

DEPARTMENT OF SOCIAL AND HEALTH SERVICES, by William Collins, Assistant Attorney General, P. O. Box 1788, Olympia, Washington 98504

INTERVENORS:

Limited intervention status was authorized the TRI-CITY NUCLEAR INDUSTRIAL COUNCIL, P. O. Box 2608, Tri-Cities, Washington 99302, who did not make any further appearance through an attorney.

NATURE AND BACKGROUND OF THE PROCEEDINGS

In response to RCW 80.50.040 and RCW 80.50.050 the Council on May 7, 1970, developed and filed Rules of Practice, chapter 463-08 WAC, and Guidelines of a general nature for all applicants, chapter 463-12 WAC.

The application of the Washington Public Power Supply System, accompanied by the required fee, was filed with the Thermal Power Plant Site Evaluation Council on January 28, 1971.

As a consequence of this filing, the Siting Council engaged in a review and processing of the application over thirteen months, culminating in a contested case hearing, as required by RCW 80.50.090(3), concluded on February 16, 1972.

The Council proceedings have been carried on in such a manner as to meet the legislative intent expressed in RCW 80.50.010, namely to seek courses of action that will balance the increasing demands for thermal power plant location and operation in conjunction with the broad interests of the public.

Further, such action has been based on these premises:

1. To assure Washington state citizens that, where applicable, operational safeguards are at least as stringent as the criteria established by the federal government and

are technically sufficient for their welfare and protection.

2. To preserve and protect the quality of the environment; to enhance the public's opportunity to enjoy the esthetic and recreational benefits of the air, water and land resources; to promote air cleanliness; and to pursue beneficial changes in the environment.

3. To provide abundant low-cost electrical energy.

The Council also has been guided by the expressed policy of the State of Washington that, while recognizing the pressing need for increased power generating facilities, the state shall ensure through available and reasonable methods that the location and operation of thermal power plants will produce minimal adverse effects on the environment, ecology of the land and its wildlife, and the ecology of state waters and their aquatic life.

The Council has processed this first application under the new state siting law (chapter 80.50 RCW) mindful of the pioneering nature of these endeavors. It has afforded the utmost opportunity for all individuals appearing in this matter to make submittals to the Council. The Council further has conducted three of its meetings in the Richland, Washington, area and the Council members have physically examined the site area itself. The Council is also mindful of the increasing environmental concerns of the public, as reflected in the State Environmental Policy Act of 1971 which was enacted after consideration of this application had been in progress for several months. The Council has cooperated with the concerned federal

agencies, such as the original Hanford No. 2 regional task force of the Department of Interior and the more recent regional organization of the Environmental Protection Agency.

NOW, THEREFORE, the Council, having concluded the contested public hearing, and having thus described the general matters inquired into, now makes the following Findings of Facts and Conclusions of Law. Those portions of the record of these proceedings pertaining to ultimate facts are incorporated herein and also made a part of these findings by this reference.

FINDINGS OF FACT

The Council finds:

I.

That the Applicant, Washington Public Power Supply System, duly filed on January 28, 1971, an application for a thermal power plant site certification, including transmittal of the required \$25,000 fee. The proposed plant, scheduled to go on line in the Fall of 1977, has an anticipated life of approximately forty (40) years. The plant is an 1100 megawatt electric generating plant utilizing a boiling water reactor nuclear steam supply system with mechanical draft cooling towers, and is the No. 4 power plant of the Ten Year Hydro-Thermal Program sponsored by the utilities of the region in cooperation with the Bonneville Power Administration. It would be located in Benton County at a site approximately twelve miles north of the City of Richland, within the federally-owned area known as the Hanford Operations Area of the United States Atomic Energy Commission and an

adjacent portion of the Columbia River. The approximately 1,100 acre site is within Sections 2, 3, 4 and 5 of Township 11 North, Range 28 East, W.M., and is more particularly described as follows:

