POTENTIAL ACTION ITEM

Washington State Energy Facility Site Evaluation Council

AGENDA

MONTHLY MEETING
Wednesday, November 19, 2025
1:30 PM

VIRTUAL MEETING
621 Woodland Square Loop SE, Lacey WA 98503
Click here to join the meeting
Conference number: 564-999-2000 ID: 141231937#

1. Call to Order ..... Kurt Beckett, EFSEC Chair

2. Roll Call ..... Adrienne Barker, EFSEC Staff

3. Proposed Agenda ..... Kurt Beckett, EFSEC Chair

4. Minutes ..... Kurt Beckett, EFSEC Chair

- October 15, 2025, monthly meeting minutes

5. Projects

a. Kittitas Valley Wind Project

- Operational updates ..... Jarred Caseday, EDP Renewables

b. Wild Horse Wind Power Project

- Operational updates ..... Jennifer Galbraith, Puget Sound Energy

c. Chehalis Generation Facility

- Operational updates ..... Jeremy Smith, Chehalis Generation

d. Grays Harbor Energy Center

- Operational updates ..... Eric Pace, Grays Harbor Energy
- Vote to issue permit ..... Sara Randolph, EFSEC Staff

Council may take FINAL ACTION to issue the National Pollutant Discharge Elimination System permit.

e. Columbia Solar

- Operational updates ..... Katy Esper, Greenbacker Capital

f. Columbia Generating Station

- Operational updates ..... Kelly Elsethagen, Energy Northwest

g. WNP – 1/4

- Non-operational updates ..... Kelly Elsethagen, Energy Northwest

h. Goose Prairie Solar

- Operational updates ..... Nelson Jia, Brookfield Renewable

i. Ostrea Solar

- Project updates ..... Jon Voltz, Cypress Creek Renewables

j. Carriger Solar

- Project updates ..... Joanne Snarski, EFSEC Staff

k. Horse Heaven

- Project updates ..... Amy Moon, EFSEC Staff

l. Hop Hill Solar

- Application extension request and project updates ..... John Barnes, EFSEC Staff

Council may take FINAL ACTION on the application extension request for the Hop Hill Solar project.

m. Wallula Gap Solar

- Project updates ..... John Barnes, EFSEC Staff

Notes: The following projects are not on the agenda due to lack of project activity: Wautoma Solar, Badger Mountain, and High Top Solar.

"**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 This is not the final action on this application review, and there will be additional opportunities for public comment on this project.

POTENTIAL ACTION ITEM

n. Goldeneye BESS

- Project updates.....Joanne Snarski, EFSEC Staff

o. Cascade Renewables Transmission

- Project updates.....Maria Belkina, EFSEC Staff

6. Other

- Executive session.....Kurt Beckett, EFSEC Chair
  The Council may hold an executive session, the purpose of which is to discuss with legal counsel representing the agency litigation challenging EFSEC's delegation policy #16-01.
- Additional revision to Policy #16-01.....Lisa McLean, EFSEC Staff
  Council may take FINAL ACTION to approve Policy #16-01 delegating certain plan approvals to Agency Director.

7. Adjourn.....Kurt Beckett, EFSEC Chair

Notes: The following projects are not on the agenda due to lack of project activity: Wautoma Solar, Badger Mountain, and High Top Solar.

"**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 This is not the final action on this application review, and there will be additional opportunities for public comment on this project.

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STRATEGY • TECHNOLOGY • DESIGN • DEPOSITIONS

WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

October 15, 2025

Lacey, Washington

Reporter: Christy Sheppard, CCR, RPR

APPEARANCES

STATE AGENCY MEMBERS:
Kurt Beckett, Chair
Elizabeth Osborne, Commerce
Blake Nelson, Ecology
Nate Pamplin, Fish and Wildlife
Maverick Ryan, Natural Resources
Stacy Brewster, Utilities & Transportation Commission

LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:
Hop Hill Solar:
Paul Krupin, Benton County

Carriger Solar:
Matt Chiles, Klickitat County
Wallula Gap:
Adam Fyall, Benton County

Goldeneye BESS:
Robby Eckroth, Skagit County

ASSISTANT ATTORNEY GENERAL:
Jon Thompson
Talia Thuet

COUNCIL STAFF:

Sonia Bumpus
Ami Hafkemeyer
Amy Moon
Joan Owens
Andrea Grantham
Sonja Skaland
Sara Randolph
Sean Greene
Lance Caputo
John Barnes
Joanne Snarski
Alex Shiley
Karla Holappa
Audra Allen
Maria Belkina
Lisa McLean
Adrienne Barker

APPEARANCES (Continued)

COUNCIL STAFF (Continued):

Catherine Taliaferro
Alondra Zalewski
Sairy Reyes
Trevin Taylor
Dave Walker
Nabila Gomes

OPERATIONAL UPDATES:
Jarred Caseday,
Kittitas Valley Wind, EDP Renewables

Sara Randolph (EFSEC Staff),
Wild Horse Wind Power Project, Puget Sound Energy
Eric Pace,
Grays Harbor Energy Center, Grays Harbor Energy

Jeremy Smith,
Chehalis Generation Facility, PacifiCorp
Kelly Elsethagen,
Columbia Generating Station & WNP-1/4, Energy Northwest
Katy Esper,
Columbia Solar, Tuusso Energy

Nelson Jia,
Goose Prairie Solar, Brookfield Renewable
Jon Voltz,
Ostrea Solar, Cypress Creek Renewables

COUNSEL FOR THE ENVIRONMENT:

Sarah Reyneveld
Yuriy Korol

IN ATTENDANCE:
Chris Hocker,
Cascade Renewable Transmission, LLC

MEETING INDEX

MEETING INDEX (Continued)

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CHAIR BECKETT: Good afternoon. This is Kurt Beckett, Chair of the Energy Facility Site Evaluation Council, and I'm calling our October, 15, 2025 meeting to order. Ms. Barker, if you could call roll.

MS. BARKER: Certainly, Chair. Department of Commerce? Department of Ecology?

MR. NELSON: Here.

MS. BARKER: Department of Fish and Wildlife?

MS. OSBORNE: Elizabeth Osborne is here for Commerce. My apologies.

MS. BARKER: Thank you. Department of Fish and Wildlife?

MR. PAMPLIN: Nate Pamplin for Fish and Wildlife.

MS. BARKER: Department of Natural Resources?

MR. RYAN: Maverick Ryan here for DNR.

MS. BARKER: Utilities & Transportation Commission?

MS. BREWSTER: Stacy Brewster, present.

MS. BARKER: Local Government and Optional State Agencies. For the Hop Hill Project, Paul Krupin?

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For the Carriger Solar project, Matt Chiles.

MR. CHILES: Matt Chiles, present.

MS. BARKER: For the Wallula Gap project, Adam Fyall?

For the Goldeneye BESS project, Robby Eckroth?

MR. ECKROTH: Robby Eckroth, present.

MS. BARKER: Assistant Attorney General, Jon Thompson?

MR. THOMPSON: Present.

MS. BARKER: Zack Packer? Talia Thuet?

MS. THUET: Present.

MS. BARKER: For EFSEC staff, I will call only those anticipated to speak today. Sonia Bumpus?

MS. BUMPUS: Present.

MS. BARKER: Ami Hafkemeyer?

MS. HAFKEMEYER: Present.

MS. BARKER: Amy Moon?

MS. MOON: Present.

MS. BARKER: Sara Randolph?

MS. RANDOLPH: Present.

MS. BARKER: Sean Greene?

MR. GREENE: Present.

MS. BARKER: John Barnes?

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MR. BARNES: Present.

MS. BARKER: Joanne Snarski?

MS. SNARSKI: Present.

MS. BARKER: Maria Belkina?

MS. BELKINA: Present.

MS. BARKER: For Operational Updates. Oh, Lisa McLean? I'm sorry.

MS. MCLEAN: Present.

MS. BARKER: For Operational updates, Kittitas Valley Wind project?

MR. CASEDAY: Jarred Caseday, present.

MS. BARKER: Wild Horse Wind Power project?

MS. RANDOLPH: This is Sarah Randolph, I'll be giving the update for Wild Horse.

MS. BARKER: Grays Harbor Energy Center?

MR. PACE: Eric Pace, present.

MS. BARKER: Chehalis Generation Facility?

MR. SMITH: Jeremy Smith, present.

MS. BARKER: Columbia Generating Station?

MS. ELSETHAGEN: Kelly Elsethagen, present.

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MS. BARKER: Columbia Solar?

MS. ESPER: Katy Esper, present.

MS. BARKER: Goose Prairie Solar?

MR. JIA: Nelson Jia, here, present.

MS. BARKER: Ostrea Solar?

MR. VOLTZ: Jon Voltz, present.

MS. BARKER: Is there anyone online for the Counsel for the Environment?

MS. REYNEVELD: Yes, Sarah Reyneveld and Yuriy Korol are present.

MS. BARKER: Thank you. Chair, there is a quorum for all councils.

CHAIR BECKETT: Thank you. Counsel there's an agenda before us. Do I have a motion to adopt it?

MS. BREWSTER: Stacey Brewster, I move to adopt the agenda for today's meeting.

CHAIR BECKETT: Thank you. Is there a second.

MR. PAMPLIN: Second, Nate Pamplin.

CHAIR BECKETT: Motion has been moved a seconded. Are there any changes to the agenda? Hearing none, all those in favor say aye?

MULTIPLE SPEAKERS: Aye.

CHAIR BECKETT: Opposed? All right.

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Agenda is adopted.
Next up we have our minutes from the September 17th monthly meeting. Do I have a motion to approve the minutes, please, Council?
MS. OSBORNE: Elizabeth Osborne, so moved.
CHAIR BECKETT: Thank you. Is there a second?
MR. PAMPLIN: Second, this is Nate.
CHAIR BECKETT: Thank you. The minutes have been moved and seconded. Are there any changes to the minutes? I did not, upon reviewing them, have any to suggest myself. Other Council members? Okay. Seeing none, I will call the vote. All in favor of approving the minutes of September 17th, please say aye?
MULTIPLE SPEAKERS: Aye.
CHAIR BECKETT: All right. Opposed? All right. Minutes are adopted.
So it's my pleasure to both honor a couple of our now former members of the EFSEC Council before introducing the replacements that the agencies have brought forward. And those who have participated in our meetings regularly, Eli Levitt, of the Department of Ecology, his last meeting was on the 17th of September

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and we briefly honored him then. We will certainly be honoring all of our new former Council members here towards the end of the year in a more appropriate resolution in their name. But in particular, I just wanted to thank Lenny Young, who did retire in the month of September, and a longstanding dedicated State employee, and appreciated his public service, and want to acknowledge Lenny's strong contribution to the EFSEC Council for many years as well.
And so with that acknowledgment, let me first introduce Blake Nelson, who is representing now the Department of Ecology, and is the Southwest Region Manager for the Solid Waste Management Program. And Councilman Nelson, if you would like to introduce yourself. And, again, on behalf of all the Council members, welcome.
COUNCILMAN NELSON: Thank you, Chair Beckett. You did a pretty sufficient job there. I'm with the Department of Ecology in the Solid Waste Program, particularly the manager of the Southwest Region.
You know, on a personal note, I grew up in Centralia. My father and grandfather worked at Trans-Alta, the coal plant there. And although I don't profess to siting many coal facilities, I do have a great

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interest in energy policy and studies that I've had in grad school. So I'm real excited to be part of the Board and to work with you all.
CHAIR BECKETT: Appreciate that. Thank you very much, Councilman Nelson, and welcome aboard.
Next we have Maverick Ryan who is with the Department of Natural Resources and is the Deputy Director of Tribal Relations. And, Councilman Ryan, we welcome you and ask you to introduce yourself and any remarks you wish to make.
COUNCILMAN RYAN: Thank you, Chair. (Speaking in Cowlitz) In Cowlitz, that's hello good people, my name is Maverick Ryan. I'm the Deputy Director of Tribal Relations at the Washington State Department of Natural Resources, proud citizen of Cowlitz Indian Tribe, and I'm really excited to join you in this work as DNR's representative on this Council.
A couple things I want to mention. I'm honored to be here representing Commissioner Updegrove. And in January, when he took office, he outlined his core values in leading the agency. There are four of them, respect, professionalism, integrity, and joy. Those four values inform decisionmaking throughout our agency, and what I hope to embody through my participation with you here.

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In addition to that, there are two other primary things I want to say as part of my introduction. One is procedural, and the other one is just kind of a personal observation. And to tackle the procedural item first, I want to be transparent with my new colleagues in this body in disclosing that in my employment history, I previously worked at a local consulting firm in Seattle for approximately a year and a half where I carried the title of Manager of Public Affairs. In this role, I provided administrative and project management support to various energy-related projects until I departed the firm in March of 2023.
Some of the consulting work included projects that selected the EFSEC committee pathway, including the Goldeneye Battery Energy Storage project. In addition, although I was not personally involved in Hop Hill Solar and Horse Heaven Clean Energy Center project, those projects were clients of the firm I was at while I was an employee.
I do not want my prior association with these projects to affect fairness, integrity, and transparency of the Council's work, so therefore I will be recusing myself from participating in any decisionmaking related to the Council's recommendation to the Governor on the Goldeneye Battery Storage or Hop Hill Solar projects.

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I will also recuse myself from Council decisionmaking relate to mitigation measures and remaining project design, construction, micro siting for Horse Heaven. This means that I will not actively participate in the adjudicative hearings or Council development of adjudicative orders on these project matters.

Recusal is both the standard and an essential step to support public confidence in the Council's proceedings and to uphold the highest ethical standards. My decision is rooted in a commitment to ensuring that all projects are reviewed objectively, free from any perceived prejudgment or bias.

And let me assure you, while I will not be involved in the decisionmaking for those specific projects, I remain fully committed to supporting the Council's broad mission of ensuring responsible and thorough evaluation of energy facility proposals, and full consideration of all constituencies' perspectives.

And then on a personal note, I want to also thank my fellow Council members for their understanding in supporting those measures. And I'm particularly excited to be joining the Council, as an indigenous person in this moment in time, when our clean energy goals as a state and our obligations to safeguarding the treaty and

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reserve rights and resources of tribal nations feel increasingly set at odds with one another.

As has been widely spoken about, the scale of our energy future depends -- demands that we find pathways forward together. Last year, I spoke with an elder who has experience in the energy field, and he told me in order to meet our clean energy goals as a state and as a nation, we will have to mine more copper in the next ten years than we have in the entirety of recorded history. That same elder would go on to remind those in conversation with him that our presence as indigenous people on these lands predates recorded history. I think these two truths have to find a way to live in harmony with one another in this transition.

I'm a person who believes the tribal nations are the front lines of our clean energy future, not just in our state but across the West. I look forward to finding ways in this role to ensure that the State of Washington is able to find mutually agreeable ways to advance our goals for the future. In closing (speaking in Cowlitz), thank you in Cowlitz. I'm eager to serve and excited for the opportunity.

CHAIR BECKETT: Thank you, Councilman Ryan. And to both our new Council members, again, a hearty welcome. And as you can see from the busy agenda today, which I think is probably a trend line and not inherently a new one, but certainly one that's going to be around. So with that we will move on to our project updates. And with that, Kittitas Valley Wind, Jarred Caseday. Make your presentation.

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MR. CASEDAY: Good afternoon, Chair Beckett and EFSEC Council and Staff, and welcome to the new members. This is Jarred Caseday with EDP Renewables, with the Kittitas Valley Wind Power project, and we have nothing nonroutine to report for the period.

CHAIR BECKETT: Thank you. Moving on to Wild Horse Wind project, Sara Randolph of EFSEC Staff.

MS. RANDOLPH: Good afternoon. Thank you, Chair Beckett, Council members and Staff. This is Sara Randolph, site specialist for Wild Horse. This facility update is provided in your packet. Ms. Galbraith reported at the July Council meeting that there is a large tear in one of the base towers. And she will keep us posted as to when they plan on bringing down the turbine. There are no nonroutine updates to report.

CHAIR BECKETT: Thank you, very much. Moving on to the Chehalis Generation Facility, Jeremy Smith.

MR. SMITH: Good afternoon, Chair Beckett, Council members and EFSEC Staff. This is Jeremy

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Smith, the operations manager representing the Chehalis Generation Facility. I have nothing nonroutine to report for this reporting period.

CHAIR BECKETT: Thank you, very much. Moving on to Grays Harbor Energy Center, Eric Pace.

MR. PACE: Good afternoon, Chair Beckett, EFSEC Council and Staff, I'm the plant engineer for the facility, and Grays Harbor Energy does not have anything nonroutine to report for the period.

CHAIR BECKETT: Very well. Moving on to Columbia Solar, Katy Esper.

MS. ESPER: Good afternoon, Chair Beckett, EFSEC Council and Staff, this is Katy Esper for Columbia Solar reporting that we have no nonroutine updates.

CHAIR BECKETT: Thank you. Moving on to Columbia Generating Station and WNP 1/4, Kelly Elsethagen.

MS. ELSETHAGEN: Good afternoon, Chair Beckett, EFSEC Council members and Staff, this is Kelly Elsethagen with Energy Northwest Columbia Generating Station and WNP 1/4, there are no nonroutine updates to report for the reporting period.

CHAIR BECKETT: Very well. Thank you. Moving on to Goose Prairie Solar, Nelson Jia.

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MR. JIA: Good afternoon, Nelson here. No major updates to report for the previous month. Nothing to report from an environmental or safety perspective either. Thank you.

CHAIR BECKETT: Thank you. Moving on to Ostrea Solar, Jon Voltz.

MR. VOLTZ: Hi, Chair Beckett and EFSEC Council members and Staff, this is Jon Voltz with Cypress Creek Renewables representing Ostrea Solar facility. Construction updates are as follows. Pile and racking installation is fully complete for the project. Modular installation is ongoing, as well as wiring and cable installations. We've achieved mechanical completion for the first circuit. Substation major equipment has been fully delivered and installation is underway. We are well on track to achieve full mechanical completion by the end of the year as scheduled.

There was one incident, an environmental incident that occurred September 12th. A cement truck entered the project site with a hydraulic leak -- a leak in the hydraulic hose. The leak occurred from the entrance all the way to the substation area, probably about 150 yards. We estimate less than two gallons were spilled. The spill was identified immediately. Oil catch cans were

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placed under the truck to catch the oils. The contaminated gravel was removed. Mechanics were mobilized to the site to fix the leak. And the -- once it was -- once the truck was moved out of the way the remaining contaminated gravel was removed from the site. So it was reported, but fully resolved. That is the only incident to report for the period.

CHAIR BECKETT: Thank you, very much. Moving on to Carriger Solar, and we will start with project update from Joanne Snarski.

MS. SNARSKI: Thank you Chair Beckett and Council members. For the record, this is Joanne Snarski, the siting specialist for the proposed Carriger Solar facility in Klickitat County.

On June 5th, the Council voted to approve sending a recommendation to the Governor for the Carriage Solar facility, along with a draft site certification agreement.

On August 22nd, Governor Ferguson responded with a letter to Chair Beckett directing the Council to do further outreach with the Yakama Nation regarding certain aspects of the draft site certification agreement.

In response to this request, Chair Beckett sent a letter to Chairman Gerald Lewis, of the Yakama Nation Tribal Council. Chair Beckett's letter directed the

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Tribe's attention to two primary issues as requested by the Governor.

One, allow Yakama Nation the opportunity to review and provide input on the June 19th, 2025 memorandum from the EFSEC Chair to the Council membership describing the Chair and the Staff's June 4th, 2025 meeting with the Tribe.

Give the Yakama Nation an opportunity to provide further input on five mitigation measures prescribed by EFSEC in the mitigation determination of nonsignificance, or MDNS, that are designed to minimize impacts to visual aesthetics, including traditional and cultural properties, also known on TCPs.

On September 26, 2025, EFSEC received a response from the Yakama Nation. For the purpose of this update, I will highlight the primary issues brought forward in this letter. With regards to the June 19th, 2025 memo, the Tribe asserted that the memo does not convey the depth of the Yakama Nation's concerns with the Carriger project. They stated that unless they can speak directly to the Council members through an adjudicative process, our interpretation of those concerns will be flawed and inaccurate.

They also stated that the memo does not sufficiently reflect the Yakama Nation's determination that the

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Carriger project by itself, meaning not including future solar developments, will result in significant impacts to TCPs. Following, they argued that EFSEC's practice of not requiring the project proponent to secure a water supply for the project until just before construction fails to meet EFSEC's legal obligation to evaluate the project's water sources prior to drafting the site certification agreement.

Following their review of the mitigation measures highlighted by the Governor's letter, they identified two primary concerns along with two proposals for resolution. The Yakama Nation asserts that the EFSEC imposed setbacks along the roads and adjacent to the Department of Natural Resources managed lands, are insufficient to minimize impacts to TCPs. They note the use of natural screening tools are also insufficient to minimize impacts to TCPs, due to the area topography.

To resolve these concerns, they suggest the Council deny approval for all solar panels in the northern portion of the project area, and require conservation leases on those parcels. If this cannot be accomplished, they recommend that we withdraw the mitigated determination of nonsignificance and draft recommendation to the Governor, and initiate a full environmental analysis. I believe this to mean a completion of an

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environmental impact statement, and an adjudication process.

Following review of the letter from the Governor and the response received from the Yakama Nation, EFSEC Staff developed a draft resolution 360, and a revised draft of the site certification agreement. These documents were posted for public review and comment on October 6th, and it will go through October 19th. That document provides a formal response with the details and citations that address the Tribe's concerns. I will provide a brief overview of our main draft responses here.

In that document, we identify EFSEC is not required to hold an adjudicative hearing for a project once expedited processing of the project application has been granted. Carriger Solar was granted expedited processing on May 5th, 2025. Additionally, EFSEC has fully considered the Carriger project's impacts on TCPs on its own and cumulatively with possible future solar development in the area. This information is captured in the State Environmental Policy Act documentation for the project, including the mitigated determination of nonsignificance and the attached Staff memo.

Although the Yakama Nation did not cite a specific rule or regulation that it contends EFSEC was violating by not requiring a water source be identified until just

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before the construction, EFSEC has completed a full environmental analysis of the project's anticipated impact to water resources. Again, this information can be found in the mitigated determination of nonsignificance and the associated Staff memo.

We agree with the Yakama Nation that the Carriger project, as initially proposed, would have resulted in significant adverse impacts to TCPs without mitigation. EFSEC maintains that the mitigation that has been proposed in the MDNS and the subsequent two revisions, reduce adverse impacts to TCPs to a level below significant. Staff are not recommending that the Council further mitigate by excluding the northern portions of project from development and requiring conservation easements.

Resolution 360 also outlines our draft responses to the Yakama Nation's two options for resolution. A revised draft of the site certification agreement has been prepared following review of the Governor's response letter making more explicit the commitment from the developer to provide the Yakama Nation with grant funding for continued TC P research in the area.

Again, these documents have been provided to all Council members and are available on our website. The public comment period will remain open until Sunday

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evening, October 19th. Since EFSEC is working to complete all this work within a 60-day deadline the Governor requested, Staff are scheduling a special Council meeting on October 21st for the purpose of Council action. That meeting is scheduled to begin at 9:00 a.m. and will be both in person and virtual. Notice for the meeting will be distributed in accordance with RCW 42.30.080, and that concludes my update.

CHAIR BECKETT: Very well. Questions or comments to Council members for the Carriger Solar project? I'm waiting to see if any hands get raised. Ms. Snarski or others on the Staff if need be, I'm noting we called it a public comment period here, including at my request probably on the agenda, I just want to make sure we reiterated the comment period is still open, but any further reiteration of that, Ms. Snarski, would be good for members of the public to hear.

MS. SNARSKI: Sure. It was posted on our website and it's available there. The particular date the documents I'm speaking of, the draft resolution along with the draft site certification agreement, the revised site certification agreement, that was posted on October 6th, but, again, is open through this Sunday, October 19th. I believe it goes to 11:59 p.m.

CHAIR BECKETT: Very well. Thank you

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for the updates. Again, any other questions or comments? I don't see any. Last call. Okay. We will move on then to Hop Hill Solar and Mr. Barnes, John Barnes for the EFSEC Staff.

MR. BARNES: Thank you, Chair Beckett and Council members. This is John Barnes, EFSEC Staff for the Hop Hill application. This application is expecting supplemental materials concerning project expansion. These materials are needed for a SEPA review and determination. We continue to coordinate and review the application with our contractor, contracted agencies, and tribal governments. Are there any questions?

CHAIR BECKETT: Thank you. I do not have any at this time. Any other Council members? Okay. Hearing none, we will move on to Wallula Gap, again, Mr. Barnes.

MR. BARNES: Thank you, Chair Beckett and Council members. This is John Barnes, EFSEC Staff for the Wallula Gap application. Staff are working with the applicant to complete a supplemental wetlands report materials that are needed to support the SEPA review for this application. We continue to coordinate the applicant -- continue to coordinate with the applicant and the Yakama Nation Cultural Resource Program staff following receipt of the TCP study regarding identified

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impacts for the project and potential mitigation. Are there any questions?

CHAIR BECKETT: Council members for Wallula Gap? Okay. Seeing no questions we will move on to Goldeneye Battery Storage project, and will turn it back to Joanne Snarski.

MS. SNARSKI: Thank you, Chair Beckett. Again, this is Joanne Snarski, the siting specialist for the proposed Goldeneye Battery Energy Storage Facility in Skagit County. The applicant is currently working on a revised site plan for the facility to better accommodate comments from supporting agencies on water resources and on adjacent -- on and adjacent to the proposed location. We anticipate that a joint meeting with those agencies and the applicant will occur following the submittal of that revised plan. That's all I have for now.

CHAIR BECKETT: Very well. Any questions, Council? Okay. We will then move on to the Transmission Programmatic Environmental Impact Statement and Sean Greene of our EFSEC Staff will provide us our updated.

MR. GREENE: Good afternoon, Chair Beckett and Council members. This is Sean Greene, SEPA specialist for EFSEC. EFSEC Staff are happy to announce

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the publication of the Transmission Programmatic EIS that EFSEC was directed to prepare by Washington State Senate Bill 5165, subsequently codified into Revised Code of Washington, RCW 43.21C.405. The final Programmatic EIS was publicly noticed and distributed and published in the SEPA register on October 7th, 2025, and is available now for any interested party on EFSEC's website.

This Programmatic EIS generally evaluates direct and indirect and cumulative adverse environmental impacts associated with different types of transmission facility developments.

While, as a programmatic review, it does not propose, evaluate, or approve any project specific application, it is designed and intended to be used for future project level SEPA lead agencies in their review of transmission projects to support, standardize, and facilitate the associated project level SEPA reviews.

As directed by RCW 43.21C.408, this Programmatic EIS has been structured so that future transmission projects that follow the recommendations developed within are considered to have mitigated for all probable significant adverse environmental impacts addressed in the Programmatic EIS.

While the final Programmatic EIS has been published, Staff continue to work on finalizing several support

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tools that have been developed to facilitate future use of the document, including the E-Programmatic and the resource sensitivity online GIS tool. The E-Programmatic is an interactive website that will provide checklists, bookmarking tools, and cross-references for resource impact and mitigation strategies discussed in detail within the Programmatic EIS.

The E-Programmatic includes summaries of all resource impacts and mitigation strategies identified in the Programmatic EIS with direct and immediate references to the document proper for more detailed descriptions.

This website will also include tools to allow developers to input relevant project details that could populate a prepared set of documents within the site. The summarizing documents can be shared with the SEPA lead agency to facilitate their future review.

There are also several guidance documents for developers and SEPA lead agencies providing information on how the Programmatic EIS is intended for use by the various parties. The E-Programmatic has been developed to make the Programmatic EIS for accessible to users, and to draw forth the most critical elements identified within the larger document.

The resource sensitivity online GIS tool is an interactive version of the resource sensitivity map

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prepared for most of the resource sections within the Programmatic EIS. This tool will allow users to input location data associated with proposed transmission facilities, and then be presented with data showing what potentially sensitive environmental resources that facility may interact with.

These resources have been assigned sensitivity levels from one to three, with three being the highest, based on input from subject matter experts. This tool is intended to be used primarily by developers during the siting phase of their project to identify the potential points of environmental impacts and avoid them, when practical, or prepare mitigation strategies prior to application submittals.

It can also be used by SEPA lead agencies to identify potential resources of concern when reviewing projects. No further environmental review of anticipated actual impacts would be needed at the project level.

For both of these online tools, EFSEC Staff is working with WaTech to finalize various elements and prepare hosting support on EFSEC's website. Staff intend for these tools to be online and accessible to all interested parties in the near future.

EFSEC Staff are also currently coordinating with staff in the Department of Ecology to organize a series

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of external engagement sessions with industry and county planning departments across the state. The objective of these sessions is to introduce the Programmatic EISs recently produced by our two agencies to anticipated future users. These sessions will provide an opportunity to proactively engage the users and to provide guidance on the expected use of the documents and answer any questions that may arise. Are there any questions from the Council?

CHAIR BECKETT: Thank you, very much, Mr. Greene. I would see if there was any further way you could characterize when the tools, the online tools would be available in terms of a couple weeks or two months. I think it's nearer term, but if there's any further clarification.

MR. GREENE: I don't have an exact date, but I would anticipate in the next weeks to a few months is accurate.

MS. HAFKEMEYER: I don't think I have anything more definitive than that at this time.

CHAIR BECKETT: If it's more than a few weeks maybe we can have further conversations, you know, having a little insight from a conversation I had with Staff several weeks ago now. It's just I think it's a tremendous resource for all parties and the public.

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And, obviously, at times we have more experts in the field, but while applicants may be a natural to use it, I think a lot of other important both public agencies and a number of parties that are interested on where should energy resources go or not go. Obviously, where we can use built environments like existing transmission corridors are important, but at the same time if there are clearly needs out there this kind of the tool is one we would hope could be maximized for its benefit before an application is ever made to EFSEC or even coming into a pre-application process. I think that's the vision of what you have brought forward. We appreciate it. I would note there some functionality that is not included, as I understand it, in the current tool based on scope and budget, but it doesn't mean that that platform and the collective and ultimately public investment in it is one that I believe can be leveraged, so just want to note that while we're here. And with that, I thank my colleagues on the Council and would ask if there are other comments or questions. Councilman Pamplin?

COUNCILMAN PAMPLIN: Thank you, Mr. Chair, and, Mr. Greene, congratulations on getting this across the finish line. A Programmatic EIS is no small fete, and really appreciate the kind of forward thinking that we want to see to inform project applicants of where

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they might site transmission facilities, and this will echo the Chair's remarks about the utility of the online tool that you described. That sounds really cool, so thank you so much.

CHAIR BECKETT: Thank you. Other comments or questions from Council? Okay. Then we will move on to the Horse Heaven Wind Farm. And I'm going to turn the chair and gavel over to Stacey Brewster from Utilities and Transportation Commission since I am going to go ahead and step away for a moment for the Horse Heaven item. And with that, Chair Brewster, I will turn this to you.

CHAIR BREWSTER: Thank you. Do we have an update from Staff to begin with?

MS. MOON: Yes. Good afternoon, Acting Chair Stacey Brewster and EFSEC Council members. Following the Council discussion at the September 17th Council meeting, Staff prepared a draft resolution to A, implement the 0.6 mile buffer for the next locations on which the Preoperational Technical Advisory Group, PTAG, reached consensus, and B, implement a two-mile buffer for four nest locations that were identified on a confidential map.

In coordination with our Assistant Attorney General, EFSEC issued for public comment draft resolution No. 357,

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titled Horse Heaven Wind Farm site certification agreement implementation partly approving an partly denying proposal to construct primary infrastructure within two miles of documented ferruginous hawk nests. This was drafted to meet the site certification agreement referred to as the SCA, Appendix 2, mitigation measure for special status species 5, the ferruginous hawk, and we shortened that to Spec 5 when we are casually talking about it.

The Spec 5 mitigation measure does not allow siting any wind turbines within a 0.6 mile radius surrounding ferruginous hawk nests that are A, documented in the Washington Department of Fish and Wildlife priority habitat species database on the effective date on the SCA, or B, identified in the certificate holder's nest surveys, and/or C, newly established by the species between the SCA effective date and the time of construction.

To recap, draft resolution 357 as drafted, approves the certificate holder's request to site primary components within 0.6 to two miles of 38 nest locations, and denies the certificate holder's request to site turbines within 0.6 to two miles of foreign nest locations.

The resolution declines to make a decision on two

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nest locations as the SCA didn't authorize the placement of primary components within one nest area, and the certificate holder is not requesting approval to site primary components within two miles of a nest location, which a pair of ferruginous hawks fledged young in the spring of 2025.

The draft resolution was issued September 30th, and the public comment period was opened from that date, September 30th, 2025 at 10:30 a.m. until October 13th, 2025 at 11:59 p.m. EFSEC received a total of 56 comments. The comments included general opposition to the project and concerns over a wide range of topics that are outside the scope of resolution 357, including property values, view scape, light pollution, water usage, noise, cultural resources, wind reliability, landscape, misappropriation of funds, EFSEC procedures, goals of local comprehensive plans, and PTAG meeting guidelines.

Comments were also received in support of maximum buffer distances allowed, and support for the PTAG role and recommendation.

