



Washington State Energy Facility Site Evaluation Council AGENDA

MONTHLY MEETING
Tuesday, October 17, 2017
1:30 PM

1300 S Evergreen Park Drive SW
Olympia, WA 98504
Hearing Room 206

- 1. Call to Order Roselyn Marcus, EFSEC Chair
- 2. Roll Call Tammy Mastro, EFSEC Staff
- 3. Proposed Agenda Roselyn Marcus, EFSEC Chair
- 4. Minutes **Meeting Minutes**..... Roselyn Marcus, EFSEC Chair
 - August 15, 2017
- 5. Projects
 - a. Kittitas Valley Wind Project
 - Operational Update.....Eric Melbardis, EDP Renewables
 - b. Wild Horse Wind Power Project
 - Operational Update.....Jennifer Diaz, Puget Sound Energy
 - c. Columbia Generating Station
 - Operational Update.....Debbie Knaub, Energy Northwest
 - d. WNP – 1/4
 - Non-Operational Update.....Debbie Knaub, Energy Northwest
 - e. Chehalis Generation Facility
 - Operational Update.....Mark Miller, Chehalis Generation Staff
 - f. Tesoro/Savage Vancouver Energy Distribution Terminal
 - Project Update.....Sonia Bumpus, EFSEC Staff
 - g. Grays Harbor Energy Center
 - Operational Update.....Chris Sherin, Grays Harbor Energy
 - Greenhouse Gas Mitigation Plan UpdateJim LaSpina, EFSEC Staff

*The Council may consider and take **FINAL ACTION** on underpayment of funds to mitigate for greenhouse gases as required by the Facility Greenhouse Gas Mitigation Plan. Representatives from the Climate Trust will make a presentation regarding this matter.*
- 6. Other
 - a. EFSEC Council
 - 2nd Quarter Cost Allocation.....Stephen Posner, EFSEC Staff
- 7. Adjourn..... Roselyn Marcus, EFSEC Chair

Verbatim Transcript of Monthly Council Meeting
Washington State Energy Facility Site Evaluation Council
August 15, 2017



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
Richard Hemstad Building
1300 South Evergreen Park Drive Southwest
Conference Room 206
Olympia, Washington
August 15, 2017

MONTHLY COUNCIL MEETING
Verbatim Transcript of Proceeding

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1 A P P E A R A N C E S
2 Councilmembers Present:
3 Bill Lynch, Chair
4 Jaime Rossman, Department of Commerce
5 Cullen Stephenson, Department of Ecology
6 Joe Stohr, Department of Fish and Wildlife
7 Commission
8
9 Local Government and Optional State Agencies:
10
11 Larry Paulson, Port of Vancouver (via phone)
12 Ken Stone, Department of Transportation
13 Bryan Snodgrass, City of Vancouver (via phone)
14 Greg Shafer, Clark County (via phone)
15 Assistant Attorney General:
16 Ann Essko, Senior Counsel
17 Staff in Attendance:
18 Stephen Posner
19 Jim LaSpina
20 Tammy Mastro
21 Sonia Bumpus
22 Joan Aitken
23 Ami Kidder
24 Christina Potis
25 Guests in Attendance:
26 Rich Downen, Grays Harbor Energy
27 Mark Miller, PacifiCorp Chehalis Generation
28 Facility
29 Guests in Attendance Via Phone:
30 Shannon Khounnala, Columbia Generating & WNP 1/4
31 Kristen Boyles, Earthjustice
32 Haley Edwards, Wild Horse Wind Power Project, Puget
33 Sound Energy
34 Eric Melbardis, EDP Renewables
35 Connie Sue Martin, Port of Vancouver

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1 OLYMPIA, WASHINGTON; AUGUST 15, 2017
2 1:30 P.M.
3
4 CHAIR LYNCH: Good afternoon. Today is
5 Tuesday, August 15th, it is a little after 1:30 p.m.
6 and this is the August meeting for the Energy Facility
7 Site Evaluation Council.
8 Could we please have the clerk call the
9 roll.
10 THE CLERK: Department of Commerce?
11 MR. ROSSMAN: Jaime Rossman is here.
12 THE CLERK: Department of Ecology?
13 MR. STEPHENSON: Cullen Stephenson, here.
14 THE CLERK: Department of Fish and
15 Wildlife?
16 MR. STOHR: Joe Stohr is here.
17 THE CLERK: Natural Resources?
18 CHAIR LYNCH: Councilmember Siemann is
19 excused.
20 THE CLERK: Utilities and Transportation
21 Commission?
22 MR. MOSS: Dennis Moss is here.
23 THE CLERK: Local Governments and Optional
24 State Agencies, for the Tesoro project, Department of
25 Transportation?

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1 MR. STONE: Ken Stone is here.
2 THE CLERK: City of Vancouver?
3 CHAIR LYNCH: Oh, I believe he'll be
4 joining us shortly.
5 THE CLERK: Clark County?
6 MR. SHAFER (by phone): Greg Shafer's on
7 the phone.
8 THE CLERK: Port of Vancouver?
9 MR. PAULSON (by phone): Larry Paulson's
10 on the phone.
11 THE CLERK: Chair, there is a quorum for
12 the regular Council and for the Tesoro project
13 Council.
14 CHAIR LYNCH: Thank you.
15 And if we could have the councilmembers
16 just take a quick look at the proposed agenda to see
17 if there's any suggested changes.
18 Hearing none, let's move forward. And at
19 this point in time, I'd like to have people on the
20 phone who haven't already identified themselves to
21 identify themselves if they wish, but you're not
22 required to.
23 MR. MELBARDIS (by phone): Eric Melbardis,
24 EDP Renewables.
25 MS. KHOUNNALA (by phone): Shannon

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1 Khounnala, Energy Northwest.
 2 MS. EDWARDS (by phone): Haley Edwards
 3 with Puget Sound Energy.
 4 MS. BOYLES (by phone): Kristen Boyles,
 5 Earthjustice.
 6 MS. MARTIN (by phone): Connie Sue Martin
 7 for the Port of Vancouver.
 8 CHAIR LYNCH: Anyone else?
 9 Okay. Let's go ahead and turn to the
 10 minutes from the July 18th meeting. I have one
 11 suggested change on page 15, line 5. There's a
 12 reference to "soot fencing" and it should be "silt
 13 fencing."
 14 Does anyone else have any edits that
 15 they'd like to flag for the Council? I think
 16 Councilmember Stephenson is thinking that they should
 17 also have installed soot fencing; is that correct?
 18 MR. STEPHENSON: Yes.
 19 CHAIR LYNCH: I see.
 20 At this point in time, I will entertain a
 21 motion to approve the July 18th minutes as amended.
 22 MR. MOSS: Chair Lynch, I move the
 23 approval of the July 18th, 2017, minutes as amended
 24 this morning.
 25 CHAIR LYNCH: Do we have a second?

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1 MR. ROSSMAN: I'll second.
 2 CHAIR LYNCH: It's been moved and seconded
 3 that we approve the July 18th, 2017, minutes as
 4 amended.
 5 All those in favor, say "Aye."
 6 MULTIPLE SPEAKERS: Aye.
 7 CHAIR LYNCH: Motion carries.
 8 At this point in time, we'll turn to our
 9 facility updates, and first Mr. Melbardis for the
 10 Kittitas Valley Wind Project.
 11 MR. MELBARDIS: Good afternoon, EFSEC
 12 Council. This is Eric Melbardis with EDP Renewables
 13 for the Kittitas Valley Wind Power Project. We have
 14 nothing nonroutine to report for the period.
 15 CHAIR LYNCH: Any questions for
 16 Mr. Melbardis? Thank you, Mr. Melbardis.
 17 Oh, actually, before -- I don't know if
 18 the outside people stay on for the entire meeting or
 19 not, but at this point in time, I'd like to announce
 20 that, because there's nothing pressing during the
 21 month of September in terms of a need for a council
 22 meeting, I think the time would be better spent if we
 23 just all keep working on what we're working on.
 24 So I'm going to cancel September's council
 25 meeting, and if our facilities can just provide a

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1 two-month report at the October meeting, that would be
 2 great.
 3 Okay. Thank you.
 4 Ms. Diaz, Wild Horse Wind Power Project.
 5 Is she here? Mr. LaSpina, do you have anything to
 6 mention regarding Wild Horse? I think they had a TAC
 7 update or something, eagle update.
 8 MR. LASPINA: Chair Lynch, I heard Haley
 9 Edwards identify herself. She's also with PSE.
 10 So is Haley on the line?
 11 MS. EDWARDS: I am on the line. I know
 12 Jennifer was planning on calling in, but she's off
 13 site today so she may be having technical
 14 difficulties.
 15 There isn't anything nonroutine to report.
 16 I do have an eagle update.
 17 PSE continues to work closely and
 18 diligently with the Fish and Wildlife Service on
 19 completing the Eagle Conservation Plan and the related
 20 Environmental Assessment. And in order to obtain an
 21 Incidental Eagle Take Permit, the measures that are
 22 described in the ECP would be incorporated into the
 23 Incidental Take Permit as permit conditions.
 24 PSE recently met with the Fish and
 25 Wildlife Service to review the latest revisions to the

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1 ECP, and through additional coordination with the
 2 Service, there are a few sections to be further
 3 refined. Once those items are complete, the Service
 4 will provide information to complete the Environmental
 5 Assessment.
 6 Once the Eagle Conservation Plan is
 7 finalized, PSE will provide a copy to EFSEC and to
 8 TAC, and then once the final Environmental Assessment
 9 is completed, the Fish and Wildlife Service will
 10 release the EA in the Federal Register for public
 11 review and comment, and then will make a determination
 12 on whether to issue an Incidental Eagle Take Permit
 13 for Wild Horse.
 14 In order to obtain an Incidental Eagle
 15 Take Permit, it is required to resolve past take [sic]
 16 of eagles through a standard settlement agreement
 17 process. PSE has entered into a standard civil
 18 settlement agreement with the Fish and Wildlife
 19 Service to resolve the four eagle fatalities at Wild
 20 Horse.
 21 When developing the settlement agreement,
 22 the Service considered the previous actions PSE has
 23 taken in an effort to mitigate the fatalities, such as
 24 providing funding to Hawk Watch International and Blue
 25 Mountain Wildlife Rehab, as well as conservation

