

Pertinent Federal, State and Local Requirements (WAC 463-42-685)

(1) Each application submitted to the council for site certification shall include a list of all applicable federal, state and local codes, ordinances, statutes, rules, regulations and permits that would apply to the project if it were not under council jurisdiction. For each listed code, ordinance, statute, rule, regulation and permit, the applicant shall describe how the project would comply or fail to comply with each requirement. If the proposed project does not comply with a specific requirement, the applicant shall discuss why such compliance should be excused.

*(2) Inadvertent failure to discover a pertinent provision after a reasonable search shall not invalidate the application, but may delay processing the application as necessary to gather and consider relevant information.
(Statutory Authority: RCW 80.50.040(1). 92-10-001 § 463-42-685, filed 4/23/92, effective 5/24/92.)*

**1.6 PERTINENT FEDERAL, STATE, AND LOCAL REQUIREMENTS
(WAC 463-42-685)**

Federal, state, and local permits and requirements applicable to the Satsop CT Phase II Project are listed in Table 1.6-1. This table also summarizes the regulatory compliance plans for the project. State and local permits listed are those that would apply to the proposed project if it were not under Energy Facility Site Evaluation Council (EFSEC) jurisdiction.

**TABLE 1.6-1
PERTINENT FEDERAL, STATE, AND LOCAL REQUIREMENTS**

Permit or Requirement	Agency/Regulation	Compliance Plan
NEPA Compliance	Bonneville Power Administration (BPA): National Environmental Act; Power purchase by BPA.	The Satsop CT Project was one of three projects in BPA's Resource Contingency Program (RCP). Bonneville published a Final Environmental Impact Statement (EIS) and Record of Decision in 1995. Phase II does not require federal action, and no NEPA action is required.
Federal Aviation Administration Approval	Federal Aviation Administration (FAA): Federal Aviation Regulations, Part 77; determination whether structure will affect navigable air space.	In August 2001, applications were submitted to the FAA for the exhaust stacks for Phase I. We do not expect that the FAA will require lighting. Similar applications will be filed for Phase II in 2002.
Endangered Species Act Consultation	U.S. Fish and Wildlife Service (USFWS): Endangered Species Act of 1973; determination that actions will not affect or jeopardize threatened or endangered species or their habitats.	Consultation with both USFWS and Washington Department of Fish and Wildlife was completed as part of the NEPA compliance process for Phase I. Phase II will not trigger the need for new consultation.
State Environmental Policy Act (SEPA)	Grays Harbor County: RCW 43.21C, 173-802 WAC; project development.	EFSEC performs SEPA compliance for the Phase II project as a part of its review of the Certificate Holder's request for an amendment to their Site Certification Agreement (SCA). It is anticipated that EFSEC will prepare and issue a limited scope Supplemental EIS tiered to the BPA NEPA EIS issued in 1995.
Air Quality (PSD Permit)	Washington Department of Ecology: 173-400, 403 WAC; Control Requirements for Air Pollutants.	This request for an amendment to the SCA includes a PSD Permit Amendment Application for EFSEC review and approval. The SCA amendment is expected to include a PSD Permit amendment that will stipulate limits on emission levels from both Phase I and Phase II.
Water Right	Washington Department of Ecology: RCW 90.44, RCW 80.50, 173-154 WAC; water supply.	Water for Phase II will be obtained from Grays Harbor Public Development Authority pursuant to the PDA's existing water rights. Additional water rights will not be required.

