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4 BEFORE THE STATE OF WASHINGTON  
5 ENERGY FACILITY SITING EVALUATION COUNCIL

6 In the Matter of the Application of:

7 Scout Clean Energy, LLC, for  
8 Horse Heaven Wind Farm, LLC,  
9 Applicant.

DOCKET NO. EF-210011

10 TCC'S MOTION FOR  
11 RECONSIDERATION OF ORDER  
12 TO STRIKE ALL OR PART  
13 PREFILED TESTIMONY OF TCC  
14 WITNESSES RICK DUNN, PAUL  
15 KRUPIN, DAVID SHARP, AND  
16 RICHARD SIMON

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**I. INTRODUCTION AND BACKGROUND.**

In its application, Scout Clean Energy (SCE) requests approval of a project with three major elements. First, a set of 244 wind turbines located along ridgelines of the Horse Heaven Hills for 25 miles. Second, solar panels or arrays are included that cover approximately 8,000 acres (UASC at 2-49). Third, two large scale battery storage areas, covering approximately six acres each, with a total of 300 MW of capacity. The proposal does not include any transmission lines; the Applicant intends to connect its project with end-use customers via federal transmission lines owned and operated by the Bonneville Power Administration, which has set limits on the amount of electricity that can be injected into its system.

TRI-CITIES C.A.R.E.S. (TCC) is an intervenor in these proceedings and has opposed the scope and scale of the project, the largest ever in Washington. TCC has presented several witnesses with unique backgrounds in the power industry and environmental review.

**TCC'S MOTION FOR RECONSIDERATION OF ORDER TO  
STRIKE ALL OR PART PREFILED TESTIMONY OF TCC  
WITNESSES RICK DUNN, PAUL KRUPIN, DAVID SHARP,  
AND RICHARD SIMON - 1**

LAW OFFICES OF  
J. RICHARD ARAMBURU, PLLC  
705 2<sup>ND</sup> AVE., SUITE 1300  
SEATTLE 98104  
Telephone (206) 625-9515  
FAX (206) 682-1376  
aramburulaw.com

1 Following a motion from the applicant, the PALJ has stricken all the testimony of  
2 the four witnesses in his Striking Order. Though PHO#2 prohibited reconsideration of  
3 orders striking testimony, TCC has requested, and been granted, leave to file this  
4 motion for reconsideration of the Striking Order.

5 TCC respectfully will demonstrate that the Striking Order was made in error and  
6 should be reconsidered. Following reconsideration, the PALJ should grant this motion  
7 and allow the important testimonies of TCC witnesses to continue as prefiled testimony,  
8 subject to cross-examination.

## 9 **II. STANDARDS FOR ADMISSION OF TESTIMONY.**

10 Administrative hearings uniformly adopt a more relaxed standard for admission  
11 of evidence in RCW 34.05.452

12 (1) Evidence, including hearsay evidence, is admissible if in the judgment of the  
13 presiding officer it is the kind of evidence on which reasonably prudent persons  
14 are accustomed to rely in the conduct of their affairs. The presiding officer shall  
15 exclude evidence that is excludable on constitutional or statutory grounds or on  
the basis of evidentiary privilege recognized in the courts of this state. The  
presiding officer may exclude evidence that is irrelevant, immaterial, or unduly  
repetitious.

16 EFSEC also recognizes in WAC 463-30-310, the rule of evidence for adjudicatory  
17 hearings, that: (1) All rulings upon objections to the admissibility of evidence shall be  
18 made in accordance with the provisions of RCW 34.05.452." In addition, administrative  
19 findings also include a "reasonably prudent persons" standard that allows evidence  
20 that might not be admissible in a civil trial:

21 (4) Findings of fact shall be based exclusively on the evidence of record in the  
22 adjudicative proceeding and on matters officially noticed in that proceeding.  
23 Findings shall be based on the kind of evidence on which reasonably prudent  
24 persons are accustomed to rely in the conduct of their affairs. Findings may be  
25 based on such evidence even if it would be inadmissible in a civil trial. However,  
the presiding officer shall not base a finding exclusively on such inadmissible  
evidence unless the presiding officer determines that doing so would not unduly  
abridge the parties' opportunities to confront witnesses and rebut evidence. The  
basis for this determination shall appear in the order.

26 RCW 34.05.461(4). The "reasonably prudent persons" test reflecting a "significantly

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LAW OFFICES OF  
J. RICHARD ARAMBURU, PLLC  
705 2<sup>ND</sup> AVE., SUITE 1300  
SEATTLE 98104  
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1 relaxed" standard for admission is also a foundation of administrative law:

2 "Generally speaking, administrative hearings proceed under significantly relaxed  
3 rules of evidence. See, e.g., RCW 34.05.452(2) (rules of evidence are  
4 "guidelines" under Administrative Procedure Act); Vasquez, 148 Wn.2d at 316  
5 (evidentiary rules are relaxed at implied consent hearings)."

6 *Ingram v Dept. of Licensing*, 162 Wn 2d 514, 524-25 (2007).