Does the Council have any questions or comments on the information presented thus far?

CHAIR BREWSTER: Hearing none.

MS. MOON: Okay. So now I will

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introduce EFSEC State Environmental Policy Act specialist, Sean Greene, for a report on SEPA comments.

MR. GREENE: Thank you, Amy. This is Sean Greene, SEPA specialist for EFSEC. During the public comment period for this draft Council resolution, EFSEC received comments questioning the relationship between the current advice presented by the Preoperational Technical Advisory Group or PTAG, and by EFSEC Staff for the implementation of the Species 5 mitigation measure and the final environmental impact statement or EIS. Staff just want to confirm with the Council and the public that all recommendations being provided be the PTAG are to support EFSEC's implementation of existing mitigation measures already combined in the final EIS and the site certification agreement or SCA. There is no new mitigation being developed. The PTAG review is technical in nature and is being done to ensure that Species 5 and other mitigation measures are implemented as specified within the SCA.

We also received comments indicating a belief that the current PTAG work on Species 5 would necessitate EFSEC producing a supplemental EIS. As outlined in Washington Administrative Code, Chapter 197-11-405(4)(b), a supplemental EIS shall be prepared when there are substantial changes to a proposal so that the proposal is

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likely to have significant adverse environmental impacts, or there is significant new information related to a proposal's probable significant adverse environmental impact. The work currently being performed by the PTAG and EFSEC Staff does not meet either of these criteria. There are no proposed changes to the project at this time. The project is being refined in accordance with the additional excluded areas already provided for by Species 5 and the SCA and the final EIS.

The outcome of these nest by nest determinations will not cause the project to expand or contract in any way that was not already evaluated and anticipated in the final EIS and the SCA.

The request presented by Scout with technical input from the PTAG, did not include new field data or survey information, with the exception of the one new nest occupied this year, which was a probability anticipated by the terms of Species 5. All of the information that the PTAG has considered regarding nest locations, habitat availability, foraging ranges and more was included in EFSEC's environmental review of the project and published in the final EIS.

What Scout is presenting, and the PTAG is advising on is a more refined technical interpretation of whether or not the existing data indicates that ferruginous hawks

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are likely to successfully return to specific nesting sites.

The decision that is presented to the Council by Scout's request and the PTAG's advice on that request, fits within the framework of the existing SEPA analysis and the site certification agreement and there is no need for a supplemental EIS at this time.

The Council's decision on Scout's request will not change the project's design or layout beyond what was already evaluated and approved. It is possible, but this is just speculation at this time, that Scout could present a request to amend the SCA to change the project design. If that were to happen, then EFSEC would have a proposal before it that would need to be evaluated under SEPA, possibly by way of a supplemental EIS.

If there are any questions regarding the relationship between this resolution and SEPA, I can answer them now, otherwise I will pass things off to our legal counsel, Jon Thompson, to address some of the other comments that we received that were more legal in nature.

CHAIR BREWSTER: I don't have any questions. I don't see any others from Council members.

MR. THOMPSON: Again, this is Jon Thompson, Assistant Attorney General. I want to address a couple of legal arguments that were raised in the

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public comments, specifically from Benton County comments and also, to a degree, the Yakama Nation's comments.

The first was an assertion that the Benton County Council member that was appointed during review of the application for site certification should still be sitting on the Council for this decision.

And the second argument I wanted to address was that the PTAG meetings should have been conducted under the Open Public Meetings Act with notice and the opportunity for the public to attend.

So first to the assertion about the participation of the Benton County member, which was Ed Brost. The EFSEC's authorizing statute provides that when the Council receives an application to site a facility in a county, the county has an opportunity to appoint a representative during the review of an application. The statute says that the county Council member shall serve until there has been a final acceptance or rejection of the proposed site, but when that occurs is when the Governor makes a decision either accepting or rejecting, and in this case accepting -- or approving the application for site certification and executing the draft site certification agreement that was presented to him. That occurred last October. And in November, EFSEC Staff thanked Mr. Brost for his service and let him know

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that he didn't need to attend any further meetings. His name hasn't been called on the roll since then. And there hadn't been any assertion by Mr. Brost or the County previously that he should still be sitting on the Council until comments were submitted by Benton County on Monday, expressing the opinion that he should be sitting on the Council still.

The argument that the County makes is that although, you know, the statute provides for acceptance of the project by the Governor, in this case they argue that the Council basically deferred or punted the siting of the project to the PTAG, at least in part, and therefore because the final -- in their interpretation, the final acceptance of the site hasn't occurred and Mr. Brost or another representative from the County should still be on the Council.

However, this is really a mischaracterization of the -- what the SCA provides. The site is approved by, you know, how the statute uses those terms. What we are now dealing with is an implementation of a mitigation measure that established this conditional future protection of ferruginous hawks established these conditional project setbacks from historic hawk nests, and it specified how that contingency was to be resolved by request from the certificate holder with input from

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the PTAG.

And the relevant consideration is whether there is still a viable nest site or whether there's still viable habitats surrounding the nests. That was the information that was received from PTAG, and it's the implementation of the mitigation measure rather than siting, rather than approval of the siting of the facility. There is no real basis, in my opinion, to the County's assertion that a county representative should still be sitting on the Council for this decision.

Turning to the OPMA argument, this was an argument that Benton County made in the early objection to the formation of the PTAG, so we were aware of this argument from the County; however, based on the language of the Open Public Meetings Act and the interpretation of it from the courts, the -- it's my opinion that these meetings were not required to be conducted under the OPMA. The OPMA applies to the meetings of the governing bodies of government agencies, and it does apply to committees thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment. The PTAG did not take public comments. It didn't conduct hearings. And it also is not exercising decisionmaking authority on behalf of the Council. What it's doing is providing technical advice

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for the Council's consideration to make a decision on the certificate holder's request to site a primary structure within these conditional buffer areas.

So I just wanted to address those two legal topics, and if you have any questions about that, I'm happy to answer those.

CHAIR BREWSTER: Thank you. Do we have any questions from Council members? I see Mr. Nelson has raised his hand. Go ahead, please.

MR. NELSON: Thank you, Chair Brewster. I just wanted to thank Mr. Thompson for explaining about the requirements, I guess, around Mr. Brost's participation because that did -- gives me some concern regarding public comment. Chair Brewster, would now be an okay time to address the public comments in general?

CHAIR BREWSTER: Do we have anything else from Staff before?

MS. HAFKEMEYER: I believe Ms. Moon has further updates about the public comments received.

CHAIR BREWSTER: Council Member Nelson, it sounds like we have further updates from Ms. Moon.

MS. MOON: Thank you, Chair Brewster. Staff are not recommending changes to the draft

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resolution as a result of public comment; however, minor changes to improve readability and transparency are proposed. In addition, some clerical errors were identified and corrected in the red line version of that draft, as well as the addition of a clarifying footnote recommended by legal counsel.

Additionally, on September 29th, Staff received a corrected facilitator report, that's from the PTAG, in which a clerical error identifying 45 nests was corrected to 44 nest locations that were in question. Staff have proposed editorial changes throughout the draft resolution to reflect this correction and the nest location number.

Staff also proposed an edit to improve readability, which includes a summary table indicating the number of nest locations subject to each portion of the Council's decision. The summary table presents group identifiers in the form of alphabetical group A, B, C, and D, for the nest locations that are discussed within the resolution.

Does the Council have any further questions on that on anything?

CHAIR BREWSTER: I see Council Member Pamplin you have raised your hand?

COUNCILMAN PAMPLIN: Thanks, Chair, and thanks, Ms. Moon. I appreciate the edits that have

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been made thus far for readability and clarity. I really appreciate the table regarding the various groups pinning the different ferruginous hawk nests. I think that's very helpful for the reader of this.

A minor item in the scheme of things, but something I want to call out because this is a resolution. There's several places in the document that references the priority habitat and species database or PHS, and sometimes it's listed as PSH, and sometimes it is referenced as priority species and habitat, for instance, on the screen that's displayed right now in the first paragraph under the resolution.

So just ask that as you go through and make the various edits that we also correct the formal name of the database as well as the abbreviation. Thank you.

CHAIR BREWSTER: Any additional questions or comments from council? Council Member Nelson?

COUNCILMAN NELSON: Thank you, Chair Brewster. I just wanted to wait until the entirety of all the information was shared regarding the comments. I want to thank everybody who took time to comment. In at least three of the comments there was concern about -- well, there was concern about Council members reading the comments. I can assure you I read all the comments -- or

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the original application, relevant exhibits. I have read every comment, and to that point, a comment I do agree with this is the three days, two or three days from the end of the comment period to the voting is a pretty tight turnaround to read all those comments. So as my predecessor Eli would, you know, I would advise something like a 15-day standard comment period would be great, and then perhaps a week minimum to review the comments, just to make sure that people -- folks are completely satisfied that they have been heard because I do appreciate every commenter.

CHAIR BREWSTER: Okay. Thanks. And I appreciate you bringing that up. I would like to echo the sentiments. I do appreciate all the comments made by folks. I did take the time to make sure and read everything, and I appreciate that comment allowing some more time for review of the comments. Moving forward we can work to increase our time for review.

Do we have any other questions or comments from Council members? Hearing none, Ms. Moon, thank you.

MS. MOON: Thank you, Council, for your input and discussion and helpful comments.

I would now request that -- or I would like to request, if the Council may, to vote to adopt Resolution 357 as amended.

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CHAIR BREWSTER: Okay. Well, so that brings us to the opportunity for consideration of Resolution No. 357, partly approving and partly denying a proposal to construct primary infrastructures within two miles of documented ferruginous hawk nests. We have reviewed the draft and the amended draft, and is there a motion to adopt Resolution 357? Council Member, Pamplin?

COUNCILMAN PAMPLIN: Thank you, Ma'am Chair, I move that the Council adopt Resolution No. 357 as amended by Staff, and including the edits that were discussed today. Thank you.

CHAIR BREWSTER: Thank you. Do we have a second?

MR. NELSON: Second.

CHAIR BREWSTER: Thank you, Mr. Nelson.

It has been moved and seconded that the Council adopt Resolution 357 as amended and discussed by Staff today. Is there any discussion? Okay.

I will say that I appreciate, again, the very detailed and specific information presented by the PTAG and incorporated into the resolution. I feel the recommendations by Staff are appropriate and provide the maximum protection for the designated nests that should take the .6 to two mile radius.

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Do we have any other comments? I will hear those now. Hearing none, we can go ahead and vote. All those in favor please say aye.

MULTIPLE SPEAKERS: Aye.

CHAIR BREWSTER: And that was an aye from me as well. Do we have any opposed? Hearing none, the resolution is adopted.

Was there further updates from Staff, Ms. Moon?

MS. MOON: Yes, thank you. I have one more Horse Heaven update. I want to let the Council know that Staff are currently reviewing wildlife survey plans as required in the site certification agreement as part of the mitigation efforts. The plans discussed and reviewed by the PTAG currently and EFSEC review are for mitigation measures, Spec 1, which is for the striped whip snake; Spec 4, burrowing owl; Spec 8, the prairie falcon; Spec 10, the flat tailed jack rabbit and white tailed jack rabbit; Spec 12, the Townsend's ground squirrel; and Wild 10, the pre-construction bat monitoring plan.

These plan reviews are essential for initiating time sensitive surveys, and EFSEC anticipates more PTAG submittals to meet the mitigation measure requirements in the SCA in the near future.

Does the Council have any questions on that last

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update?

CHAIR BREWSTER: Any further questions from Council members? Hearing none. Thank you, very much.

MS. MOON: You are welcome.

CHAIR BREWSTER: Chair Beckett.

CHAIR BECKETT: Thank you, Council Member Brewster.

So we will have our next item, which is a presentation by Maria Belkina with EFSEC Staff. And I believe we may have another outside guest to present further details on the Cascade Renewables Transmission application.

MS. BELKINA: Thank you, Chair Becket and Council members. For the record, my name is Maria Belkina, siting specialist assigned to and reporting on the Cascade Renewable Transmission project.

On Monday, October 6, 2025, Cascade Renewable Transmission, LLC, submitted a formal application for site certification to the Council for a high-voltage direct current transmission line to be located within the bed of the Columbia River and along the shores of Klickitat, Skamania, and Clark counties. The project also includes approximately seven miles of upland trenching in Skamania County.

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The project previously underwent pre-application review as required by RCW 50.50.308. EFSEC has now begun its formal review process and is coordinating efforts with the Oregon Energy Facility Siting Council, the US Army Corps of Engineers, our consultant, and contracted state agencies. The application is currently being reviewed for completeness and compliance with EFSEC's statutes and rule. Public informational meetings and land use consistency hearings will be scheduled within the three counties within 60 days.

Additionally, EFSEC is finalizing a memorandum of understanding with Oregon to coordinate environmental review and permitting efforts.

Thank you. I would be happy to answer any questions. The applicant is also on the line to provide a brief introduction.

CHAIR BECKETT: Very well. Thank you Ms. Belkina.

And, I'm sorry, could we have our outside project participant please state your name for the record and with that you are welcome to continue with your presentation.

MR. HOCKER: Thank you. My name is Chris Hocker. I'm with Cascade Renewables Transmission, LLC. And on behalf of the applicant, I want to thank the

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Council for your time and attention. I will try to be brief. I know that my time is limited, so I will not take up too much of it. I appreciate the opportunity for a very brief presentation. Maria, are you running the slide?

CHAIR BECKETT: Mr. Hocker, our Staff will advance it for you.

MR. HOCKER: Thank you. So this will just give you sort of an idea of what the project is, why we are doing it and what the current status is.

The project as shown on this slide runs from The Dalles, Oregon, the big heavy substation of BPA, east to west along the Columbia River. It will be buried in the sediment of the Columbia River about ten feet deep. It will exit the river to bypass the Bonneville Dam. That's the yellow part of the map shown. It well reenter the Columbia River down to Hayden Island, and then proceed via burial on land to a converter station, and ultimately interconnect to the Harborton substation, which is owned by Portland General Electric.

The facility would carry approximately 1100 megawatts of energy that's generated east of the Cascades to customers west of the Cascades.

Next slide, please. This is sort of a zoom in on the part of the project that effects, on land, Washington

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state. The project would exit the river in Stevenson, would primarily use State Route 14. Everything would be buried. There would be no visual impact at all. It would use State Route 14 before coming over around the Bonneville Dam and reentering the river south of the -- I should say west of the Bonneville Dam as shown. The entrance and exit from the river would be accomplished by horizontal directional drilling. So, again, there would be no visual impact on the land in Washington.

Next slide, please. Can I get the next slide? There we go. So why are we doing this? I think it's been pretty well established that there's an urgent need for transmission, new transmission in the Pacific Northwest. I won't belabor all of the information that has been publicly available except to say that there's a number of factors that contribute to this constraint on the transmission grid. And one of the underlying factors in looking at a project like this is the passage of the CETA legislation in Washington, and similar legislation in Oregon, which moves both states in the direction of one hundred percent clean energy, and there are interim goals that were set in those pieces of legislation.

So since virtually all of the major scale utility renewable generation is located east of the Cascades, there simply is not enough existing transmission to move

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that renewable energy, clean energy over the Cascades to the west where the load centers are.

Next slide, please. So this slide may not be intuitive to understand immediately, but basically what it's saying is that this is the current transmission system. Most of the flows, the major flows, go from east to west as is shown by these sort of blue semicircles.

There are a number of proposals by BPA and others for transmission upgrades. Those are sort of indicated by the oval as circled there. All of those upgrades will be needed. None of them have progressed to permitting stage. They are in the early study phase. So even under BPA's analysis, the first of those upgrades may be done in the early 2030s, so there is a real constraint and a real time constraint in getting new transmission across.

If you look at the green, sort of a bright green line, that's us. That's the Cascade project, and it's intended to help alleviate the transmission constraints by going directly -- really past Portland and to the north/south corridor that you see sort of those purple lines. So by getting to the north/south corridor west of Portland, that helps relieve the north/south constraints, including limitations on what can get up to the load centers in the state of Washington.

So I'm going to sort of address really quickly the

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idea that this is simply something to serve the city of Portland or the state of Oregon, it's not. It is a system oriented partial solution to the very serious transmission constraints that exist. And it will help with the 1100 megawatts of new transmission capacity to alleviate not just the east/west constraints but also the north/south constrains. And it can do so before the BPA and other transmission upgrades can be accomplished.

Next slide, please. Very quickly, who are we? I'm with a company called Power Bridge. We have developed, financed, permitted, and built two comparable projects on the East Coast between New York and New Jersey. They have been in operation respectively since 2007 and 2013. They are both underwater and underground transmission projects that are comparable to this one.

We are the lead developer for Cascade Renewables. Our partners include Sun2o, which is an experienced renewables developer, and also NextEra Energy Transmission, which is the leading publicly traded utility and renewables developer. And it also owns and operates an underwater, underground transmission project comparable to this one that currently runs under San Francisco Bay, and has been operating since 2010.

Next slide, please. So I won't belabor this one. There's already been some public attention shown on this

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project for all the reasons stated. Meeting of renewable energy goals, helping to relieve transmission constraints, and improving resilience and safety of the grid by going underwater and underground.

Next slide, please. Very quickly, this is what the underwater cable looks like. If you look at the right-hand corner, this would be a bundle of two cables that are less than six inches in diameter. That is shown on the left-hand photo. That is the actual installation of one of our projects here. It's called the Neptune project. And two cables about a foot in diameter are bundled together with fiber optic cable and so the impact to the river is minimal.

And I will show you on the next slide, if I have the next slide. It's installed using a technology called a hydroplow. The cable is laid off the back of a vessel into a hydroplow that executes a narrow trench by fluidizing the sediment in the river. The cable is simultaneously laid into the trench to the required depth. In this case it will be around ten feet. About 75 percent of the sediment is fluidized and it settles back down into the trench. The impact to the river, as a whole, is very minimal and it's temporary during the construction period.

Next slide, please. So where are we? As Maria

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indicated, we have filed our application and that is currently under review. That's only been in the last week or so. There's a comparable siting certificate application that will be filed hopefully by the end of this month with the Oregon Energy Facility Siting Council. We also are under the jurisdiction of the US Army Corps of Engineers, with two major permits, Section 408 and Section 404, and we have been -- we have filed the 404 and the 408 and are proceeding with the Army Corps.

And we have done a lot to encourage coordination among the various agencies, state and federal, to assure that everyone sort of is on the same page in terms of what the project is, what it does, and just as important as anything, what the potential impacts might be or might not be. So we have held a number of coordination meetings with the agencies and with the tribes, and we will continue to do so.

I know that the Corps of Engineers and Washington EFSEC and Oregon EFSEC have been in communication on a pretty much regular basis, again, to assure that a project which is complex and involves a lot of different jurisdictions can be evaluated on a -- not on an expedited, but a coordinated basis so that it minimizes, you know, confusion and misunderstanding. We have done

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everything we could to encourage that and I know that, and I know agencies have been very receptive to that.

Next and final slide. In addition to helping to meet the renewable energy goals, clean energy goals, and to help relieve transmission constraints, a project like this does have additional benefits. There will be a member of construction jobs. There will certainly be property tax benefits to the affected jurisdictions. There will be partnerships to encourage workforce training and education. And we are entirely open and have been in conversation with tribes and stakeholders to look at partnerships to essentially leave the river and the surrounding area better off than when we started.

So with that, that is my hopefully brief presentation, and I appreciate the time.

CHAIR BECKETT: Thank you, Mr. Hocker. Appreciate the presentation. I think it's very clear and helpful. That's my perspective on what I have seen here for the first time today. Are there other comments or questions from Council members? None at this time it seems, but if anyone changes your mind, raise your hand. I will keep an eye out for EFSEC Staff. Were there other comments that Staff wanted to add, Ms. Belkina? Ms. Hafkemeyer?

MS. HAFKEMEYER: Thank you, Chair

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Beckett. This is Ami Hafkemeyer. For the record, I just wanted to reiterate that Staff will be reaching out to schedule the informational meetings and land use hearings for each of the counties and getting availability for Council members. And once the details of those meetings are available, they will be noticed for the communities to be able to attend.

CHAIR BECKETT: Thank you for noting that early. And let me ad a further word to it, just for the benefit of the public and transparency. Ultimately, what that translates as we will have public meetings in three counties on the Columbia River sometime here in the November, early December timeframe. So for those of you who wish to participate, let me just make it plain and simple we will be down on the river sooner rather than later as part of our commitment not only to being out in the community. Obviously, it's also a statutory requirement, which we will fully comply with, but the motivation is one, to me, that reflects the work of EFSEC for a long time.

With that, last call for comments or questions? Certainly more work ahead, and the Council will take its appropriate steps in terms of objectivity and review as we go, and look forward to kicking off that important first public step, in addition to today's presentation,

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so thank you.

Moving on to our other items for the day. First we will start with Sonia Bumpus, our Director, on cost allocations. And let me just note that when you are finished with that we will move on the changes of the public comment period, unless there's questions with regard to our cost allocations. So I will turn this over to you, Sonia, to cover your items?

DIRECTOR BUMPUS: Thank you. This is Sonia Bumpus. Thank you, Chair Beckett and Council members. Good afternoon. For the update on the nondirect cost allocations these are the percentages for second quarter fiscal year 2026 covering October 1, 2025 to December 31, 2025. And I will just note that one of the changes to the cost allocations since you saw it last is that we've added the Cascade Renewable Transmission project, which you just heard an introduction on.

So we have Columbia Generating Station at 20 percent. Horse Heaven, ten percent. Cascade Renewable, eight percent. Chehalis, six percent. Grays Harbor 1/2, six percent. Carriger Solar, six percent. Goldeneye, five percent. Wallula Gap, five percent. Columbia Solar, four percent. Ostrea, four percent. Goose Prairie, four percent. Hop Hill, four percent. Kittitas Valley, four percent. Wild Horse, four percent.

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Wautoma, three percent. WNP 1, three percent. Badger Mountain, two percent. High Top, two percent. That concludes my update on the nondirect cost allocation. If there aren't any questions, I will go ahead and proceed with update for the Council about some of the changes that EFSEC Staff are working on with respect to our public comment process.

CHAIR BECKETT: I don't see any hands raised on the first item, so please proceed.

DIRECTOR BUMPUS: Thank you. So this is an opportunity here to just update the Council on some of the things that Staff have identified as changes to how we conduct our public comment process. I will just go over the Open Public Meetings Act here briefly. It was amended in 2022. So under the Open Public Meetings Act, or referred to as OPMA, EFSEC is required to give the public an opportunity to comment before the Council takes a final action on any measures that the OPMA defines as final actions.

So this is a collective positive or negative decision or an actual vote by a majority of members of a government body when sitting as a body or entity upon a motion, proposal, resolution, order, or ordinance.

And so as this Council knows and as we talked about in the context of holding public comment periods, the

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nature of our work is such that the Council has a wide range of issues that you are making decisions on or taking final action, and it includes finalizing and producing documents that capture these decisions, recommendations to the Governor, including the draft site certification agreement, various Council orders, other decisions related to land use decision and our adjudicative process, and the issuance of air and water permits, which are required for our facility operations.

So we have identified a number of things that we needed to improve. The one being, you know, the consistency in conducting public comments under the OPMA on documents like the ones I just mentioned, so having consistency there. The outreach that's involved where we are communicating to the public and others about the public comment period that we are going to hold, and what that's about, being clear about that and giving notice early, as early as possible so that people know that that public comment opportunity is coming.

And then, of course, being clear about what the decision is about, what the documents are that are related to that public comment. One of the things that we also had identified and Council Member Nelson and Council Member Brewster both mentioned this earlier is that we also have instances where there's not very much

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time after the comment period is concluded to review comments and figure out how to respond to them. And so I will tell you right now before I get into some of these changes -- a few of the changes we have made so far that we are still talking about that. We are still trying to set what we think should be sort of the minimum, but I think we are looking at something like a week, where we want to give ourselves a full week to give time to review comments, digest those, and consult with legal counsel and others about what we need to do, so we are still working on that. So stay tuned on that one.

But a couple things I did want to share in this update is the first thing we did was we committed to ensuring that documents that are going to be considered by the Council for a final vote are published with a minimum 14-day public comment period, unless we determine that there's some unique reason that it should be shorter or longer in duration.

There are also may be cases where there's a public comment period that's already mandated by regulation, and so, of course, in those instances that is what we would follow, but for public comment under the OPMA we are going to commit to a 14-day public comment period. And as I mentioned a while ago, I think that we are going to be looking at giving ourselves about a week minimum to

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look at comments and have that turnaround time.

A couple of the other updates I have have to do with our website. We launched a new website earlier this year, and with the launch of that website we have already made some changes to it where we are prominently displaying upcoming items that are coming before the Council. Those changes have already been made on the website, but there are a number of others.

We are also working out -- still working out glitches, but we have been able to use the features of our new website to link the public comment campaigns to the actual associated documents, so that's helping with the navigation and finding the documents that are associated with those public comment periods. With our prior website, the functionality was a little bit different, and with the new design we have got better capabilities there.

We are also working on a few other things related to this, which have to do with the wording on the website, but also the wording in our public notifications. So, for instance, when we send notifications out about Council activities and actions, public comment periods through GovDelivery, we are working to sort of plain talk and more succinctly explain what we are doing as part of that notification. So that is going -- that's an update

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to our Council notifications. It's going to transfer over to also the website, making sure that we are being succinct and really kind of getting to the point, if you will, about here's what's going on. Here's what we have got in front of us. Here's the document you need to look at, and here is how you can comment.

One of the other things that is also related that is still in the works, I think we will need a little more time to work out the details, but we are also working to develop a multi month public calendar that will post on our website. The idea here is that we have got -- we have got a calendar up there that people can access that will tell them what's going on at the upcoming Council meeting, but also what we are anticipating, sort of a tentative schedule for what's coming to the Council the following meeting. And we are internally discussing how far out we want to forecast and provide a useful forecast. Because, of course, if we try to forecast out too far it just becomes very tentative and it's not very useful. We don't want that. So we are looking at focusing right now on the current upcoming meeting, what's coming up, and then the following meeting, and then just noting that this is our tentative agenda, so we are working on this calendar.

And, as I said, you know, we are going to be

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communicating this information on our website, so a minimum 14-day comment period that we are making a commitment to do that, and then also we need to add the turnaround time.

One last comment I will make, I don't know if there's any questions, but I think that one of the things that's going to be really great about these changes that we are making, it's not just for consistency and clarity, and I think that's going to help with engagement with the public, but I think it's going to help inform the project schedules.

We talked a long time here at EFSEC about sharing major milestones for projects that we have before us. There's a lot of steps to our process. We would -- we have, for a long time, wanted to be able to share project schedules and share those milestones so people can plan and prepare to engage the Council members, all of us. It's difficult when you don't have all of those standard timelines in place. So I think by creating these side boards around this process we are going to have the ability to provide more information about key milestones for the projects that are before us. That concludes my update on public comments.

CHAIR BECKETT: Thank you. That's a very good update. I expect that will be reflected

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potentially in a couple comments here. Let me just make a brief one and then I will turn to other Council members for their comments and questions.

I want to thank you, Director Bumpus, as well as all the Staff for ultimately supporting, you know, the internal changes that I don't think are new to EFSEC, but certainly there's been focus on that, and certainly one that I have advocated for and appreciate, you know, here it is on full display, including the new website. That certainly -- I think we all appreciate it. And I want to recognize it started long before I became the new Chair, and so celebrate that earlier work as well as the more recent and ongoing work.

I just want to acknowledge that while it's always been a part of your work, I think it's a further focus in taking that on, and all the challenges that come with projects that have long been in EFSEC's file, if you will, like Horse Heaven. Obviously, there's a new application on a small modular reactor, and that's not a small issue on any day, if not generationally for all of us in Washington, no matter where that lands in terms of decisions. Just the process alone on that project is significant. And I think the project we just heard on transmission being considered around the Columbia River, you know, again, just that alone is a significant impact

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to the agency. I just want to recognize that, as well as Council members who have -- feel that impact too, but obviously the Staff, as well as our outside partners and sometimes contractors get swept into that, and so I just want to acknowledge that work and encourage whatever we can do to continue it.

Ultimately, 14-day comment periods, which I'm committed to, and review periods, they don't make time certain outcomes easier. And for those that want to know that EFSEC has statutory mandates, and I don't think we have quite achieved that year turnaround on our projects, which I don't know if that was a realistic objective with respect to the legislature back in 1970, but nonetheless, I think there's a theme there that we should maintain, but how to balance that and all the complexities of these individual projects is hard work, and so thanks for letting me share that. I will turn it to my fellow Council members who has a question or comment. Maybe I made enough for all of you. It looks that way.

Okay. So with that, let's move on to the update on the delegation of authority and Ami Hafkemeyer will provide that update.

MS. HAFKEMEYER: Thank you. I had a brief update for you on the delegation of authority Policy 16-01 that was approved by the Council on June

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25th of this year. On August 15th, the Yakama Nation filed a petition for judicial review with the Yakama County Superior Court. Friends of the Columbia Gorge and Tri-Cities CARES, also filed a petition with the Clark County Superior Court. Staff will be recommending additional clarifying language be added to the policy to make more transparent EFSEC's practices around pre-construction and preoperational plan reviews. Staff plan to prepare these edits and post the track changes version of the policy on October 27th, for a two-week public comment period ahead of the November 19th Council meeting. Are there any questions?

CHAIR BECKETT: I would just say thank you for leading out as to what was described on the prior item, as well as those dates were provided here today on is 15th of October and so appreciate that.

Other comments or questions on the delegation of authority by the Council? Seeing and hearing none, we will move on to rules discussion and CR-101 action by the Council, which I trust Lisa McLean will further explain that term.

MS. MCLEAN: Thank you, Chair Beckett. For the record, Lisa McLean, Legislative and Policy Manager and Tribal liaison for EFSEC. I wanted to provide you all and the public with an update about our

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upcoming plans on rulemaking.

As background, last year -- in May, we completed a yearlong housekeeping rulemaking process. That initiative involved a thorough review of all chapters of Title 463 WAC. That's the section of the Washington Administrative Code that relates to our rules. The changes that were introduced at that time were aimed at aligning EFSEC's rules with its statute as it was amended in 2022, as well as aligning it to other important statutes, such as the Public Records Act, the Environmental Health Law Reorganization Act, an other laws that had changed in the last 20 years since we had done such a major overhaul.

With that update down, we are done. We are now digging down into the rules to ensure that all of the rules have the appropriate level of, and accurate guidance as to formal and informal procedures that EFSEC uses to implement its statute. We have identified a few chapters that we believe could benefit amendment in order to clarify the procedures and practices of the Council.

And those chapters include Chapter 463-30 WAC, which is about the adjudicative proceedings. We are looking to clarify expectations about that process, to clarify -- to bring it up to date with the current technology, and to make it clear how the proceedings are rolled up into a

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complete record of decisionmaking that becomes the part of recommendations to the Governor. So those are some of the changes that we are going to seek to pursue with amending that WAC.

The second WAC that we are looking to amend is Chapter 463-60 on application. We would like to see if we can provide guidance on the value and the process of pre-application.

And then the third one is Chapter 463-72, which is about site restoration and preservation. We feel the need to clarify important details on the financial assurance process.

So we plan to initiate rulemaking by filing -- by submitting this month a pre-notice inquiry, which is commonly referred to as a CR-101. The filing of that form with the Code Reviser's Office and its publication in the Washington Register will begin a process of public and tribal engagement to develop and adopt amended language. We suspect this process to take anywhere from sixth months to one year. Are there any questions?

CHAIR BECKETT: Thank you for the update. And, again, I think a lot of the theme here today on those evolutions that have, in some cases, been underway for a long time and some more recent. I appreciate that update.

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Are there other questions or comments from the Council for Lisa Mclean? Okay. Well, obviously, more of a heads up of things to come. For some I know there's been more focus perhaps that any party might expect on some of those matters, and so certainly we welcome that proactive engagement before we get into the specific work.

If there are other outside parties that have questions in the interim or want to make contact with us, we certainly welcome and encourage early questions or thoughts about those matters that Lisa just described.

Director Bumpus, I don't think there are other items. Let me check with you in case anything pops up.

DIRECTOR BUMPUS: I don't have anything. Thank you. I actually hope I'm done.

CHAIR BECKETT: All right. Are there other closing comments from Council, and I see Councilman Pamplin has his hand up.

COUNCILMAN PAMPLIN: Thanks, Mr. Chair. And just as we are wrapping up, I just wanted to see if there was opportunity here to request some time, and I look to you and Director Bumpus, perhaps at the November or December Council meeting where we schedule some time under the kind of the other business section of our agenda to discuss some of our other processes. A

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couple of the areas that I would like to flag and I realize that we are late on time now, but just the kind of categories of process ideas that I would like to deliberate with the Council, one is whether it is required to ask project proponents to attend the EFSEC monthly meetings to provide updates when there are no nonroutine issues to report. I would like to understand if there's another to receive those updates where we don't ask about a dozen people to call in unless there's some sort of a regulatory requirement that I'm not aware of for the project proponents to give those updates.

