

Verbatim Transcript of Monthly Council Meeting
Washington State Energy Facility Site Evaluation
Council

June 20, 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
June 20, 2017
1:30 p.m.

MONTHLY COUNCIL MEETING
Verbatim Transcript of Proceeding

Taken Before:
Laura A. Gjuka, CCR #2057
Certified Shorthand Reporter

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A P P E A R A N C E S

Councilmembers Present:

- Bill Lynch, Chair
- Jaime Rossman, Department of Commerce
- Cullen Stephenson, Department of Ecology
- Joe Stohr, Department of Fish and Wildlife
- Dan Siemann, Department of Natural Resources

Local Government and Optional State Agencies:

- Ken Stone, Department of Transportation
- Bryan Snodgrass, City of Vancouver
- Greg Shafer, Clark County (via phone)

Assistant Attorney General:

- Ann Essko, Senior Counsel

Staff in Attendance:

- Stephen Posner
- Jim LaSpina
- Tammy Mastro
- Sonia Bumpus
- Joan Aitken
- Patti Betts
- Ami Kidder
- Christina Potis

Guests in Attendance:

- Rich Downen, Grays Harbor Energy
- Mark A. Miller, PacifiCorp Chehalis Generation Facility

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A P P E A R A N C E S (continued)

Guests in Attendance via Phone:

- Clint Lamoreaux, SWCAA
- Shannon Khounnala, Columbia Generating & WNP 1/4
- Kristen Boyles, Earthjustice
- Karen McGaffey, Perkins Coie
- Jennifer Diaz, Puget Sound Energy
- Eric Melbardis, EDP Renewables
- Tadas Kisielius, Vancouver Energy
- Jared Larrabee, Tesoro Savage
- Connie Sue Martin, Port of Vancouver

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1 OLYMPIA, WASHINGTON; JUNE 20, 2017

2 1:30 P.M.

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4 P R O C E E D I N G S

5

6 CHAIR LYNCH: Good afternoon. Today is
7 June 20th, 2017, the monthly meeting of the Energy
8 Facility Site Evaluation Council. Can we please have
9 the clerk call the roll.

10 MS. MASTRO: Department of Commerce?

11 MR. ROSSMAN: Jaime Rossman is here.

12 MS. MASTRO: Department of Ecology?

13 MR. STEPHENSON: Cullen Stephenson, here.

14 MS. MASTRO: Fish and Wildlife?

15 MR. STOHR: Joe Stohr is here.

16 MS. MASTRO: Department of Natural

17 Resources?

18 MR. SIEMANN: Dan Siemann is here.

19 MS. MASTRO: Utilities and Transportation

20 Commission?

21 CHAIR LYNCH: Councilmember Moss is
22 excused.

23 MS. MASTRO: Local governments and

24 optional state agencies for the Tesoro project,

25 Department of Transportation?

1 MR. STONE: Ken Stone is here.

2 MS. MASTRO: City of Vancouver?

3 MR. SNODGRASS: Bryan Snodgrass is here.

4 MS. MASTRO: Clark County?

5 MR. SHAFER (via phone): Greg Shafer is on
6 the phone.

7 MS. MASTRO: Port of Vancouver?

8 CHAIR LYNCH: Councilmember Paulson is
9 excused.

10 MS. MASTRO: Chair, there is a quorum for
11 the regular council and for the Tesoro Project Council.

12 CHAIR LYNCH: And if we could just have
13 the councilmembers take a look at the proposed agenda
14 for today, you will notice that we will be -- there is
15 one action item, which is the extension for the Tesoro
16 Savage project. And following that there will be a few
17 small good of the order things I want to be talking
18 about, and then we'll be going into executive session.
19 Does anyone have any proposed changes to the agenda?

20 Seeing none, we'll go forward. At this point in
21 time, before we ask people to identify themselves on the
22 phone, I just wanted to say happy summer and a belated
23 happy Father's Day, happy grandfather's day, and happy
24 great-grandfather's day. I think the latter applies to
25 Councilmember Stohr but I'm not quite sure of the timing

1 of that.

2 So could we please have those people on the phone
3 who wish to identify themselves please do so now, though
4 you're not required to.

