1. Call to Order

2. Roll Call

3. Proposed Agenda

4. Minutes

   Meeting Minutes
   - April 16, 2019

5. Projects

   a. Kittitas Valley Wind Project
      - Operational Updates. Eric Melbardis, EDP Renewables
   b. Wild Horse Wind Power Project
      - Operational Updates Jennifer Diaz, Puget Sound Energy
   c. Chehalis Generation Facility
      - Operational Updates Mark Miller, Chehalis Generation
   d. Columbia Solar Project
      - Project Updates Ami Kidder, EFSEC Staff
   e. Desert Claim
      - Project Updates Amy Moon, EFSEC Staff
   f. WNP – 1/4
      - Non-Operational Updates Mary Ramos, Energy Northwest
   g. Columbia Generating Station
      - Operational Updates Mary Ramos, Energy Northwest
   h. Grays Harbor Energy Center
      - Operational Updates Chris Sherin, Grays Harbor Energy

6. Other

   a. EFSEC Council
      - Air Rules Sonia Bumpus, EFSEC Staff
      The Council may consider and take FINAL ACTION on adopting Air Rules.

7. Adjourn

Kathleen Drew, EFSEC Chair

Note: "FINAL ACTION" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. RCW 42.30.020
Verbatim Transcript of Monthly Council Meeting

Washington State Energy Facility Site Evaluation Council

April 16, 2019

BUELL
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Verbatim Transcript of Monthly Council Meeting

OLYMPIA, WASHINGTON; APRIL 16, 2019
1:30 P.M.

--00--

PROCEEDINGS

CHAIR DREW: Good afternoon. This is Kathleen Drew, Chair of the Energy Facility Site Evaluation Council, and I'm calling the meeting to order.

Ms. Mastro, will you please take the roll call?

MS. MASTRO: Department of Commerce?

CHAIR DREW: Is excused.

MR. STEPHENSON: Cullen Stephenson, here on the phone.

MS. MASTRO: Department of Ecology?

CHAIR DREW: That was Cullen.

Mr. Stephenson. Thank you.

MS. MASTRO: Department of Fish & Wildlife?

MR. LIVINGSTON: Mike Livingston, here.

MS. MASTRO: Department of Natural Resources?

MR. SIEMANN: Dan Siemann is on the phone.

MS. MASTRO: Utilities and Transportation Commission?

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Verbatim Transcript of Monthly Council Meeting

1. CHAIR DREW: Opposed? The agenda is adopted.
2. We then move to the minutes. The meeting minutes have been sent to you previously and are in your packets. Is there a motion to adopt the minutes?
3. MR. LIVINGTON: Chair, I would like to make a motion to approve the minutes as presented.
4. CHAIR DREW: Thank you.
5. MS. BREWSTER: I’ll second that motion.
6. CHAIR DREW: Thank you. Are there any corrections?
7. MR. SIEMANN: I will second.
8. CHAIR DREW: Are there any comments or questions about the minutes? Any corrections?
9. Hearing none, all those in favor of approving the minutes from March 19th, 2019, say “aye.”
10. COUNCILMEMBERS: Aye.
11. CHAIR DREW: Opposed? The minutes are adopted.
12. Moving on now to our projects. The first in front of us is the Kittitas Valley Wind Project.
13. operational update, Mr. Melbards.
14. MR. MELBARDS: Good afternoon, Chair Drew.
15. CHAIR DREW: Thank you.
16. EFSEC Council. For the period of March, there was nothing nonroutine to report at Kittitas Valley. Oh, sorry. For the record, this is Eric Melbards with EDP.

1. Renewables. We did have a fire and life safety inspection in March and that came back with a perfect score.
2. CHAIR DREW: Congratulations.
3. Any questions?
4. Moving on to Wild Horse Wind Power Project,
5. Ms. Diaz?
6. MS. DIAZ: Yes. Thank you, Chair Drew and Councilmembers. For the record, Jennifer Diaz with Puget Sound Energy at the Wild Horse Wind and Solar Facility, and we have nothing nonroutine to report for the month of March.
7. CHAIR DREW: Thank you.
8. Chehalis Generation Facility, Mr. Miller?
9. MR. MILLER: Good afternoon, Chair Drew and Councilmembers. I’m Mark Miller for – from the PacificCorp Chehalis Generation Facility. I would like to highlight two nonroutine comments for the month of March. Plant conducted the annual relative accuracy test audit for our continuous emission monitors just to verify that they’re continuing to operate within their required parameters.
10. The draft report that we received earlier last week indicate that all monitors were performing as – as within the required performance parameters.

1. as noted in the report. And also, the EFSEC contractor Southwest -- from the Southwest Clean Air Agency and title -- and EFSEC Staff conducted a Title V site inspection for the year, annual year 2019. The inspection was conducted on March 26th. At the time of the inspection, the Clean Air staff did not note any anomalies and everything was as expected. Are there any questions?
2. CHAIR DREW: Any questions?
3. Thank you for your report.
4. Columbia Solar Project, Ms. Kidder?
5. MS. KIDDER: Thank you, Chair Drew. For the record, my name is Amy Kidder. I have a brief update for you on the Columbia Solar Project. EFSEC Staff are working to obtain an environmental - environmental monitor that would participate in the construction phase of the project for all five sites. We will keep the Council updated as we progress. Are there any questions?
6. CHAIR DREW: Thank you.
7. Ms. Bumpus?
8. MS. BUMPUS: Chair Drew, I just wanted to note, I’ll be providing an update on the litigation for Columbia Solar at the end of the Council meeting.
9. CHAIR DREW: Okay. Thank you.
10. I know at the table we also have a new Staff member, so I wanted to introduce him at this time. Kyle Overton, who started this morning. Kyle comes to us from Thurston County as an environmental staff person there. Environmental Health, and has an extensive background both here and from Arizona, and we are very pleased to have him on our Staff. So welcome.
11. MR. OVERTON: Thank you.
12. CHAIR DREW: Then moving on to Desert Claim,
13. Ms. Moon?
14. MS. MOON: Good afternoon, Council Chair.
15. Drew and Councilmembers. For the record, this is Amy Moon, and I am providing an update for the Desert Claim Project. EFSEC Staff continue to coordinate with Desert Claim and our contractors working toward construction in 2021, and I have no other updates at this time.
16. CHAIR DREW: Okay. Thank you.
17. WNP-1/4. Ms. Ramos?
18. MS. RAMOS: Good afternoon, Chair Drew and Councilmembers. My name is Mary Ramos reporting for Energy Northwest. For WNP-1/4, there are no updates to report.
19. CHAIR DREW: Okay. Thank you. And then for Columbia Generating Station.
20. MS. RAMOS: Again, Mary Ramos for Energy Northwest, Columbia Generating Station. I have three
topics to report today for Columbia.