Beginning at the Southwest corner of Section 11, Township 11 North, Range 28 East, W.M., said corner having Washington State coordinates, South zone, of North 408,335.30 and East 2,307,653.50; thence North $0^{\circ}41'08''$ East 8,065.28 feet to the TRUE POINT OF BEGINNING; thence West 11,153.57 feet; thence South $01^{\circ}01'23''$ East, 3000.48 feet; thence South $88^{\circ}53'54''$ West 5,200.96 feet; thence North $0^{\circ}31'41''$ West 3690.15 feet; thence East 1,430.00 feet; thence North 1,865.69 feet; thence North $87^{\circ}46'08''$ East 3,703.83 feet; thence South $01^{\circ}01'23''$ East 1,600.25 feet; thence East 11,189.29 feet; thence North $01^{\circ}01'23''$ East 1,800.29 feet; thence North $89^{\circ}07'55''$ East, 3,300.38 feet to the line of Navigation of the West bank of the Columbia River; thence southerly along said line of Navigation to a point that bears North $89^{\circ}15'21''$ East from the TRUE POINT OF BEGINNING; thence South $89^{\circ}15'21''$ West 3,850.32 feet more or less to the TRUE POINT OF BEGINNING. Further; Beginning at the southwest corner of Section 11, Township 11 North, Range 28 East, W.M., said corner having Washington State Coordinates South zone, of North 408,335.30 and East 2,307,653.50; thence North $0^{\circ}41'08''$ East 8,065.28 feet; thence North $89^{\circ}15'21''$ East, 3,850.32 feet to a point on the line of Navigation of the West bank of the Columbia River and the TRUE POINT OF BEGINNING of this description; thence continuing North $89^{\circ}15'21''$ East, 600.00 feet; thence North $10^{\circ}07'14''$ West 2845.56 feet; thence South $89^{\circ}07'55''$ West 600.00 feet to a point on said line of Navigation; thence southerly along said line of Navigation to the TRUE POINT OF BEGINNING of this description.

The above description is based upon Washington State Coordinate System, South Zone. This property will be leased by the Supply System from the United States Atomic Energy Commission and the Washington State Department of Natural Resources in two separate leases.

II.

That the Council commissioned its own independent consultant on May 12, 1971, Whitacre Engineers, Inc., of Tacoma, Washington, to measure the consequences of the proposed power plant on the environment of this site application as required by RCW 80.50.070(2). The consultant conducted this study and delivered the required report on December 1, 1971. The consultant's investigations and report indicated that no significant adverse environmental impact is likely to result from the proposed project. The full cost of this study by the independent consultant has been borne by the Applicant. Agreement from the Applicant has been secured for the Council to incur additional costs not to exceed \$5,000 beyond the basic \$25,000 fee.

III.

That pursuant to RCW 80.50.080 the Attorney General appointed an Assistant Attorney General as counsel for the environment for the duration of the certification proceedings. The said counsel for the environment has been accorded and has exercised the rights, privileges and responsibilities of an attorney representing a party in the formal action.

IV.

That the Council within sixty days of receipt of the application for site certification, pursuant to RCW 80.50-.090(1), did conduct a public hearing in March, 1971, in the county of the proposed site with respect to land use and zoning considerations. The Council's findings, conclusions

and order indicating compliance of said proposed project with existing land use and zoning requirements of Benton County, as presented during this hearing, are represented in an Order dated April 12, 1971. Said Order is herewith incorporated into and made a part of these findings.

V.

That a series of eighteen regular meetings starting February 8, 1971; five prehearing conferences, and several ad hoc meetings were held relating to certain detailed aspects of this siting application. Said prehearing conferences culminated in four Orders dated June 28, 1971; October 12, 1971; November 22, 1971; and December 15, 1971; which are herewith incorporated into and made part of these findings. Said Orders acknowledge varying degrees of compliance by the application with sections of the Council's guidelines to applicants. The final prehearing conference Order, dated December 15, 1971, Prehearing Order No. 4, determined that all sections of the application were in compliance with the Council guidelines except the following sections:

WAC 463-12-010 (5)
WAC 463-12-015 (5)
WAC 463-12-025 (1) (a)
WAC 463-12-025 (1) (b)
WAC 463-12-025 (2) (a)
WAC 463-12-025 (2) (c)
WAC 463-12-030 (1)
WAC 463-12-035 (2) (a)
WAC 463-12-035 (2) (c)
WAC 463-12-035 (2) (d)
WAC 463-12-045 (1)

VI.