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1 measures implemented under the SCA.
 2 Under the settlement, PSE will implement
 3 corrective actions in the form of research and
 4 development of eagle detection and deterrent
 5 technologies and report to the Fish and Wildlife
 6 Service.
 7 CHAIR LYNCH: And Haley, can you remind me
 8 of your last name, please?
 9 MS. EDWARDS: Edwards.
 10 CHAIR LYNCH: Edwards?
 11 MS. EDWARDS: Yes.
 12 CHAIR LYNCH: Thank you.
 13 Ms. Edwards, what I would like a little
 14 bit better understanding of is, it says the Eagle
 15 Conservation Plan, after it's finalized, a copy is
 16 provided to the TAC. But do they have any input
 17 regarding the settlement agreement with the feds, with
 18 the US Fish and Wildlife Service, or is it just in
 19 terms of what's the appropriate corrective measures?
 20 MS. EDWARDS: The settlement agreement
 21 process is a standard template that the Fish and
 22 Wildlife Service developed, and it's available --
 23 there was a chief directive that came out in November
 24 of -- I can't remember if it was last November, I
 25 think it was, and so that outlines the specific

1 MS. KHOUNNALA: In regard to -- we'll
 2 start off first with Columbia Generating Station, and
 3 I would like to provide a brief update to the Council
 4 which is not on your report that was prepared last
 5 week.
 6 And the update we have is regarding a
 7 recent event with one of our radwaste shipments.
 8 While I've provided the Council updates this past
 9 spring and the winter of a shipment that occurred last
 10 November where we used an improper container for a
 11 low-level radwaste shipment, you may have seen some
 12 recent news or newspaper articles regarding another
 13 low-level radwaste shipment event that occurred this
 14 past July.
 15 The most recent shipment followed our new
 16 processes and procedures to prevent a repeat of
 17 sending the waste in the wrong container.
 18 Unfortunately, the new processes and procedures didn't
 19 prevent a human performance error of providing the
 20 wrong manifest document to the driver.
 21 Specifically, in this case, there was an
 22 original version of the manifest and a revised version
 23 of the manifest that we prepared, and we failed to
 24 provide the revised version.
 25 In regard to the shipment itself, the US

1 prescriptions that would go into a settlement, so
 2 that's a confidential process between PSE and the Fish
 3 and Wildlife Service.
 4 CHAIR LYNCH: Okay.
 5 So the role of the TAC at this point,
 6 then, is just to receive a copy of the plan once it's
 7 finalized and review it and then incorporate that into
 8 their other measures; is that correct?
 9 MS. EDWARDS: Correct.
 10 CHAIR LYNCH: Okay.
 11 MS. EDWARDS: Yes. And the Eagle
 12 Conservation Plan and the settlement agreement process
 13 are separate, but in order to complete an ECP and
 14 obtain a permit, you must resolve those prior eagle
 15 fatalities. And the way to do that is through a
 16 settlement agreement.
 17 CHAIR LYNCH: Okay.
 18 Any questions for Ms. Edwards?
 19 Thank you. Let's move on.
 20 MS. EDWARDS: Thank you.
 21 CHAIR LYNCH: Ms. Knaub, Energy Northwest?
 22 MS. KHOUNNALA: Yes. So Debbie Knaub is
 23 actually out of the office today, so it's me, Shannon
 24 Khounnala, filling back in to address the Council.
 25 CHAIR LYNCH: We like you so much better.

1 Ecology disposal site did accept our shipment once we
 2 provided the correct manifest. And while our disposal
 3 privileges are suspended with the Department of
 4 Health, the Department is ready to reinstate our
 5 shipping privileges once we transmit a response to
 6 them containing our cause determination.
 7 I will say that we're taking our time with
 8 our cause determination so that we get this right. We
 9 have the ability to store waste for prolonged periods
 10 of time, and we will do so until such time that we
 11 believe we're ready to fully address the gap in this
 12 performance.
 13 In terms of safety, and I think the
 14 message that often gets lost in news reporting, is
 15 that this did not have a risk to the public health or
 16 the environment. However, it certainly exposed that
 17 our new processes and procedures did not prevent this
 18 human error, and it is a deeply embarrassing
 19 occurrence.
 20 For now our evaluation is ongoing. It
 21 contains members of our executive team participating
 22 in our evaluation. And our expectation is that we
 23 will respond to the Department of Health in the coming
 24 weeks once we feel we are ready to do so.
 25 At this time, if there's any questions

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1 about this event, I will try to answer them.
 2 Otherwise, we don't have any other updates to report
 3 out for Columbia Generating Station.
 4 CHAIR LYNCH: Any questions for
 5 Ms. Khounnala? Yes, Councilmember Stephenson.
 6 MR. STEPHENSON: Thank you, Chair Lynch.
 7 This may be a question for EFSEC staff,
 8 but as a councilmember, I hear good commentary from
 9 Ms. Khounnala about this incident and that things are
 10 fine. What's our responsibility to make sure that
 11 that's correct?
 12 CHAIR LYNCH: We have no responsibility
 13 over this particular area. She's just --
 14 Ms. Khounnala's just updating us about what's
 15 happening at the facility, but EFSEC does not regulate
 16 hazardous waste or radwaste shipments.
 17 So though having worked on this area
 18 before, people have to rely upon those manifests. I
 19 mean, it's -- even though it's not -- even though the
 20 waste itself was acceptable, this is an area where
 21 paperwork is -- it's really important. You need to
 22 get it right.
 23 So Mr. LaSpina?
 24 MR. LASPINA: I just wanted to clarify for
 25 Councilmember Stephenson, there may be some confusion

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1 because EFSEC was delegated the authority to issue
 2 radionuclide emissions licenses, but only -- in only
 3 that area are we delegated any of Department of Health
 4 responsibilities. We have no -- no authority
 5 whatsoever, no jurisdiction whatsoever over radwaste
 6 shipments, and we're not delegated that.
 7 CHAIR LYNCH: Correct.
 8 And Ms. Khounnala, do you have anything
 9 else for us today?
 10 MS. KHOUNNALA: No, certainly not in
 11 regard to that. And just to emphasize that really
 12 providing the Council an update on that is meant to
 13 keep you informed as best as possible. Certainly when
 14 Energy Northwest and Columbia Generating Station
 15 appear in the news, we want to be as forthcoming and
 16 transparent as possible to the Council as well.
 17 CHAIR LYNCH: Thank you, Ms. Khounnala.
 18 And we appreciate the updates, because people often
 19 ask us as councilmembers these questions. And even
 20 though it's not within our jurisdiction, it's nice to
 21 be able to know what's going on.
 22 MS. KHOUNNALA: Absolutely. We recognize
 23 that.
 24 CHAIR LYNCH: Thank you.
 25 Mr. Miller, Chehalis Generation Facility?

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1 MR. MILLER: Good afternoon, Chair Lynch,
 2 councilmembers and Staff. I'm Mark Miller with the
 3 PacifiCorp Chehalis Generation Facility.
 4 I have nothing nonroutine to report today,
 5 but if there are any questions from this report or
 6 past reports, I'd be happy to answer them.
 7 CHAIR LYNCH: Any questions for
 8 Mr. Miller? No questions.
 9 MR. MILLER: All right. Thank you.
 10 CHAIR LYNCH: Thanks for coming.
 11 Now we'll turn to Mr. Downen, Grays Harbor
 12 Energy Center.
 13 MR. DOWNEN: Good afternoon, Chair Lynch,
 14 councilmembers and Staff.
 15 The only two nonroutine things I would say
 16 on our report are items 2.5 -- oh, and I'm Rich
 17 Downen, plant manager at Grays Harbor Energy.
 18 Item 2.5 just talks about Approval
 19 Conditions 2, 5 and 6 of the Cooling Tower Notice of
 20 Construction. It's just the paperwork wrap-up of the
 21 cooling tower replacement project. So we submitted
 22 those, and I believe since this report came out that
 23 those were accepted by ORCAA and EFSEC staff so --
 24 CHAIR LYNCH: In fact, the NOCs were
 25 approved by this Council -- issuance of the NOCs were

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1 approved by this Council previously, and that's when
 2 we were saying why are issuing -- why do we have to
 3 issue an NOC when we have this other permit in place,
 4 but --
 5 MR. DOWNEN: Right.
 6 CHAIR LYNCH: Okay. Good. Thank you.
 7 MR. DOWNEN: And really that -- that all
 8 worked out, that that notice was required because of
 9 the change in the drift eliminator efficiency, which
 10 is what these conditions are tied to so...
 11 The other item is item 2.6, and it's just
 12 a further -- further report on the arsenic and mercury
 13 levels in the outfall samples, that they are
 14 continuing to drop, and these were below the minimum
 15 level documented in the draft engineering report that
 16 was done before the cooling tower replacement.
 17 In a conversation -- just as a follow-up
 18 to that, last week there was a conversation with I
 19 believe it was -- I can't remember the party, but it
 20 was -- their assessment was that the only arsenic in
 21 the outfall at this point is dissolved and is due to
 22 cycling up of the water that's coming from the raining
 23 well.
 24 So that's -- that's what we had
 25 anticipated and that will -- that will get documented

1 in a more official manner as we start doing the post
2 cooling tower replacement sampling regime that's
3 actually starting this week. So that's good news.

4 And I didn't have anything else.

5 CHAIR LYNCH: Any questions for
6 Mr. Downen?

7 Mr. LaSpina, did you want to add something
8 regarding expectation of a -- or a possibility of a
9 PSD coming our way?

10 MR. LASPINA: Thank you, Chair Lynch.

11 There's been a long running effort to
12 revise the Grays Harbor Energy PSD -- the existing
13 Grays Harbor Energy PSD permit.

14 With the recent approval of our SIP, we
15 were able to -- EFSEC was able to work with Ecology
16 and ORCAA permit writers -- that's the Olympia Region
17 Clean Air Agency -- they are nearing completion of a
18 draft.

19 And after some internal review and review
20 by the permittee's people, we are proposing to go to
21 public notice with the permit probably in late
22 October. We foresee seeking the Council's approval to
23 go to public notice at the October council meeting.
24 And then once we got that approval, we would start
25 public notice soon after. And that just assumes that

1 exception of Air Quality and Environmental Health
2 Impact Analysis in the document, we've completed
3 several sections of the FEIS. We are meeting with
4 Mr. Posner this week to talk about the impacts that
5 have been assigned and the mitigation measures that
6 have been developed. So we're going to be talking
7 about that.

8 I foresee we'll have a couple more
9 discussions as we finalize the rest of the document.
10 I mentioned a while ago that this is with the
11 exception of Air Quality and Environmental Health, and
12 that's because we are working with the applicant, and
13 have been working with the applicant for several weeks
14 to obtain additional information that's needed to
15 complete that assessment.

16 So on June 30th we had some information
17 that was provided, and then we sent them a memo, dated
18 July 17th, where we asked for a pretty comprehensive
19 list of information that we need. And as of
20 yesterday, it looks like we've received the last of
21 those requests, so our consultants are reviewing that
22 information now. If we find that we need more
23 information from them, or we need more clarification
24 about the information they've provided, we'll keep
25 working with them until we have it.

1 there's not going to be any new surprises or anything
2 like that.

