

Table of Contents

Introduction to Potential Site Study Starbuck Power Project.....	1
Background.....	1
The EFSEC Review Process	2
Application for Site Certification.....	2
Environmental Impact Statement.....	2
Adjudicative Proceedings	3
Air and Water Discharge Permits	3
Council Considerations	4
Anticipated EFSEC Review Schedule	4

Introduction

This page left blank intentionally.

Introduction to Potential Site Study Starbuck Power Project

Background

The Starbuck Power Company, LLC (SPC), a division of PPL Global of Fairfax, Virginia, proposes to construct and operate a 1,200-megawatt power generation facility in Columbia County, Washington, approximately 6 miles northwest of the town of Starbuck. The Energy Facility Site Evaluation Council (EFSEC or the Council) is the single nonfederal authority for licensing major energy facilities in the State of Washington, and SPC has indicated its intent to submit an Application for Site Certification to EFSEC in summer 2001.

On February 14, 2000, Northwest Power Enterprises, Inc. (NPE), formerly the proponent of the Starbuck Power Project, submitted a request to EFSEC for a Potential Site Study (as provided for in Chapter 463-22 Washington Administrative Code [WAC]). One month later, NPE requested that EFSEC postpone the study until further notice. On July 25, 2000, NPE authorized EFSEC to proceed with the Potential Site Study. After developing the scope of work for the study, which differs from those of previous Potential Site Studies, EFSEC contracted with Jones & Stokes, the independent consultant to EFSEC, to conduct the Potential Site Study and prepare a report. The contract was signed on October 19, 2000, and work commenced immediately. In November 2000, PPL Global purchased Northwest Power Enterprises and the Starbuck Power Project, and the Potential Site Study continued.

EFSEC has determined that the Potential Site Study should meet two basic requirements: (1) identify the potential environmental, health and safety, social, and regulatory issues related to the proposed energy facility, and (2) provide SPC with guidance beyond that provided in Chapter 463-42 WAC on the information to be included in the Application for Site Certification.

The remainder of this Potential Site Study report consists of the following sections:

- Chapter I—Coordination and Interaction
- Chapter II—Environmental Assessment
- Chapter III—Application Format
- Chapter IV—Application Guidelines and Criteria

The following describes the overall EFSEC review process.

The EFSEC Review Process

Application for Site Certification

Based on the guidelines included in the Potential Site Study, the applicant, SPC, will complete the required studies and prepare the Application for Site Certification (ASC). Submittal of the ASC to the Council will initiate the EFSEC application review process, which will include the following steps:

- Notify those on the project mailing list that the document has been filed with the Council.
- Distribute the ASC to state agencies and stakeholders for review.
- Make copies of the ASC available for public reference at local libraries.
- To ensure that the information in the ASC is complete and objective, EFSEC's independent consultant, Jones & Stokes, will review this document and submit its findings to EFSEC (as required by Revised Code of Washington [RCW] 80.50.071[1][a]).

Within 60 days of receipt of the ASC, the Council will hold an Initial Public Meeting on the proposed project. The meeting will be held in the vicinity of the proposed project after notifying public officials, publishing notices, and issuing news releases. The initial public meeting has several purposes:

- to inform the public of the proposed project and of the Council's review process;
- to determine the proposed project's consistency with local land use ordinances; and
- to invite the public to comment on the project application.

Environmental Impact Statement

Based on the information gathered during the review of the ASC by the Council's consultant and on the public comments received at the Initial Public Meeting and through scoping, EFSEC will prepare and issue a Draft Environmental Impact Statement (EIS) for public comment pursuant to the State Environmental Policy Act (SEPA). The EIS will be a joint SEPA/National Environmental Policy Act (NEPA) document because Bonneville Power Administration (BPA) will be required to prepare a NEPA EIS as a part of its decision-making process associated with the new transmission lines associated with this project and with transmitting electricity from the project through its system. In addition to assessing impacts associated with the project-related transmission lines, BPA will address the cumulative impacts of power generation projects on air quality, natural gas supplies and distribution, and the BPA transmission grid. The public will be notified when the Draft EIS is issued and will have the opportunity to comment at public hearings and via written comments.

