Energy Facility Site Evaluation
Council

April 16, 2019



1325 Fourth Avenue • Suite 1840 • Seattle, Washington 98101

206.287.9066

www.buellrealtime.com

Olympia | 360.534.9066 Spokane | 509.624.3261 National | 800.846.6989

email: info@buellrealtime.com



Page 1	Page 3
<p>1 2 3 4</p> <hr/> <p>5 6 WASHINGTON STATE 7 ENERGY FACILITY SITE EVALUATION COUNCIL 8 Olympia, Washington 9 Tuesday, April 16, 2019 10 1:30 p.m.</p> <hr/> <p>11 12 13 14 MONTHLY COUNCIL MEETING 15 Verbatim Transcript of Proceedings 16 17 18 19 20 REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358 21 Buell Realtime Reporting, LLC 22 1325 Fourth Avenue, Suite 1840 23 Seattle, Washington 98101 24 (206) 287-9066 Seattle (360) 534-9066 Olympia (800) 846-6989 National 25 www.buellrealtime.com</p>	<p>1 OLYMPIA, WASHINGTON; APRIL 16, 2019 2 1:30 P.M. 3 --o0o-- 4 PROCEEDINGS 5 6 CHAIR DREW: Good afternoon. This is 7 Kathleen Drew, Chair of the Energy Facility Site 8 Evaluation Council, and I'm calling the meeting to 9 order. 10 Ms. Mastro, will you please take the roll 11 call? 12 MS. MASTRO: Department of Commerce? 13 CHAIR DREW: Is excused. 14 MR. STEPHENSON: Cullen Stephenson, here, on 15 the phone. 16 MS. MASTRO: Department of Ecology? 17 CHAIR DREW: That was Cullen, 18 Mr. Stephenson. Thank you. 19 MS. MASTRO: Department of Fish & Wildlife? 20 MR. LIVINGSTON: Mike Livingston, here. 21 MS. MASTRO: Department of Natural 22 Resources? 23 MR. SIEMANN: Dan Siemann is on the phone. 24 MS. MASTRO: Utilities and Transportation 25 Commission?</p>
Page 2	Page 4
<p>1 APPEARANCES 2 Councilmembers: 3 KATHLEEN DREW, Chair 4 CULLEN STEPHENSON, Department of Ecology (phone) 5 MIKE LIVINGSTON, Department of Fish & Wildlife 6 DAN SIEMANN, Department of Natural Resources (phone) 7 STACEY BREWSTER, Utilities & Transportation 8 Commission 9 10 Local Government and Optional 11 State Agency for the Columbia 12 Solar Project: 13 JOE LAXSON (phone) 14 15 Assistant Attorney General: 16 JON THOMPSON 17 18 Council Staff: 19 SONIA BUMPUS 20 TAMMY MASTRO 21 AMI KIDDER 22 AMY MOON 23 PATTY BETTS 24 CHRISTINA POTIS 25 JOAN AITKEN STEW HENDERSON KYLE OVERTON In Attendance: KARA WARNER, Golder Associates (phone) BILL SHERMAN, The Environment (phone) LIEM NGUYEN, Ecology ERIC MELBARDIS, EDP Renewables (phone) JENNIFER DIAZ, Wild Horse (phone) CHRIS SHERIN, Grays Harbor Energy MARK MILLER, Chehalis Generation Facility MARY RAMOS, Energy Northwest (phone)</p>	<p>1 MS. BREWSTER: Stacey Brewster, here. 2 MS. MASTRO: Chair, there is a quorum. 3 CHAIR DREW: Thank you. 4 Is there anyone else on the phone who wishes 5 to introduce themselves at this point? 6 MR. LAXSON: Yeah, good afternoon. This is 7 Joe Laxson from the Department of Health. 8 CHAIR DREW: Thank you. 9 MS. WARNER: Hi, this is Kara Warner with 10 Golder Associates. 11 MS. DIAZ: This is Jennifer Diaz with Puget 12 Sound Energy. 13 MR. SHERMAN: This is Bill Sherman as 14 counsel for The Environment from the Attorney General's 15 Office. 16 CHAIR DREW: Okay. Thank you very much. 17 With that, we have a proposed agenda in 18 front of us. Is there a motion to adopt the proposed 19 agenda? 20 MR. LIVINGSTON: Chair Drew, I would like to 21 propose a motion to approve the agenda as presented. 22 MS. BREWSTER: I second that motion. 23 CHAIR DREW: Thank you. 24 All in favor, say "aye." 25 COUNCILMEMBERS: Aye.</p>

Page 5	Page 7
<p>1 CHAIR DREW: Opposed? The agenda is</p> <p>2 adopted.</p> <p>3 We then move to the minutes. The meeting</p> <p>4 minutes have been sent to you previously and are in your</p> <p>5 packets. Is there a motion to adopt the minutes?</p> <p>6 MR. LIVINGSTON: Chair, I would like to make</p> <p>7 a motion to approve the minutes as presented.</p> <p>8 CHAIR DREW: Thank you.</p> <p>9 MS. BREWSTER: I'll second that motion.</p> <p>10 CHAIR DREW: Thank you. Are there --</p> <p>11 MR. SIEMANN: I will second.</p> <p>12 CHAIR DREW: Are there any comments or --</p> <p>13 about the minutes? Any corrections?</p> <p>14 Hearing none, all those in favor of</p> <p>15 approving the minutes from March 19th, 2019, say "aye."</p> <p>16 COUNCILMEMBERS: Aye.</p> <p>17 CHAIR DREW: Opposed? The minutes are</p> <p>18 adopted.</p> <p>19 Moving on now to our projects. The first in</p> <p>20 front of us is the Kittitas Valley Wind Project</p> <p>21 operational update, Mr. Melbardis.</p> <p>22 MR. MELBARDIS: Good afternoon, Chair Drew,</p> <p>23 EFSEC Council. For the period of March, there was</p> <p>24 nothing nonroutine to report at Kittitas Valley. Oh,</p> <p>25 sorry. For the record, this is Eric Melbardis with EDP</p>	<p>1 as noted in the report. And also, the EFSEC contractor</p> <p>2 Southwest -- from the Southwest Clean Air Agency and</p> <p>3 title -- and EFSEC Staff conducted a Title V site</p> <p>4 inspection for the year, annual year 2019. The</p> <p>5 inspection was conducted on March 26th. At the time of</p> <p>6 the inspection, the Clean Air staff did not note any</p> <p>7 anomalies and everything was as expected. Are there any</p> <p>8 questions?</p> <p>9 CHAIR DREW: Any questions?</p> <p>10 Thank you for your report.</p> <p>11 Columbia Solar Project, Ms. Kidder?</p> <p>12 MS. KIDDER: Thank you, Chair Drew. For the</p> <p>13 record, my name is Ami Kidder. I have a brief update</p> <p>14 for you on the Columbia Solar Project. EFSEC Staff are</p> <p>15 working to obtain an environmon- - environmental monitor</p> <p>16 that would participate in the construction phase of the</p> <p>17 project for all five sites. We will keep the Council</p> <p>18 updated as we progress. Are there any questions?</p> <p>19 CHAIR DREW: Thank you.</p> <p>20 Ms. Bumpus?</p> <p>21 MS. BUMPUS: Chair Drew, I just wanted to</p> <p>22 note, I'll be providing an update on the litigation for</p> <p>23 Columbia Solar at the end of the Council meeting.</p> <p>24 CHAIR DREW: Okay. Thank you.</p> <p>25 I know at the table we also have a new Staff</p>
Page 6	Page 8
<p>1 Renewables. We did have a fire and life safety</p> <p>2 inspection in March and that came back with a perfect</p> <p>3 score.</p> <p>4 CHAIR DREW: Congratulations.</p> <p>5 Any questions?</p> <p>6 Moving on to Wild Horse Wind Power Project,</p> <p>7 Ms. Diaz?</p> <p>8 MS. DIAZ: Yes. Thank you, Chair Drew and</p> <p>9 Councilmembers. For the record, Jennifer Diaz with</p> <p>10 Puget Sound Energy at the Wild Horse Wind and Solar</p> <p>11 Facility, and we have nothing nonroutine to report for</p> <p>12 the month of March.</p> <p>13 CHAIR DREW: Thank you.</p> <p>14 Chehalis Generation Facility, Mr. Miller?</p> <p>15 MR. MILLER: Good afternoon, Chair Drew and</p> <p>16 Councilmembers and Staff. I'm Mark Miller for -- from</p> <p>17 the PacifiCorp Chehalis Generation Facility. I would</p> <p>18 like to highlight two nonroutine comments for the month</p> <p>19 of March. Plant conducted the annual relative accuracy</p> <p>20 test audit for our continuous emission monitors just to</p> <p>21 verify that they're continuing to operate within their</p> <p>22 required parameters.</p> <p>23 The draft report that we received earlier</p> <p>24 last week indicate that all monitors were performing</p> <p>25 as -- as -- within the required performance parameters</p>	<p>1 member, so I wanted to introduce him at this time. Kyle</p> <p>2 Overton, who started this morning. Kyle comes to us</p> <p>3 from Thurston County as an environmental staff person</p> <p>4 there, Environmental Health, and has an extensive</p> <p>5 background both here and from Arizona, and we are very</p> <p>6 pleased to have him on our Staff. So welcome.</p> <p>7 MR. OVERTON: Thank you.</p> <p>8 CHAIR DREW: Then moving on to Desert Claim,</p> <p>9 Ms. Moon?</p> <p>10 MS. MOON: Good afternoon, Council Chair</p> <p>11 Drew and Councilmembers. For the record, this is Amy</p> <p>12 Moon, and I am providing an update for the Desert Claim</p> <p>13 Project. EFSEC Staff continue to coordinate with Desert</p> <p>14 Claim and our contractors working toward construction in</p> <p>15 2021, and I have no other updates at this time.</p> <p>16 CHAIR DREW: Okay. Thank you.</p> <p>17 WNP-1/4. Ms. Ramos?</p> <p>18 MS. RAMOS: Good afternoon, Chair Drew and</p> <p>19 Councilmembers. My name is Mary Ramos reporting for</p> <p>20 Energy Northwest. For WNP-1/4, there are no updates to</p> <p>21 report.</p> <p>22 CHAIR DREW: Okay. Thank you. And then for</p> <p>23 Columbia Generating Station.</p> <p>24 MS. RAMOS: Again, Mary Ramos for Energy</p> <p>25 Northwest, Columbia Generating Station. I have three</p>