7 In addition, the particular organic legislation for EFSEC in RCW chap. 80.50  
8 stressed that EFSEC must "balance the increasing demands for energy facility location  
9 and operation in conjunction with the broad interests of the public." RCW 80.50.010.  
10 Further, that new energy facilities must "produce minimal adverse effects on the  
11 environment, ecology of the land and its wildlife, and the ecology of state waters and  
12 their aquatic life." Unlike other administrative agencies that deal with private issues,  
13 EFSEC was directed by 2022 legislation to conduct "a public process that is  
14 transparent and inclusive to all with particular attention to overburdened communities"  
15 and "while also encouraging meaningful public comment and participation in energy  
16 facility decisions." *Id.*

17 As will be discussed, in several areas SCE has declined to provide evidence in  
18 support of its application. In particular, SCE has failed to provide any witness in support  
19 of its 644-page UASC plus numerous attachments. With the vast and substantial  
20 volume of information, there is no way to determine whether this material was provided  
21 by persons with qualifications or credentials to make the statements provided or  
22 whether it was written by unqualified persons. The only witness testifying in support of  
23 the UASC is Mr. Kobus, but the Applicant did not provide any direct or rebuttal  
24 testimony from him; his testimony was only acquired after lengthy motion practice. At  
25 the deposition, it was disclosed that he was the editor of the UASC, though much of the  
26 document was written by a SCE consultant. See Deposition at pages 12-13. In inquiry  
27 concerning his background and experience, he stated he was not a professional

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1 engineer and his background is in the nuclear industry and financial management. See  
2 Kobus deposition at pages 7-8. No testimony was elicited from him that he had any  
3 special qualifications to write, or edit, the UASC. If the standard for testimony and  
4 admission of evidence applied to TCC witnesses was applied to Mr. Kobus and the  
5 UASC, the UASC would be stricken in its entirety.

6 In addition, the Striking Order strikes testimony in advance of any *vior dire* or  
7 other questioning related to the witness's backgrounds in the specific areas of  
8 expertise. As a result, testimony of TCC witnesses must be considered valid.

9 In the present case, each of the witnesses that had the entirety of their testimony  
10 eliminated by the Striking Order not only addressed subjects previously approved by  
11 the PALJ, but also had substantial qualifications to testify on the subject.

12 **III. TESTIMONY OF TCC WITNESSES KRUPIN, SHARP, DUNN AND SIMON**  
13 **SHOULD BE ADMITTED IN WHOLE OR IN PART.**

14 3.1 Paul Krupin Testimony.

15 The Striking Order established two bases for eliminating Mr. Krupin's testimony:  
16 that he failed to address topics approved in PHO#2 and that he fails to establish  
17 qualifications to provide testimony.

18 First, the established "disputed issues for adjudication" include consistency with  
19 Benton County conditional use criteria, habitat, air quality, visual resources and the  
20 scope and scale of the project. PHO#2 at page 2. As will be set forth herein, the Krupin  
21 testimony addresses these issues. As was submitted in testimony by Mr. Krupin, and as  
22 is set forth herein, Mr. Krupin's testimony expressly and specifically addresses these  
23 issues.

24 Second, regarding Mr. Krupin's qualifications, EXH-5301\_T sets forth his  
25 resume. He describes his multi-disciplinary project management experience and the  
26 broad nature of his review. To highlight his background and qualifications, TCC

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705 2<sup>ND</sup> AVE., SUITE 1300  
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Telephone (206) 625-9515  
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1 attaches the "Position Description" for the post that Mr. Krupin held while employed  
2 with the Department of Energy. See Attachment A hereto. He provided technical  
3 experience in a wide variety of environmental reviews and management, including air  
4 quality, "mastery of advanced principles of environmental management," regulatory  
5 compliance audits and appraisals, NEPA review and the permitting of complex  
6 industrial facilities under Federal and Washington State environmental regulations. His  
7 many years of experience are in addition to his educational background in physical  
8 geography, land use planning, hydrology and environmental biology. See EXH-  
9 5301\_T.

10 Against this diverse and substantial background his testimony far exceeds the  
11 relaxed criteria for admission in administrative proceedings. There should be no  
12 question at all regarding the admissibility of Mr. Krupin's testimony under the standards  
13 of admission for these administrative proceedings.

14 At pages 1-7 of his testimony Mr. Krupin summarizes his general concerns and  
15 the defects in the submitted materials, which address the very foundation and core of  
16 the principles under which the Council reviews and makes decisions regarding the  
17 ASC. At pages 8-11, he more specifically points out deficiencies in the submitted  
18 materials and at pages 11-16 provides maps of the project based on use of commonly  
19 available mapping programs. These materials go to the "overall scope and scale of the  
20 project," an approved disputed issue in PHO#2. At pages 17-19, Mr. Krupin points out  
21 the lack of analysis of the impacts of climate change itself on the project and how it will  
22 impact the scope and scale of the project.

23 At pages 17-20, Mr. Krupin applies his environmental management skills to  
24 address the lack of discussion of alternatives, clearly related to the scope and scale of  
25 the project.