Second, is to consider occasionally inviting presentations from other agencies, such as an update on programmatic EISs being pursued by Ecology or perhaps our regional energy demand forecast and an update relevant to our status as a state in meeting our state's clean energy goals, or even the Department of Fish and Wildlife's new wind and solar energy guidelines.

I think this would be pretty minimal work on EFSEC Staff, as we are asking others to come in and brief us with short presentations, if that information is germane to the work that we do at EFSEC and provides context for a number of decisions we make on the Council.

I would also recommend that we schedule those when you have the new year at a glance where we don't lengthy

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Council agenda items that we are spending time on deliberations, but we had those on meetings where it's not quite as busy.

And then finally, another process idea I would like to discuss with the Council is sometimes when we make motion language or make motions, I should say, it's important that we use very precise language with specific times or specific legal actions. It would be helpful to have that draft motion language as a member of the Council. I don't know if there's a way that we could include that, for instance, on the summary sheet for the project, which also signals to the public are monitoring EFSEC's deliberations on what the Council's Staff recommendation is, and then as needed we can edit that motion language on the fly. It's helpful, I find, for other intergovernmental forms to have that language in advance of the meeting.

So I offer those as just future ideas for a future discussion, hopefully later this fall, of some other process improvements that I hope to work with you all on, and I'm happy to work with the Director, or you, Mr. Chairman, to flesh those ideas out for further discussion. Thank you.

CHAIR BECKETT: Thank you, Councilman Pamplin. I think those are welcome suggestions.

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Obviously, the execution of them is always part of the detail on top of some of the other demands we have discussed here today, but I think they are important opportunities, and some of which, I know, have been discussed in perhaps years past, in terms of like the regular cadence of the meeting. I am mindful of people's time and resource, you know, for that kind of routine. I think more to come on all of those and I really appreciate you putting those forward more formally here in an appropriate shared environment, including with out two new Council members as well here today.

Were there other comments or questions from the Council? Okay. Well, soon we will gavel this out, and Councilman Ryan and Councilman Nelson, you can chalk up your first EFSEC Council meetings, so congratulations. And with that, at 3:13 we are adjourned.

(Proceedings concluded at 3:13 p.m.)

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STATE OF WASHINGTON)
) ss
County of Pierce)

I, Christy Sheppard, CCR, RPR, a certified court reporter in the State of Washington, do hereby certify:

That the foregoing Monthly Meeting of the Washington State Energy Facility Site Evaluation Council was conducted in my presence and adjourned on October 15, 2025, and thereafter was transcribed under my direction; that the transcript is a full, true and complete transcript of the said meeting, transcribed to the best of my ability;

That I am not a relative, employee, attorney, or counsel of any party to this matter or relative or employee of any such attorney or counsel, and that I am not financially interested in the said matter or the outcome thereof;

IN WITNESS WHEREOF, I have hereunto set my signature on October 29, 2025.

/s/Christy Sheppard, CCR, RPR
Certified Court Reporter No. 1932
(Certification expires 05/06/26.)

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project
Operator: EDP Renewables
Report Date: November 05, 2025
Reporting Period: October 2025
Site Contact: Jarred Caseday, Operations Manager
Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 15,535 MWH.
- Wind speed: 5.73 m/s.
- Capacity Factor: 20.72 %.

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility
Operator: Puget Sound Energy
Report Date: November 5, 2025
Report Period: October 2025
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

October generation totaled 59,375 MWh for an average capacity factor of 29.28%.

Environmental Compliance

Nothing to report.

Safety Compliance

Nothing to report.

Current or Upcoming Projects

Nothing to report.

Other – Turbine Damage Update

On October 22, 2025, PSE and Vestas successfully felled the damaged wind turbine safely and without incident on to the gravel turbine pad and access road. Recovery and removal of the turbine components will begin following a preliminary investigation. Oil released from the turbine was isolated to the gravel pad, contained and covered with absorbent matting and tarps. The Department of Ecology visited the site on October 27th to observe the spill area and discuss plans for clean-up. Spill remediation will begin following removal of the turbine components as soon as the spill area is fully exposed and safely accessible.

We are working to complete a root cause analysis of the initial damage and will keep the Council informed as clean-up activities progress.

Chehalis Generation Facility
1813 Bishop Road
Chehalis, Washington 98532

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility
Operator: PacifiCorp
Report Date: November 3, 2025
Reporting Period: October 2025
Site Contact: Jeremy Smith, Operations Manager
Facility SCA Status: Operational

Operations & Maintenance
-Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

- 262,672 net MWhrs generated in the reporting period for a capacity factor of 71.19%

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance
-Monthly Water Usage: 4,879,204 gallons

- No changes

-Monthly Wastewater Returned: 1,416,824 gallons
-Permit status if any changes.

- No changes.

-Update on progress or completion of any mitigation measures identified.

- Nothing to report

-Any EFSEC-related inspections that occurred.

- Nothing to report.

-Any EFSEC-related complaints or violations that occurred.

- Nothing to report

-Brief list of reports submitted to EFSEC during the monthly reporting period.

- Nothing to report

Safety Compliance
-Safety training or improvements that relate to SCA conditions.

- Zero injuries this reporting period for a total of 3,745 days without a Lost Time Accident.

Chehalis Generation Facility
1813 Bishop Road
Chehalis, Washington 98532

Current or Upcoming Projects

-Planned site improvements.

- No planned changes.

-Upcoming permit renewals.

- Nothing to report.

-Additional mitigation improvements or milestones.

- Nothing to report.

Other

-Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

- Nothing to report.

-Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

- Nothing to report.

-Public outreach of interest (e.g., schools, public, facility outreach).

- Nothing to report.

Respectfully,

Jeremy Smith
Gas Plant Operations Manager
Chehalis Generation Facility

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center
Operator: Grays Harbor Energy LLC
Report Date: November 19, 2025
Reporting Period: October 2025
Site Contact: Eric Pace
Facility SCA Status: Operational

Operations & Maintenance
-GHEC generated 477,274 MWh during the month and 3,414,262 MWh YTD.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance
-There weren't any outfall or storm water deviations during the month.
-Routine monthly, quarterly, and annual reporting submissions to EFSEC Staff.
- Monthly and Quarterly Discharge Monitor Report (DMR).
- Quarterly Air Emissions Report.

-Relative Accuracy Test Audit (RATA) Report.

Safety Compliance
- None.

Current or Upcoming Projects
- Submitted the application to renew the Air Operating Permit (AOP) for Grays Harbor Energy Center (GHEC) that is currently authorized to operate under PSD Permit EFSEC/2001-01, Amendment 5 and Federal Operating Permit EFSEC/94-1 AOP Modification 1.
-Submitted the Acid Rain Permit Application for permit renewal in accordance with Permit Requirements 1(i) of Acid Rain Permit No. EFSEC/10-01-AR.
-NPDES permit renewal application submitted to EFSEC in December 2023 in accordance with Section S6.A of NPDES Permit No. WA0024961.

Other
-New Plant Manager – Adam Abel (aabel@invenergy.com)

Fact Sheet for NPDES Permit WA0024961

Grays Harbor Energy Center

Date of Public Notice: 09/29/2025

Permit Effective Date: xx/xx/2025

Purpose of this fact sheet

This fact sheet explains and documents the decisions the Energy Facility Site Evaluation Council (EFSEC) made in drafting the proposed National Pollutant Discharge Elimination System (NPDES) permit for Grays Harbor Energy Center (GHEC).

This fact sheet complies with Section 173-220-060 of the Washington Administrative Code (WAC), which requires EFSEC to prepare a draft permit and accompanying fact sheet for public evaluation before issuing an NPDES permit.

EFSEC makes the draft permit and fact sheet available for public review and comment at least thirty (30) days before issuing the final permit. Copies of the fact sheet and draft permit for Grays Harbor Energy Center, NPDES permit WA0024961, are available for public review and comment from Monday, September 29, 2025 until close of business Tuesday, October 8, 2025. For more details on preparing and filing comments about these documents, please see Appendix A - Public Involvement Information.

GHEC reviewed the draft permit and fact sheet for factual accuracy. EFSEC corrected any errors or omissions regarding the facility's location, history, discharges, or receiving water prior to publishing this draft fact sheet for public notice.

After the public comment period closes, EFSEC will summarize substantive comments and provide responses to them. EFSEC will include the summary and responses to comments in this fact sheet as Appendix G Response to Comments, and publish it when issuing the final NPDES permit. EFSEC generally will not revise the rest of the fact sheet. The full document will become part of the legal history contained in the facility's permit file.

Summary

Grays Harbor Energy Center (GHEC) is an electrical power generating plant capable of producing a maximum output of 662 megawatts. GHEC runs intermittently as a peaking plant, whenever market conditions are economically advantageous. GHEC treats wastewater generated onsite and discharges it to the Chehalis River. EFSEC

issued the previous permit for this facility on June 19, 2019 and made it effective on July 1, 2019.

The proposed permit retains the effluent limits for temperature, total suspended solids (TSS), oil and grease (O&G), chromium, and pH; replaces free available chlorine limit with total residual chlorine limit; reduces chromium monitoring frequency; and removes turbidity from annual monitoring.

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I. Introduction

The Federal Clean Water Act (FCWA, 1972, and later amendments in 1977, 1981, and 1987) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the Clean Water Act is the National Pollutant Discharge Elimination System (NPDES), administered by the federal Environmental Protection Agency (EPA). The EPA authorized the state of Washington to manage the NPDES permit program in our state. Our state legislature accepted the delegation and assigned the power and duty for conducting NPDES permitting and enforcement to EFSEC. The Legislature defined EFSEC's authority and obligations for the wastewater discharge permit program in 90.48 RCW (Revised Code of Washington).

The following regulations apply to industrial NPDES permits:

- Procedures EFSEC follows for issuing NPDES permits (chapter 173-220 WAC)
- Water quality criteria for surface waters (chapter 173-201A WAC)
- Water quality criteria for ground waters (chapter 173-200 WAC)
- Whole effluent toxicity testing and limits (chapter 173-205 WAC)
- Sediment management standards (chapter 173-204 WAC)
- Submission of plans and reports for construction of wastewater facilities (chapter 173-240 WAC)

These rules require any industrial facility owner/operator to obtain an NPDES permit before discharging wastewater to state waters. They also help define the basis for limits on each discharge and for performance requirements imposed by the permit.

Under the NPDES permit program and in response to a complete and accepted permit application, EFSEC must prepare a draft permit and accompanying fact sheet, and make them available for public review before final issuance. EFSEC must also publish an announcement (public notice) telling people where they can read the draft permit, and where to send their comments, during a period of thirty days (WAC 173-220-050). (See *Appendix A-Public Involvement Information* for more detail about the public notice and comment procedures). After the public comment period ends, EFSEC may make changes to the draft NPDES permit in response to comment(s). EFSEC will summarize the responses to comments and any changes to the permit in Appendix G.

II. Background information

Table 1 - Facility information

Applicant:	
Facility name and address	Grays Harbor Energy Center 401 Keys Road Elma, WA 98541
Contact at facility	Name: Eric Page Title: Plant Engineer Telephone #: (360) 482-6292
Responsible official	Name: Christopher Sherin Title: Plant Manager Address: 401 Key Road, Elma, WA 98541 Telephone #:(360) 482-4349 FAX #: (360) 482-4376
Industry type	Electrical Power Generation
Categorical industry	40 CFR Part 423
Type of treatment	Multimedia Filtration, Dechlorination, and Neutralization
SIC codes	4911
NAIC codes	221112
Discharge waterbody name and location (NAD83/WGS84 reference datum)	Outfall 001: Chehalis River Latitude: 46.972056 Longitude: -123.490528 Outfall 002B: Infiltrated into ground Latitude: 46.972183 Longitude: -123.482778

Permit status

Issuance date of previous permit: June 19, 2019

Application for permit renewal submittal date: December 27, 2023

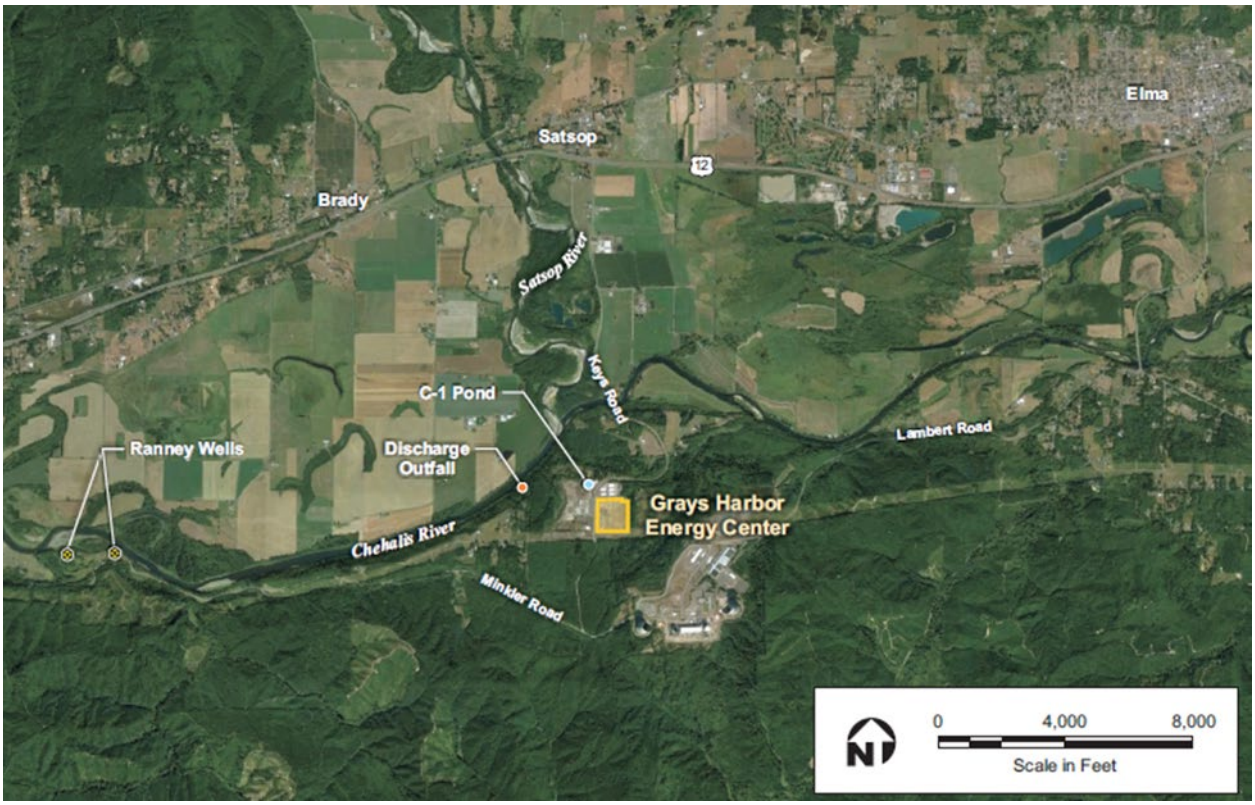
Date of EFSEC acceptance of application: March 18, 2024

Inspection status

Date of last sampling inspection: February 22, 2023

Date of last non-sampling inspection: April 8, 2025

Figure 1 - Facility location map



II.A. Facility description

1. History

The Grays Harbor Energy Center (GHEC) formerly known as the Satsop Combustion Turbine Project is located on an approximately 22-acre site south of the Chehalis River near the town of Elma. The construction of the facility was completed in spring of 2008 and the facility became operational in July 2008. The facility is owned and operated by Grays Harbor Energy LLC.

2. Cooling water intakes

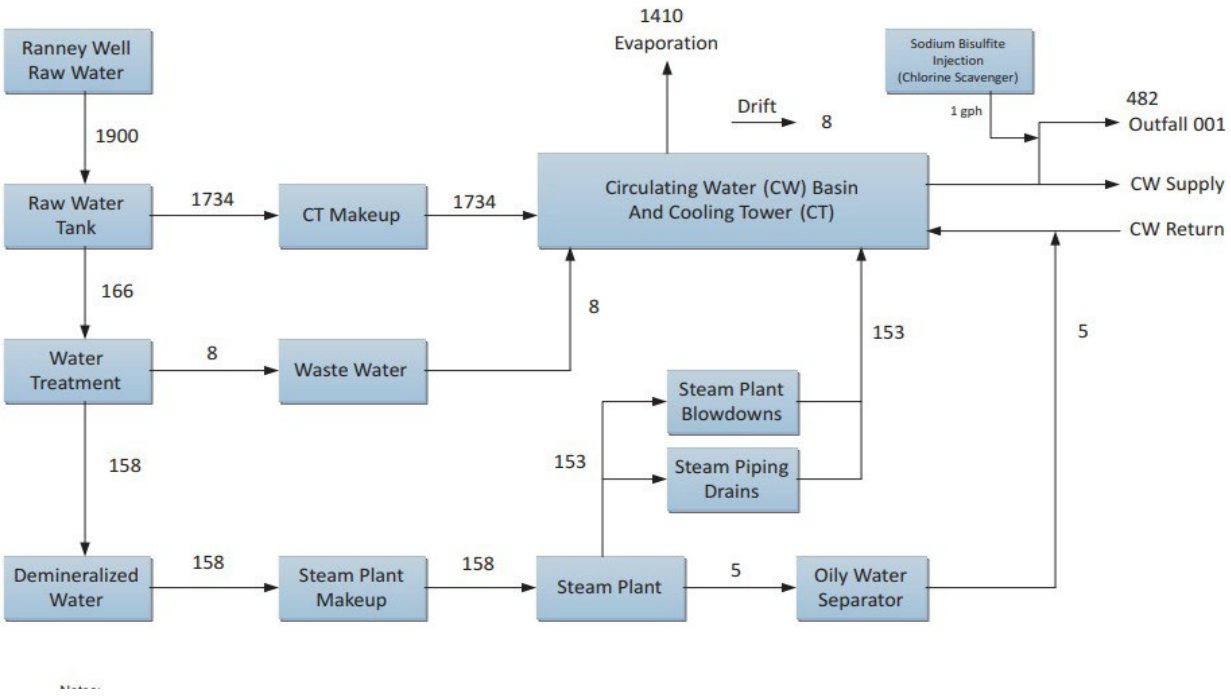
CWA § 316(b) requires the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. Since July 2013, EFSEC has required a supplemental application for all applicants using EPA Form 2-C. GHEC indicated that no cooling water intake is associated with the facility.

3. Industrial processes

Grays Harbor Energy Center is an electrical power generating plant consisting of two natural gas-fired turbines on a 2-on-1 configuration with a single steam turbine. Each gas turbine powers a generator capable of producing 181 megawatts (MW). The gas turbine's exhaust energy is reclaimed in a closed system called Heat Recovery Steam Generator (HRSG) producing steam to drive a steam turbine. The steam turbine powers a generator capable of producing 300 MW. GHEC is capable of producing a maximum output of 662 MW. The electric power produced is transmitted to the Bonneville Power Administration (BPA) transmission grid and sold for profit.

4. Wastewater treatment processes

Figure 2 - Process water flow diagram (gpm)



The facility withdraws ground water at a rate of approximately 1,900 gallons per minute (gpm) from a Ranney well for process water supply. The well is located on the southern bank of the Chehalis River, approximately 4 miles downriver of the plant site near the river's confluence with Elizabeth Creek.

The facility discharges wastewaters from the low volume waste sources including: wastewaters from ion exchanges water treatment systems, water

treatment from evaporation blowdown, laboratory and sampling streams, boiler blowdown, floor drains, and cooling tower basin cleaning wastes.

The facility has two wastewater streams generated from cooling tower blowdown and an oil/water separator. The cooling system at the plant consists of a circulating cooling water system, a condenser, and a 9-cell mechanical draft cooling tower. The circulating cooling water system routes the cooling water to the condenser at approximately 175,000 gpm to condense the steam. The cooling tower continuously receives heated cooling water from the condenser where it is cooled by an evaporative process. Cooling tower evaporation and "drift" losses average approximately 1,400 gpm. The temperature of the cooling water has been reduced when it reaches the cooling tower basin, where it is collected and returned to the cooling system.

This cooling cycle is repeated and the dissolved salts in the remaining cooling water become more concentrated as a result of the evaporative process. When the concentration of the dissolved salts nears their solubility limit, scale formation can occur on the condenser tubes and hinder heat transfer. Therefore, a portion of the cooling water, called blowdown, is removed from the system and discharged to address this concentration effect. Fresh cooling water is continuously added to the process to offset evaporation losses and blowdown discharges. The facility uses a heat exchanger to cool the discharge temperature before it enters the Chehalis River. Raw supply water passes through the heat exchanger to cool the discharge prior to entering the facility.

The facility adds sodium hypochlorite up to 1 ppm to the cooling tower to prevent microbial growth. If chlorine is detected in the cooling tower blowdown, sodium bisulfite is added to neutralize the residual chlorine. During this time, the facility does not discharge the effluent to Outfall 001. The elevated chlorine water is recirculated up to 24 hours until the chlorine level dissipates below the normal limits. Then the facility resumes the discharge to Outfall 001.

The oil/water separator (OWS) collects water from wastewater streams in the plant that may potentially contain oil, grease, and suspended solids. Sources of these constituents are the steam turbine lube oil purification system and equipment and floor drains. The OWS is continually processing wastewater at a rate of approximately 5 gpm. The wastewater from the OWS is mixed with the cooling tower blowdown water before entering the blowdown line. A

reservoir connected to the OWS collects any recovered oil for offsite recycling.

The facility discharges treated cooling tower blowdown and oil/water separator water through Outfall 001 to the Chehalis River at an annual average flow rate of 0.38 MGD during the permit cycle.

5. Solid wastes

GHEC generates various solid wastes onsite including: general refuse, wood products, scrap metal, metal drums, petroleum products, oil and solvent rags, worn tires, spent batteries, and lamps. These solid wastes are disposed of and recycled in accordance with the solid waste regulations. GHEC submitted a Solid Waste Control Plan Update to Ecology on 7/1/2021.

Sanitary sewage from the facility is treated in a septic tank system and discharged to a drain field onsite. The sanitary waste stream flow to the onsite system is less than 3,500 gallons per day, which is regulated by the Grays Harbor County Health Department. Grays Harbor County approved the sanitary waste facility design for GHEC on June 13, 2002.

6. Discharge outfall

The treated and disinfected effluent from the plant is discharged to the Chehalis River through Outfall 001. The conveyance pipe to the outfall consists of a combination of 21-inch diameter reinforced concrete pipe, 20-inch diameter carbon steel pipe, and 18-inch diameter carbon steel pipe that extends north of the plant and below the Chehalis River to a diffuser structure.

Stormwater runoff from the facility is collected in a storm drain system (designated as Outfall 002B), conveyed through a pipe beneath Keys Road, and discharged to a stormwater detention pond (C-1 pond) that is adjacent to the facility. This pond is located on property owned by the Port of Grays Harbor and is designed to handle a 100-year storm event. The pond also receives stormwater discharges from the surrounding properties that are not under the control of the GHEC.

The stormwater in the pond evaporates and infiltrates into the ground. If stormwater exceeds the C-1 pond design capacity, the stormwater is discharged to a drainage area leading to the Chehalis River. Stormwater in this pond has never exceeded the design capacity, even during a 100-year rainfall event.

II.B. Description of the receiving water

GHEC discharges to the Chehalis River. This section of the river is tidally influenced because of the proximity to Grays Harbor. Other nearby point source outfalls include the Elma Sewage Treatment Plant. Significant nearby non-point sources of pollutants include agricultural activities.

The ambient background data in Table 2 below used in preparing this permit were obtained from the 2022 GHEC Receiving Water Study Report prepared by Landau Associates.

Table 2 - Ambient background data

Parameter	Maximum Value	No. of Samples
Temperature (highest annual 1-DMax)	19.3 °C	9
pH	7.2 standard units	9
Dissolved Oxygen	10.3 mg/L	9
Total Ammonia-N	0.015 U mg/L	9
Turbidity	3.7 NTU	9
Hardness	33.2 mg/L as CaCO3	9
Alkalinity	36.0 mg/L as CaCO3	9
Copper	2.7 µg/L	9
Lead	0.11 J µg/L	9
Zinc	3.0 J µg/L	9
Nickel	0.74 µg/L	9

Notes:
U - Not detected above the level of the reported sample quantitation limit
J - Result is an estimated quantity

II.C. Wastewater characterization

GHEC reported the concentration of pollutants in the discharge at Outfall 001 in the permit renewal application dated December 27, 2023 and in monthly discharge monitoring reports. The wastewater effluent at Outfall 001 is characterized as follows:

Table 3 - Wastewater characterization Outfall 001

Parameter	Units	# of Samples	Average value	Maximum value
Biochemical Oxygen Demand (BOD5)	mg/L	1	--	<2.0
Total Suspended Solids (TSS)	mg/L	52	--	21.0
Oil and Grease	mg/L	52	--	4.4
Chlorine, total residual	mg/L	5	--	0.1

Parameter	Units	# of Samples	Average value	Maximum value
Chemical Oxygen Demand (COD)	mg/L	1	--	9
Sulfate	mg/L	1	--	493
Total Organic Carbon (TOC)	mg/L	1	--	2.9
Nitrate-nitrite	µg/L	1	--	9800
Nitrogen, total organic (as N)	µg/L	1	--	1240
Fluoride	µg/L	1	--	220
Phosphorous	µg/L	1	--	1030
Temperature (winter)	ºC	1251	--	15.3
Temperature (summer)	ºC	1251	--	15.7
Ammonia - N	µg/L	5	--	180
Antimony, total	µg/L	5	--	2.29
Arsenic, total	µg/L	56	--	8.7
Cadmium, total	µg/L	5	--	0.021
Chromium, total	µg/L	24	--	2.6
Copper, total	µg/L	5	--	0.87
Lead, total	µg/L	5	--	0.038
Mercury, total	µg/L	5	--	0.00724
Nickel, total	µg/L	5	--	0.68
Selenium, total	µg/L	5	--	1.4
Zinc, total	µg/L	5	--	3
Phenols	µg/L	1	--	7
Chloroform	µg/L	2	--	0.39
Dichlorobromomethane	µg/L	2	--	0.08
Aluminum, total	µg/L	1	--	4
Barium, total	µg/L	1	--	15.7
Boron, total	µg/L	1	--	77.2
Cobalt, total	µg/L	1	--	0.019
Iron, total	µg/L	5	--	56.9
Magnesium, total	µg/L	1	--	47100
Molybdenum, total	µg/L	1	--	3.12
Manganese, total	µg/L	1	--	2.12
Tin, total	µg/L	1	--	0.06
Titanium, total	µg/L	1	--	0.2

Parameter	Units	# of Samples	Minimum value	Maximum value
pH	SU	1251	6.3	8.9

GHEC reported the concentration of pollutants in the discharge at Outfall 002B in the renewal application.

Table 4 - Stormwater Monitoring Data for Outfall 002B

Parameter	Units	No. of Samples	Average Value	Maximum Value	Ground Water Criteria
pH	SU	11	7.01	7.73	6.5 - 8.5
Chloride	mg/L	11	1.74	3.25	--
Copper	µg/L	11	3.33	10.5	1,000
Iron	mg/L	11	0.246	1.23	5,000
Zinc	µg/L	11	3.62	13.2	--

II.D. Summary of compliance with previous permit Issued

The previous permit placed effluent limits on Temperature, Free Available Chlorine, pH, Total Suspended Solids (TSS), Oil and Grease (O&G), and total chromium (Cr).

GHEC has complied with the effluent limits and permit conditions throughout the duration of the permit issued on June 9, 2019. EFSEC assessed compliance based on its review of the facility's information in the Ecology Permitting and Reporting Information System (PARIS), discharge monitoring reports (DMRs) and on inspections.

The following table summarizes compliance with report submittal requirements over the permit term.

Table 5 - Permit submittals

Submittal name	Submittal status	Due date	Received date
Operation And Maintenance Manual Update	Submitted	1/1/2020	12/9/2019
Operation And Maintenance Manual Confirmation Letter	Submitted	1/1/2024	11/7/2023
Solid Waste Control Plan Update	Submitted	7/1/2021	3/10/2021
Application for Permit Renewal	Submitted	1/1/2024	12/27/2023
Spill Plan Update	Submitted	7/1/2021	12/23/2019
Outfall Evaluation Inspection Report	Submitted	10/1/2023	10/29/2021
Acute Toxicity: Characterization Written Report	Submitted	2/15/2021	12/21/2020
Chronic Toxicity: Characterization Written Report	Submitted	2/15/2021	12/21/2020
Receiving Water Study - Permit	Submitted	1/1/2024	3/7/2023

II.E. State environmental policy act (SEPA) compliance

State law exempts the issuance, reissuance or modification of any wastewater discharge permit from the SEPA process as long as the permit contains

conditions that are no less stringent than federal and state rules and regulations (RCW 43.21C.0383). The exemption applies only to existing discharges, not to new discharges.

III. Proposed permit limits

Federal and state regulations require that effluent limits in an NPDES permit must be either technology- or water quality-based.

- Technology-based limits are based upon the treatment methods available to treat specific pollutants. Technology-based limits are set by the EPA and published as a regulation, or EFSEC develops the limit on a case-by-case basis (40 CFR 125.3, and chapter 173-220 WAC).
- Water quality-based limits are calculated so that the effluent will comply with the Surface Water Quality Standards (chapter 173-201A WAC), Ground Water Standards (chapter 173-200 WAC), Sediment Quality Standards (chapter 173-204 WAC), or the Federal Water Quality Criteria Applicable to Washington (40 CFR 131.45).
- EFSEC must apply the most stringent of these limits to each parameter of concern. These limits are described below.

The limits in this permit reflect information received in the application and from supporting reports (engineering, hydrogeology, etc.). EFSEC evaluated the permit application and determined the limits needed to comply with the rules adopted by the state of Washington. EFSEC does not develop effluent limits for all reported pollutants. Some pollutants are not treatable at the concentrations reported, are not controllable at the source, are not listed in regulation, and do not have a reasonable potential to cause a water quality violation.

EFSEC does not usually develop limits for pollutants not reported in the permit application but may be present in the discharge. The permit does not authorize discharge of the non-reported pollutants. During the five-year permit term, the facility's effluent discharge conditions may change from those conditions reported in the permit application. The facility must notify EFSEC if significant changes occur in any constituent [40 CFR 122.42(a)]. Until EFSEC modifies the permit to reflect additional discharge of pollutants, a permitted facility could be violating its permit.

III.A. Design criteria

According to WAC 173-220-150(1)(g), neither flows nor waste loadings may exceed approved design criteria, however, EFSEC does not have an engineering report that specifies the design criteria for the wastewater treatment plant at this facility. The proposed permit requires that GHEC submit an O&M manual that includes design criteria for wastewater treatment processes used onsite to

EFSEC for review and approval. EFSEC will impose an appropriate design criteria in the next permit cycle if necessary to ensure that GHEC operates and maintains the facilities or systems of control at all times to achieve compliance with the terms and conditions of the NPDES permit.

III.B. Technology-based effluent limits

Technology-based limitations are set by regulation in the federal effluent guidelines or on a case-by-case basis using Best Professional Judgment (BPJ) when no effluent guidelines exist for an industrial category. Technology-based effluent limits represent the best treatment a facility can achieve consistent with the economic means of the industry as a whole (in the case of effluent guidelines) of the specific facility being permitted (in the case of BPJ). Technology-based effluent limits are process control parameters or numbers which indicate that a process, which in this case is wastewater treatment, is not functioning properly.

The Environmental Protection Agency (EPA) promulgated the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category (40 CFR 423 Part 423.15) in 1974 and amended the regulations in 1977, 1978, 1980, 1982, and 2015. EFSEC must ensure that facilities provide all known, available, and reasonable methods of prevention, control, and treatment (AKART) when it issues a permit. EFSEC determined that the federal effluent guidelines constitute AKART.

The technology-based concentration values and other requirements in the NSPS section of the federal effluent guidelines were used to establish limits in the proposed permit except as indicated in the following discussion.

PCBs are commonly found in transformer fluid in the steam electric power generating industry. PCBs were not detected in the facility's final effluent. EFSEC has included the same effluent limit for PCBs in the proposed permit as the effluent limit for priority pollutants from federal effluent guidelines.

The federal effluent limitations for this category give the permit writer the discretion to express the allowable discharge quantity as a concentration limit rather than a mass limit. The technology-based concentration values in the NSPS section of the federal effluent guidelines were used except as indicated in the following discussion.

The monthly average and daily maximum permit limits proposed (see following table) for total suspended solids (TSS), oil and grease, chromium, zinc, and total residual chlorine are from the federal guideline allowances.

In addition to the above requirements, NSPS requirements include a condition that the effluent shall not include priority pollutants, with the exception of chromium and zinc, in detectable amounts. Chromium and zinc have specific limits. Metals have been detected in the effluent at low levels because they are present in the source water and may be incidentally added in the process. Metal detection levels have greatly improved since the federal effluent guidelines were published in 1982. Metal parameters were also evaluated to ensure protection of aquatic life and no metal demonstrated reasonable potential to exceed water quality criteria (see Appendix E). Therefore, to satisfy the requirement that "priority pollutants contained in chemicals added for cooling water maintenance" are not discharged in detectable amounts, the Permittee must submit an annual certification stating that chemicals added for cooling water maintenance do not contain the priority pollutants of concern (see Special Condition S12). If priority pollutants are contained in chemicals added for cooling tower maintenance, a mass balance must be performed to demonstrate that the use of particular maintenance chemicals will not result in detectable amounts of priority pollutants in the discharge. Chemicals and quantities used for cooling water maintenance must be reported to EFSEC and Ecology. An annual priority pollutant scan is required per Special Condition S2.