5 MR. LAMOREAUX (vis phone): (Inaudible).

6 CHAIR LYNCH: Mr. Lamoreaux, you've got to
7 definitely either speak louder or come closer to the
8 phone.

9 That was Clint Lamoreaux with the Southwest Clean
10 Air Agency. Yeah, Southwest Clean Air Agency.

11 MS. DIAZ: Jennifer Diaz and
12 Scott Lichtenberg from the Wild Horse Wind Facility are
13 on the phone.

14 MS. KHOUNNALA (via phone):
15 Shannon Khounnala, Energy Northwest.

16 MS. MCGAFFEY (via phone): Karen McGaffey,
17 Perkins Coie.

18 MS. BOYLES (via phone): Kristen Boyles,
19 Earthjustice.

20 MS. MARTIN (via phone): Connie Sue Martin
21 for the Port of Vancouver.

22 CHAIR LYNCH: Anyone else? Let's go ahead
23 and proceed with the approval of the May 16, 2017
24 minutes. I was able to look them over, and I didn't see
25 any changes but I didn't know if any other councilmember

1 has any other proposed edits. Hearing no proposed
2 edits, I will entertain the motion for their approval.

3 MR. STEPHENSON: I'll move the approval of
4 these minutes, Chair.

5 MR. STOHR: I'll second.

6 CHAIR LYNCH: It's been moved and seconded
7 that the council meeting minutes from the May 16, 2017
8 meeting be approved. All those in favor say, "Aye."

9 MULTIPLE SPEAKERS: Aye.

10 CHAIR LYNCH: Opposed? Motion carries.

11 At this point in time, we will get updates for our
12 various projects in the Kittitas Valley Wind Project.
13 Mr. Melbardis.

14 MR. MELBARDIS: Good afternoon,
15 Chair Lynch, EFSEC Council. This is Eric Melbardis with
16 EDP Renewables for the Kittitas Valley Wind Project.
17 There was nothing nonroutine to report during the
18 period. I did note in my update that Mr. LaSpina came
19 out for our annual compliance visit and that was a
20 routine visit. And I was able to walk him through some
21 of our ISO and OSOF EHS Environmental Health and Safety
22 Management System, and he was pretty impressed with how
23 (inaudible) --

24 CHAIR LYNCH: Mr. Melbardis, I'm going to
25 stop you for a minute. That you were pretty impressed

1 with -- and please continue.

2 MR. MELBARDIS: Jim LaSpina was pretty
3 impressed with how comprehensive our Environmental
4 Health and Safety management systems are. So we have
5 plans to perhaps come visit you, maybe in the fall, for
6 one of the council meetings in person and perhaps go
7 through a brief presentation about our ISO and OSOF
8 compliance and our EHS management system.

9 CHAIR LYNCH: And you would be very
10 welcome. And I would encourage councilmembers, once we
11 get the current proposal in front of us out the door,
12 for us to start visiting some of these facilities.

13 Mr. LaSpina.

14 MR. LASPINA: Thank you, Chair Lynch.
15 Eric tripped up the court reporter by using acronyms.
16 ISO stands for the International Standards Organization.
17 And it's based in Switzerland, and they have -- their
18 environmental management systems are extremely
19 comprehensive and go far beyond, for instance, what most
20 regulatory agencies require. And so Eric gave me a
21 briefing on that environmental management plan and it
22 was very impressive. So I wanted to clarify for the
23 minutes and for the council.

24 CHAIR LYNCH: Thank you, Mr. LaSpina. Any
25 questions for Mr. Melbardis? Thank you, Mr. Melbardis.

1 It's not easy to impress Mr. LaSpina, so you must be
2 doing a good job out there.

3 MR. MELBARDIS: Thank you. And now we'll
4 hear from Ms. Diaz, Puget Sound Energy, regarding the
5 Wild Horse Wind Power project.

6 MS. DIAZ: Thank you, Chair Lynch and
7 councilmembers. For the record, this is Jennifer Diaz,
8 the environmental manager for Puget Sound Energy at the
9 Wild Horse Wind Facility. And I have a couple of
10 updates for the council today.

11 One is the Wild Horse Technical Advisory Committee
12 met on May 31st and members were provided updates on the
13 2016 hunting plan, the 2016 grazing plan, the eagle
14 conservation plan and permit, and the second year of
15 sage grouse habitat monitoring. TAC members also
16 unanimously voted to recommend approval of the next
17 five-year grazing plan, the 2017 through 2021 grazing
18 plan. And then TAC members also went on an optional
19 field tour of the sage grouse habitat restoration area
20 which is coming along very nicely.

