

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of)
SATSOP COMBUSTION TURBINE PROJECT) Land Use Hearing
AMENDMENT NO. 5) Pages 1 - 11
_____)

A Land Use hearing in the above matter was held on Tuesday, December 15, 2009, at 310 West Spruce Avenue, Room 212, in Montesano, Washington at 7:15 p.m., before the Energy Facility Site Evaluation Council members.

* * * * *

CHAIR LUCE: We are now commencing the land use hearing. Good evening, my name is Jim Luce. I'm the EFSEC Chair and I'm presiding over now what is a land use hearing before the Washington Energy Facility Site Evaluation Council pursuant to our statutory provisions RCW 80.50 and other code provisions in that section.

This public hearing is being held in Room 212 at 310 West Spruce Avenue, Montesano, Washington, at 7:15, Tuesday, December 15, 2009. Public notice of this hearing was given in the Daily World published in Aberdeen and the Vidette published in Montesano. Notices were mailed to persons on the Council's interested person list.

Those of you who haven't been getting notices --

1 Raise your hand, Tammy -- she will mail you information
2 about this project if she knows where to mail it. So that
3 would be a good idea.

4 This land use hearing is held to receive public
5 testimony, both oral and written, with regard to the
6 expansion of Satsop Combustion Turbine Project Units 3 and 4
7 consistent with land use regulations. Grays Harbor, LLC,
8 has submitted an application to amend the Satsop Combustion
9 Turbine to construct and operate a second 650-megawatt
10 natural gas combustion electrical generation facility
11 referred to as Units 3 and 4 at the existing Satsop
12 Combustion Turbine Site near Elma, Washington.

13 MR. FIKSDAL: Breathe.

14 CHAIR LUCE: I'm testing my lung capacity.

15 Grays Harbor also proposes to formally change the
16 name of this project to Grays Harbor Energy Project which
17 you may hear during this proceeding.

18 All right. Here's the procedure. We're going to
19 hear first from the applicant Grays Harbor Energy, second
20 from members of the public, and third from staff. Now, bear
21 in mind this is not the public comment session. You will
22 get a chance to go back and make public comments. This is
23 on the land use hearing designation so appreciate that.

24 Each of you have an opportunity to provide
25 testimony or comments to the Council on the land use

1 hearing. Each person is going to be sworn and asked to
2 state your name and whom you represent. After your
3 testimony, Council members may have questions about your
4 comments so please stay at the microphone. Stay standing
5 until we find out whether there are questions for you.

6 During today's formal land use hearing there will
7 be no opportunity for discussion between speakers and
8 others. You're not speaking to the Council. Someone
9 earlier said -- I think you did, sir -- that you would like
10 to get to know each of us on a first-name basis. I
11 appreciate that; however, we are acting as judges. So the
12 first-name basis if I see you down at the Bee Hive, great to
13 say hello. Here in this room under these these circumstances
14 we have a different role, you have a different role so I
15 know you'll appreciate that.

16 Following the land use hearing, the Council will
17 consider the testimony and comments received and will make a
18 decision regarding consistency and compliance with county
19 and regional land use planning or zoning ordinances in
20 accordance with Council rules. That's required. We have to
21 make a determination on what the land use is and whether
22 it's consistent. If it's consistent we go down one fork in
23 the road. If it's not consistent, we'll go down another.

24 Anyone who plans to testify -- we have testifiers
25 on land use. Thank you -- should sign up which you have

1 done, and please remember that as I said the testimony right
2 now is limited to the consistency with the land use zoning
3 ordinances not with the respect to public comments to the
4 amendment itself.

5 So I will pause for a moment for those who wish to
6 testify to sign up. We've paused. I've got the sign-up
7 sheet in front of me. Staff has retrieved the sign-up
8 sheet, and we will now hear oral statements.

9 I will call first on the applicant.

10 MR. LINFORD: Can I sign up on that application
11 before you begin?

12 CHAIR LUCE: Sure you can. I'm not going to
13 forget you.

14 MR. LINFORD: I mean on the land use thing.

15 CHAIR LUCE: Right. I gotcha.

16 MR. LINFORD: I'm on the other one.

17 CHAIR LUCE: We'll get you on the land use too.

18 MR. LINFORD: Okay.

19 CHAIR LUCE: Relax. I'll breathe normally, you
20 relax. So who's going to stand up for the applicant and
21 make a statement with respect to the land use?

22 We've got a witness right here. Come on up or
23 don't come up actually.

24 MS. CHANEY: I'm not coming up because I'll be
25 short.

1 CHAIR LUCE: All right. State your name, your
2 address, and please give us your testimony.

3 MS. CHANEY: My name is Katy Chaney, C-h-a-n-e-y.
4 I work for the URS Corporation, 1501 Fourth Avenue, Suite
5 1400, Seattle, Washington.

6 (Katy Chaney being sworn on oath.)

7 CHAIR LUCE: Consider yourself sworn and give your
8 testimony.

9 KATY CHANEY,

10 having been first duly sworn on oath,

11 testified as follows:

12

13 TESTIMONY OF KATY CHANEY

14 On behalf of the applicant I am entering a
15 statement that was prepared by Grays Harbor County. Brian
16 Shea will be submitting that land use consistency so I would
17 like to concede my position over to Brian.