3 CHAIR LYNCH: And the big difference, as
4 Mr. LaSpina said, is the -- because we have the SIP
5 approved now by EPA, we no longer have to co-issue the
6 air permits with EPA. In this current one, which has
7 been -- Grays Harbor has a PSD permit now, but people
8 don't know what it means, that's the problem, and it's
9 been that way for over eight years.

10 So by us getting our own authority to
11 issue these permits, we can actually have a functional
12 PSD permit that everybody understands and can
13 implement and we can put this matter to bed, which it
14 is a long time coming, and we appreciate Grays Harbor
15 Energy's efforts working with us to help make this
16 happen.

17 MR. DOWNEN: Looking forward to it being
18 behind us.

19 CHAIR LYNCH: Very good.

20 Any questions for Mr. Downen?

21 All right. Tesoro/Savage Vancouver Energy
22 Distribution Terminal project update, Ms. Bumpus.

23 MS. BUMPUS: Thank you. Good afternoon,
24 Chair Lynch and councilmembers.

25 I'll start with my SEPA update. With the

1 And one last thing on that. Once the
2 information's incorporated into the document, we will
3 again have a discussion with Mr. Posner about what
4 those impacts are in those respective sections, and
5 what the mitigation measures are that Staff proposes.

6 Before I move on to permits, are there any
7 questions about the SEPA work?

8 CHAIR LYNCH: Any questions for Ms. Bumpus
9 regarding SEPA?

10 Please continue.

11 MS. BUMPUS: Okay. For the notice of
12 construction, last month we had approximately 2,500
13 comments or so that were in the database, and as we've
14 continued to go through the submissions, we are now at
15 about 2,970 comments that EFSEC staff and the permit
16 writer will need to go through. Some of these may be
17 non-substantive. That's still to be determined. But
18 in any case, we've definitely found additional
19 comments that we need to look at. So that's where we
20 are. I'll keep you updated on how that work
21 progresses, but we certainly have found additional
22 comments that we need to look at.

23 For the NPDES Construction Permit, I don't
24 have any substantial updates there. The number of
25 comments in the last update from the database is there

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1 were about 183 comments to address there. And those
2 have been worked on. I don't have the number of how
3 many are resolved at this point, but we'll need to
4 double-check all of those.

5 For the NPDES Industrial Stormwater
6 Permit, we currently have 86 comments. It's in public
7 comment now. On July 18th, the Council made a
8 tentative determination to issue for public comment
9 the Draft NPDES Permit, and we noticed that on
10 July 19th, and the public comment will end on
11 August 22nd.

12 So we have been working to line up the
13 meeting logistics for the August 22nd meeting in
14 Vancouver, and I'll just go over the timeline and
15 where that's going to be.

16 It's going to be held in Vancouver at the
17 Clark College Columbia Technical Center. The address
18 is 18700 SE Mill Plain Boulevard. The meeting will
19 begin at 1:00 p.m., and will close at 9:00 p.m. or
20 until last speaker. This information is all on
21 EFSEC's website. We're going to have a dinner break
22 between 4:00 and 5:00 p.m.

23 And that's all I have. That concludes my
24 update.

25 CHAIR LYNCH: Any questions for Ms. Bumpus

1 Do we have any questions for Mr. Posner?

2 In that case, I would entertain a motion
3 to extend the processing of the Tesoro/Savage
4 application till the end of November as requested.

5 MR. STONE: So moved.

6 CHAIR LYNCH: Do we have a second?

7 MR. STEPHENSON: Second.

8 CHAIR LYNCH: It's been moved and seconded
9 that the Council approve the requested extension for
10 the Tesoro/Savage proposal until the end of November.

11 All those in favor, say "Aye."

12 MULTIPLE SPEAKERS: Aye.

13 CHAIR LYNCH: Opposed? Motion carries.

14 MR. SNODGRASS (by phone): Brian Snodgrass
15 on the phone says "aye" as well.

16 CHAIR LYNCH: Thank you, Mr. Snodgrass. I
17 thought I could tell your breathing.

18 Let's see. Is there any further
19 information to come before the Council regarding
20 Tesoro/Savage?

21 MR. POSNER: None that I have.

22 CHAIR LYNCH: Okay. So let's just turn to
23 Other. And I wanted to give the Council another look
24 at that proposed rule that we have underway.
25 I've got -- and I wanted to point out a

1 about her updates?

2 Mr. Posner, do you want to proceed with
3 the application extension?

4 MR. POSNER: Yes.

5 Good afternoon, Chair Lynch,
6 councilmembers. In your packets is a letter from
7 Vancouver Energy. It is dated August 11th, and it is
8 a request to extend the application processing time.
9 We are currently operating under an expiration date of
10 August 31st, 2017. This will extend it -- this
11 request would extend it out till November 30th, 2017.

12 We've had a number of these requests
13 before this one, and this is allowed under RCW
14 80.50.100, which allows for extensions which are
15 mutually agreed to by the applicant and the Council.

16 So Staff recommendation is to approve this
17 request. I can answer questions if councilmembers
18 have any. We also have Jared Larrabee representing
19 Vancouver Energy here if councilmembers have any
20 questions of him.

21 And that's all I have.

22 CHAIR LYNCH: Thank you, Mr. Posner.

23 I agree with the recommendation to approve
24 this extension till the end of November. I think this
25 appears to be realistic.

1 small change to WAC -- the change we're making to WAC
2 463-76-062, and we didn't have -- if you look on
3 subsection (1), after the word "modified," we are
4 striking the words "suspended or," and after "revoked
5 in whole or in part," we're adding the words "or
6 terminated."

7 And the reason we're doing that is because
8 we're making it consistent not only with Ecology's
9 rule but with federal law. Under federal law, you
10 really -- you're not even able to suspend an NPDES
11 permit, but you can terminate an NPDES permit.

12 So that's -- while we're going through
13 making this one change, we thought we'd do this
14 consistency change as well. So we'll just have it in
15 front of the Council, and that rulemaking proposal is
16 on its way.

17 Mr. LaSpina, did you want to add anything
18 about where we are in the process?

19 MR. LASPINA: Yes, Chair Lynch.

20 The public notice will appear in the State
21 Register starting tomorrow, August 16th, and public
22 notice will run through September 15th. And it is the
23 CR-101, which is the pre -- I don't remember the exact
24 term, but it's the initial rulemaking notice to the
25 public that lets the public know that we are doing

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1 rulemaking.
 2 And after that, the Council -- Staff and
 3 the Council will consider comments, and later on issue
 4 a CR-102, which -- which unlike the CR-101, the CR-102
 5 is very specific. And that starts another 30-day --
 6 roughly 30-day public notice. We get public comments
 7 and consider those comments and then issue a CR-103,
 8 which is an Order of Adoption. So that's basically
 9 the process in summary.

10 CHAIR LYNCH: Any questions for
 11 Mr. LaSpina on the rulemaking?

12 I just wanted to let councilmembers know
 13 that the August 22nd meeting in Vancouver, that will
 14 be my last meeting as a member of the EFSEC Council.

15 I intend to stay on with the Council
 16 through the end of September, or maybe the end of the
 17 first week of October. I think we can still move
 18 forward with our work. I'll be providing a letter to
 19 the governor in the next couple of days regarding
 20 that.

21 But I need to say that the main reason for
 22 this action is I've been tired of the continued --
 23 and I'll just call it the attempted usurpation of this
 24 Council's as well as this Staff's decision-making
 25 authority, and that's being done by some people within

1 the Attorney General's office. And I think this job
 2 is hard enough.

3 And with that, we're adjourned.
 4 (Hearing concluded at 2:02 p.m.)

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CERTIFICATE

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 3 STATE OF WASHINGTON)
) ss.
 4 COUNTY OF KING)
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7 I, ANITA W. SELF, a Certified Shorthand
 8 Reporter in and for the State of Washington, do hereby
 9 certify that the foregoing transcript is true and
 10 accurate to the best of my knowledge, skill and
 11 ability.

12 IN WITNESS WHEREOF, I have hereunto set my hand
 13 and seal this 28th day of August, 2017.
 14

15
 16
 17 *Anita W. Self*

18 ANITA W. SELF, RPR, CCR #3032
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<p style="text-align: center;">A</p> <p>ability 12:9 27:11 able 14:21 17:15,15 24:10 Absolutely 14:22 accept 12:1 acceptable 13:20 accepted 15:23 accurate 27:10 action 25:22 actions 8:22 9:3 add 17:7 24:17 adding 24:5 additional 8:1 19:14 20:18,21 address 10:24 12:11 21:1,17 adjourned 26:3 Adoption 25:8 afternoon 3:4 6:11 15:1,13 18:23 22:5 Agencies 2:6 3:24 Agency 17:17 agenda 4:16 ago 19:10 agree 22:23 agreed 22:15 agreement 8:16,18 8:21 9:17,20 10:12,16 ahead 5:9 air 17:17 18:6 19:1 19:11 Aitken 2:15 allowed 22:13 allows 22:14 amended 5:21,23 6:4 Ami 2:15 Analysis 19:2 ANITA 1:19 27:7 27:18 Ann 2:11 announce 6:19</p>	<p>answer 13:1 15:6 22:17 anticipated 16:25 appear 14:15 24:20 appears 22:25 applicant 19:12,13 22:15 application 22:3,8 23:4 appreciate 14:18 18:14 appropriate 9:19 approval 5:23 15:18 17:14,22,24 approve 5:21 6:3 22:16,23 23:9 approved 15:25 16:1 18:5 approximately 20:12 area 13:13,17,20 14:3 arsenic 16:12,20 articles 11:12 asked 19:18 assessment 7:20 8:5 8:8 16:20 19:15 assigned 19:5 Assistant 2:10 assumes 17:25 attempted 25:23 Attendance 2:12,17 2:20 Attorney 2:10 26:1 August 1:12 3:1,5,6 21:11,13 22:7,10 24:21 25:13 27:13 authority 14:1,4 18:10 25:25 available 9:22 Avenue 1:20 aye 6:5,6 23:11,12 23:15</p> <p style="text-align: center;">B</p> <p>back 10:24</p>	<p>basically 25:8 bed 18:13 believe 4:3 12:11 15:22 16:19 best 14:13 27:10 better 6:22 9:14 10:25 big 18:3 Bill 2:3 bit 9:14 Blue 8:24 Boulevard 21:18 Boyles 2:21 5:4,4 break 21:21 breathing 23:17 Brian 23:14 brief 11:3 Bryan 2:8 Buell 1:20 Building 1:8 Bumpus 2:14 18:22 18:23 20:8,11 21:25</p> <p style="text-align: center;">C</p> <p>C 2:1 27:1,1 call 3:8 25:23 calling 7:12 cancel 6:24 carries 6:7 23:13 case 11:21 20:18 23:2 cause 12:6,8 CCR 1:19 27:18 Center 15:12 21:17 certainly 12:16 14:10,13 20:21 Certified 27:7 certify 27:9 Chair 2:3 3:4,18 4:3,11,14 5:8,19 5:22,25 6:2,7,15 7:8 9:7,10,12 10:4 10:10,17,21,25 13:4,6,12 14:7,17 14:24 15:1,7,10</p>	<p>15:13,24 16:6 17:5,10 18:3,19 18:24 20:8 21:25 22:5,22 23:6,8,13 23:16,22 24:19 25:10 change 5:11 16:9 24:1,1,13,14 changes 4:17 Chehalis 2:18 14:25 15:3 chief 9:23 Christina 2:16 City 2:8 4:2 civil 8:17 clarification 19:23 clarify 13:24 Clark 2:9 4:5 21:17 Clean 17:17 clerk 3:8,10,12,14 3:17,20,23 4:2,5,8 4:11 close 21:19 closely 7:17 co-issue 18:5 College 21:17 Columbia 2:21 11:2 13:3 14:14 21:17 come 23:19 coming 12:23 15:10 16:22 17:9 18:14 comment 8:11 21:7 21:8,10 commentary 13:8 comments 20:13,15 20:19,22,25 21:1 21:6 25:3,6,7 Commerce 2:3 3:10 Commission 2:5 3:21 complete 8:3,4 10:13 19:15 completed 8:9 19:2 completing 7:19</p>	<p>completion 17:17 comprehensive 19:18 concluded 26:4 concludes 21:23 conditions 7:23 15:19 16:10 Conference 1:10 confidential 10:2 confusion 13:25 Connie 2:23 5:6 conservation 7:19 8:6,25 9:15 10:12 consider 25:3,7 considered 8:22 consistency 24:14 consistent 24:8 construction 15:20 20:12,23 consultants 19:21 container 11:10,17 containing 12:6 contains 12:21 continue 20:10 continued 20:14 25:22 continues 7:17 continuing 16:14 conversation 16:17 16:18 cooling 15:19,21 16:16 17:2 coordination 8:1 copy 8:7 9:15 10:6 correct 5:17 10:8,9 12:2 13:11 14:7 corrective 9:3,19 council 1:7,15 3:7 4:12,13 5:15 6:12 6:21,24 10:24 11:3,8 14:12,16 15:25 16:1 17:23 21:7 22:15 23:9 23:19,23 24:15 25:2,3,14,15</p>
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Kittitas Valley Wind Power Project

