

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 2002-01

BP WEST COAST PRODUCTS, LLC

BP CHERRY POINT COGENERATION
PROJECT

NOTICE OF BEGINNING OF
ADJUDICATIVE PROCEEDING -
DECEMBER 8, 2003

NOTICE OF HEARING TO RECEIVE
EVIDENCE FROM MEMBERS OF THE
PUBLIC - DECEMBER 9, 2003

NOTICE OF LAND USE HEARING -
DECEMBER 9, 2003

NOTICE OF AVAILABILITY OF STATE
WASTE DISCHARGE PERMIT AND 401
CERTIFICATION CONDITIONS FOR
PUBLIC COMMENT

The Application

On June 10, 2002, BP West Coast Products, L.L.C. (BP) submitted an application to the Washington State Energy Facility Site Evaluation Council (EFSEC or Council) to construct and operate the BP Cherry Point Cogeneration Project (Project), a 720-megawatt natural gas-fired combustion turbine electrical cogeneration facility. Associated with the Project will be a 1,400-foot natural gas pipeline and an approximately 0.8 mile electrical transmission line. To integrate the new power generation into the transmission grid, Bonneville Power Administration (Bonneville) may need to re-build 4.7 miles of an existing 230-kV transmission line. The proposed Project will be located within Whatcom County, near the community of Birch Bay.

EFSEC and Bonneville are conducting an environmental review of the Project, and issued a joint draft Environmental Impact Statement (DEIS) for public comment under the Washington State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA) on September 5, 2003. A final EIS will be issued following the close of EFSEC's adjudicative proceeding.

More specific information about the project is available from EFSEC's office or from reviewing the application at public libraries in Whatcom County, and in Surrey and White Rock, British Columbia, Canada. Information regarding the project is also on EFSEC's Internet site at: www.efsec.wa.gov.

Notice of Adjudicative Proceeding

The Council is reviewing Application No. 2002-01 under the procedures set forth in Chapter 80.50 of the Revised Code of Washington (RCW) and Title 463 of the Washington Administrative Code (WAC) for reviewing applications for new major energy facilities. The

statute requires the Council to hold an adjudicative proceeding under Chapter 34.05 RCW, the Administrative Procedure Act. On September 18, 2002, EFSEC noticed its intention to hold adjudicative hearings relating to Application No. 2002-01 in accordance with the procedural rules found in Chapter 463-30 WAC.

The adjudicative proceeding will begin at 9:00 a.m. on Monday December 8, 2003, in Bellingham, Washington, and will be held at **Fox Hall (Hampton Inn), 3985 Bennett Drive, Bellingham, WA 98225-1027**. Exact hearing times on subsequent days are subject to change. Please contact the EFSEC office at (360) 956-2121 for the most current hearing schedule.

The statutory parties to an adjudicative proceeding are the applicant, BP West Coast Products, L.L.C., and the Counsel for the Environment (as defined in RCW 80.50.020(12)), Assistant Attorney General, Mary Barrett. On December 16, 2002, EFSEC granted intervention to the Washington Utilities and Transportation Commission (WUTC), Whatcom County, and the Province of British Columbia. On October 13, 2003, EFSEC granted the WUTC permission to withdraw its notice of intent to participate as a party to this proceeding.

Interested persons may also take note that on December 8, 2003, starting at 9:00 a.m., the Council will conduct a Settlement Hearing in this matter, at the Fox Hall hearing location given above.

Notice of Hearing to Receive Evidence from Members of the Public: December 9, 2003

A hearing to receive public evidence and testimony on the Application of the proposed Project will be held on Tuesday, December 9, 2003. The public is invited to attend and provide testimony, either oral and/or written, to the Council regarding this Application. The Council will also be taking comments on the proposed State Waste Discharge Permit, the 401 Certification and the proposed Prevention of Significant Deterioration/Notice of Construction air emissions permit at this hearing. The hearing will be held at the following time and location:

**Public Testimony Hearing
Tuesday December 9, 2003 – Starting at 7:00 p.m.
Blaine Performing Arts Center
975 H Street, Blaine, Washington, 98230**

Interested persons may also send written comments about the project and the draft permits by surface mail or e-mail to the address indicated below. Written comments must be **post marked (or dated for e-mail) no later than December 12, 2003**, to be entered into the adjudicative record and considered by EFSEC.

