

AGENDA

MONTHLY MEETING
Wednesday, February 18, 2026
1:30 PM

HYBRID MEETING
621 Woodland Square Loop SE, Lacey WA 98503
[Click here to join the meeting](#)
Conference number: 564-999-2000 ID: 100581938#

- 1. Call to OrderKurt Beckett, EFSEC Chair
- 2. Roll CallAndrea Grantham, EFSEC Staff
- 3. Proposed AgendaKurt Beckett, EFSEC Chair
- 4. MinutesKurt Beckett, EFSEC Chair
 - January 21, 2026, monthly meeting minutes
- 5. Projects
 - a. **Ostrea Solar**
 - Project updates.....Jon Voltz, Cypress Creek Renewables
 - b. **Grays Harbor Energy Center**
 - Title V air operating permit.....Sara Randolph, EFSEC Staff
The Council may take FINAL ACTION on the Grays Harbor Title V air operating permit.
 - c. **Carriger Solar**
 - Project updates.....Joanne Snarski, EFSEC Staff
 - d. **Horse Heaven**
 - Ferruginous Hawk Nest Mitigation Plan and project updates.....Amy Moon, EFSEC Staff
The Council may take FINAL ACTION on the Horse Heaven Ferruginous Hawk Nest Mitigation Plan.
 - e. **Hop Hill Solar**
 - Project updates.....John Barnes, EFSEC Staff
 - f. **Wallula Gap Solar**
 - Project updates.....John Barnes, EFSEC Staff
 - g. **Goldeneye BESS**
 - Project updates.....Joanne Snarski, EFSEC Staff
 - h. **Cascade Renewables Transmission**
 - Project updates.....Maria Belkina, EFSEC Staff
 - i. **Programmatic EIS**
 - Project updates and presentation.....Sean Greene, EFSEC Staff

The following projects are not listed due to no non-routine updates: Kittitas Valley Wind, Wild Horse Wind, Chehalis Generation Facility, Columbia Solar, Columbia Generating Station, WNP - 1/4, and Goose Prairie Solar. The project updates are available to view in the Council packet.

- 7. Other
 - Director update.....EFSEC Director
 - Legislative update.....Lisa McLean, EFSEC Staff
 - Tribal update.....Lisa McLean, EFSEC Staff

8. 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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WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

January 21, 2026

Lacey, Washington

Reporter: John M.S. Botelho, CCR, RPR

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 STATE AGENCY MEMBERS:</p> <p>4 Kurt Beckett, Chair</p> <p>5 Blake Nelson, Department of Ecology</p> <p>6 Nate Pamplin, Dept. of Fish and Wildlife</p> <p>7 Maverick Ryan, Department of Natural Resources</p> <p>8 Brain Rybarik,</p> <p>9 Utilities & Transportation Commission</p> <p>10</p> <p>11 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:</p> <p>12 Hop Hill Solar:</p> <p>13 Paul Krupin, Benton County</p> <p>14 Carriger Solar:</p> <p>15 Matt Chiles, Klickitat County</p> <p>16 Goldeneye BESS:</p> <p>17 Robby Eckroth, Skagit County</p> <p>18 Cascade Renewable Transmission:</p> <p>19 Asa Leckie, Skamania County</p> <p>20 Jeff Breckel, City of Stevenson</p> <p>21</p> <p>22 ASSISTANT ATTORNEYS GENERAL:</p> <p>23 Jon Thompson</p> <p>24 Zack Packer</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (Continuing)</p> <p>2</p> <p>3 OPERATIONAL UPDATES (Continuing):</p> <p>4 John Barnes</p> <p>5 Columbia Solar, Tuusso Energy</p> <p>6 Nelson Jia</p> <p>7 Goose Prairie Solar, Brookfield Renewable</p> <p>8 Jon Voltz</p> <p>9 Ostrea Solar, Cypress Creek Renewables</p> <p>10</p> <p>11 COUNSEL FOR THE ENVIRONMENT:</p> <p>12 Sarah Reyneveld</p> <p>13 Yuriy Korol</p> <p>14</p> <p>15 IN ATTENDANCE:</p> <p>16 Lenny Young</p> <p>17 Eli Levitt</p> <p>18 Stacey Brewster</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (Continuing)</p> <p>2</p> <p>3 COUNCIL STAFF:</p> <p>4 Sonia Bumpus Karl Holappa</p> <p>5 Ami Hafkemeyer Audra Allen</p> <p>6 Amy Moon Maria Belkina</p> <p>7 Joan Owens Lisa McLean</p> <p>8 Andrea Grantham Catherine Taliaferro</p> <p>9 Sonja Skavland Alondra Zalewski</p> <p>10 Sean Greene Sairy Reyes</p> <p>11 Lance Caputo Trevin Taylor</p> <p>12 John Barnes Dave Walker</p> <p>13 Joanne Snarski Nabila Gomes</p> <p>14 Ali Smith Noel Sharp</p> <p>15</p> <p>16 OPERATIONAL UPDATES:</p> <p>17 John Barnes</p> <p>18 Kittitas Valley Wind, EDP Renewables</p> <p>19 Jennifer Galbraith</p> <p>20 Wild Horse Wind Power Project, Puget Sound Energy</p> <p>21 Eric Pace</p> <p>22 Grays Harbor Energy Center, Grays Harbor Energy</p> <p>23 Jeremy Smith</p> <p>24 Chehalis Generation Facility, PacifiCorp</p> <p>25 Kelly Elsethagen</p> <p>26 Katie Hall</p> <p>27 Columbia Generating Station & WNP-1/4, Energy</p> <p>28 Northwest</p>	<p style="text-align: right;">Page 5</p> <p>1 MEETING INDEX</p> <p>2</p> <p>3 EVENT: PAGE NO.</p> <p>4 Call to order 7</p> <p>5 Roll call 7</p> <p>6 Proposed agenda 11</p> <p>7 Minutes</p> <p>8 December 17, 2025, monthly meeting minutes 11</p> <p>9 Council member resolutions</p> <p>10 Resolutions for Lenny Young, Eli Levitt, and Stacey Brewster 12</p> <p>11</p> <p>12 Projects</p> <p>13 Kittitas Valley Wind Project 29</p> <p>14 Wild Horse Wind Power Project 30</p> <p>15 Chehalis Generation Facility 31</p> <p>16 Grays Harbor Energy Center 31</p> <p>17 Columbia Solar 31</p> <p>18 Columbia Generating Station 32</p> <p>19 WNP - 1/4 32</p> <p>20 Goose Prairie Solar 36</p> <p>21 Ostrea Solar 36</p> <p>22 Carriger Solar 37</p> <p>23 Horse Heaven 39</p> <p>24 Hop Hill Solar 67</p> <p>25 Wallula Gap Solar 68</p> <p>26 Goldeneye BESS 71</p>

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<p>1 BE IT REMEMBERED that on Wednesday, Page 7</p> <p>2 January 21, 2026, at 621 Woodland Square Loop</p> <p>3 Southeast, Lacey, Washington, at 1:31 p.m., the</p> <p>4 following monthly meeting of the Washington State</p> <p>5 Energy Facility Site Evaluation Council was held, to</p> <p>6 wit:</p> <p>7</p> <p>8 <<<<<< >>>>>></p> <p>9</p> <p>10 CHAIR BECKETT: Good afternoon.</p> <p>11 This is Kurt Beckett, chair of EFSEC, calling our</p> <p>12 January 21st meeting to order at 1:31 p.m.</p> <p>13 And, Ms. Grantham, if you could call the roll,</p> <p>14 please.</p> <p>15 MS. GRANTHAM: Certainly, Chair.</p> <p>16 Department of Commerce.</p> <p>17 Department of Ecology.</p> <p>18 MR. NELSON: Councilman Nelson</p> <p>19 here.</p> <p>20 MS. GRANTHAM: Department of Fish</p> <p>21 and Wildlife.</p> <p>22 MR. PAMPLIN: Nate Pamplin,</p> <p>23 present.</p> <p>24 MS. GRANTHAM: Department of</p> <p>25 Natural Resources.</p>	<p>1 MR. PACKER: Present. Page 9</p> <p>2 MS. GRANTHAM: And Talia Thuet.</p> <p>3 Moving on to Council staff.</p> <p>4 Sonia Bumpus.</p> <p>5 MS. BUMPUS: Present.</p> <p>6 MS. GRANTHAM: Ami Hafkemeyer.</p> <p>7 MS. HAFKEMEYER: Present.</p> <p>8 MS. GRANTHAM: Amy Moon.</p> <p>9 MS. MOON: Present.</p> <p>10 MS. GRANTHAM: Sara Randolph.</p> <p>11 Sean Greene.</p> <p>12 MR. GREENE: Present.</p> <p>13 MS. GRANTHAM: John Barnes.</p> <p>14 MR. BARNES: Present.</p> <p>15 MS. GRANTHAM: Joanne Snarski.</p> <p>16 MS. SNARSKI: Present.</p> <p>17 MS. GRANTHAM: Maria Belkina.</p> <p>18 MS. BELKINA: Present.</p> <p>19 MS. GRANTHAM: Lisa McLean.</p> <p>20 MS. McLEAN: Present.</p> <p>21 MS. GRANTHAM: And Noel Sharp.</p> <p>22 MS. SHARP: Present.</p> <p>23 MS. GRANTHAM: Operational updates.</p> <p>24 For Kittitas Valley wind project.</p> <p>25 Wild Horse Wind Power Project.</p>

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1 MS. GALBRAITH: Jennifer Galbraith,
 2 present.
 3 MS. GRANTHAM: Grays Harbor Energy
 4 Center.
 5 MR. PACE: Eric Pace, present.
 6 MS. GRANTHAM: Chehalis Generation
 7 Facility.
 8 MR. SMITH: Jeremy Smith, present.
 9 MS. GRANTHAM: Columbia Generating
 10 Station.
 11 MS. HALL: Katie Hall for Columbia,
 12 present.
 13 MS. GRANTHAM: Columbia Solar.
 14 Goose Prairie Solar.
 15 MR. JIA: Yeah. Nelson here.
 16 MS. GRANTHAM: And Ostrea Solar.
 17 MR. VOLTZ: John Voltz, present.
 18 MS. GRANTHAM: And do we have anyone
 19 present for the counsel for the environment?
 20 MS. REYNEVELD: Yeah.
 21 MR. KOROL: Yuriy Korol.
 22 MS. REYNEVELD: Sarah Reyneveld and
 23 Yuriy Korol are present.
 24 MS. GRANTHAM: Thank you.
 25 Chair, there is a quorum for all councils.

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1 CHAIR BECKETT: Thank you very much.
 2 Moving on. Chair would entertain a motion to
 3 adopt today's meeting agenda.
 4 MR. RYBARIK: So moved.
 5 CHAIR BECKETT: Is there a second?
 6 MR. PAMPLIN: Second.
 7 CHAIR BECKETT: The agenda's been
 8 moved and seconded. Are there any additions or changes
 9 to the agenda?
 10 Hearing none.
 11 All in favor of moving the agenda forward, please
 12 say "aye."
 13 MULTIPLE SPEAKERS: Aye.
 14 CHAIR BECKETT: Opposed? Abstain?
 15 Okay. Agenda is adopted.
 16 Moving on to the minutes. We have before us the
 17 minutes from our December 17th meeting. Chair would
 18 entertain a motion to adopt the minutes.
 19 MR. RYBARIK: So moved.
 20 CHAIR BECKETT: Second?
 21 MR. PAMPLIN: Second.
 22 CHAIR BECKETT: The minutes have
 23 been moved and are on the table. Are there any edits
 24 to the minutes? I know of none from my review.
 25 MR. RYBARIK: I specifically

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1 reviewed for the spelling of "counsel" this time, but I
 2 did not notice any modifications needed.
 3 CHAIR BECKETT: Thank you for
 4 bringing that forward, future review.
 5 So all right. Then, with that, I'll call for the
 6 vote to approve the minutes.
 7 All in favor, say aye.
 8 MULTIPLE SPEAKERS: Aye.
 9 CHAIR BECKETT: Opposed?
 10 Okay. Minutes are adopted.
 11 And a special privilege for all of us today. We
 12 have before us three resolutions, one each for former
 13 Council members: Lenny Young from the Department of
 14 Natural Resources, Eli Levitt from the Department of
 15 Ecology, and Stacey Brewster from the Utilities and
 16 Transportation Commission.
 17 And so the chair would entertain a motion to adopt
 18 Resolutions 358, 359, and 361.
 19 MR. PAMPLIN: So moved.
 20 CHAIR BECKETT: Is there a second?
 21 MR. RYBARIK: Second.
 22 CHAIR BECKETT: Thank you.
 23 The resolutions are now on the table. And the
 24 chair will do his best to try and appropriately
 25 highlight a few specific items for each of our former

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1 Council members. For the members of the public, you'll
 2 find a full description for each of their activities
 3 and service here on the EFSEC Council and a general
 4 consensus -- I will not read the full resolution or let
 5 alone all three, but will enable -- will endeavor to
 6 highlight a few special things for each of them and
 7 then would welcome other comments from Council members,
 8 and then ultimately we'll call the question and
 9 certainly would welcome hearing from our special guests
 10 here today.
 11 So starting with Lenny Young. And we'll go in
 12 numeric order here. For resolution 358, Lenny was
 13 appointed on March 5th, 2021, served nearly five years,
 14 and certainly brought a tremendous depth of knowledge
 15 and background in many respects but especially given
 16 his natural resources focus at the Department of
 17 Natural Resources.
 18 Each of these former Council members participated
 19 in six reviews -- or excuse me -- in six site
 20 certificate agreements. Those are Goose Prairie Solar,
 21 High Top Solar, Ostrea Solar, Horse Heaven Wind,
 22 Wautoma Solar, and Carriger Solar. And certainly
 23 several of those -- in particular, Horse Heaven --
 24 stand out, even more extra work than I think any of us
 25 can fully appreciate. So I want to thank all of you

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1 for that.

2 The other thing that Lenny was certainly known for

3 was characterized by challenging assumptions and

4 examining multiple angles of an issue during Council

5 deliberations. And let me note that for each of you,

6 the resolution on this is that the Energy Facility Site

7 Evaluation Council recognizes your outstanding,

8 unwavering, and faithful contribution to the Council's

9 siting and regulatory activities and gratefully

10 expresses its sincere gratitude for the commitment,

11 dedication, and effort that each of you have shown

12 through your service.

13 Moving on to Eli Levitt, who began his service

14 with EFSEC on January 10th, 2022. And each of these

15 Council members certainly brought, you know, diligence

16 in their deliberation on how best to balance many of

17 the different impacts and mitigation measures that

18 every project deserves.

19 And I'm sure we'll catch a "mute" there when we

20 can.

21 Eli contributed, again, to the same six eventual

22 site certificate agreements in addition to his

23 thoughtful focus on the review, his attentiveness to

24 public comment, thoughtful questions, and continual

25 advocacy for continuous improvement and expansion of

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1 public outreach was certainly noted, and solicitation

2 of public input from across Washington's diverse

3 communities was an area of focus for Council Member

4 Levitt.

5 And, lastly, and saving the distinction of the

6 longest-serving Council member, at least that I'm aware

7 of, for nearly seven years, Stacey Brewster on behalf

8 of the Utilities and Transportation Commission, who

9 started with the EFSEC Council on January 8th, 2019.

10 She also gets the high award for 73 regular Council

11 meetings and 31 special meetings.

12 And I should have noted that Eli had 58, but Lenny

13 had a full 80. So I think you're still on No. 2,

14 Lenny. But each of you, you know, deserve praise for

15 even a handful of those.

16 So let me also especially say here in the past

17 year that Stacey, Council Brewster, was ably and with

18 careful consideration guided Council discussion as

19 acting chair for Horse Heaven, including on the

20 Species-5 issue that is also before the Council today,

21 Wallula Gap, Goldeneye BESS, and Hop Hill. And she has

22 participated -- and I had the honor of doing so

23 alongside her -- in a government-to-government

24 consultation for the Goldeneye BESS project.

25 So, in particular, a closing comment was just

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1 particularly insightful questions in adjudicative

2 processes and deliberations were noted as an area of

3 extra expertise that Council Brewster brought to the --

4 to the effort.

5 So, with that, certainly a closing just heartfelt

6 "thank you" to each of you for all your service. I

7 learned a lot from you and appreciated just in the time

8 in the past year that I was able to share with each of

9 you. I can't thank you enough, and especially Stacey

10 for grabbing that gavel on my behalf, which was always

11 going to be an extra ask of someone, and it came to be

12 you. So thank you for that.

13 And, with that, I would turn this to my fellow

14 Council members, and I would actually maybe start with

15 Council and Chair Rybarik, who has a member of the UTC

16 here being honored, so...

17 MR. RYBARIK: Thank you,

18 Mr. Chairman. Do want to just thank everybody for

19 their -- for their service here. And I think you've

20 paraphrased those very well in just the great work

21 that's gone on here. I want to additionally appreciate

22 Stacey's work for the UTC here in the room with us,

23 with us today. Want to just give a great shout out to

24 her. The resolution outlines some of the projects, as

25 you mentioned, Mr. Chairman, some of the work very

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1 specifically in the chair's spot in the last -- last

2 year or so.

3 But I think it cannot capture, even though it

4 attempts to, just the thoughtfulness and the

5 preparation that Stacey brings to her work and the

6 perspectives she offers. We're very thankful that

7 she'll continue to be here at the UTC, continue to

8 support the work that we're doing here with EFSEC and

9 my participation here. But just wanted to thank her

10 again, and just grateful for her perspectives and

11 knowledge. And thank you, Stacey.

12 CHAIR BECKETT: Very well.

13 Let me continue, then. I guess, Council Ryan, did

14 you want to make a comment on behalf of your agency as

15 well.

16 MR. RYAN: Yeah. Thank you, Chair.

17 Lenny: Big shoes, huge opportunity to follow in

18 the footsteps of someone like yourself and appreciate

19 all the insight leant to the Council over the years.

20 Everything that's been mentioned, your role in these

21 deliberations, it's really the model of public service,

22 both your record of service here as well as at the

23 agency. So I appreciate the opportunity to step in

24 your footsteps and appreciate everything you've done.

25 CHAIR BECKETT: And, Council Nelson,

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1 did you want to make a comment on behalf of the
2 Department of Ecology?
3 MR. NELSON: Thank you, Chair
4 Beckett. I sure do.
5 Just want to thank all three Council members
6 receiving a commendation here: Young, Brewster, and
7 Levitt.
8 Eli's dedication to public comment and open
9 process and all that, that transcends his entire
10 career, not just his time on the EFSEC Council. And
11 just wanted to publicly thank him for that.
12 You know, I'd like to think that Eli walks so I
13 could run, but he's about a foot taller than me, so in
14 my analogy here, we're going at about the same rate of
15 speed. Thank you, Eli.
16 CHAIR BECKETT: Thank you.
17 Council Pamplin or other Council members, any
18 other comments?
19 MR. PAMPLIN: Thank you, Mr. Chair.
20 Yeah, great appreciation for all three Council members.
21 And I'd just like to specifically mention Mr. Young.
22 He's been an executive at DNR for a lot of years,
23 and our orbits have overlapped and intersected on a
24 variety of other forums outside of the EFSEC process.
25 Always found his style of engagement being curious,

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1 articulating very complex and difficult discussions in
2 a way that brought further understanding across the
3 meeting.
4 And I always thought he was very fair and just an
5 active listener. And I've always appreciated just
6 working with you, Mr. Young. So thank you for all of
7 your years of service. Thanks.
8 CHAIR BECKETT: Thank you.
9 And, Director Bumpus, I apologize for not giving
10 you a heads-up earlier. I would turn this to you just
11 to see if there's any comment you want to make on
12 behalf of yourself and/or the staff and the agency,
13 so -- and it's okay if not, but...
14 MS. BUMPUS: Thank you. No.
15 CHAIR BECKETT: I should have added
16 your name in that list earlier, so...
17 MS. BUMPUS: Thank you, Chair
18 Beckett. I appreciate the opportunity.
19 No, I just wanted to say thank you for all of the
20 work and the dedicated time and attention to EFSEC over
21 those years that you served, and also to thank you --
22 each of you were always very respectful to staff and
23 worked very well and very collaboratively with the
24 EFSEC staff, and we really appreciate that. So thank
25 you.

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1 CHAIR BECKETT: Thank you for the
2 good comments.
3 All right. Members of the Council, with that, I
4 will call the question. Again, we have
5 Resolutions 358, 359, and 361 on the table. All in
6 favor of passing those resolutions, please say "aye."
7 MULTIPLE SPEAKERS: Aye.
8 CHAIR BECKETT: Opposed?
9 Abstentions?
10 Okay. Unanimous of course.
11 I don't know if there's any comments our guests
12 would like to make from the floor. I would certainly
13 welcome that. No obligation. Otherwise, we do have
14 resolutions here that are actually framed, and we would
15 present those to you and probably grab a quick photo.
16 So if you wish.
17 MR. YOUNG: Just --
18 CHAIR BECKETT: Former Council
19 Young, please.
20 MR. YOUNG: -- quick remarks from
21 me.
22 I first would like to thank our outstanding
23 commissioners, Public Lands Commissioner Hilary Franz,
24 former commissioner, and Commissioner Dave Upthegrove,
25 our current commissioner, for having the confidence to

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1 give me the opportunity to represent them and the
2 department, and thank both the former chair, Kathleen
3 Drew, and the current chair, Kurt Beckett, Director
4 Bumpus, and all the EFSEC staff, including our counsel
5 from the attorney general's office, Jon Thompson, for
6 the tremendous support that they've provided during the
7 time that I served.
8 And not the least the incredible thoughtfulness
9 and dedication of my fellow Council members when we
10 were dealing with very complex issues with competing
11 priorities. I was always impressed by the dedication
12 and the thoughtfulness and the seriousness with which
13 they took these important issues and how they
14 discharged their duties. So tremendous experience, and
15 I'm very thankful for the opportunity to have been on
16 the Council.
17 CHAIR BECKETT: Thank you very much.
18 Anyone else? No obligation.
19 MS. BREWSTER: Well --
20 CHAIR BECKETT: Stacey Brewster.
21 MS. BREWSTER: -- Lenny said it very
22 well. Thank you to all of you for leadership, to
23 staff. You guys -- it wasn't easy, but it wasn't
24 impossible. You did -- you prepared us well. Always
25 had information for us. I really appreciate your

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1 dedication, your integrity, all consummate
2 professionals, leadership, Chair Beckett, Chair Drew.
3 Learned so much during this opportunity, and I really
4 appreciate the honor to serve.
5 CHAIR BECKETT: Council Levitt.
6 MR. LEVITT: Yeah, I guess I feel
7 obligated to also say something.
8 No, I just thank you very much for the opportunity
9 to serve. I believe very much in the mission of the
10 agency and the Council. I have a child with asthma and
11 have friends and family with asthma. I look forward to
12 a future where there is more solar, there's more
13 geothermal, there's more wind, there's more battery
14 storage, more smart grid, and hopefully our skies will
15 be clearer, we'll have less smog, and a new future to
16 look forward to.
17 I certainly respect that all these decisions are
18 tough. I strongly recommend the importance and the
19 value of doing site visits together, staff and Council
20 members and the public doing those site visits,
21 listening to each other, talking to each other. Those
22 to me are extremely valuable, and I hope those continue
23 into the future.
24 I was mentored briefly by Hedia Adelsman at
25 Ecology, and she always had so many stories and talked

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1 so much about the site visits to reinforce their --
2 their importance. So, yeah, good luck with the
3 decisions ahead of you, and thank you to the staff and
4 the Council members for continuing to work.
5 CHAIR BECKETT: Thank you very much,
6 each of you, for your good and meaningful comments.
7 With that, I would ask that, Council Rybarik, if
8 you would grab --
9 MR. RYBARIK: Yeah.
10 CHAIR BECKETT: -- the resolution
11 for Stacey. And, Maverick, if you would grab Lenny's.
12 And I will -- Council Nelson, on your behalf from the
13 Department of Ecology, I will carry Eli's. And so
14 we'll present these to you, and hopefully someone could
15 help with the photo from out there. And then we'll
16 resume the rest of our meeting here in less than five
17 minutes. The meeting is still going. We haven't
18 adjourned, or recessed, I should say, so...
19 (Discussion off the record.)
20
21 CHAIR BECKETT: Thank you.
22 (Applause.)
23
24 CHAIR BECKETT: And as we pick back
25 up here, let me just note for our honored guests that

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1 you have more than earned the right to leave
2 immediately. You are welcome, of course, in this
3 public meeting at any time. But you have earned the
4 right to walk out the door. So I leave that to your
5 good judgment.
6 All right. With that, we will move to our project
7 updates at 1:50. And let me -- on behalf of my fellow
8 Council members as well as our project participants and
9 members of the public, I have kind of a broader
10 announcement to share and certainly welcome comments
11 from Council in particular as we go through this
12 portion of the meeting.
13 I believe Director Bumpus or Ami Hafkemeyer will
14 add a further word here. But basically there's a
15 proposed change that would be being implemented in
16 February which would evolve these project updates
17 essentially that, for the normal updates that have
18 nothing to report other than what's already in our
19 packet, that that in-meeting verbal, whether virtually
20 or rarely on occasion here in the meeting, that we
21 would suspend that in-meeting reporting-out process and
22 instead have those same written reports in our packet.
23 And those -- that would be done to maintain our,
24 you know, continuing our compliance standards that are
25 associated with each of the site certificate

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1 agreements, but ultimately I think achieving a more
2 easier, more efficient way of our work.
3 And so that's the underlying intent in changing
4 from having to come down the roll with not always
5 things to report. Certainly the ability for any of our
6 project participants to highlight something that they
7 choose to highlight or something that we mutually
8 believe needs more discussion in a meeting, that can
9 always be done quickly just before the meeting, but
10 otherwise I think we would try to consistently note
11 these are the projects that are just going to have
12 written reports, and then obviously we would focus on
13 the balance that would receive the normal verbal
14 update, whether that was by a project participant or
15 staff.
16 So, with that, let me turn to Director Bumpus and
17 Ami Hafkemeyer to see if there was any further
18 additional kind of context you wanted to provide on how
19 that new system will work and continue to maintain our
20 compliance, so...
21 MS. BUMPUS: Thank you, Chair
22 Beckett. And good afternoon, Council members.
23 Yes, so just a couple of things. In looking at
24 ways to have the Council meetings run a little bit more
25 efficiently and spending our time together focused on

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1 applications that are under review and on facilities
 2 that maybe have compliance issues that we need to
 3 address, we think that this is going to add some
 4 efficiency to the meetings.
 5 We -- we being staff -- looked at the site
 6 certification agreements for our operating facilities
 7 to ensure that if making this change is still compliant
 8 with the terms and conditions of those SCAs -- and it
 9 is -- and so we did double-check that, and we think
 10 that this is -- this is consistent with their
 11 compliance requirements.
 12 As to how it will work, I'll punt over to Ami
 13 Hafkemeyer to see if she wants to add any additional
 14 details about how this would function.
 15 MS. HAFKEMEYER: Thank you.
 16 So in the background, very little will change.
 17 Staff are in regular communication with our operational
 18 facilities. And so if there are compliance activities
 19 pending or something arises unexpectedly, that will
 20 continue to be communicated with staff and brought
 21 forward to the Council as things arise.
 22 And staff will continue to review these monthly
 23 updates and coordinate with the facilities on these
 24 regular updates. That will still be provided monthly
 25 as they are now. And so with that respect, compliance

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1 oversight is not diminishing in any way. We are still
 2 verifying compliance with permits, with SCA
 3 requirements, and so on and so forth.
 4 Really the only change will be on the -- in the
 5 meeting where, if there is nothing nonroutine to
 6 report, we will not continue to say that every meeting.
 7 Rather, indicate which facilities have nothing
 8 nonroutine to report, but their update will still be
 9 available in the Council packet for your review. And
 10 facilities that do have something nonroutine to report
 11 or an upcoming permit renewal or mitigation activity
 12 that they're providing a report on, those will still be
 13 verbally provided at the Council meetings.
 14 CHAIR BECKETT: Great. Thank you
 15 for that.
 16 And I should just also acknowledge a couple of
 17 other folks in this. One, Director Bumpus had
 18 confirmed with me that the suggestion had certainly
 19 pre-existed my arrival at the agency maybe some years
 20 back certainly. And a question I had in, you know,
 21 kind of coming to EFSEC.
 22 I do reflect that ultimately these project updates
 23 don't often take a lot of time, because I kind of
 24 annotate, you know, how much time we're spending, but
 25 ultimately I am mindful of, you know, the time it takes

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1 for the participants to log in and others and call the
 2 roll, and so hopefully we can, you know, again, do good
 3 work and maintain our compliance with high confidence
 4 here but still have that benefit of a little easier
 5 work.
 6 Council Pamplin has certainly asked this question
 7 and suggestion, made a suggestion along these lines, so
 8 I just want to just recognize that shared intent and
 9 good suggestion.
 10 On a closing note -- well, let me say, one, let me
 11 see if there's comments from our Council, and I would
 12 also note for our project report-outs here coming up,
 13 if you -- as you do each of your project up-to-dates,
 14 as I call on you, if you have any question or comment
 15 you want to make while we're all here kind of in this
 16 transition, please do that today as I call through the
 17 projects here momentarily.
 18 But with that heads-up to our project
 19 participants, let me turn this first to the Council for
 20 any quick comments they'd like to share.
 21 Council Pamplin.
 22 MR. PAMPLIN: Yeah, thanks,
 23 Mr. Chair.
 24 Just really appreciate you-all taking a look at
 25 this and seeing if this change could be implemented. I

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1 appreciate where we're landing and the direction we're
 2 headed. So thank you.
 3 CHAIR BECKETT: Council Rybarik.
 4 MR. RYBARIK: Appreciate the focus
 5 on efficiency and looking at that efficiency for all
 6 parties involved and appreciate the change. I support
 7 it. Thank you.
 8 CHAIR BECKETT: Anyone else?
 9 Oh. Council Pa- -- Nelson. Excuse me.
 10 MR. NELSON: Excellent. Yeah, thank
 11 you, Chair Beckett.
 12 Yes, I appreciate the efficiency, and, yeah, let's
 13 let her rip.
 14 CHAIR BECKETT: On that note. All
 15 right.
 16 Moving on to project updates. The Kittitas Valley
 17 wind project. Mr. Caseday.
 18 We will move on for now and can come back to
 19 Kittitas Valley, if need be.
 20 MS. HAFKEMEYER: Council Beckett.
 21 CHAIR BECKETT: Oh.
 22 MS. HAFKEMEYER: John Barnes is able
 23 to --
 24 CHAIR BECKETT: Oh.
 25 MS. HAFKEMEYER: -- speak to the

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1 facility updates.
 2 CHAIR BECKETT: Thank you,
 3 Mr. Barnes.
 4 MR. BARNES: Thank you, Chair
 5 Beckett and Council. This is staff for the Kittitas
 6 Valley project. I will be speaking on behalf of Sara
 7 Randolph.
 8 There's no updates to -- or the facility update is
 9 provided in your packet. There is no nonroutine
 10 updates to report.
 11 CHAIR BECKETT: Okay. Thank you.
 12 Moving on to the Wild Horse Wind Power Project.
 13 MS. GALBRAITH: Yes.
 14 CHAIR BECKETT: Ms. Galbraith.
 15 MS. GALBRAITH: Thank you. Thank
 16 you, Chair Beckett. Can you hear me all right?
 17 CHAIR BECKETT: Yes, we can.
 18 MS. GALBRAITH: Excellent.
 19 So thank you, EFSEC Council and staff. This is
 20 Jennifer Galbraith with Puget Sound Energy representing
 21 the Wild Horse Wind Facility.
 22 For the month of December, we have nothing
 23 nonroutine to report and no new updates regarding the
 24 cleanup of the damaged turbine other than that winter
 25 weather has stalled the removal of the remaining 15

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1 percent of turbine components. But we anticipate
 2 cleanup to be completed before the end of this month as
 3 weather and site conditions allow. Thank you.
 4 CHAIR BECKETT: Thank you.
 5 The Chehalis Generation Facility. Mr. Smith.
 6 MR. SMITH: Good afternoon, Chair
 7 Beckett, EFSEC Council, and staff. This is Jeremy
 8 Smith, the operations manager for the Chehalis
 9 Generation Facility.
 10 I have no nonroutine items to report.
 11 CHAIR BECKETT: Thank you.
 12 Grays Harbor Energy Center. Mr. Pace.
 13 MR. PACE: Good afternoon, Chair
 14 Beckett, EFSEC Council, and staff. This is Eric Pace
 15 for Grays Harbor Energy.
 16 And Grays Harbor Energy has nothing nonroutine to
 17 report.
 18 CHAIR BECKETT: Thank you.
 19 The Columbia Solar project. I don't know if we
 20 have a participant for that today or not.
 21 Nothing from staff on that?
 22 MR. BARNES: Yes, I will be
 23 providing the update, I believe.
 24 So this is John Barnes, EFSEC staff for the
 25 Columbia Solar project.

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1 The facility update is provided in your packet.
 2 There are no nonroutine updates to report. Thank you.
 3 CHAIR BECKETT: Thank you.
 4 Moving on to the Columbia Generating Station and
 5 WNP 1 and 4. Kelly Elsethagen.
 6 MS. HALL: Good afternoon. Can you
 7 hear me all right?
 8 CHAIR BECKETT: Yes, we can.
 9 MS. HALL: Okay. Good afternoon,
 10 Chair Beckett, Council members, and staff. This is
 11 Katie Hall for Columbia Generating Station and WNP 1
 12 and 4.
 13 While the agenda shows no updates for these
 14 facilities, previously discussed with EFSEC staff using
 15 this opportunity to notify of our recent submittal to
 16 EFSEC for the Columbia Generating Station.
 17 On January 15th, Energy Northwest submitted a SEPA
 18 checklist to EFSEC for the construction of two
 19 warehouses at the Column Generating Station. This
 20 submittal follows EFSEC's staff's recent decision on
 21 January 6 to require SEPA review despite earlier
 22 indications to the contrary. Energy Northwest and
 23 EFSEC have held conversations regarding the scope and
 24 timeline of the project since September of last year.
 25 So Energy Northwest emphasizes this late change

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1 jeopardizes the compressed schedule for the upcoming
 2 refueling outage, which is critical for operational
 3 readiness and regional energy reliability. So
 4 therefore Energy Northwest has requested EFSEC's
 5 determination on the SEPA checklist by February 2nd,
 6 and we've urged for expedited review, including waiving
 7 the public comment period if no significant
 8 environmental impacts are identified. Thank you.
 9 CHAIR BECKETT: Thank you.
 10 It's my understanding from staff that that recent
 11 request came in on Friday, is under review, and we may
 12 hear a little bit more on that in our February meeting.
 13 But appreciate the added context of what's trying to be
 14 accomplished there in the requested timeline.
 15 I don't know if there's any other comment from
 16 staff that you'd like to share. But it's great if you
 17 do. And otherwise I know we'll close out on this in
 18 February, so...
 19 MS. HAFKEMEYER: Just a little bit
 20 more context to add.
 21 We have received submissions, a SEPA checklist as
 22 well as some plans that we're reviewing to ensure code
 23 compliance. And we are working with the facility and
 24 reviewing what process milestones are appropriate for
 25 the environmental review and compliance with their site

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1 certificate agreement.
2 CHAIR BECKETT: Thank you.
3 Any questions of what's been shared from other
4 Council members?
5 MR. RYBARIK: I just want to make
6 sure I heard the dates right in the presentation. I
7 think it was Katie. Did you say you've requested
8 review of that by February 2nd?
9 CHAIR BECKETT: That was the date.
10 MS. HALL: Yes, that is correct.
11 MR. RYBARIK: Okay. So obviously
12 that's before the next EFSEC Council meeting. So I'm
13 just -- how do we think about lining those -- the
14 request up in our next regularly scheduled meeting?
15 CHAIR BECKETT: I think staff are
16 basically, especially on the SEPA review, trying to
17 make sure what's required there. Generally all of what
18 we're talking about is within the director's delegated
19 authority and would fall more on that side of the -- of
20 the line. But I think, you know, in general, of
21 course, as an abundance of just transparency and doing
22 work together, surfacing it here is part of that. And
23 if there's further consideration from the director on
24 the EFSEC Council, any action required, then that would
25 come back --

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1 MR. RYBARIK: Oh. Back to us.
2 Okay. Got it.
3 CHAIR BECKETT: I don't know if
4 there's anything else on that?
5 MS. BUMPUS: Yes. Thank you, Chair
6 Beckett. And we'll provide an update, a more -- I
7 would say comprehensive update to the Council as to
8 what we determine based off this review of the latest
9 submitted material. So we'll be providing a more
10 detailed update to the Council at that time. So even
11 though this does fall -- the review is more related to
12 what's required of EFSEC per SEPA, we're still going to
13 be providing an update to the Council as to what we're
14 finding with respect to the SEPA review.
15 MR. RYBARIK: Very good. Thank you.
16 CHAIR BECKETT: Appreciate that.
17 And certainly I appreciate the added comment of
18 where the warehouses fit into the larger refueling
19 standard event that goes on with the Columbia
20 Generating Station, all of which is contained within
21 the current SCA that is on the books that's already
22 received the Council approval. So those details are
23 what they're -- the staff are working through, and, you
24 know, we'll make sure we're all on the same page as
25 to --

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1 MS. BUMPUS: Yes.
2 CHAIR BECKETT: -- what the Council,
3 if anything, needs to be done, so okay. Very well.
4 And thank you again, Ms. Elsethagen. And I will
5 still get that pronunciation more consistent over time.
6 So, with that, Goose Prairie Solar. Nelson Jia.
7 MR. JIA: Hi. Nelson here from
8 Brookfield and Goose Prairie.
9 No nonroutine updates to report. We did have some
10 curtailment due to BPA work on the Midway-Moxee line
11 for two weeks at the beginning of December, but that's
12 about it. Thank you.
13 CHAIR BECKETT: Thank you.
14 Ostrea Solar. Mr. Voltz.
15 MR. VOLTZ: Good afternoon, Chair
16 Beckett, Council members, and staff. This is John
17 Voltz with Cypress Creek Renewables representing Ostrea
18 solar facility.
19 In the month of December, the O&M facility
20 continued construction. We did achieve mechanical
21 completion of both the PV and HV facilities, made
22 preparations to receive backfeed energy from the
23 utility this month. That did occur. It will be in our
24 next report. But major milestone accomplished there in
25 the construction of the facility.

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1 I'd also like to draw attention to the charitable
2 work. Some of the site team donated some time to the
3 Sunrise Outreach Food Bank, helped their storage
4 cleanup, food organizing, and handing out the donated
5 food for local area I believe that's in Yakima. Other
6 than that, there's nothing nonroutine to report for the
7 period.
8 CHAIR BECKETT: Thank you very much,
9 as well as for the additional detail.
10 All right. I believe that then brings the
11 Carriger Solar project update. And Joanne Snarski is
12 here to provide that update.
13 MS. SNARSKI: Thank you, Chair
14 Beckett and Council members. This is Joanne Snarski,
15 the siting specialist for Carriger Solar facility in
16 Klickitat County.
17 On December 2nd, 2025, the governor's office
18 notified Chair Beckett that the chair -- excuse me --
19 that the Carriger Solar site certification agreement
20 was approved by Governor Ferguson. The agreement was
21 executed by both parties and became effective on
22 December 15th, 2025.
23 On December 31st, 2025, the Confederated Tribes
24 and Bands of the Yakama Nation filed a petition for
25 judicial review of the Council and governor's approval

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1 for the site certification.
2 EFSEC staff are working with our assistant
3 attorneys general to respond to this filing. In the
4 meantime, we are continuing to discuss Carriger's
5 timing for submitting the plans required in the site
6 certification agreement.
7 May I answer any questions?
8 CHAIR BECKETT: Council members.
9 Comments or questions. Straightforward for today.
10 Oh. Council Chiles. I didn't see you join. Good
11 to -- good to have you here. Please proceed. But
12 we're not hearing you so far if you are speaking.
13 Still not getting anything in the room, Council
14 Chiles.
15 All right. Well, I'll tell you what. If Council
16 Chiles pops back in, we can hear you, then certainly we
17 will take those comments. Otherwise, we'll move on to
18 the next project for now.
19 Ms. Grantham, let me know if that technical issue
20 gets further clarified.
21 MS. GRANTHAM: Yeah, I'm not sure if
22 there's much we can do on our end. It's showing that
23 he's unmuted, but we're just not able to hear him --
24 CHAIR BECKETT: It's probably --
25 MS. GRANTHAM: -- for some reason,

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1 yeah.
2 CHAIR BECKETT: Probably on his end.
3 Okay. So, Council Chiles, since we're going to move
4 into Horse Heaven, let me see if -- one last chance for
5 now. I think he dropped off. Okay.
6 MR. RYBARIK: And log back in.
7 CHAIR BECKETT: So we'll keep an eye
8 out for Council Chiles. But in the meantime, let's
9 proceed to the Horse Heaven project update. And we
10 have the ferruginous hawk nest mitigation plan that Amy
11 Moon is going to make a presentation on. I will first
12 though just note that, given my larger recusal on Horse
13 Heaven, I have the honor and appreciation of handing
14 the gavel on this particular item to Council Pamplin.
15 And I would note just for the benefits of my
16 Council members and members of the public, even though
17 I have recused, I'm not participating as a Council
18 member on this particular action, I have read all the
19 materials. I have read all the public comments.
20 They're important to me, including just these issues
21 mapped to other projects. And so I'm certainly trying
22 to keep running alongside you so that I can be a better
23 chair when the next issue comes up for me directly.
24 So, with that, Council Pamplin. And soon we'll
25 turn this to Ms. Moon for the update to get started.

