



Washington State Energy Facility Site Evaluation Council (EFSEC)



These Slides Are Intended for Illustrative Purposes Only and Do Not Represent the Official Position of EFSEC on Any Individual Project

Welcome everybody, thank you all for coming to participate this evening. My name is Joe Wood, a Siting Specialist with the Energy Facility Site Evaluation Council, and I've been asked to give a short presentation on the EFSEC site certification process, for those who are unfamiliar.



Background

- EFSEC formed in 1970 to provide **centralized siting** and **permitting** for energy facilities.
- For siting and permitting of large-scale thermal power plants, nuclear facilities, natural gas and oil pipelines, oil refineries, and underground natural gas storage fields are only facilities **requiring** certification.*
- Council consists of members from **state agencies** and **local government**.
- EFSEC develops recommendation to the Governor and **Governor's office makes final decision**.
- The final decision **preempts** other **state** and **local government** decisions.

EFSEC

2

A little bit of the history of the EFSEC agency. EFSEC was created in 1970 for the siting of thermal power plants. The intent was to create a “one stop permitting” agency for large energy facilities. Today, large-scale thermal power plants are the only facilities requiring certification by EFSEC. EFSEC is comprised of state and local government members, who review each application before voting to make a Council recommendation to the governor. This recommendation comes along with a Site Certification Agreement, or SCA which defines all pre-construction, construction, and operations plans. If approved by EFSEC and the Governor's office, the decision preempts other state or local regulations.



Council Membership (RCW 80.50.030)

- **Chair** – Governor Appointee
 - *Kathleen Drew*
- **Dept. of Ecology**
 - *Eli Levitt*
- **Dept. of Fish & Wildlife**
 - *Mike Livingston*
- **Dept. of Commerce**
 - *Kate Kelly*
- **Dept. of Natural Resources**
 - *Lenny Young*
- **Utilities & Transportation Commission**
 - *Stacey Brewster*
- **Optional application review**
- members:**
 - Dept. of Agriculture
 - Dept. of Transportation
 - *Paul Gonseth*
 - Dept. of Health
 - Military Dept.
- **Local Government application review (City and County)**
 - *Dave Sharp*
- **Port District application review – nonvoting**
 - for application review

EFSEC

3

You can see here that EFSEC is comprised of members from several different state level agencies. The chairperson is appointed by the governor, and there are standing members from five other agencies, appointed by those agencies to sit on the council. The current Council is made up of Chairwoman Kathleen Drew, Eli Levitt from the Department of Ecology, Mike Livingston from the Department of Fish and Wildlife, Kate Kelly from the Department of Commerce, Lenny Young from the Department of Natural Resources, and Stacey Brewster from the Utilities and Transportation Commission. There are additional agencies that may elect to appoint a Council member during the review of an application. These agencies are the Department of Agriculture, the Department of Transportation, the Department of Health, and the Military Department.



Facilities (RCW 80.50.020)

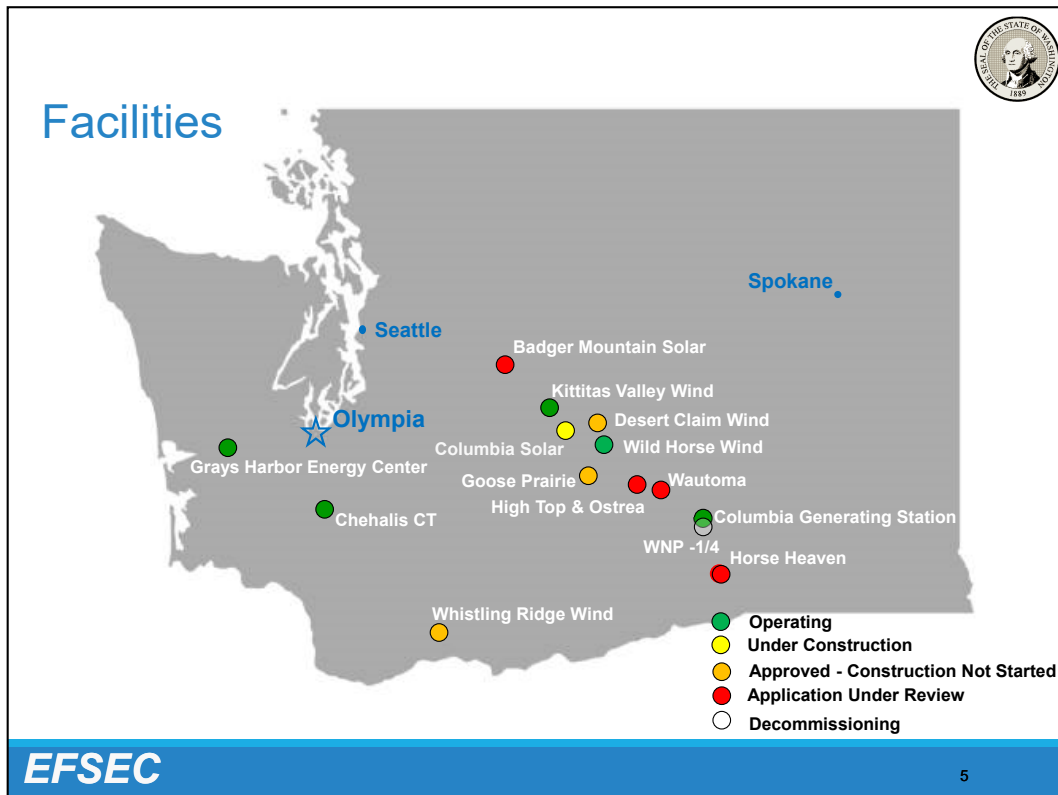
- **Energy Facilities that can be Certified via EFSEC:**