2 CHAIR DREW: Ms. Ramos --
3 MS. RAMOS: First --
4 CHAIR DREW: -- we're having a little
difficulty hearing you, so if you can speak up or
closer, that would be great.
6 MS. RAMOS: Oh, okay. Apologize for that.
7 So I have three topics to report today for Columbia
8 Generating Station. Is that better?
9 CHAIR DREW: Yes, thank you.
11 MS. RAMOS: Okay. Great. First is
12 regarding the transformer oil spill at Columbia. Energy
13 Northwest is working on a response to EFSEC's request
14 for information regarding the transformer oil spill at
15 Columbia. The letter which was sent to Energy Northwest
16 by EFSEC on March 14th is -- requests information
17 regarding the release and cleanup of the soil.
18 The second topic I'd like to report on is
19 regarding our fire inspection. On March 27th, Energy
20 Northwest responded to EFSEC's request for additional
21 information regarding the fire inspection of nonpower
22 block facilities at Columbia. And the third-party
23 reports to support the building code of record
24 modification for several buildings at Columbia have been
25 submitted to EFSEC.

The third topic I'd like to report on is
2 regarding our upcoming refueling outage, Columbia
3 Generating Station will begin its 24th refueling outage
4 on May 11. The outage is scheduled to last for 40 days,
5 and it's an opportunity for us to add fresh nuclear fuel
to the Columbia's reactor core as well as perform
7 maintenance projects.
8 The total budget for this outage is
9 approximately $127 million. More than 1200 fuel
10 temporary outage workers are hired locally and across
11 the country to support the outage. This will be in
12 addition to the normal workforce at Columbia of about a
13 thousand.
14 The outage is a high priority for our
15 station, and it's the key to the plant success and
16 ability to provide low cost power. It takes two years
17 to plan an outage, and with just 25 days from the start,
18 the entire station is heavily involved in the outage
19 preparations. Every Energy Northwest employee is
20 assigned an outage job, and during this time, we'd ask
21 for and appreciate EFSEC's patience as our ability to
22 respond to questions and requests is limited.
23 CHAIR DREW: Thank you. Thank you for that
24 information. That I think helps all of us understand
25 your operations a little bit better.

1 Are there any questions for Ms. Ramos?
2 MS. BREWSTER: I have one.
3 CHAIR DREW: Ms. Brewster?
4 MS. BREWSTER: Ms. Ramos, regarding the
5 response to the oil spill, do you have an estimated time
6 when that response will be prepared?
7 MS. RAMOS: I don't have a target date for
8 you. I know that the transformer is being repaired
9 during the outage, and so I suspect that our submittal
10 will be right after the outage, but I -- I'm not 100
11 percent sure.
12 MS. BREWSTER: Thank you.
13 CHAIR DREW: Okay. Any other questions?
14 Okay. Thank you very much.
15 MS. RAMOS: Thank you.
16 CHAIR DREW: Moving on to Grays Harbor
17 Energy Center operational updates, Mr. Sherin?
18 MR. SHERIN: Good afternoon, Chair Drew and
19 Councilmembers. I'm Chris Sherin, the plant manager at
20 Grays Harbor Energy Center. The only two nonroutine
21 items I'll point out from our March operational updates
22 is, we also completed the required relative accuracy
23 test audit, or RATA, for unit one, and we also did it
24 on -- conducted a RATA on unit two. The dates for that
25 were March 13th and 14th.
1. overview. I hope that that provided some context as we
2. have a lot of activity at this facility in the coming
3. months. As Mr. Sherin mentioned, the Grays Harbor
4. Energy Center has been operating under an administrative
5. extension of their National Pollutant Discharge
6. Elimination System, or NPDES Permit, which was approved
7. by EFSEC at the end of their previous permit.
8. Grays Harbor submitted an engineering
9. report, which was followed by several rounds of review
10. and coordination between EFSEC Staff and the facility,
11. EFSEC approved the engineering report on
12. March 15th, 2018, and since have been working with our
13. contractors at Ecology to develop the NPDES Renewal
14. Permit here before you.
15. Are there any questions?
16. CHAIR DREW: And we also have a Staff from
17. Ecology who has worked -- if you'd like to introduce?
18. MS. KIDDER: Yes, we have our permit
19. contractor here, Liem Nguyen, from Ecology who is
20. contracted with us to develop this permit and fact
21. sheet.
22. CHAIR DREW: Thank you. Welcome.
23. MR. NGUYEN: Good afternoon.
24. MS. KIDDER: And if there are no questions
25. so far, Staff will proceed with our request of the

1. Council to take action on a tentative determination to
2. approve the Draft NPDES Renewal Permit, which would
3. allow Staff to notice the Draft Renewal Permit and fact
4. sheet for a minimum 30-day comment period.
5. CHAIR DREW: And the Council members have
6. received that all in their packet, which they received
7. last week.
8. MS. KIDDER: Correct.
10. MS. KIDDER: Staff recommends that the
11. comment period begins on Monday, April 22nd and
12. continues for 30 days, closing -- ending at close of
13. business on Tuesday, May 21st. We do not recommend a
14. public hearing at this time. If there are any questions
15. on the technical aspect of the permit, our contractor
16. from Ecology is here and able to address any of those
17. concerns. I would ask that the Council please note that
18. the draft fact sheet available for the Council on the
19. SharePoint site has a typographical error that will be
20. addressed prior to opening the draft up for public
21. comment.
22. CHAIR DREW: And we did not include those in
23. your packets. They're 50-some pages. So if you do want
24. a hard copy, we're happy to provide that to you, but in
25. order not to have substantial copies here with us, we
Verbatim Transcript of Monthly Council Meeting

1. didn't do so. And I think we have some right here on
2. hand if anyone would like to take a look at it.
3. MS. KIDDER: We do.
4. MS. BUMPUS: That's correct, Chair Drew, we
5. have -- we made a few copies in case Councilmembers
6. wanted to look at a hard copy while we're here.
7. CHAIR DREW: Are there any questions about
8. the Draft NPDES Permit Renewal draft? Again, this is to
9. take it out -- the -- the action we're asking for today
10. is to take it out for public review.
11. MS. KIDDER: Correct.
12. CHAIR DREW: And if there are no public
13. comments, part of the decision, then, would be that
14. final action could be taken on this draft if we receive
15. no comments. So I want the Council to be fully aware of
16. that.
17. Is that correct?
18. MS. BUMPUS: That's correct. And if we do
19. receive comments, we would come back to the Council at
20. the end of the comment period and go over those comments
21. with you and explain if there were any substantive
22. changes to the permit necessary, and then you would have
23. an opportunity to review those substantive changes
24. before we would request approval of that version of the
25. permit.