Page 9	Page 11
<p>1 topics to report today for Columbia.</p> <p>2 CHAIR DREW: Ms. Ramos --</p> <p>3 MS. RAMOS: First --</p> <p>4 CHAIR DREW: -- we're having a little</p> <p>5 difficulty hearing you, so if you can speak up or</p> <p>6 closer, that would be great.</p> <p>7 MS. RAMOS: Oh, okay. Apologize for that.</p> <p>8 So I have three topics to report today for Columbia</p> <p>9 Generating Station. Is that better?</p> <p>10 CHAIR DREW: Yes, thank you.</p> <p>11 MS. RAMOS: Okay. Great. First is</p> <p>12 regarding the transformer oil spill at Columbia. Energy</p> <p>13 Northwest is working on a response to EFSEC's request</p> <p>14 for information regarding the transformer oil spill at</p> <p>15 Columbia. The letter which was sent to Energy Northwest</p> <p>16 by EFSEC on March 14th is -- requests information</p> <p>17 regarding the release and cleanup of the soil.</p> <p>18 The second topic I'd like to report on is</p> <p>19 regarding our fire inspection. On March 27th, Energy</p> <p>20 Northwest responded to EFSEC's request for additional</p> <p>21 information regarding the fire inspection of nonpower</p> <p>22 block facilities at Columbia. And the third-party</p> <p>23 reports to support the building code of record</p> <p>24 modification for several buildings at Columbia have been</p> <p>25 submitted to EFSEC.</p>	<p>1 Are there any questions for Ms. Ramos?</p> <p>2 MS. BREWSTER: I have one.</p> <p>3 CHAIR DREW: Ms. Brewster?</p> <p>4 MS. BREWSTER: Ms. Ramos, regarding the</p> <p>5 response to the oil spill, do you have an estimated time</p> <p>6 when that response will be prepared?</p> <p>7 MS. RAMOS: I don't have a target date for</p> <p>8 you. I know that the transformer is being repaired</p> <p>9 during the outage, and so I suspect that our submittal</p> <p>10 will be right after the outage, but I -- I'm not 100</p> <p>11 percent sure.</p> <p>12 MS. BREWSTER: Thank you.</p> <p>13 CHAIR DREW: Okay. Any other questions?</p> <p>14 Okay. Thank you very much.</p> <p>15 MS. RAMOS: Thank you.</p> <p>16 CHAIR DREW: Moving on to Grays Harbor</p> <p>17 Energy Center operational updates, Mr. Sherin?</p> <p>18 MR. SHERIN: Good afternoon, Chair Drew and</p> <p>19 Councilmembers. I'm Chris Sherin, the plant manager at</p> <p>20 Grays Harbor Energy Center. The only two nonroutine</p> <p>21 items I'll point out from our March operational updates</p> <p>22 is, we also completed the required relative accuracy</p> <p>23 test audit, or RATA, for unit one, and we also did it</p> <p>24 on -- conducted a RATA on unit two. The dates for that</p> <p>25 were March 13th and 14th.</p>
Page 10	Page 12
<p>1 The third topic I'd like to report on is</p> <p>2 regarding our upcoming refuelling outage. Columbia</p> <p>3 Generating Station will begin its 24th refuelling outage</p> <p>4 on May 11. The outage is scheduled to last for 40 days,</p> <p>5 and it's an opportunity for us to add fresh nuclear fuel</p> <p>6 to the Columbia's reactor core as well as perform</p> <p>7 maintenance projects.</p> <p>8 The total budget for this outage is</p> <p>9 approximately \$127 million. More than 1200 fuel</p> <p>10 temporary outage workers are hired locally and across</p> <p>11 the country to support the outage. This will be in</p> <p>12 addition to the normal workforce at Columbia of about a</p> <p>13 thousand.</p> <p>14 The outage is a high priority for our</p> <p>15 station, and it's the key to the plant success and</p> <p>16 ability to provide low cost power. It takes two years</p> <p>17 to plan an outage, and with just 25 days from the start,</p> <p>18 the entire station is heavily involved in the outage</p> <p>19 preparations. Every Energy Northwest employee is</p> <p>20 assigned an outage job, and during this time, we'd ask</p> <p>21 for and appreciate EFSEC's patience as our ability to</p> <p>22 respond to questions and requests is limited.</p> <p>23 CHAIR DREW: Thank you. Thank you for that</p> <p>24 information. That I think helps all of us understand</p> <p>25 your operations a little bit better.</p>	<p>1 The other nonroutine item is outside of our</p> <p>2 annual review, we did update our Startup, Shutdown,</p> <p>3 Malfunction, Procedure, and that was submitted to EFSEC</p> <p>4 in March.</p> <p>5 CHAIR DREW: Thank you.</p> <p>6 MR. SHERIN: And if there aren't any</p> <p>7 questions, Ms. Kidder asked me to provide some</p> <p>8 historical context to Grays Harbor Energy Center's</p> <p>9 permit history. So I'll just read that.</p> <p>10 Grays Harbor Energy Center is a 620-megawatt</p> <p>11 two-by-one combined cycle natural gas-powered generating</p> <p>12 facility owned by Grays Harbor Energy LLC, a subsidiary</p> <p>13 of Invenergy Services LLC. The facility is located near</p> <p>14 Elma, Washington, approximately 40 miles from Olympia,</p> <p>15 Washington, on a 22-acre site, which is formerly a</p> <p>16 portion of the 1600-acre Washington Nuclear Project No.</p> <p>17 3 and 5 or WNP's 3 and 5. The former nuclear site</p> <p>18 surrounds Grays Harbor Energy Center and is operated by</p> <p>19 the Port of Grays Harbor's Satsop Business Park.</p> <p>20 Duke Energy North America commenced</p> <p>21 construction of the facility in September of 2001. Then</p> <p>22 one year later, Duke Energy North America halted</p> <p>23 construction at approximately midpoint and placed the</p> <p>24 project in suspension. Invenergy acquired the project</p> <p>25 in March of 2005 and resumed construction in February</p>

Page 13	Page 15
<p>1 of 2007. Grays Harbor Energy Center's first fire on 2 unit one was January 2008 and on unit two Feb- -- excuse 3 me. Grays Harbor Energy's first fire on unit one was 4 January 2008 and on unit two February 2008 and COD was 5 July 1st, 2008.</p> <p>6 Grays Harbor -- Grays Harbor Energy Center 7 began operation in July of 2008 under authorization of 8 Site Certification Amendment No. 3, including a 9 reissued 2008 NP -- or NPDES Permit, or National 10 Pollution Discharge Elimination System Permit, and PSD 11 Amendment 3, or Prevention of Significant Deterioration 12 Amendment 3. The original Site Certificate Agreement 13 and National Pollution Discharge Elimination System 14 Permits were issued for the construction of Nuclear 15 Projects that -- WNP-3 and 5.</p> <p>16 During the first year of Grays Harbor Energy 17 Center's operation, compliance issues emerged that 18 resulted in effluent exceedances and air emission issues 19 that were identified from the development of the Air 20 Operating Permit. These issues were addressed by 21 requesting a fourth amendment to the PSD, or Prevention 22 of Significant Deterioration Amendment 4, in August of 23 2009, and the National Pollution Discharge Elimination 24 System modification issued in November of 2010, which 25 we're operating under. Grays Harbor Energy Center</p>	<p>1 overview. I hope that that provided some context as we 2 have a lot of activity at this facility in the coming 3 months. As Mr. Sherin mentioned, the Grays Harbor 4 Energy Center has been operating under an administrative 5 extension of their National Pollutant Discharge 6 Elimination System, or NPDES Permit, which was approved 7 by EFSEC at the end of their previous permit.</p> <p>8 Grays Harbor submitted an engineering 9 report, which was followed by several rounds of review 10 and coordination between EFSEC Staff and the facility. 11 EFSEC approved the engineering report on 12 March 15th, 2018, and since have been working with our 13 contractors at Ecology to develop the NPDES Renewal 14 Permit here before you.</p> <p>15 Are there any questions?</p> <p>16 CHAIR DREW: And we also have a Staff from 17 Ecology who has worked -- if you'd like to introduce?</p> <p>18 MS. KIDDER: Yes, we have our permit 19 contractor here, Liem Nguyen, from Ecology who is 20 contracted with us to develop this permit and fact 21 sheet.</p> <p>22 CHAIR DREW: Thank you. Welcome.</p> <p>23 MR. NGUYEN: Good afternoon.</p> <p>24 MS. KIDDER: And if there are no questions 25 so far, Staff will proceed with our request of the</p>
Page 14	Page 16
<p>1 operated under PSD Amendment 3, or Prevention of 2 Significant Deterioration Amendment 3, until Prevention 3 of Significant Deterioration 4, or Amendment 4, was 4 approved in July 28th of 2018 and became effective 5 September 1st, 2018.</p> <p>6 CHAIR DREW: Thank you for that background. 7 I really appreciate it. We -- we are working with you 8 on renewing a number of -- a couple of permits, and so 9 that helps to have the Council understand the -- the 10 background as we -- we move forward in this process.</p> <p>11 So are there any questions or we can proceed 12 to our Staff to --</p> <p>13 MR. LIVINGSTON: I just have one out of 14 curiosity. The water supply, I -- I looked at a little 15 bit of some of the background. Mentioned wells, 16 mentioned also the river. Is the water coming directly 17 from the river or is it from the ground?</p> <p>18 MR. SHERIN: No, it's pumped from the ground 19 through the rain wells.</p> <p>20 MR. LIVINGSTON: Okay. All right. Thank 21 you. That's all.</p> <p>22 CHAIR DREW: Any other questions?</p> <p>23 Ms. Kidder?</p> <p>24 MS. KIDDER: Thank you, Chair Drew, 25 Councilmembers, and thank you, Mr. Sherin, for that</p>	<p>1 Council to take action on a tentative determination to 2 approve the Draft NPDES Renewal Permit, which would 3 allow Staff to notice the Draft Renewal Permit and fact 4 sheet for a minimum 30-day comment period.</p> <p>5 CHAIR DREW: And the Councilmembers have 6 received that all in their packet, which they received 7 last week.</p> <p>8 MS. KIDDER: Correct.</p> <p>9 CHAIR DREW: Okay. Go ahead.</p> <p>10 MS. KIDDER: Staff recommends that the 11 comment period begins on Monday, April 22nd and 12 continues for 30 days, closing -- ending at close of 13 business on Tuesday, May 21st. We do not recommend a 14 public hearing at this time. If there are any questions 15 on the technical aspect of the permit, our contractor 16 from Ecology is here and able to address any of those 17 concerns. I would ask that the Council please note that 18 the draft fact sheet available for the Council on the 19 SharePoint site has a typographical error that will be 20 addressed prior to opening the draft up for public 21 comment.</p> <p>22 CHAIR DREW: And we did not include those in 23 your packets. They're 50-some pages. So if you do want 24 a hard copy, we're happy to provide that to you, but in 25 order not to have substantial copies here with us, we</p>