That as a result of the Prehearing Conference Order No. 4, dated December 15, 1971, the Council then determined that a

final public hearing pursuant to RCW 80.50.090(3) was ready to be held on the following issues: (1) consideration of the environmental impact statement prepared in accordance with the State Environmental Policy Act of 1971 (chapter 109, Laws of 1971, 1st Extraordinary Session), (2) recommendations which should be made to the Governor respecting this application for a nuclear power plant site certification, and (3) terms and conditions which should be proposed to the Governor for inclusion within any such site certification agreement.

VII.

That a public hearing conducted as a contested case under chapter 34.04 RCW, RCW 80.50.090 and chapter 463-08 WAC was commenced on January 10, 1972, and was continued thereafter for a total of six separate days in which testimony and sixty-four exhibits were received by the Council. At this public hearing all persons were entitled to be heard; and all who wished to be heard were heard in support of, or in opposition to, the application for certification. A special opportunity was afforded members of the public residing in the area of Richland when the hearing was convened in that area on January 14, 1972, in the City Hall, Richland, Washington. A transcript of the Richland portion of the hearing is available for inspection and a transcript of the remaining hearing activity has been ordered on behalf of the Council. The Council composition was established in accordance with chapter 80.50 RCW and Council membership attendance during the course of these proceedings satisfied the requirements of chapter 34.04 RCW.

VIII.

That said contested case hearing produced evidence that Applicant has satisfied the requirements of all the Council guidelines except:

WAC 463-12-010 (5)
WAC 463-12-025 (2) (a)
WAC 463-12-025 (2) (c)
WAC 463-12-035 (2) (c)

The Council further finds that these remaining sections can be specifically treated by certain of the terms and conditions in the Certification Agreement which will satisfy these four guidelines for purposes of issuance of a Site Certification Agreement.

IX.

That the Council and the Applicant did mutually agree to an additional sixty days beyond the twelve months specified in RCW 80.50.100(1) within which to make its recommendations to the Governor for the disposition of this application for certification. Said final reporting date is March 28, 1972.

X.

That the Environmental Impact Statement prepared by the Council is in compliance with the State Environmental Policy Act of 1971 (chapter 109, Laws of 1971, 1st Extraordinary Session). Said statement has been duly filed in accordance with the requirements of the State Environmental Policy Act and a copy of said statement will accompany final processing of this application.

XI.

That authority for the appropriation of surface and ground waters is needed by the Applicant for the construction and operation of this plant, and that the Site Certification Agreement, pursuant to RCW 80.50.120, shall incorporate such water withdrawal permits as are necessary. The Applicant has supplied sufficient factual data to allow the Council to initiate all legal procedures required for this purpose. No evidence was introduced to indicate that adequate water is not available in the area of the Columbia River at which the project is to be located.

XII.

That a need exists to have a continuing consulting process between the Applicant, its contractors and the Council after issuance of the Certification Agreement on matters that directly or indirectly affect natural resources, environmental quality or items specifically within the jurisdiction of individual state agencies and this Council.

XIII.

That such consulting process includes the need in advance of the Applicant's action for the Council to review

and examine the means of implementing the concepts set forth in the application; in so doing the Council needs to be able to disapprove of the means of said implementation in order to effectively carry out its duties.

XIV.

That a need exists to have an amendatory process so that either the Council or the Applicant may initiate amendments to the Certification Agreement. Except in emergency situations as described in Finding XV below, said amendatory process needs to be accomplished in a similar manner as development of the original Certification Agreement.

XV.