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1. CHAIR DREW: Okay. Are there questions
2. about the permit that anyone has? No? No?
3. Hearing none, is there someone who would
4. like to make a motion to approve the NPDES Permit
5. Renewal Draft for Grays Harbor Energy Center?
6. MR. LIVINGSTON: Sure, Chair, this is
7. chairman -- or Councilmember Livingston, and I would
8. make a motion to begin that comment period for the draft
9. permit modification as the period specified by the Staff
10. of EFSEC and to bring it back to us after that comment
11. period for discussion and review.
12. CHAIR DREW: Okay. I think the -- the
13. process is if there aren't any -- well, we can still do
14. that.
15. MS. BUMPUS: We can do that. The rule says
16. that this is a tentative determination to approve the
17. permit. And so in the past where no comments are -- are
18. provided, and the permit essentially states the same,
19. the Chair could approve the permit without a vote by the
20. Council. But if we do get comments and we do need to
21. change -- make changes to the permit, then that's where
22. we would send it back to you for another review, and we
23. would discuss those changes with you, and then there
24. would be -- I mean, in some cases, you potentially would
25. go to comment again depending on how substantial the

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1. changes are to the permit. So does that -- does that
2. help here in the action that the Council's taking?
3. Essentially this is approval of the draft permit and --
4. CHAIR DREW: Subject to public...
5. MS. BUMPUS: That's right, public comment.
6. MR. LIVINGSTON: Yes, that helps.
7. CHAIR DREW: Thank you. Yes, it's new for a
8. lot of us. So no worries there. So would you --
9. MR. LIVINGSTON: So I'll modify that motion
10. to, I would make a motion to approve the draft permit
11. pending public review of the period that the EFSEC
12. Council -- or Staff have suggested to us.
13. CHAIR DREW: Is there a second?
14. MS. BREWSTER: Second --
15. MR. SIEMANN: I'll second that motion.
16. CHAIR DREW: Thank you.
17. Any discussion?
18. Okay. Thank you all -- oh, wait, I better
19. take a vote on that. All those in favor, please say
20. "aye."
22. CHAIR DREW: Thank you. Motion carries and
23. the action for approval of the NPDES Permit Renewal
24. Draft subject to public comment has been approved.
25. Thank you.