Monthly Project Update

August 15, 2017

Project Status Update

July Production Summary:

Power generated:	47,286 MWh
Wind speed:	10.4 m/s
Capacity Factor:	63.1%

Safety:

No incidents

Compliance:

Project is in compliance as of August 11th, 2017

Sound:

No complaints

Shadow Flicker:

No complaints

Environmental:

No incidents

Wild Horse Wind Facility Monthly Compliance Report - July 2017

Below is the operational/compliance update for July. As requested by Chair Lynch, below is an update on the status of the Eagle Conservation Plan and Eagle Take Permit. Going forward, routine updates will be provided to EFSEC on a monthly basis. Please let me know if you have any questions.

Safety

No lost-time accidents or safety injuries/illnesses.

Compliance/Environmental

Nothing to report.

Operations/Maintenance

Nothing to report.

Wind Production

Generation totaled 54,057 MWh for an average capacity factor of 26.65%.

Eagle Update

- PSE has entered into a standard civil Settlement Agreement with USFWS to resolve the four eagle fatalities at Wild Horse. When developing the Settlement Agreement, the Service considered the previous actions PSE has taken in an effort to "mitigate" the fatalities such as providing funding to Hawk Watch International and Blue Mountain Wildlife Rehab, as well as conservation measures implemented under the SCA. Under the Settlement, PSE will implement corrective actions in the form of research and development of eagle detection and deterrent technologies and report to the USFWS.
- PSE continues to work closely with USFWS on revisions to the Eagle Conservation Plan and Environmental Assessment.
- Once the Eagle Conservation Plan is finalized, PSE will provide a copy to EFSEC and the TAC.
- Once the final Environmental Assessment (EA) is completed, the USFWS will release the EA in the Federal Register for public review and comment, then will make a determination on whether to issue an incidental eagle take permit.

Jennifer Diaz

Project Manager

Wild Horse Wind & Solar Facility

25901 Vantage Hwy, Ellensburg, WA. 98926

(509) 964-7813 tell | (509) 899-1107 cell

www.pse.com/wildhorse

**Energy Northwest
EFSEC Council Meeting
August 15, 2017
Shannon Khounnala**

I. Columbia Generating Station Operational Status

Columbia is online at 100% power and producing 1133 MWs. The plant has been online for 56 days.

There are no other events, safety incidents, or regulatory issues to report.

II. WNP 1/4 Water Rights

NEPA/Leasing

No change from July 2017 report.

Energy Northwest's new lease with the Department of Energy for WNP 1/4 went into effect on July 1, 2017. We have started the planning and some field work on the water distribution system project, which will eventually utilize the Water Rights permit granted by the Department of Ecology.

Chehalis Generation Facility----Monthly Plant Report – July 2017 **Washington Energy Facility Site Evaluation Council**

08-14-2017

Safety:

- There were no recordable incidents this reporting period and the plant staff has achieved 733 days without a Lost Time Accident.

Environment:

- There were no air emissions or stormwater deviations or spills during the month of July 2017.
- Wastewater and Stormwater monitoring results were in compliance with the permit limits for the month of July 2017.

Personnel:

- The Chehalis plant staffing level is currently 18 of 19 approved positions filled. We have a new vacancy for a Control Room Operator.

Operations and Maintenance Activities:

- The Plant generated 152,774 MW-hours in July for a 2017 YTD generation total of 714,475 MW-hours and a capacity factor of 26.7%.

Regulatory/Compliance:

- Nothing to report.

Sound monitoring:

- There were no noise complaints to report.



Carbon Offset Mitigation:

- The Company received 9,488 tons of 2016 Verifiable Emission Reduction (VER's) greenhouse gas credits from The National Climate Trust. These contracted purchases were part of the Carbon Offset requirement per Order No. 836, Conditions for the Site Certificate transfer.

These were 2016 vintage credits from the Lynden Farm Project which PacifiCorp has now received 42,815 tons. of the contracted 70,000 tons, or 61.2% of the total commitment.

Respectfully,

A handwritten signature in black ink, appearing to read "M. Miller".

Mark A. Miller
Manager, Gas Plant
Chehalis Generation Facility

EFSEC Monthly Operational Report

July, 2017

1. Safety and Training

- 1.1. There were no accidents or injuries during the month of July.
- 1.2. Conducted scheduled and required monthly training.
- 1.3. Conducted the scheduled safety committee meeting.
- 1.4. First Aid/CPR/AED training was completed for site staff by the Grays Harbor EMS and Trauma Care Council in coordination with Grays Harbor Fire District No. 5.

2. Environmental

- 2.1. Submitted the June Outfall Discharge Monitor Report (DMR) to Ecology.
- 2.2. Submitted the Quarterly Emissions Summary for 2nd quarter to EFSEC, EPA, and ORCAA.
- 2.3. A load analysis was completed on both turbines in advance of the upcoming relative accuracy test assessment (RATA) the week of August 7.
- 2.4. A natural gas sample was collected on July 6 and its test results were entered into the continuous emission monitoring system (CEMS) for the month.
- 2.5. Submitted responses for Approval Conditions 2, 5, and 6 of Cooling Tower Notice of Construction to EFSEC and ORCAA. These were all associated with the new, higher efficiency drift eliminators that were installed this year.
- 2.6. The arsenic and mercury levels in the July outfall sample were below the minimum level documented in Table 3-6 of AECOM's 2015 Engineering Report. A test plan for post-AKART testing was provided to EFSEC to collect feedback prior to starting the addendum testing for this report.
- 2.7. A new Environmental Commitment Book was emailed to EFSEC including updated SPCC, SWPP, and Emergency Plans.

3. Operations & Maintenance

- 3.1. Grays Harbor Energy (GHE) operated 29 days and generated 361,128 MWh during the month of July.

4. Noise and/or Odor

- 4.1. There were no complaints made to the site during the month of July.

5. Site Visits

- 5.1. None.

6. Other

- 6.1. Grays Harbor is staffed with 19 personnel.

August 11, 2017

Stephen Posner, Manager
Energy Facility Site Evaluation Council
Utilities & Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 43172
Olympia, Washington 98504-3172

Re: Tesoro Savage Vancouver Energy Distribution Terminal
Project No. 2013-01 – Request to Extend Statutory Deadline

Dear Mr. Posner,

Tesoro Savage Petroleum Terminal LLC dba Vancouver Energy (“Applicant”) submitted its application for site certification for the referenced terminal facility on August 29, 2013. The latest extension for completion of the EFSEC process and reporting its recommendation to the Governor will expire on August 31, 2017. Applicant requests a further three-month extension to November 30, 2017.

This extension request is based on information provided to Applicant by EFSEC staff when Applicant met with EFSEC staff on July 27, 2017, to discuss the remaining schedule to complete the EFSEC process. During the meeting, EFSEC staff indicated the Final EIS process and draft Adjudicative Order would be complete in September and that deliberations and a recommendation would occur in October and November. Staff also indicated permits would be finalized on a similar schedule. The Applicant asks EFSEC staff, contracted agencies, contracted third parties and the Council to allocate the appropriate resources to complete and deliver a recommendation according to this schedule.

Thank you for your consideration of this extension. We are confident EFSEC can deliver on this timeline and we look forward to the conclusion of this robust four-year-plus-long review process.

Sincerely,



Kelly J. Flint

cc: Jared Larrabee, Tesoro Savage Petroleum Terminal LLC
Jay Derr, Van Ness Feldman
Brian Carrico, BergerABAM

Proposed Change to WAC 463-76-062

WAC 463-76-062

Modification of NPDES permit.

(1) After notice and opportunity for a public hearing, any permit issued under the NPDES can be modified, (~~suspended or~~) revoked in whole or in part, or terminated during its term for cause including, but not limited to, the causes listed in WAC 463-76-055(2).

(2) The council may, upon request of a permittee, revise or modify a schedule of compliance in an issued NPDES permit if the council determines good and valid cause exists for such revision and if within thirty days following receipt of notice from the council, the regional administrator does not object in writing.

(3) Any such modifications which lessen the stringency of effluent limitations shall be executed by the council and the permittee in the same manner as the NPDES permit was executed, including full compliance with the requirements of WAC 463-76-041, 463-76-042 and 463-76-043. In all other instances, the form of public notice and public participation, if any, shall be determined by the council on a case-by-case basis according to the significance of the proposed action.

Effect of proposed rule amendment:

The proposed change would make EFSEC's NPDES permit modification rule consistent with Ecology's NPDES permit modification rule (WAC 173-220-190). This establishes a major vs minor modification distinction in EFSEC's rule, which has been part of Ecology's program since at least 1988. Small technical adjustments can be made in a much quicker and less expensive manner.