21 Following the TAC meeting, Mr. LaSpina conducted an
22 annual compliance inspection and no compliance issues
23 were identified. And we also gave Mr. LaSpina a copy of
24 all of our updated plans and procedures for the
25 facility. And that's all I have.

1 CHAIR LYNCH: And we've got a question by
2 Councilmember Stephenson.

3 MS. DIAZ: Okay. Thank you.

4 MR. STEPHENSON: Thank you, Chair Lynch.

5 Ms. Diaz, what does it mean that the sage grouse
6 area is coming along very nicely?

7 MS. DIAZ: So it's restoring nicely. So
8 this area was selected by the TAC members and U.S. Fish
9 and Wildlife and State Fish and Wildlife as an area to
10 restore for sage grouse nesting and brood-rearing. It's
11 been two years since that area has been fenced off. It
12 had been an area that was used heavily by cattle and elk
13 and people in the past, but we fenced it off and now
14 things are growing back nicely. The native habitat is
15 coming in. Weeds are being controlled and water is
16 being maintained, and the drainage in that area.

17 MR. STEPHENSON: Thank you.

18 CHAIR LYNCH: Any other questions for
19 Ms. Diaz? Thank you, Ms. Diaz.

20 Now we will hear from Ms. Khounnala,
21 Energy Northwest, regarding the Columbia Generating
22 Station and WNP 1/4.

23 MS. KHOUNNALA: Good afternoon, Chair and
24 (inaudible) --

25 CHAIR LYNCH: I'm sorry, we can barely

1 hear you.

2 MS. KHOUNNALA: I apologize, is that

3 better?

4 CHAIR LYNCH: That's much better. Good

5 afternoon.

6 MS. KHOUNNALA: This is Shannon Khounnala,

7 manager of the environmental (inaudible) --

8 CHAIR LYNCH: Now we're losing you again.

9 MS. KHOUNNALA: I apologize. Any better?

10 CHAIR LYNCH: Not really.

11 MS. KHOUNNALA: How is that?

12 CHAIR LYNCH: It's very faint but it's

13 better.

14 MS. KHOUNNALA: I'll do my best to speak

15 up.

16 CHAIR LYNCH: I'm sorry, Ms. Khounnala.

17 We really can't hear you. I'm just wondering if there

18 is a way for you to get another call in on another line

19 or something.

20 MS. KHOUNNALA: Yes, I will try and do

21 that.

22 CHAIR LYNCH: Why don't we try this -- try

23 some more.

24 MS. KHOUNNALA: Okay.

25 CHAIR LYNCH: I'm sorry, we're going to

1 have to have you call back in, if that's okay. Just
2 call back in in a few minutes and we'll recognize you.

3 And for right now, I'm going to turn to Mr. Miller
4 and the Chehalis Generation Facility.

5 Welcome, Mr. Miller.

6 MR. MILLER: Thank you. Good afternoon,
7 Chair Lynch, councilmembers. My name is Mark Miller.
8 I'm the plant manager at the PacifiCorp Chehalis
9 Generation Facility. I have one nonroutine comment to
10 make, and after consultation with EFSEC Staff and the
11 EFSEC contractor, the Southwest Clean Air Agency, a
12 discrepancy or discrepancies were noted in our recent
13 air and emissions testing report that was submitted
14 to -- that was conducted in March and submitted to
15 EFSEC, and I'll defer to EFSEC Staff for further
16 clarification and context.

17 CHAIR LYNCH: So nothing nonroutine
18 outside of that then?

19 MR. MILLER: Outside of that, no, sir.

20 CHAIR LYNCH: Okay. Mr. LaSpina?

21 MR. LASPINA: Chair Lynch, I was prepared
22 to speak about this but there is a person far more
23 qualified than I am on the line, Clint Lamoreaux, who
24 has a real good understanding of what happened. So I'm
25 going to defer to him at this point.