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1 MR. PAMPLIN: Great. Thank you,
2 Mr. Chair.
3 Ms. Moon, go ahead and proceed, please. Thank
4 you.
5 MS. MOON: All right. Good
6 afternoon. Thank you, Acting Chair Pamplin, and to the
7 EFSEC Council members.
8 As required in the Horse Heaven site certification
9 agreement, or SCA, development and approval of a
10 mitigation and management plan is required under
11 Mitigation Measure Species-5, ferruginous hawk, when
12 project components are proposed for siting within the
13 two-mile core ferruginous hawk habitat. The
14 certificate holder worked with the preoperational
15 technical advisory group, or PTAG -- P-T-A-G -- to
16 develop a project-specific ferruginous hawk mitigation
17 and management plan for approval by EFSEC. This plan
18 received PTAG consensus prior to submitting the
19 mitigation plan to EFSEC.
20 The ferruginous hawk nests mitigation plan
21 includes the four fundamental requirements stated in
22 Spec 5. No. 1 is a description of efforts to site
23 project infrastructure to avoid core habitat,
24 identified as the area within two miles of nests
25 documented in the priority habitats and species

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1 database. That's the PHS database.
2 No. 2, a description of when construction
3 activities will be undertaken to avoid sensitive timing
4 periods for ferruginous hawk.
5 No. 3, a description of pre- and post-monitoring
6 programs that will be conducted to establish habitat
7 use within the lease boundary, mapping of ground
8 squirrel colonies and other prey, identification of
9 potential flyways between nest sites and foraging
10 habitat and monitoring of potential flyways to inform
11 the final turbine siting and orientation, ongoing
12 monitoring of nest use, and territory success.
13 And, No. 4, a description of restoration
14 activities that will be undertaken during project
15 decommissioning to enhance ferruginous hawk habitat in
16 disturbed areas.
17 Staff reviewed the proposed plan and posted a copy
18 of the ferruginous hawk nest mitigation plan to the
19 EFSEC public website for a 14-day public comment period
20 from December 30th, 2025, through January 12 of 2026.
21 EFSEC received a total of 32 comments.
22 EFSEC's State Environmental Policy Act specialist,
23 Sean Greene, is here to provide a summary of the
24 Species-5 ferruginous hawk nest mitigation plan and
25 information on the comments received during the recent

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1 public comment period on that plan.
 2 Sean.
 3 MR. GREENE: Thank you, Amy. And
 4 thank you, Acting Chair Pamplin and Council members.
 5 This is Sean Greene, SEPA specialist for EFSEC.
 6 I wanted to give you-all a brief or maybe
 7 not-so-brief rundown of what was included the Horse
 8 Heaven ferruginous hawk nest management plan and
 9 discuss some of the substantive comments we received
 10 during the public comment period.
 11 The nest management plan adopts all of the
 12 ferruginous hawk mitigation outlined in the Horse
 13 Heaven wind farm draft habitat mitigation plan from the
 14 application for site certification, including
 15 compensatory habitat mitigation. It furthermore
 16 includes a commitment to protect an area that supports
 17 sufficient ferruginous hawk habitat that will achieve
 18 mitigation acreage targets defined by the mitigation
 19 ratios set by EFSEC.
 20 It discusses the potential installation of
 21 artificial nesting platforms in areas with specific
 22 site conditions and where WDFW staff believe that there
 23 is a high confidence that those platforms could be used
 24 by ferruginous hawks.
 25 It formalizes the monitoring plan put forth in the

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1 final EIS to perform nest and mortality surveys for
 2 three of the first five years of project operation.
 3 And, finally, it commits to a curtailment of turbine
 4 operations during daylight hours within two miles of an
 5 active nest unless a qualified biologist with WDFW and
 6 EFSEC approval determines that the turbines are outside
 7 of the foraging areas for those nests or the
 8 certificate holder makes use of an automated
 9 curtailment technology that responds to ferruginous
 10 hawk presence.
 11 As Amy mentioned, this plan was reviewed by the
 12 pre-operational technical advisory group, or PTAG, and
 13 approved by that group prior to being submitted for
 14 public comment.
 15 During that comment period, 32 comments were
 16 received, and substantive comments generally fell
 17 within one of six arguments that I'd like to run you
 18 through.
 19 First, there was an argument presented that EFSEC
 20 should impose financial penalties for each incident of
 21 injury or mortality to a ferruginous hawk. Staff is
 22 not recommending that this change be incorporated.
 23 Apart from the questionable legality of EFSEC
 24 establishing fines for wildlife take, EFSEC staff is
 25 confident that the exclusion areas imposed around all

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1 historic nests, the management measures in this plan,
 2 and the mortality adaptive management strategies that
 3 are currently being developed by the certificate holder
 4 for future PTAG and EFSEC review are sufficient to
 5 address direct ferruginous hawk mortality.
 6 The second argument that was -- was that the
 7 artificial nesting platforms discussed as a mitigation
 8 option in this plan should instead be made mandatory.
 9 Staff is not recommending that this change be
 10 incorporated. In our development of mitigation and
 11 discussions with WDFW staff throughout the
 12 environmental review of this project, artificial
 13 nesting platforms have been seen as having a limited
 14 and situation-specific mitigative effect. The primary
 15 factors responsible for declining ferruginous hawk
 16 population numbers are habitat conversion and reduction
 17 in prey species availability, neither of which are
 18 necessarily addressed by installing artificial
 19 platforms.
 20 Thirdly, several commenters argued that the annual
 21 operation phase nesting surveys should continue
 22 throughout the life of the project rather than for
 23 the -- rather than for three of the first five years as
 24 currently proposed. EFSEC staff is not recommending
 25 that this change be incorporated. The nesting survey

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1 plan proposed in the EIS and included in this plan is
 2 functionally consistent with WDFW guidelines and was
 3 developed in concert with WDFW staff and technical
 4 experts on the PTAG. As a result, staff believes that
 5 this plan, in combination with the exclusion areas and
 6 adaptive management strategies, is sufficient to
 7 address ferruginous hawk impacts.
 8 The fourth argument that we received was one that
 9 claim that the habitat mitigation ratios that EFSEC
 10 developed with WDFW for this project should be updated
 11 to reflect the ratios presented in the WDFW wind and
 12 solar guidelines that were published about four months
 13 ago. Staff is not recommending that this change be
 14 incorporated. The habitat mitigation ratios applied to
 15 this project exceeded the standard WDFW guidelines at
 16 the time of review and were developed to specifically
 17 address habitat impacts to this project -- or from this
 18 project by EFSEC staff, WDFW staff, and independent
 19 consultants.
 20 Furthermore, the ratios presented in the recent
 21 guidelines are explicitly identified as preliminary
 22 recommendations, with the guidelines assuming some
 23 level of collaboration between developers, permitting
 24 authorities, and WDFW to arrive at project-specific
 25 ratios that are appropriate, which is reflective of the

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1 process that EFSEC went through to devise the current
 2 ratios. Changing the ratios at this time would also
 3 require an SCA amendment, which is not something that
 4 EFSEC can unilaterally impose.
 5 No. 5 was an argument that the certificate holder
 6 should be required to use automated detection systems
 7 with turbine curtailment triggered by observations
 8 rather than it being considered an option as in the
 9 proposed plan. Staff do not recommend incorporating
 10 this change. As discussed in the plan, these systems
 11 lack the capability for species-specific identification
 12 at this time. Requiring the certificate holder to
 13 install and use these systems at this time could result
 14 in turbine curtailment at any -- any time any raptor
 15 species of similar size and/or shape to a ferruginous
 16 hawk is observed, which exceeds the intent of this
 17 mitigation plan. The plan discusses the potential use
 18 of these systems in concert with observed ferruginous
 19 hawk activity when practical and when further
 20 developed, and EFSEC staff believes that the
 21 consideration -- these considerations to be appropriate
 22 in the proposed plan.
 23 The final substantial argument was for EFSEC to
 24 require that one blade of each turbine be painted black
 25 to reduce ferruginous hawk collisions. Staff is not

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1 recommending that this change be incorporated. While
 2 this novel mitigation technique has seen promising,
 3 though varied, results in recent studies, it is still
 4 too experimental at this time to be required as a
 5 mitigation measure. There are still engineering
 6 questions related to the long-term effects of increased
 7 heat retention that the black-painted blades will
 8 experience and whether painting the blades with
 9 carbon-based paint affects their reaction to lightning
 10 strikes.
 11 Furthermore, wind turbines are painted white, in
 12 part, to make them blend in better with the sky when
 13 viewed from the ground. There is a risk that the
 14 visual analysis and impact determinations made by EFSEC
 15 for the all-white turbines may not be accurate to the
 16 visual aesthetic impacts the viewers would experience
 17 from turbines that are partially black.
 18 It is unclear whether the positive benefit of
 19 potential reductions in ferruginous hawk collisions
 20 would justify the increased adverse impacts to visual
 21 aesthetics. Also, as I mentioned before, EFSEC staff
 22 is confident that the suite of mitigation developed for
 23 this project sufficiently addresses the potential for
 24 direct mortality impacts to the ferruginous hawk.
 25 And apart from these substantive comments, there

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1 were several editorial comments that staff will
 2 recommend for incorporation into the final plan. These
 3 include edits such as adding a citation to WAC
 4 197-11-768, wherein "mitigation" is defined; replacing
 5 the word "flyways" with the phrase "flight pathways";
 6 including more detail on the length of the habitat
 7 monitoring programs; and adding clarification that nest
 8 surveys will be performed by qualified biologists.
 9 These modifications would not affect the substance of
 10 the plan.
 11 Are there any questions from Council members
 12 before I hand things back to Amy?
 13 MR. PAMPLIN: Not seeing any. No.
 14 Go ahead, Mr. Rybarik.
 15 MR. RYBARIK: I think I've got a
 16 few, so --
 17 MR. GREENE: Sure.
 18 MR. RYBARIK: -- thanks, Sean and
 19 Amy, for the -- for the updates there. Appreciate
 20 the -- one of my questions was on WAC 197-11-768.
 21 Sounds like there will be references to that
 22 specifically in there and the updates to some of the
 23 terminology. Good to see.
 24 On the artificial nesting platforms, I think
 25 the -- the issue that was raised is should it be

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1 mandatory or not. I just -- I wonder -- functionally,
 2 as I was reading through the comments and the
 3 materials, I got to, well, how do we get to a point
 4 where, looking at this in a very specific way, that a
 5 wildlife biologist from W -- from Fish and Wildlife
 6 would be able to say, "Actually it makes sense to do it
 7 in this circumstance. Developer, please do that"?
 8 How do we get to -- how do we assure that that is
 9 the way this is going to work? Because that seems to
 10 make logical sense in my mind.
 11 MR. GREENE: Sure. I can look at
 12 the exact language used in the plan. But in the plan,
 13 they do discuss the potential for use of artificial
 14 nesting platforms in the areas that are meant to
 15 represent compensatory habitat mitigation, the -- the
 16 areas of conservation.
 17 And the criteria that the applicant had -- or I'm
 18 sorry -- the certificate holder had proposed in the
 19 plan included sufficient foraging habitat for the
 20 species, the lack of nesting sites in that area, and
 21 consultation with WDFW staff to ensure that there is a
 22 high likelihood of the use of those platforms by the
 23 ferruginous hawk.
 24 The -- the only concern with implementing, like, a
 25 minimum number of artificial nesting platforms that

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1 must be put up is it's very much dependent on what is
2 available in the area and whether there is a pressing
3 need for those, and the costs associated with
4 installing those could be better assigned to actually
5 protecting more habitat.
6 But it's staff's opinion that the description in
7 the current -- the proposed plan of those platforms
8 being as an option for further mitigation is
9 appropriate. If -- if there's a Council desire to see
10 a minimum, though, we can...
11 MR. RYBARIK: Yeah, I guess the only
12 thought that I had for amendment is if WDFW staff says
13 here is a situation where that makes sense -- let's say
14 there's a tree that had a nest in it that is somehow
15 felled. Who knows how, whatever. To say here's a
16 example where it would make sense to put up an
17 artificial nest. It's kind of a thou shall follow
18 WDFW's -- instead of a consultation with them, it's if
19 they come and say here is an example where thou shall
20 do that, that it gets included in this -- in this
21 mitigation plan, that that is an option that Fish and
22 Wildlife has. I don't know if I'm sort of explaining
23 that circumstance well, but that --
24 MR. GREENE: Yeah.
25 MR. RYBARIK: -- to me is -- there's

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1 this limited circumstance where I think a biologist
2 would say, That makes sense. Go do that. And if --
3 the way I read the mitigation plan right now, they
4 could say, Thanks for the consultation; we don't think
5 it's necessary.
6 MS. HAFKEMEYER: So if I might add
7 some information here.
8 So part of the adaptive management is, because
9 EFSEC is the enforcement agency rather than DFW, we
10 retain the authority to impose that, again with
11 consultation with DFW as, you know, having the in-house
12 species subject matter experts. But if something is to
13 arise where DF -- WDFW indicates that it is appropriate
14 to go ahead and install an artificial nest platform,
15 that authority to propose that would reside with EFSEC.
16 MR. GREENE: And I think we could
17 add language to the plan to make that -- that
18 relationship more clear.
19 MS. BUMPUS: Mm-hmm.
20 MR. GREENE: If that's a change we
21 wanted to make.
22 MS. BUMPUS: Right.
23 MR. RYBARIK: And so I just want to
24 make sure I understand. Ami, what you're saying is, if
25 that circumstance arise, WDFW would come to EFSEC and

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1 say, Here's the situation where an artificial nest
2 makes sense. EFSEC, please impose that requirement on
3 the -- on the developer.
4 MS. HAFKEMEYER: Correct.
5 MR. RYBARIK: This plan allows for
6 that chain of events to happen and the artificial nest
7 to get put in place.
8 MS. HAFKEMEYER: Correct. Both the
9 PTAG as the pre-operational as well as the --
10 MR. RYBARIK: TAC.
11 MS. HAFKEMEYER: -- the TAC will
12 continue to be in coordination and monitoring these
13 activities. So we anticipate continued communication
14 on these subjects throughout the life of the facility.
15 MR. RYBARIK: Okay. I think I have
16 some comfort there, but just --
17 MR. GREENE: Yeah.
18 MR. RYBARIK: Go ahead, Sean.
19 MR. GREENE: Sorry. I didn't mean
20 to interrupt.
21 One additional point is the final plan for the
22 compensatory mitigation has yet to be fully developed,
23 and that will, as Amy mentioned, go through the PTAG or
24 the -- yeah, it will be the PTAG at that point and come
25 to EFSEC for approval, and that will include the

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1 applicant's formal proposal on whether or not they're
2 going to install artificial nesting platforms and
3 where. So that would be a point where EFSEC can use
4 our regulatory authority to determine whether there
5 should or should not be some added.
6 MR. RYBARIK: I have a couple other
7 questions along -- I'm just going to go down the
8 list in --
9 MR. GREENE: Sure.
10 MR. RYBARIK: -- order that you had
11 them.
12 On the annual, I guess it's monitoring --
13 MR. GREENE: Mm-hmm.
14 MR. RYBARIK: -- the way the plan
15 reads now, it's three of the first five years.
16 Intuitively, I thought of it seems like the first years
17 of operation are going to be the most critical. And so
18 I just wondered if there's appetite to be a little bit
19 more, I guess, prescriptive in this one is -- is all of
20 those five years makes some sense to me that there
21 would be monitoring in each of the five years rather
22 than three of the five years. Certainly the first
23 three years makes a little bit of intuitive sense to
24 me.
25 I just wonder how it gets landed at three of the

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1 first five with -- I recognize the flexibility there,
2 but I just wonder from a species mitigation perspective
3 if we shouldn't think about that a little differently.
4 MR. GREENE: Yeah, so that was a
5 proposal that we developed in our consultation with
6 WDFW staff. Their typical recommendation is for the
7 first three years of operation. In our discussions,
8 we -- we considered whether it might be more helpful to
9 add that wider range so to capture a larger period of
10 time but still not exceeding the three years of total
11 surveys.
12 In the, I think, six years that the -- the
13 certificate holder has run nesting surveys in this area
14 to this point, there's been one active nest observed.
15 So given the -- the rarity of an active nest, going for
16 more years was -- was seen as a way to -- to
17 potentially capture an active nest with, you know, the
18 higher likelihood of either seeing an active nest or
19 evidence that the site had been -- that there had been
20 an active nest in one of the off years, so that was
21 the -- the justification.
22 MR. RYBARIK: Appreciate that. And
23 I guess I just don't know what -- what's the -- is
24 there -- I don't know what the cost is of running an
25 annual program for five years versus three of five,

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1 what the significance of that is. Maybe that's some
2 context you could enlighten me with.
3 MR. GREENE: I don't have the cost
4 numbers available, but we can look into that.
5 MS. BUMPUS: We can certainly follow
6 up with some ideas for that. You know, the
7 applicant -- in this case, certificate holder -- is
8 responsible for all of the expenses. So as we're
9 working with DFW and working with different subject
10 matter experts there, they're billed for the hours that
11 those experts are spending in meetings and calls with
12 EFSEC staff, and so the -- the cost is substantially
13 higher if you're adding additional years of monitoring.
14 But we can get you, you know, an estimate if that would
15 be helpful.
16 MR. RYBARIK: I look to the other
17 Council members if there's appetite in that, but I
18 think that is -- that's one area that had some focus
19 for me. The other -- and maybe, Council Member
20 Pamplin, I don't want to put you on the spot, but
21 the -- the updated ratios or mitigation ratios,
22 obviously working through the WDFW process now, with
23 the goal of using the best available science and the
24 most updated information, I appreciate the explanation,
25 that it's also going through a process is, may not be

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1 the most updated. I also recognize the need for
2 certainty in these processes of this was the ratios
3 that were at the time, but I wonder if WDFW has a
4 position or a thought on -- on the ratios, because
5 that's the expert agency on these ratios, so...
6 MR. PAMPLIN: Yeah, thanks,
7 Mr. Rybarik. Why don't I first just turn to Ms. Moon
8 and Mr. Greene to talk about WDFW's position within
9 PTAG. If that doesn't fully cover it, I can --
10 MR. RYBARIK: All right.
11 MR. PAMPLIN: -- offer some remarks.
12 Thanks.
13 MR. GREENE: Sure. So there are --
14 there's one primary member of WDFW on the PTAG along
15 with two alternates. They attend every meeting, and
16 they are one of the technical experts who are
17 responsible for reviewing all of the certificate
18 holder's proposals for pre-operational plans and
19 surveys. So their staff did fully review this plan and
20 approved it as -- as it was drafted and submitted for
21 public comment.
22 So their staff approved of the mitigation ratios
23 that were developed at the time we were doing the EIS
24 and approved of the ratios incorporated here.
25 MR. PAMPLIN: Thanks, Mr. Greene.

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1 Yeah, I would just add that that's pretty
2 consistent value as far as when we introduce new
3 guidelines that projects that were kind of in the queue
4 or operating under the -- the -- the guidance that was
5 published at the time. So appreciate the interest in
6 moving forward, and if we saw something I thought was
7 really substantial or the science, it really moved the
8 needle, I think that was something that our
9 representative in the PTAG would have advocated for.
10 But I'm comfortable with the work that the -- the WDFW
11 staff person did at PTAG to recommend those ratios.
12 Thanks.
13 MR. RYBARIK: Very good. Thanks.
14 MR. PAMPLIN: Any other questions?
15 MR. RYBARIK: Just one last one.
16 MR. PAMPLIN: Please.
17 MR. RYBARIK: Sorry to keep
18 belaboring these points. But the last one is on the
19 automated detection. Having come from the tech sector,
20 I recognize the technology might not be there today.
21 But technology moves at the speed of technology. And I
22 just wonder what -- what is the process if, a year from
23 now, it's very clear that that technology exists to be
24 very species-specific on curtailments? What -- what
25 would EFSEC do relative to this mitigation plan at that

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1 point to say we'd like to see that technology
2 implemented?
3 MR. GREENE: Yeah, so the way it's
4 written in the plan currently is it's -- the use of
5 that technology would be like an exception for the
6 turbine curtailment in the event that there is
7 ferruginous hawk activity observed.
8 As for whether we would want to require the use of
9 that technology and whether there is ferruginous
10 activity observed or not, that's not something that I
11 think we've considered. That might be something that
12 comes up in the adaptive management plan that the
13 certificate holder is currently developing, especially
14 in relation to one of the primary concerns of that plan
15 is adaptive management in the event of mortality
16 incidents. Turbine strikes on ferruginous hawks are
17 very rare within the state, but given the limited
18 population numbers, each instance is -- is potentially
19 substantially of concern.
20 So I guess my thought at this time would be to see
21 how that technology would be incorporated into the
22 adaptive management plan, especially since it is kind
23 of still hypothetical for the moment at least.
24 MR. RYBARIK: Sure. That's helpful.
25 Thank you very much.

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1 MR. PAMPLIN: Thank you,
2 Mr. Rybarik. And much appreciation here to Ms. Moon
3 and Mr. Greene for the overview thus far as well as the
4 summary of the common themes that we heard and the
5 proposed responses.
6 Ms. Moon, is there any anything further on your
7 presentation?
8 MS. MOON: Yeah. One final
9 statement.
10 The staff are requesting that the Council approve
11 the Horse Heaven wind farm ferruginous hawk nest
12 mitigation plan.
13 But you wanted to follow up on --
14 MR. GREENE: Yeah, I think --
15 MS. MOON: -- a couple things.
16 MR. GREENE: -- maybe since we're --
17 we're going to follow up on a few things and see
18 whether there need to be edits there, do we wait for
19 approval, or approve with the understanding that we'll
20 get that information?
21 MS. HAFKEMEYER: So I think we
22 identified strengthening the language around
23 implementation of artificial nest platforms. And I
24 think in -- the question, I think, is maybe to the
25 Council: Do you want to wait to approve this plan

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1 until we have follow-up information on those items
2 identified, or would the Council want to vote to make a
3 decision on the plan pending the edits discussed?
4 MS. BUMPUS: I think you could
5 approve it, you know, contingent on the amendments
6 discussed that Ami just listed being made. If you're
7 comfortable with the substance of the plan today.
8 MR. PAMPLIN: Thanks, Ms. Bumpus.
9 I see Mr. Nelson's hand is up. Go ahead.
10 MR. NELSON: Hello. Yes, that
11 sounds like a good approach to me. I'm not smart
12 enough to make that motion. But I did have a question
13 if you do come back for more information.
14 So on Section 5, the -- the mortality mitigation
15 chapter or section, it -- and this might get to the
16 nesting question as well -- it speaks of a qualified
17 biologist in coordination with Fish and Wildlife and
18 EFSEC. And this could just be for my edification as a
19 relatively new Council member. But is that a qualified
20 biologist employed by the certificate holder, or is it
21 third party, or is it Fish and Wildlife, or is it
22 EFSEC? So I was just wondering what the employment
23 status of that biologist might be, I guess.
24 MR. GREENE: It's my understanding
25 that it would be an independent biologist employed by

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1 the certificate holder with EFSEC's -- EFSEC and WDFW
2 approval.
3 MR. NELSON: Thank you.
4 MR. PAMPLIN: Okay. So before we
5 kind of further discuss whether or not we want to adopt
6 the plan pending amendments or not, I just want to
7 check to see if there's any other questions from
8 Ms. Moon or Mr. Greene from the Council.
9 Okay. Council, is there any particular direction
10 you would like to proceed with in terms of doing an
11 early approval -- or not an early -- approving this
12 plan, noting that there's some additional work that's
13 going to be incorporated relative to the artificial
14 nest platform, or would folks like to delay and then
15 wait and see those edits made into the plan as well as
16 some of the other editorial edits and we'll have a
17 final plan hopefully brought forward in February?
18 MR. RYBARIK: The only reservation I
19 have, in general I think there's a lot of good stuff in
20 here. I appreciate all the work that the PTAG and
21 staff have done to -- to get there. I think the one
22 outstanding question is, to me, whether that initial --
23 whether we should do three of the first five years of
24 reporting back or observations, and just there's a cost
25 difference in those two, and what's what I don't --

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1 that's the information we don't have.
2 MR. PAMPLIN: Yeah.
3 MR. RYBARIK: And so in my mind, I
4 think all of those five years could be one option. The
5 first three years, another option. I guess that
6 probably doesn't change the cost tremendously. We're
7 still doing three years. But I wouldn't mind knowing
8 that before making a decision and just seeing what --
9 what the appetite is to maybe strengthen that a little
10 bit, just knowing that those are probably the most
11 important years of the plan.
12 That said, I am also mindful of the fact that
13 there's timelines and associated movement for the
14 developer. So I guess I'll turn to staff of whether or
15 not any holding off on this is detrimental to the
16 overall project.
17 MR. PAMPLIN: Thanks, Mr. Rybarik.
18 Director Bumpus, is there any consequences or
19 concerns on your end if we were to delay adoption of
20 this plan?
21 MS. BUMPUS: Well, thank you. Thank
22 you for the opportunity.
23 Yeah, I think I would just -- I'm just thinking
24 about Executive Order 25-11 where EFSEC along with many
25 other agencies are looking at how we can expedite and

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1 accelerate plan approvals for those facilities that are
2 still in the position to take advantage of the federal
3 tax incentives.
4 And so I would say that if there's general comfort
5 with this plan, that we can -- you know, it would
6 behoove us to -- to move forward with it if we can, but
7 I also recognize that there may be some tweaks that we
8 still want to make. So that's the...
9 MR. RYBARIK: Well, UTC being also
10 named in that executive order, I'm familiar with it and
11 recognize the -- the concern there.
12 Ultimately -- and I appreciate staff's
13 recommenda- -- or further thoughts here, although I
14 think I'm comfortable with the way the mitigation plan
15 is -- is written, I just point out that these are areas
16 where I think we can continue to focus and just at
17 least bring some maybe options to -- to the table when
18 we get to this point.
19 But, again, I don't want to belabor this other
20 what is a relatively minor point or piece of the
21 overall mitigation plan, but you've heard my thoughts
22 on this, and I'll leave it there.
23 MR. PAMPLIN: Thanks, Mr. Rybarik.
24 Ms. Hafkemeyer.
25 MS. HAFKEMEYER: I wanted to suggest

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1 that maybe there's an opportunity because the adaptive
2 management plan is still in development, that if under
3 the guidance of that plan it seems appropriate to add
4 additional years of monitoring, that that might be
5 another place to capture that based on guidance of the
6 PTAG, DFW, and biologists as appropriate. So there may
7 be additional opportunity to increase monitoring
8 particularly if the first year or first couple years
9 the data suggests that more monitoring is appropriate.
10 MR. RYBARIK: That sounds like a
11 good suggestion. And thank you for reminding me of the
12 word that I was not able to get out of my brain of
13 monitoring. So thank you.
14 MR. PAMPLIN: Thanks,
15 Ms. Hafkemeyer.
16 Mr. Nelson, I saw your hand come up earlier. Did
17 you have a question or remark?
18 MR. NELSON: Yeah. Just wanted to
19 state -- you know, I just wanted to, again, yeah, or
20 thank the PTAG for all the work they put into this.
21 It's a very comprehensive plan that offers widespread
22 protection to the species.
23 Is it -- can we -- I should know this, but can we
24 make a motion to adopt yet, or do you call for that?
25 MR. PAMPLIN: Yeah, Thanks,

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1 Mr. Nelson. I've got some language that I will try to
2 put on the table and ask for someone to move.
3 But what I'm looking for at this point is if the
4 Council make a motion to approve the ferruginous hawk
5 nest mitigation plan submitted by Horse Heaven Wind
6 Farm, LLC, in compliance with Special Status Species
7 Mitigation Measure 5, commonly referred to as Spec-5,
8 of the site certification agreement for the Horse
9 Heaven Wind Farm. And in addition, that staff would be
10 incorporating the editorial comments as well as
11 strengthening the discussion around the artificial nest
12 platform and the consultation with WDFW.
13 So, with that, is that -- if someone would please
14 signal that they would make that motion.
15 MR. RYBARIK: So moved.
16 MR. PAMPLIN: Thank you,
17 Mr. Rybarik.
18 Is there a second?
19 MR. NELSON: Second.
20 MR. PAMPLIN: Thank you, Mr. Nelson.
21 Any further comments or questions before we move
22 to a vote?
23 Hearing and seeing no hands.
24 All those in favor of the motion, please say
25 "aye."

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1 MULTIPLE SPEAKERS: Aye.
 2 MR. PAMPLIN: Any opposed?
 3 We'll let the record note that Chair Beckett has
 4 recused himself from this -- this vote. And with --
 5 oh. Go ahead. Mr. Ryan.
 6 MR. RYAN: Just also recused, to
 7 make note of that.
 8 MR. RYBARIK: Oh, that's right.
 9 MR. PAMPLIN: Okay. Just want to
 10 double-check that we have sufficient Council members
 11 for a vote with two recusals.
 12 Okay. Great. So that motion passes. Again,
 13 Ms. Moon, Mr. Greene, thank you for your work, as well
 14 as for PTAG's efforts here on preparing this mitigation
 15 plan. And I'll pass the gavel back to Chair Beckett.
 16 CHAIR BECKETT: Thank you, Council
 17 Pamplin. And I'll try to do a better job of following
 18 Council Rybarik on putting my camera on some occasion.
 19 So, with that, we will actually go back to -- and
 20 thank you for the extra effort as chair, Council
 21 Pamplin.
 22 So do we have Council Chiles back still? We would
 23 take his question or comment on the Carriger Solar
 24 project update.
 25 MS. GRANTHAM: We see that he's

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1 online and unmuted again. I'm not sure if we can hear
 2 him. If Council Chiles would like to try to speak up.
 3 CHAIR BECKETT: Council Chiles,
 4 we're ultimately not hearing you in the room. So,
 5 sorry about the technical challenge today.
 6 No, Council Chiles, we still can't hear you. I do
 7 see your text in the chat, though.
 8 Okay. So let's move on, then, for a moment to the
 9 Hop Hill solar update. John Barnes will provide the
 10 update.
 11 MR. BARNES: Thank you, Chair
 12 Beckett and Council members. This is John Barnes,
 13 EFSEC staff for the Hop Hill application.
 14 Staff are working with the applicant on the
 15 submission of additional application materials for the
 16 Hop Hill project. EFSEC anticipates receipt of these
 17 materials by spring of 2026. Staff are also working
 18 with the applicant to submit a comprehensive cultural
 19 resource report for the application.
 20 Following receipt of the report, staff will
 21 distribute to concerned tribes an offer to schedule a
 22 government-to-government consultation to discuss
 23 impacts and potential mitigations.
 24 Are there any questions?
 25 CHAIR BECKETT: Council, comments or

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1 questions? Hearing none.
 2 Moving on to Wallula Gap since you're also
 3 providing that update, Mr. Barnes. Please proceed.
 4 MR. BARNES: Thank you, Chair
 5 Beckett and Council members. This is John Barnes,
 6 EFSEC staff, for the Wallula Gap application.
 7 Staff are continuing to work with the applicant,
 8 OneEnergy, and the Yakama Nation Cultural Resource
 9 Program staff regarding impacts identified in the
 10 traditional cultural resource property studies and
 11 report conducted by the Yakama Nation for this
 12 application. Identification of potential project
 13 impacts and mitigations that can be resolved as part of
 14 the SEPA determination process for this project.
 15 Are there any questions?
 16 CHAIR BECKETT: Any questions,
 17 Council?
 18 MR. RYAN: None here.
 19 CHAIR BECKETT: Okay. Then we
 20 will -- it looks like we're probably losing Council
 21 Chiles.
 22 I'll just say, Council Chiles, we can always try
 23 and catch you next month at last in the public forum,
 24 and obviously you know how to reach --
 25 MR. CHILES: Can you hear me now?

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1 CHAIR BECKETT: Oh. There we go.
 2 Yes, we can. Please -- please proceed. You're very --
 3 very clear as well.
 4 MR. CHILES: Thank you very much,
 5 Chair Beckett. I apologize for the problems on my end.
 6 Going back to the Carriger issue and the Yakama
 7 tribe filing a petition for judicial review, wanted a
 8 little bit of clarification on that, if we could.
 9 First of all, do we have any estimated timeline
 10 for a decision on that petition for judicial review?
 11 And, second, while we wait for that, what is the status
 12 of the project? Are they moving forward, or is there
 13 some sort of injunction preventing that at this time?
 14 Thank you.
 15 CHAIR BECKETT: Counsel Thompson,
 16 would you like to --
 17 MR. THOMPSON: Yeah.
 18 CHAIR BECKETT: -- jump in?
 19 MR. THOMPSON: So this is Jon
 20 Thompson with the attorney general's office. There --
 21 there is provision in the -- in EFSLA, RCW 80.50, for
 22 filing a petition for review of a governor's decision
 23 in Thurston County Superior Court, and then the process
 24 is for the -- it's a -- the way judicial review works
 25 under the Administrative Procedure Act, if the court

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1 reviews the agency's record and sitting in an appellate
 2 capacity, and so what we need to do is compile the
 3 agency's decisional record and then provide it to the
 4 court.
 5 Usually there's often a number of months where the
 6 completeness of the record is being determined, and
 7 then -- and then likely a motion to transfer the case
 8 up to the supreme court to be heard. So it's typically
 9 a multi-month process. There's nothing that -- that
 10 prevents the certificate holder from proceeding with
 11 implementation of the site certification agreement in
 12 the -- while that's ongoing.
 13 I think that answers your questions, Council
 14 Member Chiles? Did that -- did I --
 15 MR. CHILES: Yes.
 16 MR. THOMPSON: Yeah.
 17 MR. CHILES: Thank you, Counsel. I
 18 appreciate that.
 19 So it sounds like things will be moving forward
 20 while the litigation kind of continues in the
 21 background to see if it will go before the state
 22 supreme court.
 23 MR. THOMPSON: Correct.
 24 CHAIR BECKETT: Director Bumpus, did
 25 you wish to add another word, or...?

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1 MS. BUMPUS: I think -- thank you,
 2 Chair Beckett. I think Jon Thompson answered it. It
 3 was just to address that other part of the question
 4 that Carriger is proceeding and that we're going to be
 5 in receipt of plans, we think, fairly soon to begin the
 6 review of those, so the work's continuing along with
 7 the litigation.
 8 CHAIR BECKETT: Great. Thank you
 9 for the added emphasis there. And I think, to your
 10 earlier point too, that project is also on the
 11 governor's executive order, and hence our focus is only
 12 more so in moving those projects forward.
 13 Okay. Council Chiles, was there any other
 14 question or comment you wished to make on Carriger?
 15 MR. CHILES: No. Thank you very
 16 much, Chair Beckett.
 17 CHAIR BECKETT: Okay. Thank you.
 18 So, with that, we will move to the Goldeneye
 19 battery storage project update. Ms. Snarski.
 20 MS. SNARSKI: Yes. Thank you, Chair
 21 Beckett. Again, this is Joanne Snarski, the siting
 22 specialist for the proposed Goldeneye battery energy
 23 storage facility in Skagit County.
 24 Last month, I reported that the applicant had
 25 recently submitted a revised site plan for the

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1 facility. However, I misspoke. What they did submit
 2 was a revised conceptual site restoration plan.
 3 However, we anticipate that Goldeneye representatives
 4 will submit a more formal site plan in the coming
 5 weeks.
 6 Last week, staff sent our fourth data request to
 7 the developers. We anticipate their response to that
 8 by March 1st.
 9 The need for submittal of information is required
 10 to help us complete our State Environmental Policy Act
 11 determination for the project.
 12 May I answer any questions?
 13 CHAIR BECKETT: Council members?
 14 MR. RYBARIK: No questions.
 15 CHAIR BECKETT: Council Eckroth,
 16 just to make sure in case you had any question or
 17 comment.
 18 MR. ECKROTH: Council Member Eckroth
 19 here.
 20 No questions. Thank you very much.
 21 CHAIR BECKETT: Thank you.
 22 All right. Then we will move on to the Cascade
 23 Renewables Transmission project. And Maria Belkina
 24 will provide her occupy date.
 25 MS. BELKINA: Thank you.

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1 Good afternoon, Chair Beckett and Council members.
 2 For the record, my name is Maria Belkina, siting
 3 specialist assigned to and reporting on the Cascade
 4 Renewable Transmission Project.
 5 Staff continue to review the application for site
 6 certification for compliance with WAC 463-60 with the
 7 objective of determining of whether the application
 8 contains sufficient information to support the next
 9 step -- next phase of review. In parallel, staff are
 10 finalizing the first consolidated data request,
 11 informed by application review and agency input.
 12 Staff expect to receive comments from contracted
 13 agencies soon, which will help inform the next request
 14 for additional information from the applicant.
 15 Staff continue to coordinate with key state and
 16 federal agencies. In January, staff conducted two
 17 interagency coordination discussions with the
 18 Washington Department of Natural Resources and the
 19 Washington Department of Ecology to support alignment
 20 on process, sequencing, and environmental review
 21 considerations.
 22 EFSEC has received a formal invitation from the
 23 U.S. Army Corps of Engineers to participate as
 24 cooperating agency in the preparation of an
 25 environmental impact statement, with the corps serving

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1 as NEPA lead agency. Staff have prepared a response
 2 confirming EFSEC's willingness to participate and to
 3 coordinate NEPA and SEPA processes.
 4 In addition, a meeting is being scheduled with the
 5 Columbia River Gorge Commission to initiate early
 6 coordination and communication regarding the project
 7 and applicable Gorge Act considerations.
 8 With respect to water quality permitting, staff
 9 are intentionally sequencing the Section 401 water
 10 quality certification process so that it follows a
 11 sufficiently developed SEPA environmental record.
 12 Importantly, key water quality issues will be addressed
 13 through the SEPA review, which will then support the
 14 Section 401 process.
 15 Staff continue to support tribal engagement
 16 planning and coordination consistent with state
 17 requirement -- state requirements. Initial
 18 government -- initial government-to-government
 19 consultations are scheduled to begin in early February,
 20 including the first consultation meeting with the
 21 Cowlitz Indian Tribe.
 22 Following input received at the informational
 23 meetings and the land-use hearings, staff reach out to
 24 local jurisdiction along the project route to ensure
 25 that they are aware of the need to appoint a Council

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1 member where the project falls within their
 2 jurisdiction.
 3 We have since received an appointment of Council
 4 member from the City of Stevenson and have received
 5 indications of pending appointments from the Klickitat
 6 County and the City of Camas. We expect to receive
 7 additional appointments in the coming weeks. Our legal
 8 counsel, Jon Thompson, can provide further information
 9 of proceedings while local jurisdiction make decisions
 10 in their appointments.
 11 That concludes my update. I would be happy to
 12 answer any questions.
 13 CHAIR BECKETT: Thank you.
 14 I'm sorry. Was there a more proactive comment you
 15 wanted to make first, Counsel Thompson, or...?
 16 MR. THOMPSON: Well, I do have
 17 comments. I wanted to address a few questions about
 18 the question that Ms. Belkina mentioned last about
 19 proceeding, you know, while we're awaiting other --
 20 CHAIR BECKETT: Yeah.
 21 MR. THOMPSON: -- appointments for
 22 Council members.
 23 CHAIR BECKETT: Yeah, let's go ahead
 24 and hear that.
 25 MR. THOMPSON: Okay.

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1 Yeah, so a couple of questions if you recall at
 2 the public informational and land-use consistency
 3 hearings that were held in the three counties that are
 4 involved in this project were raised about whether the
 5 public informational meeting and the land-use
 6 consistency hearings should have been convened prior to
 7 all the, you know, the appointees that are eligible to
 8 be on the Council being seated.
 9 Yeah, so I wanted to speak to that just briefly
 10 and give you my thoughts on that topic and what might
 11 lie ahead on those topics.
 12 So, first, regarding the public informational
 13 meeting. So RCW 80.50.090(1) is the -- is the law that
 14 requires that to be held. And it basically says the
 15 Council shall conduct an informational public hearing
 16 in the county of the proposed site as soon as
 17 practicable but not less than 60 days after the receipt
 18 of an application for certification. So that's the
 19 basic mandate.
 20 There are -- EFSEC has adopted rules about public
 21 informational meetings and the land-use consistency
 22 hearing. And the only kind of requirement in this
 23 regard is there's -- it states that before conducting
 24 either the informational public hearing or the public
 25 land-use hearing, the Council will notify local

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1 jurisdictions.
 2 It doesn't -- it doesn't require, you know,
 3 waiting until appointments are made. So neither the
 4 statute or the rules, you know, require that all
 5 jurisdictions that are eligible to appoint someone have
 6 done so prior to that meeting. The mandate is really
 7 to hold it, hold the meeting, you know, within 60 days
 8 of receipt of the application.
 9 And I'd also point out that the purpose of the
 10 meeting is also described in the rules, and it's
 11 basically for the applicant to make a presentation
 12 about -- about the project, a general description of
 13 the project, reasons why the site was selected, a
 14 summary of anticipated impacts, and then for the
 15 general public to be afforded an opportunity to present
 16 written or oral comments.
 17 So the reason I mention that is because the
 18 Council's role is -- is pretty passive. It's -- you
 19 know, at this point, it's just to receive information
 20 from the applicant and the -- and the public. And it's
 21 a very early opportunity basically to get some -- some
 22 reaction, some understanding and reaction to the
 23 project. And of course then there's -- over the course
 24 of reviewing an application, there's a lot of other
 25 hearing and public input opportunities on SEPA as well

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1 as the adjudicative process.
2 You know, with SEPA there's -- there may be a
3 scoping hearing. There may be a hearing for receipt of
4 comments on a draft environmental impact statement.
5 And then, as I mention, there's the -- there's the
6 adjudication. And then there's also an opportunity for
7 the Council to provide additional hearings as -- as you
8 see fit.
9 So -- so in my opinion, yeah, there's -- and I
10 would also add that these hearings are recorded on
11 video and audio and transcribed by a court reporter, so
12 there's the opportunity for Council members to review
13 that -- that information when they come on board too.
14 So -- so in my opinion, there's nothing -- as I
15 said, the requirement is that this meeting be held
16 within 60 days. You complied with that. I don't think
17 there's any mandate to go back and redo it. You can --
18 you can re-examine once the new Council members are on
19 board, you know, whether you feel a need for additional
20 process in that regard, but that's about I think what
21 we can say at this point.
22 So regarding the land-use consistency hearing,
23 there's no requirement that be held within 60 days of
24 receipt of an application. It just says that it should
25 be subsequent to the land-use consistency hearing. So

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1 my opinion is that the record for that decision really
2 hasn't been sufficiently developed. And because of
3 that, staff is in the process of developing a set of
4 questions to -- to send to the applicant to further
5 develop that information. And then, I mean, I think I
6 would recommend affording the parties who spoke to that
7 issue, you know, any parties who want to speak to that
8 to be -- to have another opportunity to respond to what
9 the applicant has to say and really, you know, better
10 develop the record for that.
11 And to the extent that you can, I would say that
12 you should probably wait to deliberate on that until --
13 until you do have the other Council members empanelled
14 so that they have an opportunity to speak to that.
15 I would add that the Council members, by EFSEC
16 rule, are only to speak to the -- or to deliberate on
17 and vote on the segments of the project that are within
18 their appointing jurisdiction. So that's another kind
19 of wrinkle for all of us to be aware of.
20 So, yeah, I just wanted to add that context in
21 case you had questions about it. I know there was a
22 lot of head scratching about that maybe at the initial
23 meeting. So I'm just adding that to Ms. Belkina's
24 report for your -- for your background information.
25 CHAIR BECKETT: No, thank you. I

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1 think it's a very important update and certainly helps
2 to have that clarified, knowing some of it is still in
3 process of -- of getting further clarified.
4 And in that regard, I was going to acknowledge up
5 front and ask if there's a comment from our two local
6 representatives, Commissioner Leckie, who -- and
7 Council Leckie, who's joined us previously, and now
8 Council Jeff Breckel representing the City of
9 Stevenson. But let me just turn this open to all
10 Council members, knowing further Council who are here
11 with us in the room and Council Nelson. Certainly
12 these questions have been, I think, on their mind as
13 well, Counsel Thompson. So thanks for clarifying that.
14 I'll turn it open for comments.
15 Council Pamplin.
16 MR. PAMPLIN: Great. Thank you,
17 Mr. Chair. Thanks, Mr. Thompson, for the overview.
18 So, you know, the statutory requirement for the
19 public information meeting, 60 days within receipt of
20 the application makes sense. Have the project
21 applicant explain the project proposal, an opportunity
22 for public input, just a very early engagement and
23 public awareness of here's an extensive process that's
24 coming. And so I appreciate that.
25 I think the part that was -- that's of interest to

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1 me is the obligations for the land-use consistency
2 hearings. So I do think it would be beneficial to make
3 sure we've got the full roster of Council members, but
4 I look to you to kind of figure out what can be done,
5 you know, while -- what work can be done while those
6 are still being appointed.
7 But also I'd just like to make sure that, as
8 EFSEC, we're reaching out not just to the project
9 applicant but to those local governments and
10 municipalities for their understanding of how the
11 project is consistent or not with their own ordinances.
12 To me, asking the applicant to say, well, you know, you
13 could imagine the scenario where an applicant would
14 respond saying, yes, it's consistent and the County
15 saying, no, it's not. And I guess I'd like to make
16 sure that we're hearing directly from the local
17 governments whether or not it's consistent rather than
18 an applicant's interpretation of what they've heard
19 from the local government, if that makes sense.
20 MR. THOMPSON: Yeah, I think that's
21 an excellent point. I mean, I think -- and I think it
22 is staff's practice to, if Ms. Hafkemeyer or Ms. Bumpus
23 want to speak to this too, to try to solicit that input
24 from local land-use authorities.
25 MS. BUMPUS: Yes. So we do have a

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1 data request that we're preparing to send out. And
2 there are questions in that data request that should,
3 when we receive responses, supplement the application
4 as to land use. I think we need to look at that.
5 We also have discussed sending follow-up letters
6 to some of the local governments who have indicated
7 that they're going to appoint someone to the Council.
8 They just haven't chosen who that person's going to be.
9 And we've indicated to them that they'll need to get up
10 to speed, read the record, and be familiar with that.
11 And as Mr. Thompson noted, you know -- and I agree
12 with this point -- that once you have the full
13 composition of the Council, I think that that might be
14 a time ripe for, okay, what do we have in the
15 application that helps inform us about land-use
16 consistency, and if it's still deficient at that point,
17 do we hold another hearing? Is there some other
18 mechanism that we want to implement to gather more
19 information and supplement the record so that the
20 Council can make a decision with respect to land-use
21 consistency?
22 MR. PAMPLIN: Mr. Chair, just
23 another follow-up.
24 I also recall looking into this, and there was a
25 statute indicating that the project applicant may work

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1 with the local government to get a local -- or a
2 land-use consistency certificate and that that is
3 brought forward at the actual hearing, which is also
4 kind of -- I mean, that seems ideal, but I guess I
5 would also give a lot of deference -- but tell me if
6 I'm off base on this -- that if there was a land-use
7 consistency certificate even after the hearing but
8 before the Council's making a decision, that we'd
9 welcome that.
10 I mean, it's -- anyway, the statutes on this
11 particular process, I think, you kind of stumble
12 through it rather than, like, as far as really clear.
13 So I don't know if that's even something Director
14 Bumpus, on a future agency, request legislation to kind
15 of map some of these processes out, because I think
16 they kind of put you sometimes in a box that's --
17 that's kind of challenging to operate within.
18 CHAIR BECKETT: Director Bumpus.
19 MS. BUMPUS: I would just -- I don't
20 know if Mr. Thompson has something to add, but I would
21 just note that, you know, I think it's a good point.
22 The Council does have broad discretion in terms of
23 holding additional hearings and taking other steps to
24 supplement the record as it's needed. And every
25 project's different, as we all know. And so we may

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1 find in this case that we want to do something like
2 that in order to supplement it.
3 So I think that -- as I said, you know, I think
4 it's a good point. I think in the framework that we're
5 operating in today, I think we've got a lot of options
6 for the Council available to supplement that record.
7 And the other thing I was just going to mention
8 too is that there is no time limit with respect to
9 this -- this decision, right? So we're not working as
10 tightly as we were, like, say in the scheduling of the
11 public informational hearing.
12 Sorry. I saw --
13 MS. HAFKEMEYER: It's fine.
14 I would just like --
15 MS. BUMPUS: -- Ms. Hafkemeyer.
16 MS. HAFKEMEYER: -- to add, in those
17 initial hearings, the applicant did indicate that they
18 were working with local jurisdictions to obtain
19 certificates of consistency, which is one of the items
20 requested in the data requests that we were preparing
21 to have those submitted to us to become part of the
22 record.
23 We are also working, as you indicated, with some
24 of the local jurisdiction planning departments to get
25 some of that input that you indicated on their

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1 interpretation about whether or not this project is
2 consistent. So that part of the record is still under
3 development. We're still working with those entities
4 to try and, you know, get all of that information in.
5 And so once we have all of that, we will make it
6 available to the Council and the public.
7 CHAIR BECKETT: So we'll take two
8 comments here in order. Council Ryan and then Council
9 Leckie.
10 MR. RYAN: Thank you, chair.
11 Want to take a moment to echo some of Council
12 Pamplin's comments and observations about some of those
13 procedural concerns. I think I felt similarly and
14 happy to hear in the staff update about also agency
15 consultations with DNR and DFW that have been
16 scheduled. I think that will be a key part of what I
17 look for in a future, you know, version of the record,
18 is especially talking to DNR's aquatic section about
19 land use in the river.
20 So definitely woke me up to sort of the complexity
21 and the scale of the proposed project and looking
22 forward to hearing more information and continuing to
23 review the record. So that's first.
24 Secondly, I just had a quick question. Was also
25 encouraged to hear about some of the updates around

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1 tribal engagement and would love to know if you could
2 share a little bit of additional information about who
3 else might be on the consultation schedule even if they
4 haven't been officially contacted yet. Would just love
5 to know the staff's approach about who to consult with
6 and gather with given the complexity and scale of the
7 proposed project.

8 MS. HAFKEMEYER: Do you have a
9 moment or --

10 MS. McLEAN: Yeah.

11 MS. HAFKEMEYER: -- at your
12 fingertips maybe some --

13 MS. McLEAN: Yeah.

14 MS. HAFKEMEYER: -- additional
15 information, Ms. McLean?

16 MS. McLEAN: Yeah. Sure. Just let
17 me take one little note to -- okay. Yeah.

18 So thank you for that question. Lisa McLean,
19 tribal liaison for EFSEC.

20 We -- obviously we sent out a notification to all
21 32 tribes. We've heard back from and been in close
22 contact with Yakama, CTUIR, Umatilla, Warm Springs,
23 Grand Ronde, and Cowlitz. We haven't gotten a --
24 the -- only Cowlitz has asked for the formal
25 consultation. Everybody else is aware they can ask for

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1 formal consultation, but in the meantime, we have an
2 active dialogue going with them, and we're trying to --
3 as I've assured them, it's to try to, you know, get
4 some meetings together at some key milestones.