<p style="text-align: right;">Page 17</p> <p>1 didn't do so. And I think we have some right here on 2 hand if anyone would like to take a look at it. 3 MS. KIDDER: We do. 4 MS. BUMPUS: That's correct, Chair Drew, we 5 have -- we made a few copies in case Councilmembers 6 wanted to look at a hard copy while we're here. 7 CHAIR DREW: Are there any questions about 8 the Draft NPDES Permit Renewal draft? Again, this is to 9 take it out -- the -- the action we're asking for today 10 is to take it out for public review. 11 MS. KIDDER: Correct. 12 CHAIR DREW: And if there are no public 13 comments, part of the decision, then, would be that 14 final action could be taken on this draft if we receive 15 no comments. So I want the Council to be fully aware of 16 that. 17 Is that correct? 18 MS. BUMPUS: That's correct. And if we do 19 receive comments, we would come back to the Council at 20 the end of the comment period and go over those comments 21 with you and explain if there were any substantive 22 changes to the permit necessary, and then you would have 23 an opportunity to review those substantive changes 24 before we would request approval of that version of the 25 permit.</p>	<p style="text-align: right;">Page 19</p> <p>1 changes are to the permit. So does that -- does that 2 help here in the action that the Council's taking? 3 Essentially this is approval of the draft permit and -- 4 CHAIR DREW: Subject to public... 5 MS. BUMPUS: That's right, public comment. 6 MR. LIVINGSTON: Yes, that helps. 7 CHAIR DREW: Thank you. Yes, it's new for a 8 lot of us. So no worries there. So would you -- 9 MR. LIVINGSTON: So I'll modify that motion 10 to, I would make a motion to approve the draft permit 11 pending public review of the period that the EFSEC 12 Council -- or Staff have suggested to us. 13 CHAIR DREW: Is there a second? 14 MS. BREWSTER: Second -- 15 MR. SIEMANN: I'll second that motion. 16 CHAIR DREW: Thank you. 17 Any discussion? 18 Okay. Thank you all -- oh, wait, I better 19 take a vote on that. All those in favor, please say 20 "aye." 21 COUNCILMEMBERS: Aye. 22 CHAIR DREW: Thank you. Motion carries and 23 the action for approval of the NPDES Permit Renewal 24 Draft subject to public comment has been approved. 25 Thank you.</p>
<p style="text-align: right;">Page 18</p> <p>1 CHAIR DREW: Okay. Are there questions 2 about the permit that anyone has? No? No? 3 Hearing none, is there someone who would 4 like to make a motion to approve the NPDES Permit 5 Renewal Draft for Grays Harbor Energy Center? 6 MR. LIVINGSTON: Sure, Chair, this is 7 chairman -- or Councilmember Livingston, and I would 8 make a motion to begin that comment period for the draft 9 permit modification as the period specified by the Staff 10 of EFSEC and to bring it back to us after that comment 11 period for discussion and review. 12 CHAIR DREW: Okay. I think the -- the 13 process is if there aren't any -- well, we can still do 14 that. 15 MS. BUMPUS: We can do that. The rule says 16 that this is a tentative determination to approve the 17 permit. And so in the past where no comments are -- are 18 provided, and the permit essentially states the same, 19 the Chair could approve the permit without a vote by the 20 Council. But if we do get comments and we do need to 21 change -- make changes to the permit, then that's where 22 we would send it back to you for another review, and we 23 would discuss those changes with you, and then there 24 would be -- I mean, in some cases, you potentially would 25 go to comment again depending on how substantial the</p>	<p style="text-align: right;">Page 20</p> <p>1 Ms. Kidder has additional information for 2 us. 3 MS. KIDDER: Thank you, Council. In further 4 news, I would like to notify the Council of additional 5 activity planned for this facility in the coming months. 6 At the May Council meeting, Staff tentatively plans to 7 bring forth a petition for rulemaking pursuant to 8 Washington Administrative Code or WAC 463-34-030 in 9 order to update WAC 463-78-005, which adopts several 10 sections of WAC 173 by reference. This update will 11 bring WAC 463-78 current with respect to air quality 12 regulations enacted by the Department of Ecology. Are 13 there any questions up to that point? 14 CHAIR DREW: If I can explain in my own 15 words perhaps what we are looking at. We adopt 16 Department of Ecology's air quality rules by reference. 17 They have changed their rules, so we are looking to 18 adopt their new rules by reference. 19 MS. BUMPUS: Correct. 20 CHAIR DREW: And you will get information on 21 that prior to the May meeting, but to know they've 22 already -- Department of Ecology has already been 23 through the process and the public hearing to adopt 24 their rules. 25 MS. KIDDER: Thank you.</p>

Page 21	Page 23
<p>1 CHAIR DREW: Thank you.</p> <p>2 MS. KIDDER: Following the update of WAC</p> <p>3 463-78, in the summer, Staff tentatively plans to</p> <p>4 present the Council for review the Draft Title V Permit,</p> <p>5 which is an air operating permit for air quality for the</p> <p>6 Grays Harbor Energy Center at which point we would</p> <p>7 anticipate asking the Council to take action on the</p> <p>8 draft for public comment as well. Are there any</p> <p>9 questions on that?</p> <p>10 CHAIR DREW: And this is that -- the -- this</p> <p>11 air permit is one which we were recently delegated</p> <p>12 authority by the EPA?</p> <p>13 MS. BUMPUS: We were recently delegated</p> <p>14 authority for the PSD.</p> <p>15 CHAIR DREW: Oh, I'm sorry.</p> <p>16 MS. BUMPUS: And that was the Amendment 4</p> <p>17 that Mr. Sherin mentioned in his update.</p> <p>18 CHAIR DREW: These permits are -- maybe we</p> <p>19 could even get a visual that shows the different air</p> <p>20 permit -- or the different permits that we are updating</p> <p>21 and the rule update associated with Grays Harbor Energy</p> <p>22 Center. That might be helpful.</p> <p>23 MS. KIDDER: That's something that we can</p> <p>24 put together for the Council.</p> <p>25 CHAIR DREW: Okay. Thank you. And I know</p>	<p>1 Specifically the governor asked me to</p> <p>2 reassess the scope and role of the Council and recommend</p> <p>3 changes to reflect the ongoing changes to the industry</p> <p>4 and the state's needs for reliable, affordable, and</p> <p>5 clean energy to serve current and future generations; to</p> <p>6 evaluate the process and procedures of the Council; to</p> <p>7 consolidate and streamline their work in ways that</p> <p>8 increase consistency, reduce decision times, and improve</p> <p>9 the transparency and access to the process; and review</p> <p>10 the current membership of the Council and recommend</p> <p>11 changes that would broaden representation from local and</p> <p>12 tribal governments, industry experts, and the general</p> <p>13 public.</p> <p>14 Throughout 2018, I met with a wide range of</p> <p>15 stakeholders to gather in-depth input on all aspects of</p> <p>16 our operations, and working together with the EFSEC</p> <p>17 Staff, we conducted process-mapping of our core work</p> <p>18 process -- processes, including both analyzing current</p> <p>19 operations and developing options for future</p> <p>20 improvements.</p> <p>21 Building on this work and with input and</p> <p>22 support from a broad group of stakeholders, I drafted</p> <p>23 legislation which was introduced earlier this year. In</p> <p>24 addition to adding standing membership on the EFSEC</p> <p>25 Council for counties and tribes, the bill contains</p>
Page 22	Page 24
<p>1 we do plan at some point hopefully during the course of</p> <p>2 the next few months to have a tour as well. And so</p> <p>3 having work going on, being able to see the facility in</p> <p>4 person for ourselves I think would be helpful as well</p> <p>5 so...</p> <p>6 MS. KIDDER: That visit is tentatively</p> <p>7 scheduled for June 18th, the morning of our June Council</p> <p>8 meeting.</p> <p>9 CHAIR DREW: Okay. Thank you.</p> <p>10 Are there any questions?</p> <p>11 MS. KIDDER: Thank you.</p> <p>12 CHAIR DREW: Lot of work going on. Thank</p> <p>13 you. We appreciate it.</p> <p>14 Mr. Nguyen, thank you for being here and for</p> <p>15 your work.</p> <p>16 Now we are in the category of "Other." So</p> <p>17 I'll start with my report, which is a legislative update</p> <p>18 but also an update on a request from the governor from</p> <p>19 when I was appointed to this position.</p> <p>20 So I'd like to give you an update on a</p> <p>21 report we have just submitted to the governor and the</p> <p>22 status to our request legislation. When Governor Inslee</p> <p>23 appointed me as EFSEC Chair in January of 2018, he</p> <p>24 called on me to review the role processes and Council</p> <p>25 membership of EFSEC as provided by RCW 80.50.320.</p>	<p>1 important provisions to streamline our project</p> <p>2 application and review process. This legislation, House</p> <p>3 Bill 1332, is still moving through the 2019 legislative</p> <p>4 process. And I will give you an update on that in a</p> <p>5 little bit.</p> <p>6 This work is -- this work of the review that</p> <p>7 the governor asked me to do is detailed in the 2018</p> <p>8 Strategic and Policy Review to Governor Inslee, which I</p> <p>9 submitted on March 28th, 2019, and is in your packets</p> <p>10 today. It details what we have learned from our</p> <p>11 outreach and process improvement activities, what we</p> <p>12 believe lies ahead as Washington transitions to a</p> <p>13 hundred percent clean electricity, and what we propose</p> <p>14 to do to support that vital transition.</p> <p>15 We've already begun implementation and</p> <p>16 intend to use this strategic and policy review as a</p> <p>17 roadmap for our continuous improvement to be carried out</p> <p>18 over the coming years.</p> <p>19 I'd like to ask Stewart Henderson, EFSEC</p> <p>20 senior policy advisor, to brief you on the report and</p> <p>21 where we are in implementation. And I'll follow with an</p> <p>22 update on the status of House Bill 1332.</p> <p>23 Mr. Henderson.</p> <p>24 MR. HENDERSON: Thank you. Yeah, for the</p> <p>25 record, this is Stewart Henderson, senior policy advisor</p>