Table 6 - Technology-based limits

Parameter	Average monthly limit	Maximum daily limit
Polychlorinated Biphenyl Compounds (PCBs)	Discharge prohibited	Discharge prohibited
Low Volume Waste Sources		
Total Suspended Solids (TSS)	30 mg/L	100 mg/L
Oil and Grease	15 mg/L	20 mg/L
Cooling Water Blowdown		
Zinc, Total	1 mg/L	1 mg/L
Chromium, Total	0.2 mg/L	0.2 mg/L
Total Residual Chlorine [a]	--	0.2 mg/L
126 Priority Pollutants [b] contained in chemicals used for cooling water maintenance, not including Chromium and Zinc	--	No detectable amount

Parameter	Daily minimum	Daily maximum
pH	6.0 standard units	9.0 standard units

Notes:

[a] Total residual chlorine may not be discharged from any unit for more than two hours per day unless the Permittee demonstrates to the permitting authority that discharge for more than two hours is required for macroinvertebrate control per 40 CFR 423.13. GHEC submitted a justification letter to Ecology demonstrating that limiting the total residual chlorination discharge to two hours per day is inadequate for effective control of biological growth in the cooling water system at GHEC. Ecology accepted GHEC's justification and determined that limiting total residual chlorination discharge from any unit to two hours per day is not applied.
[b] The priority pollutants contained in chemicals added for cooling tower maintenance, except for chromium and zinc.

III.C. Surface water quality-based effluent limits

The Washington State surface water quality standards (chapter 173-201A WAC) are designed to protect existing water quality and preserve the beneficial uses of Washington's surface waters. Waste discharge permits must include conditions that ensure the discharge will meet the surface water quality standards (WAC 173-201A-510). Water quality-based effluent limits may be based on an individual waste load allocation or on a waste load allocation developed during a basin wide total maximum daily load study (TMDL).

1. Numeric criteria for the protection of aquatic life and recreation

Numeric water quality criteria are listed in the water quality standards for surface waters (chapter 173-201A WAC). They specify the maximum levels of pollutants allowed in receiving water to protect aquatic life and recreation in and on the water. EFSEC uses numerical criteria along with chemical and physical data for the wastewater and receiving water to derive the effluent limits in the discharge permit. When surface water quality based limits are more stringent or potentially more stringent than technology-based limits, the discharge must meet the water quality-based limits.

2. Numeric criteria for the protection of human health

Numeric criteria for the protection of human health are promulgated in Chapter 173-201A WAC and 40 CFR 131.45. These criteria are designed to protect human health from exposure to pollutants linked to cancer and other diseases, based on consuming fish and shellfish and drinking contaminated surface waters. The water quality standards also include radionuclide criteria to protect humans from the effects of radioactive substances.

3. Narrative criteria

Narrative water quality criteria (e.g., WAC 173-201A-240(1)) limit the toxic, radioactive, or other deleterious material concentrations that the facility may discharge to levels below those which have the potential to:

- Adversely affect designated water uses.
- Cause acute or chronic toxicity to biota.
- Impair aesthetic values.
- Adversely affect human health.

Narrative criteria protect the specific designated uses of all fresh waters (WAC 173-201A-200) and of all marine waters (WAC 173-201A-210) in the state of Washington.

4. Antidegradation

The purpose of Washington's Antidegradation Policy (WAC 173-201A-300-330) is to:

- Restore and maintain the highest possible quality of the surface waters of Washington.
- Describe situations under which water quality may be lowered from its current condition.
- Apply to human activities that are likely to have an impact on the water quality of surface water.
- Ensure that all human activities likely to contribute to a lowering of water quality, at a minimum, apply all known, available, and reasonable methods of prevention, control, and treatment (AKART).
- Apply three tiers of protection (described below) for surface waters of the state.

  Tier I: ensures existing and designated uses are maintained and protected and applies to all waters and all sources of pollutions.

  Tier II: ensures that waters of a higher quality than the criteria assigned are not degraded unless such lowering of water quality is necessary and in the overriding public interest. Tier II applies only to a specific list of polluting activities.

  Tier III: prevents the degradation of waters formally listed as "outstanding resource waters," and applies to all sources of pollution.

A facility must prepare a Tier II analysis when all three of the following conditions are met:

- The facility is planning a new or expanded action.
- EFSEC regulates or authorizes the action.
- The action has the potential to cause measurable degradation to existing water quality at the edge of a chronic mixing zone.

Facility specific requirements – This facility must meet Tier I requirements.

- Dischargers must maintain and protect existing and designated uses. EFSEC must not allow any degradation that will interfere with, or become injurious to, existing or designated uses, except as provided for in chapter 173-201A WAC.
- EFSEC's analysis described in this section of the fact sheet demonstrates that the proposed permit conditions will protect existing and designated uses of the receiving water.

5. Mixing zones

A mixing zone is the defined area in the receiving water surrounding the discharge port(s), where wastewater mixes with receiving water. Within mixing zones the pollutant concentrations may exceed water quality numeric standards, so long as the discharge doesn't interfere with designated uses of the receiving water body (for example, recreation, water supply, and aquatic life and wildlife habitat, etc.) The pollutant concentrations outside of the mixing zones must meet water quality numeric standards.

State and federal rules allow mixing zones because the concentrations and effects of most pollutants diminish rapidly after discharge, due to dilution. EFSEC defines mixing zone sizes to limit the amount of time any exposure to the end-of-pipe discharge could harm water quality, plants, or fish.

The state's water quality standards allow EFSEC to authorize mixing zones for the facility's permitted wastewater discharges only if those discharges already receive all known, available, and reasonable methods of prevention, control, and treatment (AKART). Mixing zones typically require compliance with water quality criteria within a specified distance from the point of discharge and must not use more than 25% of the available width of the water body for dilution (WAC 173-201A-400 (7)).

EFSEC uses modeling to estimate the amount of mixing within the mixing zone. Through modeling EFSEC determines the potential for violating the water quality standards at the edge of the mixing zone and derives any necessary effluent limits. Steady-state models are the most frequently used tools for conducting mixing zone analyses. EFSEC chooses values for each effluent and for receiving water variables that correspond to the time period when the most critical condition is likely to occur. Each critical condition parameter, by itself, has a low probability of occurrence and the resulting dilution factor is conservative. The term "reasonable worst-case" applies to these values.

The mixing zone analysis produces a numerical value called a dilution factor (DF). A dilution factor represents the amount of mixing of effluent and receiving water that occurs at the boundary of the mixing zone. For example, a dilution factor of 4 means the effluent is 25% and the receiving water is 75% of the total volume of water at the boundary of the mixing zone. EFSEC uses dilution factors with the water quality criteria to calculate reasonable potentials and effluent limits. Water quality standards include both aquatic life-based criteria and human health-based criteria. The former are applied at both the acute and chronic mixing zone boundaries; the latter are applied only at the chronic boundary. The concentration of pollutants at the boundaries of any of these mixing zones may not exceed the numerical criteria for that zone.

Each aquatic life acute criterion is based on the assumption that organisms are not exposed to that concentration for more than one hour and more often than one exposure in three years. Each aquatic life chronic criterion is based on the assumption that organisms are not exposed to that concentration for more than four consecutive days and more often than once in three years.

The two types of human health-based water quality criteria distinguish between those pollutants linked to non-cancer effects (non-carcinogenic) and those linked to cancer effects (carcinogenic). The human health-based water quality criteria incorporate several exposure and risk assumptions. These assumptions include:

- A 70-year lifetime of daily exposures.
- An ingestion rate for fish or shellfish measured in kg/day.
- An ingestion rate of two and four tenths (2.4) liters/day for drinking water (increased from two liters/day in the 2016 Water Quality Standards update).
- A one-in-one-million cancer risk for carcinogenic chemicals.

This permit authorizes a small acute mixing zone, surrounded by a chronic mixing zone around the point of discharge (WAC 173-201A-400). The water quality standards impose certain conditions before allowing the discharger a mixing zone:

a. EFSEC must specify both the allowed size and location in a permit.

The proposed permit specifies the size and location of the allowed mixing zone (as specified below).

b. The facility must fully apply "all known, available, and reasonable methods of prevention, control and treatment" (AKART) to its discharge.

EFSEC has determined that the treatment provided at GHEC meets the requirements of AKART (see "Technology-based Limits").

c. EFSEC must consider critical discharge conditions.

Surface water quality-based limits are derived for the water body's critical condition (the receiving water and waste discharge condition with the highest potential for adverse impact on the aquatic biota, human health, and existing or designated waterbody uses). The critical discharge condition is often pollutant-specific or waterbody-specific.

Critical discharge conditions are those conditions that result in reduced dilution or increased effect of the pollutant. Factors affecting dilution include the depth of water, the density stratification in the water column, the currents, and the rate of discharge. Density stratification is determined by the salinity and temperature of the receiving water. Temperatures are warmer in the surface waters in summer. Therefore, density stratification is generally greatest during the summer months. Density stratification affects how far up in the water column a freshwater plume may rise. The rate of mixing is greatest when an effluent is rising. The effluent stops rising when the mixed effluent is the same density as the surrounding water. After the effluent stops rising, the rate of mixing is much more gradual. Water depth can affect dilution when a plume might rise to the surface when there is little or no stratification. Ecology's Permit Writer's Manual (Ecology, 2018) describes additional guidance on criteria/design conditions for determining dilution factors.

Table 7 - Critical conditions used to model the discharge

Critical condition	Value
Seven-day-average low river flow with a recurrence interval of ten years (7Q10)	522 cfs
Thirty-day low river flow with a recurrence interval of five years (30Q5)	731 cfs
River depth at the 7Q10 period	3 feet
River velocity	0.2 ft/s
Manning roughness coefficient	0.04
Slope	0.001 ft/ft
Channel width	260 feet
Maximum average monthly effluent flow for chronic and human health non-carcinogen	0.56 MGD

Critical condition	Value
Annual average flow for human health carcinogen	0.44 MGD
Maximum daily flow for acute mixing zone	0.98 MGD
7-DAD MAX/1-DAD-MAX effluent temperature	14.6 degrees C

EFSEC obtained ambient data at critical conditions in the vicinity of the outfall from Table 1-4 in the Mixing Zone Analysis prepared by URS Corporation and submitted to EFSEC in February 2014.

Supporting information must clearly indicate the mixing zone would not:

- Have a reasonable potential to cause the loss of sensitive or important habitat.
- Substantially interfere with the existing or characteristic uses.
- Result in damage to the ecosystem.
- Adversely affect public health.

Ecology established Washington State water quality criteria for toxic chemicals using EPA criteria. EPA developed the criteria using toxicity tests with numerous organisms and set the criteria to generally protect the species tested and to fully protect all commercially and recreationally important species.

EPA sets acute criteria for toxic chemicals assuming organisms are exposed to the pollutant at the criteria concentration for one hour. They set chronic standards assuming organisms are exposed to the pollutant at the criteria concentration for four days. Dilution modeling under critical conditions generally shows that both acute and chronic criteria concentrations are reached within minutes of discharge.

The discharge plume does not impact drifting and non-strong swimming organisms because they cannot stay in the plume close to the outfall long enough to be affected. Strong swimming fish could maintain a position within the plume, but they can also avoid the discharge by swimming away. Mixing zones generally do not affect benthic organisms (bottom dwellers) because the buoyant plume rises in the water column. EFSEC has additionally determined that the effluent will not exceed 33 degrees C for more than two seconds after discharge; and that the temperature of the water will not create lethal conditions or blockages to fish migration.

EFSEC evaluates the cumulative toxicity of an effluent by testing the discharge with whole effluent toxicity (WET) testing.

EFSEC reviewed the above information, the specific information on the characteristics of the discharge, the receiving water characteristics and the discharge location. Based on this review, EFSEC concluded that the discharge does not have a reasonable potential to cause the loss of sensitive or important habitat, substantially interfere with existing or characteristics uses, result in damage to the ecosystem, or adversely affect public health if the permit limits are met.

d. The discharge/receiving water mixture must not exceed water quality criteria outside the boundary of a mixing zone.

EFSEC conducted a reasonable potential analysis, using procedures established by the EPA and by EFSEC, for each pollutant and concluded the discharge/receiving water mixture will not violate water quality criteria outside the boundary of the mixing zone if permit limits are met.

e. The size of the mixing zone and the concentrations of the pollutants must be minimized.

At any given time, the effluent plume uses only a portion of the acute and chronic mixing zone, which minimizes the volume of water involved in mixing. Because tidal currents change direction, the plume orientation within the mixing zone changes. The plume mixes as it rises through the water column therefore much of the receiving water volume at lower depths in the mixing zone is not mixed with discharge. Similarly, because the discharge may stop rising at some depth due to density stratification, waters above that depth will not mix with the discharge. EFSEC determined it is impractical to specify in the permit the actual, much more limited volume in which the dilution occurs as the plume rises and moves with the current.

EFSEC minimizes the size of mixing zones by requiring dischargers to install diffusers when they are appropriate to the discharge and the specific receiving waterbody. When a diffuser is installed, the discharge is more completely mixed with the receiving water in a shorter time. EFSEC also minimizes the size of the mixing zone (in the form of the dilution factor) using design criteria with a low probability of occurrence. For example, EFSEC uses the expected 95th percentile pollutant concentration, the 90th percentile background concentration, the centerline dilution factor, and the lowest flow occurring once in every ten years to perform the reasonable potential analysis.

Because of the above reasons, EFSEC has effectively minimized the size of the mixing zone authorized in the proposed permit.

f. Maximum size of mixing zone.

The authorized mixing zone does not exceed the maximum size restriction.

g. Acute mixing zone.

- The discharge/receiving water mixture must comply with acute criteria as near to the point of discharge as practicably attainable.

EFSEC determined the acute criteria will be met at 10% of the distance (or volume fraction) of the chronic mixing zone at the ten year low flow.

- The pollutant concentration, duration, and frequency of exposure to the discharge will not create a barrier to migration or translocation of indigenous organisms to a degree that has the potential to cause damage to the ecosystem.

As described above, the toxicity of any pollutant depends upon the exposure, the pollutant concentration, and the time the organism is exposed to that concentration. Authorizing a limited acute mixing zone for this discharge assures that it will not create a barrier to migration. The effluent from this discharge will rise as it enters the receiving water, assuring that the rising effluent will not cause translocation of indigenous organisms near the point of discharge (below the rising effluent).

- Comply with size restrictions.

The mixing zone authorized for this discharge complies with the size restrictions published in chapter 173-201A WAC.

h. Overlap of mixing zones.

This mixing zone does not overlap another mixing zone.

III.D. Designated uses and surface water quality criteria

Applicable designated uses and surface water quality criteria are defined in chapter 173-201A WAC. The table included below summarizes the criteria applicable to this facility's discharge.

1. Freshwater aquatic life uses and associated criteria

Aquatic life uses are designated based on the presence of, or the intent to provide protection for the key uses. All indigenous fish and non-fish aquatic species must be protected in waters of the state in addition to the key species. The aquatic life uses for this receiving water are identified below.

Table 8 - Salmonid spawning, rearing, and migration

Criteria	Value
Temperature – Highest 7-DAD MAX	17.5°C (63.5°F)
Dissolved oxygen – Lowest 1-Day minimum	8.0 mg/L
Turbidity	5 NTU over background when the background is 50 NTU or less; or A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
Total dissolved gas	Total dissolved gas must not exceed 110 percent of saturation at any point of sample collection.
pH	The pH must measure within the range of 6.5 to 8.5 with a human-caused variation within the above range of less than 0.5 units.

2. Recreational use and criteria

The recreational use for this receiving water is primary contact recreation. *E.coli* organism levels must not exceed a geometric mean value of 100 CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained within the averaging period exceeding 320 CFU or MPN per 100 mL.

3. Water supply uses

The water supply uses are domestic, agricultural, industrial, and stock watering.

4. Miscellaneous freshwater uses

The miscellaneous freshwater uses are wildlife habitat, harvesting, commerce and navigation, boating, and aesthetics.

III.E. Water quality impairments

EFSEC has not documented any water quality impairments in the receiving water in the vicinity of the outfall.

III.F. Evaluation of surface water quality-based effluent limits for narrative criteria

EFSEC must consider the narrative criteria described in WAC 173-201A-260 when it determines permit limits and conditions. Narrative water quality criteria limit the toxic, radioactive, or other deleterious material concentrations that the facility may discharge which have the potential to adversely affect designated uses, cause acute or chronic toxicity to biota, impair aesthetic values, or adversely affect human health.

EFSEC considers narrative criteria when it evaluates the characteristics of the wastewater and when it implements all known, available, and reasonable

methods of treatment and prevention (AKART) as described above in the technology-based limits section. When EFSEC determines if a facility is meeting AKART it considers the pollutants in the wastewater and the adequacy of the treatment to prevent the violation of narrative criteria.

In addition, EFSEC considers the toxicity of the wastewater discharge by requiring whole effluent toxicity (WET) testing when there is a reasonable potential for the discharge to contain toxics. EFSEC's analysis of the need for WET testing for this discharge is described later in the fact sheet.

III.G. Evaluation of surface water quality-based effluent limits for numeric criteria

1. Mixing zones and dilution factors

Pollutants in an effluent may affect the aquatic environment near the point of discharge (near field) or at a considerable distance from the point of discharge (far field). Toxic pollutants, for example, are near-field pollutants; their adverse effects diminish rapidly with mixing in the receiving water. Conversely, a pollutant such as biological oxygen demand (BOD) is a far-field pollutant whose adverse effect occurs away from the discharge even after dilution has occurred. Thus, the method of calculating surface water quality based effluent limits varies with the point at which the pollutant has its maximum effect.

With technology-based controls (AKART), predicted pollutant concentrations in the discharge exceed water quality criteria. EFSEC therefore authorizes a mixing zone in accordance with the geometric configuration, flow restriction, and other restrictions imposed on mixing zones by chapter 173-201A WAC.

The buried diffuser manifold at Outfall 0001 is approximately 30 feet long with a diameter of 18 inches. The diffuser has a total of two 8 inch diameter ports. The distance between ports is approximately 10 feet. The diffuser depth is 5 feet. The mean lower low water (MLLW) depth is approximately 8 feet.

Chronic mixing zone – WAC 173-201A-400(7)(a) specifies that mixing zones must not extend in a downstream direction from the discharge ports for a distance greater than 300 feet plus the depth of water over the discharge ports or extend upstream for a distance of over 100 feet, not utilize greater than 25% of the flow, and not occupy greater than 25% of the width of the water body. The mixing zone extends from the bottom to the top of the water column.

The chronic dilution factor below is based on a downstream distance of 303 feet.

Acute mixing zone – WAC 173-201A-400(8)(a) specifies that in rivers and streams a zone where acute toxics criteria may be exceeded must not extend beyond 10% of the distance towards the upstream and downstream boundaries of the chronic zone, not use greater than 2.5% of the flow and not occupy greater than 25% of the width of the water body. The mixing zone extends from the bottom to the top of the water column.

The acute dilution factor below is based on a downstream distance of 30.3 feet.

EFSEC determined the dilution factors that occur within these zones at the critical condition using from the Mixing Zone Analysis Summary prepared by URS dated February 27, 2014 (Appendix L of the 2018 Engineering Report). The dilution factors at Outfall 001 are listed below.

Table 9 - Dilution factors

Criteria	Acute	Chronic
Aquatic Life	4	51
Human Health, Carcinogen		67
Human Health, Non-carcinogen		67

EFSEC determined the impacts of pH, ammonia, metals, other toxics, and temperature as described below, using the dilution factors in the above table. The derivation of surface water quality-based limits also takes into account the variability of pollutant concentrations in both the effluent and the receiving water.

1. pH

EFSEC modeled the impact to receiving waters under critical conditions using limits for pH from applicable Federal effluent guidelines (40 CFR 423.12) and the *pH-mix-fresh* worksheet in EFSEC's PermitCalc spreadsheet. Model calculations predict no violation of the pH criteria under critical conditions. Therefore, the proposed permit includes limits from the Federal effluent guidelines.

2. Turbidity

EFSEC evaluated the impact of turbidity based on the range of turbidity in the effluent and turbidity of the receiving water. Based on visual observation of the facility's effluent and annual sampling results, EFSEC expects no violations of the turbidity criteria outside the designated mixing zone.

3. Toxic pollutants

Federal regulations (40 CFR 122.44) require EFSEC to place limits in NPDES permits on toxic chemicals in an effluent whenever there is a reasonable potential for those chemicals to exceed the surface water quality criteria. EFSEC does not exempt facilities with technology-based effluent limits from meeting the surface water quality standards.

The following toxic pollutants are present in the discharge: aluminum, ammonia, total arsenic, antimony, total residual chlorine, cadmium, total chromium, copper, chloroform, dichlorobromomethane, iron, lead, manganese, mercury, nickel, phenol, selenium, and zinc. EFSEC conducted a reasonable potential analysis (See Appendix E) on these parameters to determine whether it would require effluent limits in this permit.

Ammonia's toxicity depends on that portion which is available in the unionized form. The amount of unionized ammonia depends on the temperature and pH in the receiving freshwater. To evaluate ammonia toxicity, EFSEC used the available receiving water information for ambient from the 2022 GHEC Receiving Water Study Report prepared by Landau Associates and Ecology's spreadsheet tools.

Valid ambient background data were available for ammonia, arsenic, turbidity, copper, lead, zinc, and nickel (See Table 2). EFSEC used all applicable data to evaluate reasonable potential for this discharge to cause a violation of water quality standards.

EFSEC determined that aluminum, ammonia, arsenic, antimony, cadmium, total chromium, copper, chloroform, dichlorobromomethane, iron, lead, manganese, mercury, nickel, phenol, selenium, and zinc pose no reasonable potential to cause or contribute to exceedances of the water quality criteria at the critical condition using procedures given in the *Technical Support Document for Water Quality-Based Toxics Control* (USEPA, 1991) (Appendix E) and as described above. EFSEC's determination assumes that this facility meets the other effluent limits of this permit.

There is no water quality standard available to evaluate reasonable potential to exceed the water quality criteria for free available chlorine. EFSEC replaced the free available chlorine monitoring requirement with the total residual chlorine in the proposed permit. EFSEC will evaluate the reasonable potential to exceed the water quality criteria for total residual chlorine in next permit cycle.

4. Temperature

The state temperature standards (WAC 173-201A, WAC 173-201A-200, WAC 173-201A-600, and WAC 173-201A-602) include multiple elements:

a. Annual summer maximum threshold criteria (June 15 to September 15)
b. Supplemental spawning and rearing season criteria (September 15 to June 15)
c. Incremental warming restrictions
d. Guidelines on preventing acute lethality and barriers to migration of salmonids

EFSEC evaluates each criterion independently to determine reasonable potential and derive permit limits.

a. Annual summer maximum and supplementary spawning/rearing criteria

Each water body has an annual maximum temperature criterion [WAC 173-201A-200(1)(c), and WAC 173-201A-602, Table 602]. These threshold criteria (e.g., 12, 16, 17.5, 20°C) protect specific categories of aquatic life by controlling the effect of human actions on summer temperatures.

Some waters have an additional threshold criterion to protect the spawning and incubation of salmonids (9°C for char and 13°C for salmon and trout) [WAC 173-201A-602, Table 602]. These criteria apply during specific date-windows.

The threshold criteria apply at the edge of the chronic mixing zone. Criteria for most fresh waters are expressed as the highest 7-Day average of daily maximum temperature (7-DADMax). The 7-DADMax temperature is the arithmetic average of seven consecutive measures of daily maximum temperatures. Criteria for some fresh waters are expressed as the highest 1-Day annual maximum temperature (1-DMax).

b. Incremental warming criteria

The water quality standards limit the amount of warming human sources can cause under specific situations [WAC 173-201A-200(1)(c)(i)-(ii)]. The incremental warming criteria apply at the edge of the chronic mixing zone.

At locations and times when background temperatures are cooler than the assigned threshold criterion, point sources are permitted to warm the water by only a defined increment. These increments are permitted only to the extent doing so does not cause temperatures to exceed either the annual maximum or supplemental spawning criteria.

c. Guidelines to prevent acute lethality or barriers to migration of salmonids. These site-level considerations do not override the temperature criteria listed above.
   i. Instantaneous lethality to passing fish: The upper 99th percentile daily maximum effluent temperature must not exceed 33°C, unless a dilution analysis indicates ambient temperatures will not exceed 33°C two seconds after discharge.
   ii. General lethality and migration blockage: The temperature at the edge of a chronic mixing zone must not exceed either a 1DMax of 23°C or a 7DADMax of 22°C. When adjacent downstream temperatures are 3°C or more cooler, the 1DMax at the edge of the chronic mixing zone must not exceed 22°C.
   iii. Lethality to incubating fish: The temperature must not exceed 17.5°C at locations where eggs are incubating.

Reasonable potential analysis

Annual summer maximum, supplementary spawning criterion, and incremental warming criteria: EFSEC calculated the reasonable potential for the discharge to exceed the annual summer maximum, the supplementary spawning criterion, and the incremental warming criteria.

The discharge is allowed to warm the water by a defined increment only when the background (ambient) temperature is cooler than the assigned threshold criterion. EFSEC allows warming increments only when they do not cause temperatures to exceed either the annual maximum or supplemental spawning criteria.

The incremental increase for this discharge is within the allowable amount. The reasonable potential to exceed analysis showed that no limit was required for temperature.

The proposed permit retains the daily maximum limit of 16°C for effluent temperature at Outfall 001 which was established by the Site Certification Agreement between EFSEC and GHEC in 2003. This limit was based on a Stipulated Agreement with the Washington State Department of Fish and Wildlife. Under critical conditions, the temperature criterion for the receiving water could be exceeded.

GHEC discharges all of its stormwater to the C-1 detention pond and the stormwater infiltrates into the ground. EFSEC determined that temperature is not a significant stormwater pollutant parameter. Therefore, the proposed

permit does not include a temperature limit at Outfall 002B and it does not require the facility to monitor temperature in the stormwater discharge.

III.H. Human health

Washington's water quality standards include numeric human health-based criteria for priority pollutants that EFSEC must consider when writing NPDES permits.

EFSEC determined the effluent may contain chemicals of concern for human health, based on data or information indicating the discharge contains regulated chemicals.

EFSEC evaluated the discharge's potential to violate the water quality standards as required by 40 CFR 122.44(d) by following the procedures published in the *Technical Support Document for Water Quality-Based Toxics Control* (EPA/505/2-90-001) (USEPA, 1991) and EFSEC's *Permit Writer's Manual* (Ecology, 2018) to make a reasonable potential determination. The evaluation showed that the discharge has no reasonable potential to cause a violation of water quality standards, and an effluent limit is not needed.

The EPA disapproved Ecology's proposed total arsenic criteria in November 2016 and retained the inorganic arsenic human health criteria set in the 1992 National Toxics Rule (NTR; 40 CFR 131.36). The existing marine and freshwater inorganic arsenic human health criteria remain in effect.

Natural background concentrations of total arsenic in both marine and freshwaters in Washington often exceed the inorganic arsenic criteria.

This discharge includes intake raw water with arsenic concentrations above 0.018 µg/L, which passes through the wastewater treatment plant after initial use. In this situation, no implementation tool exists to account for the naturally occurring element in the intake water source. Intake credits (WAC 173-201A-460) do not apply in this situation because the source water and the receiving water must be the same body of water or proven to be hydraulically connected.

In addition, there is currently no 40 CFR 136-approved analytical method for inorganic arsenic. Evaluation of point source discharges for effluent limit compliance must use 40 CFR 136 methods. The current 40 CFR 136-approved method for arsenic measures the total recoverable portion of the metal, and does not differentiate the inorganic portion. No federally approved translator for inorganic-to-total recoverable arsenic in discharges exists.

Because of these issues, it is not feasible to apply numeric effluent limits for inorganic arsenic. Where numeric effluent limits are infeasible, 40 CFR 122.44(k)

provides for the use of best management practices (BMPs) to control or abate the discharge of pollutants. Monitoring for internal process control or BMP evaluation may use laboratory methods not approved under 40 CFR 136. The proposed permit includes requirements to monitor effluent for total recoverable arsenic, implementation of source control BMPs, and an adaptive management process to refine BMPs for continuous pollutant minimization.

The proposed permit requires GHEC to evaluate contributions from chemicals used in cooling tower maintenance, and reviewing quality assurance reports from bulk chemical suppliers to minimize the arsenic levels in the effluent.

III.I. Sediment quality

The aquatic sediment standards (chapter 173-204 WAC) protect aquatic biota and human health. Under these standards EFSEC may require a facility to evaluate the potential for its discharge to cause a violation of sediment standards (WAC 173-204-400). You can obtain additional information about sediments at the Aquatic Lands Cleanup Unit website[1].

GHEC's discharge of an average 0.38 MGD consists primarily of non-contact cooling water with very low suspended solids concentrations and dissolved and non-dissolved fractions of metals. The metals tend not to bind to the sands and gravels in the river; therefore metals accumulation is not expected to be of concern. Through a review of the discharger characteristics and of the effluent characteristics, EFSEC determined that this discharge has no reasonable potential to violate the sediment management standards.

Permit Special Condition S8 requires GHEC to observe the natural conditions and any solids deposition surrounding Outfall 001 during the outfall evaluation and document these observations in the report.

III.J. Groundwater quality limits

The groundwater quality standards (chapter 173-200 WAC) protect beneficial uses of groundwater. Permits issued by EFSEC must not allow violations of those standards (WAC 173-200-100).

GHEC discharges its stormwater to C-1 pond which is unlined allowing the stormwater to infiltrate into the ground. The stormwater monitoring data for Outfall 002B in Table 4 was compared to the Groundwater Quality Standards. Overall, the stormwater data was below the groundwater quality criteria.

[1] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Sediment-cleanups

III.K. Whole effluent toxicity

The water quality standards for surface waters forbid discharge of effluent that has the potential to cause toxic effects in the receiving waters. Many toxic pollutants cannot be measured by commonly available detection methods. However, laboratory tests can measure toxicity directly by exposing living organisms to the wastewater and measuring their responses. These tests measure the aggregate toxicity of the whole effluent, so this approach is called whole effluent toxicity (WET) testing. Some WET tests measure acute toxicity and other WET tests measure chronic toxicity.

- Acute toxicity tests measure mortality as the significant response to the toxicity of the effluent. Dischargers who monitor their wastewater with acute toxicity tests find early indications of any potential lethal effect of the effluent on organisms in the receiving water.
- Chronic toxicity tests measure various sublethal toxic responses, such as reduced growth or reproduction. Chronic toxicity tests often involve either a complete life cycle test on an organism with an extremely short life cycle, or a partial life cycle test during a critical stage of a test organism's life. Some chronic toxicity tests also measure organism survival.

Laboratories accredited by Ecology for WET testing must use the proper WET testing protocols, fulfill the data requirements, and submit results in the correct reporting format according to the procedures in the *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* (Publication 95-80) (Ecology, 2016). EFSEC recommends that each regulated facility send a copy of the acute or chronic toxicity sections(s) of its NPDES permit to the laboratory.

During the previous permit term, the facility conducted effluent characterization for acute and chronic toxicity in 2020 and 2023. Appendix F shows that all test results for Outfall 001 met the performance standards.

The proposed permit requires GHEC to conduct the acute and chronic toxicity testings on the final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal.

III.L. Comparison of effluent limits with the previous permit

Table 10 - Comparison of previous and proposed effluent limits – Outfall 001

Limit	Basis of limit	Existing permit limit	Proposed permit limit
Total Suspended Solid (TSS) – Average Monthly	Technology	30 mg/L	30 mg/L
Total Suspended Solid (TSS) – Maximum Daily	Technology	100 mg/L	100 mg/L
Total Residual Chlorine – Maximum Daily	Technology	--	0.2 mg/L
Oil and Grease – Average Monthly	Technology	15 mg/L	15 mg/L
Oil and Grease – Maximum Daily	Technology	20 mg/L	20 mg/L
Chromium, Total – Maximum Daily	Technology	0.2 mg/L	0.2 mg/L
pH – Daily Minimum	Technology	6.0 SU	6.0 SU
pH – Daily Maximum	Technology	9.0 SU	9.0 SU
Temperature – Maximum Daily	Site Certification Agreement	16 °C	16 °C

IV. Monitoring requirements

EFSEC requires monitoring, recording, and reporting (WAC 173-220-210 and 40 CFR 122.41) to verify that the treatment process is functioning correctly and that the discharge complies with the permit's effluent limits.

If a facility uses a contract laboratory to monitor wastewater, it must ensure that the laboratory uses the methods and meets or exceeds the method detection levels required by the permit. The permit describes when facilities may use alternative methods. It also describes what to do in certain situations when the laboratory encounters matrix effects. When a facility uses an alternative method as allowed by the permit, it must report the test method, detection level (DL), and quantitation level (QL) on the discharge monitoring report or in the required report.