- Any nuclear power facility where the primary purpose is to produce and sell electricity.
- Non hydro, non-nuclear thermal power plants 350MW or greater.
- Clean energy product manufacturing facilities related to clean energy production and transport. (RCW 80.50.020(23))
- Alternative energy resources (Renewable Green or electrolytic Hydrogen production facilities (RCW 80.50.020 (1)(g)), wind, solar, geothermal, wave/tidal, landfill gas, biomass, etc.) "any size may opt-in".
- Transmission Lines greater than 115kV may "opt-in".
- Pipelines
- Refineries and Storage Facilities

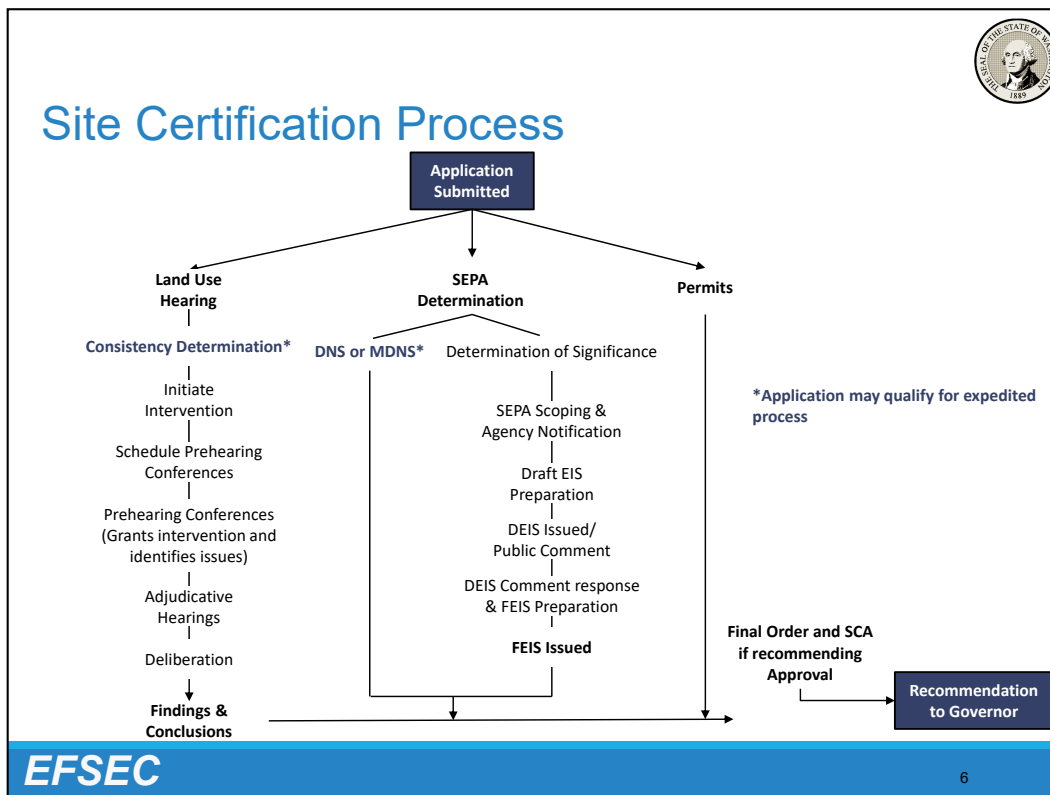
EFSEC

4

So, to reiterate, these are the types of projects that can be certified through EFSEC (vs being certified at the local level). Some projects (thermal power plants >350MW and nuclear generation for the purpose of generating electricity) are required to go through the EFSEC process, while others, such as wind, solar, ect., can "opt-in" at any size. Transmission lines greater than 115kV can also "opt-in", and thresholds for pipelines, refineries, and storage facilities that would fall under EFSEC jurisdiction are found in the Revised Code of Washington, or RCW 80.50.060.



