

STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL
P.O. Box 43172 - Olympia, Washington 98504-3172

March 9, 2010 Monthly Meeting Minutes

Council Members Present:

Jim Luce, Chair
Jeff Tayer, Department of Fish and Wildlife
Dick Byers, Utilities and Transportation
Richard Fryhling, Department of Commerce
Hedia Adelsman, Department of Ecology
Mary McDonald, Department of Natural Resources (Arrived at
2:22 p.m.)
Judy Wilson, Skamania County

Staff in Attendance:

Stephen Posner, Compliance Manager; Jim La Spina, EFS
Specialist; Tammy Talburt, Commerce Specialist; Kyle Crews,
Assistant Attorney General; Kayce Michelle, Department of
Commerce

Guests in Attendance:

Todd Gatewood, GHEC Satsop; Darrel Peeples, Attorney; Brett
Oakleaf, Invenergy; Karen McGaffey, Perkins Coie; Mark
Anderson, Department of Commerce; Keven Warner, GHEC
Satsop; Joel Rett, Grays Harbor Public Development
Authority; Mark A. Miller, PacifiCorp Chehalis; Katy
Chaney, URS; Terry Willes, Grays Harbor County, Travis
Nelson, WDFW

Guests in Attendance via phone:

Bruce Marvin, Counsel for the Environment; Joy Potter,
Horizon Wind Energy; Jennifer Diaz, Puget Sound Energy; Don
Coody, Energy Northwest

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CHAIR LUCE: Today is the monthly meeting,
Tuesday, March 9, 2010 at 1:33 p.m. of the Washington State
Energy Facility Site Evaluation Council.

Clerk will call the roll.

1 MS. TALBURT: Department of Commerce?

2 MR. FRYHLING: Dick Fryhling is here.

3 MS. TALBURT: Department of Ecology?

4 MS. ADELSMAN: Hedia Adelsman present.

5 MS. TALBURT: Department of Fish and Wildlife?

6 MR. TAYER: Jeff Tayer is here.

7 MS. TALBURT: Department of Natural Resources?

8 CHAIR LUCE: Mary McDonald will be late, but she
9 is coming.

10 MS. TALBURT: Utilities and Transportation
11 Commission?

12 MR. BYERS: Dick Byers is here.

13 MS. TALBURT: Skamania County?

14 MS. WILSON: Judy Wilson is present.

15 MR. TALBURT: Chair?

16 CHAIR LUCE: Chair is present.

17 MS. TALBURT: There is a quorum.

18 CHAIR LUCE: Thank you very much. I would like,
19 first of all, to welcome Shaun, our court reporter, to this
20 particular meeting, and I look forward to seeing you here in
21 the future. It's been a real imposition on staff under
22 current circumstances to be able to get all the minutes out
23 at once, and I think Tammy's done a fabulous job of it.

24 MS. TALBURT: Thank you.

25 CHAIR LUCE: But it's taking an extraordinary

1 amount of her time, and when you consider the time that
2 Tammy spends and the time that all of us spend going over
3 the minutes and making corrections it actually, correct me
4 if I'm wrong, Stephen, but I believe it's actually more cost
5 effective to have a court reporter present. It probably
6 also keeps us in check a little bit because I will have to
7 behave myself and won't be able to make any comments and the
8 rest of us will also be held in check.

9 MR. FRYHLING: Can we remind you of that?

10 CHAIR LUCE: Yes. So anyway welcome.

11 The proposed agenda is before you. Do you have
12 any changes, move anything around, add anything, delete
13 anything?

14 MS. ADELSMAN: No.

15 CHAIR LUCE: Hearing no changes, the proposed
16 agenda as proposed is adopted. Minutes --

17 MR. POSNER: Chair Luce?

18 CHAIR LUCE: Yes.

19 MR. POSNER: Would you mind asking people to
20 identify themselves on the phone, please?

21 CHAIR LUCE: Thank you very much for reminding me.
22 People on the phone would you please identify yourselves.
23 The phone's on and no one has identified themselves, but
24 hopefully if someone comes on they will.