IV.A. Wastewater monitoring

The monitoring schedule for Outfalls 001 and 002B is detailed in the proposed permit under Special Condition S2. Specified monitoring frequencies take into account the quantity and variability of the discharge, the treatment method, past compliance, and significance of pollutants.

EFSEC may reduce monitoring frequency by examining the performance of a discharge. The amount of reduction is dependent upon the ratio of the long term effluent average to the monthly average effluent limit based on the EPA Performance-Based Reduction of Monitoring Frequency guidance.

EFSEC is proposing to reduce the frequency of chromium monitoring from quarterly to semi-annually and to remove turbidity from annual monitoring based upon the evaluations.

IV.B. Lab accreditation

EFSEC requires that facilities must use a laboratory registered or accredited under the provisions of chapter 173-50 WAC, Accreditation of Environmental Laboratories, to prepare all monitoring data (with the exception of certain parameters). GHEC sends their final effluent and stormwater samples to the ALS Environmental Lab in Kelso, WA with an accreditation No. C544-24. The ALS Environmental Lab is accredited for: pH, total residual chlorine, total suspended solids, ammonia, chromium, oil & grease, arsenic, iron, zinc, and copper.

IV.C. Effluent limits which are near detection or quantitation levels

The water quality-based effluent concentration limits in the permit are near the limits of current analytical methods to detect or accurately quantify. The method detection limit (MDL) is defined as the minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results (as determined by a specific laboratory method). The quantitation level (QL) is the level at which a laboratory can reliably report concentrations with a specified level of error. Estimated concentrations are the values between the DL and the QL. EFSEC requires permitted facilities to report estimated concentrations. When reporting maximum daily effluent concentrations, EFSEC requires the facility to report "less than X" where X is the required detection level if the measured effluent concentration falls below the detection level.

V. Other permit conditions

V.A. Reporting and record keeping

EFSEC based Special Condition S3 on its authority to specify any appropriate reporting and record keeping requirements to prevent and control waste discharges (WAC 173-220-210).

V.B. Spill plan

This facility stores a quantity of chemicals on-site that have the potential to cause water pollution if accidentally released. EFSEC can require a facility to develop best management plans to prevent this accidental release [Section 402(a)(1) of the Federal Water Pollution Control Act (FWPCA) and RCW 90.48.080].

GHEC developed a plan for preventing the accidental release of pollutants to state waters and for minimizing damages if such a spill occurs. The proposed permit requires the facility to update this plan and submit it to EFSEC.

V.C. Solid waste control plan

GHEC must prevent pollution of the waters of the state through inappropriate disposal of solid waste or through the release of leachate from solid waste.

This proposed permit requires this facility to update the approved solid waste control plan designed to prevent solid waste from causing pollution of waters of the state. The facility must submit the updated plan to EFSEC for approval (RCW 90.48.080). Refer to the Ecology guidance document, Developing a Solid Waste Control Plan[2].

V.D. Outfall evaluation

The proposed permit requires GHEC to conduct an outfall inspection and submit a report detailing the findings of that inspection (Special Condition S.8). The inspection must evaluate the physical condition of the discharge pipe and diffusers, and evaluate the extent of sediment accumulations in the vicinity of the outfall.

V.E. Operation and maintenance manual

EFSEC requires industries to take all reasonable steps to properly operate and maintain their wastewater treatment system in accordance with state and federal regulations [40 CFR 122.41(e) and WAC 173-220-150 (1)(g)]. The facility has prepared and submitted an operation and maintenance manual as required by state regulation for the construction of wastewater treatment facilities (WAC 173-240-150). Implementation of the procedures in the operation and maintenance manual ensures the facility's compliance with the terms and limits in the permit.

V.F. General conditions

EFSEC bases the standardized General Conditions on state and federal law and regulations. They are included in all individual industrial NPDES permits issued by EFSEC.

VI. Permit issuance procedures

VI.A. Permit modifications

EFSEC may modify this permit to impose numerical limits, if necessary to comply with water quality standards for surface waters, with sediment quality standards, or with water quality standards for groundwaters, after obtaining new

[2] https://apps.ecology.wa.gov/publications/documents/0710024.pdf

information from sources such as inspections, effluent monitoring, outfall studies, and effluent mixing studies.

EFSEC may also modify this permit to comply with new or amended state or federal regulations.

VI.B. Proposed permit issuance

This proposed permit includes all statutory requirements for EFSEC to authorize a wastewater discharge. The permit includes limits and conditions to protect human health and aquatic life, and the beneficial uses of waters of the state of Washington. EFSEC proposes to issue this permit for a term of five years.

VII. References for text and appendices

Ecology. (2010). *Water Quality Program Guidance Manual: Procedures to Implement the State's Temperature Standards through NPDES Permits, Publication 06-10-100.* Retrieved from https://apps.ecology.wa.gov/publications/summarypages/0610100.html

Ecology. (2011). *Water Quality Program Guidance Manual: Supplemental Guidance on Implementing Tier II Antidegradation, Publication 11-10-073.* Retrieved from https://apps.ecology.wa.gov/publications/summarypages/1110073.html

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Ecology. (2018). *Water Quality Program Permit Writer's Manual, Publication 92-109.* Retrieved from https://apps.ecology.wa.gov/publications/summarypages/92109.html

Ecology. (2019). *Stormwater Management Manual for Eastern Washington, Publication 18-10-044.* Retrieved from https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMEW/2019SWMMEW.htm

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Ecololgy. (2019). *Developing a Solid Waste Control Plan, Publication 07-10-024.* Retrieved from https://apps.ecology.wa.gov/publications/SummaryPages/0710024.html

USEPA. (1985). *Water Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants in Surface and Ground Water. Part 2, EPA/600/6-85/002B.*

USEPA. (1988). *Technical Guidance on Supplementary Stream Design Conditions for Steady State Modeling.*

USEPA. (1991). *Technical Support Document for Water Quality-Based Toxics Control (EPA/505/2-90-001).* Washington, DC. Retrieved from https://www3.epa.gov/npdes/pubs/owm0264.pdf

USEPA Region 10. (2021). *Columbia and Lower Snake Rivers Temperature Total Maximum Daily Load.* Seattle, WA.

Washington State and EFSEC website general reference links:

Laws and Regulations[3]

Permit and Wastewater Related Information[4]

[3] http://leg.wa.gov/LawsAndAgencyRules/Pages/default.aspx
[4] https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance

Appendix A – Public Involvement Information

EFSEC proposes to reissue a permit to GHEC. The permit includes wastewater discharge limits and other conditions. This fact sheet describes the facility and EFSEC's reasons for requiring permit conditions.

EFSEC will place a Public Notice of Draft on September 28th, 2025 in The Olympian and September 30th, 2025 in The Daily World to inform the public and to invite comment on the proposed draft National Pollutant Discharge Elimination System permit and fact sheet.

The notice:

- Tells where copies of the draft Permit and Fact Sheet are available for public evaluation (the EFSEC office, posted on our website).
- Offers to provide the documents in an alternate format to accommodate special needs.
- Urges people to submit their comments, in writing, before the end of the Comment Period
- Tells how to request a public hearing of comments about the proposed NPDES permit.
- Explains the next step(s) in the permitting process.

Frequently Asked Questions about Effective Public Commenting[5]

You may obtain further information from Sara Randolph at (360) 485-1594 or Liem Nguyen by telephone (360) 790-4730 or by writing to the addresses listed below.

Water Quality Permit Coordinator Department of Ecology
Industrial Section
PO Box 47706
Olympia, WA 98504-7600

EFSEC
621 Woodland Square Loop SE
PO Box 43172
Olympia, WA 98503-3172

The primary author of this permit and fact sheet is Liem Nguyen.

[5] https://apps.ecology.wa.gov/publications/SummaryPages/0307023.html

Appendix B – Your Right to Appeal

The terms and conditions of coverage under this permit are subject to judicial review pursuant to RCW 34.05 (WAC 463-76-063). EFSEC's reissuance, modification, or revocation of the permit is subject to these same provisions.

Appendix C – Glossary

1-DMax or 1-day maximum temperature – The highest water temperature reached on any given day. This measure can be obtained using calibrated maximum/minimum thermometers or continuous monitoring probes having sampling intervals of thirty minutes or less.

7-DADMax or 7-day average of the daily maximum temperatures – The arithmetic average of seven consecutive measures of daily maximum temperatures. The 7-DADMax for any individual day is calculated by averaging that day's daily maximum temperature with the daily maximum temperatures of the three days prior and the three days after that date.

Acute toxicity – The lethal effect of a compound on an organism that occurs in a short time period, usually 48 to 96 hours.

AKART – The acronym for "all known, available, and reasonable methods of prevention, control and treatment." AKART is a technology-based approach to limiting pollutants from wastewater discharges, which requires an engineering judgment and an economic judgment. AKART must be applied to all wastes and contaminants prior to entry into waters of the state in accordance with RCW 90.48.010 and RCW 90.48.520, WAC 173-200-030(2)(c)(ii), and WAC 173-216-110(1)(a).

Alternate point of compliance – An alternative location in the groundwater from the point of compliance where compliance with the groundwater standards is measured. It may be established in the groundwater at locations some distance from the discharge source, up to, but not exceeding the property boundary and is determined on a site specific basis following an AKART analysis. An "early warning value" must be used when an alternate point is established. An alternate point of compliance must be determined and approved in accordance with WAC 173-200-060(2).

Ambient water quality – The existing environmental condition of the water in a receiving water body.

Ammonia – Ammonia is produced by the breakdown of nitrogenous materials in wastewater. Ammonia is toxic to aquatic organisms, exerts an oxygen demand, and contributes to eutrophication. It also increases the amount of chlorine needed to disinfect wastewater.

Annual average design flow (AADF) – average of the daily flow volumes anticipated to occur over a calendar year.

Average monthly (intermittent) discharge limit – The average of the measured values obtained over a calendar months' time taking into account zero discharge days.

Average monthly discharge limit – The average of the measured values obtained over a calendar months' time.

Background water quality – The concentrations of chemical, physical, biological or radiological constituents or other characteristics in or of groundwater at a particular point in time upgradient of an activity that has not been affected by that activity, [WAC 173-200-020(3)]. Background water quality for any parameter is statistically defined as the 95% upper tolerance interval with a 95% confidence based on at least eight hydraulically upgradient water quality samples. The eight samples are collected over a period of at least one year, with no more than one sample collected during any month in a single calendar year.

Best management practices (BMPs) – Schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may be further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

BOD_5 – Determining the five-day Biochemical Oxygen Demand of an effluent is an indirect way of measuring the quantity of organic material present in an effluent that is utilized by bacteria. The BOD_5 is used in modeling to measure the reduction of dissolved oxygen in receiving waters after effluent is discharged. Stress caused by reduced dissolved oxygen levels makes organisms less competitive and less able to sustain their species in the aquatic environment. Although BOD_5 is not a specific compound, it is defined as a conventional pollutant under the federal Clean Water Act.

Bypass – The intentional diversion of waste streams from any portion of a treatment facility.

Categorical pretreatment standards – National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties, which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories.

Chlorine – A chemical used to disinfect wastewaters of pathogens harmful to human health. It is also extremely toxic to aquatic life.

Chronic toxicity – The effect of a compound on an organism over a relatively long time, often 1/10 of an organism's lifespan or more. Chronic toxicity can measure survival, reproduction or growth rates, or other parameters to measure the toxic effects of a compound or combination of compounds.

Clean water act (CWA) – The federal Water Pollution Control Act enacted by Public Law 92 500, as amended by Public Laws 95-217, 95-576, 96-483, 97-117; USC 1251 et seq.

Compliance inspection-without sampling – A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations.

Compliance inspection-with sampling – A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations. In addition it includes as a minimum, sampling and analysis for all parameters with limits in the permit to ascertain compliance with those limits; and, for municipal facilities, sampling of influent to ascertain compliance with the 85 percent removal requirement. EFSEC may conduct additional sampling.

Composite sample – A mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing discrete samples. May be "time-composite" (collected at constant time intervals) or "flow-proportional" (collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increased while maintaining a constant time interval between the aliquots).

Construction activity – Clearing, grading, excavation, and any other activity, which disturbs the surface of the land. Such activities may include road building; construction of residential houses, office buildings, or industrial buildings; and demolition activity.

Continuous monitoring – Uninterrupted, unless otherwise noted in the permit.

Critical condition – The time during which the combination of receiving water and waste discharge conditions have the highest potential for causing toxicity in the receiving water environment. This situation usually occurs when the flow within a water body is low, thus, its ability to dilute effluent is reduced.

Date of receipt – This is defined in RCW 43.21B.001(2) as five business days after the date of mailing; or the date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the agency,

constitutes sufficient evidence of actual receipt. The date of actual receipt, however, may not exceed forty-five days from the date of mailing.

Detection level – or method detection limit means the minimum concentration of an analyte (substance) that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results as determined by the procedure given in 40 CFR part 136, Appendix B.

Dilution factor (DF) – A measure of the amount of mixing of effluent and receiving water that occurs at the boundary of the mixing zone. Expressed as the inverse of the percent effluent fraction, for example, a dilution factor of 10 means the effluent comprises 10% by volume and the receiving water 90%.

Distribution uniformity – The uniformity of infiltration (or application in the case of sprinkle or trickle irrigation) throughout the field expressed as a percent relating to the average depth infiltrated in the lowest one-quarter of the area to the average depth of water infiltrated.

Early warning value – The concentration of a pollutant set in accordance with WAC 173-200-070 that is a percentage of an enforcement limit. It may be established in the effluent, groundwater, surface water, the vadose zone or within the treatment process. This value acts as a trigger to detect and respond to increasing contaminant concentrations prior to the degradation of a beneficial use.

Enforcement limit – The concentration assigned to a contaminant in the groundwater at the point of compliance for the purpose of regulation, [WAC 173-200-020(11)]. This limit assures that a groundwater criterion will not be exceeded and that background water quality will be protected.

Engineering report – A document that thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report must contain the appropriate information required in WAC 173-240-060 or WAC 173-240-130.

Enterococci – A subgroup of fecal streptococci that includes *S. faecalis*, *S. faecium*, *S. gallinarum*, and *S. avium*. The enterococci are differentiated from other streptococci by their ability to grow in 6.5% sodium chloride, at pH 9.6, and at 10°C and 45°C.

E. coli – A bacterium in the family Enterobacteriaceae named Escherichia coli and is a common inhabitant of the intestinal tract of warm-blooded animals, and its presence in water samples is an indication of fecal pollution and the possible presence of enteric pathogens.

Fecal coliform bacteria – Fecal coliform bacteria are used as indicators of pathogenic bacteria in the effluent that are harmful to humans. Pathogenic bacteria

in wastewater discharges are controlled by disinfecting the wastewater. The presence of high numbers of fecal coliform bacteria in a water body can indicate the recent release of untreated wastewater and/or the presence of animal feces.

Grab sample – A single sample or measurement taken at a specific time or over as short a period of time as is feasible.

Groundwater – Water in a saturated zone or stratum beneath the surface of land or below a surface water body.

Industrial user – A discharger of wastewater to the sanitary sewer that is not sanitary wastewater or is not equivalent to sanitary wastewater in character.

Industrial wastewater – Water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business; from the development of any natural resource; or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated stormwater and, also, leachate from solid waste facilities.

Interference – A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), sludge regulations appearing in 40 CFR Part 507, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Local limits – Specific prohibitions or limits on pollutants or pollutant parameters developed by a POTW.

Major facility – A facility discharging to surface water with an EPA rating score of > 80 points based on such factors as flow volume, toxic pollutant potential, and public health impact.

Maximum daily discharge limit – The highest allowable daily discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. The daily discharge is calculated as the average measurement of the pollutant over the day.

Maximum day design flow (MDDF) – The largest volume of flow anticipated to occur during a one-day period, expressed as a daily average.

Maximum month design flow (MMDF) – The largest volume of flow anticipated to occur during a continuous 30-day period, expressed as a daily average.

Maximum week design flow (MWDF) – The largest volume of flow anticipated to occur during a continuous 7-day period, expressed as a daily average.

Method detection limit (MDL) – See Detection level.

Minor facility -- A facility discharging to surface water with an EPA rating score of < 80 points based on such factors as flow volume, toxic pollutant potential, and public health impact.

Mixing zone – An area that surrounds an effluent discharge within which water quality criteria may be exceeded. The permit specifies the area of the authorized mixing zone that EFSEC defines following procedures outlined in state regulations (chapter 173-201A WAC).

National pollutant discharge elimination system (NPDES) – Section 402 of the Clean Water Act, the federal wastewater permitting system for discharges to navigable waters of the United States. Many states, including the state of Washington, have been delegated the authority to issue these permits. NPDES permits issued by Washington State are joint NPDES/State permits issued under both state and federal laws.

pH – The pH of a liquid measures its acidity or alkalinity. It is the negative logarithm of the hydrogen ion concentration. A pH of 7 is defined as neutral and large variations above or below this value are considered harmful to most aquatic life.

Pass-through – A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation), or which is a cause of a violation of State water quality standards.

Peak hour design flow (PHDF) – The largest volume of flow anticipated to occur during a

one-hour period, expressed as a daily or hourly average.

Peak instantaneous design flow (PIDF) – The maximum anticipated instantaneous flow.

Point of compliance – The location in the groundwater where the enforcement limit must not be exceeded and a facility must comply with the Ground Water Quality Standards. EFSEC determines this limit on a site-specific basis. EFSEC locates the point of compliance in the groundwater as near and directly downgradient from the pollutant source as technically, hydrogeologically, and geographically feasible, unless it approves an alternative point of compliance.

Potential significant industrial user (PSIU) – A potential significant industrial user is defined as an Industrial User that does not meet the criteria for a Significant Industrial User, but which discharges wastewater meeting one or more of the following criteria:

- Exceeds 0.5 % of treatment plant design capacity criteria and discharges <25,000 gallons per day or;
- Is a member of a group of similar industrial users which, taken together, have the potential to cause pass through or interference at the POTW (e.g. facilities which develop photographic film or paper, and car washes).

EFSEC may determine that a discharger initially classified as a potential significant industrial user should be managed as a significant industrial user.

Quantitation level (QL) – also known as Minimum level (ML) – The term "minimum level" refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (DL), whichever is higher. Minimum levels may be obtained in several ways: They may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the DL in a method, or the DL determined by a laboratory, by a factor of 3. For the purposes of NPDES compliance monitoring, EPA considers the following terms to be synonymous: "quantitation limit," "reporting limit," and "minimum level".

Reasonable potential – A reasonable potential to cause or contribute to a water quality violation, or loss of sensitive and/or important habitat.

Responsible corporate officer – A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign

documents has been assigned or delegated to the manager in accordance with corporate procedures (40 CFR 122.22).

Sample Maximum – No sample may exceed this value.

Significant industrial user (SIU) –

- All industrial users subject to Categorical Pretreatment Standards under 40 CFR Chapter I, Subchapter N and 40 CFR 403.6 and;
- Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater); contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority* on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8(f)(6)].

Upon finding that the industrial user meeting the criteria in the second paragraph has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority* may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

*The term "Control Authority" refers to the Washington State Department of EFSEC in the case of non-delegated POTWs or to the POTW in the case of delegated POTWs.

Slug discharge – Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge to the POTW. This may include any pollutant released at a flow rate that may cause interference or pass through with the POTW or in any way violate the permit conditions or the POTW's regulations and local limits.

Soil scientist – An individual who is registered as a Certified or Registered Professional Soil Scientist or as a Certified Professional Soil Specialist by the American Registry of Certified Professionals in Agronomy, Crops, and Soils or by the National Society of Consulting Scientists or who has the credentials for membership. Minimum requirements for eligibility are: possession of a baccalaureate, masters, or doctorate degree from a U.S. or Canadian institution with a minimum of 30 semester hours or 45 quarter hours professional core courses in

agronomy, crops or soils, and have 5, 3, or 1 years, respectively, of professional experience working in the area of agronomy, crops, or soils.

Solid waste – All putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

Soluble BOD_5 – Determining the soluble fraction of Biochemical Oxygen Demand of an effluent is an indirect way of measuring the quantity of soluble organic material present in an effluent that is utilized by bacteria. Although the soluble BOD_5 test is not specifically described in Standard Methods, filtering the raw sample through at least a 1.2 um filter prior to running the standard BOD_5 test is sufficient to remove the particulate organic fraction.

State waters – Lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Stormwater – That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface water body, or a constructed infiltration facility.

Technology-based effluent limit – A permit limit based on the ability of a treatment method to reduce the pollutant.

Total coliform bacteria – A microbiological test, which detects and enumerates the total coliform group of bacteria in water samples.

Total dissolved solids – That portion of total solids in water or wastewater that passes through a specific filter.

Total maximum daily load (TMDL) – A determination of the amount of pollutant that a water body can receive and still meet water quality standards.

Total suspended solids (TSS) – Total suspended solids is the particulate material in an effluent. Large quantities of TSS discharged to a receiving water may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

Upset – An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventative maintenance, or careless or improper operation.

Water quality-based effluent limit – A limit imposed on the concentration of an effluent parameter to prevent the concentration of that parameter from exceeding its water quality criterion after discharge into receiving waters.

Appendix D — Technical Calculations

Reasonable Potential Analysis:

EFSEC uses spreadsheet tools to determine reasonable potential (to cause or contribute to violations of the aquatic life and human health water quality numeric standards) and to calculate effluent limits. The process and formulas for determining reasonable potential and effluent limits in these spreadsheets come from the *Technical Support Document for Water Quality-based Toxics Control*, (EPA 505/2-90-001) (USEPA, 1991). The adjustment for autocorrelation is from EPA (1996a), and EPA (1996b).

Appendix E — Reasonable Potential Calculation

Reasonable Potential Calculation

Facility	Grays Harbor Energy Center
Water Body Type	Freshwater
Rec. Water Hardness	33.2 mg/L

Dilution Factors:	Acute	Chronic
Aquatic Life	4.0	51.0
Human Health Carcinogenic		67.0
Human Health Non-Carcinogenic		67.0

Pollutant, CAS No. & NPDES Application Ref. No.			AMMONIA, Criteria as Total NH3	ANTIMONY (INORGANIC) 7440360 1M	CADMIUM - 7440439 4M Hardness dependent	COPPER - 744058 6M Hardness dependent	LEAD - 7439921 7M Dependent on hardness	MERCURY 7439976 8M	NICKEL - 7440020 9M - Dependent on hardness	SELENIUM 7782492 10M	ZINC - 7440666 13M hardness dependent	PHENOL 108952 10A	CHLOROFORM 67663 11V
Effluent Data	# of Samples (n)		5	5	5	5	5	5	5	5	5	1	2
	Coeff of Variation (Cv)		0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6
	Effluent Concentration, ug/L (Max. or 95th Percentile)		180	2.29	0.021	0.87	0.038	0.00724	0.68	1.4	3	7	0.39
	Calculated 50th percentile Effluent Conc. (when n>10)												
Receiving Water Data	90th Percentile Conc., ug/L		0			2.7	0.11		0.74		3		
	Geo Mean, ug/L												
Water Quality Criteria	Aquatic Life Criteria, ug/L	Acute	19,727	-	1.119587	6.02116	19.09078	2.1	556.883	20	44.9641	-	-
		Chronic	1,549	-	0.455799	4.42428	0.74394	0.012	61.84633	5	41.0591	-	-
	WQ Criteria for Protection of Human Health, ug/L		-	6	-	1300	-	0.14	80	60	1000	9000	100
	Metal Criteria Translator, decimal	Acute	-	-	0.943	0.996	0.466	0.85	0.998	-	0.996	-	-
		Chronic	-	-	0.943	0.996	0.466	-	0.997	-	0.996	-	-
	Carcinogen?		N	N	N	N	N	N	N	N	N	N	Y

Aquatic Life Reasonable Potential

Effluent percentile value			0.950		0.950	0.950	0.950	0.950	0.950	0.950	0.950	
s	$s^2=\ln(CV^2+1)$		0.555		0.555	0.555	0.555	0.555	0.555	0.555	0.555	
Pn	Pn=(1-confidence level)$^{1/n}$		0.549		0.549	0.549	0.549	0.549	0.549	0.549	0.549	
Multiplier			2.32		2.32	2.32	2.32	2.32	2.32	2.32	2.32	
Max concentration (ug/L) at edge of…		Acute	105		0.012	2.529	0.093	0.004	0.949	0.814	3.986	
		Chronic	8		0.001	2.687	0.109	0.000	0.756	0.064	3.077	
Reasonable Potential? Limit Required?			**NO**		**NO**	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**	

Aquatic Life Limit Calculation

# of Compliance Samples Expected per month											
LTA Coeff. Var. (CV), decimal											
Permit Limit Coeff. Var. (CV), decimal											
Waste Load Allocations, ug/L		Acute									
		Chronic									
Long Term Averages, ug/L		Acute									
		Chronic									
Limiting LTA, ug/L											
Metal Translator or 1?											
Average Monthly Limit (AML), ug/L											
Maximum Daily Limit (MDL), ug/L											

Human Health Reasonable Potential

s	$s^2=\ln(CV^2+1)$	0.55451	0.55451	0.554513	0.554513	0.55451	0.55451	0.55451	0.55451
Pn	Pn=(1-confidence level)1/n	0.549	0.549	0.549	0.549	0.549	0.549	0.050	0.224
Multiplier		0.93363	0.93363	0.933632	0.933632	0.93363	0.93363	2.48953	1.5242
Dilution Factor		67	67	67	67	67	67	67	67
Max Conc. at edge of Chronic Zone, ug/L		0.03191	0.01212	1.0E-04	9.5E-03	0.01951	0.0418	0.2601	0.00887
Reasonable Potential? Limit Required?		**NO**	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Reasonable Potential Calculation - Page 2

Facility	Grays Harbor Energy Center
Water Body Type	Freshwater
Rec. Water Hardness	33.2 mg/L

Dilution Factors:	Acute	Chronic
Aquatic Life	4.0	51.0
Human Health Carcinogenic		67.0
Human Health Non-Carcinogenic		67.0

Pollutant, CAS No. & NPDES Application Ref. No.		DICHLOROBROMOMETHANE 75274 12V	ALUMINUM, pH 5.0-10.5 7429905	IRON 7439896	MANGANESE 7439965	ARSENIC (dissolved) 7440382 2M	CHROMIUM(HEX) 18540299						
Effluent Data	# of Samples (n)	2	1	5	1	56	56	56					
	Coeff of Variation (Cv)	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	
	Effluent Concentration, ug/L (Max. or 95th Percentile)	0.08	4	56.9	2.12	8.7	2.6	2.6					
	Calculated 50th percentile Effluent Conc. (when n>10)							3.095					
Receiving Water Data	90th Percentile Conc., ug/L												
	Geo Mean, ug/L												
Water Quality Criteria	Aquatic Life Criteria, ug/L — Acute	-	750	-	-	360	15						
	Aquatic Life Criteria, ug/L — Chronic	-	87	1000	-	190	10						
	WQ Criteria for Protection of Human Health, ug/L	0.73	-	300	50	-	-						
	Metal Criteria Translator, decimal — Acute	-	-	-	-	1	-						
	Metal Criteria Translator, decimal — Chronic	-	-	-	-	1	-						
	Carcinogen?	Y	N	N	N	Y	N						

Aquatic Life Reasonable Potential

Effluent percentile value			0.950	0.950		0.950	0.950						
s	$s^2=\ln(CV^2+1)$		0.555	0.555		0.555	0.555						
Pn	$Pn=(1\text{-confidence level})^{1/n}$		0.050	0.549		0.948	0.948						
Multiplier			6.20	2.32		1.00	1.00						
Max concentration (ug/L) at edge of…	Acute		6.198	33.063		2.175	0.650						
	Chronic		0.486	2.593		0.171	0.051						
Reasonable Potential? Limit Required?			**NO**	**NO**		**NO**	**NO**						

Aquatic Life Limit Calculation

# of Compliance Samples Expected per month													
LTA Coeff. Var. (CV), decimal													
Permit Limit Coeff. Var. (CV), decimal													
Waste Load Allocations, ug/L	Acute												
	Chronic												
Long Term Averages, ug/L	Acute												
	Chronic												
Limiting LTA, ug/L													
Metal Translator or 1?													
Average Monthly Limit (AML), ug/L													
Maximum Daily Limit (MDL), ug/L													

Human Health Reasonable Potential

s	$s^2=\ln(CV^2+1)$	0.55451	0.554513	0.55451
Pn	Pn=(1-confidence level)1/n	0.224	0.549	0.050
Multiplier		1.5242	0.933632	2.48953
Dilution Factor		67	67	67
Max Conc. at edge of Chronic Zone, ug/L		0.00182	0.792891	0.07877
Reasonable Potential? Limit Required?		**NO**	**NO**	**NO**

Appendix F — WET Test Result Summary

WET Test Results Summary for GHEC (WA0024961)

Scheduled	Test Code	Collected	Start Date	Duration	Organism	Endpoint	NOEC	LOEC	Effluent Survival (100%)	Met Performance Standard?
2020 November	CDUD1658	11/9/2020	11/10/2020	Chronic	*Daphnia* Water Flea	7-Day Survival	100%	>100%	NA	Yes
						7-Day Reproduction	20%	40%		
2020 November	CDUD1659	11/9/2020	11/10/2020	Chronic	*pimephales promelas* Fathead Minnow	7-Day Survival	100%	>100%	NA	Yes
						7-Day Biomass	100%	>100%		
						7-Day Weight	100%	>100%		
2020 November	CDUD1660	11/9/2020	11/10/2020	Acute	*Daphnia* Water Flea	48-Hour Survival	100%	>100%	100.0%	Yes
2020 November	CDUD1661	11/9/2020	11/10/2020	Acute	*pimephales promelas* Fathead Minnow	96-Hour Survival	100%	>100%	100.0%	Yes
2020 August	CDUD1662	8/17/2020	8/18/2020	Chronic	*Daphnia* Water Flea	7-Day Survival	100%	>100%	NA	Yes
						7-Day Reproduction	100%	>100%		
2020 August	CDUD1663	8/17/2020	8/18/2020	Chronic	*pimephales promelas* Fathead Minnow	7-Day Survival	100%	>100%	NA	Yes
						7-Day Biomass	100%	>100%		
						7-Day Weight	100%	>100%		
2020 August	CDUD1664	8/17/2020	8/18/2020	Acute	*Daphnia* Water Flea	48-Hour Survival	100%	>100%	95.0%	Yes
2020 August	CDUD1665	8/17/2020	8/18/2020	Acute	*pimephales promelas* Fathead Minnow	96-Hour Survival	100%	>100%	100.0%	Yes
2020 April	CDUD1666	4/6/2020	4/7/2020	Chronic	*Daphnia* Water Flea	7-Day Survival	100%	>100%	NA	Yes
						7-Day Reproduction	20%	40%		
2020 April	CDUD1667	4/6/2020	4/7/2020	Chronic	*pimephales promelas* Fathead Minnow	7-Day Survival	100%	>100%	NA	Yes
						7-Day Biomass	100%	>100%		
						7-Day Weight	100%	>100%		
2020 April	CDUD1668	4/6/2020	4/7/2020	Acute	*Daphnia* Water Flea	48-Hour Survival	100%	>100%	100.0%	Yes
2020 April	CDUD1669	4/6/2020	4/7/2020	Acute	*pimephales promelas* Fathead Minnow	96-Hour Survival	100%	>100%	100.0%	Yes
2020 January	CDUD1670	4/6/2020	4/7/2020	Chronic	*Daphnia* Water Flea	7-Day Survival	100%	>100%	NA	Yes
						7-Day Reproduction	100%	>100%		
2020 January	CDUD1671	4/6/2020	4/7/2020	Chronic	*pimephales promelas* Fathead Minnow	7-Day Survival	100%	>100%	NA	Yes
						7-Day Biomass	100%	>100%		
						7-Day Weight	100%	>100%		
2020 January	CDUD1672	4/6/2020	4/7/2020	Acute	*Daphnia* Water Flea	48-Hour Survival	100%	>100%	100.0%	Yes
2020 January	CDUD1673	4/6/2020	4/7/2020	Acute	*pimephales promelas* Fathead Minnow	96-Hour Survival	100%	>100%	100.0%	Yes
2023 January	CDUD1674	1/25/2020	1/26/2020	Chronic	*Daphnia* Water Flea	7-Day Survival	100%	>100%	NA	Yes
						7-Day Reproduction	100%	>100%		
2023 January	CDUD1675	1/25/2020	1/26/2020	Chronic	*pimephales promelas* Fathead Minnow	7-Day Survival	100%	>100%	NA	Yes
						7-Day Biomass	100%	10%		
						7-Day Weight	100%	10%		
2023 January	CDUD1676	1/25/2020	1/26/2020	Acute	*Daphnia* Water Flea	48-Hour Survival	100%	>100%	100.0%	Yes
2023 January	CDUD1677	1/25/2020	1/26/2020	Acute	*pimephales promelas* Fathead Minnow	96-Hour Survival	100%	>100%	95.0%	Yes
2023 August	CDUD1678	8/2/2023	8/3/2023	Chronic	*Daphnia* Water Flea	7-Day Survival	100%	>100%	NA	Yes
						7-Day Reproduction	100%	>100%		
2023 August	CDUD1679	8/2/2023	8/3/2023	Chronic	*pimephales promelas* Fathead Minnow	7-Day Survival	100%	>100%	NA	Yes
						7-Day Biomass	100%	10%		
						7-Day Weight	100%	10%		
2023 August	CDUD1680	8/2/2023	8/3/2023	Acute	*Daphnia* Water Flea	48-Hour Survival	100%	>100%	100.0%	Yes
2023 August	CDUD1681	8/2/2023	8/3/2023	Acute	*pimephales promelas* Fathead Minnow	96-Hour Survival	100%	>100%	97.5%	Yes

Appendix G — Response to Comments

[EFSEC will complete this section after the public notice of draft period.]