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1. Ms. Kidder has additional information for
2. us.
3. MS. KIDDER: Thank you, Council. In further
4. news, I would like to notify the Council of additional
5. activity planned for this facility in the coming months.
6. At the May Council meeting, Staff tentatively plans to
7. bring forth a petition for rulemaking pursuant to
8. Washington Administrative Code or WAC 463-34-030 in
9. order to update WAC 463-78-005, which adopts several
10. sections of WAC 173 by reference. This update will
11. bring WAC 463-78 current with respect to air quality
12. regulations enacted by the Department of Ecology. Are
13. there any questions up to that point?
14. CHAIR DREW: If I can explain in my own
15. words perhaps what we are looking at. We adopt
17. They have changed their rules, so we are looking to
18. adopt their new rules by reference.
19. MS. BUMPUS: Correct.
20. CHAIR DREW: And you will get information on
21. that prior to the May meeting, but to know they've
22. already -- Department of Ecology has already been
23. through the process and the public hearing to adopt
24. their rules.
25. MS. KIDDER: Thank you.
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<tr>
<td>1. CHAIR DREW: Thank you.</td>
<td>1. Specifically the governor asked me to</td>
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<td>2. MS. KIDDER: Following the update of WAC</td>
<td>2. reassess the scope and role of the Council and recommend</td>
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<td>3. 463-78. in the summer, Staff tentatively plans to</td>
<td>3. changes to reflect the ongoing changes to the industry</td>
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<td>4. present the Council for review the Draft Title V Permit,</td>
<td>4. and the state's needs for reliable, affordable, and</td>
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<td>5. which is an air operating permit for air quality for the</td>
<td>5. clean energy to serve current and future generations, to</td>
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<td>6. Grays Harbor Energy Center at which point we would</td>
<td>6. evaluate the process and procedures of the Council to</td>
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<td>7. anticipate asking the Council to take action on the</td>
<td>7. consolidate and streamline their work in ways that</td>
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<td>8. draft for public comment as well. Are there any</td>
<td>8. increase consistency, reduce decision times, and improve</td>
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<td>9. questions on that?</td>
<td>9. the transparency and access to the process; and review</td>
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<td>10. CHAIR DREW: And this is that -- the -- this</td>
<td>10. the current membership of the Council and recommend</td>
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<td>11. air permit is one which we were recently delegated</td>
<td>11. changes that would broaden representation from local and</td>
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<td>12. authority by the EPA?</td>
<td>12. tribal governments, industry experts, and the general</td>
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<td>13. MS. BUMPUS: We were recently delegated</td>
<td>13. public.</td>
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<td>14. authority for the PSD.</td>
<td>14. Throughout 2018, I met with a wide range of</td>
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<td>15. CHAIR DREW: Oh, I'm sorry.</td>
<td>15. stakeholders to gather in-depth input on all aspects of</td>
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<td>16. MS. BUMPUS: And that was the Amendment 4</td>
<td>16. our operations, and working together with the EFSEC</td>
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<td>17. that Mr. Shen in mentioned in his update.</td>
<td>17. Staff, we conducted process-mapping of our core work</td>
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<td>18. CHAIR DREW: These permits are -- maybe we</td>
<td>18. process -- processes, including both analyzing current</td>
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<td>19. could even get a visual that shows the different air</td>
<td>19. operations and developing options for future</td>
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<td>20. permits -- or the different permits that we are updating</td>
<td>20. improvements.</td>
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<td>21. and the rule update associated with Grays Harbor Energy</td>
<td>21. Building on this work and with input and</td>
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<td>22. Center. That might be helpful.</td>
<td>22. support from a broad group of stakeholders, I drafted</td>
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<td>23. MS. KIDDER: That's something that we can</td>
<td>23. legislation which was introduced earlier this year. In</td>
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<td>24. put together for the Council.</td>
<td>24. addition to adding standing membership on the EFSEC</td>
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<td>25. CHAIR DREW: Okay. Thank you. And I know</td>
<td>25. Council for counties and tribes, the bill contains</td>
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<tr>
<td>1. we do plan at some point hopefully during the course of</td>
<td>1. important provisions to streamline our project</td>
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<td>2. the next few months to have a tour as well. And so</td>
<td>2. application and review process. This legislation, House</td>
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<td>3. having work going on, being able to see the facility in</td>
<td>3. Bill 1332, is still moving through the 2019 legislative</td>
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<td>4. person for ourselves I think would be helpful as well</td>
<td>4. process. And I will give you an update on that in a</td>
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<td>5. so...</td>
<td>5. little bit.</td>
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<td>6. MS. KIDDER: That visit is tentatively</td>
<td>6. This work is -- this work of the review that</td>
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<td>7. scheduled for June 18th, the morning of our June Council</td>
<td>7. the governor asked me to do is detailed in the 2018</td>
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<td>8. meeting.</td>
<td>8. Strategic and Policy Review to Governor Inslee, which I</td>
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<td>9. CHAIR DREW: Okay. Thank you.</td>
<td>9. submitted on March 28th, 2019, and is in your packets</td>
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<td>10. Are there any questions?</td>
<td>10. today. It details what we have learned from our</td>
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<td>11. MS. KIDDER: Thank you.</td>
<td>11. outreach and process improvement activities, what we</td>
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<td>12. CHAIR DREW: Lot of work going on. Thank</td>
<td>12. believe lies ahead as Washington transitions to a</td>
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<td>13. you. We appreciate it.</td>
<td>13. hundred percent clean electricity, and what we propose</td>
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<td>14. Mr. Nguyen, thank you for being here and for</td>
<td>14. to do to support that vital transition.</td>
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<td>15. your work.</td>
<td>15. We've already begun implementation and</td>
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<td>16. Now we are in the category of &quot;Other.&quot; So</td>
<td>16. intend to use this strategic and policy review as a</td>
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<td>17. I'll start with my report, which is a legislative update</td>
<td>17. roadmap for our continuous improvement to be carried out</td>
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<td>18. but also an update on a request from the governor from</td>
<td>18. over the coming years.</td>
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<td>19. when I was appointed to this position.</td>
<td>19. I'd like to ask Stewart Henderson, EFSEC</td>
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<td>20. So I'd like to give you an update on a</td>
<td>20. senior policy advisor, to brief you on the report and</td>
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<td>21. report we have just submitted to the governor and the</td>
<td>21. where we are in implementation. And I'll follow with an</td>
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<td>22. status to our request legislation. When Governor Inslee</td>
<td>22. update on the status of House Bill 1332.</td>
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<td>23. appointed me as EFSEC Chair in January of 2018, he</td>
<td>23. Mr. Henderson.</td>
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<td>24. called on me to review the role processes and Council</td>
<td>24. MR. HENDERSON: Thank you. Yeah, for the</td>
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<td>25. membership of EFSEC as provided by RCW 80.50.320.</td>
<td>25. record, this is Stewart Henderson, senior policy advisor</td>
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<td>Page 26</td>
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<td>for EFSEC. And it's exciting. It's my first official</td>
<td>-- are kind of looking out to the future, they're kind</td>
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<td>chance to -- to speak with the -- with the Council.</td>
<td>of things that are impacting EFSEC moving forward, which</td>
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<td>Yeah, I was the sort of point person to -- and I'm going</td>
<td>changes in industry and energy demand, which really</td>
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<td>to be sort of leading through the -- leading through the</td>
<td>focus a lot on the demands for -- for renewable energy,</td>
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<td>report here for those of you who have it.</td>
<td>which even before this session was -- was clear was --</td>
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<td>But I was basically the point person to</td>
<td>was a way that things were going.</td>
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<td>bring together several streams of work that have been</td>
<td>And in terms of mapping out the -- the --</td>
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<td>going on over the last -- over a year now of input from</td>
<td>the -- the EFSEC of -- the thing about the EFSEC of the</td>
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<td>stakeholders, which are listed on page 15 of the report.</td>
<td>future on page 6, we're really looking at how do we</td>
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<td>But extensive conversations that Chair Drew and others</td>
<td>particularly review new wind and solar facilities in the</td>
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<td>have had with the -- with the wide range of</td>
<td>most expeditious way possible and also be ready for even</td>
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<td>stakeholders, process-mapping that our own team did of</td>
<td>newer technologies that can be expected to be coming --</td>
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<td>our own -- of our own processes.</td>
<td>coming online in the -- in the future years.</td>
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<td>In further discussions with stakeholders and</td>
<td>And through the course, that really</td>
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<td>others, recommendations that -- that -- that were</td>
<td>identified five strategic opportunities for -- for EFSEC</td>
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<td>provided which led to the -- the draft of the -- of</td>
<td>moving forward, which are -- which are -- which are</td>
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<td>the -- the bill that Chair Drew was referring to and</td>
<td>listed here. Basically restructuring the Council for</td>
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<td>ongoing input that we received on that. And then</td>
<td>greater accountability, streamlining the application</td>
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<td>continuing efforts that we've done to -- to reach out to</td>
<td>process for everyone, enhancing transparency and public</td>
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<td>stakeholders and -- in several ways.</td>
<td>involvement, streamlining regulation and compliance, and</td>
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<td>The -- the report, again, gives a couple</td>
<td>refining the scope and role of the Council.</td>
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<td>pages of background on EFSEC's mission and role, which</td>
<td>I'm just going to say a little bit about --</td>
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<td>might be a good kind of overview for -- for folks new to</td>
<td>about each of those and then there's -- they're detailed</td>
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<td>us. On pages 4 and 5, it talks about the -- some --</td>
<td>more, one page for each of those. But in terms of</td>
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<td>some view of the external conditions that we believe are</td>
<td>restructuring the -- the Council for greater</td>
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<td>Page 27</td>
<td>Page 28</td>
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<tr>
<td>1 accountability, the real goal there is to meet the</td>
<td>1 and so -- and -- and we're -- we're moving forward. The</td>
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<td>2 challenges ahead, EFSEC should be a more cohesive body,</td>
<td>only one that really -- there was some controversy</td>
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<td>3 better able to retain and build on institutional</td>
<td>around cities and some desire to keep -- keep --</td>
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<td>4 knowledge. We see in the past, there's a -- there's a</td>
<td>individual representation there, but the other efforts</td>
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<td>5 sort of a core membership of EFSEC, but then different</td>
<td>there were -- were widely supported.</td>
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<td>6 members that come -- that came for -- for different</td>
<td>In terms of opportunity number two,</td>
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<td>7 cases, so sometimes there'd actually be three councils</td>
<td>streamline the application process. Again, the</td>
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<td>8 convening in in in -- at one meeting.</td>
<td>overall goal, which we're laying out, is that EFSEC</td>
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<td>9 So there's a sense that that wasn't really</td>
<td>should streamline review for all applicants, not just</td>
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<td>10 the best structure in order to retain knowledge and --</td>
<td>renewable, but for all -- for everybody. But in</td>
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<td>11 and move forward. So several elements were put into</td>
<td>particular, EFSEC should map its level of review to</td>
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<td>12 the -- the bill that -- that was put forward this</td>
<td>match the environmental impact and risks associated with</td>
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<tr>
<td>13 year including bringing the tribes, Washington tribes,</td>
<td>different energy technologies and should be granted the</td>
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<td>14 into permit membership on the Council, shifting the</td>
<td>flexibility it needs in order to do so.</td>
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<td>15 current active -- temporary memberships of the cities</td>
<td>So that led to a -- thinking through in</td>
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<td>16 and counties over to permanent standing -- standing</td>
<td>terms of the bill coming up with a new pathway</td>
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<td>17 membership, in addition to getting input from -- from --</td>
<td>particularly for currently solar -- solar power, solar</td>
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<td>18 from local jurisdictions whenever a specific -- specific</td>
<td>farms, have -- have an ability to become expedited, but</td>
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<td>19 case is up for -- for review.</td>
<td>wind farms still have the EIS process. And so we're --</td>
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<td>20 Letting go of the optional state agencies,</td>
<td>we're unable to go through the -- through the expedited</td>
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<td>21 keeping them closely involved as partners but not</td>
<td>process, but it seemed to be -- there seemed to be a</td>
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<td>22 having -- having seats that the -- with -- with the</td>
<td>call to streamline the review of wind facilities.</td>
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<td>23 Council, letting go of The Port, nonvoting Port</td>
<td>So among the things that I said that were in</td>
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<td>24 representation, which was not very well utilized. And</td>
<td>the bill was a combined two hearings into one for -- for</td>
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<tr>
<td>25 those -- as I said, those things are all in the bill,</td>
<td>all -- for -- for -- for all applicants, having the</td>
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1 chance for the Council to waive adjudication, which
2 has -- which has been a time consuming thing, as long as
3 the EIS, the environmental impact statement, provides
4 sufficient information to -- to make a decision. So
5 envisioning straightforward environmental impact
6 statements such as what we see in a -- in a -- in a wind
7 farm or other new technologies that might ameliorate
8 that -- that kind of -- those kind of conditions.
9 And trying to expand the preapplication
10 process. We really saw that it's really clear that the
11 earlier we're involved with folks and the more
12 comprehensive that early involvement is, the better it
13 is in terms of getting a -- getting a result that's a
14 win-win for -- for local folks, for the environment,
15 for -- for energy -- energy developers.
16 Those were the elements here that were
17 related to the bill. There are other -- several other
18 elements involving getting increased input from --
19 from -- from stakeholders and -- and potential --
20 potential applicants, part of which is -- is underway
21 and we're certainly looking for additional and ongoing
22 input.
23 So this here lies [sic] a call for -- for
24 that -- that input. This is very much a working
25 document. So if -- if you have ideas that -- either