5 So just today this morning, we were talking about
6 are there any milestones that are coming up. We should
7 call people together. And as part of that also, we're
8 in close contact with CRITFC, who is -- a lot of the
9 tribes are -- those tribes that I mentioned are sort of
10 relying on CRITFC to stay on top of this thing. So
11 we've been in touch with them, and we've been briefing
12 them since -- what was it? -- the summertime, even
13 before we got this application. So they also know.

14 So I guess my outreach has been: We're here.
15 Don't go listen to rumors. If you got a question, call
16 me, find out, and I'll get the answer. You know what I
17 mean? So if you're feeling like you don't have the
18 information you need on this, call me, and I will try
19 to track down the information for you.

20 Because this is going to be a long process. And I
21 think there are going to be periods where tribes are
22 going to be, like, What are they doing? You know, so
23 we do have good contacts, you know, contacts that go
24 not just with the chair of tribal council but rather at
25 the staff level, which I feel good about, because then

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1 we know that they know who to talk to on our side and
2 we know who to talk to on their side. And when we need
3 to -- when they want us to raise it to the tribal
4 council level, I feel confident that we'll be ready to
5 do that.

6 MR. RYAN: Very much appreciate that
7 answer. And sort of addressed a follow-up that I had
8 already, which, you know, I was curious about any
9 interagency coordination we might have with Oregon
10 EFSEC regarding those tribes that are in Oregon but
11 have their reserve rights in this state. But it sounds
12 like we're in touch, and there's not really a need to
13 coordinate through the agency if we're just going to be
14 directly in touch. So really comprehensive, and
15 appreciate the answer.

16 CHAIR BECKETT: Thank you for the
17 instant update.

18 I'm sorry to our local Council representatives. I
19 will turn to you next. But let me just add one
20 comment.

21 I had sent an e-mail earlier on this, but I'll
22 just out of transparency just go ahead and add it into
23 the discussion. And this -- certainly my intent would
24 be to do any of the following in full coordination with
25 what Lisa, Ms. McLean, has just laid out.

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1 I'm concerned always about the congestion at
2 Council doors, tribal especially, but I don't think
3 that's untrue for local government. So we need to go
4 proactively, but we need to go at the most efficient
5 appropriate time. And, hence, if we could have one
6 conversation, not six, that's probably ultimately
7 better for those -- those other local and tribal
8 partners.

9 But in this case, something that I'd like to
10 explore both a little bit as my onboarding as new chair
11 but also as I have thought further about the CRT
12 project is just that we request consultation. And we
13 can do that in coordination of which tribes have more
14 focus on this. Cowlitz have contacted us. We
15 appreciate that. And am looking forward to that, that
16 upcoming conversation very soon.

17 But to the degree that can be more slightly
18 proactively, you know, done now at the front end, it
19 would seem something that I'd like to explore further.

20 So just wanted to go ahead and share that in the moment
21 here.

22 Go ahead, Council Ryan. And then I promise,
23 Council Leckie, we'll come to you soon.

24 MR. RYAN: Apologies. Just -- I
25 appreciate that idea. I think it's a good idea and is

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1 definitely in alignment with Executive Order 25-10
2 about the language about being proactive. I think
3 that's a good thing to explore, and that's important.
4 CHAIR BECKETT: Appreciate that.
5 Great. Believe it or not, Council Leckie.
6 MR. LECKIE: Yeah, thank you. I
7 know that a comment was made about the land-use
8 certificate, and that's one of the things I was going
9 to comment on.
10 You know, the question I would ask is: Is the
11 land-use certificate required? Does the County issue
12 it? And should that have been done before the land-use
13 consistency hearing?
14 I do know, talking to our planning staff, that
15 there was a request to meet with our prosecutor,
16 planning director, and planning staff about a land-use
17 certificate, but that meeting did not happen before the
18 hearing. So those are some questions outstanding to
19 me. So does EFSEC take that on for the land-use
20 certificate, or is it still the County's
21 responsibility? Thank you.
22 CHAIR BECKETT: Thank you.
23 Counsel.
24 MR. THOMPSON: Yeah, I can speak to
25 that. The certificate is not required. It's -- it's

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1 basically something that the applicant, at its option,
2 can try to obtain from the local jurisdiction. And if
3 it does, that establishes a presumption that there is
4 consistency, which can be rebutted by other people, you
5 know, if they -- they feel that's inaccurate, but -- so
6 it's just -- it's an optional thing that the applicant
7 can obtain, not required.
8 MR. LECKIE: So local county
9 planning does not have to issue anything regarding this
10 property. This is all EFSEC, then.
11 MR. THOMPSON: Correct. There is no
12 requirement for local planning or the local
13 jurisdiction to even take a position or, yeah, or to
14 provide a certificate. I mean, certainly we welcome
15 that and, you know, even hope that they do. But that
16 there's no requirement, which partly may answer Council
17 Member Pamplin's question to a degree, because there's
18 no -- there's no way to compel the local jurisdiction
19 to do so.
20 MS. HAFKEMEYER: Can I jump in?
21 MR. LECKIE: Then there's no local
22 SEPA then either?
23 MS. BUMPUS: No. EFSEC is the SEPA
24 lead agency.
25 MS. HAFKEMEYER: Can I jump in just

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1 to make sure that I'm interpreting Council Leckie's
2 question?
3 The Council will at a future date make a land-use
4 consistency determination for the project. And if the
5 local jurisdiction has issued a certificate of
6 consistency, that would be part of the record for that
7 decision.
8 However, EFSEC would not issue a certificate of
9 consistency on the local jurisdiction's behalf. If
10 that is provided for the project, that would come from
11 the local jurisdiction, not from EFSEC, but it would be
12 part of the record for the land-use consistency
13 determination made by the Council.
14 MR. LECKIE: Then it's irrelevant if
15 the County issues that or not; is that correct?
16 MS. HAFKEMEYER: I wouldn't call it
17 irrelevant.
18 MS. BUMPUS: No, not irrelevant. I
19 think that Mr. Thompson put it as there's -- if there's
20 a certificate provided, there's a presumption of
21 consistency. And so that, I think, aids the Council's
22 decision-making. Whereas, in the absence of that, you
23 don't have that presumption, and so you're looking at
24 the question, you're looking at the record: Is this
25 project allowed here? Is there anything that prohibits

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1 this project from being sited here with respect to land
2 use?
3 So having that -- that piece of information as
4 part of your record where the County is saying, "We
5 think it is consistent," you have that presumption
6 there. But without it, you're relying on the other
7 information that you have to answer the question to
8 consistency.
9 MR. LECKIE: Okay. I'm just trying
10 to understand the process, then.
11 So if that presumption is made in the county
12 planning or there's no application or land-use
13 certificate, then EFSEC just takes on that role? Is
14 that how this process works?
15 MR. THOMPSON: Well, yeah, I guess
16 you can say that. I mean, I think the Council would
17 look at -- first at whatever information the applicant
18 puts forward about what are -- you know, what are the
19 applicable zoning codes, what are the applicable
20 land-use plans, and makes whatever argument they want
21 to make about whether the project is -- would be
22 prohibited by those.
23 Other parties can respond. But it's -- it's --
24 yeah, it's the Council's -- is required to make a
25 determination as to whether the project, you know,

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1 under local permitting processes, say, would be --
2 would be allowed or prohibited. And it can do that.
3 Yeah, it can do that by researching the County's
4 relevant code provisions, itself, and looking at the
5 arguments that have been made by the parties before the
6 Council.
7 Does that help clarify?
8 MR. LECKIE: Yeah, it does. So then
9 there's -- then the County's not involved with the
10 permitting process, then, for a land-use certificate.
11 MR. THOMPSON: Correct. The --
12 MR. LECKIE: Yeah.
13 MR. THOMPSON: Yeah.
14 MR. LECKIE: Okay.
15 Okay.
16 CHAIR BECKETT: But I would just --
17 MR. LECKIE: No, thank you.
18 CHAIR BECKETT: I would just
19 emphasize -- and, Council Breckel, I will come to you
20 next -- ultimately, no matter what form the input comes
21 from the local jurisdiction, it is most important to
22 EFSEC as an agency to have -- you know, whether it's to
23 say, yes, this is consistent, or, no, it's not,
24 ultimately EFSEC -- and it is one of the superpowers
25 that has its controversies -- that the Council, if it

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1 chooses, you know, to interpret that it's not
2 consistent but a project needs to continue to go
3 forward, that is one of the powers under statute that
4 EFSEC has.
5 I don't think any of us -- I'll speak for
6 myself -- would take lightly overriding a local view,
7 but that is part of the role and authority of EFSEC.
8 So the more that that information in whatever form it
9 comes into EFSEC's record from each local jurisdiction
10 is of preeminent importance to and I believe to the
11 agency historically as well as on a more complicated
12 project like we're experiencing for the first time I
13 think in the history of the agency as far as a multi-
14 jurisdiction transmission project. So that's part of
15 the dialogue that we're sitting here having today in
16 public.
17 So unless I really misstated anything.
18 MR. LECKIE: No. Thank you.
19 CHAIR BECKETT: Okay.
20 MR. LECKIE: I guess that's where
21 the confusion was, 'cause it seems like they engage to
22 get the certificate from the County, then the meetings
23 did take place, and it stopped. That's what was kind
24 of confusing me, was did they have to fulfill and
25 finish that requirement at the County, or if EFSEC's

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1 taking it on, then maybe that was just -- you know,
2 maybe it wasn't needed, so they moved on to EFSEC.
3 That clarifies that. Thank you.
4 CHAIR BECKETT: Okay. It's good --
5 good discussion from my perspective. And I think as
6 Council Pamplin noted earlier, there's opportunity to
7 clarify and make this smoother where that could be done
8 through a policy or process rather than a statutory
9 change. Count me in for the nonstatutory path. But we
10 may bump into -- to those limits and need to seek more
11 authority.
12 Council Breckel, welcome. As a new member of the
13 Council, thank you both for enduring our onboarding
14 process, which we try to not to make too long.
15 Council Breckel.
16 COUNCIL BRECKEL: Thank you very
17 much, Mr. Chair.
18 Yeah, you know, I -- I go back. I attended the
19 initial public information meeting and land-use
20 consistency hearing here in Skamania County. And I
21 think there was a fair amount of, I think, both
22 confusion and concern over the EFSEC process as it
23 applies to this project. That there was a land-use
24 consistency hearing, and we didn't hear from any of the
25 local government within Skamania County in terms of

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1 land use on this particular thing. And, quite frankly,
2 that some of the local jurisdictions, certainly the
3 City of Stevenson, didn't even realize that this
4 hearing was ongoing at that time.
5 So I think as we're looking at this, at this
6 process, I think you'll find, you know, particularly
7 with some of these smaller jurisdictions, that there's
8 not any formality, any basis in terms of understanding
9 the process, the EFSEC process as it looks at these
10 types of projects or how it works or how they can
11 engage and participate in that process.
12 So I would hope that, you know, particularly as
13 you're looking for representatives from some of the
14 other local governmental jurisdictions, that somehow
15 there's that good clarity I think we got on some of the
16 onboarding discussions at least as a Council member but
17 also some discussions I think with local governments in
18 terms of how they can effectively engage in this
19 process. Because they are knowledgeable of it. This
20 is something new, and it's something complex, and it's
21 something that affects their local jurisdiction.
22 CHAIR BECKETT: Appreciate that
23 comment. And, again, I think there's learning in real
24 time as well as in earlier months coming out of the
25 hearings, but no doubt opportunities here to learn and

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1 grow from, I think. So appreciate that.
2 Council Nelson.
3 MR. NELSON: Thank you, Chair
4 Beckett.
5 Yeah, I was at the Skamania land-use hearing, and
6 I made a comment that, in retrospect, was largely
7 process ignorance. I think -- and it was about sort
8 of, like, along the lines of, you know, if this was a
9 Skamania County shoreline management plan, would it,
10 you know, pass muster or not. And it just wasn't a
11 point of the project yet that that information was
12 really out there. I think it will come out in SEPA.
13 But the point of my ramble, Councilman Leckie and
14 Councilman Breckel, is that local engagement and if
15 there is a local certificate of, you know, compliance,
16 we would -- you know, that's a big part of the -- at
17 least I'd say it'd definitely be a part of my
18 deliberation. And however that looks, I'm still not
19 edified enough to know, like, when that will come up.
20 The -- I'm just trying to say that I hope the
21 public gets a real big bite at that apple, you know,
22 when that information is submitted and gets out there.
23 And if it's through a hearing process, if it's like a
24 comment period, I hope it's a good long one, a couple
25 weeks as EFSEC has been doing a good job giving.

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1 And -- or if it's another hearing, great. You know,
2 like, it's Skamania County, I think, specifically since
3 the -- since it's going to run on land, is what I'm
4 most curious about regarding the land-use consistency.
5 CHAIR BECKETT: Thank you.
6 Other comments from Council? Any closing comments
7 from our good staff team that's been supporting this
8 discussion?
9 MS. BUMPUS: Thank you, Chair
10 Beckett. Just one comment. It was talked about
11 earlier in Ms. Belkina's update that we've recently
12 learned that the corps is going to be doing an
13 environmental impact statement and that we are
14 coordinating with them, collaborating with them on
15 that.
16 Staff do intend -- I don't know that it will be in
17 February. It may be more in March. We'll see. But
18 we're in discussions with the corps and many other
19 agencies as well as tribes. And we've discussed
20 internally doing a presentation for the Council about
21 how the SEPA process will work and how that
22 coordination will work. So I don't know if it will be
23 in the form of a full-on PowerPoint presentation or
24 just a hefty verbal update, but we do intend to provide
25 the Council with information and the public with

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1 information about how we're going to do that work, the
2 environmental review, given that there are multiple
3 agencies involved.
4 But we're at the point now to be able to share all
5 the behind-the-scenes details of how that will work.
6 But it is on the radar, and we intend to update the
7 Council. I don't want to commit to February yet.
8 CHAIR BECKETT: I understand that.
9 But thank you for the added foreshadowing of what's to
10 come.
11 Okay. Other comments? Hearing none.
12 We will wrap up our project updates. And thank
13 you. I know this meeting is going on, so we'll try and
14 move through our final three items quickly. But I
15 think that conversation was important. It's one that
16 we weren't able to really do in December, just having
17 gotten out of the hearings as well as our November
18 meeting in the middle of the hearings. So appreciate
19 the extra time that we've ended up spending here today.
20 With that, I will turn this to Director Bumpus for
21 both her cost allocation update and any other updates
22 that she wishes to give before perhaps if you would go
23 ahead and do me the favor of turning that to Lisa
24 McLean when you're done, and we'll just --
25 MS. BUMPUS: Yes.

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1 CHAIR BECKETT: -- wrap up that way.
2 MS. BUMPUS: Thank you, Chair
3 Beckett. And good afternoon, Council members.
4 For the cost allocation update, this is for the
5 non-direct cost allocation for third quarter of Fiscal
6 Year 2026. This covers January 1 to March 31, 2026.
7 I will not read off the percentages. They have
8 not been changed since last quarter's update. They're
9 in your packet. So if you have any questions about
10 those, do follow up with me. But in the interest of
11 time, will not read all of those off.
12 As far as director updates go, I did want to -- I
13 mentioned earlier Executive Order 25-11, which is the
14 acceleration in support for clean energy projects,
15 given the federal lack of energy tax credits. So EFSEC
16 is participating in -- on the acceleration team. We
17 actually have a number of staff that are involved in
18 tracking that work.
19 There is a report that we need to prepare that's
20 due at the end of the month. But before the executive
21 order was issued, we had been in discussions with other
22 agencies and preparing a list of projects that we
23 thought might be in a position to take advantage of the
24 federal tax incentives, and so I think that in some
25 respects that group is ahead of the work a little bit.

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1 Do reach out if you have any questions about that
2 report. And Ms. McLean is engaged on that effort. If
3 you have detailed questions about what we're going to
4 be putting in that report, please follow up with
5 Ms. McLean.
6 As far as other director updates, we do intend to
7 do an update with the Council on budget and on
8 legislation. Right now we're in the throes of
9 legislation, so not a whole lot to share that has any
10 concrete, you know, to it, but we'll give you an update
11 in February on that.
12 Any questions before I hand this to Ms. McLean?
13 Thank you.
14 CHAIR BECKETT: Seeing none.
15 MR. PAMPLIN: Sorry, Mr. Chair.
16 Just to slip one in. Thanks, Director Bumpus. Just a
17 quick question.
18 How did EFSEC -- how did EFSEC fare within the
19 governor's 2026 supplemental operating budget proposal?
20 Thank you.
21 MS. BUMPUS: Ms. Gomes, do you want
22 to...?
23 MS. GOMES: This is Nabila speaking.
24 CHAIR BECKETT: You might need to
25 come forward, though.

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1 MS. GOMES: I'll come closer.
2 Thank you, Lisa. Excellent question. This is
3 Nabila speaking on behalf of EFSEC and EFSEC staff.
4 The AG -- well, EFSEC received a 15 percent
5 proposed cut, so compared to other small agencies that
6 received a 5 percent cut. So that's a significant cut
7 compared to other small agencies.
8 We met with OFM and the governor's staff just to
9 determine what the impacts would be to the agency
10 especially on the operating end of things. And this is
11 specific to the general fund. And we anticipate that
12 we will have an update in February once we know exactly
13 how it's going to impact operating -- operating costs.
14 'Cause what essentially is going to have to happen is
15 we'll have to offset some of our general funds, which
16 include four staff members and legal fees and other
17 things like that, onto either overhead or onto project
18 costs, which is -- we don't know what that looks like,
19 and so we're just determining.
20 But essentially it's about a \$245,000 cut to our
21 budget, which we do have strategic actions in plan, and
22 so now we are pivoting with it. So we anticipate
23 having a full-fledged update in February.
24 MS. BUMPUS: Yeah, we will provide
25 an update. And, you know, one of the things is that

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1 we're not surprised, right? We knew. So we had
2 already been talking. This was definitely on Nabila's
3 radar, and we had been talking about what is the
4 strategy. Not if this happens but when it happens. We
5 were surprised about the -- sort of the, I guess --
6 MS. GOMES: How heavy-handed.
7 MS. BUMPUS: -- the heavy-handed --
8 somewhat heavy-handedness given that we're a small
9 agency compared to the impact on others. But -- but I
10 think that we've got some good strategies for how we
11 can -- we can offset.
12 MR. PAMPLIN: Yeah, thanks for the
13 updates.
14 CHAIR BECKETT: Okay. I think that
15 takes us to Ms. McLean as you said.
16 MS. McLEAN: Hi. So now I'm here as
17 the leg policy manager, Lisa McLean, here to introduce
18 a new staff member, Noel Sharp, who has joined us as
19 the rules policy coordinator. Very happy to welcome
20 her to the team. She just started on Friday. Her job
21 will be helping us work through these rules, work on
22 internal policies, and generally helping the policy
23 team.
24 Noel comes to us with -- I'm really happy. I just
25 said to Director Bumpus today when I was introducing

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1 Director Bumpus to Noel that she has a great deal of --
2 I don't know -- checks all kinds of great boxes.
3 Number one, she comes out of, recently -- most
4 recently, private environmental consulting firm.
5 Before that, she spent eight years at DNR. And while
6 she was at DNR, I'm not even going to try to remember
7 to say exactly what rules projects she worked on, but
8 it was a rules project that brought her in contact with
9 tribes, heavy involvement with the tribes, and just a
10 kind of controversial rules project.
11 So not that I expect any of our rules projects to
12 be controversial, but in the event that they are, I
13 know that she's going to be able to handle it. So I
14 welcome her, and I think she's going to be a great
15 addition to the team.
16 MS. SHARP: Thank you. It's nice to
17 meet you-all.
18 CHAIR BECKETT: Welcome aboard for
19 sure.
20 MS. SHARP: Thank you.
21 CHAIR BECKETT: You're welcome to
22 say anything else you wish at the moment. And
23 otherwise I won't put you on the spot further, so...
24 MS. SHARP: I'm just getting
25 onboarded, so -- but I'm really happy to be here. I've

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1 already learned a lot, so I'm excited. Thank you.
2 CHAIR BECKETT: Excellent.
3 Well, on that note, I will just also highlight for
4 the public in general that the update to
5 preapplication, adjudication, and site restoration
6 rules are being considered. That was in a public
7 meeting on the 7th of January, which some people may
8 have still been out or things like that. So more to
9 come. And, Noel, knowing you're here to be a part of
10 all that is most welcome and important.
11 But from my perspective, all ideas or, you know,
12 constructive feedback, criticism, whatever folks want
13 to send in to us, please send it. And if it doesn't
14 fit exactly in one of those three buckets, I would
15 suggest we might still know what to do with it. That
16 may not be immediately versus other higher priorities.
17 But now is the time to please, you know, let's
18 collectively bring our best ideas forward.
19 Because as I said in December and I may just keep
20 saying it, like, especially in these times, we got to
21 stick together, and we got to work together. And
22 that's just to me the bottom line, so -- and the
23 opportunity.
24 So, with that, I'll also note a thanks again to
25 Council Pamplin and the Fish and Wildlife agency that

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1 provided our wind and solar guideline presentation last
2 time. And I meant to mention when we approved the
3 minutes, having reread them, it was just, I think, a
4 really good discussion and just helpful and the kind of
5 work that we should be doing.
6 We may not always have time, you know, to do that
7 in every meeting. But as I reread those minutes, I was
8 super appreciative of what I read there. And I would
9 encourage the public to go read it. I think it starts
10 on Page 80. And, unfortunately, it is in court
11 reporter speak, which is always especially ugly when
12 you're reviewing those minutes.
13 So, with that, are there any other closing
14 comments? Or we will wrap this up.
15 Hearing none. Then we are adjourned at 3:34.
16 (Meeting adjourned at
17 3:34 p.m.)
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1 STATE OF WASHINGTON) I, John M.S. Botelho, CCR, RPR,
2) ss a certified court reporter
3 County of Pierce) in the State of Washington, do
4 hereby certify:
5
6 That the foregoing monthly meeting of the Washington
7 State Energy Facility Site Evaluation Council was conducted
8 in my presence and adjourned on January 21, 2026, and
9 thereafter was transcribed under my direction; that the
10 transcript is a full, true and complete transcript of the
11 said meeting, transcribed to the best of my ability;
12 That I am not a relative, employee, attorney or counsel
13 of any party to this matter or relative or employee of any
14 such attorney or counsel and that I am not financially
15 interested in the said matter or the outcome thereof;
16
17 IN WITNESS WHEREOF, I have hereunto set my hand
18 this 4th day of February, 2026.
19
20
21
22
23
24
25

/s/John M.S. Botelho, CCR, RPR
Certified Court Reporter No. 2976
(Certification expires 5/26/2026.)

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Ostrea Solar
Operator: Cypress Creek Renewables
Report Date: 2/3/2026
Reporting Period: 1/1/2026-1/31/2026
Site Contact: Fred Hageman
Facility SCA Status: Construction

Construction Status (only applicable for projects under construction)

- O&M facility construction continued.
- The HV and PV facilities were energized and synchronized to the grid.
- Commissioning works of the PV Array and substation began.

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 bi-weekly basis.

-Any EFSEC-related complaints or violations that occurred.

- Spoil piles were found to be uncovered.
 - Remediated 1/28/26.
- Sediment accumulation near BA-01
 - Remediated 1/28/26.
- Multiple straw waddles and straw blankets need maintenance.
 - Remediated 1/28/26.

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

- Nothing in the month of January.

Safety Compliance

- Nothing to report in the month of January.

Current or Upcoming Projects

-Planned site improvements

- Current:
 - O&M shop construction
 - Commissioning works of the PV array and high voltage equipment

- Utility testing underway
- Upcoming Projects
 - Fiber communication installation
 - O&M office trailer delivery and installation

-Upcoming permit renewals.

- None.

-Additional mitigation improvements or milestones.

- Active BMP monitoring and maintenance

Other

-Current events of note.

- N/A

-Personnel changes as they may relate to EFSEC facility contacts:

- None.

-Public outreach of interest

- None.

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center
Operator: Grays Harbor Energy LLC
Report Date: February 18, 2026
Reporting Period: January 2026
Site Contact: Eric Pace
Facility SCA Status: Operational

Operations & Maintenance

-GHEC generated 6,411 MWh during the month and 6,411MWh YTD.

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

Environmental Compliance

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

Other

-None.

STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL (EFSEC)



TITLE V AIR OPERATING PERMIT (AOP)

Issued to
Grays Harbor Energy, LLC
for
The Grays Harbor Energy Center

PERMIT #: EFSEC/25-01-AOP
ISSUED: <Date Final>
EXPIRATION: <Date Final + 5 years>

ENERGY FACILITY SITE EVALUATION COUNCIL
621 Woodland Square Loop
Lacey, WA 98503-3172
Telephone: (360) 664-1345

AIR OPERATING PERMIT #: EFSEC/25-01-AOP

ISSUED TO: Grays Harbor Energy LLC
401 Keys Road
Elma, WA 98541-9149

PLANT SITE:
Grays Harbor Energy Center
401 Keys Road
Elma, WA 98541-9149

ISSUED BY: Energy Facility Site Evaluation Council
621 Woodland Square Loop SE - PO Box 43172 Lacey,
WA 98503-3172

NATURE OF BUSINESS: Electrical Generating Facility
SIC/NAICS: 4911/221112
ICIS NUMBER: WAORC0005302701186
EFFECTIVE DATE: <New Effective Date>
EXPIRATION DATE: <New Expiration>
RENEWAL APPLICATION DUE: <Renewal Due Date>

PERMIT ENGINEER:

Aaron Manley P.E. – ORCAA Date

REVIEWED BY:

Sonia E. Bumpus – EFSEC Executive Director Date

APPROVED BY:

Kurt Beckett – EFSEC Chair Date

ISSUED IN ACCORDANCE WITH:
40 CFR Part 70, Chapters 70A.15 and 80.50 RCW, and Chapters 463-78 and 173-401 WAC

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I. REGULATORY BASIS

This Air Operating Permit (AOP), issued to Grays Harbor Energy LLC, for the Grays Harbor Energy Center, is authorized under the procedures established in Chapter 173-401 WAC as adopted by EFSEC in Chapter 463-78 WAC, and Title V of the 1990 Federal Clean Air Act Amendments. The terms and conditions of this AOP describe the emissions limitations, operating requirements, monitoring requirements, recordkeeping requirements, and reporting requirements applying to the permitted facility.

AOP terms and conditions are divided into the following categories: Permit Administration Conditions (P#), General Terms and Conditions (G#), Applicable Requirements (AR#), Monitoring and Recordkeeping (M#), Reporting (R#), and Permit Shield (S#) Conditions. As used in this permit, there is no distinction between "terms" and "conditions." As such, "condition" means the same as "terms and conditions" as referred to in Title V of the 1990 Federal Clean Air Act Amendments.

All terms and conditions of this AOP, including any provisions designed to limit potential to emit, are enforceable under the Federal Clean Air Act (FCAA) unless specifically identified as "state" or "EFSEC" only in the "regulatory basis" description that follows each condition.

Conditions identified as "EFSEC only" are enforceable only by the Energy Facility Site Environmental Council (EFSEC). Conditions identified as "state/EFSEC only" are enforceable only by EFSEC and the State of Washington.

The conditions in this AOP contain abbreviated and, in some cases, paraphrased versions of the language of the applicable requirements from the underlying laws, regulations and regulatory orders. Any difference between the description of an applicable requirement in this AOP compared to the corresponding law, regulation or order is provided for purposes of clarifying the underlying requirement. The legal requirement remains the underlying applicable requirement cited in the "Applicable Requirement" column of the tables and the citations contained in brackets at the end of each requirement. Any perceived conflicts between this AOP and an underlying applicable requirement will be resolved by referring to the cited applicable requirement.

Definitions of key terms used in this AOP are provided in Attachment 2 and should be consistent with definitions provided from corresponding referenced regulations. If not defined in this AOP, the referenced regulation, Chapter 70A.15 RCW, WAC 173-401-200 or WAC 173-400-030, terms shall be defined consistent with the Merriam-Webster's Collegiate Dictionary, Eleventh Edition copyright © 2003 by Merriam-Webster Inc.

The conditions required under this AOP were determined necessary to assure and provide for certification of compliance with applicable EFSEC, state, and federal air pollution regulations and standards. These requirements were determined applicable based on the equipment specifications and regulatory history of each emissions unit as described in the Technical Support Document for this AOP.

Conditions in this AOP originate from state, federal, and EFSEC regulations and standards and are generally referred to as "applicable requirements." AOP conditions reflect the

versions of each applicable requirement in effect at the time the AOP renewal application was submitted to EFSEC. Certain applicable requirements may have had multiple versions in effect at the time the AOP renewal application was submitted due to either:

1. An amendment to the associated regulation/rule/standard that occurred after EFSEC adopted the regulation by reference; or,
2. An older version of the rule/regulation/or standard adopted by EFSEC in their State Implementation Plan (SIP).

In these instances, both versions of the applicable requirement apply and are reflected in the AOP condition.

The following tables clarify the “landmark” dates that establish the effective versions for each applicable requirement contained in this AOP. However, any disputes regarding the exact language of an applicable requirement covered in this AOP should be settled by consulting versions of the associated rules/regulations/standards based on the “landmark dates” shown in the following tables.

Table 1: Landmark Dates for Federal Regulation

Federal Regulations	Date Federal Regulation Adopted by EFSEC^a	EFSEC Delegation Date^b
40 CFR 60, Subpart A (§ 60.1 to § 60.19 except § 60.5 and § 60.6)	11/11/2019	Not Delegated
40 CFR 51, Subpart K	11/11/2019	Not Delegated
40 CFR 52, Subpart A	11/11/2019	Not Delegated
40 CFR 60, Subpart IIII	11/11/2019	Not Delegated
40 CFR 60, Subpart KKKK	11/11/2019	Not Delegated
40 CFR 60, Appendices	11/11/2019	Not Delegated
40 CFR 61, Subpart A	11/11/2019	Not Delegated
40 CFR 61, Subpart M	11/11/2019	Not Delegated
40 CFR 63, Subpart A	11/11/2019	Not Delegated
40 CFR 63, Subpart ZZZZ	11/11/2019	Not Delegated
40 CFR 63, Appendices	11/11/2019	Not Delegated
40 CFR 72	11/11/2019	Not Delegated
40 CFR 75	11/11/2019	Not Delegated
40 CFR 75, Appendices	11/11/2019	Not Delegated
40 CFR 82, Subpart B	11/11/2019	Not Delegated
40 CFR 82 Subpart F	11/11/2019	Not Delegated

- a. The “Date Federal regulation Adopted by EFSEC” is set by the date established in WAC 463-78-005(1), which is the effective date of EFSECs adoption by reference for all federal and state regulations adopted by EFSEC. At the time the Permittee submitted their AOP renewal application, WAC 463-78-005(1) stated November 11, 2019, as the effected date for adoption by reference. Therefore, the versions of federal regulations cited in this permit are those that existed on 11/11/2019.
- b. The “EFSEC Delegation Date” is the date EFSEC was granted delegation to enforce the specific federal regulation. EFSEC has not yet received federal rule delegation from EPA.

Table 2: Landmark Dates for State Regulations

State Regulations	SIP Regulation Version Effective Date^a	Date State Regulation Adopted by EFSEC^{b, c}
WAC 173-400-036	12/29/2012	11/11/2019
WAC 173-400-040(2)(a & b) - Visible Emissions	4/1/2011	11/11/2019
WAC 173-400-040(3) - Fallout	Not in SIP	11/11/2019
WAC 173-400-040(4)- Fugitive Emissions	9/16/2018	11/11/2019
WAC 173-400-040(5) - Odors	Not in SIP	11/11/2019
WAC 173-400-040(6) - Detrimental Emissions	9/16/2018	11/11/2019
WAC 173-400-040(7) - SO2 Emissions	9/16/2018	11/11/2019
WAC 173-400-040(8) - Concealment and Masking	9/16/2018	11/11/2019
WAC 173-400-040(9) - Fugitive Dust	9/16/2018	11/11/2019
WAC 173-400-050 (Except: 173-400-050(2), (4), (5), and (6).	9/16/2018	11/11/2019
WAC 173-400-060	9/16/2018	11/11/2019
WAC 173-400-105	11/25/2018	11/11/2019
WAC 173-400-108	Not in SIP	Not Adopted Effective version of rule is 12/11/2024
WAC 173-400-109	Not in SIP	Not Adopted Effective version of rule is 12/11/2024
WAC 173-400-110	12/29/2012	11/11/2019
WAC 173-400-114	Not in SIP	11/11/2019
WAC 173-400-230	Not in SIP	Not Adopted Effective version of rule is 12/11/2024
WAC 173-400-700	4/1/2011	11/11/2019
WAC 173-401	Not in SIP	11/11/2019
WAC 173-406	Not in SIP	11/11/2019
WAC 173-425	10/18/1990	11/11/2019
WAC 173-441	Not in SIP	11/11/2019
WAC 173-460	Not in SIP	11/11/2019
WAC 463-78-105 (Fees)	Not in SIP	EFSEC Rule No adoption required (Effective 8/27/2015).
WAC 463-78-115	Not in SIP	EFSEC Rule No adoption required

		(Effective 8/27/2015).
WAC 463-78-120 (Testing)	11/11/2004	11/11/2004

- a. The “SIP Regulation Version Effective Date” is the effective date of the specific regulation listed in EFSEC’s State Implementation Plan.
- b. The “State Regulation Version Adoption Date” is set by the date established in WAC 463-78-005(1), which is the effective date of EFSECs adoption by reference for all federal and state regulations adopted by EFSEC. At the time the Permittee submitted their AOP renewal application, WAC 463-78-005(1) stated November 11, 2019, as the effected date for adoption by reference. Therefore, the versions of federal regulations cited in this permit are those that existed on 11/11/2019.
- c. For those State regulations not adopted by EFSEC, the date the AOP renewal application was submitted sets the date of the effective version of the regulation.

Table 3: Effective Dates for PSD and NSR Permits

Regulatory Orders/Permits	Effective Dates
Acid Rain Permit No. <ACID RAIN #>	<date acid rain permit issued>
PSD No. EFSEC/2001-01, AMENDMENT 5	1/28/2021
No. EFSEC NOC 17-01 (Cooling Tower Replacement)	4/18/2017

II. EMISSION UNIT (EU) IDENTIFICATION

The following table contains emission unit identifications. More detailed descriptions of each emission unit are included in the Technical Support Document (TSD) for this AOP.

TABLE 4: Emissions Units Covered Under AOP

EU #	Generating Equipment/Activity	Emission Control
EU-1	Combined Cycle Gas Turbine 1 (CGT- 1): <ul style="list-style-type: none"> Combustion Turbine 1 (CT-1) – General Electric 7FA natural gas turbine with a nominal design heat rate of 1,823 mmBtu/hr and an output of 234 MVA. Duct Burner 1 (DB-1) – 505 mmBtu/hr natural gas duct burner 	<ul style="list-style-type: none"> CT-1 equipped with Dry-Low NO_x Combustors DB1 equipped with Low NO_x Burners. Exhaust from both CT-1 and DB-1 pass through Selective Catalytic Reduction (SCR) and CO catalyst systems
EU-2	Combined Cycle Gas Turbine 2 (CGT- 2): <ul style="list-style-type: none"> Combustion turbine – General Electric 7FA natural gas turbine with a nominal design heat rate of 1,823 mmBtu/hr and an output of 234 MVA. Duct Burner – 505 mmBtu/hr natural gas duct burner 	<ul style="list-style-type: none"> CT-2 equipped with Dry-Low NO_x Combustors DB-2 equipped with Low NO_x Burners. Exhaust from both CT-2 and DB-2 pass through Selective Catalytic Reduction (SCR) and CO catalyst systems
EU-3	Auxiliary Boiler: 29.3 mmBtu/hr natural gas fired boiler used to assist with start-ups.	<ul style="list-style-type: none"> Low NO_x burners Flue Gas Recirculation (FGR)
EU-4	Cooling Tower: Nine cell, 175,000 gal/min forced draft cooling tower	<ul style="list-style-type: none"> Equipped with drift eliminators
EU-5	Emergency Generator: 400 kW (536 hp) emergency generator used to help power down equipment and maintain operation of lubricating oil pumps in the event of power outages.	None
EU-6	Emergency Fire Water Pump: 205 kW (275 hp) diesel-fired water pump to provide for fire suppression during electrical power outages.	None

Table Notes:

1. The information in Table 4 is for purposes of description only and is not intended as a limitation.

III. PERMIT ADMINISTRATION (P)

Conditions in this section govern administration of this AOP and include AOP administrative and other requirements that have no ongoing compliance monitoring requirements. The Permittee must comply with all AOP requirements including AOP administrative requirements and must certify compliance with all requirements annually.

P1. Permit Duration.

This AOP is issued for a fixed term of 5 years from date of issuance.

[Origin: WAC 173-401-610]

[Authority: WAC 173-401-600(1)(b)]

P2. Federally Enforceable Requirements.

- a) All terms and conditions in this AOP, including any provision designed to limit potential to emit, are enforceable by the U.S. EPA Administrator (EPA) and citizens under the FCAA, except as indicated in b) below.
- b) Notwithstanding subsection (a) of this condition, any terms and conditions included in this AOP that are not required under the FCAA or under any of its applicable requirements are specifically designated as “state,” “EFSEC,” or “state/EFSEC” only and are not federally enforceable under the FCAA. Terms and conditions so designated are not subject to review by EPA and affected states per the requirements of WAC 173-401-810 and 820.

[Origin WAC 173-401-625]

[Authority: WAC 173-401-600(1)(b)]

P3. Compliance Maintenance.

The Permittee must maintain compliance with all applicable requirements with which the source was in compliance as of the date of permit issuance. The Permittee must meet on a timely basis any applicable requirements that become effective during the permit term.

[Origin: WAC 173-401-630(3); WAC 173-401-510(2)(h)(iii)]

[Authority: WAC 173-401-600(1)(b)]

P4. Standard Conditions:

- a) **Duty to comply.** The Permittee must comply with all conditions of this AOP. Any permit noncompliance constitutes a violation of Chapter 70.94 RCW, Chapter 80.50 RCW, and, for federally enforceable provisions, a violation of the FCAA. Such violations are grounds for enforcement action; for AOP termination, revocation and re-issuance, or modification; or for denial of an AOP renewal application. [Origin: WAC 173-401-620(2)(a)]
- b) **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this AOP. [Origin: WAC 173-401-620(2)(b)]
- c) **Permit Actions.** This AOP may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and re-issuance, or termination, or of a notification of

planned changes or anticipated noncompliance does not stay any permit condition. [Origin: WAC 173-401- 620(2)(c)]

- d) Property Rights.** This AOP does not convey property rights of any sort, or any exclusive privilege. [Origin: WAC 173-401-620(2)(d)]
- e) Duty to Provide Information.** The Permittee must furnish to EFSEC, within a reasonable time, any information that EFSEC may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the AOP, or to determine compliance with the AOP. Upon request, the Permittee must also furnish to EFSEC copies of records that the Permittee is required to keep by this AOP, or for information claimed to be confidential, the Permittee may furnish such records directly to EFSEC along with a claim of confidentiality per condition P16. Permitting authorities must maintain confidentiality of such information in accordance with RCW 70.94.205. [Origin: WAC 173-401-620(2)(e)]
- f) Fees.** The Permittee must pay costs as a condition of this AOP in accordance with EFSEC's fee schedule as provided under WAC 463-78-105. Failure to pay fees in a timely fashion may subject the Permittee to civil and criminal penalties as prescribed in Chapter 70.94 RCW. [Origin: WAC 173-401-620(2)(f) and WAC 463-78-105]
- g) Emission Trading.** No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the AOP. [Origin: WAC 173-401- 620(2)(g)]
- h) Severability.** If any provision of this AOP is to be held invalid, all unaffected provisions of the AOP shall remain in effect and enforceable. [Origin: WAC 173-401-620(2)(h)]
- i) Permit Appeals.** This AOP or any conditions in it may be appealed in accordance with the provisions of WAC 463-78-140(3). This provision for appeal in this section is separate from and additional to any federal rights to petition and review under §505(b) of the FCAA. [Origin: WAC 173-401-620(2)(i)]
- j) Permit continuation.** This AOP and all terms and conditions contained therein, including any permit shield provided under WAC 173-401-640, shall not expire until the renewal permit has been issued or denied if a timely and complete application has been submitted. An application shield granted pursuant to WAC 173-401-705(2) shall remain in effect until the renewal permit has been issued or denied if a timely and complete application has been submitted. This protection shall cease to apply if, subsequent to a completeness determination, the applicant fails to submit by the deadline specified in writing by EFSEC any additional information identified as being needed to process the application. [Origin: WAC 173-401-620(2)(j); WAC 173-401-705(2)]

[Origins: as indicated by sub condition]

[Authority: WAC 173-401-620(2)]

P5. Duty to Supplement or Correct Application.

The Permittee, upon becoming aware that any relevant facts were omitted, or incorrect information was submitted in the permit application, must promptly submit such supplementary facts or corrected information. In addition, the Permittee must provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft AOP.

[Origin: WAC 173-401-500(6)]
[Authority: WAC 173-401-600(1)(b)]

P6. Misrepresentation and Tampering:

- a) The Permittee must not make any false material statement, representation or certification in any form, notice, or report.
- b) The Permittee must not render inaccurate any monitoring device or method required under Chapter 70.94 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

[Origin: WAC 173-400-105(6)§(8) (State Only)]
[Authority: WAC 173-401-600(1)(b)]

P7. Permit Renewal Application.

The Permittee must submit a complete renewal application to EFSEC at least six months, but no more than 18 months, prior to the expiration date of this AOP.

[Origin: WAC 173-401-710(1)]
[Authority: WAC 173-401-600(1)(b)]

P8. Transfer of Ownership or Operational Control.

A change in Permittee due to transfer of ownership or operational control of an affected source requires a request for administrative permit amendment as governed by WAC 173-401-720.

[Origin: WAC 173-401-720(1)(d)]
[Authority: WAC 173-401-600(1)(b)]

P9. Permit Expiration – Application Shield.

AOP expiration terminates the Permittee’s right to operate unless a timely and complete renewal application has been submitted consistent with condition P7. All terms and conditions of the AOP shall remain in effect after the AOP itself expires if a timely and complete permit application has been submitted. Operation under the terms and conditions of the expired AOP will be allowed until EFSEC takes final action on the renewal application.

[Origin: WAC 173-401-705(2) and WAC 173-401-710(3)]
[Authority: WAC 173-401-600(1)(b)]

P10. Permit Revocation.

EFSEC may revoke an AOP only upon the request of the Permittee or for cause. EFSEC shall provide at least thirty days written notice to the Permittee prior to revocation of the AOP or denial of a permit renewal application. Such notice shall include an explanation of the basis for the proposed action and afford the Permittee/applicant an opportunity to meet with EFSEC prior to the authority's Preliminary Draft decision. A revocation issued under this section may be issued conditionally with a future effective date and may specify that the revocation will not take effect if the Permittee satisfies the specified conditions before the effective date.

[Origin: WAC 173-401-710(4)]
[Authority: WAC 173-401-600(1)(b)]

P11. Reopening for Cause.

The AOP must be reopened and revised under any of the following circumstances:

- a) Additional requirements become applicable to the source with a remaining permit term of three or more years. Such a reopening must be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the AOP is due to expire, unless the original AOP or any of its terms and conditions have been extended pursuant to WAC 173-401-620(2)(j);
- b) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the AOP;
- c) EFSEC or the Administrator determines that the AOP contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the AOP; or
- d) EFSEC or the Administrator determines that the AOP must be revised or revoked to assure compliance with the applicable requirements.

Proceedings to reopen and issue this AOP shall follow the same procedures as apply to initial AOP issuance and shall affect only those parts of the AOP for which cause to reopen exists. Reopening under this section shall not be initiated before a notice of such intent is provided to the Permittee by EFSEC. Such notice shall be made at least 30 days in advance of the date that the AOP is to be reopened, except that EFSEC may provide a shorter time period in the case of an emergency.

[Origin: WAC 173-401-730]
[Authority: WAC 173-401-600(1)(b)]

P12. Changes not Requiring Permit Revision/Off Permit Changes.

The Permittee may make the changes described in WAC 173-401-722 and WAC 173-401-724 without revising this AOP, provided that the changes satisfy the criteria set forth in those sections, including the requirements to notify EFSEC and EPA.

[Origin: WAC 173-401-722; and, WAC 173-401-724]
[Authority: WAC 173-401-600(1)(b)]

P13. Administrative Permit Amendments.

The Permittee may request an "administrative permit amendment" for the following types of permit revisions:

- a) Correction of typographical errors;
- b) Change the name, address, or phone number of any person identified in the AOP, or provide a similar minor administrative change at the source;
- c) Require more frequent monitoring or reporting by the Permittee;
- d) Allow for a change in ownership or operational control of a source where EFSEC

determines that no other change in the AOP is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new Permittee has been submitted to EFSEC; and,

- e) Incorporate into the chapter 401 permit the terms, conditions, and provisions from orders approving NOC applications processed under an EPA-approved program.

Application and approval of administrative permit amendment applications shall conform to the procedures in WAC 173-401-720.

[Origin: WAC 173-401-720]

[Authority: WAC 173-401-600(1)(b)]

P14. Permit Modifications.

AOP permit revisions that cannot be accomplished using the provisions for administrative permit amendments shall be applied for and approved as a permit modification according to WAC 173-401-725.

[Origin: WAC 173-401-725]

[Authority: WAC 173-401-600(1)(b)]

P15. Greenhouse Gas Reporting Fee.

The Permittee must pay a greenhouse gas (GHG) reporting fee for each year they submit a GHG report to Washington Department of Ecology (Ecology). Fees will be paid according to Ecology's fee schedule. Fees must be paid within sixty days of receipt of Ecology's billing statement.

[Origin: WAC 173-441-110 (State Only)]

[Authority: WAC 173-401-600(1)(b)]

P16. Confidential Information.

The Permittee is responsible for certifying and clearly identifying any information considered proprietary and confidential. In the case where a Permittee has submitted information to EFSEC under a claim of confidentiality, EFSEC may also require the Permittee to submit a copy of such information directly to the administrator. The Permittee is responsible for clearly identifying information that is considered proprietary and confidential prior to submittal to EFSEC. In addition, all confidential information must be submitted according to EFSEC's Public Records and Confidentiality Procedures.

[Origin: WAC 173-401-500(5) and, WAC 173-401-620(2)(e)]

[Authority: WAC 173-401-600(1)(b)]

P17. Credible Evidence.