25 Monthly minutes for January 12 and February 9 have

1 Council Members had a chance to review them?

2 MR. BYERS: Yes.

3 CHAIR LUCE: Are there any changes, corrections?

4 I'm not hearing any. I'm seeing a lot of heads go
5 vertical.

6 MR. FRYHLING: I move that we adopt the minutes.

7 CHAIR LUCE: There is a motion.

8 MR. BYERS: Second.

9 CHAIR LUCE: A motion and second has been made to
10 adopt the minutes for January 12 and February 9. Is there a
11 discussion?

12 Hearing no discussion, call for the question.

13 MR. BYERS: Call for the question.

14 CHAIR LUCE: Question is called for. All in favor
15 for adopting the minutes for January 12 and February 9 say
16 aye.

17 COUNCIL MEMBERS: Aye.

18 CHAIR LUCE: All right. Unanimous let the record
19 reflect.

20 (Council Members unanimously adopted January 12,
21 2010 and February 9, 2010 meeting minutes.)

22 CHAIR LUCE: Now I'll ask people on the phone to
23 identify themselves. We've just gotten started. We haven't
24 dealt with anything substantive yet so would you please
25 identify yourselves people on the phone.

1 MS. POTTER: Joy Potter, Horizon Wind.

2 MS. DIAZ: Jennifer Diaz, Puget Sound Energy.

3 CHAIR LUCE: Anyone else? All right.

4 MS. POTTER: Don Coody was on the line.

5 CHAIR LUCE: I assume he will be back at the
6 appropriate time maybe.

7 MS. POTTER: Yeah, he was trying to call Stephen.

8 CHAIR LUCE: Well, we had a little glitch in the
9 phone system but all is working well now.

10 So we have a report to begin for the Chehalis
11 Generation Facility. Mark.

12 MR. MILLER: Chair Luce, Council Members, a brief
13 report on the operational status for last month. Again, no
14 safety incidents at the plant. The site is maintained well
15 as Mr. La Spina and Mr. Clint Lamoreaux from Southwest Clean
16 Air made an air inspection. So I'm sure Mr. La Spina can
17 share that. Our storm water and waste water discharge
18 monitoring results continue to be in compliance during the
19 period. We conducted another RATA of the continuous
20 emission monitors. So we started the plant up. We had been
21 running at a fairly low capacity factor during the month.

22 As I indicated, we had a clean air audit on the
23 23rd of February. And this is a note: The auxiliary boiler
24 system that was part of the SCA transfer it was actually
25 ahead of schedule. We have an EPC contractor. The boilers

1 and manufacturer will be arriving on site sometime in June,
2 as well as foundation construction and whatnot.

3 Just as a note and we'll talk about it again
4 probably next month because on the 4th of March we did
5 receive a complaint regarding potential rust deposit on
6 nearby pipe manufacture. There's some history there and we
7 can talk about that more if there's questions. We did
8 submit the report to Mr. La Spina.

9 Staffing remains the same. The capacity factor
10 for the month was 11.9 percent and year to date that's
11 pretty nominal. We continue to operate more frequently as
12 we start to approach our seasons.

13 There were no NERC compliance issues. That's a
14 big deal for us for our power plants are critical assets,
15 and there were no noise complaints during the month.

16 Any questions? I did put together as per Mr. La
17 Spina's request just kind of a summary of our sound
18 monitoring noise history at the plant from commission. If
19 there are any questions I can answer those.

20 CHAIR LUCE: Thank you. Questions from Council
21 Members?

22 MR. LA SPINA: I just wanted to add, Chair Luce,
23 that as Mark Miller said he very graciously put together
24 this summary of their sound experiences and mitigation
25 experiences at the plant. Noise has been an issue for the

1 Council and we thought you might appreciate some description
2 of Chehalis' experiences.

3 CHAIR LUCE: And that's the baby blue sheet.

4 MR. LA SPINA: No, sir, that's the pink one.

5 CHAIR LUCE: The pink one. Oh, okay.

6 MR. BYERS: Thank you both really.

7 CHAIR LUCE: This is noise.

8 MR. MILLER: Not just to oversimplify it, just a
9 little bit of information, but there's a lot of studies and
10 a lot of time that went into that from commissioning period
11 in 2003 through 2007 so it's not just a little snippet.