Page 25	Page 27
<p>1 for EFSEC. And it's exciting. It's my first official 2 chance to -- to speak with the -- with the Council. 3 Yeah, I was the sort of point person to -- and I'm going 4 to be sort of leafing through the -- leafing through the 5 report here for those of you who have it. 6 But I was basically the point person to 7 bring together several streams of work that have been 8 going on over the last -- over a year now of input from 9 stakeholders, which are listed on page 15 of the report. 10 But extensive conversations that Chair Drew and others 11 have had with the -- with the wide range of 12 stakeholders, process-mapping that our own team did of 13 our own -- of our own processes. 14 In further discussions with stakeholders and 15 others, recommendations that -- that -- that were 16 provided which led to the -- the draft of the -- of 17 the -- the bill that Chair Drew was referring to and 18 ongoing input that we received on that. And then 19 continuing efforts that we've done to -- to reach out to 20 stakeholders and -- in several ways. 21 The -- the report, again, gives a couple 22 pages of background on EFSEC's mission and role, which 23 might be a good kind of overview for -- for folks new to 24 us. On pages 4 and 5, it talks about the -- some -- 25 some view of the external conditions that we believe are</p>	<p>1 accountability, the real goal there is to meet the 2 challenges ahead, EFSEC should be a more cohesive body, 3 better able to retain and build on institutional 4 knowledge. We see in the past, there's a -- there's a 5 sort of a core membership of EFSEC, but then different 6 members that come -- that came for -- for different 7 cases, so sometimes there'd actually be three councils 8 convening in -- in -- at one meeting. 9 So there's a sense that that wasn't really 10 the best structure in order to retain knowledge and -- 11 and move forward. So several elements were put into 12 the -- into the bill that -- that was put forward this 13 year including bringing the tribes, Washington tribes, 14 into permit membership on the Council, shifting the 15 current active -- temporary memberships of the cities 16 and counties over to permanent standing -- standing 17 membership, in addition to getting input from -- from -- 18 from local jurisdictions whenever a specific -- specific 19 case is up for -- for review. 20 Letting go of the optional state agencies, 21 keeping them closely involved as partners but not 22 having -- having seats that the -- with -- with the 23 Council, letting go of The Port, nonvoting Port 24 representation, which was not very well utilized. And 25 those -- as I said, those things are all in the bill,</p>
Page 26	Page 28
<p>1 -- are kind of looking out to the future, they're kind 2 of things that are impacting EFSEC moving forward, which 3 changes in industry and energy demand, which really 4 focus a lot on the demands for -- for renewable energy, 5 which even before this session was -- was clear was -- 6 was a way that things were going. 7 And in terms of mapping out the -- the -- 8 the -- the EFSEC of -- the thing about the EFSEC of the 9 future on page 6, we're really looking at how do we 10 particularly review new wind and solar facilities in the 11 most expeditious way possible and also be ready for even 12 newer technologies that can be expected to be coming -- 13 coming online in the -- in the future years. 14 And through the course, that really 15 identified five strategic opportunities for -- for EFSEC 16 moving forward, which are -- which are -- which are 17 listed here. Basically restructuring the Council for 18 greater accountability, streamlining the application 19 process for everyone, enhancing transparency and public 20 involvement, streamlining regulation and compliance, and 21 refining the scope and role of the Council. 22 I'm just going to say a little bit about -- 23 about each of those and then there's -- they're detailed 24 more, one page for each of those. But in terms of 25 restructuring the -- the Council for greater</p>	<p>1 and so -- and -- and we're -- we're moving forward. The 2 only one that really -- there was some controversy 3 around cities and some desire to keep -- keep -- keep 4 individual representation there, but the other efforts 5 there were -- were widely supported. 6 In terms of opportunity number two, 7 streamlining the application process. Again, the 8 overall goal, which we're laying out, is that EFSEC 9 should streamline review for all applicants, not just 10 renewable, but for all -- for everybody. But in 11 particular, EFSEC should map its level of review to 12 match the environmental impact and risks associated with 13 different energy technologies and should be granted the 14 flexibility it needs in order to do so. 15 So that led to a -- thinking through in 16 terms of the bill coming up with a new pathway 17 particularly for currently solar -- solar power, solar 18 farms, have -- have an ability to become expedited, but 19 wind farms still have the EIS process. And so we're -- 20 we're unable to go through the -- through the expedited 21 process, but it seemed to be -- there seemed to be a 22 call to streamline the review of wind facilities. 23 So among the things that I said that were in 24 the bill was a combined two hearings into one for -- for 25 all -- for -- for -- for all applicants, having the</p>