1 handled hearings.
2 Listed here was also work on the website,
3 which is -- is coming to fruition, which we're very,
4 very excited about. And -- and as well as some -- some
5 specific improvements that tie into previously -- the
6 previously described efforts to -- to improve and
7 streamline and simplify the application process.
8 Option four, having to do with streamlining
9 regulation and compliance. Again, people -- people on
10 the outside who do know -- many people do not know of
11 EFSEC and its work, but -- but of those who do, it's --
12 it's -- it's mostly focused on -- on new -- new siting
13 and that's sort of the -- the -- that's kind of the
14 flashy, dramatic -- the dramatic stuff that the -- that
15 the -- that EFSEC works.
16 But the really real meat and potatoes of the
17 day-to-day work for EFSEC is a lot of the regulation and
18 compliance work that we're -- that you heard that we
19 were doing at the beginning of this meeting and that --
20 and that Staff are engaged in on a day-to-day basis with
21 our -- with our current certificate holder.
22 So this is really, as I said, the goal here
23 is, EFSEC should seek to continuously improve its
24 regulatory oversight of energy facilities. Always
25 seeking option needs to strengthen environmental

1 protected while reducing the time costs and other
2 regulatory burdens on -- on facility -- facility
3 operators. We haven't heard facility operators asking
4 for -- opposed to that. Anything we can do that, you
5 know, maintains protections but cuts time and cost and
6 burdens is something that -- that is -- is
7 widely agreed is a -- is a -- is a good idea.
8 We -- we have had ongoing meetings with --
9 we had our first meeting several weeks ago with
10 certificate holders, which actually went very well.
11 They're going to be hearing back from us in the coming
12 weeks as we build on -- on the input that we got -- that
13 we got from them. And, again, particularly in this
14 area, we are seeking further input. So anyone who --
15 who's listening to this and wants to -- wants to become
16 more engaged, just let us know.
17 And finally the -- the -- the last
18 opportunity had to do with refining the scope and role
19 of the Council. And this is really the most future
20 forward-looking of any of these that -- only one part of
21 this is reflected in the current bill, and that actually
22 probably may not be seen in -- in the final. But really
23 right now, EFSEC kind of -- kind of has a kind of what
24 at one time, I'm sure made -- made great sense, but now
25 is somewhat scattered patchwork of -- of things
who knows about the -- the future as well.
2. So Chair, Chair Drew, that's -- that's kind
3. of the summary there of -- of what -- what we did and
4. what we're doing. And, again, this is -- this is really
5. just what we've proposed, and it's a -- it's what -- the
6. snapshot of -- of this moment, but we're -- we're hoping
7. to -- to -- to see this grow and develop as -- as
8. people become more involved and as conditions --
9. conditions change.
10. CHAIR DREW. Thank you, Mr. Henderson.
11. Before we move on to an update on the
12. legislation, are there any questions? That was a lot of
13. information. This is meant to be a briefing to provide
14. you. I think many of you, I talked to early on when I
15. started this process. So this is the collection of the
16. work and the conversations and then the recommenda-
17. tion of that course.
18. And thank you, Stew, for all the help you
19. did.
20. And he is the actual author, so the
21. beautiful language in there really comes from
22. Mr. Henderson.
23. So thank you for -- for your work on this as
24. well.
25. Are there any questions?

MR. STEPHENSON. Chair Drew, this is Cullen.
2. CHAIR DREW. Hi, Mr. Stephenson. Go ahead.
3. MR. STEPHENSON. Thank you. I want to
4. congratulate you on, you know, trying to make sure that
5. the Council and the Staff are excellent. I think the
6. Council is working better and better than ever, I think
7. the Staff is wonderful. I appreciate the changes that
8. you're trying to make and especially adding tribes and
9. local governments to the discussion is very important.
10. And then finally, just, you know, the continuing
11. emphasis on incremental improvement. We can always do
12. better, and I believe that's what you're trying to do,
13. so I appreciate that. Thank you.
14. CHAIR DREW. Thank you.
15. MR. LIVINGSTON. I will second that.
16. CHAIR DREW. Thank you. And -- and we can
17. have further conversations certainly if you'd like to
18. talk about anything in the report either to Stew or to
19. myself, please -- and to our manager, Ms. Bumpus, please
20. feel free to do so. And anyone else too. It's going to
21. be posted, if it's not already, on our website today or
22. tomorrow.
23. MS. AITKEN. Correct.
24. CHAIR DREW. So for those of you on the
25. phone, this was something we're providing now and it
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<tr>
<td><strong>Verbatim Transcript of Monthly Council Meeting</strong></td>
<td><strong>4/16/2019</strong></td>
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<tr>
<td>1. will be available for people to get to in the very near future.</td>
<td>1. our statute is 50 years old, and I think one or two years older than SEPA, and therefore, that adjudicative process was put forward in order to get all the environmental and public issues on the table. And we have another mechanism of that to do that through SEPA.</td>
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<td>2. In terms of update on the legislation, it’s called Engrossed Substitute House Bill, or ESHB 1332, and it’s an agency request bill that’s been amended throughout the legislative process. It passed the House 88 to 8 and is on the Senate floor calendar. I expect that it will be voted on before the deadline of 5:00 p.m. tomorrow. If it is, it will go to the House for concurrence with the Senate amendments and then to the governor for his signature, and it will become effective 90 days after being signed by the governor, which would make that about the end of July or the 1st of August. The bill, you heard several of the specifics that Mr. Henderson was talking about, but essentially, to summarize, it expands EFSEC membership to include one member designated by the Washington Association of Counties and two members designated by federally recognized tribes. As you heard, we had conversations with the cities and they chose to keep their participation the same as current law, and so there was amendment to -- to basically take it back to current law where they may appoint a member when EFSEC is considering an energy facility application within a city's corporate limits.</td>
<td>10. So those are the changes that are still in the bill. So we look forward to seeing the end of session and hopefully achieving success in the end. So I'd be happy to answer any questions. Hearing none, we will move on to updates from our manager and the fourth quarter cost allocation, Ms. Bumpus. MS. BUMPUS: Thank you. Good afternoon, Chair Drew and Councilmembers. For the record, this is Sonia Bumpus. As we do at the beginning of each quarter, we calculate our nondirect cost allocations. Mr. Posner was kind enough to do that before he retired. These allocations are the percentages that are charged to each of the different projects that EFSEC regulates. We review the Staff's technical work that has been done in the past quarters and look at work anticipated ahead.</td>
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<td>And discretionary membership from other state agencies, ports, and counties is eliminated to sit on the Council, but we added requirements for working with the state agencies and notifying them who had previously had the option to sit on the Council as well as requirements for working with local governments that are affected by any of our site application processes as well as with the tribes. So that language has been added. The EFSEC Chair, rather than the UTC, will appoint and supervise Staff to the Council. And during the site application process, as you heard, the informational hearing and land use hearing is combined. Those of you who haven't participated in the past, I think I came shortly after Columbia Solar started, but there was a land use hearing and an informational hearing, and everybody needed to sign in and speak and then that meeting was closed and the next one began. And in order to change that, we had to change that in the statute, so that seemed to make sense to everybody. We're happy that's there. As you heard also, that after completion of an EIS and tribal consultation, the Council may waive the required adjudicative proceeding under certain circumstances. The conversations leading to that were about the fact that that was designed before SEPA, since</td>
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<td>Page 40</td>
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<td>1. The percentages are on the green sheet in your packets, and I will go ahead and read off the percentages that run from April 1st, 2019, to</td>
<td>1. CHAIR DREW: Are there any questions?</td>
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<td>2. June 30th, 2019. For Kittitas Valley Wind Power Project, 10 percent; Wild Horse Wind Power Project, 10 percent; Columbia Generating Station, 26 percent; Columbia Solar, 14 percent; WNP-1, 3 percent; Whistling Ridge Energy Project, 3 percent; Grays Harbor 1 &amp; 2, 13 percent; Chehalis Generating Project, 10 percent; Desert Claim Wind Power Project, 8 percent; and Grays Harbor Energy 3 &amp; 4, 3 percent.</td>
<td>2. Thank you.</td>
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<td>3. Ms. BUMPUS: And then I have a few other updates, manager updates, about things that are going on. As I mentioned earlier, I wanted to update the Council on the Columbia Solar Project and the litigation activities that have been going on. So just to give you some background, on November 14th of last year, Kittitas County had appealed the governor's decision approving the site certification agreements for the five Columbia Solar sites, along with EFSEC's recommendation of approval, and it did so by filing a petition for judicial review in Thurston County Superior Court.</td>
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Hope that everybody does try to attend the meeting in person and also to see the facilities if you haven't seen them before. Because as we talked about earlier, our compliance and regulation is one of the significant activities that the Council approving different types of activities. So personally, I think it's very important for us to be familiar. Myself, I find it easier to understand the topics that we cover and perhaps to have more questions having seen the facilities in person. So I would encourage everyone to do so. Thank you. Are there any questions?