12 MR. LA SPINA: Thank you, Mark.

13 CHAIR LUCE: Thank you very much. We now have
14 somebody else who came on the line.

15 MR. COODY: Don Coody with Energy Northwest.

16 CHAIR LUCE: Thank you, Don.

17 Kittitas Valley Wind Project update?

18 MS. POTTER: Yes, thank you. Joy Potter with
19 Horizon Wind. First, I'd to thank EFSEC's Council and their
20 staff for helping us get our project approval for the
21 Kittitas Valley Wind Power Project. We were very excited to
22 receive our letter.

23 Currently our construction team is meeting with
24 our contractors at Suncadia to go over the work plans,
25 schedules, safety aspects and responsibilities and other

1 construction items. Tomorrow the construction team, the
2 contractors will be meeting with EFSEC staff and other
3 permitting agencies to go over roles, responsibilities,
4 safety, and other issues.

5 The next monthly meeting that we have we should be
6 under construction, and our construction team will be able
7 to provide construction updates from then on. Again, I want
8 to thank everybody for all the effort that they've put in to
9 getting this project permitted and I'm available to answer
10 any questions.

11 CHAIR LUCE: Council have any questions?

12 MR. TAYER: Mr. Chair?

13 CHAIR LUCE: Yes.

14 MR. TAYER: Yeah, Joy, this is Jeff Tayer. Did I
15 hear you say that you were meeting with Suncadia, the
16 construction?

17 MS. POTTER: At Suncadia.

18 MR. TAYER: Say that again.

19 CHAIR LUCE: At Suncadia.

20 MR. FRYHLING: At the facility.

21 MR. TAYER: Oh, I see. Okay. All right. Thank
22 you.

23 CHAIR LUCE: Do you have anything, Mr. La Spina?

24 MR. LA SPINA: Just wanted to add, I don't think
25 Joy said, it sounds like Horizon will be beginning

1 construction activity at the site approximately March 15,
2 and as she said staff issued the approval letter yesterday,
3 the plant approval letter.

4 CHAIR LUCE: You will be meeting with them did I
5 understand tomorrow?

6 MR. LA SPINA: Yes, sir.

7 CHAIR LUCE: And you will keep the Council
8 apprised on that. Thank you, very much.

9 Desert Claim, Mr. Posner.

10 MR. POSNER: Good afternoon, Chair Luce, Council
11 Members. Just one thing to report basically. It's
12 concerning petitions for review. We did not receive any.
13 They were due March 2, and the next thing that we will be
14 doing is meeting with the Desert Claim folks within the next
15 couple weeks to discuss their schedule, and that's all I
16 have to report.

17 CHAIR LUCE: All right. Wild Horse Wind.

18 MS. DIAZ: Yes, Chair Luce, Jennifer Diaz, Puget
19 Sound Energy, Wild Horse Wind facility. Our update for this
20 month February generation totalled 17,700 megawatt hours for
21 average capacity factor of 9.7 percent. The Solar
22 Demonstration Project generated 39,850 kilowatt hours in
23 February.

24 There were no lost-time accidents or safety
25 incidents to report in February. And under compliance and

1 environmental the February storm water discharge monitoring
2 report for the expansion area was submitted to the
3 Department of Ecology. The precipitation in February did
4 not produce storm water runoff, and storm water BMPs are in
5 good condition, and the site remains in compliance with the
6 NPDES permit.

7 Biotechnicians from Western EcoSystems Technology
8 Incorporated will begin avian and bat fatality searches on
9 March 15. This is accordance with the Avian and Bat
10 Monitoring Plan approved by the Council in December.

11 Public access to Wild Horse for educational tours,
12 hunting, and other recreational activities opens on April 1.
13 That's all I have for you. I'd be happy to answer any
14 questions.

15 CHAIR LUCE: Questions, Council Members?

16 Hearing no questions, thank you, Jennifer.

17 Columbia Generating Station, Don.

18 MR. COODY: Good afternoon, Chair Luce and Council
19 Members. Columbia Generating Station operational status
20 we're currently operating at 100 percent power producing
21 approximately 1,167 megawatts gross. The plant's been on
22 line for 116 days. Excuse me for the overhead here. That's
23 the plant PA system.

