BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 2006-1

ENERGY NORTHWEST

for
PACIFIC MOUNTAIN ENERGY CENTER

COUNCIL ORDER NO. 839
ORDER OF DISMISSAL ON WITHDRAWAL

Nature of the Proceeding
This matter involves Application No. 2006-1 submitted on September 12, 2006 by Energy Northwest (ENW or Applicant) for certification of a site in Kalama, Washington, to construct and operate the Pacific Mountain Energy Center, or PMEC (the Project). The Project involves the construction of a two-unit electrical generation facility, proposed to operate on synthetic gas produced from coal or petroleum coke; the facility could also operate using natural gas as fuel.

Background and Procedural Matters
On September 12, 2006 ENW, submitted application No. 2006-01 to Energy Facility Site Evaluation Council (“EFSEC or Council”) to construct and operate the PMEC. On November 6, 2006 the Council convened a land-use hearing. The hearing was reconvened on March 13, 2007. On April 26, 2007 the Council issued Order No. 828 finding the Pacific Mountain Energy Center in accordance with WAC 463-26-110 and consistent and in compliance with local land use plans and zoning ordinances.

On September 20, 2007 the Council held a prehearing conference for the purpose of reviewing petitions for intervention. On September 26, 2007 the Council issued Order No. 832 granting petitions for intervention to the Washington Department of Ecology, Columbia Riverkeeper, Willapa Hills Audubon Society, Rosemere Neighborhood Association, and a combined Northwest Energy Coalition, Washington Environmental Council, Sierra Club. At the prehearing conference, the Council shared with parties certain concerns about the application and, in particular, the proposed Greenhouse Gas Reduction Plan and the proposal’s compliance with the provisions of RCW 80.70 and ESSB 6001, enacted by the 2007 Washington legislature.

On November 27, 2007 the Council issued Order No.833 that concluded that the ENW’s proposed greenhouse gas reduction plan failed to meet the requirements of the statute, and was rejected. The Council stayed the adjudicative proceeding and stopped the

1 Representatives of Council member agencies act as judges of matters being adjudicated in an application proceeding. In particular, when an agency chooses to participate as a party in adjudication, the agency must provide total separation between the council member and persons involved in advocacy of a position. See, RCW 34.05.455.
application processing until the Applicant proposes a cure that addresses lack of an adequate greenhouse gas reduction plan.

One March 6, 2008 ENW requested the Council extend the PMEC application review until September 2009. The Council approved ENW’s request on March 11, 2008.

ENW submitted a letter on May 5, 2009 stating that current financial and economic conditions do not support the PMEC project and requested the Council terminate the PMEC application.

**Discussion**
The Council acknowledges Energy Northwest’s request to terminate Application No. 2006-1. Accordingly, the adjudication of this matter is dismissed. The Council retains jurisdiction over the application for administrative purposes as necessary to effectuate the purposes of this order. The Council will take appropriate action to close all aspects of application processing, including provisions for record management and financial reconciliation.

Dated at Olympia, Washington, and effective this 12th day of May, 2009.

WASHINGTON STATE ENERGY FACILITY SITE EVALUATION COUNCIL

/s/
James O. Luce, EFSEC Chair