MR. LIVINGSTON: Chair, one question I have is, and maybe I know my -- the answer already, but we talked about a tour out to the Columbia Generating Station a while back. Obviously, they got some big things going on right now, so is there any plans in the future for a tour out there as well?

CHAIR DREW: Ms. Bumpus?

MS. BUMPUS: So in light of the fact that they -- they do have their scheduled shutdown, we're working on several other things, we're looking at believe now October trying to line up a tour of the Columbia Generating Station facility. So we'll keep you updated, but it has been moved around a few times. But I think that's -- and yeah, is that -- so Amy Moon is

nooding yes.

MR. LIVINGSTON: Great. Thank you.

CHAIR DREW: Thank you.

Any other questions? Hearing none, that's the end of our business for today, so this meeting is adjourned.

(Meeting adjourned at 2:25 p.m.)
CERTIFICATE

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

______________________________
Tayler Garlinghouse, CCR 3358
Kittitas Valley Wind Power Project
Monthly Operations Report
April 2019

Project Status Update

Production Summary:
Power generated: 27,508 MWh
Wind speed: 7.5 m/s
Capacity Factor: 37.9%

Safety:
No incidents

Compliance:
Project is in compliance

Sound:
No complaints

Shadow Flicker:
No complaints

Environmental:
No incidents
Wild Horse Wind Facility
April 2019

Safety
No lost-time accidents or safety injuries/illnesses.

Compliance/Environmental
In accordance with the Stormwater Pollution Prevention Plan (SWPPP) a stormwater inspection was completed following spring snowmelt. Overall, the site is stable and in excellent condition. Stormwater BMPs are in good condition and responded well to melting snow.

In accordance with the Wildlife Incident Reporting and Handling System, annual training was provided to site staff on the proper procedures for responding to and reporting wildlife incidents found within the wind facility boundaries.

Operations/Maintenance
The Renewable Energy Center (visitor center) opened to the public for the tourist season on April 1st.

Wind Production
April generation totaled 76,833 MWh for an average capacity factor of 39.15%.

Eagle Update
Nothing to report.
Safety:

- There were no recordable incidents this reporting period and the plant staff has achieved 1331 days without a Lost Time Accident.

Environment:

- There were no air emissions or stormwater deviations or spills during the month.
- Wastewater and Storm-water monitoring results were in compliance with the permit limits.

Operations and Maintenance Activities:

- The Plant generated 63,505 MW-hours in April for a 2019 YTD generation equaled 546,614 MW-hours and a capacity factor of 40.72% for 2019.
- The Plant conducted an annual 4 day maintenance outage.

Regulatory/Compliance:

- An inspection was conducted by the Washington Department of Labor and Industries, Boiler Division, during the annual maintenance outage. There were no findings.

Sound monitoring:

- Nothing to report this period.

Carbon Offset Mitigation:

- Nothing to report this period.

Respectfully,

Mark A. Miller
Manager, Gas Plant
Chehalis Generation Facility
Washington Nuclear Project 1 and 4 (WNP-1/4)
No updates to report

Columbia Generating Station (CGS)

Upcoming refueling and maintenance outage
As previously reported during the April 2019 EFSEC Council meeting, CGS will begin its 24th refueling outage on May 11. The outage is scheduled to last for 40 days.

NPDES Permit submittals
In accordance with condition S7.4 of the National Pollutant Discharge Elimination System Permit No. WA002515-1 (CGS NPDES permit), CGS submitted a groundwater mounding study engineering report for circulating cooling water system losses on April 24, 2019. In accordance with condition S6 of the CGS NPDES permit, CGS submitted its NPDES permit renewal application on April 30, 2019.
EFSEC Monthly Operational Report
Grays Harbor Energy Center

April 2019

Safety and Training
- There were no accidents or injuries during the month and the plant staff has achieved 3771 days without a lost time incident.

Environmental & Compliance
- There were no air emissions, outfall or storm water deviations, during the month.
- One minor spill. On April 26, an oil leak was found under the plants Telehandler (forklift). The leak, ½ - 1gal, was on a concrete pad under the Telehandler where it is normally parked. No part of the spill reached any ground surface. It was immediately contained and cleaned up. A drip pan was placed under the Telehandler to prevent any further leak from the front axle brake piston to the concrete pad. The Telehandler is leased and was replaced on April 30th. Our vendor was unable to make repairs on site. EFSEC was notified.
- All routine reporting was completed for the month and quarter.
- On April 25th, the March RATA results were submitted to EFSEC and ORCAA.
- On April 29th, EFSEC was sent a new revision of our PSD required Operations and Maintenance Manual.

Operations & Maintenance
- Grays Harbor Energy Center (GHEC) operated 15 days during the month, with 6 starts on U1, and 3 starts on U2.
- GHEC generated 169,243MWh during the month and 875,921MWh YTD.
- The plant capacity factor was 38% for the month and 49.1% YTD.

Noise and/or Odor
- None.

Site Visits
- None.