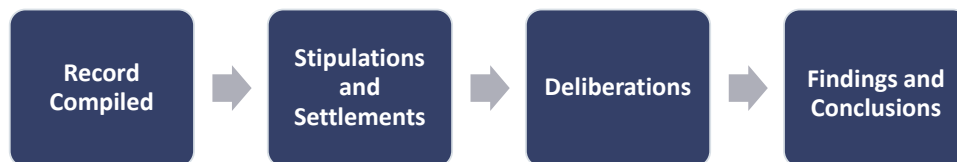
Here is a map of the facilities that are currently being reviewed or fall under EFSEC jurisdiction. You can see marked in green, there are 5 operating facilities including 2 natural gas facilities, 1 nuclear facility, and 2 wind facilities that have been certified by EFSEC. The orange marks indicate the 3 additional facilities that are approved but have yet to start construction, 2 being wind facilities and 1 being a PV solar facility. The clear circle is the one facility in the process of decommissioning. EFSEC is currently reviewing applications for 4 PV solar projects marked in red, including the Wautoma project, which are of course what bring us here this evening.



So now we come to the specifics of the EFSEC certification process. Here is a flow chart showing the general process an applicant will go through when they submit an application to EFSEC. You can see that there are multiple process that happen concurrently when EFSEC is reviewing an application. There is the Land use Hearing and adjudicative process, the State Environmental Policy Act, or SEPA process, and the third process involved identifying and preparing applicable environmental permits. All these processes ultimately feed into the Council's recommendation made to the governor.



Adjudicative Proceedings (WAC 463-30)



EFSEC

7

So, let's talk about the adjudicative proceedings part - Where an adjudicative proceeding is required, a record is compiled and parties to the adjudication are identified. In the process of preparing for the adjudication, sometimes there are stipulations and settlements that come out between the parties. The Council looks at all the information in the adjudication record and then deliberates. Finally, The Council draws up their findings and conclusions from the information provided throughout these proceedings and incorporates those findings in their recommendation to the governor (along with SEPA review and associated permit requirements and conditions).



SEPA Threshold Determination (WAC 463-47)

Determination of Significance	Determination of Non-Significance (DNS) or Mitigated DNS (MDNS)
<ul style="list-style-type: none">• Scoping – Public Comment• Issue DEIS – Public Comment• Issue Final EIS	<ul style="list-style-type: none">• EIS Not Required• Determination noticed to public• Determination issued

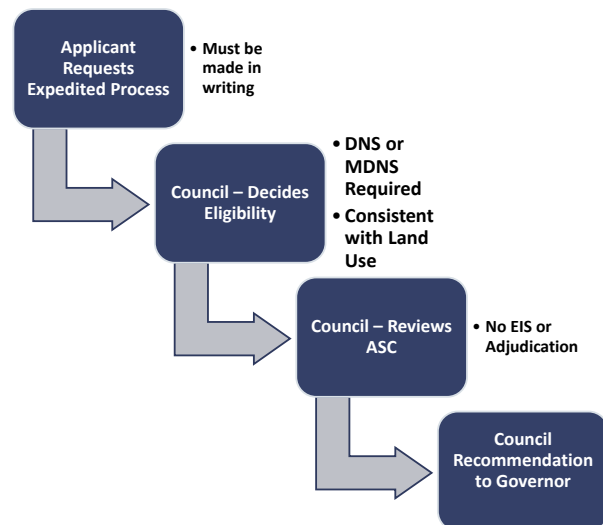
EFSEC

8

Now let's talk about the SEPA process. When an applicant requests expedited process, a review is done to establish whether the project meets the criteria of a determination of non-significance, a DNS, or a mitigated determination of non-significance (MDNS). If the SEPA responsible official determines that a project meets the criteria of a DNS or MDNS, an Environmental Impact Statement, or EIS is not required. In this process, the determination is noticed to the public and there is a minimum 15 day public comment period on an MDNS while DNS requires no comment period. When a determination of significance and a decision to prepare an EIS is made, public comments are taken on the scope of the EIS. After public comment for scoping, the SEPA responsible official determines the scope of the EIS. A draft EIS is prepared and issued with a minimum 30-day public comment period, after which, the final EIS is prepared and released.