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J. RICHARD ARAMBURU, PLLC  
705 2<sup>ND</sup> AVE., SUITE 1300  
SEATTLE 98104  
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1 At pages 21 to 65 Mr. Krupin used his advanced digital geographic mapping  
2 skills and knowledge to create the digital geographic system graphic and maps in this  
3 section, specially designed to enhance and enable greater understanding of data and  
4 issues in the virtual hearing setting in order to aid rational decision-making by the  
5 council. Note that his testimony points to errors in mapping, and much is based on his  
6 personal knowledge of the areas in question. Photographs are included to show the  
7 actual nature of the areas in question. Pages 34-36 describe the number of impacted  
8 residences, relying on Mr. Krupin's environmental management, research and  
9 cartography skills. The information at pages 36 to 65 is factual, as opposed to  
10 analytical, and provides useful information regarding the visibility of turbines from  
11 various locations and the number of people that will see them.

12 Pages 65-66 point to the lack of water for the project, plainly a land use issue  
13 and a regulatory compliance issue, both well within his background with his Master's  
14 Degree in hydrology and water quality, and his many years of regulatory and  
15 environmental management experience. See his resume at EXH-5301\_T.

16 At pages 68 to 95, Mr. Krupin applies his significant environmental experience to  
17 point out errors in the analysis of important environmental factors, including the impacts  
18 of gravel and cement operations, as well as failures to identify impacts and proximity to  
19 persons in the community, clearly items included in the societal, tourism and recreation  
20 areas, all approved disputed issues.

21 At pages page 96 Line 1 to Page 105 Line 15, Mr. Krupin discusses air quality  
22 issues, a specific approved disputed issue and within his background and experience  
23 in regulatory compliance with air quality programs as described in EXH-5301\_T on  
24 page 2.

25 At pages 105 Line 15 to Page 117 Line 10 , Turbine Location, Project Layout  
26 and Elimination are discussed, plainly related to the overall scope and scale of the

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LAW OFFICES OF  
J. RICHARD ARAMBURU, PLLC  
705 2<sup>ND</sup> AVE., SUITE 1300  
SEATTLE 98104  
Telephone (206) 625-9515  
FAX (206) 682-1376  
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1 project and whether alternatives to the proposed scope and scale have been  
2 presented.

3 Additionally, the Striking Order also struck the letters found in EXH-5303\_T. As  
4 stated in that exhibit, Mr. Krupin was replying to the direction of the PALJ in the  
5 footnote on page 2 of PHO#2. That footnote stated that a party seeking witnesses on  
6 local issues "should justify the witness' significance as a representative of the local  
7 area and ability to speak for the community-at-large and understand that they will be  
8 subject to cross examination." Though TCC objected to such a provision, following the  
9 PALJ instructions, Mr. Krupin provided the following letters of endorsement of  
10 representative organizations in the Tri-Cities in EXH-5303\_T:

11 Tri-City Herald Editorial Board Opinion May 17, 2023 (provided with link to pdf  
12 file and also attached with testimony)

13 Tri-City Herald article on Gov Inslee signing the ADLS Bill May 10, 2023 (linked  
14 and attached)

15 Tri-City Herald article on Wind Turbines – ADLS Bill March 15, 2023 (attached  
16 with testimony)

17 Tri-City Herald article on HHH Wind Turbine Project January 17, 2023 (attached)  
18 Visit Tri-Cities Washington letter (attached)

19 Richland City Council Resolution No. 2023-76 (attached)

20 Tri-City Regional Chamber of Commerce letter (attached)

21 Lower Columbia Basin Audubon Society Letter (attached)

22 Tri-City Board of Realtors Letter (attached with testimony)

23 As responsive to the express direction of the PALJ, there is no basis to strike these  
24 materials. If they are stricken, TCC requests that each be given an exhibit number and  
25 remain a part of the record.

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705 2<sup>ND</sup> AVE., SUITE 1300  
SEATTLE 98104  
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1 In summary, the testimony of Mr. Krupin, though varied, keeps within the list of  
2 disputed issues. Mr. Krupin applies his skills from experience within the "Position  
3 Description" from the Department of Energy as well as his education and other  
4 experience to address issues.

5 Mr. Krupin's testimony should not be stricken.

6 3.2 David Sharp Testimony.

7 Dave Sharp's testimony was stricken entirely by the Striking Order at pages 3-4.  
8 The principal concerns relate to whether the testimony stays within the list of disputed  
9 issues, particularly regarding grid interconnection issues. As indicated in EXH-5801\_T  
10 he has considerable background in the energy industry and with wind turbines. He is a  
11 graduate in electrical engineering and he oversaw the startup and operation of a very  
12 large wind project in Eastern Wyoming for PacificCorp. EXH-5401 at page 2.