Other
- None.
EXPEDITED RULE MAKING

CR-105 (December 2017)
(Implements RCW 34.05.353)

Agency: Energy Facility Site Evaluation Council (EFSEC)

Title of rule and other identifying information: (describe subject) This rulemaking would revise adoption-by-reference Chapter 463-78 WAC - General and Operating Permit Regulations for Air Pollution Sources

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal would revise the adoption-by-reference to provide continuity with the current version(s) of Department of Ecology updated air rules.

Reasons supporting proposal: EFSEC is updating its adoption of Chapters as listed below. Adoption of the WAC Air Rules will incorporate the updates made by Department of Ecology air rules, reflected below.
Chapter 173-400 Updated 10/25/2018
Chapter 173-401 Updated 9/16/2018
Chapter 173-460 Updated 6/20/2009

Statutory authority for adoption: RCW 80.50.040(1), RCW 34.05

Statute being implemented:

<table>
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<th>Is rule necessary because of a:</th>
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<tr>
<td>Federal Law? □ Yes □ No</td>
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<tr>
<td>Federal Court Decision? □ Yes □ No</td>
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<tr>
<td>State Court Decision? □ Yes □ No</td>
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If yes, CITATION:

Name of proponent: (person or organization) Energy Facility Site Evaluation Council □ Private □ Public □ Governmental

Name of agency personnel responsible for:

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<thead>
<tr>
<th>Drafting:</th>
<th>Office Location</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Tammy Mastro</td>
<td>P.O. Box 43172</td>
<td>(360)664-1359</td>
</tr>
<tr>
<td>Commerce Specialist</td>
<td>Olympia Washington 98504-3172</td>
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<th>Implementation:</th>
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<tbody>
<tr>
<td>Sonia Bumpus</td>
<td>P.O. Box 43172</td>
<td>(360)664-1363</td>
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<tr>
<td>EFSEC Manager</td>
<td>Olympia Washington 98504-3172</td>
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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

☐ Relates only to internal governmental operations that are not subject to violation by a person;
☒ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
☐ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
☐ Content is explicitly and specifically dictated by statute;
☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
☐ The rule is no longer necessary because of changed circumstances; or
☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Sonia Bumpus, EFSEC Manager
Agency: Energy Facility Site Evaluation Council
Address: P.O. Box 43172, Olympia, WA 98504-3172
Phone: 360-664-1363
Fax:
Email: EFSEC@utc.wa.gov
Other:

AND RECEIVED BY (date) _____

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**AMENDATORY SECTION** (Amending WSR 15-16-033, filed 7/27/15, effective 8/27/15)

**WAC 463-78-005 Adoption by reference.** (1) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-400 WAC, as it existed on December 20, 2012, November 25, 2015, with the exceptions that:

(a) WAC 173-400-111 (5)(a) (last six words), (6), (9), (and WAC 173-400-720 is adopted by reference except the date in WAC 173-400-720 (4)(a)(vi) is May 1, 2015, and WAC) 173-400-730(4) and 173-400-750(2) second sentence are not adopted by reference((P)) and (b) The terms "ecology," "authority," "director," and "permitting authority" in WAC 173-400-030 shall mean "the energy facility site evaluation council" unless a different meaning is plainly required by the context.

<table>
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<tr>
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<td>WAC 173-400-075:</td>
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<td>WAC 173-400-120:</td>
<td>Bubble rules.</td>
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(2) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-401 WAC, as it existed on September 16, 2018, with the exception that (a) WAC 173-401-620 (2)(a) is not adopted by reference, and (b) the terms "ecology," "authority," "director," and "permitting authority" shall mean "the energy facility site evaluation council" unless a different meaning is plainly required by the context.
WAC 173-401-530: Insignificant emission units.
WAC 173-401-531: Thresholds for hazardous air pollutants.
WAC 173-401-532: Categorically exempt insignificant emission units.
WAC 173-401-533: Units and activities defined as insignificant on the basis of size or production rate.
WAC 173-401-600: Permit content.
WAC 173-401-605: Emission standards and limitations.
WAC 173-401-610: Permit duration.
WAC 173-401-615: Monitoring and related recordkeeping and reporting requirements.
WAC 173-401-620: Standard terms and conditions.
WAC 173-401-625: Federally enforceable requirements.
WAC 173-401-630: Compliance requirements.
WAC 173-401-635: Temporary sources.
WAC 173-401-640: Permit shield.
WAC 173-401-650: Operational flexibility.
WAC 173-401-700: Action on application.
WAC 173-401-705: Requirement for a permit.
WAC 173-401-710: Permit renewal, revocation and expiration.
WAC 173-401-720: Administrative permit amendments.
WAC 173-401-722: Changes not requiring permit revisions.
WAC 173-401-725: Permit modifications.
WAC 173-401-730: Reopening for cause.
WAC 173-401-750: General permits.
WAC 173-401-800: Public involvement.
WAC 173-401-810: EPA Review.
WAC 173-401-820: Review by affected states.

(3) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-406 WAC, as it existed on March 1, 2005.

Part I - GENERAL PROVISIONS
WAC 173-406-100: Acid rain program general provisions.
WAC 173-406-102: Measurements, abbreviations, and acronyms.
WAC 173-406-103: Applicability.
WAC 173-406-105: Retired units exemption.
WAC 173-406-106: Standard requirements.
Part II - DESIGNATED REPRESENTATIVE
WAC 173-406-200: Designated representative.
WAC 173-406-201: Submissions.

Part III - APPLICATIONS
WAC 173-406-300: Acid rain permit applications.
WAC 173-406-301: Requirement to apply.
WAC 173-406-302: Information requirements for acid rain permit applications.
WAC 173-406-303: Permit application shield and binding effect of permit application.

Part IV - COMPLIANCE PLAN
WAC 173-406-400: Acid rain compliance plan and compliance options.
WAC 173-406-402: Repowering extensions.

Part V - PERMIT CONTENTS
WAC 173-406-500: Acid rain permit.

Part VI - PERMIT ISSUANCE
WAC 173-406-600: Acid rain permit issuance procedures.
WAC 173-406-603: Statement of basis.

Part VII - PERMIT REVISIONS
WAC 173-406-700: Permit revisions.
WAC 173-406-701: General.
WAC 173-406-702: Permit modifications.
WAC 173-406-704: Administrative permit amendment.
WAC 173-406-705: Automatic permit amendment.
WAC 173-406-706: Permit reopenings.

Part VIII - COMPLIANCE CERTIFICATION
WAC 173-406-800: Compliance certification.
WAC 173-406-802: Units with repowering extension plans.

Part IX - NITROGEN OXIDES

Part X - SULFUR DIOXIDE OPT-IN
WAC 173-406-950: Sulfur dioxide opt-ins.
(4) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-460 WAC, as it existed on March 1, 2005, June 28, 2009.