Federal regulation (40 CFR 122 Subpart D Secs. 122.61-64) also does not provide for the suspension of NPDES permits, but does recognize that they can be terminated. These changes to subsection (1) make the EFSEC regulation consistent with federal regulation.

WAC 463-76-054 Schedules of compliance. EFSEC shall establish schedules and permit conditions as follows to achieve compliance with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements:

(1) With respect to any discharge which is found by the council not to be in compliance with applicable effluent standards and limitations, applicable water quality standards, or other legally applicable requirements listed in WAC 463-76-053 (1) (b) and (c), the permittee shall be required to take specific steps to achieve compliance with the following:

(a) Any legally applicable schedule of compliance contained in:

(i) Applicable effluent standards and limitations;

(ii) Water quality standards; or

(iii) Legally applicable requirements listed in WAC 463-76-053; or

(b) In the absence of any legally applicable schedule of compliance, the permittee shall take the required steps in a

(4) If a permittee fails or refuses to comply with an interim or final requirement in a permit, such noncompliance shall constitute a violation of the permit for which the council may modify or revoke the permit or take direct enforcement action.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, amended and recodified as § 463-76-054, filed 10/11/04, effective 11/11/04; Order 114; § 463-38-054, filed 2/4/77. Formerly WAC 463-16-054.]

EFFECT: Makes EFSEC water quality compliance schedules the same length (one year) as the length for Ecology water quality compliance schedules, and makes the length consistent with federal rules. See WAC 173-220-140.

Kittitas Valley Wind Power Project

Monthly Project Update

September 19, 2017

Project Status Update

August Production Summary:

Power generated: 34,728 MWh
Wind speed: 8.2 m/s
Capacity Factor: 42.6%

Safety:

No incidents

Compliance:

Project is in compliance as of September 18th, 2017

Sound:

No complaints

Shadow Flicker:

No complaints

Environmental:

No incidents

Heavy smoke from multiple Kittitas County fires affected work when the AQI (Air Quality Index) was greater than 150.

Kittitas Valley Wind Power Project

Monthly Project Update

October 17, 2017

Project Status Update

September Production Summary:

Power generated: 19,958 MWh
Wind speed: 6.4 m/s
Capacity Factor: 27.5%

Safety:

No incidents

Compliance:

Project is in compliance as of October 12th, 2017

Sound:

No complaints

Shadow Flicker:

No complaints

Environmental:

No incidents

Wild Horse Wind Facility

August & September 2017

Safety

No lost-time accidents or safety injuries/illnesses.

Compliance/Environmental

Nothing to report.

Operations/Maintenance

Nothing to report.

Wind Production

August generation totaled 38,260 MWh for an average capacity factor of 18.86%.

September generation totaled 41,609 MWh for an average capacity factor of 21.20%.

Eagle Update

Nothing new to report at this time.

**Energy Northwest
EFSEC Council Meeting
September 19, 2017
Debbie Knaub**

I. Columbia Generating Station Operational Status

Columbia is online at 100% power and producing 1134 MWs. The plant has been online for 11 days following a several day outage to repair several valves and restore coolant chemistry. The plant took advantage of the offline time to perform other repairs and maintenance.

There are no other events, safety incidents, or regulatory issues to report.

II. WNP 1/4 Water Rights

NEPA/Leasing

No change from July 2017 report.

Energy Northwest's new lease with the Department of Energy for WNP 1/4 went into effect on July 1, 2017. We have started the planning and some field work on the water distribution system project, which will eventually utilize the Water Rights permit granted by the Department of Ecology.

**Energy Northwest
EFSEC Council Meeting
October 17, 2017
Debbie Knaub**

I. Columbia Generating Station Operational Status

Columbia is online at 100% power and producing 1151 MWs. The plant has been online for 38 days following a nearly 13 day outage at the end of August to repair valves and restore coolant chemistry.

Executive Team Changes:

Columbia is in the process of selecting a successor to the current CEO, Mark Reddemann, who has announced his retirement. Interviews will occur this winter and spring with selection occurring in April 2018. The new CEO will start in June 2018.

Regulatory Updates:

The Washington Department of Health restored Columbia Generating Station's radiological waste shipping privileges on October 3, 2017 which were suspended in late July following shipment of waste accompanied by an incorrect manifest. As discussed during the August 2017 council meeting, the Columbia team had completed an accurate manifest for a shipment prior to the date of shipment, but due to a lack of verification, an incorrect copy accompanied the shipment. Since the event, Columbia has worked with the Department of Health and the NRC and has revised shipping procedures and added additional expertise to the team.

There are no other events, safety incidents, or regulatory issues to report.

II. WNP 1/4 Water Rights

NEPA/Leasing

No change from July 2017 report.

Energy Northwest's new lease with the Department of Energy for WNP 1/4 went into effect on July 1, 2017. We have started the planning and some field work on the water distribution system project, which will eventually utilize the Water Rights permit granted by the Department of Ecology.

Chehalis Generation Facility----Monthly Plant Report – August 2017

Washington Energy Facility Site Evaluation Council

9-01-2017

Safety:

- There were no recordable incidents this reporting period and the plant staff has achieved 764 days without a Lost Time Accident.

Environment:

- There were no air emissions or stormwater deviations or spills during the month of August 2017.
- Wastewater and Stormwater monitoring results were in compliance with the permit limits for the month of August 2017.

Personnel:

- The Chehalis plant staffing level is currently 18 of 19 approved positions filled.

Operations and Maintenance Activities:

- The Plant generated 260,300 MW-hours in August for a 2017 YTD generation total of 974,775 MW-hours and a capacity factor of 28.9%.

Regulatory/Compliance:

- Nothing to report.

Sound monitoring:

- Nothing to report this period.



Carbon Offset Mitigation:

- Nothing to report this period

Respectfully,

A handwritten signature in black ink, appearing to read "M. Miller".

Mark A. Miller
Manager, Gas Plant
Chehalis Generation Facility

Chehalis Generation Facility----Monthly Plant Report – September 2017

Washington Energy Facility Site Evaluation Council

10-01-2017

Safety:

- There were no recordable incidents this reporting period and the plant staff has achieved 794 days without a Lost Time Accident.

Environment:

- There were no air emissions or stormwater deviations or spills during the month of September 2017.
- Wastewater and Stormwater monitoring results were in compliance with the permit limits for the month of September 2017.

Personnel:

- The Chehalis plant staffing level is currently 18 of 19 approved positions filled.

Operations and Maintenance Activities:

- The Plant generated 139,492 MW-hours in September for a 2017 YTD generation total of 1,114,267 MW-hours and a capacity factor of 33.0%.

Regulatory/Compliance:

- Nothing to report.

Sound monitoring:

- Nothing to report this period.



Carbon Offset Mitigation:

- Nothing to report this period

Respectfully,

A handwritten signature in black ink, appearing to read "M. Miller".

Mark A. Miller
Manager, Gas Plant
Chehalis Generation Facility

EFSEC Monthly Operational Report

August 2017

1. Safety and Training

- 1.1. There were no accidents or injuries during the month of August.
- 1.2. Conducted scheduled and required monthly training.
- 1.3. Conducted the scheduled safety committee meeting.
- 1.4. Met with Site Response regarding site respirators and purchased replacement filters for them as well as a new confined space monitor.

2. Environmental

- 2.1. Submitted the July Outfall Discharge Monitor Report (DMR) to Ecology.
- 2.2. Relative Accuracy Test Assessments (RATA) and SO₂ source testing were completed on both stacks during the week of August 7 by Montrose Air Quality Services. The final RATA report is due to regulator(s) within 45 days of testing.
- 2.3. A natural gas sample was collected on August 2 and its test results were later entered into the Continuous Emission Monitoring System (CEMS) for the month.
- 2.4. The submitted responses for Approval Conditions 2, 5, and 6 of Cooling Tower Notice of Construction were approved by both EFSEC and ORCAA. These were all associated with the new, higher efficiency drift eliminators that were installed this year.
- 2.5. The arsenic and mercury levels in all of the August outfall samples were below the minimum level documented in Table 3-6 of AECOM's 2015 Engineering Report. A test plan for post-AKART testing of the outfall was approved by both EFSEC and the lead consulting engineer (Cameron Ochiltree) - this addendum testing was started on August 15.
- 2.6. A dry weather inspection of manhole 12 was completed on August 10. There was no discharge from site occurring, which confirmed the system's integrity, and that there were no non-storm water discharges to the plant's storm water system.
- 2.7. Began review of a revised PSD Amendment 4 that EFSEC emailed on August 24 and requested comments on by September 8.
- 2.8. Visible emissions training for EPA Method 9 opacity monitoring, outfall pipe inspection and repair, and sweeping of paved surfaces were each scheduled for this September.
- 2.9. New turbidity and total residual chlorine samples were received from ERA for the DMR QA37 tests that our site lab failed. These quality assurance tests will be redone in early September.

3. Operations & Maintenance

- 3.1. Grays Harbor Energy (GHE) operated 31 days and generated 403,440 MWh during the month of August.

4. Noise and/or Odor

4.1. There were no complaints made to the site during the month of August.

5. Site Visits

5.1. None.

6. Other

6.1. Grays Harbor is staffed with 19 personnel.

EFSEC Monthly Operational Report

September 2017

1. Safety and Training

- 1.1. There were no accidents or injuries during the month of September.
- 1.2. Conducted scheduled and required monthly training.
- 1.3. Conducted the scheduled safety committee meeting.
- 1.4. Knight Fire Protection, Inc. completed an annual inspection of fire monitoring and protection system on September 14 (excluding pump confidence test).

2. Environmental

- 2.1. Submitted the August Outfall Discharge Monitor Report (DMR) to Ecology and mailed a new NPDES sample from September 5 to ALS lab
- 2.2. The final RATA and SO₂ stack test report from Montrose Air Quality Services was submitted to EFSEC and ORCAA on September 20 (within 45 days of the successful testing).
- 2.3. A natural gas sample was collected on September 5 and its test results were later entered into the continuous emission monitoring system (CEMS) for the month. The submitted responses for Approval Conditions 2, 5, and 6 of Cooling Tower Notice of Construction were approved by both EFSEC and ORCAA. These were all associated with the new, higher efficiency drift eliminators that were installed this year.
- 2.4. The arsenic and mercury levels in the September results received for the outfall have been below the minimum level documented in Table 3-6 of AECOM's 2015 Engineering Report. The average arsenic results of 3 micrograms/liter have shown little variation over the 12 outfall samples evaluated since August 15.
- 2.5. Provided draft comments on PSD Amendment 4 to ORCAA and DOE – these were reviewed with them during a September 28 conference call that included Southshore Environmental. Completed a quarterly drill/table top exercise for new air permit with Operations Manager and Plant Manager which identified new action items. Visible emissions training for EPA Method 9 opacity monitoring, outfall pipe inspection and repair, and sweeping of paved surfaces were each scheduled for this September.
- 2.6. Visible emissions training for EPA Method 9 opacity monitoring was completed by 5 site staff. The first off-stack zero alignment was completed by Ametek Land for all 3 opacity meters on September 6. The opacity meter for CT1 was returned to OEM for repair in late September.
- 2.7. In compliance with SPCC, a quarterly bulk inventory for site was completed on September 28.
- 2.8. The second round of turbidity and total residual chlorine samples received from ERA for the site lab's quality assurance (DMR QA37) were tested and the results

submitted.