13 Beginning at page 2 of his testimony through page 5, he addresses the utility of  
14 the site for wind turbine development, a subject specifically raised by the Applicant at  
15 page 2-118 of the UASC. At pages 5-9, he discusses the output of the project, issues  
16 related to the scope and scale of the project; this testimony is informed by his prior  
17 experience in the energy industry. He continues on pages 9-11, discussing the output  
18 of the project, clearly a consideration in the balancing analysis between the need for  
19 power and the other societal and environmental interests. Indeed as indicated in  
20 Whistling Ridge Order 868 at page 15:

21 *The council must consider whether this project will produce a net benefit after*  
22 *balancing the legislative directive to provide abundant energy at reasonable cost*  
*with the impact to the environment and the broad interest of the public.*

23 Mr. Sharp addresses these issues in his testimony.

24 At pages 13-23, Mr. Sharp addresses the interconnection with BPA lines, "grid  
25 injection capacity" and the overbuilt features of the project, referencing the UASC at  
26 pages 2-15, 2-16 and 2-49. These are clearly issues that are critical in deciding

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LAW OFFICES OF  
J. RICHARD ARAMBURU, PLLC  
705 2<sup>ND</sup> AVE., SUITE 1300  
SEATTLE 98104  
Telephone (206) 625-9515  
FAX (206) 682-1376  
aramburulaw.com



1 whether the Applicant's "scope and scale" of the project should be accepted by the  
2 Council after the required "balancing analysis."

3 At pages 23-32, Mr. Sharp drills down on the failure of the Applicant (and staff)  
4 to require a thorough consideration of alternatives, the natural predicate to the required  
5 balancing analysis ("a net benefit"), which includes the suggestion that the analysis of  
6 the project employ the methods and techniques in the Integrated Resource Planning  
7 process. This includes the discussion of BESS, recently added to the project. Mr.  
8 Sharp's experience in the private sector of the energy industry provides his informed  
9 analysis.

10 At pages 36-38, Mr. Sharp addresses the impacts that wind turbines may have  
11 on habitat and recreation due to ice throw and discusses personal experience with  
12 mechanical problems with wind turbines. These occurrences impact recreation, another  
13 approved disputed issue. At pages 38-45, he discusses the impacts of turbine location  
14 on existing recreational resources.

15 The testimony of Mr. Sharp is well within both his experience in the wind industry  
16 and the approved issues in this proceeding.

### 17 3.3 Rick Dunn Testimony.

18 The PALJ has chosen to strike entirely the testimony of Rick Dunn, the  
19 Managing Director of Benton County PUD, the electric provider to the community  
20 impacted by the Horse Heaven Wind Project. The chief concern is that his testimony  
21 criticizes CETA and other legislation. Striking Order at page 2.

22 Further, the Striking Order claims that Mr. Dunn's testimony and exhibits are not  
23 within the bounds of the "issues approved by" PHO#2. However, Mr. Dunn's testimony  
24 clearly addresses issues of the "Overall Scope and Scale of the Horse Heaven Wind  
25 Project." As discussed previously in the section of the UASC considering "Analysis of  
26 Alternatives" under WAC 463-60-296, SCE claims that:

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LAW OFFICES OF  
J. RICHARD ARAMBURU, PLLC  
705 2<sup>ND</sup> AVE., SUITE 1300  
SEATTLE 98104  
Telephone (206) 625-9515  
FAX (206) 682-1376  
aramburulaw.com

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2 The site represents a commercially viable wind resource area that is favorable  
3 for regional utilities as it is coincident with peak loading demand.

4 UASC at 2-118. The testimony of Dave Kobus in his deposition ("Kobus Dep") 89-93  
5 supports that statement where he claims the HHWP is "winter peaking, and when the  
6 utilities loads peak the largest." Page 92, lines 21-25. While the Striking Order  
7 criticizes Mr. Dunn's testimony regarding whether HHWP "cost effectively balances  
8 carbon dioxide reductions, grid reliability and land use impacts" (Striking Order at 2) in  
9 fact recent additions to RCW 80.50.010 set the "premises" for Council action as:

10 (3) To encourage the development and integration of clean energy sources.

11 (4) To provide abundant clean energy at reasonable cost.

12 Mr. Dunn addresses - and thoroughly debunks - both the UASC comments and  
13 Mr. Kobus's testimony at page 7:19 to 11:8, pointing out the low productivity of the  
14 HHWF during winter peaks and showing that the project ranks low in the "integration"  
15 of clean energy resources. At pages 5:16 to 7:18 Mr. Dunn also shows why the project  
16 ranks low in effective load carrying capacity, a primary criteria for project approval.  
17 This testimony is very useful in assisting consideration whether to approve both phases  
18 of the application as discussed at UASC pages 2-100 to 2-103, or whether to approve  
19 Phase 2A, the solar + wind configuration or Phase 2B, the all wind project. The Dunn  
20 testimony fully informs the Council on these important subjects and should be allowed.

21 3.4 Rich Simon Testimony.

22 Mr. Simon has decades of wind resource experience and has participated in  
23 evaluating and siting hundreds of wind projects. His qualifications are in short  
24 impeccable.