Issuance Date: _?_

Effective Date: _?_

Expiration Date: _?_

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTE DISCHARGE PERMIT WA0024961

State of Washington
Energy Facility Site Evaluation Council
1300 S. Evergreen Park Dr. SW
PO Box 43172
Olympia, WA 98504

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1342 et seq

Grays Harbor Energy Center
401 Keys Road
Elma, WA 98541

is authorized to discharge in accordance with the Special and General Conditions that follow.

Facility Location:
401 Keys Road, Elma, WA 98541

Industry Type:
Industrial Generating Plant

Treatment Type: Industrial Wastewater

Receiving Water: Chehalis River

SIC Code: 4911

NAIC Code: 221112

Kurt Beckett
Chair, Energy Facility Site Evaluation Council

SUMMARY OF PERMIT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Table 1 – Summary of permit submittals

Permit Section	Submittal	Frequency	First submittal date
S2.B	Monthly Stormwater Inspections	Quarterly	With first quarterly DMR
S3.A	Discharge Monitoring Report (DMR)	Monthly	Enter a specific date
S3.A	Discharge Monitoring Report – Outfall 002B (DMR)	Quarterly	Enter specific dates
S3.A	Priority Pollutant Data - Single Sample Discharge Monitoring Report	Annually	Enter a specific date
S3.F	Reporting permit violations	As necessary	
S4.A.1.a	Operations and Maintenance Manual Update	1/permit cycle	January 1, 20--
S4.A.1.b	Operations and Maintenance Manual review confirmation letter	Annually	January 1, 20--
S4.A.3	Treatment System Operating Plan	1/permit cycle	With the permit renewal application by
S4.B	Reporting bypasses	As necessary	
S5.C	Solid Waste Control Plan	1/permit cycle	With the permit renewal application by
S5.C	Modification to Solid Waste Plan	As necessary	
S6	Application for Permit Renewal	1/permit cycle	Insert date from S6
S6	Modification for Facility Changes	As necessary	
S7.A	Spill Plan Update	1/permit cycle, updates submitted as necessary	January --, 2026
S8	Outfall Evaluation Inspection Report	1/permit cycle	With the permit renewal application
S9.A.4	Acute Toxicity Testing Report	Twice per permit cycle	30 days after the end of

Permit Section	Submittal	Frequency	First submittal date
			monitoring month
S10.A.4	Chronic Toxicity Testing Report	Twice per permit cycle	30 days after the end of monitoring month
S11	Pollutant Minimization Evaluation and Review	At least annually	Keep records on site for review
S12	Cooling Water Maintenance Chemical Reporting	Annually	February 15
G1.3	Notice of change in authorization	As necessary	
G4.3	Permit application for substantive changes to the discharge	As necessary	
G5	Engineering report for construction or modification activities	As necessary	
G7.2.b	Notice of permit transfer	As necessary	
G10	Duty to provide information	As necessary	
G21	Compliance schedules	As necessary	

SPECIAL CONDITIONS

S1. Discharge limits

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

S1.A. Process wastewater discharges

The discharge of any of the following pollutants more frequently than, or at a level in excess of that identified and authorized by this permit violates the terms and conditions of this permit.

Beginning on the effective date of this permit, the Permittee is authorized to discharge treated process wastewater to the Chehalis River at the permitted location subject to complying with the following limits:

Table 2 – Effluent limits: Outfall 001

Latitude: 46.972056 Longitude: 123.490528

Parameter	Average Monthly [a]	Maximum Daily [b]
Temperature	--	16º C
Total Suspended Solids (TSS)	30 mg/L	100 mg/L
Total Residual Chlorine	--	0.2 mg/L
Oil and Grease	15 mg/L	20 mg/L
Chromium, Total	--	0.2 mg/L
Priority Pollutants and PCBs [c]	--	Non-Detect

Parameter	Minimum	Maximum
pH [d]	6.0 standard units	9.0 standard units

Footnotes:

[a] Average monthly effluent limit means the highest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the limit, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured.
[b] Maximum daily effluent limit is the highest allowable daily discharge. The daily discharge is the average discharge of a pollutant measured during a calendar day. For pollutants with limits expressed in units of mass, calculate the daily discharge as the total mass of the pollutant discharged over the day. The average daily measurement does not apply to pH or temperature.
[c] 126 Priority pollutants (except chromium and zinc) contained in chemicals added for cooling tower maintenance, see Special Condition S12.
[d] When pH is continuously monitored, excursions between 5.0 and 6.0, or 9.0 and 10.0 are not considered violations if no single excursion exceeds 60 minutes in length and total excursions do not exceed 7 hours and 26 minutes per month. Any excursions below 5.0 and above 10.0 at any time are violations.

S1.B. Stormwater discharges

Beginning on the effective date of this permit, the Permittee is authorized to discharge stormwater to stormwater retention pond (C-1) via Outfall 002B.

The Permittee must manage all stormwater discharges to prevent the discharge of crude, synthetic or processed oil, or oil-containing products as identified by an oil sheen.

S1.C. Mixing zone authorization

Mixing zone for Outfall 001

The following paragraphs define the maximum boundaries of the mixing zones.

Chronic mixing zone

The width of the chronic mixing zone is limited to a distance of 65 feet. The length of the chronic mixing zone extends 100 feet upstream and 303 feet downstream of the outfall. The mixing zone extends from the bottom to the top of the water column. The mixing zone must not utilize greater than 25% of the flow. The concentration of pollutants at the edge of the chronic zone must meet Chronic Aquatic Life Criteria and Human Health Criteria.

Acute mixing zone

The width of the acute mixing zone is limited to a distance of 6.5 feet. The length of the acute mixing zone extends 10 feet upstream and 30.3 feet downstream of the outfall. The mixing zone extends from the bottom to the top of the water column. The acute mixing zone must not utilize greater than 2.5% of the flow. The concentration of pollutants at the edge of the acute zone must meet Acute Aquatic Life Criteria.

Table 3 – Dilution factors

Criteria	Dilution factor
Acute Aquatic Life Criteria	4
Chronic Aquatic Life Criteria	51
Human Health Criteria - Carcinogen	67
Human Health Criteria - Non-carcinogen	67

S2. Monitoring requirements

S2.A. Process wastewater monitoring schedule - Outfall 001

The Permittee must monitor in accordance with the following schedule and the requirements specified in Appendix A.

Table 4 – Effluent Outfall 001

Parameter	Units & speciation	Minimum sampling frequency	Sample type
Temperature	degree Centigrade (°C)	Continuous [a]	Meter
Flow	million gallons/day (mgd)	Continuous [a]	Meter
pH [b]	Standard Units	Continuous [a]	Meter
Total Residual Chlorine	mg/L	Continuous [a]	Meter
Total Suspended Solids (TSS)	mg/L	Monthly [e]	Grab [d]
Oil and Grease (O&G)	mg/L	Monthly [e]	Grab [d]
Arsenic, Total	µg/L	Monthly [e]	Grab [d]
Chromium, Total	mg/L	Semi-annually [f]	Grab [d]

Table 5 – Priority Pollutant and PCBs, final wastewater effluent (see Appendix A to identify the specific pollutants in the priority pollutant groups listed below)

Parameter	Units & speciation	Minimum sampling frequency	Sample type
Priority Pollutants (PP) [g] – Total Metals, Ammonia, Iron, and Total Residual Chlorine	µg/L; ng/L for mercury	Annually	Grab [d]
PP – Volatile Organic Compounds	µg/L	Every two years	Grab [d]
PP – Acid-extractable Compounds	µg/L	Every two years	Grab [d]
PP – Base-neutral Compounds	µg/L	Every two years	Grab [d]
PP – Pesticides/PCBs	µg/L	Every two years	Grab [d]

Table 6 – Permit renewal application requirements, final wastewater effluent

Parameter	Units & speciation	Minimum sampling frequency	Sample type
Conventional Pollutants, Nonconventional Pollutants, Cyanide, and Total Phenols	mg/L or µg/L	Once per permit cycle (with permit renewal application)	Grab [d]

Table 7 – Production

Parameter	Units & speciation	Minimum sampling frequency	Monthly Average
Production	Megawatts-hours	daily	Recorded

Table 8 – Additional monitoring final wastewater effluent

Monitoring type	Description
Acute Whole Effluent Toxicity Testing	As specified in condition S9
Chronic Whole Effluent Toxicity Testing	As specified in condition S10

Footnotes:

[a] Continuous means uninterrupted except for brief lengths of time for calibration, power failure, or unanticipated equipment repair or maintenance. The time interval for the associated data logger must be no greater than 30 minutes. The Permittee must collect grab samples every 4 hours when continuous monitoring is not possible. If measuring temperature continuously, the Permittee must determine and report a daily maximum from half-hour measurements in a 24-hour period. Continuous monitoring instruments must achieve an accuracy of 0.2 degrees C and the Permittee must verify accuracy annually.
[b] Record and report the: Number of minutes the pH value measured between 5.0 and 6.0 and between 9.0 and 10.0 for each day; total minutes for the month; and the monthly instantaneous maximum and minimum pH. Do not average pH values. If multiple excursions occur during the day, note the duration for each excursion in the notation field in the parameter notes.
[c] Weekly means once per week.
[d] Grab means an individual sample collected over a fifteen (15) minute, or less, period.
[e] Monthly means once every calendar month.
[f] Semi-annually sampling periods are January through June, and July through December, starting _____.
[g] Priority pollutant scans for total metals must use total recoverable metal laboratory methods for all parameters except for hexavalent chromium. The 40 Code of Federal Regulations (CFR) 136 method for hexavalent chromium measures only its dissolved form.

S2.B. Stormwater monitoring and additional requirements – Outfall 002B

The Permittee must monitor stormwater in accordance with the following schedule and the requirements specified in Appendix A.

Table 9 – Stormwater effluent Outfall 002B

Parameter	Units & speciation	Minimum sampling frequency	Sample type
Copper, Total	µg/L	Quarterly [a]	Grab [b]
Iron, Total	µg/L	Quarterly [a]	Grab [b]
Zinc, Total	µg/L	Quarterly [a]	Grab [b]
Chloride	mg/L	Quarterly [a]	Grab [b]
pH	Standard Units	Quarterly [a]	Grab [b]
Oil and Grease	No visible sheen	Quarterly [a]	Visual inspection

[a] Quarterly sampling periods are January through March, April through June, July through September, and October through December, starting _____.

[b] Grab means an individual sample collected over a fifteen (15) minute, or less, period.

If there is no discharge during an entire quarter, the Permittee must submit a discharge monitoring report to EFSEC and Ecology stating that no discharge occurred.

The Permittee must sample the stormwater discharge during the first fall storm event each year. "First fall storm event" means the first time after October 1st of each year that precipitation occurs and results in a stormwater discharge from a facility.

The Permittee must collect samples within the first 12 hours of stormwater discharge events. If it is not possible to collect a sample within the first 12 hours of a stormwater discharge event, the Permittee must collect the sample as soon as practicable after the first 12 hours, and keep documentation with the sampling records explaining why they could not collect samples within the first 12 hours.

The Permittee is not required to sample outside of regular environmental staff business hours (Monday-Friday from 8:00am - 5:00pm), during unsafe conditions, or during quarters where there is no discharge.

For each stormwater sample taken, the Permittee must record the following information and retain it on-site for EFSEC and/or Ecology review.

a. Sample date.
b. Sample time.
c. A notation describing if the Permittee collected the sample within the first 12 hours of stormwater discharge events.
d. An explanation of why it could not collect a sample within the first 12 hours of a stormwater discharge event, if it was not possible.
e. Sample location.

f. Method of sampling, and method of sample preservation, if applicable.
g. Individual who performed the sampling.

Monthly Stormwater Inspections

The Permittee must conduct and document monthly visual stormwater inspections. The inspection must be conducted by qualified personnel.

Each inspection must include visual observations made at the stormwater sampling location and areas where the stormwater is discharged off-site. The inspection must include observations for the presence of floating materials, visible sheen, discoloration, odor, or presence of illicit discharges. The inspection must include an assessment of all Best Management Practices (BMPs) that have been implemented, the effectiveness of the BMPs, and whether any maintenance or changes in BMPs are needed.

If an illicit discharge is discovered, the Permittee must notify EFSEC within 7 days. The Permittee must eliminate the illicit discharge within 30 days.

The Permittee must record the results of each inspection including:
a. Time and date of the inspection.
b. Locations inspected.
c. Any observations of non-compliance and the remedial actions the Permittee plans to take.
d. Name, title, and signature of the person conducting the inspection.

The Permittee must submit the results of quarterly stormwater monitoring and monthly visual inspections to EFSEC and Ecology with the quarterly DMR by the due dates below:

Reporting Period	Months	Quarterly Results
1st Quarter	January, February, and March	May 15
2nd Quarter	April, May, and June	August 15
3rd Quarter	July, August, and September	November 15
4th Quarter	October, November, and December	February 15

S2.C. Sampling and analytical procedures

Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 Code of Federal Regulations (CFR) Part 136 [or as applicable in 40 CFR subchapter N (Parts 400-471) or 40 CFR Subchapter O (Parts 501-503)] unless otherwise specified in this permit. EFSEC may specify alternative methods only for parameters without limits and for those parameters without an EPA-approved test method in 40 CFR Part 136.

S2.D. Flow measurement, field measurement, and continuous monitoring devices

The Permittee must:

1. Select and use appropriate flow measurement, field measurement, and continuous monitoring devices and methods consistent with accepted scientific practices.
2. Install, calibrate, and maintain the devices to ensure the accuracy of the measurements is consistent with the accepted industry standard, the manufacturer's recommendation, and approved Operation and Maintenance (O&M) Manual procedures for the device and the wastestream.
3. Calibrate continuous monitoring instruments (pH, total residual chlorine, and temperature) at least monthly and (flow) at least annually. The Permittee:
    - Must calibrate continuous pH, total residual chlorine, and temperature measurement instruments according to the manufacturer's requirements.
4. Calibrate micro-recording Temperature devices, known as thermistors, using protocols from *Standard Operating Procedure EAP080, Version 2.2, Continuous Temperature Monitoring of Freshwater Rivers and Streams* (Ecology, 2022). Calibration as specified in this document is not required if the Permittee uses recording devices certified by the manufacturer.
5. Use field measurement devices as directed by the manufacturer and do not use reagents beyond their expiration dates.
6. Establish a calibration frequency for each device or instrument in the O&M Manual that conforms to the frequency recommended by the manufacturer.
7. Calibrate flow monitoring devices at a minimum frequency of at least one calibration per year.
8. Maintain calibration records for at least three years.

S2.E. Laboratory accreditation

The Permittee must ensure that all monitoring data required by EFSEC for permit specified parameters is prepared by a laboratory registered or accredited under the provisions of Chapter 173-50 Washington Administrative Code (WAC), Accreditation of Environmental Laboratories. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from the requirement. The Permittee must obtain accreditation for conductivity and pH if it must receive accreditation or registration for other parameters.

S2.F. Request for reduction in monitoring (Stormwater)

The Permittee may request a reduction of the sampling frequency after 12 months of monitoring. EFSEC will review each request and at its discretion grant the request when it reissues the permit or by a permit modification.

The Permittee must:

1. Provide a written request to EFSEC and Ecology,
2. Clearly state the parameters for which it is requesting reduced monitoring, and
3. Clearly state the justification for the reduction.

S3.Reporting and recording requirements

The Permittee must monitor and report in accordance with the following conditions. Falsification of information submitted to Ecology and EFSEC is a violation of the terms and conditions of this permit.

S3.A. Discharge Monitoring Reports

The first monitoring period begins on the effective date of the permit (unless otherwise specified). The Permittee must:

1. Summarize, report, and submit monitoring data obtained during each monitoring period on the electronic Discharge Monitoring Report (DMR) form provided by Ecology within the Water Quality Permitting Portal[1]. Include data for each of the parameters tabulated in Special Conditions S2 and as required by the form. Report a value for each day sampling occurred (unless specifically exempted in the permit) and for the summary values (when applicable) included on the electronic form.
2. Submit DMRs no later than the dates specified below, unless otherwise specified in this permit.

[1] https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance

3. Submit DMRs for parameters with the monitoring frequencies specified in S2 (monthly, quarterly, annual, etc.) at the reporting schedule identified below. The Permittee must:
   a. Submit **monthly** DMRs by the 15th day of the following month.
   b. Submit **quarterly** DMRs, unless otherwise specified in the permit, by the 15th day of the month following the monitoring period. Quarterly sampling periods are January through March, April through June, July through September, and October through December. The Permittee must submit the first quarterly DMR by _____ for the quarter beginning on__.
   c. Submit semiannual DMRs, unless otherwise specified in the permit, by July 15th and January 15th of each year. Semiannual sampling periods are January through June, and July through December, starting _____.
   d. Submit **single sample** DMRs, unless otherwise specified in the permit, by January 15th for the previous calendar year. The annual sampling period is a calendar year, starting _____.
   e. Submit **permit renewal application monitoring data** in WQWebDMR, as required in Special Condition S2, by _____.
4. Enter the "No Discharge" reporting code for an entire DMR, for a specific monitoring point, or a specific parameter as appropriate, if the Permittee did not discharge wastewater or a specific pollutant during a given monitoring period.
5. Report single analytical values below detection as "less than the Detection Level (DL)" by entering the < followed by the numeric value of the detection level (e.g. < 2.0) on the DMR. If the method used did not meet the minimum DL and Quantitation Level (QL) identified in the permit report the actual QL and DL in the comments or in the location provided.
6. Report single analytical values between the DL and the QL by entering the estimated value, the code for estimated value/below quantitation limit (J) and any additional information in the comments.
7. Report the test method used for analysis in the comments if the laboratory used an alternative method not specified in the permit and as allowed in Appendix A or Special Condition S2.
8. Calculate average values and calculated total values (unless otherwise specified in the permit) using:
   a. The reported numeric value for all parameters measured between the detection value and the quantitation value for the sample analysis.
   b. One-half (1/2) the detection value (for values reported below detection) if the lab detected the parameter in another sample from the same monitoring point for the reporting period.

c. Zero (for values reported below detection) if the lab did not detect the parameter in another sample for reporting period.

9. Report single-sample grouped parameters (for example: priority pollutants, PAHs, pulp and paper chlorophenolics, TTOs) on the WQWebDMR form and include: sample date, concentration detection, DL (as necessary), and laboratory QL (as necessary).
10. In addition to reporting through WQWebDMR, permittee must submit an e-copy of the DMR to EFSEC at the following address:

    EFSEC
    621 Woodland Square Loop SE
    P.O. Box 43172
    Olympia, WA 98503-3172

S3.B. Permit submittals and schedules

The Permittee must use the Water Quality Permitting Portal – Permit Submittals application (unless otherwise specified in the permit) to submit all other written permit required reports by the date specified in the permit.

When another permit condition requires submittal of a paper (hard-copy) report, the Permittee must ensure that it is postmarked or received by Ecology no later than the dates specified by this permit. Send these paper reports to Ecology at:

Water Quality Permit Coordinator
Department of Ecology
Industrial Section
PO Box 47706
Olympia, WA 98504-7600

And to EFSEC at:

EFSEC
621 Woodland Square Loop SE
P.O. Box 43172
Olympia, WA 98503-3172

S3.C. Records retention

The Permittee must retain records of all monitoring information for a minimum of three years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by EFSEC.

S3.D. Recording of results

For each measurement or sample taken, the Permittee must record the following information:

1. The date, exact place, method, and time of sampling or measurement.
2. The individual who performed the sampling or measurement.
3. The date and time the analysis was performed.
4. The individual who performed the analysis.
5. The analytical technique or method used.
6. The results of all analyses.

S3.E. Additional monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by Special Condition S2 of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data submitted in the Permittee's DMR unless otherwise specified by Special Condition S2.

S3.F. Reporting permit violations

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.
2. If applicable, immediately repeat sampling and analysis. Submit the results of any repeat sampling to EFSEC within 30 days of sampling.

    a. Immediate reporting

    The Permittee must **immediately** report to EFSEC, Ecology, and the Department of Health, Drinking Water Program (at the numbers listed below), for all:

    - Collection system overflows discharging to a water body used as a source of drinking water.
    - Plant bypasses discharging to a water body used as a source of drinking water.

Ecology Industrial Section	360-790-4730
EFSEC	360-664-1345
Department of Health Drinking Water Program 800-521-0323 (business hours) 877-481-4901 (after hours)	
Grays Harbor County Health	360-249-4222 (business hours)

b. Twenty-four (24) hour reporting

The Permittee must report the following occurrences of noncompliance by telephone, to EFSEC and Ecology at the telephone number listed above, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

(i) Any noncompliance that may endanger health or the environment, unless previously reported under immediate reporting requirements.
(ii) Any unanticipated bypass that causes an exceedance of any effluent limit in the permit (See Part S4.B., Bypass Procedures).
(iii) Any upset that causes an exceedance of any effluent limit in the permit (See G15., Upset).
(iv) Any violation of a maximum daily or instantaneous maximum discharge limit for any of the pollutants in Special Condition S1.A. of this permit.
(v) Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limit in the permit. This requirement does not include industrial process wastewater overflows to impermeable surfaces which are collected and routed to the treatment works.

c. Report within five days

The Permittee must also submit a written report within five days of the time that the Permittee becomes aware of any reportable event under subparts a or b, above. The report must contain:

(i) A description of the noncompliance and its cause.
(ii) The period of noncompliance, including exact dates and times.
(iii) The estimated time the Permittee expects the noncompliance to continue if not yet corrected.
(iv) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
(v) If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

Submit the written report electronically using the Water Quality Permitting Portal – Permit Submittals application.

d. Waiver of written reports

EFSEC may waive the written report required in subpart c, above, on a case-by-case basis upon request if the Permittee has submitted a timely oral report.

e. All other permit violation reporting

The Permittee must report all permit violations, which do not require immediate or within 24 hours reporting, when it submits monitoring reports for Special Condition S3.A. (Reporting). The reports must contain the information listed in subpart c, above. Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S3.G. Other reporting

1. Spills of oil or hazardous materials

In addition to the requirements in S3.F, the Permittee must report a spill of oil or hazardous materials in accordance with the requirements of Revised Code of Washington (RCW) 90.56.280 and WAC 173-303-145. Visit the website How to Report a Spill[2] for further instructions.

2. Failure to submit relevant or correct facts

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to EFSEC and/or Ecology, it must submit such facts or information promptly.

S3.H. Maintaining a copy of this permit

The Permittee must keep a copy of this permit at the facility and make it available upon request to EFSEC and/or Ecology inspectors.

S4.Operation and maintenance

The Permittee must, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances), which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes keeping a daily operation logbook (paper or electronic), adequate laboratory controls, and appropriate quality assurance procedures. This provision of the permit requires the Permittee to operate backup or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of this permit.

[2] https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill

The Permittee must schedule any facility maintenance, which might require interrupting of wastewater treatment and degrade effluent equality, during non-critical water quality periods and carry this maintenance out according to the approved O&M Manual or as otherwise approved by EFSEC.

S4.A. Operation and Maintenance (O&M) Manual

1. O&M Manual submittal and requirements
   The Permittee must:
   a. Update the O&M Manual to meet the requirements of WAC 173-240-150 and submit it to EFSEC for approval by January 1, 2026.
   b. Review the O&M Manual at least annually and confirm this review by letter to EFSEC by the 1st day of each year.
   c. Submit to EFSEC for review and approval substantial changes or updates to the O&M Manual.
   d. Keep the approved O&M Manual at the permitted facility.
   e. Follow the instructions and procedures of this manual.
2. O&M Manual components
   In addition to the requirements of WAC 173-240-150, the O&M Manual must be consistent with the guidance in Section G1-4.4 in the *Criteria for Sewage Works Design* (Orange Book) (Ecology, 2023). The O&M Manual must include:
   a. Emergency procedures for plant shutdown and cleanup in the event of a wastewater system upset or failure.
   b. A review of system components which, if failed, could pollute surface water or could impact human health. Provide a procedure for a routine schedule of checking the function of these components.
   c. Wastewater system maintenance procedures that contribute to the generation of process wastewater.
   d. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (for example, defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine).
   e. Wastewater sampling protocols and procedures for compliance with the sampling and reporting requirements in the wastewater discharge permit.
   f. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.
   g. Treatment plant process control monitoring schedule.

h. Specify other items on case-by-case basis such as O&M for pump stations, lagoon liners, etc.

3. Treatment System Operating Plan

The Permittee must summarize the following information in the initial chapter of the O&M Manual entitled the "Treatment System Operating Plan." For the purposes of this permit, a Treatment System Operating Plan (TSOP) is a concise summary of specifically defined elements of the O&M Manual.

The Permittee must submit an updated Treatment System Operating Plan to EFSEC by (Insert Date) with application renewal. The Permittee must update and submit this Plan, as necessary, to include requirements for any major modifications of the treatment system.

The TSOP must not conflict with the O&M Manual and must include the following information:

a. A baseline operating condition, which describes the operating parameters and procedures, used to meet the effluent limits of S1 at the production levels used in developing these limits.
b. In the event of production rates, which are below the baseline levels used to establish these limits, the Plan must describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting must be described in the Plan.
c. In the event of an upset, due to plant maintenance activities, severe stormwater events, startups or shut downs, or other causes, the Plan must describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting must be described in the Plan.
d. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

S4.B. Bypass procedures

A bypass is the intentional diversion of waste streams from any portion of a treatment facility. This permit prohibits all bypass except when the bypass is for essential maintenance, as authorized in Special Condition S4.B.1, or is approved by EFSEC as an anticipated bypass following the procedures in Special Condition S4.B.2.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

This permit allows bypasses for essential maintenance of the treatment system when necessary to ensure efficient operation of the system. The Permittee may bypass the treatment system for essential maintenance only if doing so does not cause violations of effluent limits. The Permittee is not required to notify EFSEC when bypassing for essential maintenance. However, the Permittee must comply with the monitoring requirements specified in Special Condition S2.B.

2. Anticipated bypass for non-essential maintenance.

EFSEC may approve an anticipated bypass under the conditions listed below. This permit prohibits any anticipated bypass that is not approved through the following process.

a. If a bypass is for non-essential maintenance, the Permittee must notify EFSEC , if possible, at least 10 days before the planned date of bypass. The notice must contain:

- A description of the bypass and the reason the bypass is necessary.
- An analysis of all known alternatives which would eliminate, reduce, or mitigate the potential impacts from the proposed bypass.
- A cost-effectiveness analysis of alternatives.
- The minimum and maximum duration of bypass under each alternative.
- A recommendation as to the preferred alternative for conducting the bypass.
- The projected date of bypass initiation.
- A statement of compliance with State Environmental Policy Act (SEPA).
- A request for modification of Water Quality Standards as provided in WAC 173-201A-410, if an exceedance of any Water Quality Standard is anticipated.
- Details of the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

b. For probable construction bypasses, the Permittee must notify EFSEC of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during the project planning and design process. The project-specific engineering report as well as the plans and specifications must include details of probable construction bypasses to the extent practical. In cases where

the Permittee determines the probable need to bypass early, the Permittee must continue to analyze conditions up to and including the construction period in an effort to minimize or eliminate the bypass.

c. EFSEC will determine if the Permittee has met the conditions of Special Condition S4.B.2.a and b, and consider the following prior to issuing a determination letter, an Administrative Order, or a permit modification as appropriate for an anticipated bypass:

- If the Permittee planned and scheduled the bypass to minimize adverse effects on the public and the environment.
- If the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to the property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- If feasible alternatives to the bypass exist, such as:
    - The use of auxiliary treatment facilities
    - Retention of untreated wastes
    - Stopping production
    - Maintenance during normal periods of equipment downtime, but not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
    - Transport of untreated wastes to another treatment facility.

S5. Solid waste

S5.A. Solid waste handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

S5.B. Leachate

The Permittee must not allow leachate from it solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment (AKART), nor allow such leachate to cause violation of State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit

or permit modification as may be required for such discharges to state ground or surface water.

S5.C. Solid Waste Control Plan

The Permittee must submit all proposed revisions or modifications to the Solid Waste Control Plan to EFSEC for review and approval at least 30 days prior to implementation. The Permittee must comply with the approved Solid Waste Control Plan and any modifications once approved. The Permittee must submit an update of the Solid Waste Control Plan by Insert Date (application for permit renewal).

S6. Application for permit renewal or modification for facility changes

The Permittee must submit an application for renewal of this permit by Insert Date (at least one year prior to expiration date).

The Permittee must also submit a new application or addendum at least 180 days prior to commencement of discharges resulting from activities, listed below, which may result in permit violations. These activities include any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility.

S7. Spill Control Plan

S7.A. Spill Control Plan submittals and requirements

The Permittee must:

1. Submit to EFSEC an update to the existing Spill Control Plan by Insert Date.
   OR
   Submit to EFSEC a Spill Control Plan for the prevention, containment, and control of spills or unplanned release by pollutants by Insert Date.
2. Review the Plan at least annually and update the Spill Plan as needed.
3. Send changes to the Plan to EFSEC .
4. Follow the Plan and any supplements throughout the term of the permit.

S7.B. Spill Control Plan components

The Spill Control Plan must include the following:

1. A list of all oil and petroleum products and other materials used and/or stored on-site, which when spilled, or otherwise released into the environment, designate as a Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070. Include other materials used and/or stored on-site which may become pollutants or cause pollution upon reaching State's waters.

2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
3. A description of the reporting system, the Permittee will use to alert responsible managers and legal authorities in the event of a spill.
4. A description of operator training to implement the Plan.

The Permittee may submit plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies, which meet the intent of this section. Approval of the Spill Control Plan with respect to this requirement does not constitute approval of the plans and manuals with respect to the underlying requirement.

S8.Outfall evaluation

One year prior to submission of the permit renewal application, the Permittee must inspect the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic verification, the Permittee must include such verification in the report. By Insert Date, the Permittee must submit the inspection report to EFSEC by mail and Ecology through the Water Quality Permitting Portal – Permit Submittals application. The Permittee must submit hard copies of any video files to EFSEC and Ecology as required by Permit Condition S3.B. The Portal does not support submittal of video files.

The inspector must, at a minimum:

1. Assess the physical condition of the outfall pipe, diffuser, and associated couplings.
2. Determine the extent of sediment accumulation in the vicinity of the diffuser.
3. Ensure diffuser ports are free of obstructions and are allowing uniform flow.
4. Confirm physical location (latitude/longitude) and depth (at MLLW) of the diffuser section of the outfall.
5. Assess physical condition of the submarine line.
6. Assess physical condition of anchors used to secure the submarine line.

S9.Acute toxicity

S9.A. Testing when there is no permit limit for acute toxicity

The Permittee must:

1. Conduct acute toxicity testing on the final effluent once in Insert Month/Year and once in Insert Month/Year (once in the last summer and once in the last winter prior to submission of the application for permit renewal). If no discharge occurs during the required month, the Permittee

must notify EFSEC and Ecology by the end of the month and conduct sampling on the next representative discharge that occurs in the following month.

2. Conduct acute toxicity testing on a series of at least five concentrations of effluent, including 100 percent effluent and a control.
3. Use each of the following species and protocols for each acute toxicity test:

Table 10 - Acute toxicity tests

Acute Toxicity Test	Species	Method
Fathead Minnow 96-Hour Static-Renewal Test	*Pimephales Promelas*	EPA-821-R-02-012
Daphnid 48-Hour Static Test	*Ceriodaphnia Dubia, Daphnia Pulex, OR Daphnia Magna*	EPA-821-R-02-012

4. Submit the results to EFSEC and Ecology no later than Insert Date and Insert Date (30 days after the end of the monitoring month.

S9.B. Sampling and reporting requirements

1. The Permittee must submit all reports for toxicity testing in accordance with the *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria,* Publication 95-80 (Ecology, 2016). Reports must contain toxicity data, bench sheets, and reference toxicant results for test methods. In addition, the Permittee must submit toxicity test data in electronic format (CETIS export file preferred) for entry into Ecology's database and EFSEC's files.
2. The Permittee must collect grab samples for toxicity testing. The Permittee must cool the samples to 0 – 6 degrees Celsius during collection and send them to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was completed.
3. The laboratory must conduct water quality measurements on all samples and test solutions for toxicity testing, as specified in the *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria,* Publication WQ-R-95-80 (Ecology, 2016).
4. All toxicity tests must meet quality assurance criteria and test conditions specified in the EPA methods listed in Subsection C and the *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria,* Publication WQ-R-95-80 (Ecology, 2016). If EFSEC determines any test results to be invalid or anomalous, the Permittee must repeat the testing with freshly collected effluent.

