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**BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL**

In the Matter of Application  
No. 2006-01  
  
ENERGY NORTHWEST  
  
PACIFIC MOUNTAIN ENERGY  
CENTER

NO. 2006-01  
  
PRELIMINARY STATEMENT OF  
ISSUES BY COUNSEL FOR THE  
ENVIRONMENT

Counsel for the Environment (“CFE”) has received notice that an adjudicative proceeding will be held before the Washington State Energy Facility Site Evaluation Council (“EFSEC”) on Application No. 2006-01, Pacific Mountain Energy Center. Pursuant to RCW 80.50.080, CFE is a statutory party to all adjudicative proceedings held by EFSEC under RCW 80.50. EFSEC’s Notice of Intent to Hold Adjudicative Proceeding, dated August 13, 2007 (Notice), specifically requested each petitioner for intervention, as well as CFE and each government agency appearing as a party, to identify the particular issues or concerns that may be addressed during the adjudication.

Set forth below is a preliminary list of issues that CFE may raise in the adjudicative proceeding. CFE is mindful of the fact that a draft environmental impact statement (DEIS) has been completed as of the date of this filing. However, many of the issues raised in this document relate to the adequacy of the information provided in the DEIS as well as the application for site certification. Therefore, CFE specifically reserves the right to add or

1 delete issues following any amendment of, or supplementation to, the DEIS for the Pacific  
2 Mountain Energy Center, or based on the information provided in the Applicant's prefiled  
3 testimony. CFE also specifically reserves the right to raise any issue identified by any of the  
4 agency parties or intervenors in this matter.

5 **PRELIMINARY ISSUE LIST**

6 1. Whether the project adequately mitigates for any adverse impacts to the  
7 environment created by the project.

8 2. Whether the project adequately assesses impacts on vegetation and wildlife,  
9 including, but not limited to, impacts on threatened, endangered, and sensitive plant and  
10 animal species and their habitat and if so, whether the project adequately mitigates for those  
11 impacts.

12 3. Whether the project adequately assesses adverse impacts to fish life; and  
13 whether the project has adequately mitigated for those impacts. Specifically, and without  
14 waiving other fish life and habitat quality issues, CFE raises the adequacy of assessment and  
15 mitigation of impacts to salmonids from wastewater and stormwater discharge from the  
16 project site.

17 4. Whether the project adequately assesses soil erosion impacts and water quality  
18 impacts, and whether the project adequately mitigates for those impacts. Specifically, and  
19 without waiving other water quality issues, CFE raises the adequacy of assessment and  
20 mitigation of impacts to water regarding surface water quantity and quality; process  
21 wastewater; stormwater quality during construction and operation; water quality under upset  
22 conditions; groundwater quality; and impacts on quality of the Kalama river during  
23 construction of the natural gas pipeline (e.g. bentonite deposition due to "frac out" when  
24 digging beneath the riverbed.)  
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1           5.       Whether the project avoids impacts to wetlands and adequately assesses and  
2 mitigates any unavoidable impacts, including but not limited to the cumulative impacts of the  
3 2.1 acre wetland fill proposed by the Port of Kalama along the north edge of the PMEC site.

4           6.       Whether the project adequately assesses air quality impacts; and whether the  
5 project adequately mitigates for those impacts. Specifically, and without waiving other air  
6 quality issues, CFE raises the adequacy of assessment and mitigation of impacts to air quality  
7 from fugitive dust from construction (and other) activities; dust generated when coal and  
8 petroleum coke are transported, unloaded, and transferred to storage domes; pollutant  
9 emissions attributable to construction, transportation of fuel stock, gasification of coal and  
10 pet-coke, and combustion of natural gas and syngas (such as emissions of NO<sub>x</sub>, CO, SO<sub>2</sub>, and  
11 toxic air pollutants (TAPs)); as well as emissions from the natural gas fired boiler, cooling  
12 towers, oxidization, flare use, diesel engines; and greenhouse gas emissions (GHGs), such as  
13 CO<sub>2</sub>.

14           7.       Whether the project adequately assesses economic and technical viability of  
15 carbon capture and sequestration; whether, and to what extent, the project is carbon “capture  
16 ready”; and whether the greenhouse gas reduction plan submitted by the applicant (as an  
17 addendum to the application) meets the requirements of Chapter 307, Laws of 2007 (ESSB  
18 6001).

19           8.       Whether the project adequately assesses and mitigates noise impacts.

20           9.       Whether the project adversely impacts recreational opportunities in the vicinity  
21 of the project; and if so, whether these concerns have been adequately assessed and mitigated.

22           10.      Whether the project creates any public health and safety concerns, including,  
23 but not limited to, transportation and storage of hazardous materials, and presence of electric  
24 and magnetic fields; and if so, whether the project adequately assesses and mitigates those  
25 concerns.  
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**BEFORE THE STATE OF WASHINGTON  
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NO. 2006-01

ENERGY NORTHWEST

DECLARATION OF SERVICE

PACIFIC MOUNTAIN ENERGY  
CENTER

I, Nicole Teeter, certify that I served a copy of **Preliminary Statement of Issues by  
Counsel for the Environment** on all parties via US Mail on the date below as follows:

<b>Energy Facility Site Evaluation Council:</b>	
<p>Mr. Allen J. Fiksdal (<b>original and 15 copies</b>)  EFSEC Manager  Energy Facility Site Evaluation Council  925 Plum Street SE, Building 4  PO Box 43172  Olympia, WA 98504-3172  Ph: (360) 956-2152  Fax: (360) 956-2158  allenf@cted.wa.gov</p> <p><b>Serve an electronic version of all documents to both:</b></p> <p><u>allenf@cted.wa.gov</u>  <u>stephenp@cted.wa.gov</u></p>	<p>Kyle Crews  Assistant Attorney General  P.O. Box 40108  Olympia, WA 98504  Ph: (360) 664-2510  Fax : (360) 586-3593  kylec@atg.wa.gov</p> <p>Bob Wallace  Administrative Law Judge  c/o EFSEC  925 Plum Street SE Building 4  P.O. Box 43172  Olympia, Washington 98504-3172  Ph: (360) 956-2121  Fax: (360) 956-2158</p>

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DATED this 13<sup>th</sup> day of September, 2007.

  
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 NICOLE TEETER, Legal Assistant