25 The concerns expressed in the Striking Order are that certain subjects are "not  
26 appropriate for this adjudication proceeding." Striking Order at page 4. The

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705 2<sup>ND</sup> AVE., SUITE 1300  
SEATTLE 98104  
Telephone (206) 625-9515  
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1 “inappropriate” subjects are “wind resource potential, economic feasibility and grid  
2 availability.” *Id.*

3 However, the disputed issues list in PHO#2 includes the “overall scope and  
4 scale of the Horse Heaven Wind Project.” See page 2. In that regard, the Applicant  
5 stresses in its application that: “The site represents a commercially viable wind  
6 resource area that is favorable for regional utilities as it is coincident with peak loading  
7 demand.” UASC at 2-118. If the Applicant claims the project site “has a commercially  
8 viable wind resource area,” TCC and other parties are entitled to rebut the statements  
9 in the application, noting that no testimony by a competent witness has been offered in  
10 that regard. SCE cannot expect that its statements in the UASC would go  
11 unchallenged.

12 Concerning “grid availability,” the December, 2022 changes to the ASC have  
13 resulted in a document that extensively discusses grid availability and “grid injection  
14 capacity.” UASC (redline version) at 2-15, 2-16 and 2-49. This information indicates  
15 that the Applicant proposes significantly more wind turbines and solar capacity that  
16 could be injected into the grid at specific times, which is appropriately characterized by  
17 the Applicant as “overbuilding” the project. Further, the Legislature only added new  
18 subsection 3 to RCW 80.50.010 during the 2022 legislative session, which was: “(3) To  
19 encourage the development and integration of clean energy.” This addition was a  
20 directive to consider how new clean energy would be “integrated” into the current  
21 system, which includes use of the federal transmission facilities regulated by BPA. The  
22 Applicant cannot avoid addressing this requirement and its is a relevant issue as to the  
23 Council’s decision on the “overall scope and scale of the Horse Heaven Wind Project.

24 Mr. Simon addresses the completeness of the application and its lack of detail.  
25 See Exhibit 5501, page 3. At pages 2-8, Mr. Simon provides his analysis of the Horse  
26 Heaven site as a wind resource area, finding it marginal and lower than other sites,

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1 directly disputing the statements at page 2-118 of the UASC mentioned above. This  
2 directly relates to the "balancing" requirement of RCW 80.50.010 when a project with  
3 lower wind potential is compared with specific impacts on the environment, wildlife and  
4 other "broad interests of the public." Further His testimony at pages 9-10 addresses  
5 the peak loading testimony both in the UASC and in Mr. Poulos testimony.

6 **IV. CONCLUSION.**

7 TCC respectfully requests that the PALJ reconsider his Striking Order and allow  
8 the prefiled testimony to remain a part of the record.

9 DATED this 7<sup>th</sup> day of August, 2023.

10  
11 /s/

12 J. Richard Aramburu, WSBA #466  
13 Attorney for Tri-Cities C.A.R.E.S.  
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SEATTLE 98104  
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aramburulaw.com

DECLARATION OF SERVICE

I hereby certify that I have this day served the foregoing upon the parties of record in this proceeding (listed below my signature block) by authorized method of service pursuant to WAC 463-30-120(3) to the email addresses for parties as provided.

Dated at Seattle, Washington this 7<sup>th</sup> day of August, 2023.

/s/  
Carol Cohoe, Legal Assistant  
Law Offices of J. Richard Aramburu, PLLC

PARTIES OF RECORD

Kenneth Harper, Aziza Foster  
Menke Jackson Beyer, LLP  
807 North 39<sup>th</sup> Avenue  
Yakima WA 98902  
*By Email:* kharper@mjbe.com;  
zfoster@mjbe.com; Julie@mjbe.com

Ryan Brown  
Chief Deputy Prosecuting Attorney  
Benton County Prosecuting Attorney  
7211 West Okanogan Place, Building A  
Kennewick, WA 99336  
Counsel for Benton County  
*By Email:*  
Ryan.Brown@co.benton.wa.us

Sarah Reyneveld  
Office of the Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
Counsel for the Environment  
*By Email:*  
Sarah.Reyneveld@atg.wa.gov  
CEPSeaEF@atg.wa.gov;  
julie.dolloff@atg.wa.gov

Tim McMahan  
Stoel Rives LLP  
760 SW Ninth Avenue, Suite 3000  
Portland, OR 97205  
Counsel for Scout Clean Energy, LLC  
*By Email:* tim.mcmahan@stoel.com  
emily.schimelpfenig@stoel.com;  
ariel.stavitsky@stoel.com

Shona Voelckers  
Yakama Nation  
shona@yakamanation-olc.org  
ethan@yakamanation-olc.org  
jessica@yakamanation-olc.org

EFSEC Staff  
lisa.masengale@efsec.wa.gov;  
alex.shiley@efsec.wa.gov;  
andrea.grantham@efsec.wa.gov;  
sonia.bumpus@efsec.wa.gov

**TCC'S MOTION FOR RECONSIDERATION OF ORDER TO  
STRIKE ALL OR PART PREFILED TESTIMONY OF TCC  
WITNESSES RICK DUNN, PAUL KRUPIN, DAVID SHARP,  
AND RICHARD SIMON - 13**