1 Clint, are you there?

2 MR. LAMOREAUX (via phone): Yes, hopefully
3 you can hear me.

4 CHAIR LYNCH: Yes.

5 MR. LAMOREAUX (via phone): It's very
6 quiet.

7 CHAIR LYNCH: Now we can't. Can you just
8 turn it up or just get closer to the phone?

9 MR. LAMOREAUX (via phone): How is this?

10 CHAIR LYNCH: That's better.

11 MR. LAMOREAUX (via phone): I can try
12 calling in again.

13 CHAIR LYNCH: Actually, that's pretty good
14 right there.

15 MR. LAMOREAUX (via phone): Okay. During
16 the DOT testing, the testing contractor, which is
17 essentially the combined sampling and analytical
18 (inaudible) that involves organic compounds using a
19 calibration range that was --

20 COURT REPORTER: I can't hear every word.
21 I'm sorry.

22 CHAIR LYNCH: Mr. Lamoreaux, you're going
23 to have to speak louder and slower, both.

24 MR. LAMOREAUX (via phone): Okay. On the
25 volatile organic compound testing -- can you hear me?

1 CHAIR LYNCH: Just go ahead, please.

2 MR. LAMOREAUX (via phone): The testing
3 contractors used the calibration range much too high to
4 resolve compliance with the permitted emission limits.
5 And so the bottom scale was -- there are uncertainty in
6 the measurements approximately equivalent to the entire
7 permit limits for volatile organic compounds. This is a
8 mistake by the testing contractor. So we recommend that
9 the testing be repeated at some point in the future.

10 CHAIR LYNCH: So just to summarize what
11 you said, and Mr. LaSpina can correct me, essentially
12 the contractor who came in to do the testing used a
13 measurement device that was -- I believe the facility
14 has a particular limit for ammonia, and the testing
15 device he used -- well, I'll just say it was like 1.0,
16 that their scale started at 1.0.

17 And so it wasn't -- you didn't get a real accurate
18 measurement of what the ammonia level was, but it also
19 was not in exceedance. So there is no permit violation.
20 And so what's being recommended by SWCAA is that just it
21 be retested again in early 2018; is that correct?

22 MR. LAMOREAUX (via phone): With the
23 exception -- that is correct, except for the pollutant
24 involves organic compounds.

25 CHAIR LYNCH: Oh, it was VOCs?

1 MR. LAMOREAUX (via phone): Correct.

2 CHAIR LYNCH: Okay. That's right, you did
3 say VOCs.

4 And any questions for Mr. Miller or Mr. Lamoreaux?
5 Mr. LaSpina? Yes, Jaime. Mr. Rossman. Sorry.

6 MR. ROSSMAN: Thank you, Chair Lynch. Do
7 I recall some issues with some other aspect of air
8 emissions calculations at the facility within the last
9 year? I'm forgetting exactly the details of it, but I
10 think I remember --

11 MR. MILLER: If you're asking the question
12 of the Chehalis plant, not with respect to Chehalis
13 omissions, or our relative accuracy test audit which is
14 conducted annually on the continuous emission monitors.
15 This was an analysis and subsequent finding by the
16 contractor for EFSEC, Clint Lamoreaux at the Clean Air
17 Agency. It was done in his very thorough review of the
18 calculations and review of the calibration gases that
19 were used in the reference testing. And either Clint or
20 Mr. Lamoreaux or Mr. LaSpina can correct me if I'm
21 wrong, but that's my understanding that this is the
22 first issue we've had in many, many years.

23 MR. ROSSMAN: Got it. A calculation
24 error? Maybe I'm misremembering this. Nothing rings a
25 bell? All right. Thank you.

1 MR. MILLER: Okay.

2 CHAIR LYNCH: Thank you. Any further
3 questions from councilmembers regarding the Chehalis
4 Generation Facility?

5 Okay. We're going to turn to -- thank you very
6 much. We're going to turn to Mr. Downen of the
7 Grays Harbor Energy Center.

8 MR. DOWNEN: Afternoon, Chair Lynch and
9 councilmembers and staff. There are a few items that I
10 wanted to highlight in our report this month. I'll
11 start at the bottom. So site visits is Area 5. And we
12 had a couple of site visits in the month of May. And we
13 had a class on NACT 299, a class which is better
14 described by the verbiage there. And they just used our
15 facility for part of the field trip portion of this class. So
16 we had air regulators throughout the west that were on
17 site. And then we also hosted a group that consisted of
18 UTC Commissioner Jay, and I'm just not going to try his
19 last name. It's just not --

20 CHAIR LYNCH: Commissioner Balasbas. I'm
21 not sure if I'm saying it correctly myself. He's not
22 here.

23 MR. DOWNEN: Right. So if he hears this
24 later. But anyway, he was UTC commissioner and aid
25 staff from UTC Canada and toured the plant and just got

1 a feel for what a gas turbine combined cycle plant, how
2 it operates. And it was a good tour.