For purposes of certifying compliance or establishing whether or not the Permittee has violated or is in violation of this AOP, nothing shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with the requirements if the appropriate performance or compliance test or procedure had been performed.

[Origin: 40 CFR 51.212; 40 CFR 52.12; 40 CFR 52.33; 40 CFR 60.11, and, 40 CFR 61.12]
[Authority: WAC 173-401-600(1)(a)]

P18. Unavoidable Excess Emissions.

- a) Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute, rule, permit, or regulatory order.
- b) EFSEC determines whether excess emissions are unavoidable based on the information supplied by the Permittee and the criteria in subsection (g) of this condition.
- c) Excess emissions determined by EFSEC to be unavoidable are:
 - i) A violation subject to WAC 173-400-230 (3), (4), and (6); but
 - ii) Not subject to civil penalty under WAC 173-400-230(2).
- d) The Permittee shall have the burden of proving to EFSEC in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsection (g) of this section.
- e) This condition (P18) does not apply to an exceedance of an emission standard in 40 C.F.R. Parts 60, 61, 62, 63, or 72, or EFSEC's adoption by reference of these federal standards.
- f) Excess emissions that occur due to an upset or malfunction during a startup or shutdown event are treated as an upset or malfunction under subsection (g) of this section.
- g) Excess emissions due to an upset or malfunction will be considered unavoidable provided the Permittee reports as required in condition R6, and adequately demonstrates to EFSEC that:
 - i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
 - ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;
 - iii) The Permittee took immediate and appropriate corrective action in a manner consistent with safety and good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, when the Permittee knew or should have known that an emission standard or other permit condition was being exceeded (Actions taken could include slowing or shutting down the emission unit as necessary to minimize emissions);
 - iv) If the emitting equipment could not be shut down during the malfunction or upset to prevent the loss of life, prevent personal injury or severe property damage, or to minimize overall emissions, repairs were made in an expeditious fashion;
 - v) All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;
 - vi) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible; and
 - vii) All practicable steps were taken to minimize the impact of the excess emissions on ambient air quality.

[Origin: WAC 173-400-109]
[Authority: WAC 173-401-600(1)(b)]

P19. Certification. All documents required to be submitted by this AOP must contain certification by a responsible official of truth, accuracy, and completeness. Documents include any application form, report, or compliance certification including but not limited to test plans and results, monitoring plans and results, applications, emissions inventory submittals, equipment malfunction reports or annual compliance certification. Such certification must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Provided, however, where a report is sent more frequently than once every six months, the responsible official's certification need only be submitted once every six months, covering all required reporting since the date of the last certification.

[Origin: WAC 173-401-520; WAC 173-401-615(3)(a); and, WAC 173-401-630(1)]
[Authority: WAC 173-401-600(1)(b)]

IV. GENERAL TERMS AND CONDITIONS (G)

G1. Inspection and Entry. Upon presentation of appropriate credentials, the Permittee must allow a representative from EFSEC or an authorized representative to perform the following:

- a) Enter upon the premises where a Chapter 173-401 WAC source is located or emissions related activity is conducted, or where records must be kept under the conditions of this AOP;
- b) Have access to and copy at reasonable times any records that must be kept under the conditions of this AOP;
- c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this AOP; and
- d) Sample or monitor, at reasonable times, substances, or parameters for the purpose of assuring compliance with the AOP or other applicable requirements.
- e) Nothing in this condition or AOP shall limit the ability of EPA to inspect or enter the premises of the Permittee under Section 114 or other provisions of the FCAA.

[Origin: WAC 173-401-630(2) and WAC 173-400-105(3) §(4);
PSD No. EFSEC/2001-01, AMENDMENT 5, condition 27]
[Authority: WAC 173-401-600(1)(b)]

G2. Insignificant Emission Units. The following applies to emissions units determined insignificant based on actual emissions in accordance with WAC 173-401-530(1)(a):

- a) Any emission unit or activity that qualifies as insignificant solely on the basis of provisions in WAC 173-401-530(1)(a) must not exceed the emission thresholds specified in WAC 173-401-530(4) until this AOP is modified.
- b) Upon request from EFSEC, the Permittee must provide sufficient documentation to enable EFSEC to determine that the emission unit or activity has been appropriately listed as insignificant.
- c) Upon request from EFSEC, at any time during the term of the AOP, the Permittee must demonstrate to EFSEC that the actual emissions of any unit or activity claimed insignificant on the basis of actual emissions are below the emission thresholds listed in WAC 173-401-530(4).

[Origin: WAC 173-401-530]
[Authority: WAC 173-401-600(1)(b)]

G3. New Source Review. The Permittee must not construct or modify a source which is required to be reviewed under Chapters 173-400 or 173-460 WAC without first receiving an approval or permit. Portable sources may be exempt from the requirement to obtain a site-specific permit if they fulfill the criteria described in G5 - Temporary Sources. Replacing, relocating, or reconstructing a source is considered constructing a source.

[Origin: WAC 173-400-110; WAC 173-400-700; and, WAC 173-460-040 (State Only)]
[Authority: WAC 173-401-600(1)(b)]

G4. Replacement or Substantial Alteration of Emission Control Technology. A notice of construction application must be filed with EFSEC prior to replacing or substantially altering the emission control technology installed on an existing stationary source or emission unit. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or similar parts replacement.

[Origin: WAC 173-400-114]

[Authority: WAC 173-401-600(1)(b)]

G5. Temporary Sources. A portable source with an order of approval from another Washington permitting authority may be authorized to operate at the facility without obtaining a site-specific permit from EFSEC if EFSEC approves the proposal on a case-by-case basis and all of the conditions of WAC 173-400-036(2) through (4) are met. Operation at any location under this provision is limited to one year or less.

[Origin: WAC 173-400-036 (State Only) and WAC 173-400-110(6)]

[Authority: WAC 173-401-600(1)(b)]

G6. Asbestos, Demolition and Renovation Projects. The Permittee must notify EPA Region 10 and EFSEC prior to commencing any renovation or demolition activities at the facility as defined in 40 CFR 61.141. The Permittee must conduct all renovation, demolition, and asbestos projects in accordance with applicable asbestos control standards and requirements in Subpart M of 40 CFR Part 61.

[Origin: 40 CFR Part 61, Subpart M]

[Authority: WAC 173-401-600(1)(a)]

G7. Chemical Accident Prevention. The Permittee must comply with the requirements of the Chemical Accident Prevention provisions of 40 CFR Part 68 no later than the following dates:

- a) Three years after the date on which a regulated substance, present above the threshold quantity, is first listed under 40 CFR 68.130; or,
- b) The date on which a regulated substance is first present above a threshold quantity in a process.

[Origin: 40 CFR Part 68]

[Authority: WAC 173-401-600(1)(a)]

G8. Protection of Stratospheric Ozone. The Permittee shall comply with the standards for recycling and emissions reduction as provided in 40 CFR Part 82, Subpart F.

[Origin: 40 CFR Part 82, Subpart F]

[Authority: WAC 173-401-600(1)(a)]

G9. Outdoor Burning. The Permittee is prohibited from conducting outdoor burning except as allowed by Chapter 173-425 WAC.

[Origin: WAC 173-425]

[Authority: WAC 173-401-600(1)(b)]

G10. Concealment and Masking Prohibited: No person shall cause or allow the installation or use of any device or use of any means, which conceals or masks an emission of an air contaminant, which would otherwise violate any provisions of chapter 173-400 WAC.

[Origin: WAC 173-400-040(8) (State Only)]

[Authority: WAC 173-401-600(1)(b)]

G11. Circumvention. The Permittee must not build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[Origin: 40 CFR 60.12]

[Authority: WAC 173-401-600(1)(a)]

G12. General Emissions Testing Requirement. In addition to the testing requirements contained in this AOP, EFSEC or an authorized representative of EFSEC may require the Permittee to conduct stack and/or ambient air monitoring and report the results to EFSEC.

[Origin: WAC 463-78-120]

[Authority: WAC 173-401-600(1)(b)]

G13. Acid Rain Program - Duty to reapply. The designated representative must submit a complete acid rain permit application for each source with an affected unit along with the Title V permit renewal application required by condition P7. The original and three copies of all permit applications must be submitted to EFSEC.

[Origin: WAC 173-406-301(3)]

[Authority: WAC 173-401-600(1)(b)]

G14. Acid Rain Program – Designated Representative. Designated representative under the Acid Rain Program means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source or by the owners and operators of a combustion source or process source, as evidenced by a certificate of representation (see Acid Rain Permit under Attachment 1), to represent and legally bind each owner and operator, as a matter of Federal law, in matters pertaining to the Acid Rain Program. Whenever the term “responsible official” is used in this permit, it shall be deemed to refer to the “designated representative” with regard to all matters under the Acid Rain Program.

[Origin: WAC 173-406-101(40)]

[Authority: WAC 173-401-600(1)(b)]

G15. Prevention of Significant Deterioration (PSD). A PSD permit application must be filed by the Permittee and a PSD permit issued by EFSEC prior to beginning actual construction of any major stationary source or major modification as these terms are defined in WAC 173-400-720.

[Origin: WAC 173-400-720]

[Authority: WAC 173-401-600(1)(b)]

G16. Requirements for PSD Applicability Determinations. The Permittee must comply with the specific pre and post project monitoring, recordkeeping, and reporting requirements in WAC 173-400-720(4)(b)(iii), as applicable, to projects triggering a PSD applicability determination.

[Origin: WAC 173-400-720(4)(b)(iii)]

[Authority: WAC 173-401-600(1)(b)]

V. APPLICABLE REQUIREMENTS (AR)

TABLE 5: Applicable Requirements.

AR#	Requirements	Subject Units	Additional Monitoring & Records Requirements
General Plant-wide Emission Standards			
AR 1.1	<p>General Duty Requirements: At all times, including periods of startup, shutdown, and malfunction, the Permittee must maintain and operate all emissions units and their associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.</p> <p>[Origin: 40 CFR 60.11(d); 40 CFR 60 Subpart KKKK, §60.4333; PSD No. EFSEC/2001-01, AMENDMENT 5, condition 26] [Authority: WAC 173-401-600(1)(a), and (b)]</p>	Plant-wide	None
AR 1.2	<p>General Standards for Maximum Visual Emissions. The Permittee must not cause or allow any emission of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity for more than three minutes, in any one hour, as determined by Ecology method 9A.</p> <p>Reference Test Method: When stack testing is conducted for purposes of demonstrating compliance, Ecology Method 9A must be used.</p> <p>[Origin: WAC 173-400-040(2) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b); and, WAC 173-401-605(1)]</p>	Plant-wide	M5 M6 M7
AR 1.3	<p>Fallout Prohibition. The Permittee must not cause or allow the emission of particulate matter from any source to be deposited beyond the property under their direct control in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.</p> <p>[Origin: WAC 173-400-040(3) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b)]</p>	Plant-wide	None
AR 1.4	<p>Fugitive Emissions Control. The owner or operator of any emission unit engaging in materials handling, construction, demolition, or any other operation</p>	Plant-wide	M4

	<p>which is a source of fugitive emissions must take reasonable precautions to prevent release of air contaminants from the operation.</p> <p>[Origin: WAC 173-400-040(4)(a) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b)]</p>		
AR 1.5	<p>Odor Control. The Permittee must use recognized good practice and procedures to reduce odors to a reasonable minimum.</p> <p>[Origin: WAC 173-400-040(5) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b)]</p>	Plant-wide	M4
AR 1.6	<p>Emissions detrimental to persons or property. The Permittee must not cause or allow the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.</p> <p>[Origin: WAC 173-400-040(6) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b)]</p>	Plant-wide	M4
AR 1.7	<p>Sulfur Dioxide (SO₂). The Permittee must not cause or allow the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes.</p> <p>Compliance Demonstration Methods:</p> <ol style="list-style-type: none"> 1. For diesel fuel, records documenting a sulfur content of 15 ppm or 0.0015% sulfur by weight or less must be used. A fuel certification from the fuel supplier documenting the sulfur content of the diesel may be used to demonstrate compliance with this requirement. 2. SO₂ emissions from combustion of natural gas are presumed to be in compliance with this limit. <p>Reference Test Method – When stack testing is conducted for purposes of demonstrating compliance, EPA Method 6c from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: WAC 173-400-040(7) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b); and, WAC 173-401-605(1)]</p>	Plant-wide	M1 M8

AR 1.8	<p>Fugitive Dust Control. The Permittee must take reasonable precautions to prevent fugitive dust from becoming airborne and must maintain and operate the source to minimize emissions.</p> <p>[Origin: WAC 173-400-040(9)(a) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b)]</p>	Plant-wide	M4
AR 1.9	<p>General Particulate Standards for Combustion Units. The Permittee must not cause or allow emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf).</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, emissions must be measured using EPA Method 5 in Appendix A to 40 CFR Part 60 (in effect on February 14, 2005), or approved procedures in Source Test Manual – Procedures for Compliance Testing, state of Washington, Department of Ecology, as of September 20, 2004, on file at Ecology. Measured concentrations must be adjusted for volumes corrected to 7% oxygen, except when EFSEC determines that an alternate oxygen correction factor is more representative of normal operations such as the correction factor included in an applicable NSPS or NESHAP, actual operating conditions, or the manufacturer’s specifications for the emission unit.</p> <p>[Origin: WAC 173-400-050(1)] [Authority: WAC 173-401-600(1)(b); and, WAC 173-401-605(1)]</p>	Plant-wide	M5 M6 M7
AR 1.10	<p>General Emission Standards for Process Units. The Permittee must not cause or allow emissions of particulate matter from any general process unit (excluding combustion) in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, test methods (in effect on the date in WAC 173-400-025) from 40 CFR Parts 51, 60, 61, and 63 and any other approved test procedures in Ecology's "Source Test Manual - Procedures For Compliance Testing" as of September 20, 2004, must be used to determine compliance.</p> <p>[Origin: WAC 173-400-060]</p>	Plant-wide	None

	[Authority: WAC 173-401-600(1)(b); and, WAC 173-401-605(1)]		
AR 1.11	<p>Acid Rain. The Permittee must hold SO₂ allowances not less than the total annual emissions of SO₂ for the previous calendar year (see Attachment 1 of this AOP - Acid Rain Permit).</p> <p>[Origin: Acid Rain Permit No. <ACID RAIN #>] [Authority: WAC 173-401-600(1)(b); and, WAC 173-401-605(1)]</p>	CGT1 & CGT2	M1

AR 1.12	<p>Operating and Maintenance Manuals. The Permittee must have on- site, and must follow, an Operating and Maintenance manual (O&M Manual) and Start-up, Shutdown, and Malfunction Procedures manual (SSM Manual). Both manuals must describe accepted operating procedures for minimizing emissions for all equipment that have the potential to affect emissions to the atmosphere. The following requirements apply:</p> <ol style="list-style-type: none"> 1. Copies of both manuals must be available to EFSEC at the facility. 2. The manuals must be reviewed annually and updated as needed. 3. EFSEC must be notified whenever either manual is updated. 4. The O&M Manual should contain equipment-specific operating parameter and maintenance information. 5. The O&M Manual should specify acceptable ranges for: <ol style="list-style-type: none"> a. Fuel heat (MMBtu/dscf) and sulfur content (percent); b. Expected range of fuel rates for each unit (MMBtu/hr for turbines, duct burner and aux boiler) and mode of operation (startup, shutdown, operational); c. Expected range of power production (MW) for each turbine; d. Expected range of total power production (MW); e. CGT exhaust temperature and percent oxygen for each mode of operation; f. Ammonia flow for each mode of operation; g. SCR and CatOx catalyst temperatures for each mode of operation h. Mode 6 criteria 6. The SSM manual must contain information on the proper procedures, and sequencing of actions for plant operations staff to follow in order to safely, efficiently start and stop the various equipment at the station under all reasonably ascertainable normal and abnormal start-up and shut-down situations. <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 17.1, 17.2 and 23] [Authority: WAC 173-401-600(1)(c)]</p>	Plant-wide	M1
NSPS Requirements for CGT1 and CGT2 (including duct burners)			
AR 2.1	<p>CGT NSPS NO_x Limit. Nitrogen oxide (NO_x) emissions from each CGT exhaust stack after duct burners –</p>	CGT1 & CGT2	M5 M8

	<p>CGT1 and CGT2 – must not exceed the following limits:</p> <ol style="list-style-type: none"> 15 parts per million at 15 percent oxygen and on a dry basis when the turbine is operating. 54 parts per million at 15 percent O₂ when the duct burners are operating independent of the turbine, if applicable. <p>Monitoring: The Permittee must install, certify, maintain, operate, and quality-assure a NO_x-diluent continuous emission monitoring system (NO_x-diluent CEMS) consisting of NO_x and O₂ analyzers, an automated data acquisition and handling system (DAHS), and natural gas monitoring system for recording and reporting NO_x emissions data according to conditions M5 and M8.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, test methods and procedures from 40 CFR 60, Subpart KKKK and EPA Method 20 must be used, except that the instrument span must be set between zero and 25 ppm. Performance testing must be conducted at any load condition within plus or minus 25 percent of 100 percent of peak load. Testing may be performed at the highest achievable load point, if at least 75 percent of peak load cannot be achieved in practice. Three separate test runs for each performance test must be conducted and the minimum time per run is 20 minutes.</p> <p>[Origin: 40 CFR 60 Subpart KKKK: §60.4320(a); §60.4340; and §60.4345; and, §60.4350] [Authority: WAC 173-401-600(1)(b)]</p>		M9 M12 M13
AR 2.2	<p>CGT NSPS SO₂ Limit. The CGTs (turbines and duct burners) must not burn any fuel containing total potential sulfur emissions in excess of 0.060 lb SO₂ /MMBtu heat input.</p> <p>Compliance Demonstration Required: A demonstration of compliance with the NSPS SO₂ standard must be conducted annually (no more than 14 calendar months between tests) using one or more of the following methods:</p> <ol style="list-style-type: none"> Calculate the potential sulfur emissions in units of lb SO₂ /MMBtu heat input using a current, valid purchase contract, tariff sheet, or transportation contract for the fuel specifying the maximum total sulfur content of the natural gas combusted in the CGTs; 	CGT1 & CGT2	M8 M9 M12

	<p>2. Stack testing according to the SO₂ Reference Test Method below; or,</p> <p>3. Calculate the potential sulfur emissions in units of lb SO₂ /MMBtu heat input using natural gas composition data from required monthly monitoring as described below.</p> <p>Monitoring: On a monthly basis, the Permittee must monitor the natural gas burned in the CGTs by sampling and analyzing the natural gas delivered to the GHE facility according to condition M8 to determine:</p> <ol style="list-style-type: none"> 1. The Gross Calorific Value (GCV) in terms of MMBtu/scf; 2. Sulfur concentration in terms of grains/hscf; and, 3. Potential sulfur emissions in terms of lb SO₂/MMBtu input. <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Methods 6, 6C, 8, or 20 in appendix A of 40 CFR Part 60 must be used. The American Society of Mechanical Engineers (ASME) standard, ASME PTC 19-10-1981-Part 10, "Flue and Exhaust Gas Analyses," manual methods for sulfur dioxide can be used instead of EPA Methods 6 or 20. Concurrently measure the natural gas heat input to each CGT using a fuel flowmeter (or flowmeters). Use EPA Method 19 in appendix A of 40 CFR 60 to calculate the SO₂ emission rate in lb/MMBtu.</p> <p>[Origin: 40 CFR 60 Subpart KKKK: §60.4330(a)(2)] [Authority: WAC 173-401-600(1)(b)]</p>		
PSD Permit Requirements for CGT1 and CGT2			
AR 2.3	<p>CGT Fuel Limit: The CGTs (each consisting of a GE 7FA combustion turbine and its associated duct burner and HRSG) and auxiliary boiler are limited to the use of natural gas.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 2] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	M8
AR 2.4	<p>CGT NO_x Limits: Emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed the following, except during start-up and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14:</p> <ol style="list-style-type: none"> a) 21.7 pounds/hour (lb/hr), 1-hour (1-hr) average. b) 17.4 lb/hr, 24-hr rolling average. 	CGTs	M5 M8 M9 M12 M13

	<p>c) 2.5 parts per million by volume, dry (ppm), 1-hr average, corrected to 15 percent oxygen (O₂).</p> <p>d) 2.0 ppm, 24-hr rolling average, corrected to 15 percent O₂.</p> <p>Monitoring: Ongoing compliance must be monitored by a NO_x-diluent CEMS. The NO_x-diluent CEMS and flow measurement to determine NO_x mass rates must meet the requirements of conditions M5 and M8 respectively. Emissions calculations must meet the requirements of condition M9.</p> <p>Added Clarification: For purposes of determining compliance with the 24-hr rolling average NO_x limit, start-up, and shut-down emissions must not be included in the averaging and a full averaging period should be used in determining compliance.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 20 from 40 CFR Part 60 Appendix A must be used and testing must meet the requirements in §60.4405 of 40 CFR Part 60 Subpart KKKK, except that the instrument span must be set between zero and 25 ppm.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.1] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.5	<p>CGT CO Limits: Carbon monoxide (CO) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed the following limits, except during startup and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14:</p> <p>a) 2.0 ppm, corrected to 15 percent O₂, 1-hr average.</p> <p>b) 10.6 lb/hr, 1-hr average.</p> <p>Monitoring: Ongoing compliance must be monitored by a CO CEMS. The CO CEMS and flow measurement to determine CO mass rates must meet the requirements of conditions M5 and M8 respectively. Emissions calculations must meet the requirements of condition M9.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 10 from 40 CFR Part 60 Appendix A must</p>	CGTs	M5 M8 M9 M12 M13

	<p>be used, or an equivalent method agreed to in advance by EFSEC. The span and linearity calibration gas concentrations in Method 10 are to be modified as appropriate to the CO concentration limits specified in this condition.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.2] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.6	<p>CGT SO₂ Limits: Sulfur dioxide (SO₂) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed the following, except during startup and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14:</p> <ul style="list-style-type: none"> a) 19.8 lb/hr, 1-hr average. b) 3.3 lb/hr, rolling annual average of emissions determined monthly when the CGTs operate. <p>Stack Testing: Compliance with the 1-hr average limit must be determined for each CGT at 5-year intervals through stack testing according to the Reference Test Method.</p> <p>Monitoring: Ongoing compliance with both limits must be determined monthly according to condition M9 by calculating hourly average SO₂ emission rates from each CGT in pounds per hour for all hours of operation during the previous month and the average emission rate in lb/hr over the previous 12-consecutive month period.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 6c from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.3] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	M8 M9 M12
AR 2.7	<p>CGT H₂SO₄ Limits: Sulfuric acid mist (H₂SO₄) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed 2.17 lb H₂SO₄/hr, rolling annual average calculated monthly, except during startup and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14:</p>	CGTs	M8 M9 M12

	<p>Stack Testing: Hourly H₂SO₄ rates and the unit-specific ratios of H₂SO₄ to SO₂ shall be determined for each CGT based on stack testing using EPA Reference Method 8, or an equivalent method approved by EFSEC. Stack testing shall be performed at each exhaust stack at 5-year intervals. Testing shall be performed between the months of November – March (unless otherwise approved by EFSEC) at representative maximum heat input rate.</p> <p>Monitoring: Ongoing compliance must be determined monthly according to condition M9 by calculating the average hourly H₂SO₄ emission rates from each CGT in pounds per hour for all hours of operation during the previous month and 12-consecutive month periods. The unit-specific ratio of H₂SO₄ to SO₂ determined through stack testing must be used to convert the calculated potential SO₂ emissions into sulfuric acid mist emissions and SO₂ emissions.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 8 from 40 CFR Part 60 Appendix A or EPA Conditional Test Method 013(CTM-013) for SO₂/sulfuric acid mist determination must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.4] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.8	<p>CGT VOC Limits: Volatile organic compound (VOC) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed the following, except during startup and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14:</p> <ul style="list-style-type: none"> a) 7.7 lb/hr, 1-hr average, reported as propane. b) 0.93 ppm, 1-hr average, reported as propane at 15 percent O₂. <p>Stack Testing: Each CGT stack must be tested at 5-year intervals. Testing must be performed between the months of November – March (unless otherwise approved by EFSEC) at representative maximum heat input rates and according to the Reference Test Methods.</p>	CGTs	M8 M9 M12

	<p>Monitoring: Ongoing compliance with the hourly rate limit of this condition must be monitored separately for each CGT by calculating hourly VOC emissions rates according to condition M9 using:</p> <ul style="list-style-type: none"> a) The hours of operation; b) Fuel flow to each CGT according to condition M8; c) An emissions factor in lbs/MMBtu derived from the most recent reference method testing of the CGT; and, d) Emission calculations according to condition M9. <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Methods 19 and 25A, 25B or 18 from 40 CFR Part 60 Appendix A, or South Coast Air Quality Management District Method 25.3, must be used, or equivalent methods agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.5] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.9	<p>CGT Particulate Limits: Particulate matter and particulate matter less than or equal to 10 micrometers (aerodynamic diameter) (PM₁₀) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed 22.6 lb/hr of filterable plus condensable PM₁₀ except during startup and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14.</p> <p>Stack Testing: Each CGT stack must be tested at 5-year intervals. Testing will be performed between the months of November – March (unless otherwise approved by EFSEC) while operating at representative maximum heat input rate.</p> <p>Monitoring: Maintaining compliance with the opacity limit in condition 2.11 will serve as a means to determine when CGT maintenance actions, investigations or additional testing are needed to verify or assure compliance with the limit in this condition.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 19 and EPA Methods 5, 201, or 201A, plus EPA Reference Method 202 from 40 CFR Part 60 Appendix A must be used, or equivalent methods agreed to in advance by EFSEC. Use of EPA Reference Method 5 assumes all filterable particulate is PM₁₀. Use of EPA</p>	CGTs	None

	<p>Reference Method 201 or 201A assumes that the mass of filterable PM is equal to the mass of filterable PM₁₀. If EPA Method 201 or 201A is used, the mass of particulate retained in the cyclone must be determined and reported. Test runs must be a minimum of 3 hour each unless otherwise approved in advance by EFSEC. The results of the filterable and condensable particulate analyses must be reported as total particulate, filterable particulate, and condensable particulate.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.6] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.10	<p>CGT Ammonia Limits: Ammonia (free NH₃ and combined measured as NH₃) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed the following, except during start up and shutdown (and CGT over-speed protection testing):</p> <p>a) 5.0 ppm, 24-hr average corrected to 15 percent O₂. b) 16.1 lb/hr, 24-hr average.</p> <p>Monitoring: Ongoing compliance must be monitored by an Ammonia CEMS. The Ammonia CEMS and flow calculations to determine Ammonia mass rates must meet the requirements of conditions M5 and M8 respectively. Emissions calculations must meet the requirements of condition M9.</p> <p>Added Clarification: For purposes of determining compliance with the 24-hr average Ammonia limit, start-up and shut-down emissions should not be included in the averaging and a full averaging period should be used in determining compliance.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, Bay Area Air Quality Management District Source Test Procedure ST-1B, "Ammonia, Integrated Sampling" or EPA Conditional Test Method 027 must be used, or an equivalent method approved in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.7] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	M5 M8 M9 M12 M13
AR 2.11	<p>CGT Opacity Limits: Opacity at each CGT exhaust stack must not exceed a 6-minute average opacity of five percent, except during start- up and shutdown (and CGT over-speed protection testing) when they must</p>	CGTs	M5d

	<p>meet the requirements in conditions AR2.13 and AR2.14:</p> <p>Monitoring:</p> <ul style="list-style-type: none"> a) A certified opacity reader must read and record the opacity of each operating CGT daily during daylight hours; or, b) Opacity must be monitored using a Continuous Opacity Monitoring System (COMS) on each CGT as an alternative to EPA Reference Method 9 readings. c) Any COMS must be installed and operated according to condition M5. d) If readings from daily monitoring are less than the opacity limit for the last calendar month, the manual opacity monitoring frequency is reduced to weekly. e) Any readings above the opacity limit will require daily manual opacity readings for at least 30 days. <p>Reference Test Method: When stack testing is conducted for purposes of demonstrating compliance, EPA Reference Method 9 from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.8] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.12	<p>CGT Formaldehyde Limits: Formaldehyde emissions from each CGT exhaust stack – CGT1 and CGT2 – during normal operation must not exceed 91 ppb, one-hr average corrected to 15 percent O₂.</p> <p>Stack Testing:</p> <ul style="list-style-type: none"> a) The initial compliance test must be performed between the months of November – March, and then biennially (unless otherwise approved by EFSEC) after the initial test. b) The CT unit at a minimum (excluding duct burner) must be tested while operating at representative maximum heat input rate. c) If GHE demonstrated that the unit is not relying on CO catalyst to meet the Formaldehyde emission limit by testing at the inlet to the CO catalyst, GHE may perform compliance testing every 5 years instead of every 2 years. <p>Monitoring: If compliance with the CGT formaldehyde limits relies on formaldehyde reduction by the CO</p>	CGTs	None

	<p>catalyst, maintaining performance of the CO catalyst will serve as the indirect means for assuring compliance with the limits between testing events. Otherwise, ongoing compliance assurance with these limits does not require any additional monitoring beyond the required stack testing.</p> <p>Reference Test Method: When stack testing is conducted for purposes of demonstrating compliance, EPA Test Method 320 from 40 CFR part 63, appendix A must be used, or an equivalent method approved in advance by EFSEC. As an alternative, ASTM D6348-12e1 may be used, provided that the test plan preparation and implementation provisions of Annexes A1 through A8 are followed and the %R (percent recovery) as determined in Annex A5 is equal or greater than 70% and less than or equal to 130%.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.9] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.13	<p>CGT Start-up/Shut-down Operational Limits. The following definitions and limits apply during start-ups and shut-downs:</p> <p>a) Start-up Defined: A start-up begins when fuel is first fired in the combustion turbine, and ends when the earlier of one of these events occurs:</p> <ol style="list-style-type: none"> i) The operating temperatures of the oxidation and SCR catalysts serving an operating CGT reach 500^oF and 525^oF, respectively and when the associated combustion turbine achieves operational Mode 6; or, ii) One of the following time limits has been reached, as applicable: <ol style="list-style-type: none"> 1) Three hundred minutes have elapsed since fuel was first introduced to the applicable turbine on a cold start-up. A cold start-up is any start-up occurring after the applicable turbine has not operated in Operational Mode 6 for 48 hours or more. 2) One hundred eighty minutes have elapsed since fuel was first introduced to the applicable turbine on a warm start-up. A warm start-up is any start-up occurring after the applicable turbine has not operated in Operational Mode 6 between 8 and 48 hours. 3) One hundred twenty minutes have elapsed since fuel was first introduced to the 	CGTs	M1

	<p>applicable turbine on a hot start-up. A hot start-up is any start-up occurring after the applicable turbine has not operated in Operational Mode 6 for 8 hours or less.</p> <p>b) Shut-down Defined: Shutdown is defined as the period beginning when the combustion turbine leaves operational Mode 6 and ends when fuel is no longer being introduced to any burner.</p> <p>c) Operational Mode 6 Defined: The turbine manufacturer defines operational Mode 6 as the low emission mode during which all six of the burner nozzles are burning a lean premixed gas at steady-state operation.</p> <p>d) Water Wash Operations: At least twice per year it is estimated each CGT will need to undergo an off-line water wash to remove combustion product buildup from the turbines to improve operational efficiency. The process requires CGT fired operation at Full Speed No Load (FSNL) for 5 minutes without attaining Operational Mode 6.</p> <p>e) Over-speed Protection Testing: Once per year it is estimated that each CGT will need to be tested to confirm that the over-speed protection is functioning properly (less than 90 minutes). Each test will account for one start-up.</p> <p>f) Start-up/Shut-down Operational Limits:</p> <ul style="list-style-type: none"> i) Each CGT is limited to two start-ups per calendar day. ii) Duration of a planned shutdown period must not exceed 30 minutes per occurrence. iii) During start-up, ammonia injection must begin no later than when the SCR reaches an operating temperature of 525°F. <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 11.1 – 11.3] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.14	<p>CGT Start-up/Shut-down Emissions Limits. During a start-up and associated shutdown (SU/SD) of a CGT, as defined in condition AR2.14, the combined emissions must not exceed the following limits in terms of pounds per turbine per SU/SD (lbs):</p> <ul style="list-style-type: none"> a) 900 lbs NO_x b) 500 lbs CO c) 730 lbs VOC <p>Monitoring: Ongoing compliance with the CGT SU/SD limits of this condition must be monitored by calculating</p>	CGTs	M1 M8 M9 M11

	<p>the pounds of NOx, CO, and VOC for each SU/SD event according to condition M9.</p> <p>Reference Test Methods: Not applicable. Compliance determined through emissions calculations using monitoring data.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 11.5] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.15	<p>CGT Annual Limits. Annual emissions from each CGT, calculated as rolling 12-month averages in terms of tons, must not exceed the following limits, which apply to total emissions over each 12 consecutive month period and include emissions during start-up, shutdown and periods of malfunction:</p> <ul style="list-style-type: none"> a) 121.7 NOx b) 71.6 CO c) 14.5 SO2 d) 9.5 H2S04 e) 99.0 PM/PM10 (PM and PM10 assumed to be equal) f) 45.8 VOC g) 70.5 NH3 <p>The annual limits for NOx, CO, and VOC include emissions from the Diesel Generator and emergency fire pump engine.</p> <p>Monitoring: Annual 12-month total emissions from each CGT must be calculated and compared to the limits in this condition as follows:</p> <ul style="list-style-type: none"> a) Emissions total must be calculated monthly according to condition M9. b) Total annual emissions must be based on the total monthly emissions summed for the preceding 12 months. c) CGT start-up emissions may be equally apportioned between the two turbines. d) For NOx, CO, and VOC, annual 12-month total emissions must include emissions from the Diesel Generator and emergency fire pump engine. To accomplish this, emissions from the Diesel Generator and emergency fire pump engine may be equally apportioned between the two CGTs. <p>Reference Methods: Not applicable. Compliance determined through emissions calculations using fuel consumption and monitoring data.</p>	CGTs	M5 M8 M9 M12 M13

	<p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 10] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.16	<p>SCR Catalyst Maintenance: The SCR catalyst system treating the exhaust from one CGT must be repaired, replaced, or have additional catalyst bed installed at the next scheduled outage, following a calendar month when the average ammonia slip cannot be maintained at or below 4.5 ppm, corrected to 15% oxygen, based on the actual operating hours of the CGT. No month with less than 200 hours of actual operation (excluding start-up and shutdown hours) shall be used for this evaluation. The outage to repair, replace, or install additional catalyst to the SCR system must be no later than 12 months after the month the ammonia slip exceeds the 4.5 ppm criteria given above in this condition.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.7.5] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	M1
AR 2.17	<p>CGT Sampling Port Requirements:</p> <ul style="list-style-type: none"> a) Sampling ports and platforms must be provided on each CGT stack, after the final pollution control device. [PSD condition 15] b) The ports must meet the requirements of 40 CFR, Part 60, Appendix A, Method 20. [PSD condition 15] c) Adequate permanent and safe access to the test ports must be provided. Other arrangements may be acceptable if approved by EFSEC prior to installation. [PSD condition 16] <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, as indicated] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	None
PSD Permit Requirements for the Auxiliary Boiler			
AR 3.1	<p>Aux. Boiler NO_x Limit: NO_x emissions from the Auxiliary boiler exhaust stack are not to exceed the following:</p> <ul style="list-style-type: none"> a) 1.03 lb/hr, 1-hr average. b) 30 ppm at three percent O₂, 1-hr average. <p>Stack Testing: Compliance with these limits must be determined at 5-year intervals through stack testing according to the Reference Test Methods.</p> <p>Monitoring: No ongoing monitoring beyond the required stack testing is required for assuring</p>	Aux. Boiler	None

	<p>compliance with the limits of this condition.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Methods 7E and 19 from 40 CFR Part 60 Appendix A must be used.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.1] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 3.2	<p>Aux. Boiler CO Limit: CO emissions from the Auxiliary boiler exhaust stack are not to exceed the following:</p> <ul style="list-style-type: none"> a) 50.0 ppm, corrected to three percent O₂, 1-hr average. b) 1.07 lb/hr, 1-hr average. <p>Stack Testing: Compliance with these limits must be determined at 5-year intervals through stack testing according to the Reference Test Methods.</p> <p>Monitoring: No ongoing monitoring beyond the required stack testing is required for assuring compliance with the limits of this condition.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Methods 10 and 19 from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC. The span and linearity calibration gas concentrations in EPA Method 10 must be appropriate to the CO concentration limits specified in this condition.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.2] [Authority: WAC 173-401-600(1)(c)]</p>	Aux. Boiler	None
AR 3.3	<p>Aux. Boiler SO₂ Limit: SO₂ emissions from the Auxiliary boiler exhaust stack are not to exceed the following:</p> <ul style="list-style-type: none"> a) 0.07 lb/hr annual average, calculated monthly. b) One ppm at three percent O₂, 1-hr average. <p>Monitoring: Ongoing compliance with the hourly rate limit in AR 3.3a) must be determined monthly by mass-balance calculations utilizing the:</p> <ul style="list-style-type: none"> a) Monthly Fuel consumption records for the auxiliary boiler according to condition M8, b) Sulfur content of the natural gas per condition M8; and, c) SO₂ emissions must be calculated according to condition M10. 	Aux. Boiler	M8 M10

	<p>Reference Test Method: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 8 from 40 CFR Part 60 Appendix A or an equivalent method agreed to in advance by EFSEC must be used.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.3] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 3.4	<p>Aux. Boiler VOC Limit: VOC emissions from the Auxiliary boiler exhaust stack are not to exceed 0.20 lb/hr, 1-hr average, reported as propane.</p> <p>Stack Testing: Compliance with this limit must be determined at 5-year intervals through stack testing according to the Reference Test Methods.</p> <p>Monitoring: No ongoing monitoring beyond the required stack testing is required for assuring compliance with the limit of this condition.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Methods 19 and 25A or 25B from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.4] [Authority: WAC 173-401-600(1)(c)]</p>	Aux. Boiler	None
AR 3.5	<p>Aux. Boiler Particulate Limit: PM₁₀ emissions from the Auxiliary boiler exhaust stack are not to exceed the following:</p> <ul style="list-style-type: none"> a) 0.292 lb/hr, hourly average (front & back half). b) 0.005 gr/dscf, 1-hr average, at three percent O₂. <p>Stack Testing: Compliance with this limit must be determined at 5-year intervals through stack testing according to the Reference Test Methods.</p> <p>Monitoring: Maintaining compliance with the opacity limit in condition AR 3.6 will serve as an indicator of when Aux Boiler maintenance actions, investigations or additional testing is needed to verify or assure compliance with the limits in this condition.</p> <p>Reference Test Methods: When stack testing is</p>	Aux. Boiler	None

	<p>conducted for purposes of demonstrating compliance, EPA Methods 19, 202 and either 5, 201, or 201A must be used, or an equivalent method agreed to in advance by EFSEC. Use of EPA Reference Method 5 assumes all particulate has an aerodynamic diameter less than 10 microns. Use of EPA Reference Method 201 or 201A assumes that the mass of filterable PM is equal to the mass of filterable PM10. The results of the filterable and condensable particulate analyses must be reported as total particulate, filterable particulate, and condensable particulate.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.5] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 3.6	<p>Aux. Boiler Opacity Limit: Opacity at the auxiliary boiler stack is not allowed to exceed a 6-minute average opacity of five percent.</p> <p>Monitoring: A certified opacity reader must survey the boiler stack daily during daylight hours to determine if any opacity is present. If opacity is not observed over the course of a week, the frequency for surveying the boiler stack may change to monthly, or another frequency as approved by EFSEC. If the survey detects visible emissions, then the company must investigate the cause of the emissions and repair the problem or take EPA Method 9 observations for determining compliance.</p> <p>Reference Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 9 from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.6] [Authority: WAC 173-401-600(1)(c)]</p>	Aux. Boiler	M6
AR 3.7	<p>Aux. Boiler Annual Limits: Annual total emissions from the Auxiliary Boiler over each 12 consecutive month period and including emissions during start-up, shutdown, and periods of malfunction, must not exceed the following limits in tons per year:</p> <ul style="list-style-type: none"> a) 1.3 NO_x b) 1.3 CO c) 0.088 SO₂ d) 0.4 PM/PM10 (PM and PM10 assumed to be equal) 	Aux. Boiler	M12

	<p>e) 0.73 VOC</p> <p>Monitoring: Total emissions of each pollutant over the preceding 12- months must be calculated monthly based on the actual amount of natural gas combusted over the 12-month period and emissions factors in terms of pounds per million Btu of fuel combustion. For NOx, CO, PM/PM10, and VOC, Aux. Boiler emissions factors must be based on the most recent results from stack testing. The SO2 emission factor for the Aux. Boiler must be based on the most recent fuel analysis. Unless a specific emission factor is developed representing startup or shut down of the boiler, steady state emissions factors must be used to represent all operations of the Aux. Boiler.</p> <p>Reference Methods – Not applicable: Compliance determined through emissions calculations.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 10] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 3.8	<p>Aux. Boiler Sampling Port Requirements:</p> <p>a) Adequate permanent and safe access to the test ports must be provided. Providing a man-lift to assure safe access to the test ports meets this condition.</p> <p>b) Other arrangements may be acceptable if approved by EFSEC prior to installation.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, PSD condition 16] [Authority: WAC 173-401-600(1)(c)]</p>	Aux. Boiler	None
Requirements for Emergency Diesel Engines			
AR 4.1	<p>Nonroad, Temporary Replacement Engines. Compression Ignition, Internal Combustion Engines (CI ICE) used as temporary replacement units are allowed provided:</p> <p>a) They are located at the facility for less than 1 year; and,</p> <p>b) Meet the nonroad engine requirements of WAC 173-400-035.</p> <p>[Origin: WAC 173-400-030] [Authority: WAC 173-401-600(1)(b)]</p>	Nonroad, Temporary Engines	None
AR 4.2	<p>Emergency Engine Requirements. Compression ignition, reciprocating internal combustion engines used for emergency purposes (Emergency Engines) are subject to the following requirements from 40 CFR Part 63, Subpart ZZZZ:</p>	Emergency Engines	M1 M3

<p>a) Operate and maintain Emergency Engines according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engines in a manner consistent with good air pollution control practice for minimizing emissions. [Origin: 40 CFR 63 Subpart ZZZZ, §63.6625 (e)]</p> <p>b) Each Emergency Engine must be equipped with a non-resettable hour meter. [Origin: 40 CFR 63 Subpart ZZZZ, §63.6625 (f); PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 7.4 and 8.4]</p> <p>c) Minimize time engines are spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. [Origin: 40 CFR 63 Subpart ZZZZ, §63.6625 (h)]</p> <p>d) There is no time limit on the use of the Emergency Engines in emergency situations. Emergency situations include periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency. [Origin: 40 CFR 63 Subpart ZZZZ, §63.6640 (f)]</p> <p>e) Required maintenance [Origin: 40 CFR 63 Subpart ZZZZ, Table 2d, Item 4]:</p> <ul style="list-style-type: none"> i) Change oil and filter every 500 hours of operation or annually, whichever comes first; ii) Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and iii) Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. <p>f) If an Emergency Engine is operating during an emergency and it is not possible to shut down the engine in order to perform the scheduled required maintenance, or if performing the scheduled maintenance would otherwise pose an unacceptable risk, the required maintenance can be delayed until the emergency is over, or the unacceptable risk has abated. The scheduled maintenance should be performed as soon as practicable after the emergency has ended or the unacceptable risk has abated. [Origin: 40 CFR 63 Subpart ZZZZ, Table 2d, Item 4]</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 7 and 8, and 40 CFR 63, Subpart ZZZZ as listed in each sub-condition]</p>		
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	[Authority: WAC 173-401-600(1)(b)]		
AR 4.3	<p>Emergency Generator Engine Operating Requirements: The Emergency Generator engine must:</p> <p>a) Burn only on-road specification diesel oil with 500 ppm or less, biodiesel, or a mixture of both. In any case, the fuel used must have a maximum sulfur content that does not exceed 500 ppm by weight. A fuel certification from the fuel supplier may be used to demonstrate compliance with this requirement. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 3.1 and 7.3]</p> <p>b) Not exceed 500 hours per any 12 consecutive months of operating time. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 3.2]</p> <p>c) Be operated only during routine maintenance, testing, and periods when electricity is not available from the power grid. Maintenance and testing must not exceed 50 hours per consecutive 12-month period. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 7.2]</p> <p>d) The facility must maintain engine operation and maintenance records verifying the engine has been operated, maintained, and repaired in a manner consistent with the manufacturer’s emission-related specifications. A copy of the manufacturer’s recommendations for maintaining the engine must be kept on-site and made available upon request. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 7.1.1]</p> <p>[Origins indicated for each sub-condition] [Authority: WAC 173-401-600(1)(b) and WAC 173-401-600(1)(c)]</p>	Emergency Generator Engine	M1 M3
AR 4.4	<p>Emergency Fire Water Pump Engine Operating Requirements: The Emergency Fire Water Pump engine must:</p> <p>a) Burn only on-road specification diesel oil with 500 ppm or less sulfur content, biodiesel, or a mixture of both. In any case, the fuel used must have a maximum sulfur content that does not exceed 500 ppm by weight. A fuel certification from the fuel supplier shall be used to demonstrate compliance with this requirement (An alternative would be testing of the fuel in the storage tank with prior approval). [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 4 and 8.3]</p> <p>b) Be operated only during routine maintenance, testing, and periods when electricity is not available from the power grid. Maintenance and testing must</p>	Emergency Fire Water Pump Engine	M1 M3