Page 29	Page 31
<p>1 chance for the Council to waive adjudication, which</p> <p>2 has -- which has been a time consuming thing, as long as</p> <p>3 the EIS, the environmental impact statement, provides</p> <p>4 sufficient information to -- to make a decision. So</p> <p>5 envisioning straightforward environmental impact</p> <p>6 statements such as what we see in a -- in a -- in a wind</p> <p>7 farm or other new technologies that might ambulate</p> <p>8 that -- that kind of -- those kind of conditions.</p> <p>9 And trying to expand the preapplication</p> <p>10 process. We really saw that it's really clear that the</p> <p>11 earlier we're involved with folks and the more</p> <p>12 comprehensive that early involvement is, the better it</p> <p>13 is in terms of getting a -- getting a result that's a</p> <p>14 win-win for -- for local folks, for the environment,</p> <p>15 for -- for energy -- energy developers.</p> <p>16 Those were the elements here that were</p> <p>17 related to the bill. There are other -- several other</p> <p>18 elements involving getting increased input from --</p> <p>19 from -- from stakeholders and -- and potential --</p> <p>20 potential applicants, part of which is -- is underway</p> <p>21 and we're certainly looking for additional and ongoing</p> <p>22 input.</p> <p>23 So this here lies [sic] a call for -- for</p> <p>24 that -- for that input. This is very much a working</p> <p>25 document. So if -- if you have ideas that -- either</p>	<p>1 handled hearings.</p> <p>2 Listed here was also work on the website,</p> <p>3 which is -- is coming to fruition, which we're very,</p> <p>4 very excited about. And -- and as well as some -- some</p> <p>5 specific improvements that tie into previously -- the</p> <p>6 previously described efforts to -- to improve and</p> <p>7 streamline and simplify the application process.</p> <p>8 Option four, having to do with streamlining</p> <p>9 regulation and compliance. Again, people -- people on</p> <p>10 the outside who do know -- many people do not know of</p> <p>11 EFSEC and its work, but -- but of those who do, it's --</p> <p>12 it's -- it's mostly focused on -- on new -- new siting</p> <p>13 and that's sort of the -- the -- that's kind of the</p> <p>14 flashy, dramatic -- the dramatic stuff that the -- that</p> <p>15 the -- that EFSEC works.</p> <p>16 But the really real meat and potatoes of the</p> <p>17 day-to-day work for EFSEC is a lot of the regulation and</p> <p>18 compliance work that we're -- that you heard that we</p> <p>19 were doing at the beginning of this meeting and that --</p> <p>20 and that Staff are engaged in on a day-to-day basis with</p> <p>21 our -- with our current certificate holder.</p> <p>22 So this is really, as I said, the goal here</p> <p>23 is, EFSEC should seek to continuously improve its</p> <p>24 regulatory oversight of energy facilities. Always</p> <p>25 seeking option needs to strengthen environmental</p>
Page 30	Page 32
<p>1 that you see here that you want to underline or more</p> <p>2 detailed ideas that anyone who's listening would like to</p> <p>3 contribute, please don't -- don't hesitate to contact</p> <p>4 us. As I said, this is a living document and an</p> <p>5 ongoing -- ongoing effort to -- to do the best we can.</p> <p>6 The third opportunity there was to enhance</p> <p>7 transparency and public involvement. Again, there were</p> <p>8 a couple elements that were reflected from this in --</p> <p>9 in -- in the -- in the bill. One, and having to do with</p> <p>10 environmental justice, which actually, there was --</p> <p>11 there was some questions about whether that would make</p> <p>12 it through to -- to the final. But also strengthening</p> <p>13 the preapplication process, particularly adapting a -- a</p> <p>14 provision that we -- that -- about site review or early</p> <p>15 site review in the bill to -- to -- excuse me, in -- in</p> <p>16 our -- in our current statute to make that -- to adapt</p> <p>17 that into a -- into a -- into a specific preapplication</p> <p>18 process.</p> <p>19 There's also some work proposed to -- to</p> <p>20 continually continue the efforts that we've -- under</p> <p>21 Chair Drew to -- to make hearings more accessible to</p> <p>22 local folks and make sure that -- that the voices of</p> <p>23 people at hearings are -- are -- are -- are well heard</p> <p>24 and -- and people feel like -- can -- can see that their</p> <p>25 input when they -- when they read how we've -- how we've</p>	<p>1 protection while reducing the time costs and other</p> <p>2 regulatory burdens on -- on facility -- facility</p> <p>3 operators. We haven't heard facility operators asking</p> <p>4 for -- opposed to that. Anything we can do that, you</p> <p>5 know, maintains protections but cuts time and cost and</p> <p>6 burdens is something that -- that -- that is -- is</p> <p>7 widely agreed is a -- is a -- is a good idea.</p> <p>8 We -- we have had ongoing meetings with --</p> <p>9 we had our first meeting several weeks ago with</p> <p>10 certificate holders, which actually went very well.</p> <p>11 They're going to be hearing back from us in the coming</p> <p>12 weeks as we build on -- on the input that we got -- that</p> <p>13 we got from them. And, again, particularly in this</p> <p>14 area, we are seeking further input. So anyone who --</p> <p>15 who's listening to this and wants to -- wants to become</p> <p>16 more engaged, just let us know.</p> <p>17 And finally the -- the -- the last</p> <p>18 opportunity had to do with refining the scope and role</p> <p>19 of the Council. And this is really the most future</p> <p>20 forward-looking of any of these that -- only one part of</p> <p>21 this is reflected in the current bill, and that actually</p> <p>22 probably may not be seen in -- in the final. But really</p> <p>23 right now, EFSEC kind of -- kind of has a kind of what</p> <p>24 at one time, I'm sure made -- made great sense, but now</p> <p>25 is a somewhat scattered patchwork of -- of things</p>

Page 33	Page 35
<p>1 that -- that -- that energy facilities and transmission 2 facilities that -- that we regulate. 3 And there's some thought that, as we said in 4 the goal here, State decision-makers probably should 5 consider whether the State would be better positioned to 6 achieve its energy goals if EFSEC were granted expanded 7 scope in response to current and expected future changes 8 in the energy industry. EFSEC could be fully in power 9 to use its authority and expertise to help accelerate 10 the transmission to a clean energy economy. 11 So, again, this is -- this is 12 future-oriented. It involves ongoing conversations that 13 would take place in the future with -- with 14 stakeholders. Obviously nothing would -- would -- 15 would -- would move forward in this area unless, similar 16 to the bill this year, we had broad stakeholder support 17 and had -- had things that the people felt very good 18 about. 19 There's some rough ideas in -- in Appendix 20 2, but this is the -- this is the -- we're not taking 21 any stands on any particular areas at all at this point. 22 It really is we really are trying to open the door to 23 are there things that -- that could be done that would 24 make that -- that everyone agrees would make sense to -- 25 to really take advantage of the fact that EFSEC is</p>	<p>1 who knows about the -- the future as well. 2 So Chair, Chair Drew, that's -- that's kind 3 of the summary there of -- of what -- what we did and 4 what we're doing. And, again, this is -- this is really 5 just what we've proposed, and it's a -- it's what -- the 6 snapshot of -- of this moment, but we're -- we're hoping 7 to -- to -- to see this grow and develop as -- as -- as 8 people become more involved and as conditions -- 9 conditions change. 10 CHAIR DREW: Thank you, Mr. Henderson. 11 Before we move on to an update on the 12 legislation, are there any questions? That was a lot of 13 information. This is meant to be a briefing to provide 14 you. I think many of you, I talked to early on when I 15 started this process. So this is the collection of the 16 work and the conversations and then the recommendations 17 of that course. 18 And thank you, Stew, for all the help you 19 did. 20 And he is the actual author, so the 21 beautiful language in there really comes from 22 Mr. Henderson. 23 So thank you for -- for your work on this as 24 well. 25 Are there any questions?</p>
Page 34	Page 36
<p>1 a -- is a one-stop shop and -- and -- and a benefit 2 to -- to developers and to build on that going forward. 3 I should say, and I probably couldn't -- 4 shouldn't say it on -- on the record, but the -- that -- 5 that moving forward on that will probably depend on 6 the -- on the Chair's ability to handle her PTSD from 7 the current -- current -- current legislative session 8 that we've been making our way through. 9 Final thing on -- and that the next set sort 10 of summarizes on -- on page 12, you know, where we're 11 going here that the, you know, that the current 12 legislative session is wrapping up, stakeholder out- -- 13 stakeholder outreach has been going on and will be going 14 on through -- throughout the -- the future. We've been 15 preparing for rulemaking. If the bill passes as we 16 hope, there will be rulemaking required, so we've been 17 preparing for that. That is something that is going to 18 take up a good bit of time for many of us in the -- in 19 the -- the rest of the year. 20 And, of course, redesigning and improving 21 our -- our processes. Particularly looking forward to 22 testing out preapplication process with -- with future 23 applicants that -- that come in. Sort of ideally, we'd 24 love to -- to beta test some ideas that -- that then 25 could be put into -- put into rule, and -- and -- and</p>	<p>1 MR. STEPHENSON: Chair Drew, this is Cullen. 2 CHAIR DREW: Hi, Mr. Stephenson. Go ahead. 3 MR. STEPHENSON: Thank you. I want to 4 congratulate you on, you know, trying to make sure that 5 the Council and the Staff are excellent. I think the 6 Council is working better and better than ever, I think 7 the Staff is wonderful. I appreciate the changes that 8 you're trying to make and especially adding tribes and 9 local governments to the discussion is very important. 10 And then finally, just, you know, the continuing 11 emphasis on incremental improvement. We can always do 12 better, and I believe that's what you're trying to do, 13 so I appreciate that. Thank you. 14 CHAIR DREW: Thank you. 15 MR. LIVINGSTON: I will second that. 16 CHAIR DREW: Thank you. And -- and we can 17 have further conversations certainly if you'd like to 18 talk about anything in the report either to Stew or to 19 myself, please -- and to our manager, Ms. Bumpus, please 20 feel free to do so. And anyone else too. It's going to 21 be posted, if it's not already, on our website today or 22 tomorrow. 23 MS. AITKEN: Correct. 24 CHAIR DREW: So for those of you on the 25 phone, this was something we're providing now and it</p>