3 And then the other two things that I would highlight
4 in the environmental section, No. 2.3. We had a storm
5 water test measurement for turbidity, which was 6.4. If
6 you remember, in April we reported there was a sample at
7 32 NTUs of turbidity, and that is a quarterly average
8 that is the permitted value.

9 So that number is well within the permitted value
10 for the quarter. We thought that was kind of an
11 anomaly, that reading. Subsequently, we will report on
12 it on the June report, but we have done a lot of work on
13 the BMPs for the storm water there. We have got to
14 replace everything on site. So we're headed in the
15 right direction there.

16 And then the last thing would be item 2.7, the
17 arsenic and mercury levels in the May 19th outfall
18 sample were below minimum levels. So while that's
19 not -- there is a lot more testing to be done there.
20 It's kind of that initial first look, post-cooling tower
21 replacement, that is a good indication that things are
22 going to be heading in the right direction there.

23 CHAIR LYNCH: Very good.

24 MR. DOWNEN: Yeah. I think that's it.

25 CHAIR LYNCH: Any questions for

1 Mr. Downen? Thank you, Mr. Downen.

2 MR. DOWNEN: Thank you.

3 CHAIR LYNCH: I'm just going to ask if
4 Ms. Khounnala, are you back on the line? Apparently
5 not. Let me just see if -- so let's go ahead and turn
6 to the Tesoro Vancouver Energy Distribution Terminal.

7 Ms. Bumpus.

8 MS. BUMPUS: Thank you. Good afternoon,
9 Chair Lynch and councilmembers. Not a whole lot of
10 updates this month. For SEPA, next week outside staff
11 will begin reviewing FEIS sections back from our
12 consultant that have undergone revisions per EFSEC
13 staff's instructions. We will be conducting a review of
14 those revisions, and at the same time we're also
15 continuing to work with the applicant to revise the air
16 quality impact analysis for the EIS. For the court
17 reporter, that's the Environmental Impact Statement.

18 We recently received the applicant's proposed
19 approach on June 14th, and staff have a call scheduled
20 with our consultant tomorrow to discuss their review
21 results and determine what feedback we need to provide
22 to the applicant.

23 As far as the FEIS goes, I wanted to add that once
24 the air quality impact analysis is updated, it will need
25 to be incorporated into the FEIS, and staff plans to do

1 another, what we're calling final review, at that time
2 to look at affected sections of the FEIS, where new
3 information has been added or updated.

4 So I'll start with the NPDES construction permit if
5 there aren't any questions.

6 CHAIR LYNCH: Any questions for Ms. Bumpus
7 at this point? Please proceed.

8 MS. BUMPUS: So there is no new
9 information to provide on the NPDES construction storm
10 water permit. That permit went out for public comment,
11 and we're working on it where we can to address the
12 comments and provide responses so that we can develop a
13 permit.

14 For the notice of construction, the public hearing
15 on the NOC was held on June 7th in Vancouver.
16 Approximately 147 people signed up to speak. And we are
17 still tallying how many comments we received, but it
18 looks like we're going to have just over 1,500 comments
19 when we're all done getting everything into the
20 database.

21 At that time -- well, actually this has already
22 begun -- we'll be reviewing those to identify
23 substantive comments that we'll need to respond to to
24 finalize and prepare a final permit. So that's already
25 started to happen, and I'll keep the councilmembers

1 updated on our progress there.

2 For the NPDES industrial storm water permit, this is
3 the draft permit that we brought to the council last
4 month for action. I received Councilmember Stone's
5 comments on the draft fact sheet and permit after the
6 council meeting on the 16th of May, and we started to
7 work on those right away. EFSEC Staff and the permit
8 writer worked together to make some minor edits, in
9 light of Councilmember Stone's comments and
10 Councilmember Rossman's comments.