	<p>not exceed 50 hours per consecutive 12-month period. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 8.2]</p> <p>c) The facility must maintain engine operation and maintenance records verifying the engine has been operated, maintained, and repaired in a manner consistent with the manufacturer's emission-related specifications. A copy of the manufacturer's recommendations for maintaining the engine must be kept on-site and made available upon request. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 8.1.1]</p> <p>[Origins for each sub-condition] [Authority: WAC 173-401-600(1)(b) and WAC 173-401-600(1)(c)]</p>		
AR 4.5	<p>BACT Opacity Limit (Emergency Generator Engine only). Visible emissions from the engine must not exceed an average of ten percent (10%) opacity during any 6-minute period except cold start-up, as determined in accordance with EPA Method 9 (Title 40 CFR, Part 60, Appendix A Method 9). Unless defined by the engine manufacturer, "cold start" as used in this condition shall be defined as the period beginning when the engine is started and ending when the temperature of the engine coolant reaches 150°F.</p> <p>Monitoring: During weekly testing of the engine, a certified opacity reader must survey and record if opacity is present after the engine achieves normal operating temperature according to condition M8. If opacity is observed, then Method 9 readings must be performed the next time the engine is operated for testing. The Survey frequency can be reduced to monthly once four readings without opacity are observed.</p> <p>Reference Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Reference Method 9 from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 7.5] [Authority: WAC 173-401-600(1)(c)]</p>	Emergency Generator Engine	M7
AR 4.6	<p>Excess Opacity Triggers Action (Emergency Generator Engine only): Visible emissions of ten percent (10%) opacity or more from the Emergency Generator Engine must trigger prompt (within a week) action to initiate</p>	Emergency Generator Engine	M1 M7

	<p>maintenance and/or repair the engine and eliminate opacity exceeding this standard. Maintenance and repair actions must be documented and available for inspection.</p> <p>[Origin: For Emergency Generator Engine, PSD No. EFSEC/2001-01, AMENDMENT 5, condition 7.6] [Authority: WAC 173-401-600(1)(c)]</p>		
PSD & NOC Permit Requirements for Cooling Tower			
AR 5.1	<p>Cooling Tower Particulate Limit: PM10 emissions from the Cooling Tower are not to exceed:</p> <p>a) 24.5 lb/day PM10, annual average. b) 4.5 tpy PM10, rolling total, calculated monthly.</p> <p>Monitoring:</p> <p>a) Continuously monitor recirculating water flow rate in gallons per minute. In lieu of monitoring the recirculating water flow rate, the design rate may be used for compliance monitoring purposes. b) Total dissolved solids content of the cooling water must be measured monthly. c) On a monthly basis:</p> <p>i) Calculate the monthly average lbs/day PM10 emissions from the cooling tower using the Reference Formula below and actual operating data from monitoring. ii) Calculate the annual average lbs/day PM10 emissions from the cooling tower over the previous 12 consecutive months.</p> <p>Reference Formula: PM10 emissions from the Cooling Tower must be calculated according to the following equation and actual operating data:</p> <p>$Q \times C \times DL \times 60 \times 8.34 / 1000000 = D$ Where: Q = Monthly average or design recirculation rate in gallons per minute C = Monthly average total dissolved solids concentration in parts per million by weight (ppmw) D = PM10 emission rate in lb/hr. DL = the design drift loss rate in gallon lost/gallon of recirculating cooling water = 1.0×10^{-5}</p> <p>[Origin: NOC No. EFSEC/2017-01, conditions 1, 3 and 4; PSD No. EFSEC/2001-01, AMENDMENT 5, condition 9 & 10]</p>	Cooling Tower	None

	[Authority: WAC 173-401-600(1)(c)]		
AR 5.2	<p>Cooling Tower O&M Plan: GHE must implement a plan for maintaining cooling tower water quality. The plan must include procedures for cooling tower chemical use, operating limits for free chlorine levels, schedule for testing free chlorine levels, and test methods.</p> <p>[Origin: NOC No. EFSEC/2017-01, condition 6] [Authority: WAC 173-401-600(1)(c)]</p>	Cooling Tower	None

VI. MONITORING AND RECORDKEEPING (M)

M1. General Recordkeeping Requirements:

- a) **Retention.** All records required by this Permit must be retained and made available when requested for no less than five years, unless specified otherwise (e.g. Acid Rain, GHG) from the date they were generated. [Authority: WAC 173-401-615(2)(c)]
- b) **Monitoring Records.** Records for required monitoring must include, as applicable:
- i) The required monitoring data in units and averaging times that can be compared to the associated emissions limit or required operating standard;
 - ii) Except for data recorded by an automated system, the date and name of the person making the record entry;
 - iii) The date, place as defined in the permit, and time of sampling or measurements;
 - iv) The date(s) any analyses was performed;
 - v) The company or entity that performed the analyses;
 - vi) The analytical techniques or methods used;
 - vii) The results of such analyses;
 - viii) The operating conditions existing at the time of sampling or measurement; and,
 - ix) Support information for continuous monitoring systems (CMS) and continuous emissions monitoring systems (CEMS) including all quality assurance and quality control (QAQC) records, maintenance records, certification records, and copies of all associated CEMS or CMS reports required by this Permit. [Authority: WAC 173-401-615(2)(a)]
- c) **Records Supporting Non-Operation.** A contemporaneous record verifying an emissions unit did not combust fuel is required to support the absence of required monitoring records during the specific time period the emissions unit did not operate. [Origin: N/A - gap filling monitoring]
- d) **Record of Changes.** A record describing changes made at the source is required for any changes that resulted in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes. [Origin: WAC 173-401-615 (2)(b), and WAC 173-401-724(5)]
- e) **Startup, Shutdown, Malfunction Records.** The Permittee must maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the CGTs; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device was inoperative. [Origin: 40 CFR 60.7 (b)]
- f) **Excess Emissions Records.** For an excess emission event the Permittee intends to claim as unavoidable per conditions P18, the following records must be maintained:
- i) Properly signed contemporaneous records or other relevant evidence documenting the Permittee's actions in response to the excess emissions event;
 - ii) Records documenting whether installed emission monitoring and

pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and

iii) Any additional information supporting the claim that the excess emissions were unavoidable. [Origin: WAC 173-400-108]

g) MACT Applicability Records. For each relevant standard or other applicable requirement under 40 CFR Part 63, which the Permittee determines inapplicable, the Permittee must keep record of the applicability determination on site for 5 years after the determination, or until the facility changes its operations to become an affected source, whichever comes first. For the purposes of this condition, a relevant standard is defined as any standard for which:

- i) The facility emits or has the potential to emit (without considering controls) one or more hazardous air pollutants regulated by the standard; and,
- ii) The facility belongs to the source category regulated by the standard.
- iii) The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) demonstrating why the Permittee believes the facility is not subject to the MACT. The analysis (or other information) must be sufficiently detailed to allow EFSEC to make an independent applicability determination for the MACT. If required, the analysis must be performed in accordance with requirements established in the relevant MACT, and the analysis must be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. [Origin: 40 CFR 63.1(b)(3); 40 CFR 63.10(b)(3)]

h) Acid Rain Program Records. Unless otherwise provided, the owners and operators of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center must keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:

- i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certification of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents must be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
- ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period applies;
- iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and
- iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program. [Origin: Acid Rain Permit No. <ACID RAIN #>]

i) Required Manuals and Plans. The Permittee must maintain written copies of the

following manuals:

- i) Operating and Maintenance manual (O&M manual) required by condition AR 1.12
 - ii) Start-up, Shutdown, and Malfunction Procedures manual (SSM manual) required by condition AR1.12;
 - iii) NOx-diluent CEMS Monitoring Plan according to § 75.53 of 40 CFR Part 75, Subpart F;
 - iv) CO CEMS Quality Assurance Quality Control (QA/QC) program according to 40 CFR Part 60, Appendix F;
 - v) NH3 CEMS Quality Assurance Quality Control (QA/QC) program according to 40 CFR Part 60, Appendix F; and,
 - vi) GHG monitoring plan in accordance with WAC 173-441-050(6)(e). [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5]
- j) General Fuel Records.** The Permittee must keep Safety Data Sheets (SDS) or equivalent monitoring records verifying the calorific value and sulfur content of the diesel and natural gas combusted at the facility. [Origin: N/A - gap filling monitoring]
- k) Pollution control Equipment Maintenance Records.** The Permittee must monitor and keep a running log of actions taken to keep the SCR and oxidation catalyst units serving the CGTs in good operating condition and repair.

[Origin: "Gap-filling" monitoring]

[Authority: WAC 173-401-615]

M2. Monitoring and Records Required for Greenhouse Gas (GHG) Reporting. The Permittee must monitor Facility operations, fuel rates and composition of fuels as necessary to report GHG emissions to Ecology in accordance with Chapter 173-441 WAC. The following is required:

- a) GHG Monitoring Plan.** The Permittee must develop a written GHG monitoring plan in accordance with WAC 173-441-050(6)(e). The Permittee must revise the GHG monitoring plan as needed to reflect changes in processes, monitoring instrumentation, and quality assurance procedures; or to improve procedures for the maintenance and repair of monitoring systems to reduce the frequency of monitoring equipment downtime.
- b) Monitoring Equipment Maintenance.** If needed to monitor fuel consumption, flow meters and other measurement devices used to measure fuel feed rates, process steam flow rates, or feedstock flow rates to provide data to perform the GHG emissions calculations must be calibrated according to the procedures specified in WAC 173-441-050(8).
- c) Records.** The Permittee must maintain records in accordance with WAC 173-441-050. Required records must be retained for at least at least 10 years from the date of submission of the annual GHG report for the reporting year in which the record was generated. At a minimum, the Permittee must retain the following:
 - i) A list of all units, operations, processes, and activities for which GHG emissions were calculated.
 - ii) The data used to calculate the GHG emissions for each unit, operation, process, and activity, categorized by fuel or material type. These data include, but are not limited to, the following information:
 - 1. The GHG emissions calculations and methods used, as required by WAC 173-

- 441-120.
- 2. Analytical results for the development of site-specific emissions factors.
- 3. The results of all required analyses for high heat value, carbon content, and other required fuel or feedstock parameters.
- 4. Any Facility operating data/process information used for the GHG emission calculations.
- iii) Copies of the annual GHG reports.
- iv) Missing data computations. For each missing data event, also retain a record of the cause of the event and the corrective actions taken to restore malfunctioning monitoring equipment.
- v) The GHG Emissions Monitoring Plan required by condition M2a.
- vi) The results of all required certification and quality assurance tests of continuous monitoring systems, fuel flow meters, and other instrumentation used to provide data for the GHGs reported under this chapter.
- vii) Maintenance records for all continuous monitoring systems, flow meters, and other instrumentation used to provide data for the GHGs reported under this chapter.

[Origin: WAC 173-441-050(6) (State only)]

[Authority: WAC 173-401-615]

M3. Required Emergency Engine Records. The following records must be maintained for Emergency Engines:

- a) Engine operation and maintenance records verifying the engine has been operated, maintained, and repaired in a manner consistent with the manufacturer's emissions-related specifications;
- b) A copy of the manufacturer's recommendations for maintaining the engine.
- c) Total hours of operation of each engine; and,
- d) Total hours of maintenance testing.

[Origin: 40 CFR 63 Subpart ZZZZ, §63.6655 (f) and PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 7.1.1 and 8.1.1]

[Authority: WAC 173-401-615]

M4. Monitoring Air Impacts Detrimental or a Nuisance to Persons or Property:

The Permittee must monitor all air quality related complaints directed to the facility as follows:

- a) The Permittee must provide an automatic phone recording system or an onsite contact person available to the general public for filing a complaint whenever the facility is operating.
- b) The Permittee must maintain a record of air quality related complaints, which must include, as applicable, the following information:
 - i) Description of the complaint.
 - ii) Date and time the alleged impact was first noticed.
 - iii) Date and time the alleged impact was last noticed.
 - iv) Location where the alleged impact was experienced.
 - v) Name and phone number of caller.

- vi) The Permittee's assessment of the validity of the complaint.
- vii) Description of any corrective action taken.

[Origin: N/A - gap filling monitoring]
[Authority: WAC 173-401-615(1)(b)&(c)]

M5. CGT Requirements for Continuous Emission Monitoring Systems (CEMS):

- a) The NO_x-diluent CEMS for NO_x compliance shall meet the requirements contained in 40 CFR 75, Emissions Monitoring.
- b) CEMS for ammonia shall meet the requirements contained in 40 CFR, Part 63, Appendix A, Reference Method 301, Validation Protocol, and 40 CFR, Part 60, Appendix F, Quality Assurance Procedures, or other EFSEC-approved performance specifications and quality assurance procedures.
- c) CEMS for CO shall meet the requirements contained in 40 CFR, Part 60, Appendix B, Performance Specification 4 or 4A, and in 40 CFR, Part 60, Appendix F, Quality Assurance Procedures.
- d) Continuous Opacity Monitoring Systems shall meet the requirements contained in 40 CFR Part 60, Appendix B, Performance Specification 1 and in 40 CFR, Part 60, Appendix F, Quality Assurance Procedures.
- e) Continuous emission and opacity monitors must meet the requirements of 40 CFR 60.13, except that the term "applicable subpart" as used in 40 CFR 60.13 means this permit. Monitors shall be capable of determining emissions during start-up, shutdown, and periods of malfunction.
- f) Stack flows for calculating mass emissions must be determined in accordance with the following. Natural gas combusted in the CGT's and boiler must be sampled and analyzed based on the sampling and analysis frequencies established in condition M8 for composition using Universal Oil Products (UOP) Laboratory Test Method 539-97 "Gas Analysis by Gas Chromatography" or equivalent. The gas composition must be used to determine the heat content of the gas in terms of British thermal unit, high heat value, per standard cubic foot (Btu/scf) and to determine the EPA Method 19 Fd factor for the gas. An alternative method to EPA Method 19 can be used to determine the Fd factor if preapproved

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 18]
[Authority: WAC 173-401-615]

M6. Auxiliary Boiler Opacity Monitoring

Ongoing compliance with the Auxiliary Boiler opacity limit must be monitored as follows:

- a) A certified opacity reader must survey the Auxiliary Boiler stack daily when it operates to determine if any opacity is present. Auxiliary Boiler opacity surveys must be conducted as follows:
 - i) Surveys must be conducted from a location with a clear view of the Auxiliary Boiler stack and where the sun is not directly in the observer's eyes.
 - ii) Unless the Auxiliary Boiler is not scheduled to operate that day or is down for maintenance, surveys must be performed during daylight hours (from 9:00 am to 4:00 PM) and when the Auxiliary Boiler is operating.
 - iii) Any visible emissions other than uncombined water must be recorded as a positive reading.

- iv) If it is not possible to conduct the survey due to inclement weather conditions the surveyor must note this in the records.
- b) If opacity is not observed over the course of seven days, the frequency for surveying the boiler stack may change to monthly when operating.
- c) If the opacity reader detects visible emissions, the Permittee must promptly investigate the cause of the emissions and repair the problem or perform EPA Method 9 observations for determining compliance.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 6.6.3 and 18.5]
 [Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M7. Opacity Monitoring for the Emergency Generator Engine.

Ongoing compliance with the opacity limit applying to Emergency Generator Engine must be monitored as follows:

- a) Weekly, a certified opacity reader must survey and record if opacity is present from the engine whenever the engine is operated for testing and after the engine achieves normal operating temperature.
- b) If opacity is observed, then Method 9 readings must be performed immediately or the next time the engine is started.
- c) Survey frequency can be reduced to monthly once four readings without opacity are observed.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 7.5.2]
 [Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M8. Monitoring Natural Gas Use and Composition.

Composition and the actual hourly rate of natural gas combusted by each Duct Burner, Turbine and Auxiliary Boiler must be monitored as follows:

- a) **Facility-wide Monitoring.** The Permittee must record monthly and report to EFSEC on a quarterly basis the quantity, heat value, and sulfur content of the natural gas burned at the facility, and purchase records.
- b) **Requirement to Monitor Natural Gas Combustion.** The actual hourly rates of natural gas combusted by each Duct Burner, Turbine, and the Auxiliary Boiler in terms of standard cubic feet per hour (or equivalent) must be continuously monitored using in-line fuel flowmeters per the methods in 40 CFR Part 75, Appendix D, Section 2.1.
- c) **Gas Composition.** The natural gas combusted at the facility must be sampled and analyzed at least once per calendar month for composition using Universal Oil Products (UOP) Laboratory Test Method 539-97 "Gas Analysis by Gas Chromatography," or an equivalent method approved by EFSEC. An alternative method to section 12.3.2 of EPA Method 19 can be used to determine the Fd factor if pre-approved by EFSEC. The gas composition must be used to determine:
 - i) The heat content of the gas in terms of British thermal unit, higher heat value, per standard cubic foot (Btu/scf); and
 - ii) The dry basis fuel factor (Fd) for the natural gas in terms of dry standard cubic feet per million Btu heat input (dscf/MMBtu, heat input) according to section 12.3.2 of EPA Method 19.
 - iii) Sulfur content of the natural gas must be determined at least once per calendar

month by sampling the natural gas combusted and analyzing samples for total sulfur content per the method specified in 40 CFR Part 75, Appendix D for high variability. Any other analysis method listed in 40 CFR Part 75, Appendix D may be used once approved by EFSEC. Valid sulfur test results from the previous month, or an average of valid sulfur data approved by EFSEC may be used when monthly sampling and analysis of the natural gas is inconclusive or results in invalid data.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 5.3.7 and 18.6; 40 CFR Part 60, Subpart Dc, §60.48c(g); and 40 CFR Part 75, Appendix D, Section 2.1]
[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M9. Calculating CGT Pollutant Mass Rates (PMR).

The following applies:

- a) Average and total PMRs for determining compliance with each limit must be calculated consistent with calculation methodologies prescribed in PSD Amendment 5, 40 CFR Part 60 and 40 CFR Part 75, as applicable. Calculation methodologies including specific equations, parameters, and coefficients used for monitoring compliance with each emissions limit must be documented in a written Emissions Calculation Protocol. The Emissions Calculation Protocol must be maintained and made available to EFSEC when requested.
- b) **Rolling 12-Month Totals.** Rolling 12-month total emissions must be calculated monthly based on the total monthly emissions from each permitted unit summed for the preceding 12 months. The actual emissions must be based on CEMS, where installed, mass balance and emission factor calculations for SO₂ and H₂SO₄, and emission factors for other pollutants and emission units where CEMS are not installed.
- c) **H₂SO₄ to SO₂ Conversion Ratios.** The unit-specific ratios of H₂SO₄ to SO₂ must be determined for each CGT based on the most recent stack test results using EPA Reference Methods 8, CTM013, 6C, or 8A, or an equivalent method approved by EFSEC. Stack testing must be performed at each exhaust stack at 5-year intervals between the months of November – March (unless otherwise approved by EFSEC) at representative maximum heat input rate.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 10]
[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M10. Monitoring Compliance with Auxiliary Boiler SO₂ Limit.

Ongoing compliance with the Auxiliary Boiler SO₂ PMR limit must be determined monthly by mass-balance calculations using the:

- a) Monthly fuel consumption records for the auxiliary boiler; and,
- b) Sulfur content of the natural gas per condition M8.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.3]
[Authority: WAC 173-401-615(1)(a-c)]

M11. Monitoring Compliance with CGT Emissions Limits for Start-ups and Shutdowns (SU/SD).

Ongoing compliance with the SU/SD limits must be monitored by determining the total emissions in pounds during each SU/SD event as follows:

- a) CO and NO_x must be determined based on the CEMS measurements and the amount of natural gas combusted during each event.
- b) VOC must be calculated using a VOC emission factor of 216 lb/startup/shutdown/CGT. The VOC emission factor accounts for combined VOC emissions during start-up and shutdown.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 11]

[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M12. Monitoring Compliance with Annual Emissions Limits.

Ongoing compliance with annual emissions limits are to be determined monthly as follows:

- a) 12-month total emissions must be calculated monthly based on the total monthly emissions from each permitted unit summed for the preceding 12 months.
- b) The actual emissions must be based on CEMS, where installed, mass balance and emission factor calculations for SO₂ and H₂SO₄, and emission factors for other pollutants and emission units where CEMs are not installed.
- c) For the CGTs, annual emissions must include emissions from start-up and shutdown events and CGT start-up emissions are equally apportioned between the two turbines.
- d) PM and PM₁₀ are assumed to be equal.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 10]

[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M13. Relative Accuracy Test Audits (RATA) for NO_x-diluent, NH₃, and CO Continuous Emission Monitoring Systems. Relative Accuracy Test Audits (RATA) for NO_x-diluent, NH₃, and CO Continuous Emission Monitoring Systems must be performed as follows:

- a) RATA testing is to be performed at the calendar year/calendar quarter frequency required by the quality assurance procedures contained in:
 - i) Requirements for NO_x-diluent monitors from 40 CFR 75, Emissions Monitoring;
 - ii) Requirements for CO monitors from 40 CFR, Part 60, Appendix B, Performance Specification 4 or 4A, and in 40 CFR, Part 60, Appendix F, Quality Assurance Procedures; and,
 - iii) Requirements for NH₃ monitors from PPS-001.
- b) The testing must be based on "QA operating quarters" as that term is defined in 40 CFR §72.2.
- c) A RATA is to be performed for all pollutants measured by CEMs as required by 40 CFR Part 75, Appendix B, Section 2.3, including minimum frequency of once every eight calendar quarters.
- d) A test plan must be prepared and submitted to EFSEC and Olympic Region Clean Air Agency (ORCAA) for review at least 30 days prior to any RATA test:
 - i) The test plan must cover all pollutants required to be monitored during that RATA test.

- ii)** The test plan must include the proposed dates of the testing.
- iii)** The Permittee must revise the test plan to address comments provided by EFSEC or ORCAA.
- e)** A report of the results of the RATA and other emission testing must be submitted to EFSEC and ORCAA within 45 days of completing the test.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 19]

[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b) &(c)]

VII. REPORTING(R)

R1. Certification of Reports. Any application form, report, or compliance certification submitted to EFSEC or the U.S. Environmental Protection Agency Region 10 (EPA) under requirements of this AOP must contain certification by a responsible official of truth, accuracy, and completeness. This certification must state that, based on information and belief formed after reasonable inquiry, the statements and information in the submittal are true, accurate and complete. Where an applicable requirement requires reporting more frequently than once every six months, the responsible official's certification need only be submitted once every six months, covering all required reporting since the date of the last certification.

[Origin: WAC 173-401-630(1)]

[Authority: WAC 173-401-615(3)]

R2. Annual Compliance Certifications. The Permittee must submit to EFSEC and EPA an Annual Compliance Certification report, which must certify the status of compliance with respect to all AOP conditions in accordance with WAC 173-401-630(5)(d). Annual Compliance Certification Reports must be submitted to EFSEC and EPA by April 15th each year and must certify the status of compliance over the previous January through December period. The reports must be certified by a responsible official in accordance with condition R1. Annual Compliance Certification reports must include:

- a) Identification of each term or condition of the AOP that is the basis of the certification.
- b) Statement of compliance status;
- c) Whether compliance was continuous or intermittent;
- d) Method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with WAC 173-401-615;
- e) Such other facts as EFSEC may require to determine the compliance status of the source; and,
- f) Such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the FCAA.

[Origin: WAC 173-401-630(5)]

[Authority: WAC 173-401-615(3)]

R3. Semi-annual Monitoring Reports. Consistent with WAC 173-401-615(3) the Permittee must submit to EFSEC by October 18th and April 15th for the six-month periods January through June and July through December respectively, a report on the status of all monitoring requirements. All instances of deviation from AOP requirements must be clearly identified. The semi-annual report must contain a certification of any reports submitted during the semi-annual period that have not already been certified. The certification must be consistent with WAC 173- 401-520.

[Origin: WAC 173-401-615(3)(a)]

[Authority: WAC 173-401-615(3)]

R4. Quarterly Reports. CEMS and process data must be submitted quarterly, in written form (or electronic if permitted by the EFSEC) within 30 days of the end of each calendar quarter to EFSEC as follows:

- a) Format:
 - i) For NO_x, the format of the data in the quarterly reports must match that required for demonstrating compliance with the Title IV Acid Rain program reporting requirements.
 - ii) For all other pollutants and process data, the format of the data in the quarterly reports must be in a format approved by EFSEC.
- b) Quarterly Reports must include at the following:
 - i) Process or control equipment operating parameters required to be monitored;
 - ii) The hourly maximum and average emissions monitored, in units of each standard, for each pollutant monitored;
 - iii) The duration and nature of any monitor downtime;
 - iv) Results of any monitor audits or accuracy checks; and,
 - v) Excess emissions and monitoring system performance reports for all continuous monitoring devices (CMS, CEMS and COMS) as required under 40 CFR, § 60.7(c).
- c) For each occurrence of monitored emissions in excess of the limits in this AOP, the quarterly emissions report must also include the following:
 - i) For parameters subject to monitoring and reporting under the Title IV, Acid Rain program, the reporting requirements in that program shall govern excess emissions report content.
 - ii) For all other pollutants:
 - (1) The time of the occurrence;
 - (2) Magnitude of the emission or process parameters excess;
 - (3) The duration of the excess;
 - (4) The probable cause;
 - (5) Corrective actions taken or planned; and,
 - (6) Any other agency contacted.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 20, 21 and 22]

[Authority: WAC 173-401-615(3)]

R5. Reporting Deviations from AOP Conditions. The Permittee must promptly report any deviations from AOP requirements, including those attributable to upset and malfunction conditions as defined in this AOP. The following conditions apply:

- a) **Prompt Reporting.** For purposes of this AOP, submitting a report “promptly” means the following:
 - i) **Potential Threat to Human Health or Safety:** If the deviation presents a potential threat to human health or safety, “promptly” means as soon as possible but no later than 12 hours after discovery of the deviation;
 - ii) **Other Deviations:** For other deviations, “promptly” means as soon as possible but no later than 30 days after the end of the month during which the deviation was discovered. [Origin: WAC 173-401-615(3)(b)]
- b) **Deviation Report Content.** Permit deviation reports must include:
 - i) Identification of the emission unit(s) involved;
 - ii) The duration of the event including the beginning and end times;
 - iii) For emission and process parameter excesses, the magnitude of the excess;

- iv) The probable cause of the deviation;
 - v) Corrective actions taken or planned; and,
 - vi) Preventive measures taken. [Origin: WAC 173-401-615(3)(b)]
- c) Reporting Unavoidable Excess Emissions.** The deviation report may include demonstration that excess emissions were unavoidable due to start-up, shutdown or upset conditions consistent with the requirements of conditions P18. [Origin: WAC 173-400-107(3)]

[Origin: listed by sub-condition]
 [Authority: WAC 173-401-615(3)]

R6. Washington Requirements for Excess Emissions Reporting (WAC173-400-108):

- a) Applicability:**
 - i) Condition R6 is a State-only requirement and not federally enforceable.
- b) Notify EFSEC.** The Permittee must notify EFSEC of excess emissions as follows:
 - i) When excess emissions represent a potential threat to human health or safety, the owner or operator must notify the permitting authority by phone or electronic means as soon as possible, but not later than **twelve hours** after the excess emissions (deviation) were discovered per condition R5.
 - ii) For all other excess emissions, the Permittee must notify EFSEC in a report no later than 30 days after the end of the month during which the excess emissions (deviation) were discovered per condition R5.
 - iii) However, notice of emergencies that do not pose a potential threat to human health or safety must be submitted within two working days from the time when emission limitations were exceeded due to the emergency, or shorter periods of time specified in an applicable requirement.
- c) Excess Emissions Report Required.** The owner or operator must report all excess emissions to the permitting authority according to condition R5.
- d) Unavoidable Excess Emissions.** To claim emissions as unavoidable under condition P18, the report must contain the following in addition to the information required under condition R5:
 - i) Properly signed contemporaneous records or other relevant evidence documenting the owner or operator's actions in response to the excess emissions event;
 - ii) Information on whether installed emission monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and
 - iii) Any additional information requested by EFSEC to support the claim that the excess emissions were unavoidable.

[Origin: WAC 173-400-108]
 [Authority: WAC 173-401-615(3)]

R7. Notification of Complaint Received. The Permittee must notify EFSEC by phone call, e-mail or in writing of any complaint received in connection with a term or condition of this AOP as soon as possible, but no later than one week from the time the complaint was received. The notification must include a short description of the complaint, time it

was received, actions taken, actions planned and preliminary assessment.

[Origin: condition M3]

[Authority: WAC 173-401-615(3)]

R8. Annual Inventory Report. On an annual basis, the Permittee must submit an inventory of actual emissions emitted during the previous calendar year. The inventory must be submitted to EFSEC within 30 days of receipt of the standard inventory reporting forms. The inventory must be accompanied by all associated calculations and data used in calculating the emissions.

[Origin: WAC 173-400-105(1)]

[Authority: WAC 173-401-615(3)]

R9. Source Test Plans. The Permittee must notify EFSEC in writing at least 30 days prior to any stack emissions testing (Source Test) and provide EFSEC an opportunity to review the Source Test Plan and to observe the test. The Source Test Plan must describe the proposed source test methods, operational conditions proposed for the test, and provisions for monitoring source operation during the test.

[Origin: WAC 173-400-105(4)]

[Authority: WAC 173-401-615(3)]

R10. Source Test and RATA Reports. Reports of all required source or emissions testing and RATA of the CGTs or auxiliary boiler must be submitted to EFSEC within 45 days after test completion.

[Origin: 40 CFR 60.8, WAC 173-400-105(4)]

[Authority: WAC 173-401-615(3)]

R11. State Greenhouse Gas (GHG) Reporting. The Permittee is subject to the requirement to report greenhouse gas (GHG) emissions to Ecology in accordance with Chapter 173-441 WAC if annual facility wide emissions of carbon dioxide equivalents (CO₂e) are 10,000 metric tons per year or more from all source categories listed in WAC 173-441-120. The following requirements apply:

- a) Once the facility emits 10,000 metric tons of GHGs or more per calendar year, the Permittee must report emissions of GHGs to Ecology annually thereafter unless the Permittee is allowed to discontinue reporting as allowed by WAC 173-441-030(5) and the specified notice is submitted to Ecology.
- b) To calculate GHG emissions, the Permittee must include all GHGs listed in Table A-1 of WAC 173-441-040, including those emitted from the combustion of biomass, using equation A-1 from WAC 173-441-030(1)(b)(iii).
- c) Reports must meet the requirements of WAC 173-441-050, and include the annual emissions of the GHGs listed in WAC 173-441-040 from source categories listed in WAC 173-441-120.
- d) The annual GHG report must be submitted electronically in accordance with the requirements of WAC 173-441-050 and 173-441-060 and in a format specified by Ecology.

- e) GHG emissions reports are due to Ecology:
 - i) No later than March 31 of each calendar year for GHG emissions in the previous calendar year for facilities required to report GHG emissions to the Administrator under 40 C.F.R. Part 98;
 - ii) No later than October 31st of each calendar year for GHG emissions in the previous calendar year for facilities not required to report GHG emissions to the Administrator under 40 C.F.R. Part 98.
- f) All requests, notifications, and communications to Ecology pursuant to GHG emissions reporting, other than submittal of the annual GHG report, must be submitted to the following address:
 - Greenhouse Gas
 - Report Air Quality
 - Program Department
 - of Ecology
 - P.O. Box 47600
 - Olympia, WA 98504-7600
- g) The Permittee must submit a revised annual GHG report within 45 days of discovering that an annual GHG report previously submitted contains one or more substantive errors. A substantive error is an error that impacts the quantity of GHG emissions reported or otherwise prevents the reported data from being validated or verified. The revised report must correct all substantive errors.
- h) Ecology may notify the Permittee in writing that an annual GHG report previously submitted contains one or more substantive errors. Such notification will identify each such error. The Permittee must, within 45 days of receipt of the notification, either resubmit the report that, for each identified substantive error, corrects the identified substantive error (in accordance with the applicable requirements of this AOP) or provide information demonstrating that the previously submitted report does not contain the identified substantive error or that the identified error is not a substantive error.

[Origin: Chapter 173-441 WAC (State only)]

[Authority: WAC 173-401-615(3)]

VIII. PERMIT SHIELD CONDITIONS(S)

S1. Permit Shield. Compliance with an AOP condition shall be deemed compliance with the applicable requirements upon which that condition is based, as of the date of permit issuance.

The permit shield does not apply to any insignificant emissions units or activity designated under WAC 173-401-530.

[Origin: N/A]

[Authority: WAC 173-401-640(1)]

S2. Inapplicable or Exempt Requirements. The requirements shown in Table 6, as of the date of permit issuance, have been determined not to apply to the corresponding emissions units indicated due to either inapplicability of the requirement or an exemption.

Commencing the date this AOP is issued, the AOP shield shall cover the requirements specified in Table 6 with respect to the specific emissions units indicated, unless applicability of the requirement is triggered by an action or change after the date the AOP was issued.

[Origin: N/A]

[Authority: WAC 173-401-640(2)]

S3. Exclusions. Nothing in this AOP shall alter or affect the following:

- a) The provisions of Section 303 of the FCAA (emergency orders), including the authority of the administrator under that section,
- b) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of AOP issuance,
- c) The applicable requirements of the acid rain program, consistent with section 408(a) of the FCAA,
- d) The ability of EPA to obtain information from a source pursuant to section 114 of the FCAA, or
- e) The ability of the permitting authority to establish or revise requirements for the use of reasonably available control technology (RACT) as provided in chapter 252, Laws of 1993.

[Origin: N/A]

[Authority: WAC 173-401-640(4)]

TABLE 6: RELEVANT REQUIREMENTS DETERMINED INAPPLICABLE OR EXEMPT

Note: The requirements listed in the following table include only those requirements for which inapplicability must be based on a determination or comparison of the size, age, emissions or other characteristic of an emission unit with respect to applicability criteria and threshold contained in the requirement. All other requirements are considered obviously inapplicable to the facility and are not included in the table below.

Requirement	Emissions Unit	Exempt or Inapplicable	Brief Description of Requirement	Basis
WAC 173-400-100	Facility-wide	Inapplicable	Registration Required: Annual Registration is required for regulated sources of emissions, excluding sources subject to the operating permit program	The facility is subject to the operating permit program.
WAC 173-400-040(4)(b)	Facility-wide	Inapplicable	Fugitive Emissions (Non-attainment requirements): Emission units identified as significant contributors to non-attainment must use reasonable and available control methods to control emission of contaminants for which the area is designated non-attainment.	There are no non-attainment areas within Grays Harbor County or neighboring counties.
WAC 173-400-040(9)(b)	Facility-wide	Inapplicable	Fugitive Dust (Non-attainment requirements): Fugitive dust sources identified as significant contributors to PM10 non-attainment must apply RACT.	There are no non-attainment areas within Grays Harbor County or neighboring counties.

Chapter 173-435 WAC	Facility-wide	Inapplicable	Emergency episode plan requirements	The facility has not been requested to prepare such a plan.
40 CFR Part 68	Facility-wide	Inapplicable	Risk Management Programs: Requirements for Title V sources.	40 CFR Part 68 applies to any facility that has more than a threshold quantity of a regulated substance in a process, as determined under §68.115. GHE does not use or store any materials above the threshold quantities listed in 40 CFR Part 68. This is documented in GHE's AOP application.
WAC 173-401-635	Facility-wide	Inapplicable	Temporary Title V Sources: No "affected source" as defined in WAC 173-401-200(1) shall be permitted as a temporary source [WAC 173-401-635].	WAC 173-401-635 provides that the permitting authority may issue a single AOP authorizing emissions from similar operations at multiple temporary locations, except for "affected sources." Since this AOP is for a single location, this provision does not apply.
40 CFR Part 98 Mandatory Greenhouse Gas Reporting (Federal)	Facility-wide	Not an applicable requirement under the state and federal Clean Air Acts	Federal Mandatory Greenhouse Gas Reporting Rule. Establishes requirements for reporting emissions of GHGs.	These requirements are not pursuant to either the state or federal Clean Air Acts and, therefore, are not "Applicable Requirements" for purposes of Title V.

Requirement	Emissions Unit	Exempt or Inapplicable	Brief Description of Requirement	Basis
40 CFR Part 60 Subpart GG	CGTs	Inapplicable	Subpart GG—Standards of Performance for Stationary Gas Turbines	According to the Washington Department of Ecology (Ecology), as documented in the Fact Sheet for PSD Amendment 5, GHE’s AGP upgrades triggered applicability of the combustion turbine standards in 40 CFR Part 60, Subpart KKKK (Subpart KKKK). Under § 60.4305 of Subpart KKKK it states, “Stationary combustion turbines regulated under this subpart are exempt from the requirements of subpart GG of this part.” Therefore, the requirements under Subpart GG do not apply to the combustion turbines at GHE. It also states, “Heat recovery steam generators and duct burners regulated under this subpart are exempted from the requirements of subparts Da, Db, and Dc of this part.”
40 CFR Part 60 Subpart Da	Heat Recovery Steam Generators and Duct Burners	Inapplicable	Subpart Da – Standards of Performance for Electric Utility Steam-Generation Units	According to the Washington Department of Ecology (Ecology), as documented in the Fact Sheet for PSD Amendment 5, GHE’s AGP upgrades triggered applicability of the combustion
40 CFR Part 60 Subpart Db	Heat Recovery Steam Generators and	Inapplicable	Standards of Performance for Industrial-Commercial-Institutional Steam Generating	

	Duct Burners		Units	turbine standards in 40 CFR Part 60, Subpart KKKK (Subpart KKKK). Under § 60.4305 of Subpart KKKK it states, "Heat recovery steam generators and duct burners regulated under this subpart are exempted from the requirements of subparts Da, Db, and Dc of this part."
40 CFR Part 60 Subpart Dc	Heat Recovery Steam Generators and Duct Burners	Inapplicable	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	
40 CFR Part 64 Compliance Assurance Monitoring (CAM) Rule	Facility-wide	Inapplicable	Establishes the minimum requirements for compliance assurance monitoring at major sources	<ul style="list-style-type: none"> • For CGTs, pollutants triggering CAM are continuously monitored. • For the Auxiliary Boiler, pre-controlled emissions of controlled air pollutants (NO_x) are less than the CAM

PERMIT ATTACHMENTS

Permit attachments are part of the associated Air Operating Permit (AOP) and may contain applicable requirements that apply as specified by referencing conditions.

Attachment1: ACIDRAINPERMIT

No <ACID RAIN #>

Issued by the Washington State Energy Facility Site Evaluation Council

Issued to: Grays Harbor Energy Center,
Washington Operated by: Grays Harbor Energy LLC

Address: Grays Harbor Energy
Center 401 Keys Road
Elma, WA 98541-91491

ORIS code: 7999

Affected units: Combustion Turbine Generator #1 (CTG1)
Combustion Turbine Generator #2 (CTG2)

Effective: This Acid Rain permit, as part of the Grays Harbor Energy Center Title V permit, will become effective upon the effective date of the Title V permit June 17, 2020. The Acid Rain Permit shall have a permit term ending on June 17, 2025 (the expiration date of Title V Permit No. EFSEC/94-1-AOP).

Acid Rain Permit Contents

- 1) Statement of Basis
- 2) SO₂ allowances allocated under this permit and NO_X requirements for each affected unit.
- 3) Comments, notes and justifications regarding permit decisions and changes made to the permit application forms during the review process, and any additional requirements or conditions as per WAC 173-406-501, "Acid Rain Permit Contents" as adopted by WAC 463-78.
- 4) The permit application submitted for this source. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application and in WAC 173-406-106 "Standard Requirements" as adopted by WAC 463-78.

1) Statement of Basis

Statutory and Regulatory Authorities: In accordance with section 005 of Washington Administrative Code (WAC) 463-78 "General and Operating Permit Regulations for Air Pollution Sources," which adopts 173-406 "Acid Rain Regulation" and WAC 173-401 "Operating Permit Regulation," by reference, the Washington State Energy Facility Site Evaluation Council (EFSEC) issues this permit pursuant to WAC 463-78. WAC 173-406 is based on the provisions of Title 40 Code of Federal Regulations (CFR) parts 72-76, which is part of the requirements established pursuant to Title IV of the Clean Air Act, 40 U.S.C.

7401, et seq., as amended by Public Law 101-549 (November 15, 1990).

In accordance with WAC 173-406-103(1)(c), Combustion Turbine Generator #1(CTG1) and Combustion Turbine Generator #2 (CTG2) are “utility units” because they serve generators greater than twenty-five (25) MWe and do not qualify for any of the exemptions provided under WAC 173-406-103(2). As such, they are subject to the acid rain requirements under Chapter 173-406 WAC.

2) SO₂ Allowance Allocations and NO_x Requirements for Each Affected Unit

		2010	After 2010
CT1 & CT2 Combined	SO ₂ allowances held as of January 31, 2010	20 ^a	To be determined
	Acid Rain NO _x limit	N/A ^b	N/A ^b

This Acid Rain Permit shall not be construed to exempt or exclude an affected unit from compliance with any other provisions of the Clean Air Act consistent with 40 CFR 72.9(h) and WAC 173-406-106(8) as adopted by WAC 463-78. Additional requirements for this facility include those contained in Prevention of Significant Deterioration permit EFSEC/2001-01 Amendment 5.

Table Footnotes

^a Pursuant to 40 CFR 72.9(c)(i) and WAC 173-406-106(3)(a)(i) as adopted by WAC 463-78, this unit is required to hold SO₂ allowances, as of the allowance transfer deadline, in the unit's compliance subaccount not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit. Each combustion turbine has the potential to generate up to 14.5 tons per year of SO₂ emissions. According to 40 CFR 72.2, a fraction of a ton equal to or greater than 0.50 is equal to 1.0 ton and a fraction of a ton less than 0.50 is equal to no tons.

Depending on the unit operating hours, each unit could be required to hold between 0 and 14 SO₂ allowances.

^b Since this unit is not a coal-fired unit, there are no applicable acid rain NO_x emission limits and a Phase II NO_x permit application is not required. A NO_x limitation is included in PSD permit EFSEC/2001-01 Amendment 5.

3) Comments, Notes and Justifications

This Acid Rain Permit is deemed to incorporate the definition of terms under WAC 173-406-101 as adopted by WAC 463-78 unless otherwise expressly defined in this permit.

4) **Permit Application**

The permit application was signed on August 7, 2002. A copy of the application is attached.

Standard Requirements

Permit Requirements

- (1) The designated representative of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall:
 - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30 and WAC 173-406-301 as adopted by WAC 463-78; and
 - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit.
- (2) The owners or operators of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall:
 - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - (ii) Have an Acid Rain permit.

Monitoring Requirements

- (1) The owners and operators and, to the extent applicable, designated representative of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operator to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act, applicable requirements of Title 463 WAC, and other provisions of an operating permit for the Grays Harbor Energy Center.

Sulfur Dioxide Requirements

- (1) The owners and operator of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.

- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an affected unit under WAC 173-406-103(1)(b) as adopted by WAC 463-78; or
 - (ii) Starting on the later of January 1, 2000, or the deadline for monitor certification under 40 CFR part 75, an affected unit under WAC 173-406-103(1)(c) as adopted by WAC 463-78.
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7, 40 CFR 72.8, WAC 174-406-104 as adopted by WAC 463-78, or WAC 173-406-105 as adopted by WAC 463-78 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such an authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

The owners and operators of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

- (1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR Part 77.
- (2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
 - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
 - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR Part 77.

Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
 - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certification of representation, in accordance with 40 CFR 72.24; provided that the certificate

- and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
- (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply;
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and
 - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall submit the reports and compliance certifications required under the Acid Rain Program, including those under WAC 173-406-800 as adopted by WAC 463-78 and 40 CFR part 75.

Liability

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 40 CFR 72.8, WAC 173-406-104 as adopted by WAC 463-78, or WAC 173-406-105 as adopted by WAC 463-78, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act and by the permitting authority pursuant to Revised Code of Washington (RCW) 80.50.150.
- (2) Any person who knowingly makes any false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001 and by the permitting authority pursuant to RCW 80.50.150.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) The Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to the Grays Harbor Energy Center (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of the Grays Harbor Energy Center and to the affected units at the Grays Harbor Energy Center.
- (6) Any provision of the Acid Rain Program that applies to an affected unit at the Grays Harbor Energy Center (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under WAC 173-406-402 (Phase II repowering extension plans) as adopted by WAC 463-78, and 40 CFR part 76, and except with regard to the requirements applicable to a unit with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 40 CFR 75.17, and 40 CFR 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other unit of which they are not the owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (7) Each violation of a provision of WAC 173-406-100 through 173-406-950 as adopted

by WAC 463-78 and 40 CFR 72, 73, 75, 76, 77, and 78, and regulations implementing section 410 of the Act by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 40 CFR 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affect unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or
- (5) Interfering with or impairing any program for competitive bidding for power supply in a state in which such program is established.

[Origin:40 CFR Part 72]

[Authority: WAC 173-401-600(1)(a)]

Attachment 2: DEFINITIONS

Accuracy (A) The accuracy of the CEMS in percent as determined by the equation in section 5.f through a cylinder gas audit.

Add-on control means a pollution reduction control technology that operates independent of the combustion process.

Administrator means the Administrator of the United States Environmental Protection Agency or the Administrator's duly authorized representative.

Air Emission Testing Body (AETB) means a company or other entity that provides to the owner or operator the certification required by section 6.1.2(b) of appendix A to 40 CFR Part 75.

Automated data acquisition and handling system means that component of the CEMS, COMS, or other emissions monitoring system approved by the Administrator for use in the Acid Rain Program, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, moisture monitors, opacity monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by 40 CFR Part 75.

Bias means systematic error, resulting in measurements that will be either consistently low or high relative to the reference value.

Bypass operating quarter means a calendar quarter during which emissions pass through a stack, duct, or flue that bypasses add-on emission controls.

Calibration Drift (CD) The difference in the CEMS output reading from a reference value after a period of operation during which no unscheduled maintenance, repair or adjustment took place. The reference value may be supplied by a cylinder gas, gas cell, or optical filter and need not be certified.

Calibration error means the difference between:

- (1) The response of a gaseous monitor to a calibration gas and the known concentration of the calibration gas;
- (2) The response of a flow monitor to a reference signal and the known value of the reference signal; or,
- (3) The response of a continuous opacity monitoring system to an attenuation filter and the known value of the filter after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

CEMS precision or precision as applied to the monitoring requirements of 40 CFR Part 75, means the closeness of a measurement to the actual measured value expressed as the uncertainty associated with repeated measurements of the same sample or of different samples from the same process (e.g., the random error associated with simultaneous measurements of a process made by more than one instrument). A measurement technique is determined to have increasing "precision" as the variation among the

repeated measurements decreases.

Centroidal Area means a concentric area that is geometrically similar to the stack or duct cross section and is no greater than 1 percent of the stack or duct cross-sectional area.

Common stack means the exhaust of emissions from two or more units through a single flue.

Continuous Emission Monitoring System means the total equipment required for the determination of a gas concentration or emission rate. The sample interface, pollutant analyzer, diluent analyzer, and data recorder are the major subsystems of the CEMS.

Continuous Opacity Monitoring System (COMS) The total equipment required for determining the opacity of exhaust gases.