That in certain circumstances where a dangerous degree of impact on the environment exists or is imminent, the Council may impose specific conditions to, or requirements upon, the Applicant in the terms and conditions of the Certification Agreement as a consequence of any said emergency situation. The Administrative Procedures Act in RCW 34.04.170(2) contains authority for the Council to find that the public health, safety, or welfare may imperatively require such emergency action.

XVI.

That a conflict in the testimony exists regarding the thermal water discharge facility in the Columbia River as to the best method of dispersing the discharge. Regardless of whatever method Applicant may use, performance specifications regarding dilution zones are needed in the Certification Agreement to adequately protect the resources involved.

XVII.

That a detention pond, or an equivalent facility, is needed in order to prevent the discharge of unusual or unexpected effluents from reaching the river without proper treatment. That the cooling tower basins, as proposed by the Applicant, have the capability to serve as such equivalent facility.

XVIII.

That programs for monitoring the effects on the environment of plant construction and operation, including but not limited to certain prescribed discharges, are needed to assure the continued compliance with the terms of the certification. The Council, or its authorized designees, needs to make inspections, to require submissions of data, and to require reasonable alterations to the monitoring programs.

XIX.

That the point of chlorine introduction to the cooling system of the plant needs to be located so as to preclude any quantities of chlorine from entering the river in excess of 0.1 PPM (parts per million) as chlorine is harmful to aquatic resources.

XX.

That the outline emergency plan as proposed in the application, § 015(2), pp. 1-17, needs to be made a part of the Council's recommended Certification Agreement. Future development and alterations will be necessary and need to be accomplished with concurrence of the Council.

XXI.

That neither members of the public individually, nor counsel for the environment representing the public's interest in protecting the quality of the environment, presented evidence in opposition to the certification of this proposed plant.

XXII.

That uncontroverted evidence was presented to the Council regarding hydrological, geological, seismological, meteorological, and radiological data indicating that the planned construction and operation of the project at the proposed site present no unacceptable environmental hazards.

XXIII.

That the associated transmission lines to be constructed by the Applicant for this project are to be located entirely within the AEC Hanford Operations Area and are planned to avoid scenic, recreational, historical, archeological, heavily timbered areas, steep slopes and proximity to highways as required in WAC 463-12-020(4).

XXIV.

That there is reasonable assurance that the project will be constructed and operated in a manner which will not violate applicable state water quality standards contained in chapter 372-12 WAC. These standards have been approved by the Environmental Protection Agency in accordance with 40 CFR 120, 36 FR 22489, November 25, 1971, and were determined to meet the criteria of § 10(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1160(c)), so long as the project

is constructed and operated in accordance with the terms and conditions of the recommended Certification Agreement.

XXV.

That there is no evidence relating to matters within the Council's jurisdiction to indicate that significant adverse environmental impact is expected to result from the proposed construction and operation of this plant so long as such construction and operation is in accordance with the terms and conditions contained in the Certification Agreement recommended to the Governor.

CONCLUSIONS OF LAW

From the foregoing Findings of Fact the Council draws the following Conclusions of Law:

I.

The Council has jurisdiction of the subject matter and the parties to this proceeding pursuant to chapter 80.50 RCW.

II.

The Council through its actions and regulations regarding Rules of Practice, chapter 463-08 WAC, and Guidelines, chapter 463-12 WAC, has implemented the provisions of chapter 80.50 RCW so as to accomplish state government requirements for site certification through a single state agency.

III.

That as a result of a public hearing held during March, 1971, the Council did determine that the proposed site for the project does conform with existing land use

plans and zoning ordinances in effect at the date of the application. This determination applies equally to the revised site boundary which is described in Finding of Fact I, supra.

IV.

That the proposed location of the thermal power plant and the associated transmission line routes within the Hanford Operations Area in Benton County, Washington, as contained in the application, as amended, have been examined by an independent consultant's study and such study agrees with the conclusion reached by the Council that no significant adverse environmental impact is expected as the result of the construction and operation of the proposed power plant so long as such construction and operation are in accordance with the terms and conditions contained in the Certification Agreement recommended to the Governor.