11 And the legal review was then started and we didn't
12 get that back until June 1st. And at that time the
13 permit writer was then on leave, and we needed the
14 permit writer to come in and look at some of those
15 comments and make some revisions.

16 So, in short, we are still working on getting the
17 key folks involved in the review and making sure
18 everything is final before we send that back to the
19 council.

20 Are there any questions about the status of the
21 industrial permit?

22 CHAIR LYNCH: Any questions for Ms. Bumpus
23 regarding the industrial permit? No, please continue.

24 MS. BUMPUS: Let's see, well, I think
25 that -- that concludes my updates on the project. And

1 Mr. Posner is going to speak to the request for an
2 extension letter that was received by EFSEC.

3 CHAIR LYNCH: Right. And in your packet
4 you'll notice that you have a letter signed by
5 Mr. Flynt.

6 Mr. Larrabee, did you want to address the council?

7 MR. POSNER: Chair Lynch, councilmembers,
8 I just have a few comments and then Mr. Larrabee is here
9 to answer any questions councilmembers may have.

10 CHAIR LYNCH: Okay.

11 MR. POSNER: So you do have a copy of the
12 letter. It's in your packets. The letter requests an
13 extension of the review time until August 31st, 2017.
14 That would be a two-month extension from the current
15 deadline, which is June 30th, 2017.

16 So as we've discussed in the past, when these
17 extension requests come before the council, this is to
18 comply with RCW 80.50.100 where the council and the
19 applicant can agree to an extension of the time frame
20 for processing the application. So that was the purpose
21 of this letter.

22 And I think with that I'll turn it over to council.

23 Mr. Larrabee is here. He can answer any questions
24 councilmembers may have.

25 CHAIR LYNCH: Any questions first for

1 Mr. Posner? Any questions for Mr. Larrabee?

2 We have no questions. Thank you.

3 I'm sorry. Mr. Snodgrass?

4 MR. SNODGRASS: I guess a question just on
5 the -- for Mr. Posner, I guess. I heard Ms. Bumpus talk
6 about quite a bit of work and moving parts still in
7 place. I guess the question I would have, if we're
8 not -- if this is a realistic timeline or if we're
9 essentially guaranteeing ourselves that we will be back
10 in August with a further extension?

11 MR. POSNER: Well, I would say based on my
12 understanding of the work that remains, two months is
13 not adequate time to complete the process and, you know,
14 make the recommendation to the governor.

15 CHAIR LYNCH: Any other questions?

16 So at this point in time, I would entertain a motion
17 for extending the time frame for the council for winding
18 up its work and providing a recommendation to the
19 governor. The applicant has requested a two-month
20 extension to August 31st, 2017. Do we have a motion?

21 MR. ROSSMAN: Question, Mr. Chair. Sorry.

22 CHAIR LYNCH: Yes, Mr. Rossman.

23 MR. ROSSMAN: To whatever extent we -- the
24 letter is requesting a meeting and establishment of a
25 schedule. And once that is done or if any information

1 is available there, if that can be shared with us and
2 perhaps on the website too just to make it clearer, as
3 much as we know about what the timeline would be, that
4 would be appreciated.

5 With that, I would motion to approve the extension
6 request.

7 CHAIR LYNCH: Move to second.

8 MR. STOHR: I'll second.

9 CHAIR LYNCH: It's been moved and seconded
10 that we approve the two-month extension request. All
11 those in favor say, "Aye."

12 MULTIPLE SPEAKERS: Aye.

13 CHAIR LYNCH: Opposed? Motion carries.

14 Okay, before we go into executive session, I would
15 note two things for the good of the order. One is that
16 EPA has approved our SIP request and at the end of this
17 month actually going to issue our own PSD permits. So
18 that was a big effort, both by our staff and of the
19 Ecology staff. Thank you, particularly Mr. LaSpina, for
20 helping make that come about. And that's a big deal.
21 That was years of work to get to that point.

22 And then at the back of your packets you'll see a
23 proposed rule change. And I'm not asking that we take
24 any action on this today, but this is something I'm
25 going to be talking about next council meeting, next

1 month.

2 As we go forward and continue to update our rules
3 and processes to make ourselves more efficient, one of
4 the things that was pointed out by Mr. LaSpina is that
5 our NPDES permit modification rules are much more strict
6 than Ecology's rules.