LAW OFFICES OF  
J. RICHARD ARAMBURU, PLLC  
705 2<sup>ND</sup> AVE., SUITE 1300  
SEATTLE 98104  
Telephone (206) 625-9515  
FAX (206) 682-1376  
aramburulaw.com

## POSITION DESCRIPTION

Physical Scientist  
Program Engineer  
Interdisciplinary: GS-840, 830, 810, 850, 893, 1301/ -13  
Policy and Permits Branch  
Environmental Restoration Division  
Office of Assistant Manager for Operations

Introduction: As Program Engineer/Physical Scientist for the Policy and Permits Branch, the incumbent is responsible for planning, organizing, directing, coordinating, and evaluating contractor-managed nuclear, hazardous waste and environmental programs to assure compliance with applicable requirements. Performance requires developing and providing environmental policy, general guidance, interpretation and assistance to the Richland Operations Office and Hanford contractors in implementing and evaluating programs in compliance with regulations in areas of air, water, and land environmental protection and hazardous waste management.

Major Duties:

- Implements management and programmatic direction of contractor staff involved with environmental management activities through the development, negotiation and administration of technical work agreements, contracts, statements, plans and program and compliance documentation.
- Provides expert technical direction to Hanford environmental management programs to achieve and maintain compliance with Clean Air Act, Clean Water Act, RCRA, CERCLA, Safe Drinking Water Act, and Toxic Substances Control Act. Interpretations and application of applicable Federal, State and local environmental laws and regulations are made to complex, federally-owned, contractor-operated facilities, activities and projects.
- Analyzes and evaluates contractor budget estimates, technical proposals, plans, and recommendations coordinating reviews with other RL organizations and HQ as appropriate, and makes recommendations to RL management.
- Supports development of and monitors budgets to accomplish assigned tasks including prioritization of activities and appraising contractor performance in areas affecting safe and environmentally acceptable operations, and cost effective accomplishment of program goals.
- Evaluates the applicability of a variety of laws and regulations pertaining to environment and safety and assures adequacy and effectiveness of environmental management program with respect to safety and compliance with applicable DOE standards, and Federal and State regulations. Performs audits and appraisals of contractor operations in accomplishing this responsibility.
- Coordinates with affected RL and Hanford contractor organizations to assure establishment of plans and commitments necessary to prepare and provide timely and accurate submittal of Hanford Site environmental permit applications, closure plans and other required documentation.

- Prepares or provides for the preparation of environmental plans and reports and maintenance of database such as those related to air and water pollution, solid waste, pesticides, effluent and environmental monitoring, oil spill prevention and control, hazardous and toxic wastes, and air pollution controls.
- Provides expert advice and consultation to HQ and RL and contractor management on interpretation and implementation of EPA regulations, DOE waste management orders, NEPA requirements, EPA and Washington State environmental regulations.
  - Maintains expert knowledge of policies, regulations, agreements and guides governing the handling, storage, treatment, transportation, and permanent disposal of defense wastes.
  - Assures appropriate DOE (HQ, RL, and other field office) management are advised of situations where policy, technical, administrative, financial, and/or major schedule problems develop, and participates in evaluations when major decisions/recommendations are made in areas of responsibility.
  - Discusses program requirements and potential problem areas with appropriate contractor staff and management, HQ, and other government agencies, working out mutually agreeable solutions.
  - Represents DOE at technical program reviews, conferences, and meetings with HQ, other field offices, other government agencies, and with contractors, when necessary or appropriate.
  - Participates in state regulatory proceedings representing DOE when requested. Participates in the negotiation of regulatory compliance agreements and enforcement actions.
- Reviews proposed Federal and State legislation and regulations which may have an impact on programs, projects and functions of RL. Prepares and coordinates statements of the office's position with regard to such legislation or regulation. Maintains current information on the current status of the proposed legislation or regulation and advises RL of the potential impact of changes.
- Prepares or reviews a wide variety of complex and occasionally novel technical and legal, regulatory compliance documents and contractual instruments including, but not limited to: operating contracts, award fee evaluations, cooperative agreements, Freedom of Information Act requests, Congressional and Agency Requests for Information, memorandums of understanding, compliance orders, notices of violation and deficiency, and other documents needed to support programs, projects, and functions assigned to RL and its contractors.



- Upon request, acts as contact with Northwest States and other government agencies on environmental management. Provides presentations to groups throughout Northwest including special interest groups such as WDOE, ODOE, Washington and Oregon legislatures, EPA, USGS, NRC, and other government agencies.