<p style="text-align: right;">Page 37</p> <p>1 will be available for people to get to in the very near 2 future.</p> <p>3 In terms of update on the legislation, it's 4 called Engrossed Substitute House Bill, or ESHB 1332, 5 and it's an agency request bill that's been amended 6 throughout the legislative process. It passed the House 7 88 to 8 and is on the Senate floor calendar. I expect 8 that it will be voted on before the deadline of 5:00 9 p.m. tomorrow. If it is, it will go to the House for 10 concurrence with the Senate amendments and then to the 11 governor for his signature, and it will become effective 12 90 days after being signed by the governor, which would 13 make that about the end of July or the 1st of August.</p> <p>14 The bill, you heard several of the specifics 15 that Mr. Henderson was talking about, but essentially, 16 to summarize, it expands EFSEC membership to include one 17 member designated by the Washington Association of 18 Counties and two members designated by federally 19 recognized tribes.</p> <p>20 As you heard, we had conversations with the 21 cities and they chose to keep their participation the 22 same as current law, and so there was amendment to -- to 23 basically take it back to current law where they may 24 appoint a member when EFSEC is considering an energy 25 facility application within a city's corporate limits.</p>	<p style="text-align: right;">Page 39</p> <p>1 our statute is 50 years old, and I think one or two 2 years older than SEPA, and therefore, that adjudicative 3 process was put forward in order to get all the 4 environmental and public issues on the table. And we 5 have another mechanism of that to do that through SEPA. 6 So this is really trying to see where that adjudicative 7 process is necessary, but allowing the Council a little 8 flexibility there and then expanding the preapplication 9 process as you heard.</p> <p>10 So those are the changes that are still in 11 the bill. So we look forward to seeing the end of 12 session and hopefully achieving success in the end. So 13 I'd be happy to answer any questions.</p> <p>14 Hearing none, we will move on to updates 15 from our manager and the fourth quarter cost allocation, 16 Ms. Bumpus.</p> <p>17 MS. BUMPUS: Thank you. Good afternoon, 18 Chair Drew and Councilmembers. For the record, this is 19 Sonia Bumpus. As we do at the beginning of each 20 quarter, we calculate our nondirect cost allocations. 21 Mr. Posner was kind enough to do that before he retired. 22 These allocations are the percentages that are charged 23 to each of the different projects that EFSEC regulates. 24 We review the Staff's technical work that has been done 25 in the past quarters and look at work anticipated ahead.</p>
<p style="text-align: right;">Page 38</p> <p>1 And discretionary membership from other state agencies, 2 ports, and counties is eliminated to sit on the Council, 3 but we added requirements for working with the state 4 agencies and notifying them who had previously had the 5 option to sit on the Council as well as requirements for 6 working with local governments that are affected by any 7 of our site application processes as well as with the 8 tribes. So that language has been added.</p> <p>9 The EFSEC Chair, rather than the UTC, will 10 appoint and supervise Staff to the Council. And during 11 the site application process, as you heard, the 12 informational hearing and land use hearing is combined. 13 Those of you who haven't participated in the past, I 14 think I came shortly after Columbia Solar started, but 15 there was a land use hearing and an informational 16 hearing meeting, and everybody needed to sign in and 17 speak and then that meeting was closed and the next one 18 began. And in order to change that, we had to change 19 that in the statute, so that seemed to make sense to 20 everybody. We're happy that's there.</p> <p>21 As you heard also, that after completion of 22 an EIS and tribal consultation, the Council may waive 23 the required adjudicative proceeding under certain 24 circumstances. The conversations leading to that were 25 about the fact that that was designed before SEPA, since</p>	<p style="text-align: right;">Page 40</p> <p>1 The percentages are on the green sheet in 2 your packets, and I will go ahead and read off the 3 percentages that run from April 1st, 2019, to 4 June 30th, 2019. For Kittitas Valley Wind Power 5 Project, 10 percent; Wild Horse Wind Power Project, 10 6 percent; Columbia Generating Station, 26 percent; 7 Columbia Solar, 14 percent; WNP-1, 3 percent; Whistling 8 Ridge Energy Project, 3 percent; Grays Harbor 1 & 2, 13 9 percent; Chehalis Generating Project, 10 percent; Desert 10 Claim Wind Power Project, 8 percent; and Grays Harbor 11 Energy 3 & 4, 3 percent.</p> <p>12 CHAIR DREW: Are there any questions? 13 Thank you.</p> <p>14 MS. BUMPUS: And then I have a few other 15 updates, manager updates, about things that are going 16 on. As I mentioned earlier, I wanted to update the 17 Council on the Columbia Solar Project and the litigation 18 activities that have been going on.</p> <p>19 So just to give you some background, on 20 November 14th of last year, Kittitas County had appealed 21 the governor's decision approving the site certification 22 agreements for the five Columbia Solar sites, along with 23 EFSEC's recommendation of approval, and it did so by 24 filing a petition for judicial review in Thurston County 25 Superior Court.</p>

Page 41	Page 43
<p>1 In its legal brief to the court, the County 2 argued that EFSEC had acted contrary to law by 3 concluding that no water availability determination was 4 required under the state building code and the county's 5 ordinances for the proposed sites. The Attorney 6 General's Office filed a response brief on behalf of the 7 governor and EFSEC arguing that under the state building 8 code, a water availability determination is only 9 required for the construction of buildings that require 10 drinking water supply.</p> <p>11 The brief also stated that while the state 12 industrial safety and health rules will require 13 employees working on the sites to have access to 14 drinking water, those rules allow water to be brought on 15 site in containers for construction workers and for the 16 maintenance workers that will occasionally be at the 17 site. Therefore, it was unnecessary to have plumbed 18 water supply at these five sites.</p> <p>19 Following the receipt of the governor and 20 EFSEC's legal brief on April 8th, 2019, Kittitas County 21 agreed to voluntary dismissal of its appeal with 22 prejudice, meaning that they do not have the right to 23 refile. The request was granted by the assigned judge 24 the following day, which concluded the appeal.</p> <p>25 So we are now -- and -- and as Ami Kidder</p>	<p>1 hope that everybody does try to attend the meeting in 2 person and also to see the facilities if you haven't 3 seen them before. Because as we talked about earlier, 4 our compliance and regulation is one of the significant 5 activities that -- the Council approving different types 6 of activities. So personally, I think it's very 7 important for us to be familiar. Myself, I find it 8 easier to understand the topics that we cover and 9 perhaps to have more questions having seen the 10 facilities in person. So I would encourage everyone to 11 do so. Thank you. Are there any questions?</p> <p>12 MR. LIVINGSTON: Chair, one question I have 13 is, and maybe I know my -- the answer already, but we 14 talked about a tour out to the Columbia Generating 15 Station a while back. Obviously, they got some big 16 things going on right now, so is there any plans in the 17 future for a tour out there as well?</p> <p>18 CHAIR DREW: Ms. Bumpus?</p> <p>19 MS. BUMPUS: So in light of the fact that 20 they -- they do have their scheduled shutdown, we're 21 working on several other things, we're looking at I 22 believe now October trying to line up a tour of the 23 Columbia Generating Station facility. So we'll keep you 24 updated, but it has been moved around a few times. But 25 I think that's -- and yeah, is that -- so Amy Moon is</p>
Page 42	Page 44
<p>1 discussed earlier, we're continuing to work to get our 2 environmental monitor lined up for when this project 3 would proceed with construction, and we'll keep you 4 posted on how the project progresses as we move into 5 preconstruction activities.</p> <p>6 The other thing I wanted to -- if there 7 aren't any questions about the litigation activities, 8 the other thing I wanted to let the Council know about 9 is that we're planning to hold the May 21st Council 10 meeting in Ellensburg, Washington. We know that there's 11 been an interest by Councilmembers to go to the 12 facilities that we regulate, and so we are going to have 13 that May 21st Council meeting in Ellensburg.</p> <p>14 We'll include a site tour of the two wind 15 power projects that we have there, the Wild Horse Wind 16 Power Facility and Kittitas Valley Wind Power Project. 17 We are planning for this to be a two-day event, so we 18 would be there May 21 and May 22. Joan will be in touch 19 with Councilmembers on more specifics about the schedule 20 for the 21st and the 22nd and to find out who would be 21 able to attend. So if you have any questions about the 22 itinerary, look for that, but also feel free to contact 23 us and let us know.</p> <p>24 CHAIR DREW: And I would add that I hope 25 everybody -- I know schedules can be difficult, but I</p>	<p>1 nodding yes.</p> <p>2 MR. LIVINGSTON: Great. Thank you.</p> <p>3 CHAIR DREW: Thank you.</p> <p>4 Any other questions? Hearing none, that's 5 the end of our business for today, so this meeting is 6 adjourned.</p> <p>7 (Meeting adjourned at 2:25 p.m.)</p> <p>8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

1 CERTIFICATE

2

3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

5

6 I, Tayler Garlinghouse, a Certified Shorthand
7 Reporter in and for the State of Washington, do hereby
8 certify that the foregoing transcript is true and
9 accurate to the best of my knowledge, skill and ability.

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Tayler Garlinghouse, CCR 3358

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Kittitas Valley Wind Power Project

Monthly Operations Report

April 2019

Project Status Update

Production Summary:

Power generated: 27,508 MWh
Wind speed: 7.5 m/s
Capacity Factor: 37.9%

Safety:

No incidents

Compliance:

Project is in compliance

Sound:

No complaints

Shadow Flicker:

No complaints

Environmental:

No incidents

Wild Horse Wind Facility

April 2019

Safety

No lost-time accidents or safety injuries/illnesses.

Compliance/Environmental

In accordance with the Stormwater Pollution Prevention Plan (SWPPP) a stormwater inspection was completed following spring snowmelt. Overall, the site is stable and in excellent condition. Stormwater BMPs are in good condition and responded well to melting snow.

In accordance with the Wildlife Incident Reporting and Handling System, annual training was provided to site staff on the proper procedures for responding to and reporting wildlife incidents found within the wind facility boundaries.

Operations/Maintenance

The Renewable Energy Center (visitor center) opened to the public for the tourist season on April 1st.

Wind Production

April generation totaled 76,833 MWh for an average capacity factor of 39.15%.

Eagle Update

Nothing to report.

Chehalis Generation Facility----Monthly Plant Report – April 2019

Washington Energy Facility Site Evaluation Council

05.13.2019

Safety:

- There were no recordable incidents this reporting period and the plant staff has achieved 1331 days without a Lost Time Accident.

Environment:

- There were no air emissions or stormwater deviations or spills during the month.
- Wastewater and Storm-water monitoring results were in compliance with the permit limits.

Operations and Maintenance Activities:

- The Plant generated 63,505 MW-hours in April for a 2019 YTD generation equaled 546,614 MW-hours and a capacity factor of 40.72% for 2019.
- The Plant conducted an annual 4 day maintenance outage.

Regulatory/Compliance:

- An inspection was conducted by the Washington Department of Labor and Industries, Boiler Division, during the annual maintenance outage. There were no findings.

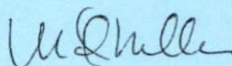
Sound monitoring:

- Nothing to report this period.

Carbon Offset Mitigation:

- Nothing to report this period.

Respectfully,



Mark A. Miller
Manager, Gas Plant
Chehalis Generation Facility

**Energy Northwest
May 21, 2019 EFSEC Council Meeting
Operations Reporting Period for April 1-30, 2019
Site Contact: Mary Ramos**

Washington Nuclear Project 1 and 4 (WNP-1/4)

No updates to report

Columbia Generating Station (CGS)

Upcoming refueling and maintenance outage

As previously reported during the April 2019 EFSEC Council meeting, CGS will begin its 24th refueling outage on May 11. The outage is scheduled to last for 40 days.