7 And under the existing rule, if there is even a
8 slight change we have to open up a whole permit again in
9 order to make a correction. And Ecology rules provide
10 that, depending on the type of change that's being made,
11 if it's a minor change, then the council will, on a
12 case-by-case basis, determine how much notice is
13 required. So you could actually have a hearing, you
14 could just publish notice. Or what frequently happens,
15 if it's just a small change, is Ecology will just send a
16 letter to the permit holder.

17 And I'll just give you a quick example of something
18 that could happen like that when we're talking about a
19 change in a compliance schedule. Let's say, for
20 example, a permit holder was required to do some
21 particular work by a certain date and then there is a
22 minor flood event at the facility. Well, what EFSEC
23 could do then is once the flood receded, we could say,
24 Well, instead of a report being done, I'll just say
25 September 1st, we could say the report can be due

1 December 1st, and we could just do it by a letter
2 without requiring a whole permit modification. So
3 that's an example of us being a lot more efficient and
4 paralleling Ecology's process which is what we would
5 like to do as much as possible.

6 And I would also note that Ecology has had this rule
7 in effect since at least 1988. That's the last time
8 their rule was amended. So when I say at least 1988, it
9 could have even been in place before that.

10 So at our next council meeting I would like to talk
11 about this some more and hopefully start the rulemaking
12 process, the regular rulemaking process. And this would
13 be another arrow in our quiver for being more efficient.

14 Any thoughts about this? Mr. Stephenson, were you
15 going to add something?

16 MR. STEPHENSON: Thank you, Chair Lynch.
17 To the extent that we can have EFSEC and other agency
18 policies and procedures align, that makes sense. And so
19 I very much appreciate that you've been trying to do
20 that and to get EFSEC's regulatory and rulemaking and
21 other procedures in line with what we've worked very
22 hard for for a long time. So that's very helpful. And
23 we appreciate that.

24 CHAIR LYNCH: You're saying all the right
25 things, Mr. Stephenson.

1 MR. STEPHENSON: Yeah. All in favor of
2 Mr. Lynch. Sorry.

3 CHAIR LYNCH: And with that we're going to
4 go into an executive session. Excuse me.
5 Ms. Khounnala. By any chance are you on the line?

6 I would just note that there were no real
7 significant changes by Energy Northwest, and this was
8 also when they wrapped up, the facility was down for a
9 while for operational checks and upgrades and all that.
10 And they should have come back online, I think,
11 yesterday. So that's what I'm sure Ms. Khounnala was
12 trying to say to us.

13 And with that, we will go into executive session
14 pursuant to RCW 42.30.110(1)(i) to discuss potential
15 agency litigation as allowed per that particular
16 subsection in the opening exec. And so it is a little
17 bit after -- between 5 and 10 after 2:00, and I
18 anticipate we will be back in one hour. And with that,
19 we are in recess for purposes of executive session.

20 (Recess.)

21 CHAIR LYNCH: Okay. We're back on the
22 record. It is about 10 after 3:00 and we are not yet
23 through with our executive session. So we will be
24 coming back on the record at 4:00 o'clock. Thank you.

25 (Recess.)

1 CHAIR LYNCH: This is Bill Lynch. I'm the
2 chair of EFSEC. We're back on the record. It is
3 roughly ten after 4:00, and our executive session has
4 concluded. There is no further business for the council
5 today and we're adjourned. Thank you.

6 (Proceedings concluded at 4:09 p.m.)
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C E R T I F I C A T E

I, Laura Gjuka, a Certified Court Reporter in
and for the State of Washington, residing at
University Place, Washington, authorized to administer
oaths and affirmations pursuant to RCW 5.28.010, do
hereby certify;

That the foregoing Verbatim Report of Proceedings
was taken stenographically before me and transcribed
under my direction; that the transcript is a full, true
and complete transcript of the proceedings, including
all questions, objections, motions and exceptions;

That I am not a relative, employee, attorney or
counsel of any party to this action or relative or
employee of any such attorney or counsel, and that I am
not financially interested in the said action or the
outcome thereof;

That upon completion of signature, if required, the
original transcript will be securely sealed and the same
served upon the appropriate party.

IN WITNESS HEREOF, I have hereunto set my hand this
6th day of July, 2017.

Laura Gjuka, CCR No. 2057