#### Knowledge Required by the Position

- Mastery of advanced principles of environmental management in the areas of laws and regulations, policy, permitting, and compliance. Knowledge and working experience with NEPA regulations and NRC/EPA and State regulations to enable the incumbent to understand and relate new developments made by industry/DOE contractors and for environmental compliance/restoration. Makes recommendations and decisions and provides expert advice and consultative services to RL management, HQ management, and contractor representatives in areas where normal practice is not acceptable or adequate for developing programmatic objectives. Serves as DOE expert regarding federal and state regulations governing the handling, storage, treatment, transportation, and disposal of defense wastes.
- Working knowledge of theory, principles, and practices in the fields of nuclear chemistry, engineering, and physical sciences (chemistry, hydrology, geology), including health physics and environmental and safety engineering, and management control systems, is needed to make independent, reliable judgments (decisions/recommendations, directives) on a large variety of complex program activities.
- Extensive knowledge and experience in the national nuclear waste management program and environmental management program to plan and review overall program objectives, consistent with policy, priorities, and regulations and to participate in departmental committees.
- Extensive, specialized knowledge of applicable statutes and regulations for environmental compliance/restoration as applied to Hanford including, but not limited to: Atomic Energy Act of 1954, as amended, the Clean Water Act, Clean Air Act, Toxic Substances Control Act, Resource Conservation and Recovery Act, Comprehensive Environmental Response, Compensation, and Liability Act, Superfund Amendments and Reauthorization Act, Hazardous and Solid Waste Act Amendments, etc.
- Knowledge of and experience with DOE policies and procedures related to program management, contractor appraisals, quality assurance, safety, environmental compliance, budgeting, financing, contracting, procurement, technical reporting and public involvement, as applied to waste management and environmental management in order to administer major national programs.
- Ability to perform independent technical and managerial analyses of contractor programs to assure missions and requirements are satisfied, and to avoid duplication and unsatisfactory approaches.

- Knowledge of effective communication skills, dispute and conflict resolution processes to make written and oral presentations of technical and administrative information to all levels of management, regulatory bodies and the technical community, to facilitate mutual agreement and success.
- Ability to use budgetary and financial procedures adequate to participate in the review and evaluation of budget information provided by the contractors on project proposals, operating programs, etc.
- Ability to effectively participate and lead in the diverse activities of a group of technically trained personnel.
- Ability to gather, correlate, and present concise and intelligible written and oral reports, technical information, compliance reports and program recommendations.
- Ability to conduct difficult negotiations, use tact and diplomacy, and otherwise exercise good business judgement when working with the contractor, HQ, regulatory agencies and offsite personnel to prepare complex agreements, environmental permits, and other compliance documentation, to assure continued desired relations.

#### Supervisory Controls

The incumbent is required to weigh technical, economic, regulatory, and administrative considerations in recommending decisions and completing assignments which are made in terms of broadly defined functions and missions. The incumbent has the responsibility for independently planning, organizing, directing (implementing), and coordinating Hanford environmental management programs and DOE-wide efforts to dispose of all DOE defense wastes. The individual is recognized as a DOE authority on NEPA, EPA, State, and NRC regulations and guides, and serves as a RL resource to interpret environmental regulations.

Reviews and endorses performance of all environmental compliance activities on the Hanford Site and recommends changes in Waste Management Operations to achieve benefit/risk optimization. Program results and operational audits are routinely accepted without review. Reviews are conducted to determine if program objectives and goals are consistent with agency mission.

For the Environmental Management Program, the incumbent works under the supervision of the Chief of the Policy and Permits Branch, Environmental Restoration Division. Performance is reviewed for attainment of mutually established objectives and conformance with overall RL and DOE policy. Supervisor assigns work in terms of overall objectives with consideration of site work, concern and needs and areas of special management attention. Assignments are otherwise self-generated and received in accordance established work channels consistent with the employee's recognized expertise.

Problems of unusual significance or consequence on RL and DOE program objectives are discussed with the Supervisor for development of a jointly agreeable course of action. The incumbent coordinates with others in the office or with the contractors as appropriate and carries the assignment to completion, resolving normal difficulties as they arise. The completed work is accepted as technically authoritative, but is subject to review for conformance with policy, achievement objectives, and compatibility with DOE missions.

The incumbent has responsibility for initiating new programs, planning, scheduling, budgeting, prioritizing, effective resource utilization, and implementation of programs, tasks, projects, studies, or other work independently. Results are expected to incorporate advanced theories and methods of law and regulations, science and engineering. Performance is reviewed for attainment of program objectives and conformance with department policy which is under continual congressional and public scrutiny. Incumbent is assigned increasingly more difficult work with the assumption of increasing responsibility.

#### Guidelines

Guidelines are broadly stated national program goals and objectives, agency orders and policy, NEPA regulations, EPA and state existing and proposed regulations, and NRC guides and regulations requiring judgment in application to assigned programs. Developing correct and applicable interpretations of these guidelines is essential. Especially critical is integration of DOE's needs with emerging EPA/State regulations to minimize the need for overly broad interpretation. Since technologies unique to Hanford wastes are developing, the incumbent must frequently exercise judgment and ingenuity in the integration, selection, and the application of suitable methodology to achieve the program objectives, and must make recommendations in highly controversial areas.

For development of management control systems, the incumbent must deviate from the contractor's traditional methods, research literature, and develop new methods of quantifying factors. The incumbent recommends (after review and integration of contractor input and literature research) and implements needed projects or studies to advance the status of environmental sciences, geosciences, and programs.

#### Complexity

- Assignments typically cover a large number and variety of energy technology and scientific areas involving geosciences, environmental sciences, engineering, hydrology, chemistry, and health physics.