EFSEC and BPA will address the issues and comments raised by the Draft EIS public comment process. A Final EIS will be prepared, and EFSEC and BPA will provide notice to interested persons when the Final EIS is issued.

Adjudicative Proceedings

EFSEC's certification process calls for the Council to hold formal hearings on the proposed project to allow the applicant and opponents to present information to support their cases. The purpose of the adjudication is for the Council to resolve remaining issues and make a siting recommendation to the Governor.

These trial-like hearings, or "adjudicative proceedings," are conducted according to Chapter 34.05 RCW. These provisions emphasize the right of all parties to a fair hearing, and the requirement for legal due process in the administration of the hearing. To participate in the hearings, parties likely to be affected by impacts of the proposed energy facility petition the Council for "intervenor" status.

Interested persons, Indian tribes, public or environmental groups, or local, state, or federal agencies may petition the Council to become intervenors in the proceedings. Participants who are granted legal status as intervenors have the opportunity to call expert witnesses, examine and cross-examine witnesses, and join all aspects of the legal process.

Another participant is the Counsel for the Environment, a state-appointed Assistant Attorney General, whose role in the hearings is to represent the broad interests of all Washington citizens in protecting the quality of the environment.

The extensive adjudicative hearings cover contested issues or project impacts, including environmental, socioeconomic, and public safety concerns. Through examination and cross-examination by the applicant, intervenors, Counsel for the Environment, and EFSEC members themselves, each potential impact is examined in great detail. Parties and intervenors have legal counsel represent them during the hearings.

The testimony and exhibits introduced during these proceedings (including the EIS) are the basis for the record the Council will refer to when determining whether to recommend project approval or disapproval to the Governor. Information from these proceedings is also used to determine conditions for construction and operation of the project. The applicant must meet these conditions if the Governor approves the project.

Air and Water Discharge Permits

In tandem with the adjudicative proceedings, the Council initiates its process for developing air emission and water discharge permits. The Starbuck Power Project would be required to obtain a Prevention of Significant Deterioration (PSD) permit, which would establish the conditions and limits of permitted air emissions. The proponent may also be required to fulfill the requirements for a state water discharge permit. As currently proposed, the project

would not discharge into the state's waters during either construction or operation; therefore, a National Pollutant Discharge Elimination System (NPDES) permit would not be necessary.

The Council is required by state and federal law to prepare draft PSD and NPDES discharge permits for public comment. The U.S. Environmental Protection Agency (EPA) has delegated responsibility for issuing PSD and NPDES permits to the Council for projects under EFSEC jurisdiction. Any permit issued would meet all local, state, and federal Clean Air Act or Clean Water Act standards.

Council Considerations

After the close of the hearings, Council members will study the record at length. They will carefully weigh all the evidence before them, and then they will recommend to the Governor whether to approve or deny the project application. If the Council finds the project should proceed, it will recommend to the Governor that the project be approved, and will develop a Site Certification Agreement (SCA) to be signed by the Governor. The SCA has all of the environmental, social, economic, and engineering conditions the applicant must meet for construction and operation throughout the life of the project.

If the Council finds the project will have significant impacts that cannot be mitigated, or that the project is not in the best interest of the state, it will recommend to the Governor that the project be denied.

The Governor has 60 days to consider the Council's recommendation and can take one of the following actions:

1. approve the Council recommendation and execute the draft SCA;
2. deny the application; or
3. direct the Council to reconsider certain aspects of the project.

Anticipated EFSEC Review Schedule

Based on EFSEC's current understanding of the SPC schedule for submittal of the ASC, the anticipated review schedule for the Starbuck Power Project is presented below. The actual schedule will depend on the completeness and accuracy of the ASC, the number and magnitude of key issues, the number of intervenors, and other factors related to the review process:

- Application submitted..... third quarter, 2001
- Draft EIS issued for comment..... fourth quarter, 2001
- Preliminary Final EIS issued..... first quarter, 2002

- Adjudicative hearings first quarter, 2002
- Final EIS issued¹ first quarter, 2002
- Recommendation to the Governor second quarter, 2002
- Governor's decision second or third quarter, 2002

¹ The Council is considering rules changes that would result in issuance of the final EIS before initiation of the adjudicative hearing.

Introduction

This page left bank intentionally.