

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
26

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

In the Matter of Application
No. 2006-01:

ENERGY NORTHWEST

PACIFIC MOUNTAIN ENERGY
CENTER

Application No. 2006-01

DECLARATION OF
LAURA WATSON

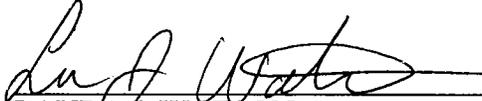
I, LAURA WATSON, declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

1. I am over the age of 18, am competent to testify in a court of law, and voluntarily provide this statement from my own personal knowledge and recollection. I am the attorney of record for the Department of Ecology in this case.

2. On October 22, 2007, I was one of several recipients of an e-mail from Nancy Pritchett from the Department of Ecology. Ms. Pritchett is spearheading the RCW 80.80 rulemaking effort for Ecology and is currently involved in the stakeholder process associated with the rule. There were two attachments to Ms. Pritchett's e-mail. Exhibit A to this declaration is a public document and was one of the attachments to Ms. Pritchett's e-mail.

1 Exhibit A is a draft document that was circulated for comment by the stakeholders.

2 DATED this 8 day of November, 2007, in Olympia, Washington.

3 
4 LAURA J. WATSON

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Carbon dioxide mitigation and sequestration program for fossil-fueled thermal electric generating facilities, Chapter 173-407 WAC

Section: Working in Unison

WAC 173-407-005 Work in unison. The requirements of this chapter, sections 010 through 070 are based upon Chapter 80.70 RCW and are separate and distinct from the requirements found in this chapter, sections 100 through ■■■ which are based upon Chapter 80.80 RCW. These two requirements are required to work in unison with each other in a serial manner. The first requirement is the emissions performance standard. Once that standard is met, the requirements of Chapter 80.70 RCW (sections 010 through 070 of this rule) are applied.

Section: Relationship of Ecology with PUD commissions and WUTC under Part II

WAC 173-407-180 - Relationship of Ecology with PUD commissions and WUTC under Part II. When the commissioners of Washington Public Utility Districts and electrical companies enter into long-term financial commitments for baseload electric generation, the Washington Public Utility Districts and electrical companies must ensure that the commitments comply with the greenhouse gases emissions performance standard. In order to do so the commissioners of Washington Public Utility Districts and electrical companies will consult with the Department of Ecology before approving the contract. Ecology will use the WAC 73-407-170 as the basis for making a recommendation to the commissioners of Washington Public Utility Districts or the electrical companies.

Section: Definitions (Defining permanent sequestration)

WAC 173-407-110 Definitions to Part II. The following definitions are applicable for the purposes of Part II of this chapter.

...

Three Options:

1. Permanent sequestration means retention of at least 99% of the greenhouse gases that are stored using a sequestration method approved by the department. Geologic sequestration facilities must retain at least 99% of injected greenhouse gases below the reservoir seal or caprock. Other approved methods of sequestration must retain at least 99% of stored greenhouse gases to prevent leakage into the atmosphere.

(Option 1 does not include a time frame, such as “1,000 years” or “life of the facility”. By not defining the time frame, it is implied that there is no end to the sequestration.)

2. Permanent sequestration means retention for 1,000 years of at least 99% of the greenhouse gases that are stored using a sequestration method approved by the department. Geologic sequestration facilities must retain at least 99% of injected greenhouse gases below the reservoir seal or caprock. Other approved methods of sequestration must retain at least 99% of stored greenhouse gases to prevent leakage into the atmosphere.

(Option 2 takes Option 1 and adds the timeframe of 1,000 years)

3. Permanent sequestration means retention for 1,000 years of at least 99% of the greenhouse gases that are stored using a sequestration method approved by the department. All methods of sequestration must prevent at least 99% of stored CO₂ from entering atmosphere.

(Option 3 does not differentiate geologic from other approved forms)