2.9. Submitted a 5-year update of Site Restoration Plan to EFSEC on September 27.

2.10. Cowlitz Clean Sweep swept all paved surfaces on-site on Sept. 10 and a passing storm water sample for 3rd quarter was collected on September 19. Turbidity is being measured by ALS Lab rather than site lab due to apparent calibration issues with Hach 2100P turbidimeter (new standards kit ordered).

2.11. The outfall discharge piping in the Chehalis River was inspected by Crux Diving, Inc. on Sept. 8 and the video and photo results were submitted to EFSEC on September 12.

3. Operations & Maintenance

3.1. Grays Harbor Energy (GHE) operated 29 days and generated 358,430 MWh during the month of September.

4. Noise and/or Odor

4.1. There were no complaints made to the site during the month of September.

5. Site Visits

5.1. None.

6. Other

6.1. Grays Harbor is staffed with 20 personnel.

Grays Harbor Energy LLC

Grays Harbor Energy Center

Jim Luce, Chair
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, Washington 98504

RECEIVED
FEB 14 2008

ENERGY FACILITY SITE
EVALUATION COUNCIL

Re: Satsop Combustion Turbine Project – CO2 Mitigation Plan

Dear Chairman Luce:

Grays Harbor Energy LLC owns and will soon begin operating the Satsop Combustion Turbine Project ("the Project"). The Site Certification Agreement for the Satsop site actually dates back to 1976, when a nuclear facility was proposed for the site. An SCA amendment in 1996 authorized construction of a gas-fired combustion turbine facility at the site, and several amendments since that time reflect subsequent changes in the Project design and ownership.

As you know, the Project was permitted before the Legislature adopted the CO2 mitigation requirements that are now found in RCW chapter 80.70. However, as part of one of the SCA Amendments, the Council required the Certificate Holder to develop a CO2 mitigation plan. Duke developed the "Satsop Combustion Turbine Project Greenhouse Gas Mitigation Plan," and the Council approved that Plan on June 9, 2003. A copy of the approved plan is enclosed.

This letter provides a summary of the approved Mitigation Plan, and then explains two proposals that Grays Harbor Energy will present for the Council's consideration at the Council's February 2008 meeting.

The Approved Mitigation Plan

The approved Mitigation Plan contemplates that the Certificate Holder will make annual payments to a qualifying organization to be used to implement CO2 mitigation projects. The first payment is due within 30 days after the Project begins commercial operation, and annual payments are to be made on the anniversary of that date in each of the following 29 years.

Calculating the annual payment due under the Plan requires several steps.

Step One: Calculate the Maximum Annual Potential Emissions from the Project.
This calculation is based upon the assumption that the Project operates at 100% capacity for 8,760 hours per year.

Grays Harbor Energy Center

We have calculated the Maximum Annual Potential Emissions for the Project to be 2,391,480 tons.

$$\frac{635,000 \text{ kW} \times 8,760 \text{ hours} \times 0.859843 \text{ lb/kWh}}{2000 \text{ lbs/ton}} = 2,391,480 \text{ million tons}$$

Step Two: Calculate the Amount of Emissions to be Mitigated.
The Plan requires the Project to mitigate only a portion of its CO2 emissions. To determine the Amount to be Mitigated, the amount of emissions that would be generated if CO2 were emitted at a rate of 0.675 lbs/kWh is subtracted from the Maximum Annual Potential Emissions calculated in Step One.

We have calculated the Amount of Emissions to be Mitigated each year to be 514,103 tons.

$$2,391,480 \text{ tons} - \frac{635,000 \text{ kW} \times 8,760 \text{ hours} \times 0.675 \text{ lb/kWh}}{2000 \text{ lbs/ton}} = 514,103 \text{ tons}$$

Step Three: Calculate the Mitigation Funding Due.
In Year One, the Project is required to provide funding at a rate of \$0.57 per ton of CO2 Emissions to be Mitigated. In future years, the \$0.57 mitigation rate increases according to the increase in the Producer Price Index.

For Year One, the Project is required to provide \$293,038.43 in Mitigation Funding.

$$514,103 \text{ tons} \times \$0.57 = \$293,038.43$$

Step Four: Calculate the Total Payment including Administrative Fee
Each year, in addition to the Mitigation Funding calculated in Step Three, the Project must pay an additional 7.5% to be used toward administrative costs.

For Year One, the Total Payment due would be \$315,016.31.

$$\$293,038.43 \times 1.075 = \$315,016.31$$

Council members will recognize that the approved Mitigation Plan is somewhat similar to the Oregon requirement that was in effect several years ago and it is also somewhat similar to the mitigation requirement that the Council included in the Sumas 2 SCA. However, the approved Mitigation Plan also included some important differences. Most notably, it allows the Project to make annual mitigation payments over 30 years, rather than requiring a single lump sum payment at the start of operation.

Grays Harbor Energy Center

Requested Approvals

With that background about the Project's CO2 mitigation obligation, Grays Harbor Energy LLC requests the Council to approve two matters concerning the implementation of and compliance with the Mitigation Plan.

(1) Administering Organization

At least 30 days prior to the commencement of Commercial Operations, the Mitigation Plan requires Grays Harbor Energy LLC to propose for EFSEC's approval an organization that will manage and administer the Mitigation Funds. We request that the Council approve The Climate Trust as that organization.

We know the Council is familiar with The Climate Trust and as you know, The Climate Trust has extensive experience in administering CO2 mitigation funds. We are enclosing some additional information about The Climate Trust.

We are prepared to start making payments to The Climate Trust in April, if the Council approves it as the administering organization. The Climate Trust has expressed an interest in administering these Mitigation Funds, as indicated by the enclosed letter. We are in the process of finalizing a Memorandum of Understanding that we expect to be able to execute soon after EFSEC approves the Climate Trust as the administering organization under the Mitigation Plan.

(2) Modify Funding Schedule

As explained above, the approved Mitigation Plan requires the Certificate Holder to make mitigation payments each year for 30 years. Grays Harbor Energy LLC is prepared to comply with this payment schedule. However, when we approached The Climate Trust, The Climate Trust asked us to consider pulling forward some of the payments on a discounted net present value basis. The Climate Trust explained that it is easier for it to place larger amounts of money, and those larger projects mitigate more CO2 per dollar spent than smaller projects.

The Climate Trust has proposed that Grays Harbor Energy LLC make a lump sum payment in Year 1 to cover the first 7 years of operation, and then make annual payments for the remaining 23 years thereafter. The initial lump sum would be calculated based on the assumption that the \$0.57 per ton rate mitigation funding would increase by 2.5% per year (our estimate of the average expected annual increase in the Producer Price Increase), and a net present value determination using a 10% discount rate.

Based on The Climate Trust's assumptions about mitigation costs over time, we have compared the CO2 mitigation expected to be achieved with this proposal to the CO2 mitigation expected to be achieved through the original payment schedule. During the first 7 years, the comparison is as follows:

FIRST 7 YEARS	CO2 Climate Change Expects to Offset	Mitigation Funds Paid (including admin. fee)
Approved Plan	130,343 tons	\$2,384,763
Modified Payment Plan	174,618 tons	\$1,642,505

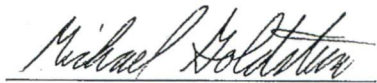
Attached is a spread sheet that provides further details on these calculations.

After the first seven years, the Mitigation Payments would be made annually, so there would be no difference between the two approaches.

We want to emphasize that Grays Harbor Energy LLC is willing to comply with the funding schedule as set forth in the Mitigation Plan, making payments each year. However, Grays Harbor Energy LLC is also willing to make a lump sum payment of \$1,642,505 to cover its obligation for the first seven years, and asks the Council to approve that alternative approach. A representative from the Climate Trust will join us at the Council's February meeting to further explain the advantages of the lump sum approach from their perspective.

We look forward to discussing these matters with you and other Council members at your February meeting.

Sincerely,



Invenergy Services LLC
Authorized Representative For
Grays Harbor Energy LLC

The Climate Trust: Organizational Overview and Qualifications

February 4, 2008

The following provides an organizational overview of The Climate Trust as well as its qualifications to serve as the implementation organization for the *Satsop Greenhouse Gas Mitigation Plan*.

Organizational Overview

Unique non-profit with a focus on high-quality greenhouse gas offsets. The Climate Trust is a 501(c)(3) non-profit organization whose mission is to provide high-quality carbon offset projects and advance sound offset policy. Since its establishment in 1997 as an Independent Qualified Organization (IQO) under the Oregon Carbon Dioxide Standard, The Climate Trust has successfully placed nearly \$9 in carbon mitigation funding into a portfolio of 16 offset projects.

Ten years experience as the sole Independent Qualified Organization under the Oregon GHG Standard. The Climate Trust has provided cost-effective offsets, received flawless financial audits, managed funds transparently, and preserved the capital invested in offsets. As a result, The Climate Trust has maintained its qualified status under the Oregon law since the organization's inception. All offset projects funded to date have met the rigorous compliance criteria set forth by the Oregon Carbon Dioxide Standard.

Served as offset acquisition organization for other states. The Climate Trust has functioned as the provider of offsets under regulatory procedures in both Massachusetts and Montana. In Massachusetts, we successfully worked with the Massachusetts Energy Facility Siting Council as the offset acquisition organizations for a newly sited power facility. For our work in Montana, The Climate Trust was selected to acquire the offsets under a settlement agreement between a power developer and the Montana Department of Environmental Quality. For both of these, The Climate Trust was successful in identifying and implementing local projects.

Diverse portfolio of offset projects. The Climate Trust's current portfolio consists of 16 projects totaling \$8.8 million that will offset nearly 2.6 million tons of CO₂, making it one of the largest institutional buyers of offsets in the US. A sampling of project sectors this diverse portfolio includes:

- Transportation;
- Diesel reductions;
- Industrial material substitution;
- Fuel switching;

- Renewable energy;
- Energy efficiency; and
- Forest restoration and preservation

Capacity to deliver at all stages of the offset project cycle. The Climate Trust has extensive experience with all the elements of identifying and implementing offset projects. This includes specifying preferred offset types, developing and issuing RFPs, evaluating and recommending projects, assembling diverse portfolios, negotiating offset contracts, designing monitoring and verification protocols, managing the implementation of offset contracts, and maintaining an offset registry and retiring tons.