5. The laboratory must use control water and dilution water meeting the requirements of the EPA methods listed in Section A or pristine natural water of sufficient quality for good control performance.
6. The Permittee must conduct Whole Effluent Toxicity tests on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance testing in the order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC. The ACEC equals 25 percent effluent.
8. All Whole Effluent Toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing must comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020. If the test does not meet the power standard, the Permittee must repeat the test on a fresh sample with an increased number of replicates to increase the power.

S10. Chronic toxicity

S10.A. Testing when there is no permit limit for chronic toxicity

The Permittee must:

1. Conduct chronic toxicity testing on the final effluent once in Insert Month/Year and once in Insert Month/Year (once in the last summer and once in the last winter prior to submission of the application for permit renewal). If no discharge occurs during the required month, the Permittee must notify EFSEC and Ecology by the end of the month and conduct sampling on the next representative discharge that occurs in the following month.
2. Conduct chronic toxicity testing on a series of at least five concentrations of effluent and a control. This series of dilutions must include the ACEC. The ACEC equals 25 percent effluent. The series of dilutions should also contain the CCEC of 2 percent effluent.
3. Compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.
4. Submit the results to EFSEC and Ecology no later than Insert Date and Insert Date (30 days after the end of the monitoring month).
5. Perform chronic toxicity tests with all of the following species and the most recent version of the following protocols:

Table 11 – Chronic toxicity tests

Freshwater Chronic Test	Species	Method
Fathead Minnow Survival and Growth	*Pimephales Promelas*	EPA-821-R-02-013
Water Flea Survival and Reproduction	*Ceriodaphnia Dubia*	EPA-821-R-02-013

S10.B. Sampling and reporting requirements

1. The Permittee must submit all reports for toxicity testing in accordance with the *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria,* Publication WQ-R-95-80 (Ecology, 2016). Reports must contain toxicity data, bench sheets, and reference toxicant results for test methods. In addition, the Permittee must submit toxicity test data in electronic format (CETIS export file preferred) for entry into Ecology's database and EFSEC's files.
2. The Permittee must collect grab samples for toxicity testing. The Permittee must cool the samples to 0 – 6 degrees Celsius during collection and send them to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was completed.
3. The laboratory must conduct water quality measurements on all samples and test solutions for toxicity testing, as specified in the *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria,* Publication WQ-R-95-80 (Ecology, 2016).
4. All toxicity tests must meet quality assurance criteria and test conditions specified in the most recent versions of the EPA methods listed in Subsection C and the *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria,* Publication WQ-R-95-80 (Ecology, 2016). If EFSEC determines any test results to be invalid or anomalous, the Permittee must repeat the testing with freshly collected effluent.
5. The laboratory must use control water and dilution water meeting the requirements of the EPA methods listed in Section A or pristine natural water of sufficient quality for good control performance.
6. The Permittee must conduct Whole Effluent Toxicity tests on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance testing in the order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the CCEC and the ACEC. The CCEC and the ACEC may either substitute for the effluent concentrations that are closest to them in the dilution series or be extra

effluent concentrations. The CCEC equals 2 percent effluent. The ACEC equals 25 percent effluent.

8. All Whole Effluent Toxicity tests that involve hypothesis testing must comply with the chronic statistical power standard of 39 percent as defined in WAC 173-205-020. If the test does not meet the power standard, the Permittee must repeat the test on a fresh sample with an increased number of replicates to increase the power.

S11. Pollutant Minimization

The Permittee must continue to review and implement BMPs to reduce pollutant loading to the Chehalis River at Outfall 001 with emphasis on arsenic, mercury, and phosphorus. The Permittee must evaluate contributions from chemicals used in cooling tower maintenance and review quality assurance reports from bulk chemical suppliers at least annually to ensure that there are no significant changes to arsenic, mercury, and phosphorus levels in the effluent and to look for ways to reduce those levels.

S12. Cooling Water Maintenance Chemical Reporting

The Permittee must submit to EFSEC , an annual confirmation letter by Month date verifying that the chemicals used for cooling water maintenance do not contain priority pollutants listed in 40 CFR 423, Appendix A in amounts that would cause detectable quantities in the effluent. Cooling tower maintenance chemicals used, the annual quantity used, the priority pollutant content of each chemical, and (if applicable) a mass balance demonstrating “no resultant priority pollutants in detectable amounts” must be reported.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

1. All applications submitted to EFSEC must be signed and certified.
   a. In the case of corporations, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

      - A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
      - The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing the other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

   b. In the case of a partnership, by a general partner.
   c. In the case of sole proprietorship, by the proprietor.
   d. In the case of municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

      Applications for permit for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity shall be submitted by the public entity.

2. All reports required by this permit and other information requested by EFSEC must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   a. The authorization is made in writing by a person described above and submitted to EFSEC .
   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility

for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph G1.2., above, is no longer accurate because a different individual or position has responsibility for overall operation of the facility, a new authorization satisfying the requirements of paragraph G1.2., above, must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section must make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee must allow an authorized representative of EFSEC, upon the presentation of credentials and such other documents as may be required by law:

1. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
2. To have access to and copy, at reasonable times and a reasonable cost, any records required to be kept under the terms and conditions of this permit.
3. To inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
4. To sample or monitor, at reasonable times, any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon EFSEC's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR Part 122.62, 40 CFR Part 122.64, or WAC 173-220-150 according to the procedures of 40 CFR Part 124.5.

1. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
   a. Violation of any permit term or condition.
   b. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
   c. A material change in quantity or type of waste disposal.
   d. Determination that the permitted activity endangers human health or the environment, or contributes to Water Quality Standards violations and can only be regulated to acceptable levels by modification or termination.
   e. A change in any condition requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit.
   f. Nonpayment of fees assessed pursuant to RCW 90.48.465.
   g. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
2. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
   a. A material change in the condition of waters of the State.
   b. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
   c. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
   d. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
   e. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
   f. EFSEC has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statuary deadlines.
   g. Incorporation of an approved local pretreatment program into a municipality's permit.
3. The following are causes for modification or alternatively revocation and reissuance:
   a. The permitted facility being determined to be a new source pursuant to 40 CFR Part 122.29(b).
   b. A significant change in the nature or an increase in quantity of pollutants discharged.
   c. A significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required

Engineering Plans and Reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR Part 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.

G4. REPORTING PLANNED CHANGES

The Permittee must, as soon as possible, but no later than 180 days prior to the proposed changes, give notice to EFSEC of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in:

1. The permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b).
2. A significant change in the nature or an increase in quantity of pollutants discharged.
3. A significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of new application or supplement to the existing application, along with required Engineering Plans and Reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, a new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an Engineering Report and detailed Plans and Specifications must be submitted to EFSEC for approval in accordance with Chapter 173-240 WAC. Engineering Reports, Plans, and Specifications must be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by EFSEC. Facilities must be constructed and operated in accordance with the approval plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit excuses the Permittee from compliance with any applicable federal, state, or local statutes ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to EFSEC .

1. Transfer by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR Part 122.62(b)(2), or a minor modification made under 40 CFR Part 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

2. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

a. The Permittee notifies EFSEC at least 30 days in advance of the proposed transfer date.
b. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
c. EFSEC and/or Ecology do not notify the existing Permittee and the proposed new Permittee or its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR Part 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be re-suspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee must submit to EFSEC within a reasonable time, all information which EFSEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to EFSEC , upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR
The other requirements of 40 CFR Part 122.41 and 40 CFR Part 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING
EFSEC may establish specific monitoring requirements in addition to those contained in this permit by Administrative Order or permit modification.

G13. PAYMENT OF FEES
The Permittee must submit payment of fees associated with this permit as assessed by EFSEC.

G14. PENALTIES FOR VIOLATION OF PERMIT CONDITIONS
Enforcement actions for violations of this permit, including the issuance of penalties, shall be in accordance with RCW 80.50.150, RCW 80.50.155, RCW 90.48, WAC 463-70, and WAC 463-76. Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof, shall be punished by a fine up to $10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit may incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to $10,000 for each such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is deemed to be a separate and distinct violation.

G15. UPSET
Definition – "Upset" means an exception incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limits if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and that the Permittee can identify the cause(s) of the upset.

2. The permitted facility was being properly operated at the time of the upset.
3. The Permittee submitted notice of the upset as required in Special Condition S3.F.
4. The Permittee complied with any remedial measures required under Special Condition S3.F. of this permit.

If any enforcement action the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS
This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY
The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is ground for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal.

G18. TOXIC POLLUTANTS
The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING
The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both.

G20. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGES
The Permittee belonging to the categories of existing manufacturing, commercial, Mining, or silviculture must notify EFSEC as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is

not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

a. One hundred micrograms per liter (100 µg/L)
b. Two hundred micrograms per liter (200 µg/L) for Acrolein and Acrylonitrile; 500 µg/L for 2,4-Dinitrophenol and 2-Methyl-4,6-Dinitrophenol; and 1 mg/L for Antimony.
c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR Part 122.21(g)(7).
d. The level established by the Director in accordance with 40 CFR Part 122.44 (f).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
   a. Five hundred (500) µg/L
   b. One (1) mg/L for Antimony
   c. Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR Part 122.21(g)(7).
   d. The level established by the Director in accordance with 40 CFR Part 122.44(f).

G21. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

APPENDIX A – List of Pollutants, Analytical Methods, Detection Levels and Quantitation Levels

The Permittee must use the specified analytical methods, detection levels (DLs) [1] and quantitation levels (QLs) [2] in the following table for permit and application required monitoring unless:

Another permit condition specifies other methods, detection levels, or quantitation levels.
The method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136.

If the Permittee uses an alternative method, not specified in the permit, and as allowed above, it must report the test method, DL, and QL on the discharge monitoring report or in the required report.

If the Permittee is unable to obtain the required DL and QL in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection level (MDL) and a quantitation level (QL) to Ecology with appropriate laboratory documentation when the detection levels are too high to provide results near or below criteria (or applicable permit limits).

The lists below include conventional pollutants (as defined in CWA section 502(6) and 40 CFR Part 122), toxic or priority pollutants as defined in CWA section 307(a)(1) and listed in 40 CFR Part 122 Appendix D, 40 CFR Part 401.15 and 40 CFR Part 423 Appendix A), and nonconventionals. 40 CFR Part 122 Appendix D (Table V) also identifies toxic pollutants and hazardous substances which are required to be reported by dischargers if expected to be present. This permit appendix A list does not include those parameters.

The list also includes:

Dioxin and furan congeners identified using EPA Method 1613.
Per- and polyfluoroalkyl substances (PFAS) identified using EPA Method 1633.

Appendix A Table 1 – Conventional pollutants

Pollutant	CAS number (if available)	Recommended analytical protocol	Detection level (DL) [1] µg/L unless specified	Quantitation level (QL) [2] µg/L unless specified
Biochemical Oxygen Demand		SM5210-B		2 mg/L
Biochemical Oxygen Demand, Soluble		SM5210-B [3]		2 mg/L
Fecal Coliform		SM 9221E, 9221F SM 9222D	N/A	Specified in method sample aliquot dependent
Oil and Grease (HEM) (Hexane Extractable Material)		1664 A or B	1,400	5,000
pH		SM4500-H+ B	N/A	N/A
Total Suspended Solids		SM2540-D		5 mg/L

Appendix A Table 2 - Nonconventional pollutants

Pollutant	CAS number (if available)	Recommended analytical protocol	Detection level (DL) [1] µg/L unless specified	Quantitation level (QL) [2] µg/L unless specified
Alkalinity, Total		SM2320-B		5 mg/L as $CaCO_3$
Aluminum, Total	7429-90-5	200.8	2.0	10
Ammonia, Total (as N)		SM4500-NH3-B and C/D/E/G/H		20
Barium Total	7440-39-3	200.8	0.5	2.0
BTEX (benzene +toluene + ethylbenzene + m,o,p xylenes)		EPA SW 846 8021/8260	1	2
Boron, Total	7440-42-8	200.8	2.0	10.0
Chemical Oxygen Demand		SM5220-D		10 mg/L
Chloride		SM4500-Cl B/C/D/E and SM4110 B		Sample and limit dependent
Chlorine, Total Residual		SM4500 Cl G	10	50

Cobalt, Total	7440-48-4	200.8	0.05	0.25
Color		SM2120 B/C/E		10 color units
Dissolved oxygen		SM4500-OC/OG		0.2 mg/L
E.coli		SM 9221B, 9221F, 9223B	N/A	Specified in method; sample aliquot dependent
Enterococci		EPA 1600 SM 9230B, 9230C, 9230D,	N/A	Specified in method; sample aliquot dependent
Flow		Calibrated device		
Fluoride	16984-48-8	SM4500-F E	25	100
Hardness, Total		SM2340B		200 as $CaCO_3$
Iron, Total	7439-89-6	200.7	12.5	50
Magnesium, Total	7439-95-4	200.7	10	50
Manganese, Total	7439-96-5	200.8	0.1	0.5
Molybdenum, Total	7439-98-7	200.8	0.1	0.5
Nitrate + Nitrite Nitrogen (as N)		SM4500-NO_3- E/F/H		100
Nitrogen, Total Kjeldahl (as N)		SM4500-N_{org}B/C and SM4500NH_3-B/C/D/EF/G/H		300
NWTPH Dx [4]		Ecology NWTPH Dx	250	250
NWTPH Gx [5]		Ecology NWTPH Gx	250	250
Phosphorus, Total (as P)		SM 4500 PB followed by SM4500-PE/PF	3	10
Salinity		SM2520-B		3 practical salinity units or scale (PSU or PSS)
Settleable Solids		SM2540 -F		Sample and limit dependent
Soluble Reactive Phosphorus (as P)		SM4500-P E/F/G	3	10
Sulfate (as mg/L SO_4)		SM4110-B		0.2 mg/L
Sulfide (as mg/L S)		SM4500-S2F/D/G		0.2 mg/L

Sulfite (as mg/L SO_3)		SM4500-SO3B		2 mg/L
Temperature		Analog recorder or micro-recording devices (thermistors)		0.2°C
Tin, Total	7440-31-5	200.8	0.3	1.5
Titanium, Total	7440-32-6	200.8	0.5	2.5
Total Coliform		SM 9221B SM 9222B	N/A	Specified in method; sample aliquot dependent
Total Organic Carbon		SM5310-B/C/D		1 mg/L
Total Dissolved solids		SM2540 C		20 mg/L

Appendix A Table 3 - Priority pollutants: Metals, chromium (hex), cyanide & total phenols

Priority pollutants	**PP #**	**CAS number (if available)**	**Recommended analytical protocol**	**Detection level (DL) [1] µg/L unless specified**	**Quantitation level (QL) [2] µg/L unless specified**
Antimony, Total	114	7440-36-0	200.8	0.3	1.0
Arsenic, Total	115	7440-38-2	200.8	0.1	0.5
Beryllium, Total	117	7440-41-7	200.8	0.1	0.5
Cadmium, Total	118	7440-43-9	200.8	0.05	0.25
Chromium (hex) dissolved	119	18540-29-9	SM3500-Cr C	0.3	1.2
Chromium, Total	119	7440-47-3	200.8	0.2	1.0
Copper, Total	120	7440-50-8	200.8	0.4	2.0
Lead, Total	122	7439-92-1	200.8	0.1	0.5
Mercury, Total	123	7439-97-6	1631E	0.0002	0.0005
Nickel, Total	124	7440-02-0	200.8	0.1	0.5
Selenium, Total	125	7782-49-2	200.8	1.0	1.0
Silver, Total	126	7440-22-4	200.8	0.04	0.2
Thallium, Total	127	7440-28-0	200.8	0.09	0.36
Zinc, Total	128	7440-66-6	200.8	0.5	2.5
Cyanide, Total	121	57-12-5	335.4	5	10
Cyanide, Weak Acid Dissociable	121		SM4500-CN I	5	10

Cyanide, Free Amenable to Chlorination (Available Cyanide)	121		SM4500-CN G	5	10
Phenols, Total	65		EPA 420.1		50

Appendix A Table 4 - Priority pollutants: Acid compounds

Priority pollutants	PP #	CAS number (if available)	Recommended analytical protocol	Detection level (DL) [1] µg/L unless specified	Quantitation level (QL) [2] µg/L unless specified
2-Chlorophenol	24	95-57-8	625.1	3.3	9.9
2,4-Dichlorophenol	31	120-83-2	625.1	2.7	8.1
2,4-Dimethylphenol	34	105-67-9	625.1	2.7	8.1
4,6-dinitro-o-cresol (2-methyl-4,6,-dinitrophenol)	60	534-52-1	625.1/1625B	24	72
2,4 dinitrophenol	59	51-28-5	625.1	42	126
2-Nitrophenol	57	88-75-5	625.1	3.6	10.8
4-Nitrophenol	58	100-02-7	625.1	2.4	7.2
Parachlorometa cresol (4-chloro-3-methylphenol)	22	59-50-7	625.1	3.0	9.0
Pentachlorophenol	64	87-86-5	625.1	3.6	10.8
Phenol	65	108-95-2	625.1	1.5	4.5
2,4,6-Trichlorophenol	21	88-06-2	625.1	2.7	8.1

Appendix A Table 5 - Priority pollutants: Volatile compounds

Priority pollutants	PP #	CAS number (if available)	Recommended analytical protocol	Detection level (DL) [1] µg/L unless specified	Quantitation level (QL) [2] µg/L unless specified
Acrolein	2	107-02-8	624.1	5	10
Acrylonitrile	3	107-13-1	624.1	1.0	2.0
Benzene	4	71-43-2	624.1	4.4	13.2
Bromoform	47	75-25-2	624.1	4.7	14.1
Carbon tetrachloride	6	56-23-5	624.1/601 or SM6230B	2.8	8.4

Chlorobenzene	7	108-90-7	624.1	6.0	18.0
Chloroethane	16	75-00-3	624/601	1.0	2.0
2-Chloroethylvinyl Ether	19	110-75-8	624.1	1.0	2.0
Chloroform	23	67-66-3	624.1 or SM6210B	1.6	4.8
Dibromochloromethane (chlordibromomethane)	51	124-48-1	624.1	3.1	9.3
1,2-Dichlorobenzene	25	95-50-1	624.1	1.9	7.6
1,3-Dichlorobenzene	26	541-73-1	624.1	1.9	7.6
1,4-Dichlorobenzene	27	106-46-7	624.1	4.4	17.6
Dichlorobromomethane	48	75-27-4	624.1	2.2	6.6
1,1-Dichloroethane	13	75-34-3	624.1	4.7	14.1
1,2-Dichloroethane	10	107-06-2	624.1	2.8	8.4
1,1-Dichloroethylene	29	75-35-4	624.1	2.8	8.4
1,2-Dichloropropane	32	78-87-5	624.1	6.0	18.0
1,3-dichloropropene (mixed isomers) (1,2-dichloropropylene)6	33	542-75-6	624.1	5.0	15.0
Ethylbenzene	38	100-41-4	624.1	7.2	21.6
Methyl bromide (Bromomethane)	46	74-83-9	624/601	5.0	10.0
Methyl chloride (Chloromethane)	45	74-87-3	624.1	1.0	2.0
Methylene chloride	44	75-09-2	624.1	2.8	8.4
1,1,2,2-Tetrachloroethane	15	79-34-5	624.1	6.9	20.7
Tetrachloroethylene	85	127-18-4	624.1	4.1	12.3
Toluene	86	108-88-3	624.1	6.0	18.0
1,2-Trans-Dichloroethylene (Ethylene dichloride)	30	156-60-5	624.1	1.6	4.8
1,1,1-Trichloroethane	11	71-55-6	624.1	3.8	11.4
1,1,2-Trichloroethane	14	79-00-5	624.1	5.0	15.0
Trichloroethylene	87	79-01-6	624.1	1.9	5.7
Vinyl chloride	88	75-01-4	624/SM6200B	1.0	2.0

Appendix A Table 6 - Priority pollutants: Base/neutral compounds

Priority pollutants	PP #	CAS number (if available)	Recommended analytical Protocol	Detection level (DL) [1] µg/L unless specified	Quantitation level (QL) [2] µg/L unless specified
Acenaphthene	1	83-32-9	625.1	1.9	5.7
Acenaphthylene	77	208-96-8	625.1	3.5	10.5
Anthracene	78	120-12-7	625.1	1.9	5.7
Benzidine	5	92-87-5	625.1	44	132
Benzyl butyl phthalate	67	85-68-7	625.1	2.5	7.5
Benzo(a)anthracene	72	56-55-3	625.1	7.8	23.4
Benzo(b)fluoranthene (3,4-benzofluoranthene) [7]	74	205-99-2	610/625.1	4.8	14.4
Benzo(k)fluoranthene (11,12-benzofluoranthene) [7]	75	207-08-9	610/625.1	2.5	7.5
Benzo(a)pyrene	73	50-32-8	610/625.1	2.5	7.5
Benzo(ghi)Perylene	79	191-24-2	610/625.1	4.1	12.3
Bis(2-chloroethoxy)methane	43	111-91-1	625.1	5.3	15.9
Bis(2-chloroethyl)ether	18	111-44-4	611/625.1	5.7	17.1
Bis(2-chloro-1-methylethyl)Ether (Bis(2-chloroisopropyl)ether) [8]	42	108-60-1	625.1	5.7	17.1
Bis(2-ethylhexyl)phthalate	66	117-81-7	625.1	2.5	7.5
4-Bromophenyl phenyl ether	41	101-55-3	625.1	1.9	5.7
2-Chloronaphthalene	20	91-58-7	625.1	1.9	5.7
4-Chlorophenyl phenyl ether	40	7005-72-3	625.1	4.2	12.6
Chrysene	76	218-01-9	610/625.1	2.5	7.5
Dibenzo(a-h)anthracene (1,2,5,6-dibenzanthracene)	82	53-70-3	625.1	2.5	7.5
3,3-Dichlorobenzidine	28	91-94-1	605/625.1	16.5	49.5
Diethyl phthalate	70	84-66-2	625.1	1.9	5.7
Dimethyl phthalate	71	131-11-3	625.1	1.6	4.8
Di-n-butyl phthalate	68	84-74-2	625.1	2.5	7.5
2,4-dinitrotoluene	35	121-14-2	609/625.1	5.7	17.1

2,6-dinitrotoluene	36	606-20-2	609/625.1	1.9	5.7
Di-n-octyl phthalate	69	117-84-0	625.1	2.5	7.5
1,2-Diphenylhydrazine (as Azobenzene)	37	122-66-7	1625B/625.1	5.0	20
Fluoranthene	39	206-44-0	625.1	2.2	6.6
Fluorene	80	86-73-7	625.1	1.9	5.7
Hexachlorobenzene	9	118-74-1	612/625.1	1.9	5.7
Hexachlorobutadiene	52	87-68-3	625.1	0.9	2.7
Hexachlorocyclopentadiene	53	77-47-4	1625B/625.1	2.0	4.0
Hexachloroethane	12	67-72-1	625.1	1.6	4.8
Indeno(1,2,3-cd)Pyrene	83	193-39-5	610/625.1	3.7	11.1
Isophorone	54	78-59-1	625.1	2.2	6.6
Naphthalene	55	91-20-3	625.1	1.6	4.8
Nitrobenzene	56	98-95-3	625.1	1.9	5.7
N-Nitrosodimethylamine	61	62-75-9	607/625.1	2.0	4.0
N-Nitrosodi-n-propylamine	63	621-64-7	607/625.1	0.5	1.0
N-Nitrosodiphenylamine	62	86-30-6	625.1	1.0	2.0
Phenanthrene	81	85-01-8	625.1	5.4	16.2
Pyrene	84	129-00-0	625.1	1.9	5.7
1,2,4-Trichlorobenzene	8	120-82-1	625.1	1.9	5.7

Appendix A Table 7 - Base/neutral compounds – Ecology PBTs

Pollutant	**CAS number (if available)**	**Recommended analytical protocol**	**Detection level (DL) [1] µg/L unless specified**	**Quantitation level (QL) [2] µg/L unless specified**
Benzo(j)fluoranthene [7]	205-82-3	625	0.5	1.0
Benzo(r,s,t)pentaphene	189-55-9	625	1.3	5.0
Dibenzo (a,h)acridine	226-36-8	610M/625M	2.5	10.0
Dibenzo (a,j)acridine	224-42-0	610M/625M	2.5	10.0
Dibenzo(a,e)pyrene	192-65-4	610M/625M	2.5	10.0
Dibenzo(a,h)pyrene	189-64-0	625M	2.5	10.0

3-Methyl cholanthrene	56-49-5	625	2.0	8.0
Perylene	198-55-0	625	1.9	7.6

Appendix A Table 8 - Dioxin

Priority pollutant	PP #	CAS number (if available)	Recommended analytical protocol	Detection level (DL) [1] µg/L unless specified	Quantitation level (QL) [2] µg/L unless specified
2,3,7,8-Tetra-Chlorodibenzo-P-Dioxin (2,3,7,8 TCDD)	129	1746-01-6	1613B	1.3 pg/L	5 pg/L

Appendix A Table 9 - Pesticides and PCBs

Priority pollutants	PP #	CAS number (if available)	Recommended analytical protocol	Detection level (DL) [1] µg/L unless specified	Quantitation level (QL) [2] µg/L unless specified
Aldrin	89	309-00-2	608.3	4.0 ng/L	12 ng/L
alpha-BHC	102	319-84-6	608.3	3.0 ng/L	9.0 ng/L
beta-BHC	103	319-85-7	608.3	6.0 ng/L	18 ng/L
gamma-BHC (Lindane)	104	58-89-9	608.3	4.0 ng/L	12 ng/L
delta-BHC	105	319-86-8	608.3	9.0 ng/L	27 ng/L
Chlordane [9]	91	57-74-9	608.3	14 ng/L	42 ng/L
4,4'-DDT	92	50-29-3	608.3	12 ng/L	36 ng/L
4,4'-DDE	93	72-55-9	608.3	4.0 ng/L	12 ng/L
4,4' DDD	94	72-54-8	608.3	11ng/L	33 ng/L
Dieldrin	90	60-57-1	608.3	2.0 ng/L	6.0 ng/L
alpha-Endosulfan	95	959-98-8	608.3	14 ng/L	42 ng/L
beta-Endosulfan	96	33213-65-9	608.3	4.0 ng/L	12 ng/L
Endosulfan Sulfate	97	1031-07-8	608.3	66 ng/L	198 ng/L
Endrin	98	72-20-8	608.3	6.0 ng/L	18 ng/L
Endrin Aldehyde	99	7421-93-4	608.3	23 ng/L	70 ng/L
Heptachlor	100	76-44-8	608.3	3.0 ng/L	9.0 ng/L
Heptachlor Epoxide	101	1024-57-3	608.3	83 ng/L	249 ng/L

PCB-1242 [10]	106	53469-21-9	608.3	0.065	0.195
PCB-1254	107	11097-69-1	608.3	0.065	0.195
PCB-1221	108	11104-28-2	608.3	0.065	0.195
PCB-1232	109	11141-16-5	608.3	0.065	0.195
PCB-1248	110	12672-29-6	608.3	0.065	0.195
PCB-1260	111	11096-82-5	608.3	0.065	0.195
PCB-1016 [10]	112	12674-11-2	608.3	0.065	0.195
Toxaphene	113	8001-35-2	608.3	240 ng/L	720 ng/L

Appendix A Table 10 - Nonconventionals – dioxin & furan congeners

Pollutant	**CAS number (if available)**	**Recommended analytical protocol**	**Detection level (DL) [1] µg/L unless specified**	**Quantitation level (QL) [2] µg/L unless specified**
2,3,7,8- Tetrachlorodibenzo-p-dioxin (TCDD) (this is a priority pollutant also listed in Table 8)	1746-01-6	EPA 1613	1.3 pg/L	5 pg/L
Total TCDD	41903-57-5			
2,3,7,8- Tetrachlorodibenzofuran (TCDF)	51207-31-9		1.3 pg/L	5 pg/L
Total-TCDF	55722-27-5			
1,2,3,7,8- Pentachlorodibenzo-p-dioxin (PeCDD)	40321-76-4			
Total-PeCDD	36088-22-9			
1,2,3,7,8- Pentachlorodibenzofuran (PeCDF)	57117-41-6			
2,3,4,7,8-PeCDF	57117-31-4			
Total-PeCDF	30402-15-4			
1,2,3,4,7,8- Hexachlorodibenzo-p-dioxin (HxCDD)	39227-28-6			
1,2,3,6,7,8-HxCDD	57653-85-7			
1,2,3,7,8,9-HxCDD	19408-74-3			
Total-HxCDD	34465-46-8			

1,2,3,4,7,8- Hexachlorodibenzofuran (HxCDF)	70648-26-9			
1,2,3,6,7,8-HxCDF	57117-44-9			
1,2,3,7,8,9-HxCDF	72918-21-9			
2,3,4,6,7,8-HxCDF	60851-34-5			
Total-HxCDF	55684-94-1			
1,2,3,4,6,7,8- Heptachlorodibenzo-p-dioxin (HpCDD)	35822-46-9			
Total-HpCDD	37871-00-4			
1,2,3,4,6,7,8- Heptachlorodibenzofuran (HpCDF)	67562-39-4			
1,2,3,4,7,8,9-HpCDF	55673-89-7			
Total-HpCDF	38998-75-3			
Octachlorodibenzo-p-dioxin (OCDD)	3268-87-9			
Octachlorodibenzofuran (OCDF)	39001-02-0			

Appendix A Table 11 - Per- and polyfluoroalkyl substances (PFAS) [11]

Pollutant	**CAS number (if available)**	**Recommended analytical protocol**	**Detection level (DL) [1] µg/L unless specified**	**Quantitation level (QL) [2] µg/L unless specified**
Perfluorobutanoic acid (PFBA)	375-22-4	1633	0.330 ng/L	6.4 ng/L
Perfluoropentanoic acid (PFPeA)	2706-90-3	1633	0.196 ng/L	3.2 ng/L
Perfluorohexanoic acid (PFHxA)	307-24-4	1633	0.318 ng/L	1.6 ng/L
Perfluoroheptanoic acid (PFHpA)	375-85-9	1633	0.221 ng/L	1.6 ng/L
Perfluorooctanoic acid (PFOA)	335-67-1	1633	0.302 ng/L	1.6 ng/L
Perfluorononanoic acid (PFNA)	375-95-1	1633	0.221 ng/L	1.6 ng/L
Perfluorodecanoic acid (PFDA)	335-76-2	1633	0.333 ng/L	1.6 ng/L
Perfluoroundecanoic acid (PFUnA)	2058-94-8	1633	0.264 ng/L	1.6 ng/L
Perfluorododecanoic acid (PFDoA)	307-55-1	1633	0.379 ng/L	1.6 ng/L
Perfluorotridecanoic acid (PFTrDA)	72629-94-8	1633	0.238 ng/L	1.6 ng/L
Perfluorotetradecanoic acid (PFTeDA)	376-06-7	1633	0.264 ng/L	1.6 ng/L
Perfluorobutanesulfonic acid (PFBS)	375-73-5	1633	0.245 ng/L	1.6 ng/L

Perfluoropentansulfonic acid (PFPeS)	2706-91-4	1633	0.204 ng/L	1.6 ng/L
Perfluorohexanesulfonic acid (PFHxS)	355-46-4	1633	0.217 ng/L	1.6 ng/L
Perfluoroheptanesulfonic acid (PFHpS)	375-92-8	1633	0.137 ng/L	1.6 ng/L
Perfluorooctanesulfonic acid (PFOS)	1763-23-1	1633	0.327 ng/L	1.6 ng/L
Perfluorononanesulfonic acid (PFNS)	68259-12-1	1633	0.303 ng/L	1.6 ng/L
Perfluorodecanesulfonic acid (PFDS)	335-77-3	1633	0.334 ng/L	1.6 ng/L
Perfluorododecanesulfonic acid (PFDoS)	79780-39-5	1633	0.179 ng/L	1.6 ng/L
1H,1H,2H,2H-Perfluorohexanesulfonic acid (4:2FTS)	757124-72-4	1633	2.281 ng/L	6.4 ng/L
1H,1H,2H,2H-Perfluorooctanesulfonic acid (6:2FTS)	27619-97-2	1633	3.973 ng/L	6.4 ng/L
1H,1H,2H,2H-Perfluorodecanesulfonic acid (8:2FTS)	39108-34-4	1633	1.566 ng/L	6.4 ng/L
Perfluorooctanesulfonamide (PFOSA)	754-91-6	1633	0.227 ng/L	1.6 ng/L
N-methyl perfluorooctanesulfonamide (NMeFOSA)	31506-32-8	1633	0.196 ng/L	1.6 ng/L
N-ethyl perfluorooctanesulfonamide (NEtFOSA)	4151-50-2	1633	0.585 ng/L	1.6 ng/L
N-methyl perfluorooctanesulfonamidoacetic acid (NMeFOSAA)	2355-31-9	1633	0.586 ng/L	1.6 ng/L
N-ethyl perfluorooctanesulfonamidoaecitic acid (NEtFOSAA)	2991-50-6	1633	0.324 ng/L	1.6 ng/L
N-methyl perfluorooctanesulfonamidoethanol (NMeFOSE)	24448-09-7	1633	1.191 ng/L	16 ng/L
N-ethyl perfluorooctanesulfonamidoethanol (NEtFOSE)	1691-99-2	1633	1.022 ng/L	16 ng/L
Hexafluoropropylene oxide dimer acid (HFPO-DA)	13252-13-6	1633	0.406 ng/L	6.4 ng/L

4,8-Dioxa-3H-perfluorononanoic acid (ADONA)	919005-14-4	1633	0.779 ng/L	6.4 ng/L
Perfluoro(2-ethoxyethane) sulfonic acid (PFEESA)	113507-82-7	1633	0.137 ng/L	3.2 ng/L
Perfluoro-3-methoxypropanoic acid (PFMPA)	377-73-1	1633	0.177 ng/L	3.2 ng/L
Perfluoro-4-methoxybutanoic acid (PFMBA)	863090-89-5	1633	0.117 ng/L	3.2 ng/L
Nonafluoro-3,6-dioxaheptanoic acid (NFDHA)	151772-58-6	1633	1.384 ng/L	3.2 ng/L
9-Chlorohexadecafluoro-3-oxanonane-1-sulfonic acid (9CL-PF3ONS)	756426-58-1	1633	0.871 ng/L	6.4 ng/L
11-Chloroeicosafluoro-3-oxaundecane-1-sulfonic acid (11CL-PF3OUDS)	763051-92-9	1633	0.819 ng/L	6.4 ng/L
3-Perfluoropropyl propanoic acid (3:3FTCA)	356-02-5	1633	0.721 ng/L	8.0 ng/L
2H,2H,3H,3H-Perfluorooctanoic acid (5:3FTCA)	914637-49-3	1633	5.066 ng/L	40 ng/L
3-Perfluoroheptyl propanoic acid (7:3FTCA)	812-70-4	1633	5.942 ng/L	40 ng/L

Footnotes

[1]Detection level (DL) – or method detection limit means the minimum concentration of an analyte (substance) that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results as determined by the procedure given in 40 CFR part 136, Appendix B.