NPDES Permit submittals

In accordance with condition S7.4 of the National Pollutant Discharge Elimination System Permit No. WA002515-1 (CGS NPDES permit), CGS submitted a groundwater mounding study engineering report for circulating cooling water system losses on April 24, 2019. In accordance with condition S6 of the CGS NPDES permit, CGS submitted its NPDES permit renewal application on April 30, 2019.

EFSEC Monthly Operational Report Grays Harbor Energy Center

April 2019

Safety and Training

- There were no accidents or injuries during the month and the plant staff has achieved 3771 days without a lost time incident.

Environmental & Compliance

- There were no air emissions, outfall or storm water deviations, during the month.
- One minor spill. On April 26, an oil leak was found under the plants Telehandler (forklift). The leak, ½ - 1gal, was on a concrete pad under the Telehandler where it is normally parked. No part of the spill reached any ground surface. It was immediately contained and cleaned up. A drip pan was placed under the Telehandler to prevent any further leak from the front axle brake piston to the concrete pad. The Telehandler is leased and was replaced on April 30th. Our vendor was unable to make repairs on site. EFSEC was notified.
- All routine reporting was completed for the month and quarter.
- On April 25th, the March RATA results were submitted to EFSEC and ORCAA.
- On April 29th, EFSEC was sent a new revision of our PSD required Operations and Maintenance Manual.

Operations & Maintenance

- Grays Harbor Energy Center (GHEC) operated 15days during the month, with 6 starts on U1, and 3 starts on U2.
- GHEC generated 169,243MWh during the month and 875,921MWh YTD.
- The plant capacity factor was 38% for the month and 49.1% YTD.

Noise and/or Odor

- None.

Site Visits

- None.

Other

- None.



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

Agency: Energy Facility Site Evaluation Council (EFSEC)

Title of rule and other identifying information: (describe subject) This rulemaking would revise adoption-by-reference Chapter 463-78 WAC - General and Operating Permit Regulations for Air Pollution Sources

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal would revise the adoption-by-reference to provide continuity with the current version(s) of Department of Ecology updated air rules.

Reasons supporting proposal: EFSEC is updating its adoption of Chapters as listed below, Adoption of the WAC Air Rules will incorporate the updates made by Department of Ecology air rules, reflected below.

Chapter 173-400 Updated 10/25/2018

Chapter 173-401 Updated 9/16/2018

Chapter 173-460 Updated 6/20/2009

Statutory authority for adoption: RCW 80.50.040(1), RCW 34.05

Statute being implemented:

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

Name of proponent: (person or organization) Energy Facility Site Evaluation Council

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Tammy Mastro Commerce Specialist	P.O. Box 43172 Olympia Washington 98504-3172	(360)664-1359
Implementation:	Sonia Bumpus EFSEC Manager	P.O. Box 43172 Olympia Washington 98504-3172	(360)664-1363
Enforcement:	Sonia Bumpus EFSEC Manager	P.O. Box 43172 Olympia Washington 98504-3172	(360)664-1363

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- ☐ Relates only to internal governmental operations that are not subject to violation by a person;
- ☒ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- ☐ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- ☐ Content is explicitly and specifically dictated by statute;
- ☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- ☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- ☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- ☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- ☐ The rule is no longer necessary because of changed circumstances; or
- ☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Sonia Bumpus, EFSEC Manager

Agency: Energy Facility Site Evaluation Council

Address: P.O. Box 43172, Olympia, WA 98504-3172

Phone: 360-664-1363

Fax:

Email: EFSEC@utc.wa.gov

Other:

AND RECEIVED BY (date) _____

Date:

Name:

Title:

Signature:

Place signature here

AMENDATORY SECTION (Amending WSR 15-16-033, filed 7/27/15, effective 8/27/15)

WAC 463-78-005 Adoption by reference. (1) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-400 WAC, as it existed on (~~December 29, 2012~~) November 25, 2018, with the exceptions that:

(a) WAC 173-400-111 (5) (a) (last six words), (6), (9), (~~and WAC 173-400-720 is adopted by reference except the date in WAC 173-400-720 (4) (a) (vi) is May 1, 2015, and WAC~~) 173-400-730 (4), and 173-400-750 (2) second sentence are not adopted by reference (~~(7)~~); and

(b) The terms "ecology," "authority," "director," and "permitting authority" in WAC 173-400-030 shall mean "the energy facility site evaluation council" unless a different meaning is plainly required by the context.

<u>WAC 173-400-025</u>	<u>Adoption of federal rules.</u>
WAC 173-400-030:	Definitions.
WAC 173-400-036:	Relocation of portable sources.
WAC 173-400-040:	General standards for maximum emissions.
WAC 173-400-050:	Emission standards for combustion and incineration units.
WAC 173-400-060:	Emission standards for general process units.
(WAC 173-400-070 (5) and (7) only:)	(Emission standards for certain source categories.)
WAC 173-400-075:	Emission standards for sources emitting hazardous air pollutants.
WAC 173-400-081:	<u>Emission limits during startup and shutdown.</u>
WAC 173-400-091:	Voluntary limits on emissions.
WAC 173-400-105:	Records, monitoring, and reporting.
WAC 173-400-107:	Excess emissions.
WAC 173-400-110:	New source review (NSR) for sources and portable sources.
WAC 173-400-111:	Processing notice of construction applications for sources, stationary sources and portable sources.
WAC 173-400-112:	Requirements for new sources in nonattainment areas.
WAC 173-400-113:	Requirements for new sources in attainment or unclassifiable areas.
WAC 173-400-114:	Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.
WAC 173-400-116:	Increment protection.
WAC 173-400-117:	Special protection requirements for federal Class I areas.
WAC 173-400-120:	Bubble rules.

WAC 173-400-131:	Issuance of emission reduction credits.
WAC 173-400-136:	Use of emission reduction credits <u>(ERC)</u> .
WAC 173-400-161:	Compliance schedules.
WAC 173-400-171:	Public ((involvement)) <u>notice and opportunity for public comment</u> .
WAC 173-400-175:	Public information.
WAC 173-400-180:	Variance.
WAC 173-400-190:	Requirements for nonattainment areas.
WAC 173-400-200:	Creditable stack height and dispersion techniques.
WAC 173-400-205:	Adjustment for atmospheric conditions.
WAC 173-400-700:	Review of major stationary sources of air pollution.
WAC 173-400-710:	Definitions.
WAC 173-400-720:	Prevention of significant deterioration (PSD).
WAC 173-400-730:	Prevention of significant deterioration application processing procedures.
WAC 173-400-740:	PSD permitting public involvement requirements.
WAC 173-400-750:	Revisions to PSD permits.
WAC 173-400-800:	Major stationary source and major modification in a nonattainment area.
WAC 173-400-810:	Major stationary source and major modification definitions.
WAC 173-400-820:	Determining if a new stationary source or modification to a stationary source is subject to these requirements.
WAC 173-400-830:	Permitting requirements.
WAC 173-400-840:	Emission offset requirements.
WAC 173-400-850:	Actual emissions plantwide applicability limitation (PAL).
WAC 173-400-860:	Public involvement procedures.

(2) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-401 WAC, as it existed on September ~~((10, 2011))~~ 16, 2018, with the exception that (a) WAC 173-401-620 (2) ~~((a))~~ (i) is not adopted by reference, and (b) the terms "ecology," "authority," "director," and "permitting authority" shall mean "the energy facility site evaluation council" unless a different meaning is plainly required by the context.

WAC 173-401-100:	Program overview.
WAC 173-401-200:	Definitions.
WAC 173-401-300:	Applicability.
WAC 173-401-500:	Permit applications.
WAC 173-401-510:	Permit application form.
WAC 173-401-520:	Certification.

WAC 173-401-530:	Insignificant emission units.
WAC 173-401-531:	Thresholds for hazardous air pollutants.
WAC 173-401-532:	Categorically exempt insignificant emission units.
WAC 173-401-533:	Units and activities defined as insignificant on the basis of size or production rate.
WAC 173-401-600:	Permit content.
WAC 173-401-605:	Emission standards and limitations.
WAC 173-401-610:	Permit duration.
WAC 173-401-615:	Monitoring and related recordkeeping and reporting requirements.
WAC 173-401-620:	Standard terms and conditions.
WAC 173-401-625:	Federally enforceable requirements.
WAC 173-401-630:	Compliance requirements.
WAC 173-401-635:	Temporary sources.
WAC 173-401-640:	Permit shield.
WAC 173-401-645:	Emergency provision.
WAC 173-401-650:	Operational flexibility.
WAC 173-401-700:	Action on application.
WAC 173-401-705:	Requirement for a permit.
WAC 173-401-710:	Permit renewal, revocation and expiration.
WAC 173-401-720:	Administrative permit amendments.
WAC 173-401-722:	Changes not requiring permit revisions.
WAC 173-401-725:	Permit modifications.
WAC 173-401-730:	Reopening for cause.
WAC 173-401-750:	General permits.
WAC 173-401-800:	Public involvement.
WAC 173-401-810:	EPA Review.
WAC 173-401-820:	Review by affected states.

(3) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-406 WAC, as it existed on March 1, 2005.

Part I - GENERAL PROVISIONS

WAC 173-406-100:	Acid rain program general provisions.
WAC 173-406-101:	Definitions.
WAC 173-406-102:	Measurements, abbreviations, and acronyms.
WAC 173-406-103:	Applicability.
WAC 173-406-104:	New units exemption.
WAC 173-406-105:	Retired units exemption.
WAC 173-406-106:	Standard requirements.