Coverage Factor k means, in general, a value chosen on the basis of the desired level of confidence to be associated with the interval defined by $U = kuc$. Typically, k is in the range 2 to 3. When the normal distribution applies and uc is a reliable estimate of the standard deviation of y , $U = 2 uc$ (i.e., $k = 2$) defines an interval having a level of confidence of approximately 95%, and $U = 3 uc$ (i.e., $k = 3$) defines an interval having a level of confidence greater than 99%.

Data Recorder means that portion of the CEMS that provides a permanent record of the analyzer output. The data recorder may include automatic data reduction capabilities.

Designated representative means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source or by the owners and operators of a combustion source or process source, as evidenced by a certificate of representation submitted in accordance with subpart B of this part, to represent and legally bind each owner and operator, as a matter of Federal law, in matters pertaining to the Acid Rain Program. Whenever the term "responsible official" is used in 40 CFR Part 70, in any other regulations implementing title V of the Act, or in a State operating permit program, it shall be deemed to refer to the "designated representative" with regard to all matters under the Acid Rain Program.

Diluent Analyzer means that portion of the CEMS that senses the diluent gas (i.e., CO₂ or O₂) and generates an output proportional to the gas concentration.

Diluent Gas means a major gaseous constituent in a gaseous pollutant mixture. For combustion sources, CO₂ and O₂ are the major gaseous constituents of interest.

Diluent gas monitor means that component of the continuous emission monitoring system that measures the diluent gas concentration in a unit's flue gas. *Emissions* means air pollutants exhausted from a unit or source into the atmosphere.

EPA as used in this permit EPA shall mean Region 10 of the United States Environmental Protection Agency. All reports required by this permit to be submitted to EPA shall be mailed to the following address:

Part 70 Operating Permit Program
U.S. EPA Region 10, Mail Stop: OAW-150
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

EPA Protocol Gas means a calibration gas mixture prepared and analyzed according to section 2 of the “EPA Traceability Protocol for Assay and Certification of Gaseous Calibration Standards,” September 1997, as amended August 25, 1999, EPA-600/R-97/121 (incorporated by reference, see §72.13) or such revised procedure as approved by the Administrator.

Equivalent diameter means a value, calculated using the Equation 1-1 in section 12.2 of Method 1 in 40 CFR Part 60, appendix A, and used to determine the upstream and downstream distances for locating CEMS or CEMS components in flues or stacks with rectangular cross sections.

Excess emissions means emissions of an air pollutant in excess of any applicable emission standard or an emission limit established in a permit or order, including an alternative emission limit.

Facility means any institutional, commercial, or industrial structure, installation, plant, source, or building.

File means to send or transmit a document, information, or correspondence to the official custody of the person specified to take possession in accordance with the applicable regulation. Compliance with any “filing” deadline shall be determined by the date that person receives the document, information, or correspondence.

Fuel flowmeter system means an excepted monitoring system (as defined in this section) which provides a continuous record of the flow rate of fuel oil or gaseous fuel, in accordance with appendix D to 40 CFR, part 75. A fuel flowmeter system consists of one or more fuel flowmeter components, all necessary auxiliary components (e.g., transmitters, transducers, etc.), and a data acquisition and handling system (DAHS).

Gaseous fuel means a material that is in the gaseous state at standard atmospheric temperature and pressure conditions and that is combusted to produce heat.

Generator Output capacity means the full-load continuous rating of a generator under specific conditions as designed by the manufacturer.

Heat input rate means the product (expressed in mmBtu/hr) of the gross calorific value of the fuel (expressed in mmBtu/mass of fuel) and the fuel feed rate into the combustion device (expressed in mass of fuel/hr) and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

Kilowatthour saved or savings means the net savings in electricity use (expressed in Kwh) that result directly from a utility's energy conservation measures or programs.

Maximum potential hourly heat input means an hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input. If the unit intends to use appendix D of 40 CFR Part 75 to report heat input, this value should be calculated, in accordance with 40 CFR Part 75, using the maximum fuel flow rate and the maximum gross calorific value. If the unit intends to use a flow monitor and a diluent gas monitor, this value should be reported, in accordance with 40 CFR Part 75, using the maximum potential flow rate and either the maximum carbon dioxide concentration (in percent CO₂) or the minimum oxygen concentration (in percent O₂).

Maximum potential NO_x emission rate or MER means the emission rate of nitrogen oxides (in lb/mmBtu) calculated in accordance with section 3 of appendix F of 40 CFR Part 75, using the maximum potential nitrogen oxides concentration (MPC), as defined in section 2.1.2.1 of appendix A of 40 CFR Part 75, and either the maximum oxygen concentration (in percent O₂) or the minimum carbon dioxide concentration (in percent CO₂) under all operating conditions of the unit except for unit start-up, shutdown, and upsets. The diluent cap value, as defined in this section, may be used in lieu of the maximum O₂ or minimum CO₂ concentration to calculate the MER. As a second alternative, when the NO_x MPC is determined from emission test results or from historical CEM data, as described in section 2.1.2.1 of appendix A of 40 CFR Part 75, quality-assured diluent gas (*i.e.*, O₂ or CO₂) data recorded concurrently with the MPC may be used to calculate the MER. For the purposes of §§75.4(f), 75.19(b)(3), and 75.33(c)(7) in 40 CFR Part 75 and section 2.5 in appendix E to 40 CFR Part 75, the MER is specific to the type of fuel combusted in the unit.

Maximum rated hourly heat input rate means a unit-specific maximum hourly heat input rate (mmBtu/hr or lbs/hr) which is the higher of the manufacturer's maximum rated hourly heat input rate or the highest observed hourly heat input rate.

Missing data period means the total number of consecutive hours during which any certified CEMS or approved alternative monitoring system is not providing quality-assured data, regardless of the reason.

Monitor accuracy means the closeness of the measurement made by a CEMS to the reference value of the emissions or volumetric flow being measured, expressed as the difference between the measurement and the reference value.

Monitor operating hour means any unit operating hour or portion thereof over which a CEMS, or other monitoring system approved by the Administrator under 40 CFR Part 75 is operating, regardless of the number of measurements (*i.e.*, data points) collected during the hour or portion of an hour.

Nameplate capacity means the maximum electrical generating output (expressed in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings, as listed in the NADB under the data field "NAMECAP" if the generator is listed in the NADB or as measured in accordance with the United States Department of Energy standards if the generator is not listed in the NADB.

Natural gas means a naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that

maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions. Natural gas contains 20.0 grains or less of total sulfur per 100 standard cubic feet. Additionally, natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1100 Btu per standard cubic foot. Natural gas does not include the following gaseous fuels: landfill gas, digester gas, refinery gas, sour gas, blast furnace gas, coal-derived gas, producer gas, coke oven gas, or any gaseous fuel produced in a process which might result in highly variable sulfur content or heating value.

Ninetieth (90th) percentile means a value that would divide an ordered set of increasing values so that at least 90 percent are less than or equal to the value and at least 10 percent are greater than or equal to the value.

Ninety-fifth (95th) percentile means a value that would divide an ordered set of increasing values so that at least 95 percent of the set are less than or equal to the value and at least 5 percent are greater than or equal to the value.

Operating when referring to a combustion or process source seeking entry into the Opt-in Program, means that the source had documented consumption of fuel input for more than 876 hours in the 6 months immediately preceding the submission of a combustion source's opt-in application under §74.16(a) of 40 CFR Part 75.

Operating permit means a permit issued under 40 CFR Part 70 and any other regulations implementing title V of the Act.

Out-of-control period means any period:

- (1) Beginning with the hour corresponding to the completion of a daily calibration error, linearity check, or quality assurance audit that indicates that the instrument is not measuring and recording within the applicable performance specifications; and
- (2) Ending with the hour corresponding to the completion of an additional calibration error, linearity check, or quality assurance audit following corrective action that demonstrates that the instrument is measuring and recording within the applicable performance specifications.

Path CEMS means a CEMS that measures the gas concentration along a path greater than 10 percent of the equivalent diameter of the stack or duct cross section.

Pipeline natural gas means a naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions, and which is provided by a supplier through a pipeline. Pipeline natural gas contains 0.5 grains or less of total sulfur per 100 standard cubic feet. Additionally, pipeline natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1100 Btu per standard cubic foot.

Point CEMS means a CEMS that measures the gas concentration either at a single point or along a path equal to or less than 10 percent of the equivalent diameter of the stack or duct cross section.

Pollutant Analyzer means that portion of the CEMS that senses the pollutant gas and generates an output proportional to the gas concentration.

Pollutant concentration monitor means that component of the continuous emission monitoring system that measures the concentration of a pollutant in a unit's flue gas.

Potential electrical output capacity means the MWe capacity rating for the units which shall be equal to 33 percent of the maximum design heat input capacity of the steam generating unit, as calculated according to appendix D of 40 CFR Part 72.

Precision as applied to the monitoring requirements of 40 CFR Part 75, means the closeness of a measurement to the actual measured value expressed as the uncertainty associated with repeated measurements of the same sample or of different samples from the same process (e.g., the random error associated with simultaneous measurements of a process made by more than one instrument). A measurement technique is determined to have increasing "precision" as the variation among the repeated measurements decreases.

Probationary calibration error test means an on-line calibration error test performed in accordance with section 2.1.1 of appendix B of 40 CFR Part 75 that is used to initiate a conditionally valid data period.

QA operating quarter means a calendar quarter in which there are at least 168 unit operating hours (as defined in this section) or, for a common stack or bypass stack, a calendar quarter in which there are at least 168 stack operating hours (as defined in this section).

Qualified individual (QI) means an individual who is identified by an AETB as meeting the requirements described in ASTM D 7036-04 "Standard Practice for Competence of Air Emission Testing Bodies" (incorporated by reference, see §72.13), as of the date of testing.

Quality-assured monitor operating hour means any unit operating hour or portion thereof over which a certified CEMS, or other monitoring system approved by the Administrator under 40 CFR Part 75, is operating:

- (1) Within the performance specifications set forth in 40 CFR Part 75, appendix A and the quality assurance/quality control procedures set forth in 40 CFR Part 75, appendix B, without unscheduled maintenance, repair, or adjustment; and
- (2) In accordance with §75.10(d), (e), and (f) of 40 CFR Part 75.

Receive or receipt of means the date the Administrator or a permitting authority comes into possession of information or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official log, or by a notation made on the information or correspondence, by the Administrator or the permitting authority in the regular course of business.

Reference method (RM) means any direct test method of sampling and analyzing for an air pollutant as specified in appendix A of 40 CFR Part 60.

Reference value or reference signal means the known concentration of a calibration gas, the known value of an electronic calibration signal, or the known value of any other measurement standard approved by the Administrator, assumed to be the true value for the pollutant or diluent concentration or volumetric flow being measured.

Relative Accuracy (RA): The absolute mean difference between the gas concentration or emission rate determined by the CEMS and the value determined by the RM's plus the 2.5 percent error confidence coefficient of a series of tests divided by the mean of the RM tests or the applicable emission limit.

Sample Interface means that portion of the CEMS used for one or more of the following: sample acquisition, sample delivery, sample conditioning, or protection of the monitor from the effects of the stack effluent.

Span means the highest pollutant or diluent concentration or flow rate that a monitor component is required to be capable of measuring.

Span Value means the calibration portion of the measurement range as specified in the applicable regulation or other requirement. If the span is not specified in the applicable regulation or other requirement, then it must be a value approximately equivalent to two times the emission standard. For spans less than 500 ppm, the span value may either be rounded upward to the next highest multiple of 10 ppm, or to the next highest multiple of 100 ppm such that the equivalent emission concentration is not less than 30 percent of the selected span value.

Stack operating hour means a clock hour during which flue gases flow through a particular stack or duct (either for the entire hour or for part of the hour) while the associated unit(s) are combusting fuel.

Stack operating time means the portion of a clock hour during which flue gases flow through a particular stack or duct while the associated unit(s) are combusting fuel. The stack operating time, in hours, is expressed as a decimal fraction, with valid values ranging from 0.00 to 1.00.

Standard conditions means 68 °F at 1 atm (29.92 in. of mercury).

Substitute data means emissions or volumetric flow data provided to assure 100 percent recording and reporting of emissions when all or part of the continuous emission monitoring system is not functional or is operating outside applicable performance specifications.

Thermal energy means the thermal output produced by a combustion source used directly as part of a manufacturing process but not used to produce electricity.

Unit means a fossil fuel-fired combustion device.

Unit load means the total (*i.e.*, gross) output of a unit or source in any calendar year (or other specified time period) produced by combusting a given heat input of fuel, expressed in terms of:

- (1) The total electrical generation (MWe) for use within the plant and for sale; or
- (2) In the case of a unit or source that uses part of its heat input for purposes other than electrical generation, the total steam pressure (psia) produced by the unit or source.

Unit operating day means a calendar day in which a unit combusts any fuel.

Unit operating hour means a clock hour during which a unit combusts any fuel, either for part of the hour or for the entire hour.

Unit operating quarter means a calendar quarter in which a unit combusts any fuel.

Unit operating time means the portion of a clock hour during which a unit combusts any fuel. The unit operating time, in hours, is expressed as a decimal fraction, with valid values ranging from 0.00 to 1.00.

Utility unit means a unit owned or operated by a utility:

- (1) That serves a generator in any State that produces electricity for sale, or
- (2) That during 1985, served a generator in any State that produced electricity for sale.
- (3) Notwithstanding paragraphs (1) and (2) of this definition, a unit that was in operation during 1985, but did not serve a generator that produced electricity for sale during 1985, and did not commence commercial operation on or after November 15, 1990 is not a utility unit for purposes of the Acid Rain Program.
- (4) Notwithstanding paragraphs (1) and (2) of this definition, a unit that cogenerates steam and electricity is not a utility unit for purposes of the Acid Rain Program, unless the unit is constructed for the purpose of supplying, or commences construction after November 15, 1990, and supplies, more than one-third of its potential electrical output capacity and more than 25 MWe output to any power distribution system for sale.

Volumetric flow means the rate of movement of a specified volume of gas past a cross-sectional area (e.g., cubic feet per hour).

Zero air material means either:

- (1) A calibration gas certified by the gas vendor not to contain concentrations of SO₂, NO_x, or total hydrocarbons above 0.1 parts per million (ppm), a concentration of CO above 1 ppm, or a concentration of CO₂ above 400 ppm;
- (2) Ambient air conditioned and purified by a CEMS for which the CEMS manufacturer or vendor certifies that the particular CEMS model produces conditioned gas that does not contain concentrations of SO₂, NO_x, or total hydrocarbons above 0.1 ppm, a concentration of CO above 1 ppm, or a concentration of CO₂ above 400 ppm;
- (3) For dilution-type CEMS, conditioned and purified ambient air provided by a conditioning system concurrently supplying dilution air to the CEMS; or
- (4) A multicomponent mixture certified by the supplier of the mixture that the concentration of the component being zeroed is less than or equal to the applicable concentration specified in paragraph (1) of this definition, and that the mixture's other components do not interfere with the CEM readings.

Zero, Low-Level, and High-Level Values means the CEMS response values related to the source specific span value. Determination of zero, low-level, and high-level values is defined in the appropriate PS in appendix B of this part.

Attachment 3: ABBREVIATIONS

TABLE 1: The following is a list of abbreviations used in this permit.

Administrat	EPA Region X Administrator
AOP	Air Operating Permit
AP-42	EPA Compilation of Emission Factors, AP-42, Fifth Edition, Volume I
AR#	Refers to a specific condition numbered “#” containing an “Applicable
ASTM	American Society for Testing and Materials
BACT	Best Available Control Technology
CEMS	Continuous Emissions Monitoring System
CGT-#	Refers to specific combined cycle gas turbine unit numbered “#”
CMS	Continuous Monitoring System
CFR	Code of Federal Regulations
COMS	Continuous Opacity Monitoring System
CO	Carbon monoxide
CPMS	Continuous Parametric Monitoring System
CT-#	Refers to specific combustion turbine unit numbered “#”
DAS	Data Acquisition and System
DB-#	Refers to specific duct burner unit numbered “#”
EFSEC	Washington Energy Facility Site Evaluation Council (a.k.a. the Council)
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
EU-#	Refers to a specific emissions unit numbered “#”
FCAA	Federal Clean Air Act
FGR	Flue Gas Recirculation – means to control NO _x emissions
G#	Refers to a specific “General” permit condition numbered “#”
grain/dscf	Concentration in terms of grains per dry standard cubic feet
HAP	Hazardous Air Pollutant
hp	Horsepower
HRSG	Heat Recovery Steam Generator
IEU-#	Insignificant emission unit numbered “#”
kW	A kilowatt is a unit of electrical power consumption in thousands of watts.
M#	Refers to a specific monitoring term or condition numbered “#”
MW	A megawatt is a unit of electrical power consumption in millions of watts.
MACT	Maximum Achievable Control Technology
MMBtu/hr	Million British Thermal Units per hour
NESHAP	National Emission Standards for Hazardous Air Pollutants
NAICS	North American Industry Classification System
NCASI	National Council of the Paper Industry for Air and Stream Improvement,
NH ₃	Ammonia
NOC	Notice of Construction
NO _x	Oxides of Nitrogen
NSPS	New Source Performance Standards (from 40 CFR Part 60)
NSR	New Source Review
O ₂	Oxygen
O&M	Operations and Maintenance Plan
ORCAA	Olympic Region Clean Air Agency
P#	Refers to a specific administrative permit term or condition numbered “#”
PM	Particulate matter air pollution
PM ₁₀	Particulate matter with aerodynamic diameter less than 10 microns

PM2.5	Particulate matter with aerodynamic diameter less than 2.5 microns
ppmvd	Parts per million by volume (assumed standard and dry)
PPS-001	Preliminary Performance Specification for Ammonia
PSD	Prevention of Signification Deterioration
PTE	Potential to emit
RACT	Reasonably Available Control Technology
RCW	Revised Code of Washington
Region 10	Region 10 of the U.S. Environmental Protection Agency
RICE	Reciprocating Internal Combustion Engine
R	Refers to a specific reporting condition numbered “#”
SIP	State implementation plan
SIC	Standard Industrial Classification
SCR	Selective Catalytic Reduction – a means to control NO _x emissions
SO ₂	Sulfur dioxide
TAP	Toxic Air Pollutant as defined in Chapter 173-460 WAC
tpy	Tons per year
VOC	Volatile Organic Compounds
WAC	Washington Administrative Code

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations.

STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL (EFSEC)



TECHNICAL SUPPORT DOCUMENT
AND
STATEMENT OF BASIS

GRAYS HARBOR ENERGY CENTER, LLC

<Date final>

PERMIT #: EFSEC/25-01-AOP

PREPARED FOR: Grays Harbor Energy, LLC
401 Keys Road
Elma, WA 98541-9149

PLANT SITE: Grays Harbor Energy Center
401 Keys Road
Elma, WA 98541-9149

PERMIT ENGINEER: Aaron Manley – ORCAA Professional Engineer

REVIEWED BY: Sonia E. Bumpus – EFSEC Executive Director

ENERGY FACILITY SITE EVALUATION COUNCIL
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1. DISCLAIMER

Information contained in this Technical Support Document is for purposes of background information only and is not enforceable. Applicable requirements including emission limits and monitoring, recordkeeping and reporting requirements are contained in the associated Air Operating Permit (AOP) for the Grays Harbor Energy Center, permit EFSEC/25-01-AOP, which was issued by the Energy Facility Site Evaluation Council (EFSEC) on <Date final>.

2. GENERAL INFORMATION

2.1 Table 1: Administrative Information and Contact Information

Company Name	Grays Harbor Energy, LLC (GHEC)
Facility/Source Name	Grays Harbor Energy Center (GHEC)
AOP Permit No.	EFSEC/25-01-AOP
Mailing Address	Grays Harbor Energy, LLC 401 Keys Road Elma, WA 98541-9149
Site Address	Grays Harbor Energy, LLC 401 Keys Road Elma, WA 98541-9149
Facility/Plant/Environmental Manager	Eric Pace Plant Engineer (360) 482-6292
Responsible Official	Chris Sherin Plant Manager
Unified Business Identification Number	602 082 646
Standard Industrial Classification (SIC) Code	4911
Attainment Area Status	Unclassified for all criteria pollutants.
Permitting Authority	The Washington Energy Facility Site Evaluation Council (EFSEC) is the permitting authority for the GHEC. EFSEC implements an Air Operating Permit program through Chapter 463-78 WAC, which adopts by reference the Washington Operating Permits Regulations under Chapter 173-401 WAC.
Enforcement Manager	Sara Randolph – EFSEC Energy Facility Site Specialist (360) 485-1594
Compliance Contractor	Olympic Region Clean Air Agency (ORCAA) (360) 539-7610
Permit Engineer	Aaron Manley – ORCAA Engineer II (360) 539-7610 ext 104
Compliance Manager	Mike Shults – Compliance Manager (360) 539-7610 ext 113

2.2 Facility Description

Grays Harbor Energy, LLC (GHE) owns and operates an electricity generation facility located at 401 Keys Road in Elma, Grays Harbor County, Washington. The facility is referred to as the Grays Harbor Energy Center (GHEC). GHEC is capable of generating up to 662.4 megawatts (MW, @ 59° F) of electricity from a combined-cycle power plant comprised of two combustion turbines, each equipped with a duct burner and heat recovery steam generator and a single steam turbine and bank of cooling towers shared in common. GHEC also operates an auxiliary boiler, a diesel emergency generator, and an emergency fire water pump. Commercial operation of GHEC began on April 25, 2008.

2.3 Basis for Title V Applicability

Facilities with a potential to emit (PTE) at or above the “major source” thresholds defined in WAC 173-401-200(19) are required to operate under an Air Operating Permit (AOP) issued through an approved Washington State AOP program, according to Title V of the Federal Clean Air Act (FCAA). GHEC has the potential to emit several regulated air pollutants above their major source thresholds. In addition, GHEC is an affected source under Title IV (Acid Deposition Control) of the FCAA, which independently triggers the requirement to obtain a Title V AOP.

EFSEC received delegation from EPA Region 10 on August 13, 2001, to implement an AOP program for electric power generating plants in Washington State with capacities exceeding 350 MW. EFSEC implements their AOP program through Chapter 463-78 WAC, which adopts by reference the Washington Operating Permits Regulations under Chapter 173-401 WAC.

Because GHEC is capable of generating up to 662 MW of electricity and is a “major source” as defined in WAC 173-401-200(19), GHEC is required to operate under an AOP issued by EFSEC.

2.4 Preconstruction Permitting

EFSEC is responsible for issuing pre-construction permits to electric power generating plants in Washington with capacities exceeding 350 MW, including Notice of Construction (NOC) permits and Prevention of Significant Deterioration (PSD) permits. Both types of permits have been issued to GHEC by EFSEC.

EFSEC issued the initial PSD approval to the previous owner of the facility (Duke Energy) in 2001 and approved transfer of the PSD permit to GHE in April 2005. The PSD permit for GHEC has been amended five separate times since it was originally issued in 2001. The following list summarizes the PSD permitting history of the facility:

1. Original PSD Approval (EFSEC/2001-01, approved November 2, 2001) – Includes both PSD and minor NOC permits to construct the GHEC;
2. Amendment 1 (EFSEC/2001-01 Amendment 1, January 2, 2003) - Approved modified operating requirements and emission limitations, added equipment as part of the project and removed certain operational restrictions;
3. Amendment 2 (EFSEC/2001-01 Amendment 2, October 19, 2004) - Approved a delay in continuous construction to no later than January 20, 2006, and modified the

monitoring requirements and BACT emission limitations based on recently available information;

4. Amendment 3 (EFSEC/2001-01 Amendment 3, approved April 3, 2006) - Approved a second delay in continuous construction to no later than July 20, 2007, and made several administrative corrections;
5. Amendment 4 (EFSEC/2001-01 Amendment 4, approved June 28, 2018) corrected certain minor errors in the permit and adopted specific emissions limits for startup and shutdown operations; and
6. Amendment 5 (EFSEC/2001-01 Amendment 5, approved January 28, 2021) approved upgrades referred to as Advanced Gas Path (AGP) upgrades. These were upgrades to the two General Electric (GE) combustion turbines at the facility to enable more efficient operation. The AGP upgrades enabled more efficient operation at increased firing temperatures while maintaining compliant emissions levels. The AGP upgrades resulted in the following changes at the facility:

Table 2: AGP - CGT Changes

	CGT01		CGT02	
	MMBtu/hr	MW	MMBtu/hr	MW
Pre-AGP @ 59°F	1,671	175	1,671	175
Pre-AGP Design	NA	175	NA	175
Historical Max (unadjusted for temperature)	1,835	187	1,835	188
Post-AGP @ 59°F	1,823	181.2	1,823	181.2
Post-AGP projected, historical max	0.994	0.969	0.994	0.964

Table 3: AGP – Facility Changes

	Max Heat Rates, MMBtu/hr		
	Pre-AGP	Post-AGP	
Ambient Temp.	At 59°F	At 59°F	At 14°F
Turbine	1735	1823	2,011
Duct Burner	505	505	505
Total	2240	2328	2,516

Max Output Rates, MW			
Combustion Turbine	175	181.2	206
Steam Turbine	300	300	300
Total	650	662.4	718
Lb CO2/MW	820	822	822

2.5 Regulatory History

The regulatory history of GHEC is fairly complicated due to:

1. Delays in starting and completing construction of the facility; and,
2. Delays in securing approval of Amendment 4 by Region 10 of the U.S. Environmental Protection Agency (EPA).

Start of construction and construction delays necessitated the need for permit extensions. In addition, construction delays triggered the need to re-permit the facility because effective versions of applicable regulations, which depend on when an affected facility begins construction, required re-evaluation.

PSD Amendment 5, which was issued by EFSEC on January 28, 2021, is the effective pre-construction air permit for GHEC. Table 4 summarizes the permitting history for GHEC.

2.6 Table 4: Permitting History

1995	Construction Authorized - EFSEC authorizes construction and operation
1996	Original PSD Approval - Site Certification Agreement (SCA) with PSD (EFSEC 95-01)
March 1998	Permit extension
September 1999	Permit extension
April 2001	Re-Application - Duke submitted a new PSD application for project
June 2001	EPA Consent Order - Administrative Order on Consent issued by EPA allowing start of construction prior to issuance of the new PSD approval.
September 1, 2001	Start of Construction – authorized by EFSEC
November 2, 2001	PSD Approval - (EFSEC/2001-01)
January 2, 2003	PSD Amendment 1 (EFSEC/2001-01 Amendment 1) - EFSEC approves Amendment 1, which modified operating requirements and emission limitations in the original approval, added equipment as part of the project and

	removed certain operational restrictions.
October 19, 2004	PSD Amendment 2 (EFSEC/2001-01 Amendment 2) - approved by EFSEC authorizing a delay in continuous construction to not later than January 20, 2006, and modifying the monitoring requirements and BACT emission limitations based on recently available information. Amendment 2 did not change or add any emission units that were either proposed for installation or already installed at the facility.
February 23, 2005	Transfer of Ownership - to Grays Harbor Energy LLC approved by EFSEC.
April 3, 2006	Amendment 3 (EFSEC/2001-01 Amendment 3) - approved by EFSEC authorizing a second delay in continuous construction to not later than July 20, 2007, and making several administrative corrections to errors in Amendment 2.
April 25, 2008	Start of Commercial Operation.
April 24, 2009	Date Complete Title V Application Submitted
August 7, 2009	Application for PSD Amendment 4 was submitted to EFSEC
September 29, 2018	Amendment 4 (EFSEC/2001-01 Amendment 4) - requested by GHE in 2009 to: <ol style="list-style-type: none"> 1. Rectify issues with the PSD permit identified during development of the Air Operating Permit for the facility; 2. Add specific startup/shutdown emissions limits; and, 3. Rectify permit issued raised by EPA.
June 17, 2020	EFSEC/94-1 AOP-Initial issued by EFSEC
January 28, 2021	Amendment 5 (EFSEC/2001-01 Amendment 5, approved January 28, 2021) approved upgrades referred to as Advanced Gas Path (AGP) upgrades.
July 17, 2024	EFSEC/94-1 AOP – 1 st Modification, - issued by EFSEC
October 6, 2025	Draft AOP - issued for public comment
<Date>	Proposed AOP – submitted to EPA for review
<Date>	Final AOP - issued by EFSEC

2.7 Compliance History

The EFSEC has issued one Notice of Violation to GHEC, which occurred on March 9, 2012. Based on testing of emissions from turbine 2 on September 4, 2011, GHEC violated EFSEC 2001-01 Amendment 3 Condition 5.6.2, which states emission of particulate matter from the turbines must not exceed 0.003 grains per dry standard cubic foot (gr/dscf), including filterable and condensable particulate, and corrected to 15% oxygen. Testing on September 4, 2011, showed particulate emissions slightly above the limit. GHEC investigated and concluded the excess particulate was an anomaly and possibly a result of rust from the stack lining. The Notice of Violation was resolved when GHEC tested on March 15, 2012, confirming compliance with the standard. Results from this test documented particulate emissions at 0.0003 gr/dscf, which meets the standard.

2.8 Effective Versions of Applicable Requirements

Conditions in this AOP originate from state, federal, and EFSEC regulations and standards and are generally referred to as “applicable requirements.” AOP conditions reflect the versions of each applicable requirement in effect at the time the AOP modification application was submitted. Certain applicable requirements may have had multiple versions in effect at the time the AOP modification application was submitted due to either:

1. An amendment to the associated regulation/rule/standard that occurred after EFSEC adopted the regulation by reference; or,
2. An older version of the rule/regulation/or standard adopted by EFSEC in their State Implementation Plan (SIP).

In these instances, both versions of the applicable requirement apply and are reflected in the AOP condition.

The following tables clarify the “landmark” dates that establish the effective versions for each applicable requirement contained in the AOP. However, any disputes regarding the exact language of an applicable requirement covered in the AOP should be settled by consulting versions of the associated rules/regulations/standards based on the “landmark dates” shown in the following tables.

Table 5: Landmark Dates for Federal Regulation

Federal Regulations	Date Federal Regulation Adopted by EFSEC^a	EFSEC Delegation Date^b
40 CFR 60, Subpart A (§ 60.1 to § 60.19 except § 60.5 and § 60.6)	11/11/2019	Not Delegated
40 CFR 51, Subpart K	11/11/2019	Not Delegated
40 CFR 52, Subpart A	11/11/2019	Not Delegated
40 CFR 60, Subpart IIII	11/11/2019	Not Delegated
40 CFR 60, Subpart KKKK	11/11/2019	Not Delegated
40 CFR 60, Appendices	11/11/2019	Not Delegated
40 CFR 61, Subpart A	11/11/2019	Not Delegated
40 CFR 61, Subpart M	11/11/2019	Not Delegated
40 CFR 63, Subpart A	11/11/2019	Not Delegated

40 CFR 63, Subpart ZZZZ	11/11/2019	Not Delegated
40 CFR 63, Appendices	11/11/2019	Not Delegated
40 CFR 72	11/11/2019	Not Delegated
40 CFR 75	11/11/2019	Not Delegated
40 CFR 75, Appendices	11/11/2019	Not Delegated
40 CFR 82, Subpart B	11/11/2019	Not Delegated
40 CFR 82 Subpart F	11/11/2019	Not Delegated

- a. The “Date Federal regulation Adopted by EFSEC” is set by the date established in WAC 463-78-005(1), which is the effective date of EFSECs adoption by reference for all federal and state regulations adopted by EFSEC. At the time EFSEC submitted their AOP renewal application, WAC 463-78-005(1) stated November 11, 2019, as the effected date for adoption by reference. Therefore, the versions of federal regulations cited in this permit are those that existed on 11/11/2019.
- b. The “EFSEC Delegation Date” is the date EFSEC was granted delegation to enforce the specific federal regulation. EFSEC has not yet received federal rule delegation from EPA.

Table 6: Landmark Dates for State Regulations

State Regulations	SIP Regulation Version Effective Date^a	Date State Regulation Adopted by EFSEC^{b, c}
WAC 173-400-036	12/29/2012	11/11/2019
WAC 173-400-040(2)(a & b) - Visible Emissions	4/1/2011	11/11/2019
WAC 173-400-040(3) - Fallout	Not in SIP	11/11/2019
WAC 173-400-040(4)- Fugitive Emissions	9/16/2018	11/11/2019
WAC 173-400-040(5) - Odors	Not in SIP	11/11/2019
WAC 173-400-040(6) - Detrimental Emissions	9/16/2018	11/11/2019
WAC 173-400-040(7) - SO2 Emissions	9/16/2018	11/11/2019
WAC 173-400-040(8) - Concealment and Masking	9/16/2018	11/11/2019
WAC 173-400-040(9) - Fugitive Dust	9/16/2018	11/11/2019
WAC 173-400-050 (Except: 173-400-050(2), (4), (5), and (6).	9/16/2018	11/11/2019
WAC 173-400-060	9/16/2018	11/11/2019
WAC 173-400-105	11/25/2018	11/11/2019
WAC 173-400-108	Not in SIP	Not Adopted Effective version of rule is 12/11/2024
WAC 173-400-109	Not in SIP	Not Adopted Effective version of rule is 12/11/2024

WAC 173-400-110	12/29/2012	11/11/2019
WAC 173-400-114	Not in SIP	11/11/2019
WAC 173-400-230	Not in SIP	Not Adopted Effective version of rule is 12/11/2024
WAC 173-400-700	4/1/2011	11/11/2019
WAC 173-401	Not in SIP	11/11/2019
WAC 173-406	Not in SIP	11/11/2019
WAC 173-425	10/18/1990	11/11/2019
WAC 173-441	Not in SIP	11/11/2019
WAC 173-460	Not in SIP	11/11/2019
WAC 463-78-105 (Fees)	Not in SIP	EFSEC Rule No adoption required (Effective 8/27/2015)
WAC 463-78-115	Not in SIP	EFSEC Rule No adoption required (Effective 8/27/2015)
WAC 463-78-120 (Testing)	11/11/2004	11/11/2004

- a. The “SIP Regulation Version Effective Date” is the effective date of the specific regulation listed in EFSEC’s State Implementation Plan.
- b. The “State Regulation Version Adoption Date” is set by the date established in WAC 463-78-005(1), which is the effective date of EFSEC’s adoption by reference for all federal and state regulations adopted by EFSEC. At the time GHEC submitted their AOP renewal application, WAC 463-78-005(1) stated November 11, 2019, as the effected date for adoption by reference. Therefore, the versions of federal regulations cited in this permit are those that existed on 11/11/2019.
- c. For those State regulations not adopted by EFSEC, the date the AOP renewal application was submitted sets the date of the effective version of the regulation.

Table 7: Effective Dates for PSD and NSR Permits

Regulatory Orders/Permits	Effective Dates
Acid Rain Permit No. <ACID RAIN #>	<date acid rain permit issued>
PSD No. EFSEC/2001-01, AMENDMENT 5	1/28/2021
No. EFSEC NOC 17-01 (Cooling Tower Replacement)	4/18/2017

2.9 AOP Enforcement

Terms and conditions in the AOP apply continuously and are enforceable by EFSEC. Each condition in the AOP cites both the regulatory origin and authority for each permit condition. Any disputes regarding the exact language of an applicable requirement listed in GHEC’s AOP should be settled by consulting the regulation cited in the regulatory origin of the condition.

2.10 AOP Enforcement Contractor

Through a Memorandum of Agreement (MOA) signed by EFSEC on November 20, 2007, Olympic Region Clean Air Agency (ORCAA) was given the contract to serve as the air compliance /permitting contractor under EFSEC. Through this agreement, ORCAA is tasked with performing all air-related compliance monitoring and Title V permitting duties for GHEC on behalf of EFSEC. Under EFSEC's oversight and direction, ORCAA performs such tasks as annual inspections, source testing oversight, review of monitoring reports, responding to complaints, drafting the AOP and reporting findings to EFSEC. While ORCAA serves as the compliance/permitting contractor, EFSEC remains the regulatory authority over GHEC. This means that ORCAA reports findings directly to EFSEC who then may act on the findings at their discretion. Only EFSEC can issue Notices of Violation (NOVs) and penalties for non-compliance.

2.11 Owner and Operator

GHEC is the current owner and operator of the GHEC and is the entity responsible for complying with the AOP. Ownership of the facility was transferred from the former owners, Duke Energy and Energy Northwest to GHEC on February 23, 2005. GHEC, a subsidiary of Invenergy, is a private company categorized under Electric Power Generation, and is located in Elma, WA. The parent company, Invenergy, and its affiliates develop, own and operate large-scale renewable and other clean energy generation facilities in North America and Europe. Invenergy specializes in developing and operating clean power sources of energy such as combined cycle power plants that operate using natural gas.

2.12 GHEC Responsible Official

AOP regulations under Chapter 173-401 WAC require a "Responsible Official" certify any submittals regarding compliance with the AOP as being true, accurate and complete based on their belief formed after reasonable inquiry. To form a reasonable belief of the truth, accuracy, and completeness of a compliance certification or other AOP-related submittal, the Responsible Official needs to understand the significance of the submittal with respect to assuring compliance with the AOP. The Responsible Official must have a basic understanding of the Title V permitting program, an understanding of the deviations being reported, how permit deviations are determined and the role of credible evidence in certifying compliance.

AOP compliance-related submittals cover practically every report and submittal associated with an AOP, such as deviation reports, malfunction reports, periodic monitoring reports, test reports, quarterly reports and annual compliance certifications. The AOP as written for GHEC does allow for "batch-wise" certification of routine compliance reports. This is facilitated by condition P21, which states:

"Provided, however, where a report is sent more frequently than once every six months, the responsible official's certification need only be submitted once every six months, covering all required reporting since the date of the last certification."

This allows the Responsible Official to batch-wise certify retroactively all reports submitted since the last certification.

According to WAC 173-401-200(29), the responsible official means one of the following:

- a) For a corporation: 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 a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (i) The facilities employ more than two hundred fifty persons or have gross annual sales or expenditures exceeding forty-three million in 1992 dollars; or
 - (ii) The delegation of authority to such representative is approved in advance by the permitting authority;
- b) For a partnership or sole proprietorship: A general partner or the proprietor, respectively;
- c) For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of EPA); or
- d) For affected sources:
 - (i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated thereunder and in effect on April 7, 1993 are concerned; and
 - (ii) The designated representative for any other purposes under 40 C.F.R. Part 70.

Because GHEC is subject to an acid rain permit under Title IV of the FCAA, the definitions under “d” apply. Therefore, for GHEC, the Responsible Official and “Designative Representative” for the Acid Rain Permit should be the same person.

3. FACILITY DESCRIPTION

3.1 General Overview

GHEC is an electricity production facility occupying approximately 20 acres within the Satsop Redevelopment Park in Grays Harbor County, which is approximately four miles southwest of Elma, Washington. The facility consists of a combined-cycle electric power generating plant including two General Electric natural gas-fired combustion turbine generators (GE 7FA), operated in a “2-x-1” combined cycle gas turbine configuration with one steam turbine (GE D11) shared in common. The steam turbine is part of a steam power cycle that generates additional electric power from the waste heat in the exhaust of the combustion turbines. Each turbine is followed by a duct burner and a heat recovery steam generator (HRSG) to generate the steam used by the steam turbine. The steam turbine itself is not a direct source of air emissions, but requires operation of duct burners, heat recovery steam generators (HRSGs) and a cooling tower. The duct burners and the cooling towers are

sources of air emissions themselves. GHEC also includes an auxiliary natural gas fired boiler, a diesel-fired emergency generator and a diesel-fired water pump.

3.2 Fuel

All combustion equipment except the diesel-fired emergency generator and diesel-fired water pump are fueled by natural gas received from the Williams Co.'s., Northwest Pipeline. The natural gas is sampled monthly by GHEC and analyzed to determine its sulfur and heat content.

The diesel fuel allowed for use in the emergency generator and fire water pump engines is non-road specification diesel fuel with a maximum sulfur content of 15 ppm.

3.3 Combined Cycle Gas Turbines (CGT1 & CGT2)

Description

The combustion turbine generators are identical GE 7FA units and are each rated at maximum power generating capacity of 181.2 MW @ 59°F. Each combustion turbine has a design maximum heat-rate of 1,823 million British thermal units per hour (MMBtu/hr). Each combustion turbine is equipped with a heat recovery steam generator (HRSG) which has a duct burner. Each duct burner has a design maximum heat-rate of 505 MMBtu/hr.

In this Technical Support Document and the associated AOP, each combustion turbine, duct burner and HRSG combination is referred to as a "Combined-Cycle Gas Turbine Unit" or CGT unit. Each CGT unit has a separate exhaust stack. The western-most CGT is designated as CGT1 and the eastern-most CGT is designated as CGT2.

The combustion turbines take in filtered air that is compressed in the compressor stage of the turbine and then mixed with natural gas. The compressed fuel and air mixture is then burned in the combustion chamber of the turbine where it is expanded through a series of turbines to convert the energy to mechanical rotating shaft power. This mechanical energy is then used to run the compressor section of the turbine and to directly power the electric generator.

High temperature exhaust produced by each combustion turbine is augmented with supplemental heat from its duct burner to generate high pressure steam in its connected HRSG. Each HRSG produces steam that is used by the steam turbine to generate power in a standard steam power cycle.

Each CGT exhausts through its own exhaust stack at a height of 180 feet above ground level. Exhaust stacks are each equipped with a caged ladder and stack testing platform that provide a permanent and safe access to stack testing ports. The testing ports conform to the requirements of 40 CFR, Part 60, Appendix A, Method 20.

Air emissions from the CGTs result from combustion of natural gas both in the combustion turbines and duct burners. Natural gas is the only fuel combusted. Air pollutant emissions from the CGTs include nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter with an aerodynamic diameter equal to or less than ten micrometers (PM₁₀), sulfur dioxide (SO₂),

volatile organic compounds (VOCs), sulfuric acid mist (H_2SO_4), ammonia (NH_3) and several Hazardous Air Pollutants (HAPs). Actual as well as potential emissions rates are described in section 4 of this TSD below.

CGT NO_x Control and Monitoring

The combustion turbines incorporate “Advanced, Dry Low NO_x ” combustor technology. This technology is guaranteed by the manufacturer to reduce NO_x emissions from the combustion turbines to 9 ppm. It accomplishes NO_x reduction by maintaining a “lean” premix of fuel to air, staging the combustion into three-stages and utilizing a central diffusion flame for overall flame stabilization. The lean, premixed technology burns a lean fuel-to-air mixture for a lower peak combustion flame temperature, which results in lower “thermal NO_x ” formation. The combustion turbines operate with just one of the lean premixed stages and the diffusion pilot at lower loads, and additional stages at higher loads. This provides efficient combustion and lower temperatures throughout the combustor-loading regime.

The duct burners also incorporate low NO_x combustor technology. This burner technology is capable of maintaining NO_x emissions below 10 ppmvd at 15% oxygen.

The typical NO_x emission concentration from each CGT is in the 3 to 9 ppm range. NO_x from each CGT is further treated by separate selective catalytic reduction (SCR) units downstream of each HRSG. The SCR units are capable of maintaining NO_x concentrations to less than 2.0 ppm at 15% oxygen during steady state operation of the CGTs.

SCR is a post-combustion NO_x control technology where ammonia (NH_3) is injected into the flue gas upstream of a vanadium oxide catalytic reactor. The catalyst bed operates most efficiently at temperatures between 600 and 800°F, which match the temperature range typically found within HRSG units. On the catalyst surface, the NH_3 reacts with NO_x to form molecular nitrogen and water. The process uses approximately 1 – 1.3 moles of NH_3 per mole of NO_x reduced. The rate of NH_3 injection is automatically controlled based on the amount of “ NH_3 slip,” which is the concentration of unreacted NH_3 downstream of the SCR units. NH_3 slip is continuously monitored.

The primary variable affecting SCR performance is temperature. If operating below the optimum temperature range, the catalyst activity is reduced, allowing unreacted NH_3 to slip through into the exhaust stream. If operating above the optimum temperature range, NH_3 is oxidized, forming additional NO_x . In addition, the catalyst may suffer thermal stress damage. Temperature of the catalyst beds as well as NO_x concentrations are required to be continuously monitored in order to maintain NO_x rates below the permitted limits.

An aqueous solution of NH_3 is used as the source for NH_3 in order to minimize impacts of possible spills or the unlikely event of rupture of an NH_3 tank. The solution is approximately 19% NH_3 as received and used. The rate of NH_3 solution injection is automatically regulated based on the NH_3 slip rate, which is continuously monitored. NH_3 slip is limited to 5 ppm on a 24-hour average basis. The NH_3 pump is controlled to maintain NH_3 slip between 1 and 3 ppm.

Per the PSD permit, NO_x emission concentrations and rates from the CGTs are required to be continuously monitored. As such, both CGTs are equipped with continuous emissions monitoring systems (CEMS) for NO_x and O_2 , which is referred to as a NO_x -diluent CEMS. The

NO_x-diluent CEMS is subject to the requirements contained in 40 CFR Part 75, Continuous Emission Monitoring, which contains the continuous emissions monitoring requirements for facilities subject to the Acid Rain program. Because 40 CFR Part 75 establishes the monitoring requirements for all pollutants and parameters required to be monitored under the acid Rain program (NO_x, O₂, SO₂, CO₂, volumetric flow, and opacity), and for different types of combustion units, much of it is not applicable to GHEC. For this reason, 40 CFR Part 75 is incorporated by reference in the permit.

On a real-time basis, GHEC can verify compliance with any of the short-term NO_x limits from the NO_x-diluent CEMS. In addition, the NO_x-diluent CEMS triggers an alarm to notify the operator when concentrations approach any short-term limit. NO_x concentrations measured by the NO_x-diluent CEMS is used to determine the NO_x concentrations in terms of parts per million by volume at 15%O₂, which is the metric of the CGT emissions concentration limits. For pollutant mass rate (PMR) limits, measured NO_x concentrations are coupled with the natural gas combustion rate measured by the fuel monitoring system and a Fuel Factor (Fd) measured monthly to calculate the NO_x PMR in terms of pounds per hour.