Address written comments to:

Allen J. Fiksdal

EFSEC

P. O. Box 43172

Olympia, Washington 98504-3172

Address e-mail comments to:

efsec@ep.cted.wa.gov

Notice of Land Use Hearing: December 9, 2003

At 1 p.m., Tuesday December 9, 2003, the Council will convene a Land Use Hearing for the purpose of determining if the proposed Project site is consistent with Whatcom County land use plans and zoning ordinances. Public testimony will be taken at this hearing, but it will be limited to land use and zoning consistency issues. The land use hearing will be held at the following time and location:

**Land Use Hearing
Tuesday December 9, 2003 – 1:00 p.m.
Fox Hall (Hampton Inn)
3985 Bennett Drive, Bellingham, WA 98225-1027**

Adjudicative evidentiary hearings in this matter will resume immediately after the close of this land use hearing.

Notice of Availability of State Waste Discharge Permit and 401 Certification Conditions For Public Comment

A draft State Waste Discharge Permit for the Project and a recommendation for 401 Certification (wetlands mitigation) conditions have been prepared for Council consideration.

The documents are available for public review in hard copy format upon request to the EFSEC office, by calling (360) 956-2121, by e-mailing to efsec@ep.cted.wa.gov, or by mail to EFSEC, P.O. Box 43172, Olympia, WA, 98504-3172. The documents are also available in electronic format on EFSEC's web site at www.efsec.wa.gov/bpcogen.html.

Interested persons may also submit oral comments on these documents at the Public Testimony Session to be held on December 9, 2003, starting at 7:00 p.m., at the Blaine Performing Arts Center, 975 H Street, Blaine, Washington, 98230. Written comments should be addressed to Allen J. Fiksdal, EFSEC, P. O. Box 43172, Olympia, Washington 98504-3172, or by e-mail to efsec@ep.cted.wa.gov. To be considered, comments on these documents must be postmarked (or dated for e-mail) no later than December 12, 2003.

Opportunities for Public Participation

Public participation in the EFSEC process is accommodated in several ways. A public information and scoping meeting was held in Blaine, Washington on July 9, 2002. A public comment hearing on the Draft Environmental Impact Statement was held on October 1, 2003, in Blaine, Washington. Public comments on the draft Prevention of Significant Deterioration air emission permit, the draft State Waste Discharge Permit, and the recommended 401 Certification Conditions will also be accepted on the evening of December 9, 2003.

Finally, as part of the adjudicative proceeding regarding the Application, a specially designated session has been scheduled to receive evidence from the public: Tuesday December 9, 2003 – Starting at 7:00 p.m. - see details of meeting location above. This is an opportunity for the public to testify before EFSEC regarding this proposal. EFSEC will also receive written comments on this matter through December 12, 2003 - see details above.

Counsel for the Environment

Under RCW 80.50.080, the state Attorney General's Office has appointed an independent Counsel for the Environment to represent the public and its interests in protecting the quality of the environment. Ms. Mary Barrett, Assistant Attorney General, is the Counsel for the Environment for this adjudicative proceeding. The public may contact Ms. Mary Barrett for information regarding the project and to express their concerns regarding the proposal: Office of the Attorney General, 1125 Washington Street, P.O. Box 40110, Olympia, WA, 98504-0100, (360) 664-2475, maryb@atg.wa.gov.

Copies of filings in this proceeding are available from the Council at the address listed below, or by calling (360) 956-2047.

WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL
Dated in Olympia, Washington this 7th day of November, 2003

By: Allen J. Fiksdal, EFSEC Manager
P.O. Box 43172, Olympia, Washington 98504-3172