**TABLE 1.6-1 (CONTINUED)
PERTINENT FEDERAL, STATE, AND LOCAL REQUIREMENTS**

Permit or Requirement	Agency/Regulation	Compliance Plan
Wastewater Disposal (NPDES)	Washington Department of Ecology: Clean Water Act, RCW 90.48, 173-220 WAC, 173-201 WAC, 173-240 WAC, 173-03-070 WAC; cooling water discharge.	The discharge from the Phase II project will comply with the stipulations of the existing NPDES permit and will use the existing discharge pipeline and outfall. An amendment to add Phase II discharge as a waste stream to the existing NPDES permit will be submitted. It is anticipated that the amended NPDES permit will be included in the amended SCA issued by EFSEC.
Stormwater Discharge (NPDES)	Washington Department of Ecology: Clean Water Act, RCW 90.48, 90.50, 90.52 173-220 WAC; stormwater discharge associated with industrial activities.	All stormwater drainage from the CT site is routed to the C-1 erosion control pond, which is designed and maintained to handle a 100-year storm. This pond has not discharged since the West Park (formerly Cooley Laydown) area was stabilized in the early 1980's, even during a 100-year rainfall event. In the unlikely event discharge appears possible, EFSEC and Ecology will be notified. Drainage to the pond will be monitored in accordance with the existing Environmental Protection Control Plan.
Spill Prevention Control and Countermeasures (SPCC) Plan	Washington Department of Ecology: 40 CFR 112 RCW 80.50; plan to prevent, control and contain accidental petroleum discharges into surface waters.	The SPCC plan for the Satsop CT Project was approved by EFSEC on September 19, 2001, and is applicable to Phase II.
Notification of Dangerous Waste Activities	Washington Department of Ecology: 173-303 WAC, RCW 80.50; identification of dangerous waste activities.	An active state identification number has been issued for the CT project. This request for an amendment to the SCA provides EFSEC with information on (1) waste streams, compositions, and volumes, and (2) hazardous waste activities. Stipulations on methods of handling dangerous wastes are expected to be included in the amended SCA issued by EFSEC and are expected to be similar to those included in the existing SCA.
Temporary Modification of Water Quality Criteria	Washington Department of Ecology: RCW 90.48, 1730201 and 173-222 WAC; to address impacts associated with construction activities that unavoidably violate state water quality criteria.	The variance will be requested for the application of construction activities that unavoidably violate state water quality criteria on a short-term basis.
Consultation with State Historic Preservation Office	Washington Department of Community Development: State Historic Preservation Officer Approval; National Historic Preservation Act (Section 106); Executive Order RCW 80.50; protection of archaeological and historic resources.	Construction of Phase II is in areas previously disturbed by nuclear plant construction and/or Phase I construction and no further action is required.
On-Site Sewage System	Grays Harbor County: RCW 90.48, 173-240 WAC, RCW 80.50; to construct system septic system and to permit disposal of sanitary wastes.	This request for an amendment to the SCA provides EFSEC with relevant information on the proposed septic system for the CT project. Following current EFSEC requirements, design details will be submitted to EFSEC and Grays Harbor County for final approval. Design will meet Grays Harbor County requirements.

**TABLE 1.6-1 (CONTINUED)
PERTINENT FEDERAL, STATE, AND LOCAL REQUIREMENTS**

Permit or Requirement	Agency/Regulation	Compliance Plan
Building Approval	Grays Harbor County: County Ordinance No 137; RCW 80.50; to comply with County Building Code.	Building plans will be in compliance with the Grays Harbor County Building Code. Following current EFSEC requirements, drawings and specifications related to public health and safety will be submitted to Grays Harbor County for review and approval.
Shoreline Substantial Development Approval	Grays Harbor County: Shoreline Management Act, RCW 90.58, WAC 173-14, RCW 80.50, Grays Harbor County Shoreline Management Master Plan (Resolution No. 7419).	Phase I was shown to be consistent with Grays Harbor County Shoreline Master Management Plan. This consistency determination was required because auxiliary features (natural gas pipeline and transmission lines) crossed areas subject to the Shoreline Act. Phase II is entirely within the Phase I plant site, which is outside the boundaries of the Shoreline Master Management Plan.
Land Use and Zoning Compliance	Grays Harbor County: Ordinance 38, County Title 13, RCW 80.50; demonstration of compliance with county land use and zoning ordinances.	As part of the SCA amendment for Phase I, the location of energy facilities at the Satsop CT site was found to be consistent with the Grays Harbor County Zoning Code. The site has since been rezoned to I-2 expressly to permit energy facilities. No new determination of consistency is required for Phase II.
County Road Permit	Grays Harbor County: County Ordinance	When needed, county road permits will be obtained from Grays Harbor County for hauling of materials to the site. Road access and work in county road right-of-way permits will also be obtained if needed.