Qualifications to Serve as an IQO for Washington

Although the *Satsop Greenhouse Gas Mitigation Plan* was developed prior to the passage of Washington's Greenhouse Gas Standard (WA RCW 80.70), The Climate Trust is able to meet the IQO requirements set forth in 80.70:

Requirement of 80.70: "An independent qualified organization shall not use more than twenty percent of the total funds for selection, monitoring and evaluation of mitigation projects and that management and enforcement of contract" Section 80.70.050(2).

Qualification: This is identical to Oregon GHG Standard requirement. To date, The Climate Trust has been in compliance with this obligation and we maintain a third-party annual audit to ensure ongoing compliance.

Requirement of 80.70: "Before signing contracts to purchase offsets with funds from certificate holders or order of approval holders, an independent qualified organization must demonstrate to the council that the mitigation projects it proposes to use provides a reasonable certainty that the performance requirements of the carbon dioxide mitigation projects will be achieved" Section 80.70.050(3).

Qualification: The Climate Trust continues to utilize the highest offset project assessment standards in the US offset market.

Requirement of 80.70: "The Independent Qualified Organization shall permit the council to appoint up to three persons to inspect plans, operation, and compliance activities of the organization and to audit financial records and performance measures for carbon dioxide mitigation projects using carbon dioxide mitigation money paid by certificate holders or order of approval holders under this chapter." Section 80.70.050(4),

Qualification: The Climate Trust has an offset review committee, comprised of members of the Climate Trust's Board of Directors that is responsible for the review of carbon dioxide mitigation projects used to meet compliance obligations under the Oregon Carbon Dioxide Standard. It is anticipated that EFSEC appointed members would sit on that committee.

Requirement of 80.70: "Independent qualified organizations must file biennial reports with the council, the department, or authority on the performance of carbon dioxide mitigation projects, including the amount of carbon dioxide reductions achieved and a statement of cost for the mitigation period." Section 80.70.050(5).

Qualification: The Climate Trust undergoes an annual financial audit conducted by an independent auditing agency.

Supplemental information regarding The Climate Trust's programs, projects, and activities – including copies of our annual financial audits – can be made available upon request.

Calculations of Tons of CO2 Mitigated Under Both Options

Yearly Payments for first 7 years

2.6% Estimated Growth Rate in PPI

	Year	Total Mitigation Payment	Admin Payments (7.5% of mitigation payment)	CO2 Price (\$/ton)	CO2 Offset Volume (tons)
1	2008	\$ 293,038	\$ 21,978	\$12	19,536
2	2009	\$ 300,657	\$ 22,549	\$12	20,044
3	2010	\$ 308,475	\$ 23,136	\$12	20,565
4	2011	\$ 316,495	\$ 23,737	\$15	16,880
5	2012	\$ 324,724	\$ 24,354	\$15	17,319
6	2013	\$ 333,167	\$ 24,987	\$15	17,769
7	2014	\$ 341,829	\$ 25,637	\$15	18,231
Total		\$ 2,218,384	\$ 166,379		130,343

Total Payment \$ 2,384,763

Lump Sum Payment

Discount Rate 10%

	Total Mitigation Payment	Admin Payments (7.5% of mitigation payment)	CO2 Price (\$/ton)	CO2 Offset Volume (tons)
Total	\$1,527,911.46	\$114,593.36	\$7	174,618

Total Payment \$ 1,642,505

Differences

	Total Cost	CO2 Mitigated (tons)
Satsop Plan	\$ 2,384,763	130,343
Lump Sum Payment	\$ 1,642,505	174,618

Notes about these calculations:

PPI Growth Rate - From 1997 through 2006, PPI on all products has changed from -2.5% to +7% per year, with an average change of 2.6%.

CO2 Price per ton - These rates come from the forward price curves for CO2 used by The Climate Trust. The curves they use are fairly conservative and show little price growth over the next few years. The price difference between the Lump Sum Payment rate of \$7 and the year 1 rate of \$12 is because larger projects are easier to place and are more efficient.

Discount Rate - We use a 10% rate when making investment decisions for the plant. Because of the financing structure of Grays Harbor Energy LLC, we must go to our lenders and take out new loans to make this lump sum payment.

**SATSOP COMBUSTION TURBINE PROJECT
GREENHOUSE GAS MITIGATION PLAN**

APPROVED June 9, 2003

By

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

**SUBMITTED BY
DUKE ENERGY GRAYS HARBOR, LLC**

INTRODUCTION

In 1994, the Washington Public Power Supply System (now "Energy Northwest") filed an application with the Energy Facility Site Evaluation Council (EFSEC or "the Council") to construct a 490 MW combined-cycle combustion turbine project at the Satsop site. After holding an adjudicatory hearing, EFSEC recommended a Site Certification Agreement (SCA) for the Satsop Combustion Turbine Project, and the Governor executed that SCA on May 21, 1996.

The topic of greenhouse gas mitigation was addressed during the adjudicatory hearings in 1996. Evidence indicated that the facility would emit up to 1.778 million tons of greenhouse gases a year. During the hearings, the applicant and the Counsel for the Environment disagreed about whether the Council should require mitigation for those greenhouse gas emissions. Ultimately, the Council decided not to impose a mitigation requirement. The Council found that "the Satsop CT Project uses the latest reasonable technology and that it will produce lower emissions of greenhouse gases than older natural gas combustion turbine facilities or other fossil fuel facilities." Order No. 694 at 13-14.

Among other things, the Council concluded that "[b]urdensome greenhouse gas mitigation . . . could place the Applicant at a competitive disadvantage within the power producing market and deprive the market of a very efficient power producing facility. Balancing the respective interests, and recognizing that emission technology will advance and greenhouse mitigation measures may be enhanced as time passes, the Council will impose no fixed requirement upon the Applicant. . . . If a comprehensive federal or state mitigation program is implemented, the Council reserves the right to exercise its authority under that program . . ." Order No. 694 at 25. Accordingly, the original SCA provided that:

If a comprehensive federal or state mitigation program is implemented, the Council reserves the right to exercise its authority under that program, considering and appropriately crediting any measures that the Certificate Holder has accomplished. SCA Article VI.B.2.

In 2001, the Council added Duke Energy Grays Harbor, LLC ("Duke Energy"), to the SCA as a Certificate Holder, and together Duke Energy and Energy Northwest requested a technical amendment to the SCA to allow the use of currently available equipment in the CT facility. The equipment change resulted in an increase in the facility capacity from 490 MW to approximately 630 MW.

The Council granted the technical amendment on April 13, 2001, by Resolution No. 298. In Resolution No. 298, the Council acknowledged that the increase in the facility's capacity could result in an increase in the facility's carbon dioxide (CO₂) emissions, and stated that the Council had authority to compel the Certificate Holders to prepare and implement a carbon dioxide mitigation plan. Although the Satsop CT facility now has the potential to emit more than 1.778 million tons of CO₂ per year, under many likely operating scenarios, the actual annual emissions would not exceed the total volume of emissions that the Council and the Governor permitted in 1996 without any mitigation requirement. Both Resolution No. 298 and subsequent discussions with the Council

reflect the Council's intention to require the Certificate Holders to mitigate only those CO₂ emissions that exceed the previously-permitted amount.

Duke Energy has developed this Greenhouse Gas Mitigation Plan over the course of several months, in consultation with Council members and with careful consideration of comments provided by other interested parties. The mitigation plan set forth below is based upon the mitigation plan that the Council approved for the Sumas 2 Generating Facility, which in turn was based upon the mitigation requirements established by Oregon statute and regulations.

In evaluating the mitigation plan, however, it is important to keep in mind that the Satsop CT Project differs from the Sumas 2 project in one very important respect. EFSEC approved the vast majority of the CO₂ emissions from the Satsop CT Project in 1996 (those attributable to 490 MW of the now 630 MW facility), without imposing any mitigation requirement. In contrast, none of the Sumas 2 facility's emissions had been previously approved without mitigation. Nonetheless, to address EFSEC's concerns, Duke Energy proposes a mitigation plan that is relatively comparable to the plan approved for the Sumas 2 Project.

MITIGATION PLAN

Duke Energy proposes that the mitigation obligation be based upon the maximum potential CO₂ emissions that exceed a rate of 0.675 pounds of CO₂ per kilowatt hour (lb/kWh) over 30 years of the facility's operation. The mitigation requirement would be satisfied on an annual basis by providing a fixed amount of funding per ton of CO₂ emissions to be mitigated to an approved organization for use in implementing CO₂ mitigation projects. In addition, the Certificate Holders will provide a fixed amount of funding to cover the organization's expenses in administering the mitigation funding.

This Mitigation Plan is generally based upon the mitigation plan approved by the Council for the Sumas 2 Generation Facility, which in turn was based on the requirement in effect in Oregon on June 29, 2001, the date on which the application for the Sumas 2 project was submitted to EFSEC. However, this Plan differs from the Sumas 2 mitigation plan in three important respects: (1) funding will be provided on an annual basis, unlike the Sumas plan which funded the entire obligation over the first five years of operation; (2) the price per ton will increase over time according to the Producer Price Index, and (3) funding for administrative expenses will be provided.

A. Calculation of Emissions Subject to Mitigation Requirement

The Certificate Holders will mitigate potential CO₂ emissions from the facility that exceed the rate of 0.675 lb/kWh. The mitigation requirement will be based upon the facility's maximum potential emissions, rather than the actual emissions in any given year.

In order to determine the volume of emissions requiring mitigation, the Certificate Holders shall determine the facility's maximum potential annual CO₂ emissions and the corresponding maximum potential kilowatt-hours of electricity generated. The Certificate Holders shall then subtract from the maximum potential annual emissions the volume of emissions that would be associated with generating the same amount of electricity if the electricity were generated at a rate of 0.675 lb/kWh CO₂.

For example, if the facility's maximum capacity were 630 MW and its maximum potential annual CO₂ emissions were 2.2 million tons, the calculation would be made as follows:

Facility's Potential	-	Annual Emissions if 630 MW	=	Emissions to
Annual CO ₂		Generated at Rate of 0.675 lbs CO ₂		Mitigate
Emissions		per kilowatt hour		
2,200,000 tons	-	630,000 kw x 8760 hrs x 0.675	=	Emissions to
		lb/kwhr		Mitigate

		2000 lbs/ton		
2,200,000 tons	-	1,862,595 tons	=	337,405 tons

Thirty days prior to the commencement of facility operations, the Certificate Holders will submit to EFSEC the calculation of the emissions subject to mitigation on an annual basis.

B. Funding for Mitigation

The Certificate Holders will satisfy the mitigation requirement by providing a fixed amount of funding for each ton of emissions to be mitigated to an organization approved by EFSEC, as well as funding for administrative expenses as described below.