24 As far as plant activities -- can you hear me over
25 that or shall I wait?

1 CHAIR LUCE: No, that's fine.

2 MR. COODY: Regarding Columbia's operating license
3 renewal as I previously reported an application for
4 Columbia's license renewal was submitted to the NRC on
5 January 19. The application has been accepted by the NRC
6 for docketing and review. I've included in my notes,
7 meeting minute notes the link to the website that Council
8 Members, anybody that's interested can go to get more
9 information. It provides primarily a set of milestones for
10 the renewal process.

11 CHAIR LUCE: Thank you. Anything else?

12 MR. COODY: For the plant activity our Spent Fuel
13 Clean-up Project on February 22 we made the first of eight
14 scheduled shipments of components removed from the spent
15 fuel pool to the U.S. Ecology disposal site at Hanford
16 Reservation. Spent Fuel Pool Clean-up Project is necessary
17 to clear and dispose of used irradiated components that
18 accumulate in the pool as a result of regular maintenance to
19 the reactor during refueling outages.

20 CHAIR LUCE: Thank you.

21 MR. COODY: The major scope of the project
22 includes the underwater crushing and cutting of 85 control
23 rod blades with a 100-ton hydraulic crusher/shear. The
24 work is performed in a segmented corner of the pit. The
25 last time we performed a cleanup project was in 2000. When

1 the project is complete at the end of April our spent fuel
2 pool will once again have the underwater storage capacity to
3 exchange control rod blades during the next refueling outage
4 in 2010 and into the future.

5 Regarding WNP-1/4 Site Certification Agreement
6 Amendment and continued ground water withdrawal at WNP-1/4
7 we've been communicating regularly with Ecology staff to
8 exchange data and information to develop a path forward. To
9 that end, we've scheduled a meeting with Ecology on April 6
10 to discuss long-term water rights. Stephen Posner is next
11 on the agenda after Chair Luce and he'll provide information
12 regarding the SCA amendment itself.

13 CHAIR LUCE: Thank you very much.

14 Mr. Posner.

15 MR. POSNER: Did you want me to do that?

16 CHAIR LUCE: Questions?

17 MR. BYERS: Just a question on the Spent Fuel Pool
18 Clean-up Project, just a clarification to make sure the
19 record is clear. In the final sentence of your report on
20 that I believe you said the next refueling outage in 2010
21 and into the future. Did you mean 2011?

22 MR. COODY: 2011, I'm sorry. Did I say 2010? I'm
23 sorry.

24 MR. BYERS: I believe you did.

25 CHAIR LUCE: Yes.

1 MR. BYERS: Okay. Thank you.

2 MR. POSNER: Do you want me to give the update
3 now? You were actually next up for the executive board
4 briefing.

5 CHAIR LUCE: Well, We're working from the pink
6 sheet. Let's go through and then I'll give you an update on
7 the executive board briefing.

8 MR. POSNER: Okay. So as Don said the SCA
9 amendment update for WNP-1/4 since last month EFSEC staff
10 has been putting together a draft resolution. We met, EFSEC
11 staff met with Hedia, went over a couple items. We feel
12 pretty comfortable that we have it pretty close to a final
13 form, at least from the staff level. We intend to get that
14 finalized probably in the next day or two, final draft, and
15 our plan is to distribute it in draft form to Council
16 Members so that they can take a look at it because it's
17 rather lengthy. And what we'd like to do is make sure that
18 we can address any concerns the Council Members may have
19 before we bring this back to the Council for final action
20 next month. So within the next week or so we'll be sending
21 you probably an e-mail with a draft resolution attached.

22 CHAIR LUCE: Then you'd be meeting with Ecology on
23 April 6?

24 MR. POSNER: The April 6 meeting that Don made
25 reference to is that what you're talking about?

1 CHAIR LUCE: Yes.

2 MS. ADELSMAN: That would be just before the next
3 meeting.

4 MR. POSNER: Pardon me?

5 MS. ADELSMAN: It would be just before the next
6 meeting.

7 MR. POSNER: Right. I need to talk to Don about
8 the details on that. I will be available or somebody from
9 EFSEC will be available to participate in that meeting. I
10 haven't talked to Don specifically about it yet.