Siting Process – Expedited (WAC 463-43)



EFSEC

9

Now I'd like to quickly talk about the "Expedited" siting process. To be considered for expedited processing, an applicant must make the request in writing and the project must meet two criteria: 1) it must be determined to be consistent with local land use policy, and 2) the SEPA determination must be a "Determination of Non-Significance", or DNS, or "Mitigated Determination of Non-Significance", or MDNS. So, in this expedited process, the adjudication step is not required. The Council prepares their recommendation to the governor in an expedited time frame under this process.



Permit Issuance (WAC 463-76, Water; WAC 463-78, Air)

- EFSEC becomes agency for permits otherwise issued by a variety of agencies within the state (e.g., water quality, air quality, etc.)
- EFSEC issues and monitors compliance with
 - Water Quality Permits
 - Air Quality Permits
 - Any other applicable permits that would typically be issued by a state agency

EFSEC

10

EFSEC is the issuing agency for any applicable environmental permits a facility may require, which may include water quality and air quality permits. The permits are identified in the final order with the Council's recommendation to the governor.



Recommendation to the Governor (RCW 80.50.100)

- The Council makes a recommendation to approve or reject an application
- Within 60 days of receipt of the Council's recommendation, the Governor must:
 1. Approve the application and execute the draft certification agreement;
 2. Reject the application; or
 3. Remand the recommendation to the council for reconsideration.
- Any application rejected by the Governor is FINAL as to that application

EFSEC

11

At the conclusion of the Council's review of an application, a recommendation is made to the governor to either approve or reject the application. This initiates a 60-day window within which the governor will then approve the application, reject the application, or remand the application back to the Council for reconsideration. Any application that is rejected by the Governor is a final decision for that application.



Compliance Monitoring and Enforcement

(RCW 80.50.150; WAC 463-70)

- State and Local agencies contracted to assist EFSEC Staff in monitoring compliance with:
 - Site Certification Agreement Requirements
 - Permits
 - EIS or MDNS stipulated mitigation
- EFSEC has enforcement authority, including the issuance of penalties, for all facilities issued site certification agreements and associated permits.

EFSEC

12

If an application is approved by the governor, EFSEC then has oversight of the environmental compliance for the life of the facility. EFSEC has standing contracts with applicable state agencies that assist in the monitoring and enforcement of conditions either in the Site Certification Agreement, identified permits, or stipulations in the EIS or MDNS. EFSEC's enforcement authority extends to the issuance of any penalties as they may apply.



House Bill (HB) 1812 Overview

- **Highlights of recently passed legislation:**

- New project types can come before EFSEC
- Increased tribal consultation and equity
- Streamlined review processes (without reducing standards)
- Greater transparency
- Creation of an independent agency

EFSEC

13

I thought this may be an appropriate time to add a couple of things about some recently passed legislation regarding EFSEC that you may have seen in the news. The bill affecting EFSEC was House Bill 1812, it was passed in March of this year. Here are the main things that came out of this legislation that I think are relevant to the site certification process.

1. New project types can now “opt-in” to the EFSEC process.
2. New legislation requires increased tribal consultation and equity
3. It helps streamline the review process without reducing standards
4. Creates greater transparency for those involved
5. Established EFSEC as an independent agency



Public Input

- **Verbal comment sign up**

Email efsec@efsec.wa.gov

Call (360) 664-1345

- **Mail**

Energy Facility Site Evaluation Council

621 Woodland Square Loop P.O. Box 43172

Olympia, WA 98504-3172

- **Email**

efsec@efsec.wa.gov

EFSEC

14

That wraps up my presentation for this evening. Before I end, I'd like to remind everyone how they may submit comments for this proposal. If you'd like to sign up to speak this evening, you may call the efsec main line at 360-664-1345, or email comments to our main inbox efsec@utc.wa.gov. You may also send in written comments by postal mail to our office at 621 Woodland Square Loop, PO box 43172, Olympia, WA 98504-3172. Comments may also be submitted to our online comment database at <https://comments.efsec.wa.gov>. there are 2 databases available for the duration of the meeting, one for general comments, and one for comments specific to land use, which will be open until midnight