The natural gas combustion rate is monitored continuously by separate fuel flow meters on each CGT and Duct Burner (DB) in terms of cubic feet per hour. Cubic feet per hour of natural gas combusted by each unit is multiplied by the Fd (measured monthly) to compute the exhaust gas flowrate for each unit in terms of dry standard cubic feet per hour at 15% O₂. This result is then multiplied by the concentration to compute the NO_x PMR as shown in the following equation.

$$PMR_x = (NG)(HHV)(Fd)(Cx)(MW_{pollutant}) / [(1000)(Molar Volume_{stp})]$$

Where:

- *PMR_x = The calculated pollutant mass rate of pollutant “x” in terms of pound per hour (lbs/hr).*
- *NG = The actual amount of natural gas combusted by the unit over the hour per condition M6(a) in terms of dry standard cubic feet of natural gas (dscf_{ng}/hr).*
- *HHV = The Higher Heat Value of the natural gas determined for the month per condition M6(b)(i) in terms of million Btu per dry standard cubic feet of natural gas (MMBtu/dscf_{ng}).*
- *Fd = The dry basis fuel factor determined for the month per condition M6(b)(ii) in terms of dry standard cubic feet of exhaust per million Btu of natural gas combusted (dscf_{exhaust}/MMBtu)*
- *Cx = The average concentration of pollutant “x” monitored by CEMS over the hour in terms of parts per million by volume, dry (ppmvd), uncorrected.*

-Although the detailed equations for PMRs were removed from the AOP, this equation is maintained in the TSD intentionally as a reference point.

CGT CO Control and Monitoring

The dry low NO_x combustors in the CGTs also minimize the formation of CO. Minimizing NO_x is usually at the expense of higher CO emissions, however, the “Advanced, Dry Low

NO_x combustor technology is able to optimize the combustors to minimize emissions of both pollutants. The dry low NO_x combustors are expected to maintain a CO emission rate well below 9 ppm. In addition to CO control through the dry low NO_x combustors, exhaust from each CGT passes through a platinum catalyst (following the SCR units) where oxygen in the gas stream reacts with CO to produce CO₂. The CO oxidation catalyst technology is capable of reducing CO concentration by 90+%.

Per the PSD permit, CO emission concentrations and rates from the CGTs are required to be continuously monitored. The CO CEMS must meet the requirements contained in 40 CFR Part 60, Appendix B: Performance Specification 4 or 4a, and in 40 CFR, Part 60, Appendix F: Quality Assurance Procedures. CO CEMS requirements are incorporated by reference in the permit.

From the CO CEMS data, GHEC can verify compliance with both short-term and long-term average limits. In addition, the CEMS triggers an alarm when CO concentrations approach any of the short CO limits. This is done automatically by the CO data acquisition system (DAS).

CGT SO₂, H₂SO₄ and PM₁₀ Control and Monitoring

Combusting only natural gas is the principle means for minimizing emissions of particulate matter, sulfur dioxide and sulfuric acid from each CGT. Per the PSD permit, continuous monitoring of the rate of natural gas combustion by each turbine and DB is required. In addition, natural gas is required to be sampled monthly and analyzed to determine sulfur and heat content.

For SO₂ and H₂SO₄, the PSD permit imposes only PMR limits. Monitoring compliance is accomplished by calculating emissions rate using sulfur balance calculations based on the actual amount and composition of natural gas combusted and emissions factors from stack testing relating the percentage of H₂SO₄ to SO₂. The amount of natural gas combusted is continuously monitored by gas flow meters on each turbine and DB. Meters measure the gas flow rate and automatically correct to standard temperature and pressure units based on the monitored pipeline gas temperature and pressure. This data is periodically cross-checked by GHEC against fuel certifications provided by the Williams Pipeline Company.

Per the PSD permit, gas flow meters are required to be installed, operated, and maintained according to 40 CFR Part 75, Appendix D. Also, natural gas heat and sulfur content are required to be determined monthly through direct sampling and analyzing the natural gas per 40 CFR Part 75, Appendix D. 40 CFR Part 75, Appendix D is incorporated by reference in the permit.

PM₁₀ emissions from the CGTs are each limited to no more than 22.6 lb/hr of filterable plus condensable PM₁₀. The required monitoring means is to calculate PM₁₀ emissions based on the actual amount of natural gas combusted during each 24-hr period time an emissions factor based on the most recent particulate stack testing.

Reference method testing is the required means for monitoring compliance with the particulate grain loading limit. For the first three years of operation testing was required annually. Provided testing verifies compliance, the required testing frequency is relaxed to once every 5-years. Stack testing results must be reported as total particulate, filterable particulate and condensable particulate.

CGT Ammonia Emissions Monitoring

Per the PSD permit, NH₃ emissions (NH₃ slip) from each CGT is required to be continuously monitored. NH₃ CEMSs must meet the requirements contained in 40 CFR, Part 63, Appendix A, Reference Method 301, Validation Protocol (Validation Protocol), and 40 CFR, Part 60, Appendix F, Quality Assurance Procedures (Appendix F), or other EFSEC-approved performance specifications and quality assurance procedures. Because neither the Validation Protocol nor Appendix F contain actual performance specifications for operating NH₃ CEMSs, performance specifications needed to be adopted into the AOP to fill this void. Washington's Title V regulations under WAC 173-401-615(1)(b) allow adopting monitoring requirements into a Title V AOP when requirements are not adequately specified. This approach to adding monitoring to a Title V AOP is referred to as "gap-filling monitoring".

Until NH₃ CEMS performance specifications are adopted as final by EPA, EPA's Preliminary Performance Specification for Ammonia Continuous Emission Monitors (PPS-001, EPA, 2005) can serve as a surrogate performance specification. PPS-001 has not yet been published in the Federal Register but is proposed by EPA as their preferred performance specifications for NH₃ CEMS. PPS-001 establishes specifications for the allowable range, calibration drift and accuracy for NH₃ CEMS. The PPS-001 performance specifications are then inserted into the Validation Protocol for initial testing of NH₃ CEMS and Appendix F for ongoing quality assurance and control of NH₃ monitors.

CGT Opacity Monitoring

Per the PSD permit, opacity of the exhaust from each CGT must be monitored. Two options are provided for opacity monitoring:

- A certified opacity reader can read and record the opacity of each operating unit during daylight hours daily and then weekly if compliance is maintained for the previous calendar month; or,
- Opacity can be monitored using a Continuous Opacity Monitoring System (COMS) on each CGT as an alternative.

Per the PSD permit, COMS must meet the requirements contained in 40 CFR Part 60, Appendix B, Performance Specification 1 and in 40 CFR, Part 60, Appendix F, Quality Assurance Procedures. Both are incorporated by reference in the permit.

3.4 Steam Turbine

Description

The GE D11 steam turbine generates electricity using steam produced by the Heat Recovery Steam Generators (HRSGs). Each HRSG produces superheated steam using leftover heat energy from its associated gas turbine plus supplemented heat energy from its associated DB. The steam turbine itself is not an emissions unit but is an integral part of the combined cycle power plant. The steam turbine power cycle requires operation of the CGTs (turbines + DBs), Cooling Tower and Auxiliary Boiler during startup. The steam turbine generator can produce up to an additional 300 MW of electric power. The steam power cycle is a closed loop process where exhaust steam from the steam turbine is condensed by passing through the cooling towers and then pumped as liquid water back to the HRSGs in a continuous

closed-loop arrangement. Since the steam turbine has no direct air pollutant emissions, it is not designated as an emissions unit.

3.5 Auxiliary Boiler

Description

Start-up of the combined cycle power plant requires an auxiliary heat source to provide heat while the CGTs are warming up. This is accomplished by a separate, 29.3 MMBtu/hr natural gas-fired Auxiliary Boiler. The Auxiliary Boiler is used primarily to assist with start-up of the CTG units. The Auxiliary Boiler also provides initial steam for the steam turbine during startup.

Auxiliary Boiler Emissions Control and Monitoring

The Auxiliary Boiler employs low NO_x burners, good combustion practices, and the use of natural gas for controlling air pollutant emissions.

The PSD permit establishes hourly and annual emissions limits for the Auxiliary Boiler for NO_x, CO, SO₂, VOC, PM₁₀, and opacity. The PSD permit does not require CEMS for the Auxiliary Boiler but does require periodic stack testing to demonstrate compliance with permit limits. The PSD permit also requires monthly calculations of emissions over the previous 12-consecutive month period to monitor compliance with annual emissions limits to verify compliance with annual emissions limits. The prescribed calculation method for all pollutants except SO₂ requires using actual natural gas consumption data and emissions factors based on the most recent stack testing results. For SO₂, emissions must be based on fuel sulfur monitoring data and sulfur balance calculations. For opacity, certified opacity readings are required once per month.

3.6 Cooling Tower

Description

As mentioned previously, the steam power cycle is a closed-loop process whereby steam remaining after expanding through the steam turbine is condensed so the entire flowrate of the “working fluid” can be pumped back to the HRSGs in order to complete the steam power cycle. Pumping produces high pressures in the working fluid loop, which is needed by the steam turbine to generate power. The Cooling Tower enables the closed loop steam power cycle by expelling waste heat through one, nine-cell, forced draft cooling unit. The Cooling Tower transfers heat to the ambient air through evaporation of water. Water used by the Cooling Tower is pumped from a well located nearby on the Chehalis River.

GHEC maintains Cooling Tower water quality to prevent high concentrations of chemicals and dissolved solids that would lead to particulate emissions and odors. Cooling Tower water is continuously monitored for pH, free chlorine, oxidation reduction potential (ORP) and conductivity to assure water quality. Sodium Hypochlorite (bleach) is added to prevent biological growth in the Cooling Tower. The sodium hypochlorite is added automatically to maintain 0.2 – 0.6 ppm free chlorine. Sulfuric acid (H₂SO₄) to prevent scaling is added

automatically to maintain pH between 8.1 and 8.5. The bleach, H₂SO₄ and bromine are all added to the water via constant volume pumps that are automatically controlled based on continuous monitoring of the water quality.

Design operating specifications for GHEC's Cooling Tower are as follows:

- 1,535,200 cubic feet per minute (ft³/min) air flow at design conditions (9 fans total)
- 175,000 gallons per minute (gpm) recirculating water flow
- 1,165 milligrams per liter (mg/L) total dissolved solids
- Addition of 93% H₂SO₄ (sulfuric acid) to water at a variable rate, but approximately 70 gallons per day (gpd) average when the plant is running.
- Addition of 12.5% NaClO (sodium hypochlorite) to water at a variable rate, but approximately 104 gal/day average when the plant is running.
- 2H Drift Eliminators manufactured by ENEXIO with a drift rate less than 0.0005 percent.

Cooling Tower Monitoring

The Cooling Tower emits PM₁₀ in the form of particulate suspended or dissolved in tiny airborne water droplets, which are referred to as "drift." VOCs and chlorine compounds may also be emitted in drift if Cooling Tower water quality is not maintained. The GHEC Cooling Tower is equipped with "drift eliminators" to reduce drift and air emissions associated with the drift. GHEC's Cooling Tower employs drift eliminators rated at a drift loss rate of less than 0.0005% of the recirculating cooling water flow rate.

The permit requires monthly calculation of the daily (annual average) and annual cooling tower PM₁₀ emissions rates based on design flow rates for the circulating water pumps, circulating water pump operating records, conductivity, conductivity to total dissolved solids (TDS) correlation factor, and a drift loss rate of 0.000005 gallons per gallon of recirculating water. The level of TDS in the cooling tower water determines the potential for PM₁₀ emissions as dissolved solids precipitate to particulate as the cooling tower water evaporates using the following formula:

$$\frac{Q \times C \times 0.000005 \times 60 \times 8.34}{1000000} = D$$

Where:

Q = Either the actual or design recirculating water flow rate in gallons per minute

C = total dissolved solids concentration in parts per million by weight (ppmw)

D = particulate emission rate in lb/hr.

0.000005 = the drift loss rate in gallon lost/gallon of recirculating cooling water

TDS is monitored indirectly by monitoring conductivity of the cooling tower water (TDS is directly related to conductivity). The level of TDS is controlled by adjusting the rate of make-up water to the cooling tower to maintain conductivity below 1,200 micro-ohms

conductivity. Conductivity is monitored continuously, and an alarm is triggered in the control room when conductivity reaches 1,200 micro-ohms to alert operators to manually adjust the make-up water rate.

3.7 Emergency Generator

Description

GHEC relies on one 400 kilowatt (536 horsepower) Caterpillar, model 3456, diesel-fired emergency generator (Emergency Generator) to provide electricity during power outages. This is critical for GHEC to power down equipment and maintain operation of lubricating oil pumps during power outages. The manufacture date of the Emergency Engine was 2002.

Engine Make & Model	Caterpillar, model 3456
Engine Serial #	CER00348
Date engine was ordered	7/22/2002
Model year of engine	2002
Engine BHP	536 BHP
Engine KW	400 KW

40 CFR Part 60, Subpart IIII (Subpart IIII) does not apply to the Emergency Generator at GHEC because the order date of the Emergency Generator precedes the effective date of Subpart IIII. 40 CFR Part 63, Subpart ZZZZ (Subpart ZZZZ) does apply. In addition to Subpart ZZZZ, the Emergency Generator is subject to requirements from PSD Amendment 5.

Emergency Generator Monitoring

The permit requires monitoring sufficient to verify the Emergency Generator engine is operated, maintained, and repaired in a manner consistent with the manufacturer's emissions-related specifications. In addition, total hours of operation and hours of maintenance testing must be tracked and recorded.

3.8 Diesel-fired Water Pump Engine (Fire Water Pump Engine)

Description

The facility includes a 205 kilowatt (275 horsepower) Fire Water Pump Engine for fire suppression during electrical power outages.

Engine Make & Model	John Deere, model No. 6081AF001
Engine Serial #	RG6081A146553
Date engine was ordered	Pre 2002
Model year of engine	2001
Engine BHP	275 BHP
Engine KW	205 KW

40 CFR Part 60, Subpart IIII (Subpart IIII) does not apply to the Fire Water Pump Engine at GHEC because the order date of the Fire Water Pump Engine precedes the effective date of

Subpart IIII. 40 CFR Part 63, Subpart ZZZZ (Subpart ZZZZ) does apply. In addition to Subpart ZZZZ, the Fire Water Pump Engine is subject to requirements from PSD Amendment 5.

Fire Water Pump Engine Emissions Control and Monitoring

The permit requires monitoring sufficient to verify the Fire Water Pump Engine is operated, maintained and repaired in a manner consistent with the manufacturer’s emissions-related specifications. In addition, total hours of operation and hours of maintenance testing must be tracked and recorded.

3.9 Table 8: Summary of Emissions Units

ID	Description	Control Devices	Permit #s
EU-1	<p>Combined Cycle Gas Turbine 1 (CGT1):</p> <ul style="list-style-type: none"> • Combustion Turbine 1 (CT1) – General Electric 7FA natural gas turbine with a nominal design heat rate of 1,823 mmBtu/hr and an output of 234 KVA. • Duct Burner 1 (DB1) – 505 mmBtu/hr natural gas duct burner 	<ul style="list-style-type: none"> • CT1 equipped with Dry-Low NO_x Combustors • DB1 equipped with Low NO_x Burners. • Exhaust from both CT1 and DB1 pass through Selective Catalytic Reduction (SCR) and CO catalyst systems 	EFSEC/2001-01 Amendment 5
EU-2	<p>Combined Cycle Gas Turbine 2 (CGT2):</p> <ul style="list-style-type: none"> • Combustion turbine – General Electric 7FA natural gas turbine with a nominal design heat rate of 1,823 mmBtu/hr and an output of 234 KVA. • Duct Burner – 505 mmBtu/hr natural gas duct burner 	<ul style="list-style-type: none"> • CT2 equipped with Dry-Low NO_x Combustors • DB2 equipped with Low NO_x Burners. • Exhaust from both CT2 and DB2 pass through Selective Catalytic Reduction (SCR) and CO catalyst systems 	
EU-3	Auxiliary Boiler: 29.3 mmBtu/hr natural gas fired boiler used to assist with start-up.	<ul style="list-style-type: none"> • Low NO_x burners • Flue Gas Recirculation (FGR) 	
EU-4	Cooling Tower: Nine cell, 175,000 gal/min forced draft cooling tower	<ul style="list-style-type: none"> • Equipped with drift eliminators 	
EU-5	Emergency Generator: 400 kW (536 hp) emergency generator used to help power down equipment and maintain operation of lubricating oil pumps in the event of power outages.	None	
EU-6	Emergency Fire Water Pump: 205 kW (275 bhp) diesel-fired water pump to provide for fire suppression during electrical power outages.	None	

3.10 Insignificant Emissions Units (IEUs)

The equipment listed in Table 9 was identified by GHEC as insignificant emissions units (IEUs) as defined under WAC 173-401-200(17). IEUs are exempt from Title V permit program requirements as provided under WAC 173-401-530. None of the IEUs listed in Table 9 are a significant source of emissions or subject to equipment-specific air quality requirements. Because all of the IEUs listed in Table 9 are “categorically exempt” IEUs, they are not required to be listed in the GHEC AOP.

Testing, monitoring, recordkeeping and reporting required by the AOP are not required for IEUs unless determined by the permitting authority to be necessary to assure compliance, or unless it is otherwise required by a generally applicable requirement of the state implementation plan.

Where a permit does not require testing, monitoring, recordkeeping and reporting for an IEU, the Permittee may certify continuous compliance if there were no observed, documented, or known instances of noncompliance during the reporting period. Where a permit does require testing, monitoring, recordkeeping and reporting for an IEU, the Permittee may certify continuous compliance when the testing, monitoring, recordkeeping required by the permit revealed no violations during the period, and there were no observed, documented, or known instances of noncompliance during the reporting period. The permit shield per WAC 173-401-640 does not apply to IEUs.

3.11 Table 9: Insignificant Emissions Units (IEUs)

ID	Description	Size/Capacity	IEU Basis
IEU	Mobile Fugitive Emissions	Na	WAC 173-401-530(1)(d)
IEU	Lubricating Oil Tank	Na	WAC 173-401-532(3)
IEU	Hydraulic Oil Tank	Na	WAC 173-401-532(4)
IEU	Storage of Pressurized Gases	Na	WAC 173-401-532(5)
IEU	Maintenance Shops	Na	WAC 173-401-532(7)
IEU	Continuous Emissions Monitoring Systems (CEMs)	Na	WAC 173-401-532(7)
IEU	Vents	Na	WAC 173-401-532(9)
IEU	Vehicle Internal Combustion Engines	Na	WAC 173-401-532(10)
IEU	Welding Operations	Na	WAC 173-401-532(12)
IEU	Plant Upkeep Activities	Na	WAC 173-401-532(33)
IEU	Pavement Cleaning and Sweeping	Na	WAC 173-401-532(35)
IEU	Food Preparation	Na	WAC 173-401-532(41)
IEU	Portable Drums and Totes	Na	WAC 173-401-532(42)
IEU	Lawn and Landscaping Activities	Na	WAC 173-401-532(43)
IEU	General Vehicle Maintenance	Na	WAC 173-401-532(45)
IEU	Comfort Air Conditioning	Na	WAC 173-401-532(46)
IEU	Office Activities	Na	WAC 173-401-532(49)
IEU	Sampling Connections	Na	WAC 173-401-532(51)
IEU	Parking Lot Exhaust	Na	WAC 173-401-532(54)
IEU	Indoor Activities	Na	WAC 173-401-532(55)

ID	Description	Size/Capacity	IEU Basis
IEU	Repair and Maintenance	Na	WAC 173-401-532(74)
IEU	Air Compressors	Na	WAC 173-401-532(88)
IEU	Steam Leaks	Na	WAC 173-401-532(89)
IEU	Vacuum System Exhaust	Na	WAC 173-401-532(108)

4. Emissions

GHEC's emissions of criteria air pollutants and ammonia are characterized in the following tables. Table 10 shows cumulative, facility-wide emissions in terms of maximum potential to emit (PTE). PTE values represent maximum permitted emissions from all emissions units at GHEC based on enforceable emissions limits and maximum operating rates for all regulated emissions units. Table 11 shows actual emissions for calendar year 2023. Actual emissions are based on monitored fuel consumption rates, measured natural gas heat and sulfur content, and monitored emissions concentrations over calendar year 2023. Table 12 shows cumulative, facility-wide HAP emissions in terms of maximum potential to emit (PTE).

4.1 Table 10: Criteria Pollutant Potential to Emit (PTE)

Pollutant	Potential to Emit (tons)	Source of Data
CO (Carbon Monoxide)	144	AOP Permit Application
PM 2.5 (Fine Particulate (<= 2.5 microns))	203	AOP Permit Application
PM-10 (Fine Particulate (<=10 microns))	203	AOP Permit Application
NO _x (Nitrogen Oxides)	245	AOP Permit Application
VOC as Volatile Organic Compounds	92	AOP Permit Application
SO ₂ (Sulfur Dioxide)	29	AOP Permit Application
H ₂ SO ₄ (sulfuric acid)	19	AOP Permit Application
NH ₃ (ammonia)	141	AOP Permit Application

4.2 Table 11: 2023 Actual Emissions

Pollutant	2023 Emissions (tons)	Source of Data
CO (Carbon Monoxide)	10.9	ORCAA 2023 Inventory
PM 2.5 (Fine Particulate: <= 2.5 microns)	40.3	ORCAA 2023 Inventory
PM-10 (Fine Particulate:<=10 microns)	40.3	ORCAA 2023 Inventory
NO _x (Nitrogen Oxides)	90.1	ORCAA 2023 Inventory
VOC as Volatile Organic Compounds	8.0	ORCAA 2023 Inventory
SO ₂ (Sulfur Dioxide)	10.3	ORCAA 2023 Inventory
H ₂ SO ₄ (sulfuric acid)	0.5	ORCAA 2023 Inventory
NH ₃ (ammonia)	18.1	ORCAA 2023 Inventory

4.3 Table 12: HAP Potential to Emit (PTE)

Pollutant	Potential to Emit (tons)	Source of Data
Acedaldehyde	0.64	AOP Permit Application
Acrolein	0.0102	AOP Permit Application
Arsenic	0.00087	AOP Permit Application
Benzene	0.20	AOP Permit Application
Beryllium	5.20E-5	AOP Permit Application
1,3-Butadiene	0.0069	AOP Permit Application
Cadmium	0.0048	AOP Permit Application
Chromium, trivalent	0.0030	AOP Permit Application
Chromium, hexavalent	0.0030	AOP Permit Application
Cobalt	0.00036	AOP Permit Application
Ethylbenzene	0.51	AOP Permit Application
Formaldehyde	1.75	AOP Permit Application
Hexane	7.81	AOP Permit Application
Manganese	0.0016	AOP Permit Application
Mercury	0.0011	AOP Permit Application
Naphthalene	0.023	AOP Permit Application
Nickel	0.0091	AOP Permit Application
Poly Aromatic Hydrocarbons	0.035	AOP Permit Application
Propylene Oxide	0.46	AOP Permit Application
Selenium	0.00010	AOP Permit Application
Toluene	2.09	AOP Permit Application
Xylenes	1.02	AOP Permit Application
Total HAP	14.67	AOP Permit Application

5. Regulatory Determinations

Table 13 summarizes regulatory determinations made for GHEC's AOP.

Table 13 Applicability Determinations

Citation	Description	Applicable Requirement under Title V?	Basis
40 CFR Part 60 Subpart GG	Stationary Gas Turbine NSPS	No	According to the Washington Department of Ecology (Ecology), as documented in the Fact Sheet for PSD Amendment 5, GHEC's AGPupgrades triggered applicability of the combustion turbine standards in 40 CFR Part 60, Subpart KKKK (Subpart KKKK). Under § 60.4305 of Subpart KKKK it states, "Stationary combustion turbines

Citation	Description	Applicable Requirement under Title V?	Basis
			regulated under this subpart are exempt from the requirements of subpart GG of this part.” Therefore, the requirements under Subpart GG do not apply to the combustion turbines at GHEC. It also states, “Heat recovery steam generators and duct burners regulated under this subpart are exempted from the requirements of subparts Da, Db, and Dc of this part.”
40 CFR Part 60 Subpart Da	Electric Utility Steam-Generation Units	No	According to Ecology, as documented in the Fact Sheet for PSD Amendment 5, GHEC’s AGP upgrades triggered applicability of the combustion turbine standards in 40 CFR Part 60, Subpart KKKK . Under § 60.4305 of Subpart KKKK it states, “Heat recovery steam generators and duct burners regulated under this subpart are exempted from the requirements of subparts Da, Db, and Dc of this part.”
40 CFR Part 60 Subpart Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	No	
40 CFR Part 60 Subpart Dc	Small Institutional-Commercial-Industrial Steam Generation Units	No – for heat recovery steam generators and duct burners Yes – Auxiliary boiler	
40 CFR Part 60 Subpart KKKK	Subpart KKKK - Standards of Performance for Stationary Combustion Turbines	Yes	According to Ecology, as documented in the Fact Sheet for PSD Amendment 5, GHEC’s AGP upgrades triggered applicability of the combustion turbine standards in 40 CFR Part 60, Subpart KKKK . Subpart imposes standards for NO _x and SO ₂ and associated monitoring requirements.
WAC 463-78-100	Registration	No	The latest version of EFSECs registration regulations in WAC 463-78-100 (effective 8/26/2019) exempts air operating permit sources from EFSECs registration program.
WAC 173-	Requirements for	No	GHEC is not located in a

Citation	Description	Applicable Requirement under Title V?	Basis
400-112	Sources in Nonattainment Areas		nonattainment area for any criteria pollutant. Therefore, this regulation is not applicable facility-wide.
WAC 173-400-120	Bubble Rules	No	GHEC has not requested an emission bubble for any regulated pollutant. Therefore, this regulation is not applicable.
WAC 173-400-131	Issuance of Emission Reduction Credits	No	GHEC has not sought emission reduction credits (ERCs). Therefore, this regulation is not applicable.
WAC 173-400-136	Use of Emission Reduction Credits	No	GHEC has not sought to use ERCs. Therefore, this regulation is not applicable.
40 CFR Part 63.6080 et seq. Subpart YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines	No	Subpart YYYY applies to combustion turbines built after January 14, 2003 and located at major sources of HAP emissions. GHEC is facility is not a major source of HAP emissions. Therefore, Subpart YYYY does not apply.
40 CFR Part 64	Compliance Assurance Monitoring	No	For NO _x , CO, Ammonia and opacity emissions, 40 CFR 64.2(b)(iv) provides an exemption from the requirements of Part 64 when a CEMS is otherwise required. Compliance Assurance Monitoring rule requirements do not apply to particulate, SO ₂ , and H ₂ SO ₄ emissions per 40 CFR 64.2(a)(2), which includes an applicability criterion that the unit uses a control device to achieve compliance. A “control device” as defined in 40 CFR Part 64 does not include passive control measures that act to prevent pollutants from forming, such as the use low-polluting fuel or feedstocks. Because no control device is used to control

Citation	Description	Applicable Requirement under Title V?	Basis
			particulate, SO ₂ or H ₂ SO ₄ , this rule does not apply to those pollutants.
40 CFR Part 98	Federal Greenhouse Gas Reporting Requirements	No	<p>The EPA greenhouse gas reporting rule was finalized September 22, 2009. In the preamble EPA responds to a question regarding whether it is an applicable requirement for the purposes of Title V:</p> <p><i>As currently written, the definition of "applicable requirement" in 40 CFR 70.2 and 71.2 does not include a monitoring rule such as today's action, which is promulgated under CAA sections 114(a)(1) and 208.</i></p> <p>Therefore, these requirements will be enforced directly by the USEPA outside of the Title V AOP program.</p>
40 CFR 63.11193 et seq. Subpart JJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers - Area Sources	No	<p>GHEC operates the following three steam generating units (boilers): CGT1 Heat Recovery Steam Generator (HRSG), CGT2 HRSG, and the Auxiliary Boiler. Both HRSGs are preceded by duct burners. All three units combust only natural gas and, therefore, are not subject to this regulation.</p>
40 CFR Part 60 Subpart TTTT		No	<p>In conjunction with the PSD Amendment 5 regulatory review, Ecology concluded that that the upgrade triggering PSD Amendment 5 (the AGP) would increase CO₂ emissions by approximately 9.1 percent, which is less than the applicability threshold in 40 CFR 60.5509(b)(7) of 10 percent or less (rounded to two significant figures).</p> <p>Ecology further concluded that, to assure the 10 percent CO₂</p>

Citation	Description	Applicable Requirement under Title V?	Basis
			threshold is not crossed, “EFSEC will monitor to confirm that the project will not trigger NSPS Subpart TTTT.” To enable this monitoring, an additional monitoring condition, M14, was added to the permit requiring ongoing CO ₂ monitoring and confirmation.
40 CFR Part 63 Subpart YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines	No	This facility is not a major source of HAP emissions; therefore this regulation is not applicable to the combustion turbines at this facility.
Chapter 463-80 WAC	Carbon Dioxide Mitigation under the Carbon Dioxide Mitigation Program for Thermal Electric Generating Facilities	No.	Chapter 463-80 WAC is not pursuant to either the FCAA or Washington Clean Air Act (WCAA). Therefore, by definition, it is not an “Applicable Requirement” under Title V. GHEC is subject to a CO ₂ mitigation plan, which was required by EFSEC as a part of an amendment of the site certification agreement and EFSEC Resolution 298. However, the CO ₂ mitigation plan does not qualify as an “Applicable Requirement” under Title V.
Chapter 463-85 WAC	Greenhouse Gas Emissions Performance Standard and Sequestration Plans and Programs for Baseload Electric Generating Facilities	No	Chapter 463-85 WAC is not pursuant to either the FCAA or WCAA. Therefore, by definition, it is not an “Applicable Requirement” under Title V.
40 CFR Part 60 Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion	No	The “order date” for both the Emergency Generator and Fire Water Pump precede the effective date of Subpart IIII.

Citation	Description	Applicable Requirement under Title V?	Basis
	Engines		
40 CFR Part 63 Subpart ZZZZ	National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.	Yes	Applies to both Emergency Generator and Fire Water Pump.

6. Basis for AOP Terms and Conditions

Energy facilities under the jurisdiction of EFSEC are subject to EFSEC’s rules under Chapter 463-78 WAC (EFSEC’s Rules). Therefore, the underlying regulatory basis for all conditions in GHEC’s AOP comes from EFSEC’s Rules. However, because EFSEC’s Rules adopt by reference (ABR) relevant state and federal rules which apply to energy facilities, the pertinent details of applicable requirements reside within the adopted rules and regulations themselves. Table 14 provides a mapping of relevant state and federal regulations that have been ABR by EFSEC.

6.1 Table 14: EFSEC Rules Adopted by Reference

Title of Rule Adopted by Reference	Citation	Citation of EFSEC Adopting Rule
Washington Air Operating Permit Regulation	Chapter 173-401 WAC	WAC 463-78-005(2)
Washington’s General Regulations for Air Pollution Sources except for Ecology specific sections and adoption of federal New Source Performance Standards	Chapter 173-400 WAC	WAC 463-78-005(2)
Washington’s Acid Rain Program	Chapter 173-406	WAC 463-78-005(4)
Washington’s Controls for New Sources of Toxic Air Pollutants	Chapter 173-460 WAC	WAC 463-78-005(5);
Federal New Source Performance Standards	40 CFR Part 60	WAC 463-78-115;
National Emission Standards for Hazardous Air Pollutants	40 CFR Part 61	WAC 463-78-005(1)
National Emission Standards for Hazardous Air Pollutants for Source Categories	40 CFR Part 63	WAC 463-78-005(1)

In order to avoid compounding already long strings of regulatory citations in GHEC’s AOP, and because pertinent details of applicable requirements reside within the ABR regulations themselves, the ABR regulations are cited in GHEC’s AOP without citing the corresponding Chapter 463-78 WAC section that adopts them. Therefore, the following sections discuss the regulatory basis for AOP conditions from the standpoint of state and federal regulations that have been ABR by EFSEC.

Per the Washington Air Operating Permit Program under WAC 173-401-600, the regulatory origin and authority for each condition must be stated in an AOP. For GHEC’s AOP, origin and authority are stated at the end of each permit condition. The “origin” cites the state or federal regulation or PSD/NSR permit where the applicable requirement came from. The “authority” cites the specific section in WAC 173-401 providing authority to include the requirement.

The following authorities from the Washington AOP program were used in GHEC’s AOP:

6.2 Table 15: Required Permit Content, Washington AOP Program

WAC 173-401 Section:	Provides authority to include in AOP:
WAC 173-401-600(1)(a)	Federal emissions limits and standards.
WAC 173-401-600(1)(b)	State emissions limits and standards.
WAC 173-401-600(1)(c)	Requirements from permits issued by a local air pollution control authority (NOC and PSD permits).
WAC 173-401-615(1)(a)	Monitoring required by an applicable requirement.
WAC 173-401-615(1)(b)	Periodic monitoring where the applicable requirement does not require specific monitoring (commonly referred to as “gap-filling monitoring”).
WAC 173-401-615(1)(c)	As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
WAC 173-401-615(2)	<p>All applicable recordkeeping requirements and require, where applicable:</p> <ul style="list-style-type: none"> • Records of required monitoring; • Records of changes made at the facility that result in emissions of a regulated air pollutant, but not otherwise regulated under the permit; • Retention of records of all required monitoring data and support information for a period of five years from the date the record originated; and, • Monitoring support information including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation; and, • Copies of all reports required by the permit.
WAC 173-401-615(3)	<p>All applicable reporting requirements and require:</p> <ul style="list-style-type: none"> • Submittal of reports of any required monitoring at least once every six months; and, • Prompt reporting of deviations from permit requirements, including those attributable to upset conditions.
WAC 173-401-620(2)	Standard Title V provisions from WAC 173-401-620(2).
WAC 173-401-605(1)	Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.
WAC 173-401-630(1)	Additional requirements for monitoring or monitoring equipment when monitoring is required by an applicable requirement, but it is not sufficient to assure compliance. This category of monitoring is referred to by EPA as “Sufficiency Monitoring.”
WAC 173-401-640(1)	Upon request, the permitting authority shall include in the permit or in a separate written finding issued with the permit a determination identifying specific requirements that do not apply to the source.

6.3 Permit Administration (P1–P19)

Permit administrative conditions (conditions P1–P19) include conditions specifying how the AOP is managed according to the State AOP program under Chapter 173-401 WAC and conditions having implications on assuring compliance with all other conditions in the AOP. Many of the permit administrative conditions are “standard terms and conditions” and required to be in the AOP per either Chapter 173-401 WAC or per federal requirements for AOPs.

The origin of each permit administrative condition is stated at the end of each condition. Authority to include permit administrative conditions comes primarily from WAC 173-401-600(1)(b), which specifies AOPs contain requirements from the Washington Clean Air Act (Chapter 70.94 RCW) and rules implementing that chapter (Washington’s AOP program is pursuant to RCW 70.94.162, which under the Washington Clean Air Act.).

Permit administrative conditions specify terms of the AOP such as the permit duration, expiration, renewal and revision requirements. They also explain the “Permit Shield,” extent of AOP enforceability and how the AOP can be revoked or re-opened for cause. They are essential to the proper functioning of the AOP under the State of Washington Program. Because permit administrative conditions do not include any applicable emissions limitations or operational standards, monitoring is not applicable. However, general recordkeeping and reporting requirements apply. Also, compliance with permit administrative conditions must be certified annually.

Permit Duration (condition P1)

This condition simply states the fixed term of the permit from the date of issuance is 5 years. It is important to point out that permit amendments and modifications midway during the permit term do not reestablish the permit term.

Federally Enforceable Requirements (condition P2)

Condition P2 distinguishes between AOP conditions containing federally enforceable requirements from those that are not federally enforceable.

Requirements that only the Ecology has authority to enforce are designated as “State only.” Although EFSEC may enforce the specific provisions of the AOP permit condition containing a “State only” requirement, only Ecology may enforce the underlying rule, regulation, or standard that imposes the requirement. The best example is the State’s rules for reporting greenhouse gas emissions titled, Reporting of Emissions of Greenhouse Gases, under Chapter 173-441 WAC. The “core” requirements from Chapter 173-441 WAC to monitor, record, and report greenhouse gas emissions are included as conditions in GHEC’s AOP and may be enforced by EFSEC. However, only Ecology may directly enforce the rule itself.

AOP conditions containing requirements that are not federally enforceable but are directly enforceable by both Ecology and EFSEC are identified as “State/EFSEC only.” In general, these include State air regulations that have no implications on achieving or maintaining the National Ambient Air Quality Standards. Examples include the State’s nuisance odor

prohibitions and the standards for toxic air pollutant emissions. These are enforceable by Ecology and EFSEC but are not federally enforceable.

AOP conditions containing requirements that are federally enforceable and enforceable by EFSEC and Ecology do not include “State only” or “State/EFSEC” in the permit condition basis statement at the end of the condition.

Compliance Maintenance (condition P3)

This condition contains the requirement that the Permittee must maintain compliance with all applicable requirements in the AOP and those that become effective during the permit term.

Standard Conditions (condition P4)

Both the origin and authority to include this condition come from WAC 173-401-620(2). The condition identifies general duty and administrative requirements that are standard for all AOPs including the duty to comply and duty to provide information.

AOP Administration Conditions (conditions P5-P14)

Conditions P4 through P14 contain requirements for AOP permit administration from the State’s Air Operating Permit regulation like permit renewal requirements, permit modifications, administrative amendments, duty to supplement or correct an application. These are all considered standard terms of the permit

Greenhouse Gas Reporting Fee (condition P15)

Condition P15 contains the requirement from WAC 173-441-110 that a Greenhouse Gas (GHG) reporting fee be paid to Ecology each year and a GHG report to Ecology is required. This requirement is not federally enforceable and is a “State only” requirement.

Confidential Information (condition P16)

The origins of this condition are WAC 173-401-500(5) and WAC 173-401-620(2)(e). The condition identifies the essential standards for considering and handling confidential information. Justification for its inclusion in the AOP is that it establishes the standard for handling confidential information under Title V. Authority to include the condition in the permit comes from WAC 173-401-600(1)(b).

Credible Evidence (condition P17)

Condition P17 contains important provisions from the Credible Evidence Rule under 40 CFR Part 51, and from provisions under 40 CFR Part 60 and 61 concerning credible evidence. In general, these rules provide that the permittee may use any credible evidence outside of the monitoring and testing required by the AOP to support a compliance determination. The authority to include this condition is WAC 173-401-600(1)(a), which requires AOPs contain terms and conditions that assure compliance with all applicable federal requirements. There may be times when the permittee must augment the monitoring and testing required

by the AOP with other information in order to demonstrate or assure continuous compliance. This condition allows for the use of credible evidence.

Unavoidable Excess Emissions (condition P18)

Condition P18 contains requirements from WAC 173-400-108 governing treatment of unavoidable excess emissions, which are included in the current Washington State Implementation Plan (SIP). The SIP is comprised of rules, which the State of Washington has adopted, and EPA has approved, for maintaining the National Ambient Air Quality Standards. The current SIP was adopted by EPA September 20, 1993.

Certification (condition P19)

In accordance with WAC 173-401-520, all application forms, reports, and compliance certifications must be certified for truth and accuracy by a responsible official. Therefore, this requirement has implications all other requirements in the AOP requiring compliance reports to EFSEC. The requirement to certify reports for truth and accuracy is considered an applicable requirement. It is included in the AOP under the general authority provided by WAC 173-401-600(1)(b), which requires permits contain terms and conditions sufficient to assure compliance with all applicable requirements under the WCAA.

6.4 General Terms and Conditions (G1 – G16)

General terms and conditions (G1 – G16) cover general compliance and permitting requirements including:

- Access for inspection of GHEC;
- Treatment of insignificant emissions units;
- Pre-construction permitting requirements;
- Temporary source requirements;
- Asbestos and demolition permitting;
- Chemical Accident Prevention Program;
- Stratospheric Ozone Protection Program;
- Outdoor burning requirements;
- General emissions testing requirements; and,
- Acid Rain Program.

These conditions are categorized as General Terms and Conditions in GHEC's AOP because they either have broad implications on multiple conditions in the AOP, or are entire programs that are applicable if triggered, such as the Stratospheric Ozone Protection program. Authority for each condition varies depending on whether the applicable requirement originated from a state or federal regulation.

Inspection and Entry (condition G1)

Condition G1 contains requirements for inspection and entry to the facility. The specific provisions and requirements governing inspection and entry originate from WAC 173-401-630(2) and WAC 173-400-105(3)&(4). Authority to include these requirements in the AOP comes from WAC 173-401-600(1)(b).

Insignificant Emission Units (condition G2)

Condition G2 contains specific Title V requirements for insignificant emissions units determined insignificant based on actual emissions in accordance with WAC 173-401-530(1)(a).

New Source Review Requirements (conditions G3 & G4)

Conditions G3 & G4 reference the procedural requirements for securing EFSEC's approval prior to commencing any project triggering an air permit from EFSEC. These requirements include requirements for NOC, PSD, and modifications, and are generally referred to as "New Source Review." They become applicable when triggered and must be complied with prior to commencing any project triggering an air permit through EFSEC. Authority to include the requirements in GHEC's AOP comes from the general authority provided by WAC 173-401-600(1)(b).

Temporary Source provisions (condition G5)

Condition G5 contains EFSEC's requirements for temporary, portable sources that remain no longer than one year at the facility.

Asbestos, Demolition and Renovation Projects (condition G6)

Condition G6 identifies 40 CFR Part 61, Subpart M as the applicable regulation for asbestos, demolition, and renovation projects.

Chemical Accident Prevention (condition G7)

Chemical accident prevention under the federal Risk Management Plan (RMP) program (40 CFR Part 68) applies to any industrial facility that uses or stores any extremely hazardous substance. The RMP program requires subject facilities to develop an RMP for all substances used above a threshold quantity.

GHE does use and store aqueous ammonia, which is a chemical regulated under the RMP program. The RMP program applies to facilities that use or store 20,000 pounds of aqueous ammonia (conc 20% or greater) during any year. GHEC's use of aqueous ammonia has been below this threshold concentration since the facility began operation. However, because there is a potential for aqueous ammonia to be used above the RMP rule threshold quantity, condition G7 was added to GHEC's AOP. The specific requirements of the RMP rule remain dormant unless a regulated substance is used above its threshold quantity.

The RMP program is considered an applicable federal regulatory program. Therefore, authority to include condition G8 comes from WAC 173-401-600(1)(a), which requires permits contain terms and conditions sufficient to assure compliance with all applicable federal emissions limits and standards. Although it is unlikely GHEC will trigger the RMP program, the program must be acknowledged in the AOP as applicable if triggered.

Protection of Stratospheric Ozone (condition G8)

Incorporates by reference the federal requirements for protection of stratospheric ozone from 40 CFR Part 82, Subpart F. Because EFSEC has not adopted by reference these standards and had not requested delegation to enforce them, they are not directly enforceable by EFSEC. However, they are required to be in all Title V permits and EFSEC is responsible for verifying compliance with the requirements is both assured and monitored by GHE.

Outdoor Burning (condition G9)

Outdoor burning is generally prohibited but may be permitted as allowed by WAC 173-425. However unlikely for GHEC, the requirement was included in the AOP to allow for permitted outdoor burning. Authority to include it in the AOP comes from the general authority provided by WAC 173-401-600(1)(b). Any permit allowing outdoor burning would be issued by EFSEC's contractor, ORCAA.

Concealment and Masking Prohibited (condition G10)

This condition contains the state-wide requirement that prohibits concealing an air emission that would otherwise cause a violation of an applicable standard, such as use of gaseous diluents to achieve compliance a standard.

Circumvention (condition G11)

This condition contains the federal requirement that prohibits concealing an air emission that would otherwise cause a violation of an applicable standard, such as use of gaseous diluents to achieve compliance a standard.

General Emissions Testing Requirement (condition G12)

This condition states EFSEC's general authority to require testing.

Acid Rain Program – Duty to reapply (condition G13)

Condition G13 states the requirement that an acid rain permit renewal application must be submitted along with the AOP renewal application. GHEC submitted the requisite acid rain permit application. Both permits expire on <permit expiration date>. Renewal applications for each are due to EFSEC no later than <permit renewal application due date>.

Acid Rain Program – Designated Representative (condition G14)

This condition contains the definition of the “Designated representative” as required under the State's Acid Rain Program.

Reporting to Verify PSD Applicability Determinations (condition G15)

This condition was recommended by the Ecology to satisfy the monitoring, recordkeeping and reporting needed to assure ongoing relevance of PSD applicability determinations.

Prevention of Significant Deterioration (PSD) (condition G16)

This condition includes EFSECs PSD and major New Source Review requirements and applies for projects triggering PSD.

6.5 Applicable Requirements

Applicable requirements (AR1 – AR5) cover applicable emissions limits and operating standards from applicable state and federal regulations and NOC and PSD permits issued by EFSEC to GHEC. Origin and authority are stated at the end of each condition. All monitoring and recordkeeping details are included in the Monitoring section of the AOP.

Applicable requirements are divided into the following subcategories:

- General facility-wide standards and prohibitions primarily from Chapter 173-400 WAC;
- NSPS for gas turbines and duct burners from 40 CFR 60 Subpart KKK;
- PSD Amendment 5 permit requirements for the CGTs;
- PSD Amendment 5 permit requirements for the Auxiliary Boiler;
- PSD Amendment 5 permit requirements for the emergency diesel engines; and,
- PSD and NOC permit requirements for the Cooling Tower.

NSPS General Duty Requirements (condition AR1.1)

This condition contains the general “blanket” requirement that emissions units subject to NSPS be operated in a manner consistent with good air pollution control practice for minimizing emissions. It is a requirement from the general NSPS requirements under 40 CFR60.11(d) and applies to all emissions units subject to a federal NSPS. For GHEC, the CGTs, Duct Burners, Auxiliary Boiler and Emergency Engines are all subject to federal NSPS and, therefore must abide by this general requirement.

Washington General Standards (condition AR1.2 – 1.10)

Conditions AR1.2 – AR1.10 contain applicable requirements from the States General Regulations for Air Pollution Sources under Chapter 173-400 WAC. These requirements apply plant-wide to all emissions units including insignificant emissions units (IEUs). However, IEUs are not subject to the monitoring, recordkeeping and reporting requirements of the AOP.

Acid Rain Program (condition AR1.11)

Condition AR1.11 contains the plant-wide SO₂ allowance requirement from GHEC’s Acid Rain Program permit. This is the primary requirement from the Acid Rain Program permit.

Required Plans (condition AR1.12)

Condition AR1.12 requires the permittee develop, maintain, and follow:

- An Operating and Maintenance manual (O&M Manual); and,
- An equipment Start-up, Shutdown, and Malfunction Procedures manual (SSM Manual).

