

Date: 2/14/94

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 93-2

KVA RESOURCES, INCORPORATED, AND
CSW ENERGY, INCORPORATED
NORTHWEST REGIONAL POWER FACILITY

Order No. 667
Finding of Facts and Conclusions of Law and
Order Denying the Northwest Regional Power
Facility Expedited Processing

This matter came before the Energy Facility Site Evaluation Council of the State of Washington and Chairman Warren Bishop on February 14, 1994 in Olympia, Washington.

Background

On December 13, 1993, KVA Resources, Inc. (KVA) and CSW Energy, Inc. (CSW) filed an application with the Energy Facility Site Evaluation Council (EFSEC, Council) to construct and operate an 838 megawatt combined-cycle combustion turbine facility near Creston, Washington. The project is known as the Northwest Regional Power Facility (NRPF). As provided in Chapter 463-43-020(3) WAC, KVA and CSW requested expedited processing of their application to EFSEC.

Under WAC 463-43-040 prior to making a determination of eligibility for expedited processing the Council is required to:

- (1) Conduct a public information meeting in the county of the proposed site within 60 days of receipt of an application to provide information to the public concerning the nature and purpose of the energy facility and the review process to be undertaken by the council and to provide an opportunity for the public to present its views,
- (2) Determine at a public hearing within 60 days of receipt of an application if the proposed site is consistent and in compliance with city, county or regional land use plans or zoning ordinances.

- (3) Review the application pursuant to WAC 463-43-030; in making its review the council may engage pursuant to RCW 80.50.071(1)(a) an independent consultant to provide an assessment of the application and environmental checklist and to conduct any special study deemed necessary by the council, and
- (4) Initiate processing of the applicant's NPDES application, if required, in accordance with Chapter 463-38 WAC.

On February 1, 1994, the Council held an informational meeting in Creston, Washington. During that meeting the public had an opportunity to discuss their concerns about the NRPF. This meeting was held in accordance with WAC Section 463-43-040. Although many of the public comments were supportive of the construction of the facility, some concerns were expressed about the amount of water the facility would use, the amount of greenhouse gases the facility would emit, and the possible introduction of noxious weeds into surrounding wheat fields.

On the same date, the Council also held a land use hearing. The hearing was continued over to the February 14, 1994 Council meeting. The Council listened to comments from Mr. F.J. Dullanty, Jr., Counsel for KVA & CSW, and testimony from Deral Boleneus, the Chairman of the Lincoln County Board of Commissioners. The project is not consistent with the existing zoning for the site, however, KVA has submitted a formal request to the County to have the site rezoned. The County anticipates completing action on the rezoning application within four months.

On February 14, 1994, the Council entered Order No. 666 which finds the project inconsistent with existing zoning ordinances but acknowledges that KVA and CSW have an application pending with the County to rezone the site.

After receiving the application in December, Council staff asked agency representatives to review the State Environmental Policy Act (SEPA) checklist to determine if the project qualified for a determination of non-significance (DNS) under SEPA. During the January 10, 1994 Council meeting, the Departments of Ecology and Natural Resources submitted letters to the Council that stated the project is likely to have a significant effect on the environment. The Washington State Energy Office also submitted a letter stating that the project will have a significant effect on the environment. Rich Poelker, the Department of Wildlife's representative on the Council, made an oral presentation during the Council meeting in which he noted the project will have environmental effects including possible impacts on several endangered or threatened species. Mr. Poelker further noted that he did not believe

that KVA and CSW had done an adequate plant survey of the site. After reviewing the aforementioned letters and Mr. Poelker's comments, the Council made of determination of significance for the project on January 10, 1994.

KVA and CSW have not applied for an NPDES permit, because they do not intend to discharge any effluent from the facility into any of the waters of the state of Washington. KVA and CSW propose instead to allow the blowdown water to evaporate in large cooling ponds.

In considering expedited processing, the Council must adhere to WAC 463-43-030 which states:

An application may be expedited when the council finds that the following are not significant enough to warrant a full review of the application for certification under the provisions of chapter 80.50 RCW:

- (a) The environmental impact of the proposed facility;
- (b) The area potentially affected;
- (c) The cost and magnitude of the proposed energy facility; and
- (d) The degree to which the proposed energy facility represents a change in use of the proposed site

Staff has reviewed the application and the SEPA checklist and has concluded that the proposed NRPF will have a significant impact on the environment because it will be a substantial new source of air emissions in an area that currently has no comparable sources; it will use a significant amount of water (30,600 cu. ft./hr.); it will produce 228,000 lbs of carbon dioxide per hour; 38.4 lbs. per hour of particulate emissions; 200 lbs. per hour of nitrogen oxides and 280 lbs. per hour of carbon monoxide; and it represents a major change in land use to an area that is currently used for agricultural purposes. Approximately 380 acres of land will be required to construct and operate the facility. As proposed - NRPF is a large and expensive facility. Because of the above noted environmental effects and the possible impacts of the project on threatened and endangered species, the project is not eligible for expedited processing under RCW 80.50.075.

FINDINGS OF FACT

Having discussed in detail the above available information the Council makes the following finding of facts:

1. On December 13, 1993 KVA and CSW submitted an application to the Energy Facility Site Evaluation Council to construct and operate an 838 megawatt combined-cycle combustion turbine facility to be located near Creston, Washington and requested expedited processing under Chapter 463-43 WAC.
2. The Council held a public information meeting on February 1, 1993 in Creston, Washington. During the meeting EFSEC presented information to the public regarding the nature of the project and the EFSEC review process and provided an opportunity for the public to comment and express its views.
3. The Council held a properly noticed Land Use Hearing on February 1, 1993 in Creston, Washington and continued the hearing to February 14, 1994 and issued Administrative Order No. 666 which found the project to be inconsistent with local zoning requirements. The Order also acknowledges that KVA and CSW have an application pending before the Lincoln County Commissioners to rezone the proposed site of the project.
4. The Council's staff and Council members reviewed the application and the SEPA Environmental Checklist, and letters and comments on the subject and recommended that the project be given a determination of significance. On January 10, 1994 the Council issued a determination of significance for the project.
5. As proposed, the NRPF project represents a substantial change to the existing land use on the proposed site, will affect a significant area of land, is a large and expensive facility, and may have a substantial effect on the environment of the state of Washington.

CONCLUSIONS OF LAW

Having considered the entire record in this proceeding, and the foregoing Findings of Fact, the Council makes the following Conclusions of Law:

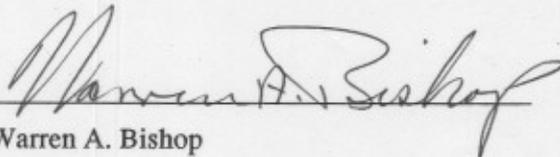
1. The Council has jurisdiction over the subject matter of Application No. 93-2.

2. The proposed project does not meet the requirements for expedited processing.

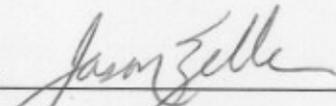
ORDER

THE COUNCIL HEREBY ORDERS That Application No. 93-2 of KVA Resources, Inc. and CSW Energy, Inc. request for expedited processing is hereby denied. Dated at Olympia, Washington and effective this 14th day of February 1994.

Washington State Energy Facility Site
Evaluation Council

By 
Warren A. Bishop
EFSEC Chair

Attest:

By 
Jason Zeller
EFSEC Manager