[2] Quantitation Level (QL) – also known as Minimum Level (ML) – The term "minimum level" refers to either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (DL), whichever is higher. Minimum levels may be obtained in several ways: They may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the DL in a method, or the DL determined by a laboratory, by a factor of 3. For the purposes of NPDES compliance monitoring, EPA considers the following terms to be synonymous: "quantitation limit," "reporting limit," and "minimum level".

[3] Soluble Biochemical Oxygen Demand – method note: First, filter the sample through a Millipore Nylon filter (or equivalent) - pore size of 0.45-0.50 um (prep all filters by filtering 250 ml of laboratory grade deionized water through the filter and discard). Then, analyze sample as per method 5210-B.
[4] Northwest Total Petroleum Hydrocarbons Diesel Extended Range OR NWTPH Dx – Analytical Methods for Petroleum Hydrocarbons https://apps.ecology.wa.gov/publications/documents/97602.pdf
[5] Northwest Total Petroleum Hydrocarbons Gasoline Extended Range OR NWTPH Gx – Analytical Methods for Petroleum Hydrocarbons https://apps.ecology.wa.gov/publications/documents/97602.pdf
[6] 1, 3-dichloroproylene (mixed isomers) – You may report this parameter as two separate parameters: cis-1, 3-dichlorpropropene (10061-01-5) and trans-1, 3-dichloropropene (10061-02-6).
[7] Total Benzofluoranthenes – Because Benzo(b)fluoranthene, Benzo(j)fluoranthene and Benzo(k)fluoranthene co-elute you may report these three isomers as total benzofluoranthenes.
[8] Bis(2-Chloro-1-Methylethyl) Ether – This compound was previously listed as Bis(2-Chloroisopropyl) Ether (39638-32-9)
[9] Chlordane – You may report alpha-chlordane (5103-71-9) and gamma-chlordane (5103-74-2) in place of chlordane (57-74-9). If you report alpha and gamma-chlordane, the DL/PQLs that apply are 14/42 ng/L.
[10] PCB 1016 & PCB 1242 – You may report these two PCB compounds as one parameter called PCB 1016/1242.
[11] Prior to approval of analytical methods for PFAS chemicals under 40 CFR 136, the permittee must use the latest revision of EPA Method 1633. After analytical methods for PFAS chemicals are approved under 40 CFR 136, the permittee may use any sufficiently sensitive approved analytical method. If a laboratory that can analyze PFAS chemicals via Method 1633 is not reasonably available, the permittee may request use of an alternate method and Ecology can approve the alternative method by email.

EFSEC Monthly Council Meeting Facility Update

Facility Name: Columbia Solar Projects (Penstemon, Camas and Urtica)
Operator: Tuusso Energy, LLC
Report Date: November 7, 2025
Reporting Period: 31 Days ending October 31, 2025
Site Contact: Nehal Ahmed & Katy Esper
Facility SCA Status: Operation

Construction Status

- Penstemon
  - Currently operational
  - Total Generation during the month was 655 Megawatt hours

- Camas
  - Currently operational
  - Total Generation during the month was 622 Megawatt hours

- Urtica
  - Currently operational
  - Total Generation during the month was 720 Megawatt hours

EFSEC Monthly Council Meeting

Facility Name: **Columbia Generating Station and Washington Nuclear Project 1 and 4 (WNP-1/4)**
Operator: **Energy Northwest**
Report Date: **November 10th, 2025**
Reporting Period: **October 2025**
Site Contact: **Josh LaPorte**
Facility SCA Status: **Operational**

CGS Net Electrical Generation for **October** 2025: **858,737.12 Mega Watt-Hours.**

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance:
No update.

Safety Compliance
No update.

Current or Upcoming Projects
No update.

Other
No update.

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Goose Prairie Solar
Operator: Brookfield Power US Asset Management
Report Date: 10/2/2025
Reporting Period: 10/1/2025 to 10/31/2025 Asset
Manager: Nelson Jia
Facility SCA Status: **Operational**

Construction Status

- N/A

Operations & Maintenance

- Total generation for the month of October-2025 was approximately 11,520 MWh
- Few incidences of blown fuses impacting inverters and site

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

Permit status if any changes.

- None

Update on progress or completion of any mitigation measures identified.

- No Discharge on the site reported

Any EFSEC-related inspections that occurred.

- None

Any EFSEC-related complaints or violations that occurred.

- None

Brief list of reports submitted to EFSEC during the monthly reporting period.

- None

Safety Compliance

- There were no non-routine events to report during this period.

Current or Upcoming Projects

- None

Other

Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

- None

Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

- None

Public outreach of interest (e.g., schools, public, facility outreach).

- None

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Ostrea Solar
Operator: Cypress Creek Renewables
Report Date: 11/4/2025
Reporting Period: 10/1/2025-10/31/2025
Site Contact: Fred Hageman
Facility SCA Status: Construction

Construction Status (only applicable for projects under construction)

- Pile, tracking, and module installation fully completed.
- Module wiring and DC cable installation are ongoing.
- AC and DC terminations are wrapping up.
- 2 of the 3 circuits have been mechanically completed.
- Substation major equipment is installed, wiring and testing activities ongoing.

Operations & Maintenance (only applicable for operating facilities)

- Not yet operational.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

-Permit status if any changes.

- N/A

-Update on progress or completion of any mitigation measures identified.

- BMP installations per Exhibits continue.

-Any EFSEC-related inspections that occurred.

- Site inspections performed on a weekly basis without any non-compliant elements being discovered.

-Any EFSEC-related complaints or violations that occurred.

- Nothing in the month of October.

-Brief list of reports submitted to EFSEC during the monthly reporting period.

- Nothing in the month of October.

Safety Compliance

- Nothing to report in the month of October.

Current or Upcoming Projects

-Planned site improvements

- Current:
    - Module stringing.
    - DC cable installation
    - Met tower installation.
    - Substation control house terminations
- Upcoming Projects

    - O&M shop building construction
    - Final circuit mechanical completion
    - Site road top rock installation

-Upcoming permit renewals.

- None.

-Additional mitigation improvements or milestones.

- West property Basin and Swells.

Other

-Current events of note.

- N/A

-Personnel changes as they may relate to EFSEC facility contacts:

- None.

-Public outreach of interest

- None.

Carriger Solar Project

General Description: A proposed 160 megawatts (MW) solar photovoltaic (PV) electric generating facility. Includes a proposed 63 MW of battery energy storage system (BESS). Project area: 2,108- acres of privately owned land.

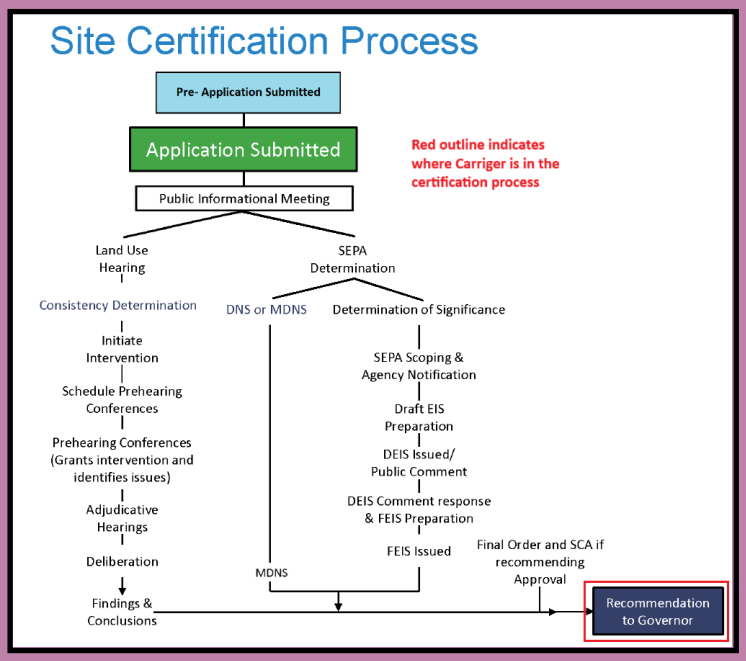
Location: Unincorporated Klickitat County. Approximately 2 miles west of Goldendale.

Applicant: Carriger Solar, LLC.

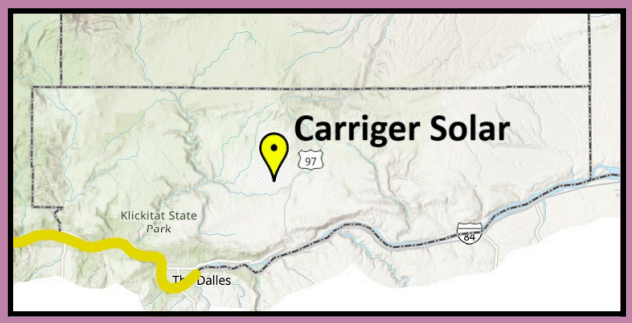
Milestone Dates:

- February 10, 2023, Original ASC Submitted
- September 25, 2023, Council issues Order No. 889 Granting a Finding of Land Use Consistency.
- April 7, 2025, SEPA Mitigated Determination of Non-Significance published.
- May 5, 2025, Council granted Expedited Process.
- June 25, 2025, Recommendation to the Governor submitted.

Status:



Location Map:



Horse Heaven Wind Project

General Description:

Proposed construction of a renewable energy facility that would have a nameplate energy generating capacity of up to 1,150 megawatts (MWs) for a combination of wind and solar facilities as well as battery energy storage systems (BESS). Meteorological Towers (MET), overhead transmission lines, and Operations and Maintenance (O&M) Facilities are also proposed.

Project area: 72,428 acres, privately owned land in which five DNR parcels are located within.

Location:

Unincorporated Central Benton County south of the Tri-Cities.

Applicant:

Horse Heaven Wind Farm, LLC.

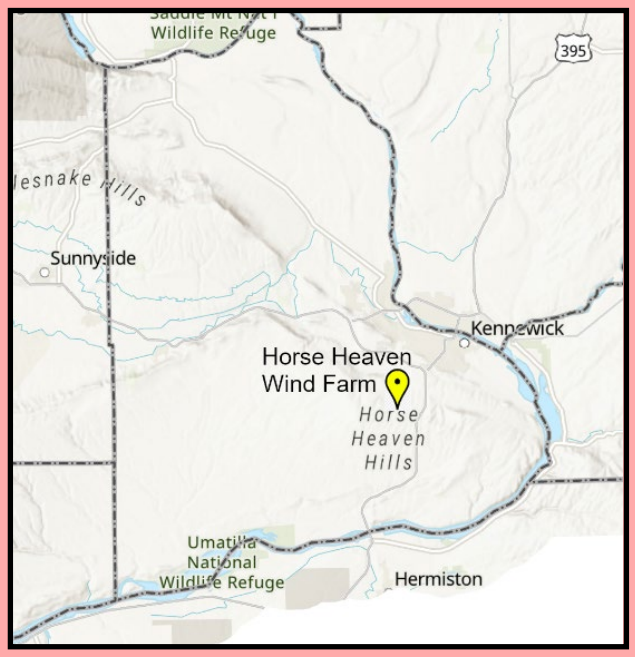
Milestone Dates:

- February 8, 2021, Original ASC Submitted
- May 17, 2022, Council issues Order No. 883 of Land Use Consistency – Finding Proposed Site Consistent with Land Use Regulations.
- October 31, 2023, Final Environmental Impact Statement Issued.
- April 17, 2024, Adjudicative Order Resolving Contested Issues.
- April 29, 2024, Recommendation to the Governor Submitted.
- May 25, 2024, Governor Remanded the Council's Recommendation.
- September 17, 2024, Final Recommendation to the Governor Submitted.
- October 18, 2024, Received Signed SCA and Final Decision from the Governor.
- November 21, 2024, Applicant Signed the SCA.

Status:

Application Approved
SCA Signed
Pre-Construction
Construction
Prior to Commercial Operations
Operations
Termination, Decommissioning, and Site Restoration

Location Map:



Hop Hill Solar Energy Project

General Description: HOHI bn, LLC (Applicant), a subsidiary of BNC DEVCO, LLC, which is a joint venture between BrightNight, LLC and Cordelio Power. Hop Hill Solar project is an up to 500-megawatt2 (MW) solar photovoltaic (PV) generation facility coupled with an up to 500-MW battery energy storage system (BESS). The Solar Array Siting Area encompasses approximately 11,179 buildable acres and the overhead 230-kV gen-tie line will be developed within a 150-foot-wide corridor and microsited within the approximately 10,841-acre Transmission Line Corridor Siting Area). The final solar array area anticipated to be approximately 6,000 acres.

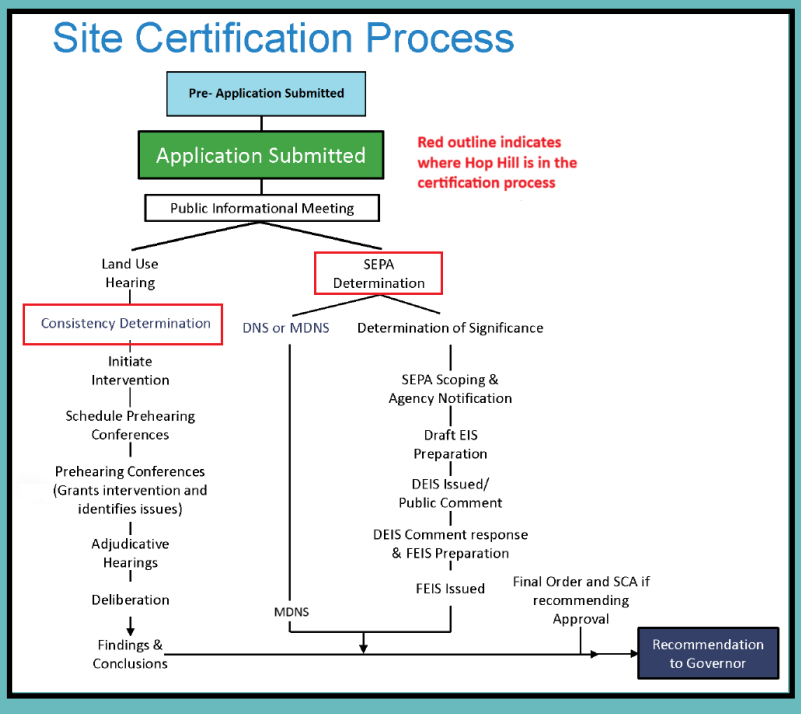
Location: Benton County, Washington.

Applicant: BrightNight, LLC.

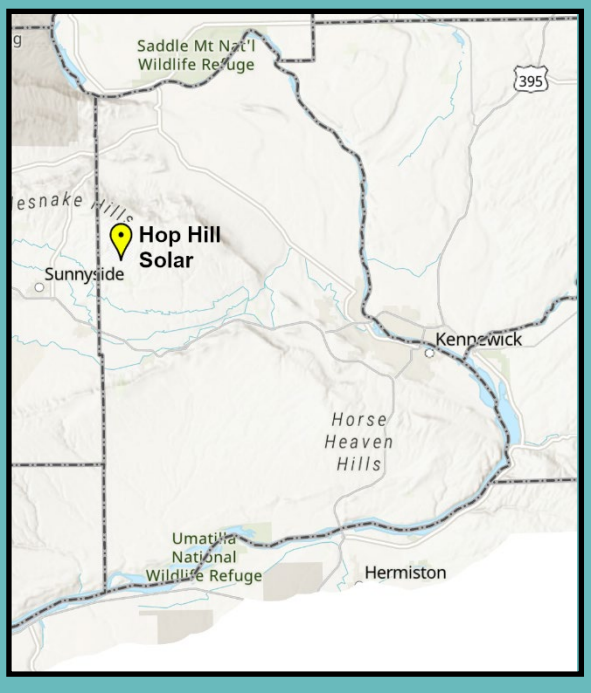
Milestone Dates:

- December 22. 2022, Original ASC Submitted
- February 23, 2023, Public Comment Hearing, Land Use Consistency Hearing
- November 3, 2023, Brightnight requests application review extension (original date:12/22/23 to 12/22/24)
- November 15, 2023, Order finding Project Inconsistent with Land Use (Benton County) Regulations, setting the matter for adjudication.

Status:



Location Map:



515 N Flagler
Drive
Ste P200
West Palm Beach, FL 33401
info@brightnightpower.com

To John Barnes
Washington Energy Facility Site Evaluation Council
621 Woodland Square Loop SE
Olympia, WA 98504-3172

Date: 10/28/25

Dear Mr. Barnes,

HOHI bn, LLC, a subsidiary of BNC DEVCO, LLC, which is a joint venture between BrightNight, LLC and Cordelio Power (Applicant), submitted the streamlined solar Application for Site Certification (ASC) for the Hop Hill Solar and Storage Project (Project) to the Washington Energy Facility Site Evaluation Council (EFSEC) on December 22, 2022.

On November 3, 2023, the Applicant requested and EFSEC granted an extension of the ASC processing period by twelve months, through December 22, 2024. Subsequently, on November 11, 2024, the Applicant submitted a second request for an additional extension to December 22, 2025.

Through this letter, the Applicant respectfully requests EFSEC's agreement to extend the processing time of the Project ASC twelve months, to December 22, 2026, to allow for the review of forthcoming studies, currently in preparation and a supplement to the ASC to evaluate the addition of approximately 2,900 acres to the Project's Solar Array Siting Area.

We understand the Revised Code of Washington 80.50.100 requires that: *"The council shall report to the governor its recommendations as to the approval or rejection of an application for certification within twelve months of receipt by the council of such an application deemed complete by the director, or such later time as is mutually agreed by the council and the applicant."*

Through discussions with EFSEC staff, we understand that preparation of the draft State Environmental Policy Act (SEPA) threshold determination is ongoing, incorporating additional studies and supplemental information necessary to complete the determinations.

The Applicant appreciates EFSEC staff's continued efforts to review the Project ASC and respectfully request this extension to allow adequate time for all parties to review and process the ASC and supplemental materials or analysis requested by EFSEC staff.

If you have any questions, or require further information, please do not hesitate to contact us at kevin.martin@brightnightpower.com.

Sincerely,

Kevin A. Martin

Kevin Martin
Vice President, Permitting - BrightNight

Wallula Gap Solar Energy Project

General Description:

Wallula Gap Solar, a 60-megawatt (MW) solar photovoltaic (PV) project with an optional battery energy storage system (BESS). The Facility would be located across a portion (approximately 437 acres) of three parcels. The optional BESS would not exceed the nominal 60-MW capacity of the Facility. Facility would interconnect through a line tap to Benton Public Utility District's (PUD) 115-kV line near the Prior #2 substation. The generation would then be connected to the Bonneville Power Administration's (BPA) facilities at the Plymouth tap (aka Paterson Tap), where Benton PUD and BPA facilities connect at BPA's McNary substation.

Location:

Unincorporated community of Plymouth, Benton County, Washington.

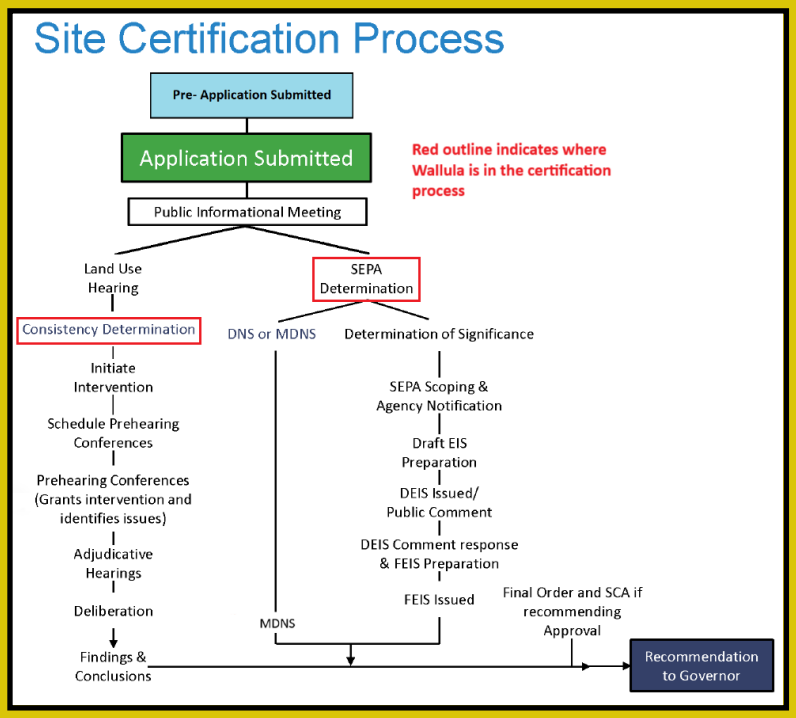
Applicant:

OneEnergy Development LLC

Milestone Dates:

- February 23, 2024, Original ASC Submitted
- April 23, 2024, Public Comment Hearing, Land Use Consistency Hearing

Status:



Location Map:

Goldeneye Battery Storage Project

General Description: A 200- megawatt (MW)/800-megawatt hour (MWh) battery energy storage system (BESS) project. The Project will not generate electricity, but instead provide a buffer for Skagit County's (County) electrical grid. The Project will accomplish this by receiving energy (charging)from the Puget Sound Energy (PSE) electric transmission system, storing energy on site, and then later delivering energy (discharging) back to the point of interconnection Project area: approximately 16 acres, privately owned land.

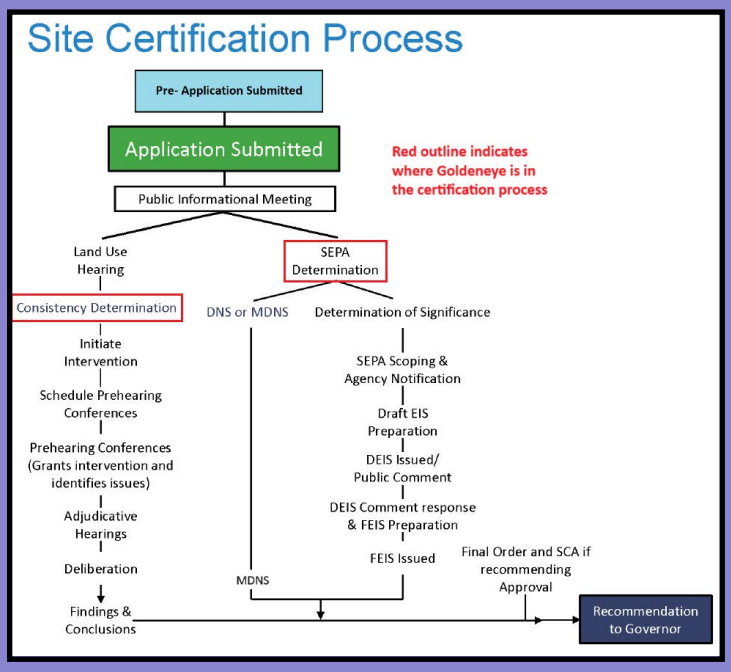
Location: Unincorporated Skagit County, Washington.

Applicant: Goldeneye Battery Storage, LLC

Milestone Dates:

- June 27, 2024, Original ASC Submitted
- August 13, 2024, Public Information Meeting and Land Use Consistency Hearing

Status:



Location Map:

Cascade Renewable Transmission Project

General Description: Request to construct and operate a high-voltage direct current (HVDC) (400-kilovolt [kV]), 1,100-megawatt (MW) electric transmission facility. The facility would interconnect the existing Bonneville Power Administration (BPA) Big Eddy substation, located near The Dalles, Wasco County, Oregon (Eastern Interconnection), and the existing Portland General Electric (PGE) Harborton substation, located in Portland, Multnomah County, Oregon (Western Interconnection). The Project would be constructed primarily in the bed of the Columbia River in both Oregon and Washington, with approximately 40.2 route miles located in Washington and approximately 58 route miles and two converter stations located in Oregon. The Project includes exiting and re-entering the Columbia River in Washington to place approximately 7.6 miles of overland buried transmission cable in Washington, primarily in road ROW, to avoid the Bonneville Locks and Dam.

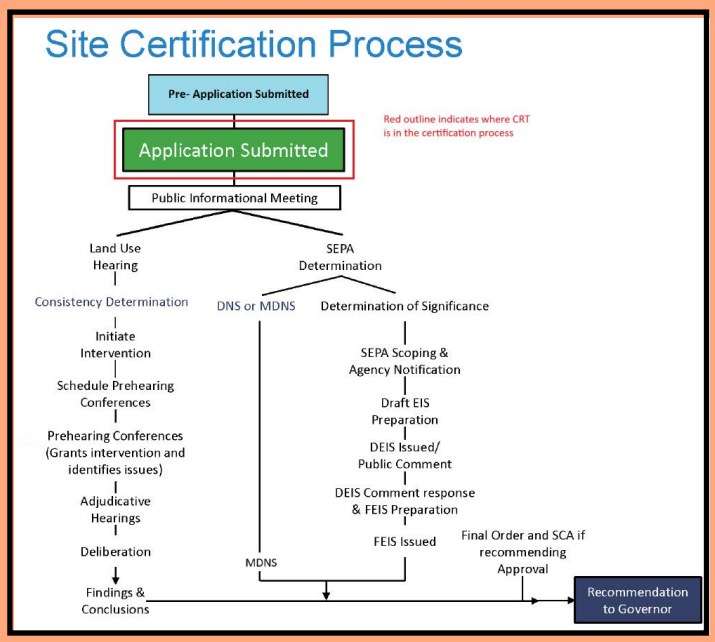
Location: Skamania, Klickitat, and Clark Counties, Washington.

Applicant: Cascade Renewable Transmission LLC

Milestone Dates:

- ASC submitted October 6, 2025

Status:



Location Map:

Washington State Energy Facility Site Evaluation Council

PO Box 43172 • Olympia, Washington 98503-3172
www.efsec.wa.gov

Energy Facility Site Evaluation Council (EFSEC)

Delegating Certain Plan Approvals to the EFSEC Director

Policy #16-01

Adopted March 25, 2016
Revision Adopted July 16, 2025
Additional revision for adoption at November 19, 2025 Council meeting

POLICY PURPOSE

To establish a consistent and timely review and approval process for energy facility plans submitted by certificate holders that do not require an amendment to a site certification agreement.

General Discussion

The Legislature intended, as part of the energy facility siting process, for EFSEC to preserve and protect the quality of the environment, assure that sufficient operational safeguards are in place, and avoid costly duplication in the siting process and ensure that decisions are made in a timely manner. See RCW 80.50.010.

A number of specific powers implementing this legislative intent are set forth in both statutes and rules. RCW 80.50.040(2) gives the Council the power "[t]o develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, and operational conditions of certification of energy facilities subject to this chapter." Similarly, RCW 80.50.040 (9) authorizes the Council "[t]o prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council. . . ." WAC 463-68-050 states: "at least ninety days prior to start of construction . . . a certificate holder shall provide the plans and specifications required by the site certification agreement to the council for approval." WAC 463-70-020 and 463-70-030 address compliance monitoring procedures and compliance determinations as prescribed by the council.

A certificate holder must submit many types of plans to EFSEC for review and approval to ensure that the appropriate protocols are met. Many of the plans are detailed and contain technical/engineering documents for which EFSEC staff and state and local agencies have expertise. To ensure EFSEC has access to additional expertise when needed, interagency agreements have been developed with appropriate agencies.

The Legislature has recognized that some work of the Council will be performed by Council staff (RCW 80.50.360). The Council's rules also recognize the propriety and necessity of delegating some tasks to EFSEC staff. WAC 463-10-010 ("Council" means the energy facility site evaluation council … and, where appropriate to the staff of the council"). Agency heads are presumed to have the authority to delegate decision making to subordinates unless the agency's enabling statute indicates it is forbidden. *See Jackstadt v. Washington State Patrol,* 96 Wash.App. 501, 512-13 (1999); *Kobach v. U.S. Election Assistance Com'n,* 772 F.3d 1183, 1190-91 (10th Cir. 2014). Approval of this policy implements the legislature's directive by delegating to the EFSEC Council Director the authority to review and approve technical plans related to facility construction and operation when an amendment to a site certification is not required.

Implementing this policy will contribute to timely completion of the plan review process and is consistent with EFSEC's past practice of delegating certain review and approval authorities to the EFSEC Director. The adoption of this policy formalizes the delegation of this authority to the EFSEC Director and specifies the type of plans to which this delegated authority extends.

Approval of plans by the EFSEC Director may only occur after EFSEC staff and contractors or subject matter experts, which may include state and local agencies and tribal governments, have identified and the certificate holder has addressed areas of concern. As a prerequisite to plan approval, EFSEC staff will obtain written verification from the appropriate agency documenting that review has taken place to ensure plans are compliant with applicable requirements. Deficiencies noted by EFSEC staff or reviewing agencies must be addressed before a plan may be considered for approval. The Director will also consider advice from a pre- or post-construction technical advisory committee when site certification agreement requires it. EFSEC staff will update the Council of any plans which have been approved by the EFSEC Director.

For plans subject to EFSEC Director approval, the Director shall consider whether any individual plan should be forwarded to the Council for review and, at the Council's discretion, Council approval. Review and approval by the Council may be appropriate where resolution of the plan details involves a high degree of policy discretion and may substantially affect the interests of third parties.

Staff will provide updates to the Council at an open meeting when a certificate holder has submitted a plan to the Director for approval. The Council may, by motion and majority vote, require that any plan submitted by the certificate holder for EFSEC's approval be elevated from a decision by the Director to a decision by the Council. To ensure the public is aware of any plans approved by the EFSEC Director or Council, staff will post approved plans on EFSEC's public website and notify all website subscribers of the approval of such plans.

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- Construction Best Management Practices Plan
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- Construction Management Plan
- Construction Phase and Operations Phase Health and Safety Plans
- Construction Phase and Operations Phase Site Security Plans
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- Construction Phase and Operations Phase Spill Prevention, Control and Countermeasures Plans
- Construction Phase and Operations Phase Soil Management Plans
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- Habitat and Movement Corridor Mitigation and Restoration Plans
- Hunting, Fishing, and Outdoor Recreation Plan
- Livestock and Agricultural Plan
- Pre and Post Construction Technical Advisory Committee Rules of Procedure
- Construction Phase and Operations Phase Erosion and Sedimentation Control Plans
- Cultural and Archeological Resources Plan
- Construction Phase and Operations Phase Fire Control Plan
- Other Non-Specified Construction Plans
- Noise and Shadow Flicker Modeling, Monitoring, and Mitigation Plan
- Greenhouse Gases Mitigation Plan

- Environmental Monitoring Stop Work Criteria Plan
- Rare Plant Survey/Plant Conservation Plan
- Forest Practices Application Class I and II
- Solid Waste Control Plan
- Pre or Post Construction species-specific monitoring and mitigation plans.

II. **Plans/Actions Requiring Council Approval**

- Initial Site Restoration Plan
- Forest Practices Application – Class III and IV
- Wetlands Compensation Mitigation Plan
- Post Construction Bald Eagle/Golden Eagle Plan
- Detailed Site Restoration Plan
- Site Preservation Plan

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