Both manuals are required to describe accepted operating procedures for minimizing emissions from all emissions units at the facility. The origin of this requirement is PSD Amendment 5.

NSPS for Stationary Gas Turbines (conditions AR2.1 – AR2.2)

Conditions AR2.1 – AR2.2 contain applicable requirements from the federal Standards of Performance for Stationary Gas Turbines under CFR 60 Subpart KKKK (Subpart KKKK). Subpart KKKK applies to stationary gas turbines with a heat input at peak load equal to or greater than 10 million Btu per hour (MMBtu/hr), based on the lower heating value of the fuel fired. Because both turbines at GHEC have heat input rates well above this threshold, and because they were modified after the effective date of the regulation (February 18, 2005), Subpart KKKK applies.

Subpart KKKK imposes both NO_x and SO₂ standards for stationary gas turbines that apply at all times including startup, shutdown, and malfunction events.

The Subpart KKKK standard for NO_x is based on the standard stated for turbines firing natural gas and with heat rates greater than 850 MMBtu/hr, which is provided in Table 1 of the regulation:

NO_x standard for new, modified, or reconstructed turbine firing natural gas > 850 MMBtu/h:

15 ppm at 15 percent O₂ or 54 ng/J of useful output (0.43 lb/MWh)

NO_x standard for heat recovery units operating independent of the combustion turbine:

54 ppm at 15 percent O₂ or 110 ng/J of useful output (0.86 lb/MWh)

The Subpart KKKK NO_x standards are included in condition AR 2.1. Subpart KKKK requirements for the NO_x-diluent CEMS incorporate by reference the monitoring requirements from 40 CFR Part 75.

The Subpart KKKK standard for SO₂ for natural gas fired turbines is:

You must not burn in the subject stationary combustion turbine any fuel which contains total potential sulfur emissions in excess of 26 ng SO₂/J (0.060 lb SO₂/MMBtu) heat input

The SO₂ standard from Subpart KKKK is included as a limit in condition AR2.2. Required monitoring is based on sulfur mass balance calculations as specified in conditions M8, M9, and M12, which rely on fuel combustion monitoring and periodically measuring the heat and sulfur content of the natural gas per methods and protocols from 40 CFR Part 75.

PSD Requirements for CGTs (conditions AR2.3 – AR2.17)

Conditions AR2.3 – AR2.17 include applicable requirements from PSD Amendment 5 (PSD permit) applying to the CGTs. All requirements are in equivalent to the conditions as written in the PSD permit except for some reorganization and adding clarification of requirements for continuous emissions monitoring systems (CEMS) and continuous monitoring systems (CMS).

Clarification of requirements for CEMS and CMS was necessary for two reasons:

1. The CGTs are subject to multiple standards for the same pollutant from different regulations, each which have their own unique CEMS and CMS requirements. As a result, there are redundancies in CEMS and CMS requirements and some apparent conflicting requirements that needed to be resolved and harmonized in the AOP.
2. The PSD permit incorporates by reference federal performance standards and quality assurance procedures for CEMS and CMS, which are general and cover all possible scenarios and fuel types for affected facilities. As a result, requirements applying specifically to GHEC are difficult to identify due to the sheer volume of inapplicable provisions within the referenced federal standards. For example, the adopted requirements for NO_x monitoring under 40 CFR Part 75 spans well over 300 pages of CFR and itself references several other equally extensive sections of the CFR.

Because of this, requirements for CEMS and CMS in general rely heavily on adopting the federal requirements by reference in the permit.

PSD Requirements for the Auxiliary Boiler (conditions AR3.1 – AR3.8)

Conditions AR3.1 – AR3.8 include applicable requirements from PSD Amendment 5 (PSD permit) applying to the Auxiliary Boiler. All requirements are in equivalent to the conditions as written in the PSD permit except for some reorganization and adding clarification of requirements for monitoring.

Requirements for Emergency Diesel Engines (conditions AR4.1 – AR4.6)

Conditions AR4.1 – AR4.6 include applicable federal requirements and requirements from PSD Amendment 5 (PSD permit) applying to diesel fired emergency engines at the facility.

PSD and NOC Requirements for Cooling Towers (conditions AR5.1 – AR5.2)

Conditions AR5.1 – AR5.2 include applicable requirements from the NOC approving upgrades to GHEC's cooling towers as well as applicable PSD permit conditions.

6.6 Monitoring and Recordkeeping Conditions

Applicable monitoring and recordkeeping conditions (M1 – M13) include all required monitoring from applicable federal subparts and the PSD permit, and additional monitoring determined necessary to assure sufficient monitoring meeting title V requirements. Origin and authority are stated at the end of each condition. Regulatory origins are stated at the end of each condition.

6.7 General Recordkeeping Requirements

Applicable recordkeeping requirements were aggregated with monitoring conditions in the permit.

6.8 Reporting

Applicable reporting terms and conditions (R1–R11) include all required reporting requirements for Title V AOPs as required under WAC 173-401-615(32). Origin and authority are stated at the end of each condition.

6.9 Permit Shield

WAC 173-401-640 under Washington’s Operating Permit regulations requires AOPs to include a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit. This provision is referred to as the “Permit Shield.” Sub-section (2) of WAC 173-401-640 clarifies the effect of the Permit Shield on requirements determined inapplicable, and requires the permitting authority to include in the permit or in a separate written finding issued with the permit, a determination identifying specific requirements that do not apply to the source.

Conditions S1-S3 in GHEC’s AOP provides the “Permit Shield” and list relevant requirements determined inapplicable.

7. Environmental Justice

EPA defines Environmental Justice (EJ) as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The purpose of an EJ review in conjunction with a Title V permitting action is to ensure no group of people are bearing a disproportionate share of any negative environmental consequences from the facility subject to the Title V permitting action. Further, EFSEC strives to engage the affected community meaningfully and effectively regarding the permitting action, and to ensure compliance with obligations pursuant to Title VI of the Civil Rights Act.

With respect to integrating EJ into air permitting decisions, EPA Region 10 expects air agencies including EFSEC to:

- Identify overburdened communities;
- Engage with communities;
- Evaluate cumulative impacts; and,
- Use available authority to minimize emissions.

However, EPA Region 10 does not expect air agencies or EFSEC to use the Clean Air Act’s authorities to address disproportional impacts to communities that are designated as “attainment/unclassifiable” with respect to meeting the National Ambient Air Quality

Standard (NAAQS).

A designation is a label that EPA assigns to an area to describe the air quality for any of six common air pollutants for which EPA has established a NAAQS. These pollutants are called “criteria pollutants.” If the air quality in a geographic area meets or is cleaner than the national standard, it is called an attainment area and designated “attainment/unclassifiable.” Areas that don't meet the national standard are called nonattainment areas. In some cases, EPA is not able to determine an area's status after evaluating the available information and those areas are designated “unclassifiable.” GHEC is located within Grays Harbor County, which is designated “attainment/unclassifiable” for all the criteria air pollutants.

The following subsections describe how EPA's expectations for EJ were met for this Title V permitting action.

7.1 Identify Overburdened Communities

The initial step in an EJ review is to identify any affected populations or communities of concern and to identify whether they are disproportionately impacted.

EPA's environmental justice screening and mapping tool, EJ Screen, was used to answer the first part of this question. An EJ Screen Community Report was generated for Grays Harbor County. The Community Report estimates a minority population of 22%, with approximately 7% of the total population speaking Spanish and 2% speaking another non-English language at home. All demographic indicators were below the 80th percentile for the nation.

The Community Report also ranks the community with respect to environmental indicators such as toxic releases to the air, traffic, hazardous waste discharges, and others. The 80th nation-wide percentile for any environmental indicator is used as a threshold to identify communities may already be disproportionately impacted. Grays Harbor County ranks below the 80th nation-wide percentile for all environmental indicators. Therefore, based on EJ Screen, the area surrounding GHEC does not include any preexisting, overburdened communities. A copy of the Community Report with more detailed information will be filed as part of the supporting documentation for this Title V permitting action.

7.2 Engage with Communities

EFSEC's policy is to engage the public through a public comment period on the draft AOP. EFSEC's current public notice and outreach policies and procedures are sufficient to effectively provide notice of the hearing and meaningfully engage with the community. Public noticing actions that will be taken by EFSEC for this AOP modification include:

- Publishing the Public Notice and Draft AOP on EFSEC's web site.
- Noticing the action through the Washington State Permit Register.
- Providing notice via email or mail to “Affected States” within 50 miles of the GHEC.
- Providing notice via email or mail to interested persons and entities.

After the public comment period, and hearing if one is held, and after considering all

comments submitted, EFSEC will prepare a written Responsiveness Summary. The Responsiveness summary will include a description of EFSEC's Final Decision as well as responses to questions and comments received during the comment period and public hearing. EFSEC's Responsiveness Summary will be forwarded to all persons and entities who submitted comments during the comment period and public hearing.

7.3 Evaluate Cumulative Impacts

EJ policies require that cumulative impacts be identified and addressed in any permit decision. However, as mentioned previously, EPA does not expect air agencies or EFSEC to use Clean Air Act authorities to address any disproportionate impacts to communities that are designated as "attainment/unclassifiable" with respect to the NAAQS. Therefore, a cumulative impacts evaluation was not performed for this Title V permitting action because:

1. Grays Harbor County is designated "attainment/unclassifiable" with respect to all criteria air pollutants;
2. Title V permitting actions do not require an evaluation of ambient air quality impacts; and,
3. EJ Screen results did not indicate any preexisting, overburdened communities.

7.4 Use Available Authority to Minimize Emissions

The purpose of Title V permitting actions is to assimilate all applicable air requirements for existing air pollution sources at a facility that is a "Major Source," into a single permit that must be renewed every five years. Title V does not provide authority to impose additional air pollution control requirements or limits, except for monitoring. Therefore, because the permitting action was a Title V permitting action, EFSEC did not have authority to minimize emissions by imposing new limits or requirements. However, GHEC did impose additional monitoring requirements for emissions limits that do not specify any monitoring, or when the applicable monitoring requirements were determined insufficient to assure compliance.

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.

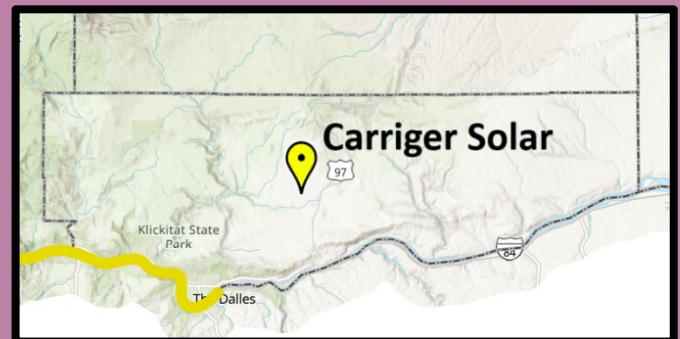
Applicant: Carriger Solar LLC

- 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, Council approved Draft Site Certification Agreement (SCA) be sent to the Governor for approval.
 - August 22, 2025 Governor Ferguson remanded the SCA to EFSEC for further consideration.
 - October 21, 2025 Council approved Revised Draft SCA for re-submission to Governor Ferguson.
 - On December 2, 2025 the Governor approved the SCA for execution.

Status:

Application Approved
SCA Signed
Pre-Construction
Construction
Prior to Commercial Operations
Operations
Termination, Decommissioning, and Site Restoration

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.

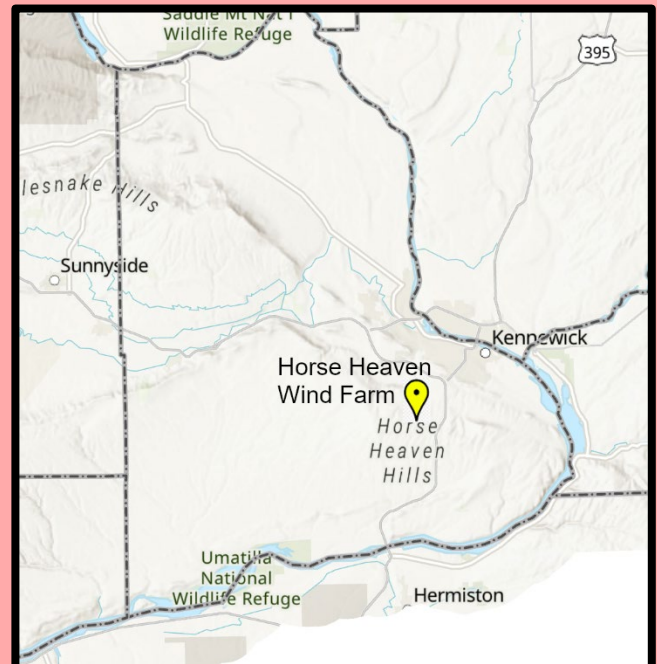
Milestone Dates:

- 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, Certificate Holder Signed the SCA.

Status:

Application Approved
SCA Signed
Pre-Construction
Construction
Prior to Commercial Operations
Operations
Termination, Decommissioning, and Site Restoration

Location Map:



Horse Heaven Wind Farm

Ferruginous Hawk Nest Mitigation Plan

Prepared for:
Horse Heaven Wind Farm, LLC

Prepared by:



November 2025

Ferruginous Hawk Nest Mitigation Plan

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4.0 Monitoring of Ferruginous Hawk Nesting Activity **Error! Bookmark not defined.**

5.0 Minimization of Ferruginous Hawk Mortality Through Operational Changes **Error! Bookmark not defined.**

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 Operations..... **Error! Bookmark not defined.**

6.0 Post-construction Mortality Monitoring..... **Error! Bookmark not defined.**

7.0 Reporting **Error! Bookmark not defined.**

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Ferruginous Hawk Nest Mitigation Plan

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1.0 Introduction

The Washington Energy Facility Site Evaluation Council's (EFSEC) Site Certification Agreement (SCA) for the Horse Heaven Wind Farm included a mitigation measure (Spec-5 Ferruginous Hawk) aimed at avoiding, minimizing, and mitigating impacts on the state endangered ferruginous hawk (*Buteo regalis*) during facility construction and operations. Spec-5 required that no primary facility infrastructure (i.e., wind turbine generators (WTGs), solar arrays, or battery energy storage facilities¹) are built within 2.0 miles of any ferruginous hawk nests documented in the Washington Department of Fish and Wildlife's (WDFW) Priority Habitats and Species (PHS) database, documented by the Certificate Holder's pre- construction raptor nest surveys, or established by the species prior to construction.

Spec-5 does allow the Certificate Holder to propose primary infrastructure between 0.6 – 2.0 miles of ferruginous hawk nest locations, but requires an assessment of nest site availability and habitat viability, in order to inform whether the proposed primary infrastructure should be allowed. In the Horse Heaven SCA habitat considered no longer available for ferruginous hawk would include habitat that has been altered by landscape-scale development (conversion to cropland, residential development, industrial development) rendering the territory non-viable. This could include habitats that have been altered such that insufficient native or foraging habitat remains.

Those nest site assessments are required to be reviewed by a Pre-operational Technical Advisory Group (PTAG), which will then make a recommendation to the Certificate Holder regarding where primary infrastructure should be allowed, and ultimately EFSEC would consider the evaluations completed by the PTAG and make a final decision on where primary infrastructure may be built in locations between 0.6 miles and 2.0 miles of any nest location.

Spec-5 further requires that in the event that a Project component is proposed for siting within the 2.0-mile buffer, the Certificate Holder shall, in consultation with the PTAG, develop a Project-specific ferruginous hawk mitigation and management plan (plan) for approval by EFSEC.

As described in the Horse Heaven SCA Spec-5 the plan shall include:

1. A description of efforts to site Project infrastructure to avoid core habitat, identified as the area within 2.0 miles of nests documented in PHS data and the Certificate Holder's nest surveys:
 - a. If Project wind turbines, solar arrays, or BESS are sited within 2.0 miles of a ferruginous hawk nest, the infrastructure shall be reviewed by the PTAG and approved by EFSEC.¹
 - b. Additional mitigation measures shall be developed to reduce potential ferruginous hawk strikes with wind turbines, including curtailing wind turbine operation within the 2-mile core habitat of any actively occupied nests diurnally during the breeding and rearing periods when ferruginous hawks are present in Benton County.

¹ There is an exception from this requirement for the battery energy storage system that is proposed adjacent to the substation, just east of I-82.
Horse Heaven Wind Farm

Ferruginous Hawk Nest Mitigation Plan

- c. The plan shall explain how and where the Certificate Holder will create new offset habitat to mitigate for direct and indirect impacts within the 2.0-mile core area of ferruginous hawk nests documented in PHS data and the Certificate Holder's nest surveys.
2. A description of when construction activities will be undertaken to avoid sensitive timing periods for ferruginous hawks.
3. A description of pre- and post-monitoring programs that will be conducted to establish:
 - a. Habitat use within the Lease Boundary.
 - b. Mapping of ground squirrel colonies and other prey.
 - c. Identification of potential flyways between nest sites and foraging habitat and monitoring of potential flyways to inform final wind turbine siting and orientation.
 - d. Ongoing monitoring of nest use and territory success.
4. A description of restoration activities that will be undertaken during Project decommissioning to enhance ferruginous hawk habitat in disturbed areas. Results of ferruginous hawk monitoring programs and adaptive management.

This Ferruginous Hawk Mitigation Plan has been completed to fulfill this requirement.

2.0 PTAG Review of Project Design

The PTAG provided recommendations on where primary infrastructure could be sited, relative to documented ferruginous hawk nest locations. Those recommendations were included in the Horse Heaven Spec-5 Facilitator Report, which supported the EFSEC Council decision on Resolution 357, *Horse Heaven Wind Farm Site Certificate Agreement Implementation* (Resolution 357). These recommendations, along with other exclusion areas identified in the Horse Heaven SCA (i.e., historic fire setbacks, residential setbacks, and cultural resource setbacks) will require exclusions on areas of the originally proposed Project. The Certificate Holder will revise the Project design to avoid the required setback areas included in the Horse Heaven SCA and any additional setbacks approved by EFSEC regarding ferruginous hawk core areas. As required by the Horse Heaven SCA, the PTAG will review any revised Project design to confirm it is consistent with Spec-5, and to ensure that it minimizes potential impacts to ferruginous hawks to the extent practicable.

While the PTAG was reviewing ferruginous hawk nest information that led to their recommendations in the Spec-5 Facilitator Report, the group also reviewed the required Ferruginous Hawk Nest Mitigation Plan (Mitigation Plan) because it was required by Spec-5 should any primary infrastructure be allowed within 2.0 miles of ferruginous hawk nest locations. PTAG comments were considered, discussed, and integrated into the draft Mitigation Plan. However, at the time, the PTAG decided that it was pre-decisional to attach the Mitigation Plan to the Spec-5 Facilitator Report because it made assumptions about what EFSEC Council might ultimately decide. Now that EFSEC Council has released Resolution 357 regarding determinations about where primary infrastructure can be built, this Mitigation Plan can be submitted as required. No Horse Heaven Wind Farm

Ferruginous Hawk Nest Mitigation Plan

substantive changes have been made to the Mitigation Plan since the PTAG reviewed it in May 2025, except the impact numbers associated with primary infrastructure within 2.0 miles of ferruginous hawk nest locations, reflecting the EFSEC Council's decision in Resolution 357 have now been included.

3.0 Impacts and Mitigation

The Horse Heaven SCA requires the Certificate Holder to quantify the impacts by Project infrastructure, in locations that are within 2.0 miles of ferruginous hawk nests, in order to allow the PTAG and EFSEC to evaluate whether those impacts are adequately mitigated. EFSEC Council Resolution 357 determined where primary infrastructure can be built within 2.0 miles of ferruginous hawk nest locations. The anticipated infrastructure that is allowed within 2.0 miles of ferruginous hawk nest locations, as the result of that resolution, are the basis for the assessment in this Plan.

Avoidance and Minimization of Habitat Within Core Areas

Due to the determinations in EFSEC Council Resolution 357 primary infrastructure cannot be built within 0.6 miles of 38 ferruginous hawk historical nest locations or within 2.0 miles of four ferruginous hawk nest locations, which had been utilized at some point within the last 10 years. The Certificate Holder committed to no primary infrastructure within 2.0 miles of one nest location, which was active in 2025, meaning that the total number of nest locations subject to a 2.0-mile buffer is five. In a sixth location EFSEC Council chose not to make a determination because the Certificate Holder had not proposed any infrastructure within 2.0 miles of the historical nest location in the Project application, effectively retaining the potential for a 2.0-mile no primary infrastructure buffer around that nest, in the future. The result of the EFSEC Council resolution and Certificate Holder commitments resulted in 53 WTGs being removed from locations where primary infrastructure is now disallowed due to buffers on ferruginous hawk nest locations.

In most cases, secondary infrastructure, such as roads and underground collection lines associated with those WTGs, will also be removed. Because the Project still needs to be connected across the ferruginous hawk exclusion areas some roads and underground collection lines will still be needed, as will previously proposed overhead transmission lines. In these cases, all attempts will be made to co-locate facilities (e.g., roads, underground collection, or overhead transmission lines) whenever possible.

Core Area Impact Calculations

EFSEC approved primary infrastructure between 0.6 – 2.0 miles in 38 ferruginous hawk nest locations in Council Resolution 357. Since ferruginous hawk nest locations are typically close together, it is not uncommon for infrastructure proposed in one location to actually be within the core area of several ferruginous hawk nests. The total acres of impact that would occur in ferruginous hawk core areas is provided in Table 1. Impact calculations include both permanent

Ferruginous Hawk Nest Mitigation Plan

and temporary impacts and are summarized by land cover type, in order to allow for an examination of whether the impacts would result in impacts to ferruginous hawks, resulting in a mitigation need.

Table 1. Impacts Within Ferruginous Hawk Buffers¹ by Land Cover Type

Vegetation Type	Permanent Impacts (acres)	Temporary Impacts (acres)
Agricultural Land	61	557
Developed/Disturbed	1	7
Grassland ²	23	105
Shrubland ³	4	31
Total	89	700

¹ Reflects impacts located within ferruginous hawk nest buffers as allowed by the Site Certificate and through follow-on action by EFSEC on Spec-5.

² Includes eastside grassland, planted grassland, and non-native grassland.

³ Includes rabbitbrush shrubland and sagebrush shrub-steppe.

Mitigation and Monitoring of Impacts in Core Areas

Mitigation of impacts in ferruginous hawk core areas will be consistent with mitigation outlined in the Horse Heaven Wind Farm Draft Habitat Mitigation Plan (HMP), provided as Appendix L in the Project's ASC. The Draft HMP includes mitigation ratios for each habitat type and specifies that the mitigation will occur in a location that is within the core area of a ferruginous hawk nest location.

[Washington Administrative Code Chapter 197-11-768 outlines the types of actions that can be considered as "mitigation" by the Certificate Holder and EFSEC, broadly defined as avoidance, minimization, restoration, preservation, compensation, and monitoring with adaptive management.](#)

Note that mitigation does not have to occur within the core area of a ferruginous hawk nest in the Horse Heaven Hills. Mitigation could occur within the core area of a nest located somewhere else, outside of the Project Area. The Draft HMP includes three mitigation options: 1) conservation easement, 2) mitigation payment to WDFW, or 3) mitigation payment to a local conservation entity.

Mitigation Actions

The preferred option in the Draft HMP was to execute a conservation easement over lands that could mitigate the loss of functions and values of habitat that are permanently or temporarily impacted by the Project. Since then, the Certificate Holder has engaged in discussions with local conservation districts to determine if there are areas outside of the Project Area where mitigation dollars could be allocated (i.e., dollars that are equivalent to placing a conservation easement on lands, as described in the HMP) in order to implement more meaningful habitat protection and management in the ecosystem. In either case, mitigation actions will be completed within home ranges of existing or historic ferruginous hawk nests, preferably within Core Area, provided opportunities exist. Based on the mitigation ratios included in the Draft HMP, and agreed to by WDFW and EFSEC, Table 2 summarizes the acres of habitat mitigation that would occur as a result of impacts within ferruginous hawk core areas. Refer to Table 1 for impact acres in ferruginous hawk core areas.

Mitigation actions will include a combination of protection of an area, either directly or through a third-party entity (e.g., resource conservation district or non-profit) that supports sufficient habitat and that will achieve the mitigation acreage target, based on the mitigation ratios (Table 1). Mitigation actions can include a combination of protection of existing habitat and restoration of degraded habitat back to a higher quality habitat condition. The activities needed to improve and maintain habitat quality will depend on the baseline conditions of the location, but will generally include 1) management of noxious weeds, 2) management of informal and illegal trespassing that degrades habitat quality, 3) restoration or enhancement of grassland or shrubsteppe vegetation communities, and 4) management to reduce fire risk.

Table 2. Summary of Mitigation Acres by Vegetation Type Needed to Offset Habitat Impacts Within Ferruginous Hawk Buffers¹

Vegetation Type	Permanent Impacts Mitigation Ratio ²	Permanent Impact Mitigation Acres	Temporary Impacts Mitigation Ratio ²	Temporary Impacts Mitigation Acres	Total Mitigation Acres
Agricultural Land	0:1	0	0:1	0	0
Developed/Disturbed	0:1	0	0:1	0	0
Grassland ³	1:1	23	0.1:1	10	33
Shrubland ⁴	2:1	8	0.5:1	16	24
Total	--	31	--	26	57

¹ Reflects impacts located within ferruginous hawk nest buffers as allowed by the Site Certification Agreement and EFSEC Resolution 357 regarding Spec-5.

² Ratios are consistent with those approved by EFSEC and WDFW in the Habitat Mitigation Plan.

³ Includes eastside grassland, planted grassland, and non-native grassland.

⁴ Includes rabbitbrush shrubland and sagebrush shrub-steppe.

Artificial Nest Platforms

The Draft HMP also describes the potential for installation of artificial nesting platforms (ANPs) in locations where nesting locations are limited. The Certificate Holder could install ANPs either in a mitigation area or in a location where WDFW has high confidence that the ANP could be used by ferruginous hawks. This would include locations where ferruginous hawks had been documented nesting in the past and the supporting nest structure was no longer available. Typically, this would be in situations where the ferruginous hawk was nesting in a tree, which had blown down or been removed. In the Project Area ferruginous hawks have been documented nesting in trees, but it is rare. At some point those trees will die and fall down and there is no recruitment of new trees into those locations. Those would offer opportunities to install an ANP, to replace the tree, as long as the ANP is sited in a location acceptable to landowners. ANPs could also be installed in other locations, outside of the Project Area or even outside of Benton County, in locations where they are needed and where landowners are willing to host them. [In the event of a disagreement between WDFW and the Certificate Holder on the placement of an ANP, EFSEC will review relevant information, including historic nesting data, vegetative land cover, and prey species estimates, and determine whether the ANP should or should not be installed.](#)

Monitoring of Management Actions

Implementation of habitat mitigation activities will be accompanied by a monitoring program. The monitoring program will aim to document the effectiveness of mitigation actions over time in order to ensure that the impacts within core areas are fully offset. In existing shrubsteppe and grassland habitats, monitoring will include documentation of management activities, such as ongoing invasive species control, maintenance of fire breaks, and any overseeding of existing habitat in order to increase vegetation cover or diversity. In areas that will be restored from agricultural uses to shrubsteppe or grassland, monitoring will include changes in vegetation cover and diversity over time, ongoing invasive species management, any necessary reseeded in locations that were less successful, and documentation of changes in wildlife use as the landscape transitions from agricultural use to more natural grassland or shrubsteppe habitat. [The specifics of this monitoring plan, including its length, will be described in the habitat mitigation plan currently being developed for EFSEC approval.](#)

Restoration of Habitat Following Decommissioning

A [decommissioning](#) plan was completed in support of the ASC. The requirements for site restoration following decommissioning are included in that plan. In summary, following decommissioning all Project infrastructure will be removed, potentially with the exception of some roads that will be retained for farm use or long-term fire management and control. Once Project infrastructure is removed the land will be returned to pre-project conditions. In most cases this will result in the land being returned to an agricultural condition, but in locations where non-agricultural land uses or vegetation types were removed by the Project, those vegetation types will

Horse Heaven Wind Farm

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be restored. [An initial site restoration plan will be submitted to EFSEC for approval at least 90 days prior to the beginning of construction, with a detailed site restoration plan submitted within 90 days of the end of operations. The duration of post-restoration monitoring and criteria for determining the success of restoration will be further outlined in those plans.](#)

4.0 Monitoring of Ferruginous Hawk Nesting Activity

The Certificate Holder has conducted annual raptor nest surveys in the Project Area from 2017 through 2025, with the exception of two years (2020 and 2021) due to the Covid-19 Pandemic. These surveys will also be conducted for three of the first five years of Project operations. These surveys are conducted twice within each study year, once in March or early April and a second time in late- April or May. This allows surveyors to detect both early and late season nesting species. These surveys are only intended to document the presence or absence of nesting activity and not to fully document nesting outcomes or productivity. This survey methodology is consistent with standard practices for the renewable energy industry nationally, and also consistent with WDFW protocols for Washington State. The surveys consist of general searching for raptor nesting activity, combined with targeted surveys of known ferruginous hawk nest locations in order to document any activity at those locations. Nesting activity is recorded, including species using a nest, any observed behaviors, especially those indicative of nesting activity, and nest condition.

5.0 Minimization of Ferruginous Hawk Mortality Through Operational Changes

In instances where an active ferruginous hawk nest is observed, Project-related activities will be modified to avoid human disturbance to the nesting birds and reduce the risk of wind turbine strikes. Project activities would be modified during construction and operational phases of the Project.

Construction

If an active ferruginous hawk nest is documented during the construction phase of the Project any construction activities within 2.0 miles of the active nest, or within line of sight of the nest, whichever is greater, will be maintained as a no-activity buffer, while the nest is active. The nest will be considered active as long as at least one adult is tending the nest or incubating eggs, the nest contains nestlings, or fledged young and adults are in the vicinity of the nest during the post-fledging period. Once a nest fails or fledglings leave the nest and are no longer seen in the nesting tree (i.e., are free flying and foraging on their own), construction activities may resume within the no-activity buffer. The nest status will be determined [based on regular monitoring](#) by a qualified biologist [and](#) in coordination with WDFW and EFSEC.

Operations

If an active ferruginous hawk nest is documented during the operational phase of the Project, any wind turbine generators within 2.0 miles of the active nest will be curtailed during daylight hours (i.e., time of day when ferruginous hawks are foraging and could be at risk of wind turbine strike) for as long as the nest remains active. [The nest status will be determined based on regular monitoring by a qualified biologist and in coordination with WDFW and EFSEC.](#) There could be two exceptions to this requirement.

The first exception to this requirement would be if a qualified biologist, in coordination with WDFW and EFSEC, established through field observations, determines that the nesting ferruginous hawks were routinely foraging in locations that do not overlap with wind turbine locations. This could be all of the wind turbines within 2.0 miles of a nest location or a subset, depending on behavioral patterns of the nesting ferruginous hawks.

The second exception to the requirement would be if technology could be deployed that would automatically shut wind turbines down if a ferruginous hawk was observed within some predetermined distance. These automated technologies are routinely used for other species, such as eagles and condors. At present, some technologies do not have the ability to differentiate species and instead rely on size and shape of birds to trigger a curtailment. That means that other similarly sized raptor species could also trigger a shutdown of wind turbines. This overly conservative approach would be protective of ferruginous hawks. Through machine learning, future technology may be able to better differentiate by species based on photographic images.

If automated curtailment technology was used, it would initially be accompanied by a human observer in contact with remote operations staff with the ability to shut down WTGs, as a safeguard against any system failures, until or unless it has been well established through research that automatic curtailment was effective for ferruginous hawks. Any use of automated curtailment would be coordinated with WDFW and EFSEC.

6.0 Post-construction Mortality Monitoring

The Certificate Holder is required to conduct post-construction mortality monitoring at the facility, during operations, as described in Horse Heaven SCA Mitigation Measure Wild-1 Post-construction Bird and Bat Fatality Monitoring Program. The details of this monitoring plan are outlined in the revised Bird and Bat Conservation Strategy, which is provided under separate cover. As required by Wild-1, at a minimum the Certificate Holder will conduct post-construction mortality monitoring in three of the first five years of operations.

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.

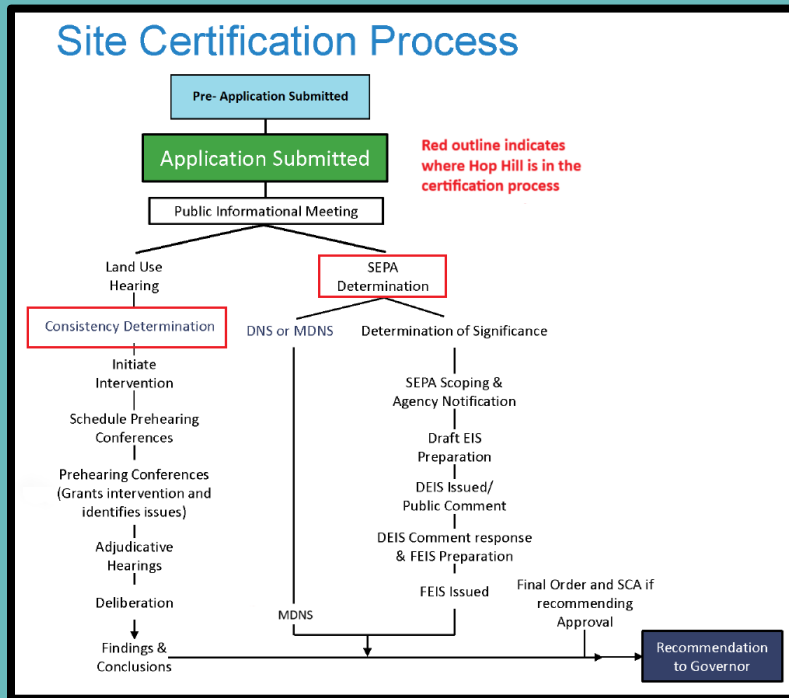
Applicant:

BrightNight, LLC.

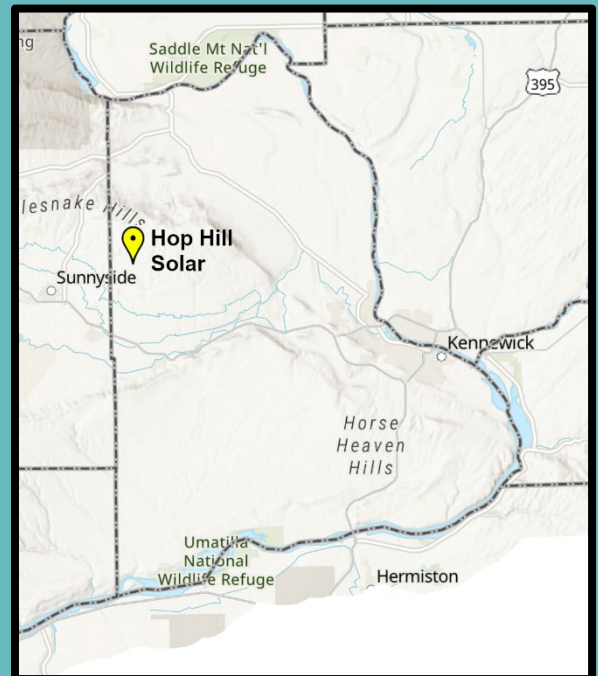
Milestone Dates:

- 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:



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:

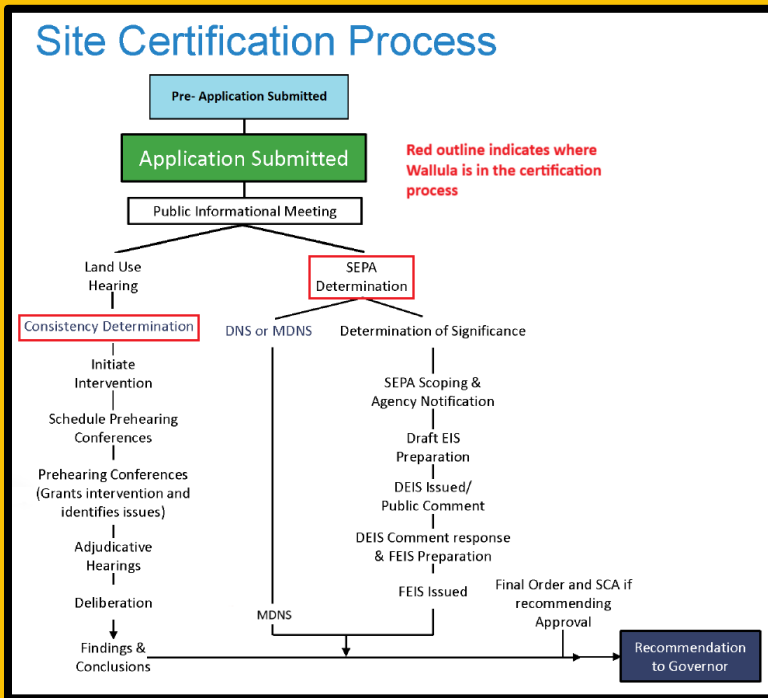
OneEnergy Development LLC

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.

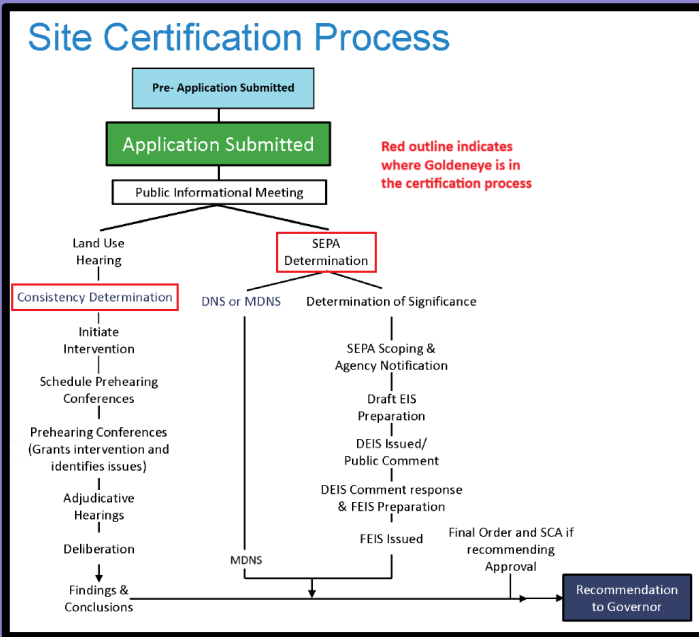
Applicant:

Goldeneye Battery Storage, LLC.

Milestone Dates:

- June 27, 2024, Original ASC Submitted
- August 13, 2024, Public Information Meeting and Land Use Consistency Hearing.
- February 19, 2025, Council approved Order 898 for project's Land Use Consistency

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:

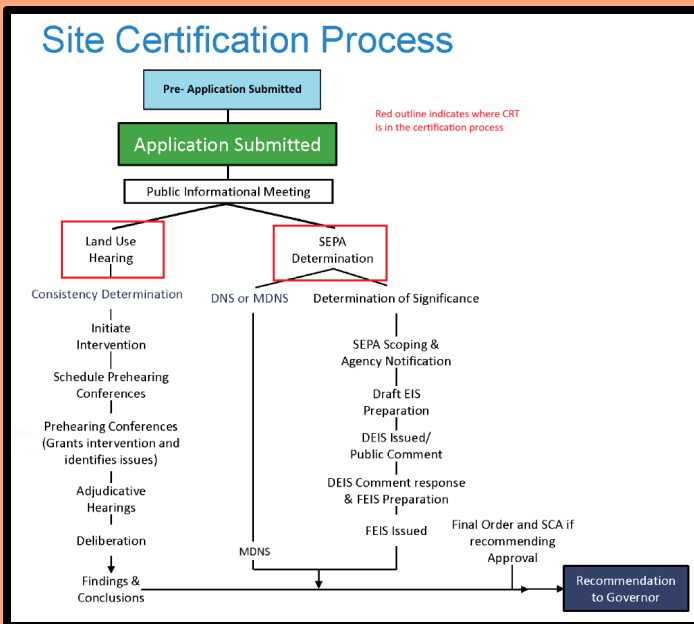
Cascade Renewable Transmission, LLC.

Milestone Dates:

- October 6, 2025, Original ASC Submitted
- November 17-19, 2025, Public Informational Meetings and Land Use Consistency Hearings

Status:

Location Map:



Transmission Programmatic Environmental Impact Statement

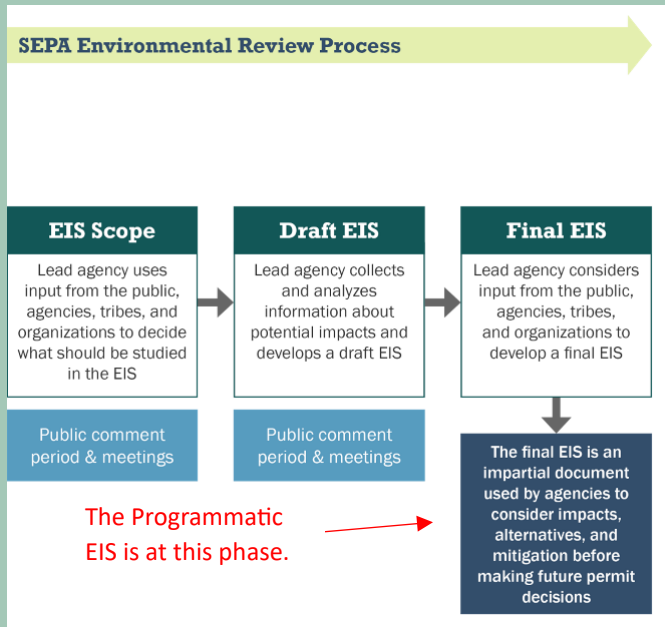
General Description: A Programmatic EIS to assess probable significant adverse environmental impacts from electrical transmission facilities with a nominal voltage of 230 kilovolts (kV) or greater at a broad level and identify avoidance, minimization, and other mitigation measures. EFSEC was directed to conduct this nonproject environmental review under RCW Chapter 43.21C.405.

Location: Statewide

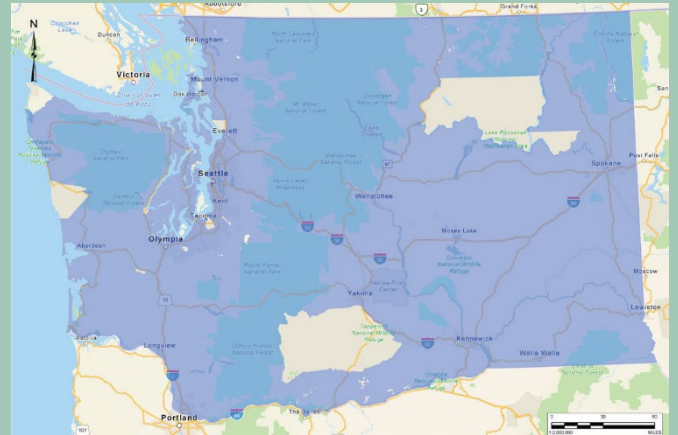
Originating Legislation Senate Bill 5165, Chapter 229, Laws of 2023

- Milestone Dates:**
- July 23, 2023, Effective Date of Originating Legislation
 - June 28, 2024, EIS Scoping Memo Issued
 - March 31, 2025, Draft EIS Issued
 - April 8, 2025, Public Informational Meeting
 - April 22 & 24, 2025, Public Comment Hearings
 - May 15, 2025, End of Draft EIS Public Comment Period
 - October 7, 2025, Final EIS Issued
 - February 17, 2026, eProgrammatic and GIS Route Analysis Tool Published
 - February 25, 2026, First Virtual Workshop
 - March 25, 2026, In-Person Workshop
 - April 2, 2026, Second Virtual Workshop

Status:



Location Map:



EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project

Operator: EDP Renewables

Report Date: Feb 06, 2026

Reporting Period: January 2026

Site Contact: Jarred Caseday, Operations Manager

Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 4,120 MWH.
 - Wind speed: 3.33 m/s.
 - Capacity Factor: 5.49 %.
-

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: February 9, 2026
Report Period: January 2026
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

January generation totaled 35,298 MWh for an average capacity factor of 17.40%.

Environmental Compliance

Nothing to report.

Safety Compliance

Nothing to report.

Current or Upcoming Projects

Nothing to report.

Other – Turbine Damage Update

No new updates.

As of today, approximately 98% of the turbine components have been removed and transported off-site for recycling or disposal. Due to weather and equipment delays, the remaining components are now scheduled to be removed before the end of February.

We will keep the Council informed as final clean-up activities are completed.

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility
Operator: PacifiCorp
Report Date: February 2, 2026
Reporting Period: January 2026
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.

- 260,733 net MWhrs generated in the reporting period for a capacity factor of 68.74%
-

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

Environmental Compliance

-Monthly Water Usage: 2,249,984 gallons

- No changes

-Monthly Wastewater Returned: 964,763 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 3,837 days without a Lost Time Accident.

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: Columbia Solar Projects (Penstemon, Camas and Urtica)

Operator: Tuusso Energy, LLC

Report Date: February 5, 2026

Reporting Period: 31 Days ending January 31, 2026

Site Contact: Nehal Ahmed

Facility SCA Status: Operation

Construction Status

- Penstemon
 - Currently operational
 - Total Generation during the month was 207.24 Megawatt hours

 - Camas
 - Currently operational
 - Total Generation during the month was 196.77 Megawatt hours

 - Urtica
 - Currently operational
 - Total Generation during the month was 224.64 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: **February 3rd, 2026**

Reporting Period: **January 2026**

Site Contact: **Kelly Elsethagen**

Facility SCA Status: **Operational**

CGS Net Electrical Generation for **January 2026: 862,052.66 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

On January 15, 2026, EN submitted a State Environmental Policy Act (SEPA) checklist to EFSEC for the proposed construction of two warehouses. A project overview was shared at the January 21, 2026 Council meeting. EN and EFSEC are collaborating on next steps.

Other

No update.

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Goose Prairie Solar

Operator: Brookfield Power US Asset Management

Report Date: 2/4/2026

Reporting Period: 1/1/2026 to 1/31/2026

Asset Manager: Nelson Jia

Facility SCA Status: [Operational](#)

Operations & Maintenance

- Total generation for the month of January-2026 was approximately 3788 MWh

Goose BESS Construction

- None
-

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

Environmental Compliance

Permit status if any changes.

- No change but working to modify SWPPP parameters to support current outstanding construction items that relate to the BESS

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