WAC 173-460-010: Purpose.
WAC 173-460-020: Definitions.
WAC 173-460-030: ((Requirements,)) Applicability ((and exemptions)).
WAC 173-460-040: New source review.
WAC 173-460-050: Requirement to quantify emissions.
WAC 173-460-060: Control technology requirements.
WAC 173-460-070: Ambient impact requirement.
WAC 173-460-080: ((Demonstrating ambient impact compliance:)) First tier review.
WAC 173-460-090: Second tier ((analysis)) review.
WAC 173-460-100: ((Request for risk management decision.)) Third tier review.
((WAC 173-460-110: Acceptable source impact levels.)
WAC 173-460-120: Scientific review and amendment of acceptable source impact levels and lists.
WAC 173-460-130: Fees.)
WAC 173-460-140: Remedies.
WAC 173-460-150: ((Class A toxic air pollutants: Known, probable and potential human carcinogens and acceptable source impact levels.)) Table of ASIL, SOER, and de minimis emission values.
((WAC 173-460-160: Class B toxic air pollutants and acceptable source impact levels.))

(5) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-441 WAC, as it existed on January 1, 2011.

WAC 173-441-010: Scope.
WAC 173-441-020: Definitions.
WAC 173-441-030: Applicability.
WAC 173-441-040: Greenhouse gases.
WAC 173-441-050: General monitoring, reporting, recordkeeping and verification requirements.
WAC 173-441-060: Authorization and responsibilities of the designated representative.
WAC 173-441-070: Report submittal.
WAC 173-441-080: Standardized methods and conversion factors incorporated by reference.
WAC 173-441-090: Compliance and enforcement.
WAC 173-441-100: Addresses.
WAC 173-441-110: Fees.
WAC 173-441-140: Petitioning ecology to use an alternative calculation method to calculate greenhouse gas emissions.
WAC 173-441-150: Confidentiality.
WAC 173-441-160: Ecology to share information with local air authorities and with the energy facility site evaluation council.
WAC 173-441-170: Severability.

AMENDATORY SECTION (Amending WSR 06-06-037, filed 2/23/06, effective 3/26/06)

WAC 463-78-100 Registration. (1) Purpose. The registration program is used by the council to develop and maintain a current and accurate record of air contaminant sources subject to chapter 80.50 RCW. Information collected through the registration program is used to evaluate the effectiveness of air pollution strategies in collaboration with the department of ecology, and to verify source compliance with applicable air pollution requirements.
(2) Requirement to register. Except as provided in subsection (3) of this section, the owner or operator of each source subject to chapter 80.50 RCW shall register the source with the council. Sources subject to the Operating permit regulation in chapter 173-401 WAC are not required to comply with these registration requirements.
(3) The following sources are exempt from registration:
(a) A source that emits pollutants below the following emission rates:

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Tons/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon monoxide</td>
<td>5.0</td>
</tr>
<tr>
<td>Nitrogen oxides</td>
<td>2.0</td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td>2.0</td>
</tr>
<tr>
<td>Particulate Matter (PM)</td>
<td>1.25</td>
</tr>
<tr>
<td>Fine Particulate (PM10)</td>
<td>0.75</td>
</tr>
<tr>
<td>Volatile Organic Compounds (VOC)</td>
<td>2.0</td>
</tr>
<tr>
<td>Lead</td>
<td>0.005</td>
</tr>
</tbody>
</table>

(b) A source or emission unit that does not emit measurable amounts of Class A (or Class B) toxic air pollutants specified in WAC 173-460-150 (and 173-460-169).
(4) Initial registration. The owner or operator of a source that exists on the effective date of this rule must register the source with the council by no later than one year after the effective date of this rule. The owner or operator of a new source must register with the council within ninety days after beginning operation.
(5) Annual reregistration. After initial registration, the owner or operator of a source must reregister with the council by February 15 of each year. The reregistration must include all of the informa-
tion required in the initial registration and must be updated to reflect any changes to such information since the previous registration. For information that has not changed since the previous registration, the owner or operator may reaffirm in writing the correctness and current status of the information previously furnished to the council.

(6) Registration format. Registration shall be in a format approved by the council. Each registration submittal shall include the following information:

(a) Name of the source and the nature of the business;
(b) Street address, telephone number, and facsimile number of the source;
(c) Name, mailing address, telephone number, and email address of the owner or operator;
(d) Name, mailing address, telephone number, and email address of the local individual responsible for compliance with this rule;
(e) Name, mailing address, telephone number, and email address of the individual authorized to receive requests for data and information;
(f) A description of the production processes and a related flow chart;
(g) Identification of emission units and air pollutant generating activities;
(h) A plot plan showing the location and height of all emission units and air pollutant generating activities. The plot plan must also show the property lines of the air pollution source and indicate the distance to and direction of the nearest residential or commercial property;
(i) Type and quantity of fuels, including the sulfur content of fuels, used on a daily and annual basis;
(j) Type and quantity of raw materials used on a daily and annual basis;
(k) Estimates of the total actual emissions for the air pollution source of the following air pollutants: Particulate matter emissions, PM10 emissions, sulfur dioxide (SO2), nitrogen oxides (NOX), carbon monoxide (CO), volatile organic compounds (VOC), lead (Pb), fluorides, sulfuric acid mist, hydrogen sulfide (H2S), total reduced sulfur (TRS), and reduced sulfur compounds;
(l) Calculations used to determine the estimated emissions in (k) of this subsection;
(m) Estimated efficiency of air pollution control equipment under present or anticipated operating conditions; and
(n) Any other information specifically requested by the council.

(7) Procedure for estimating emissions. The registration submittal must include an estimate of actual emissions taking into account equipment, operating conditions, and air pollution control measures. The emission estimates must be based upon actual test data, or in the absence of such data, upon procedures acceptable to the council. Any emission estimates submitted to the council must be verifiable using currently accepted engineering criteria. The following procedures are generally acceptable for estimating emissions from air pollution sources:

(a) Source-specific emission tests;
(b) Mass balance calculations;
(c) Published, verifiable emission factors that are applicable to the source;
(d) Other engineering calculations; or
(e) Other procedures to estimate emissions specifically approved by the council.

(8) Other reports required.
(a) A report of closure shall be filed with the council within ninety days after operations producing emissions permanently ceased at any source within the council's jurisdiction.
(b) A report of relocation of the source shall be filed with the council no later than ninety days prior to the relocation of the source. Submitting a report of relocation does not relieve the owner or operator of other site certification agreement amendment requirements pursuant to chapter 463-66 WAC, nor does it relieve the owner or operator from the requirement to obtain a permit or approval to construct if the relocation of the air pollution source would be a new source or modification subject to any federal or state permit to construct rule.
(c) A report of change of owner or operator shall be reported to the council within ninety days after the change in ownership is effective. Submitting the report of change of ownership does not relieve the owner or operator of other site certification agreement amendment requirements pursuant to chapter 463-66 WAC.

(9) Certification of truth and accuracy. All registrations and reports must include a certification by the owner or operator as to the truth, accuracy, and completeness of the information. This certification must state that, based on information and belief formed after reasonable inquiry, the statements and information are true, accurate, and complete.

(10) The council shall ensure that the following, as it pertains to sources covered under this rule, is passed on to ecology in a timely manner for inclusion in its permit register:
(a) Public meetings or hearings on draft operating permits;
(b) Receipt of complete applications;
(c) Permit appeals;
(d) Issuance or denial of final permit, permit modifications, or renewals;
(e) Authorization for a source to operate without an operating permit by limiting its potential to emit to levels below those that would require the source to obtain an operating permit;
(f) Periodic summaries of enforcement order and changes made without revising the permit pursuant to WAC 173-401-722.