18 CHAIR LUCE: All right. Brian, are you out there?

19 MR. SHEA: Yes, I am.

20 (Brian Shea sworn on oath.)

21 CHAIR LUCE: Come forward or stay where you are
22 and give us your testimony.

23 BRIAN SHEA,

24 having been first duly sworn on oath,

25 testified as follows:

1 TESTIMONY OF BRIAN SHEA

2 Good evening. I'm Brian Shea, the Planning and
3 Building Division Director for Grays Harbor County. That's
4 S-h-e-a and Brian with an i.

5 CHAIR LUCE: And your address is?

6 MR. SHEA: Our address is 100 West Broadway
7 Avenue. That's in Montesano 98563.

8 Mr. Chair, we have provided correspondence to you
9 dated November 25, 2009, and it concerns our examination of
10 the proposal for an expansion of the Grays Harbor Energy
11 facility located at 401 Keys Road within the Satsop
12 Development Park in unincorporated Grays Harbor County.

13 The proposed expansion of the existing Grays
14 Harbor Facility involves the addition of two gas turbines
15 and the addition of ten acres for the total operational
16 areas. Our review of the proposal has resulted in the
17 following findings:

18 First, the proposal in conformance with Grays
19 Harbor County Comprehensive Plan. The County has opted to
20 Satsop Development Park Master Plan as a subarea element and
21 component of the Grays Harbor County Comprehensive Plan on
22 April 7, 2008. We've included a copy of that activity on
23 the part of the county commissioners as Attachment 1 to our
24 November 25, 2009 correspondence.

25 Number two, the property is located within the

1 Satsop Development Park Zoning District. The proposal is in
2 conformance with the provisions of Grays Harbor County Code
3 17.57.020(H) which lists energy generation facilities and
4 activities as a permitted use within the Satsop Development
5 Park Zoning District. We've included a copy of that zoning
6 district from our county code as Attachment 2 to our
7 November 25, 2009 correspondence.

8 Those two reviews and our determination and the
9 findings lead us to believe that the project as proposed is
10 in conformance with our land use regulations currently in
11 place in unincorporated Grays Harbor County.

12 CHAIR LUCE: Thank you. Appreciate that.

13 Council Members have any questions?

14 No questions. Thank you for your testimony.

15 Mr. David Linford. You did sign up.

16 MR. LINFORD: I didn't think I did.

17 (David Linford sworn on oath.)

18 CHAIR LUCE: All right. Offer us your testimony.

19

20 DAVID LINFORD,

21 having been first duly sworn on oath,

22 testified as follows:

23

24 TESTIMONY OF DAVID LINFORD

25 I've only got about three questions in the

1 contents of where.

2 CHAIR LUCE: Give me your name.

3 MR. LINFORD: Okay. That has there ever been two
4 of these things built anyplace in the United States
5 together? That was my main question.

6 CHAIR LUCE: All right.

7 MR. LINFORD: Okay? I understand there never has
8 been. That's one of the real issues that I wish you guys
9 would check before you do because I don't believe there ever
10 has been. Now, it can't comply if the whole neighborhood
11 doesn't sleep. They put a building -- have you guys been
12 there? Have you guys ever been there? They put up a big
13 building. We went to the first meeting and they said that
14 we would not hear. They put a big huge berm, you know, big,
15 I mean 30 foot. There's a 30-foot prism seriously. They go
16 all the way around it and that we would not hear it period.
17 I never call anybody, but I can't believe it's in any kind
18 of variance because there isn't anybody from miles that's
19 not complaining about it that they can't sleep. It's louder
20 than anything, woke me up. So how can it be in compliance?
21 But my big issue really is that not only are you burning up
22 our water but what if there is two of them? I mean what
23 happens when you put two of these monsters together in one
24 spot?

25 CHAIR LUCE: Okay.

1 MR. LINFORD: That's a fair thing to ask because
2 you guys drove by it. Right? And you're going to drive by
3 it again, and my friends always go, oh, your hills on fire.
4 When you drive by it imagine two of them and imagine what
5 you're going to do to the environment on that particular
6 spot and we're not rolling this out. We're putting it here.
7 Okay? And I can't believe that is in compliance with what
8 you think you're going to do.

9 CHAIR LUCE: Thank you, David. I think I'll
10 accept those as both public comments and general comments on
11 land use. The land use consistency itself is a legal
12 question. We also understand and appreciate your questions
13 about the project itself. So are there other comments with
14 respect to the land use consistency issue, the statutory
15 issue?

16 All right. I'm going to ask again are there any
17 comments specifically with respect to land use consistency?
18 I'll ask that once more.

19 Hearing none, we will adjourn the land use
20 consistency hearing.

21 (Land Use hearing adjourned at 7:29 p.m.)

22
23
24
25

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PUBLIC TESTIMONY
KATY CHANEY
BRIAN SHEA
DAVID LINFORD

PAGE
5
6
7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

In re: Satsop Combustion Turbine Project

A F F I D A V I T

I, Shaun Linse, CCR, do hereby certify that the foregoing transcript prepared under my direction is a full and complete transcript of proceedings held on December 15, 2009, in Montesano, Washington.

Shaun Linse, CCR 2029