V.

That the recommended Certification Agreement must include the following: (1) provisions containing the means for monitoring the plant effects upon the environment pursuant to RCW 80.50.040(11); (2) provisions concerning continuous consulting arrangements between Applicant and Council (Finding of Fact XII); (3) provisions for the examination by the Council of methods of implementing concepts described in the application (Finding of Fact XIII); and (4) provisions for an amendatory process as well as procedures for handling emergencies (Finding of Fact XIV and XV). These are required in order to be assured of continued compliance with the terms of certification and to

properly discharge the Council's duties for the duration of the project's proposed operation.

VI.

The Certification Agreement shall constitute "certification" by the State of Washington for the purposes of the Federal Water Quality Act, 33 U.S.C.A. § 1171(b)(1). The Certification Agreement shall contain authority for water withdrawal.

VII.

Other criteria specific to the site and transmission line routing have been developed during the course of processing this application and have been incorporated in the Certification Agreement recommended to the Governor.

VIII.

The Council has now completed a thorough and detailed review of the application, as amended, and other information relevant to the hearing proceedings. The Council can now report to the Governor its considered recommendation for disposition of this application.

O R D E R

The Council, therefore, pursuant to the provisions of chapter 80.50 RCW and the regulations promulgated pursuant thereto, hereby

Orders and decrees that the Council's Environmental Impact Statement is in compliance with the State Environmental Policy Act of 1971, chapter 109, Laws of 1971, 1st Ex. Sess.,

and is determined by the Council to be an approved report in satisfaction of said law;

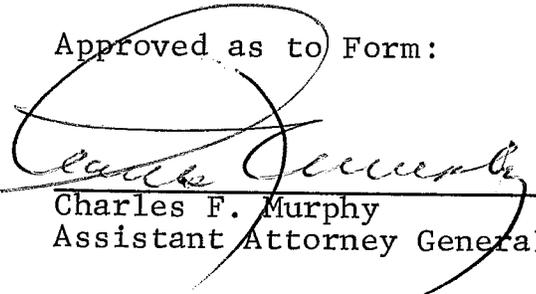
That the terms and conditions represented in the Council's proposed Certification Agreement to the Governor are those supported by the files, record, and evidence compiled by the Council during the course of the processing of this application which ended in the final hearing during February, 1971; and

That approval of the Washington Public Power Supply System application No. 71-1 be recommended to the Governor, in accordance with RCW 80.50.100(1), with the further recommendation that such approval be subject to the terms and conditions of the Council's proposed Certification Agreement.

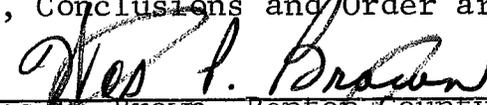
Signed and entered this 27th day of March, 1972.

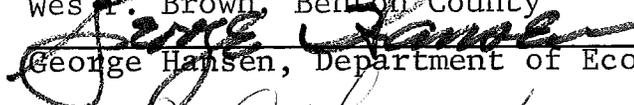

Oswald H. Greager, Chairman

Approved as to Form:


Charles F. Murphy
Assistant Attorney General

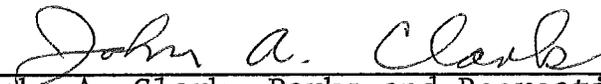
The above Findings, Conclusions and Order are hereby approved.