The amount of mitigation funding will be initially be fixed at \$0.57 per ton of CO₂ emissions to be mitigated. On the first anniversary of the commencement of commercial operation of the facility, and on the anniversary of that date of each year thereafter, the amount of funding per ton will increase from \$0.57 in the same percentage as the Producer Price Index has increased during the same period. For example, if the facility began commercial operation on January 1, 2004, and if the Producer Price Index rose by 3% from January 1, 2004 to January 1, 2005, the amount of any funding due for 2005 would be based on a price of \$0.587 per ton, which is 103% of \$0.57.

C. Funding for Administrative Expenses

In addition to the mitigation funding described above, the Certificate Holders will provide the organization selected to administer the greenhouse gas mitigation funding with funding equal to seven and one-half percent (7.5%) of each annual payment of mitigation funding for use toward the payment of the organization's administrative expenses.

D. Timing and Duration of Funding Requirement

The mitigation requirement will be payable by the Certificate Holders on an annual basis at the start of each of the first 30 years in which the facility is operating. Thirty days after the facility begins commercial operation, and on the anniversary of that date in each of the following 29 years, the Certificate Holders shall submit documentation to EFSEC demonstrating that the mitigation and administrative funding required under this mitigation plan has been provided to the organization approved to administer the funds.

E. Approval of Organization to Administer Funds

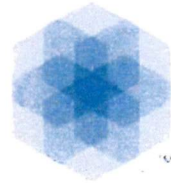
A qualified organization, such as the Climate Trust, shall be selected by the Certificate Holders to administer the funds provided for greenhouse gas mitigation. At least thirty days prior to the commencement of commercial operations, the Certificate Holders shall propose, for EFSEC's approval, an organization to administer the mitigation funding. The Certificate Holders shall provide detailed information regarding the proposed organization, including documentation indicating the organization's willingness to administer the funds and a description of how the organization intends to administer the funds. If EFSEC does not approve the organization proposed by the Certificate Holders, EFSEC shall specify an alternative organization to receive funding required under this mitigation plan.

At any time while the mitigation requirement is in effect, the Certificate Holders may propose to designate a new organization to administer mitigation funds in future years. EFSEC must approve any change in the administering organization.

PREEMPTION AND SUNSET

If a new state or federal law imposes requirements on the Certificate Holders to limit, mitigate or offset greenhouse gas emissions, EFSEC will support the Certificate Holders in obtaining credit under any such new laws, regardless of preemption, for early action for offsets already funded under this Mitigation Plan.

If any new state or federal law pre-empts this Mitigation Plan, to the extent that any carbon offset or funding obligation hereunder has not been met at the time of such change in law, the Certificate Holders may meet any such obligation through compliance with the new program, and further obligations under this Mitigation Plan will terminate.



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Grays Harbor Energy Center GHG Mitigation Plan

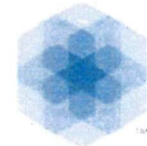
Sheldon Zakreski, Director of Asset Management

Sean Penrith, Executive Director

October 17, 2017

OUTLINE

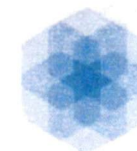
- About The Climate Trust
- How the Plan works
- Impact of the Plan
- Mitigation Payment History
- Proposed Resolution



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Mission: *The Climate Trust mobilizes conservation finance to maximize environmental returns*

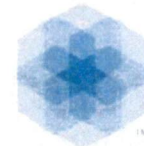
- Non-profit Organization – 1997
- Committed to projects – \$34M
- Climate impact equivalent to taking almost 700,000 cars off the road
- Over 50 projects and 100+ collaborative partnerships
- Compliance and voluntary programs



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How is the GHG Mitigation Payment Calculated?

- Annual calculation
 1. Emissions differential between Total Potential and Base Rate
 - 514,103 short tons of CO₂e emissions
 2. Base rate and inflation
 - Initial rate \$0.57 per ton
 - Rate fluctuates based on PPI starting on April 1, 2008
- Paid \$3,245,080 (2008-17)



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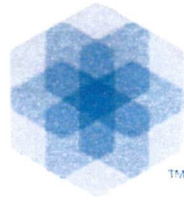
How this works?

Grays Harbor Energy Center



Site Certificate Compliance

Independent Qualified Org

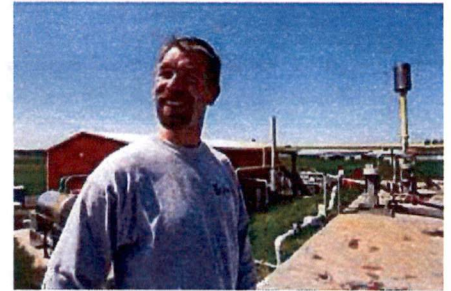


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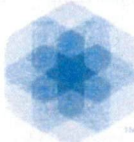


Retire GHG on behalf of GHEC

Project Developers



Offset Project Lifecycle



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Identify Project Opportunities

\$

Project Monitoring

\$

Project Assessment

\$

3rd Party Verification

\$

ERPA Negotiations

\$-\$

Offsets Issued + Transferred

\$

6-9 months

Offsets Banked or Retired

5-10 years

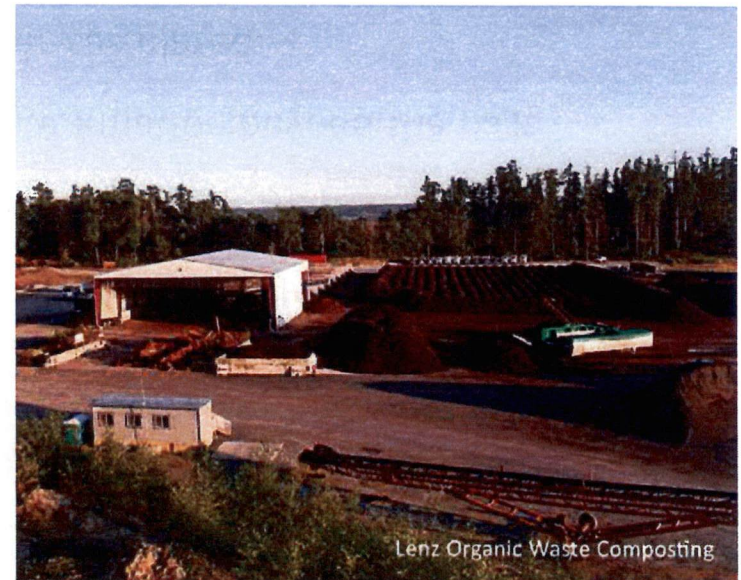


GHEC Project Portfolio

Project Name	State	Contracted (mtCO ₂ e)	Retired (mtCO ₂ e)
Rexville Dairy Digester	WA	50,476	50,476
Lochmead Dairy Digester	OR	11,200	2,991
Cedar Grove Composting	WA	17,996	17,996
ECC Composting	DE	33,002	33,002
Composting Replacement Offsets	WA	41,811	41,811
Afognak Forestry	AK	91,655	91,655
ClimeCo Composting	WA	37,922	37,922
Total		284,062	275,853

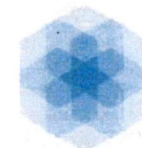
148,205 offsets or 54% retired are WA-based

Eligible to use for Clean Air Rule



GHG Mitigation Payment Calculation in Practice

- ***What happened?*** TCT reset the unit rate to the base rate of \$0.57 each year before factoring in prior year PPI.
- ***What should have happened?*** Each new annual unit rate calculation should have factored PPI going back to April 1, 2008 not just the prior year PPI.
- ***What's the implication?*** By not taking into account inflation beyond the past year, mitigation payments were increasingly under-calculated.
 - Result is a total underpayment of \$181,029 between 2010 and 2016



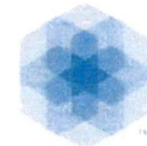
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How did this happen?

- Payment spreadsheet wasn't initially set up to carry over inflation.
- Discovered in March, 2017 review of GHG Plan in response to assessing how it would interact with new Clean Air Rule regulation.

How TCT addressed the issue?

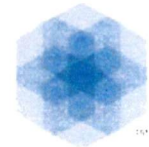
- Updated controls to mitigate future risk of error
 1. Annual calculation prepared and submitted by Director of Asset Management
 2. Annual calculation is reviewed by Director of Finance
 3. If calculations reconcile, mitigation payment documentation submitted to Executive Director for review and approval
 4. If approved by Executive Director, invoice and calculation documentation submitted to Invenergy



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Interactions with Invenergy

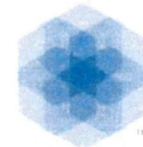
- April 2017. TCT informed Invenergy of the error.
- April 2017. TCT submitted annual mitigation payment requested based on corrected formula. Invenergy made mitigation payment.
- May-October 2017. Discussions with WA EFSEC staff and between Invenergy and TCT on the miscalculation and negotiations to reach a mutually agreed to resolution.



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Proposed Resolution

- Additional payment of \$45,257 per year over the next 4 years (2018-2021)
 - Represents 100% of total miscalculated mitigation funds amount
- 100% of these funds go straight to offsets
 - Not used for TCT's transaction and management costs
 - Accounting system will reflect this restriction on these funds
- TCT to make best efforts to source WA-based offsets
- Parties negotiating a MOU to govern resolution plus future mitigation payments
- Increased collaboration with EFSEC staff on transparency and program reporting



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THANK YOU!



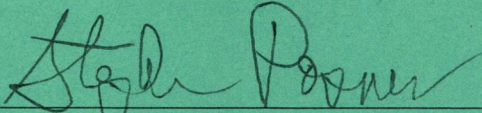
Energy Facility Site Evaluation Council

Non Direct Cost Allocation for 2nd Quarter FY 2018 October 1, 2017 – December 31, 2017

The EFSEC Cost Allocation Plan (Plan) was approved by the Energy Facility Site Evaluation Council in September 2004. The Plan directed review of the past quarter's percentage of EFSEC technical staff's average FTE's, charged to EFSEC projects. This information is used as the basis for determining the non-direct cost percentage charge, for each EFSEC project. In addition, the Plan allows for adjustment due to anticipated work load and the addition of new projects.

Based on the levels of work during the 1st quarter of FY 2018, using the procedures for developing cost allocation, and allowance for new projects, the following percentages shall be used to allocate EFSEC's non direct costs for the 2nd quarter of FY 2018:

Kittitas Valley Wind Power Project	6%
Wild Horse Wind Power Project	6%
Columbia Generating Station	16%
Columbia Solar	10%
WNP-1	3%
Whistling Ridge Energy Project	3%
Grays Harbor 1&2	8%
Chehalis Generation Project	8%
Desert Claim Wind Power Project	3%
Grays Harbor Energy 3&4	3%
Tesoro Savage	34%



Stephen Rosner, EFSEC Manager

Date: 10/16/17