- The position contains many complex and difficult features and requires a constant effort to stay current on DOE requirements, national policy, department mission, NEPA regulations, EPA and state regulations, and other technical and regulatory guides governing the handling, storage, monitoring/treatment, transportation, environmental management, and disposal of defense wastes.
- The position requires tact, versatility, and innovativeness in elucidating program needs, originating criteria for agency use in application to national waste management and environmental management programs of a diverse nature, and reconciling views with ever-changing social political and regulatory demands and funding shortfalls.
- The multiple program assignment and innovative work involve broad administrative and scientific processes with support of onsite and offsite contractors and peer groups, and includes reviewing, planning, directing, and organizing programs often with divergent views.
- More than one task is within a program, and all programs are undertaken concurrently and involve the establishment of new, or refinement of existing, methods and technologies. Technical advice from several sources (often opposing) must be considered and decisions made (often in controversial areas) on the most beneficial program direction. Frequently, the program and need are poorly defined and must be assessed in order to define specific requirements.
- Skillful and creative use of combined private and government resources is demanded because of the sophistication and strict controls and regulations (technical, legal, programmatic) required for safe handling of radioactive, mixed radioactive, and hazardous waste, the long-term nature of development of criteria and demonstrations, the small programmatic budgets (in relation to the magnitude of the problems), and the often antagonistic and conflicting views of participants, critics, regulations, various programs, alike.

#### Scope and Effect

Successful program management includes planning, developing, implementing, managing, directing highly technical, costly, and politically sensitive programs. The incumbent's recommendations and guidance are vital to the success of the programs and affect the public, the status of the environmental programs, the work of private organizations, contractors, the nuclear industry, and the international community involved with waste and environmental management. Environmental compliance activities will be improving toward the objective of full compliance as dictated by DOE Policy and Regulatory (EPA/State) bodies. Cleanup of the Hanford Site will begin and progress consistent with available funding. Funding necessary for environmental compliance and restoration will be identified to RL management.

### Personal Contacts

To ensure successful progress of the work in compliance with all applicable requirements and state-of-the-art technology development, personal contacts are routinely made at the engineering, scientific, and administrative middle management level, middle and top contractor management, middle and top DOE-RL and DOE field office management, middle DOE-HQ management, other government agencies (EPA, State, NRC), other DOE contractors, the news media, private industry, and the public.

### Purpose of Contacts

The purpose of the contacts is to inform the public, participate in hearings, negotiate federal and state agreements, make long-range plans, provide management, assist development, develop guidelines, and justify, defend, or negotiate nontechnical and technical matters associated with Hanford environmental management programs. This usually involves DOE, other federal and state agencies, and contractor personnel with divergent views. Contacts are sometimes extremely tense with some individuals being very emotional and uncooperative on environmental issues due to their focus on different and shifting goals, regulations, and objectives. To obtain the desired effects and reach a suitable compromise, the employee must be technically competent and very skilled in negotiating.

### Physical Demands

The work is mostly sedentary. The position requires giving tours of the Hanford Site and driving to contractor facilities to conduct meetings and official travel. Some climbing and walking around construction projects and operating facilities on site visits.

### Work Environment

Work is primarily in an office with trips to the field for program and construction inspections. Extensive travel around the United States is sometimes required. Inspection of facilities and test sites involve potential radiation or contamination exposure. Employee must wear protective clothing and follow standard safety procedures.



We recommend that a Special Service recognition be given to Paul J. Krupin and Robert M. Carosino for their performance substantially beyond expectation. For the past two years, Paul and Bob have been the keystones in the development and implementation of RL's program to comply with the State of Washington (State) and the U. S. Environmental Protection Agency (EPA) requirements under the Resource Conservation and Recovery Act (RCRA). Through their sustained effective efforts, RL has established a program which meets State and EPA regulations in all respects. This has been significant in avoiding threatened litigation by the State.

Inadequate compliance has critical implications for Hanford operations in that the State could attempt to shut down operations or prevent startup of new facilities. Paul and Bob's excellent performance has therefore contributed significantly to RL's mission.

Their efforts and effectiveness have been outstanding in all respects. Each epitomizes excellence in the discharge of duties in his respective area of expertise. During the reference period, both have worked many hours above and beyond normal duty hours, including weekends on a number of occasions.

Negotiations with State and EPA personnel have been extensive and often in an adversarial atmosphere, yet Paul and Bob have exemplified professionalism throughout.

Both contributed in a significant way to RL's novel approach to RCRA which served as a model for the agency in its compliance efforts. Following a notice of noncompliance, RL has entered into a first-of-a-kind negotiations with State and EPA on subjects that are primary interpretation of compliance to laws, not Health and Safety issues. In addition, due to the three year budget cycle, no funding exists to implement additional work. All this is being done under extreme public and political surveillance. These two individuals have successfully represented RL and come up with acceptable alternatives to resolve this very complex issue.

No two people are more deserving of special recognition for their contribution they have made, and are continuing to make, to RL and the agency at large in the hazardous waste area.