Part II - DESIGNATED REPRESENTATIVE

- WAC 173-406-200: Designated representative.
WAC 173-406-201: Submissions.
WAC 173-406-202: Objections.

Part III - APPLICATIONS

- WAC 173-406-300: Acid rain permit applications.
WAC 173-406-301: Requirement to apply.
WAC 173-406-302: Information requirements for acid rain permit applications.
WAC 173-406-303: Permit application shield and binding effect of permit application.

Part IV - COMPLIANCE PLAN

- WAC 173-406-400: Acid rain compliance plan and compliance options.
WAC 173-406-401: General.
WAC 173-406-402: Repowering extensions.

Part V - PERMIT CONTENTS

- WAC 173-406-500: Acid rain permit.
WAC 173-406-501: Contents.
WAC 173-406-502: Permit shield.

Part VI - PERMIT ISSUANCE

- WAC 173-406-600: Acid rain permit issuance procedures.
WAC 173-406-601: General.
WAC 173-406-602: Completeness.
WAC 173-406-603: Statement of basis.
WAC 173-406-604: Issuance of acid rain permits.

Part VII - PERMIT REVISIONS

- WAC 173-406-700: Permit revisions.
WAC 173-406-701: General.
WAC 173-406-702: Permit modifications.
WAC 173-406-703: Fast-track modifications.
WAC 173-406-704: Administrative permit amendment.
WAC 173-406-705: Automatic permit amendment.
WAC 173-406-706: Permit reopenings.

Part VIII - COMPLIANCE CERTIFICATION

- WAC 173-406-800: Compliance certification.
WAC 173-406-801: Annual compliance certification report.
WAC 173-406-802: Units with repowering extension plans.

Part IX - NITROGEN OXIDES

- WAC 173-406-900: Nitrogen oxides emission reduction program.

Part X - SULFUR DIOXIDE OPT-IN

- WAC 173-406-950: Sulfur dioxide opt-ins.

(4) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-460 WAC, as it existed on ~~((March 1, 2005))~~ June 20, 2009.

WAC 173-460-010:	Purpose.
WAC 173-460-020:	Definitions.
WAC 173-460-030:	((Requirements,)) <u>Applicability</u> ((and exemptions)).
WAC 173-460-040:	New source review.
WAC 173-460-050:	Requirement to quantify emissions.
WAC 173-460-060:	Control technology requirements.
WAC 173-460-070:	Ambient impact requirement.
WAC 173-460-080:	((Demonstrating ambient impact compliance.)) <u>First tier review.</u>
WAC 173-460-090:	Second tier ((analysis)) <u>review.</u>
WAC 173-460-100:	((Request for risk management decision.)) <u>Third tier review.</u>
((WAC 173-460-110:	Acceptable source impact levels.
WAC 173-460-120:	Scientific review and amendment of acceptable source impact levels and lists.
WAC 173-460-130:	Fees.))
WAC 173-460-140:	Remedies.
WAC 173-460-150:	((Class A toxic air pollutants: Known, probable and potential human carcinogens and acceptable source impact levels.)) <u>Table of ASIL, SQER, and de minimis emission values.</u>
((WAC 173-460-160:	Class B toxic air pollutants and acceptable source impact levels.))

(5) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-441 WAC, as it existed on January 1, 2011.

WAC 173-441-010:	Scope.
WAC 173-441-020:	Definitions.
WAC 173-441-030:	Applicability.
WAC 173-441-040:	Greenhouse gases.
WAC 173-441-050:	General monitoring, reporting, recordkeeping and verification requirements.
WAC 173-441-060:	Authorization and responsibilities of the designated representative.
WAC 173-441-070:	Report submittal.
WAC 173-441-080:	Standardized methods and conversion factors incorporated by reference.
WAC 173-441-090:	Compliance and enforcement.
WAC 173-441-100:	Addresses.
WAC 173-441-110:	Fees.

WAC 173-441-120: Calculation methods incorporated by reference from 40 C.F.R. Part 98 for facilities.

WAC 173-441-140: Petitioning ecology to use an alternative calculation method to calculate greenhouse gas emissions.

WAC 173-441-150: Confidentiality.

WAC 173-441-160: Ecology to share information with local air authorities and with the energy facility site evaluation council.

WAC 173-441-170: Severability.

AMENDATORY SECTION (Amending WSR 06-06-037, filed 2/23/06, effective 3/26/06)

WAC 463-78-100 Registration. (1) Purpose. The registration program is used by the council to develop and maintain a current and accurate record of air contaminant sources subject to chapter 80.50 RCW. Information collected through the registration program is used to evaluate the effectiveness of air pollution strategies in collaboration with the department of ecology, and to verify source compliance with applicable air pollution requirements.

(2) Requirement to register. Except as provided in subsection (3) of this section, the owner or operator of each source subject to chapter 80.50 RCW shall register the source with the council. Sources subject to the Operating permit regulation in chapter 173-401 WAC are not required to comply with these registration requirements.

(3) The following sources are exempt from registration:

(a) A source that emits pollutants below the following emission rates:

Pollutant	Tons/Year
Carbon monoxide.....	5.0
Nitrogen oxides.....	2.0
Sulfur dioxide.....	2.0
Particulate Matter (PM).....	1.25
Fine Particulate (PM10).....	0.75
Volatile Organic Compounds (VOC)....	2.0
Lead.....	0.005

; and

(b) A source or emission unit that does not emit measurable amounts of Class A (~~or Class B~~) toxic air pollutants specified in WAC 173-460-150 (~~and 173-460-160~~).

(4) Initial registration. The owner or operator of a source that exists on the effective date of this rule must register the source with the council by no later than one year after the effective date of this rule. The owner or operator of a new source must register with the council within ninety days after beginning operation.

(5) Annual reregistration. After initial registration, the owner or operator of a source must reregister with the council by February 15 of each year. The reregistration must include all of the informa-

tion required in the initial registration and must be updated to reflect any changes to such information since the previous registration. For information that has not changed since the previous registration, the owner or operator may reaffirm in writing the correctness and current status of the information previously furnished to the council.

(6) Registration format. Registration shall be in a format approved by the council. Each registration submittal shall include the following information:

- (a) Name of the source and the nature of the business;
 - (b) Street address, telephone number(~~(, facsimile number,)~~) and email address of the source;
 - (c) Name, mailing address, telephone number(~~(, facsimile number)~~) and email address of the owner or operator;
 - (d) Name, mailing address, telephone number(~~(, facsimile number)~~) and email address of the local individual responsible for compliance with this rule;
 - (e) Name, mailing address, telephone number(~~(, facsimile number)~~) and email address of the individual authorized to receive requests for data and information;
 - (f) A description of the production processes and a related flow chart;
 - (g) Identification of emission units and air pollutant generating activities;
 - (h) A plot plan showing the location and height of all emission units and air pollutant generating activities. The plot plan must also show the property lines of the air pollution source and indicate the distance to and direction of the nearest residential or commercial property;
 - (i) Type and quantity of fuels, including the sulfur content of fuels, used on a daily and annual basis;
 - (j) Type and quantity of raw materials used on a daily and annual basis;
 - (k) Estimates of the total actual emissions for the air pollution source of the following air pollutants: Particulate matter emissions, PM₁₀ emissions, sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOC), lead (Pb), fluorides, sulfuric acid mist, hydrogen sulfide (H₂S), total reduced sulfur (TRS), and reduced sulfur compounds;
 - (l) Calculations used to determine the estimated emissions in (k) of this subsection;
 - (m) Estimated efficiency of air pollution control equipment under present or anticipated operating conditions; and
 - (n) Any other information specifically requested by the council.
- (7) Procedure for estimating emissions. The registration submittal must include an estimate of actual emissions taking into account equipment, operating conditions, and air pollution control measures. The emission estimates must be based upon actual test data, or in the absence of such data, upon procedures acceptable to the council. Any emission estimates submitted to the council must be verifiable using currently accepted engineering criteria. The following procedures are generally acceptable for estimating emissions from air pollution sources:
- (a) Source-specific emission tests;
 - (b) Mass balance calculations;
 - (c) Published, verifiable emission factors that are applicable to the source;

(d) Other engineering calculations; or
(e) Other procedures to estimate emissions specifically approved by the council.

(8) Other reports required.

(a) A report of closure shall be filed with the council within ninety days after operations producing emissions permanently ceased at any source within the council's jurisdiction.

(b) A report of relocation of the source shall be filed with the council no later than ninety days prior to the relocation of the source. Submitting a report of relocation does not relieve the owner or operator of other site certification agreement amendment requirements pursuant to chapter 463-66 WAC, nor does it relieve the owner or operator from the requirement to obtain a permit or approval to construct if the relocation of the air pollution source would be a new source or modification subject to any federal or state permit to construct rule.

(c) A report of change of owner or operator shall be reported to the council within ninety days after the change in ownership is effective. Submitting the report of change of ownership does not relieve the owner or operator of other site certification agreement amendment requirements pursuant to chapter 463-66 WAC.

(9) Certification of truth and accuracy. All registrations and reports must include a certification by the owner or operator as to the truth, accuracy, and completeness of the information. This certification must state that, based on information and belief formed after reasonable inquiry, the statements and information are true, accurate, and complete.

(10) The council shall ensure that the following, as it pertains to sources covered under this rule, is passed on to ecology in a timely manner for inclusion in its permit register:

(a) Public meetings or hearings on draft operating permits;

(b) Receipt of complete applications;

(c) Permit appeals;

(d) Issuance or denial of final permit, permit modifications, or renewals;

(e) Authorization for a source to operate without an operating permit by limiting its potential to emit to levels below those that would require the source to obtain an operating permit;

(f) Periodic summaries of enforcement order and changes made without revising the permit pursuant to WAC 173-401-722.