Wes P. Brown, Benton County

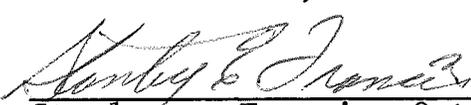

George Hansen, Department of Ecology

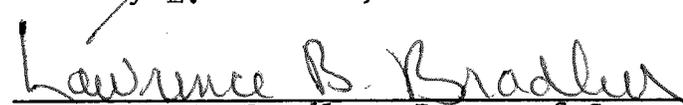

J. E. (Al) Lasater, Dept. of Fisheries


Ralph Larson, Department of Game

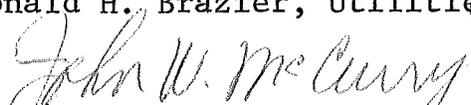

John A. Clark, Parks and Recreation

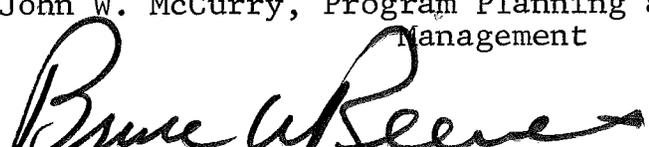

Arnold J. Moen, DSHS - Division of Health


Stanley E. Francis, Outdoor Recreation


Lawrence B. Bradley, Dept. of Commerce and
Economic Development

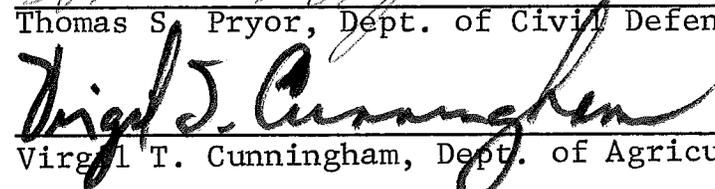

Donald H. Brazier, Utilities & Transportation


John W. McCurry, Program Planning and Fiscal
Management

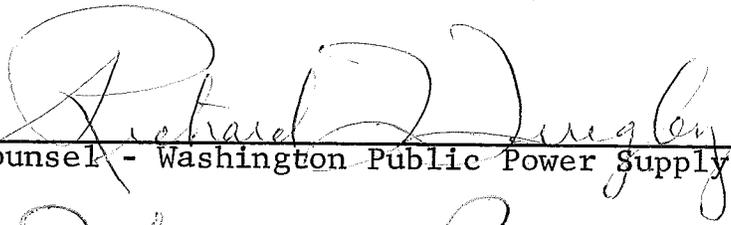

Bruce W. Reeves, Dept. of Natural Resources

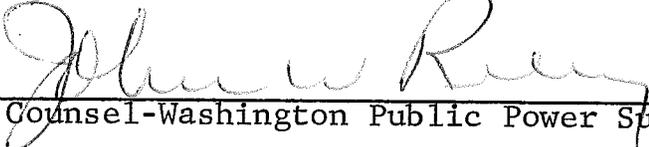

Richard Fryhling, Planning & Community Affairs


Thomas S. Pryor, Dept. of Civil Defense


Virgil T. Cunningham, Dept. of Agriculture

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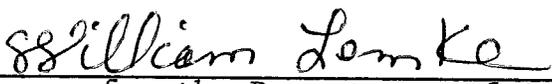

Counsel - Washington Public Power Supply System


Of Counsel-Washington Public Power Supply System


Counsel for the Environment


Attorney for the Department of Natural Resources

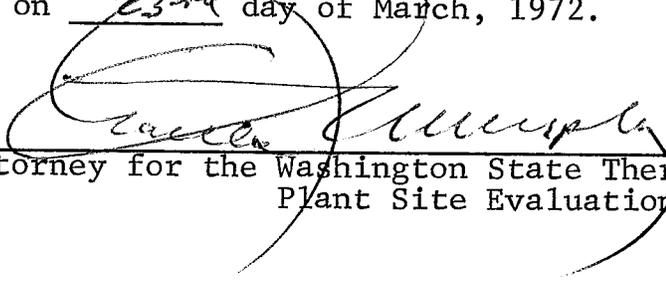

Attorney for the Department of Ecology


Attorney for the Department of Game and the
Department of Fisheries


Attorney for the Department of Social and Health
Services

CERTIFICATE OF MAILING

I certify that I mailed a copy of the foregoing document, to which this certificate is attached, to the attorneys of record of Applicant, Counsel for the Environment, Attorneys for State Agencies appearing, and to the Limited Intervenor, postage prepaid, on 23rd day of March, 1972.


Attorney for the Washington State Thermal Power
Plant Site Evaluation Council