11 CHAIR LUCE: All right.

12 Hedia, do you have any comments you want to add?

13 MS. ADELSMAN: No, I think I talked again to the
14 region, and I had a really good meeting with Stephen and
15 Mike relating to the older and some of the changes on both
16 the surface water and ground water. I think the only thing
17 that I would like to add is that if Columbia, if some of the
18 water is being used for Columbia, what I recommended to
19 Stephen is that they look at the SCA of Columbia and see if
20 there's any reference to the use of ground water for the
21 plant. If not, we may need to just do a small amendment to
22 make sure that any use of ground water, any use for the
23 Columbia is actually authorized in the SCA also. So that
24 could be -- and I don't know if you are bringing some
25 information on that at the next meeting?

1 MR. POSNER: Well, I will talk to Mike about that.

2 MS. ADELSMAN: Because he was going to look at the
3 SCA. That's fine.

4 MR. POSNER: Yes, we're going to look into that.

5 MS. ADELSMAN: I think it would be really good
6 also for the company Columbia to look at the SCA and see
7 what it says about ground water use and whether they need to
8 submit a small amendment to make sure that it's authorized.

9 CHAIR LUCE: All right. Otherwise as far as
10 you're concerned it's at the discretion of Ecology, Energy
11 Northwest, and EFSEC staff as well.

12 MS. ADELSMAN: Yes, on the water rights it's
13 proceeding and hopefully this April 6 is going to really
14 help narrow down some of the alternatives, feasible
15 alternatives.

16 CHAIR LUCE: Right. Thank you. Council Members
17 questions?

18 So you'll be sending out the draft and we'll get
19 comments back to you?

20 MR. POSNER: That's the plan.

21 CHAIR LUCE: As soon as possible.

22 MR. POSNER: Yes, and I just want to revise the
23 schedule a little bit. I think I alluded to having it out
24 this week. It might not be until early next week. So
25 within the next week or so.

1 CHAIR LUCE: That's fine.

2 MS. ADELSMAN: Stephen, can I ask a question?
3 When are you sending it to the company, to Energy Northwest?

4 MR. POSNER: Well --

5 MS. ADELSMAN: Wouldn't they want to see it before
6 we act on it?

7 MR. POSNER: Absolutely. And we will actually be
8 sending it probably to them first before we send it to you
9 because we want to make sure that -- there's been a lot of
10 factual information exchanged, numbers, and I want to make
11 sure that we have all the factual information, if you will,
12 about current operations correct before we send it out to
13 you or Council Members for their review. So they're
14 actually going to take a first look at it, and then at least
15 that's our plan, and then we'll send it out to Council
16 Members and Kyle to look at.

17 CHAIR LUCE: Great. Thank you.

18 MS. ADELSMAN: Okay. Thanks.

19 CHAIR LUCE: I had a meeting two weeks ago with
20 the Energy Northwest Executive Board, some members of the
21 full board and senior management which included Vic and Jack
22 Baker, Jim Rolland who's their lobbyist up on the hill. We
23 talked about a number of issues. We talked about Substitute
24 House Bill 2527 which has now passed the legislature which
25 gives EFSEC jurisdiction over all commercial nuclear sold

1 into the grid, power sold into the grid, and allows us,
2 provide for us to charge for rulemaking associated with
3 that. They support Substitute House Bill 2527. So that I
4 thought was a positive development.

5 We talked about the Scrams or the reliability
6 issues associated with Columbia Generating Station, and I
7 would say in general terms I encouraged them to continue to
8 drill down on that particular issue. They will also want to
9 talk about, potentially talk about small nuclear in the
10 coming year, and I say talk about not rulemaking. But I
11 would anticipate that there will be some discussion from
12 their perspective. They would like to engage us in that
13 front, and I am open to doing that as long as it's
14 structured, disciplined, and they're just very, very
15 preliminary beginning conversations. And we had some other
16 discussions regarding projects that they have entered into,
17 including Kalama, and some that aren't before us, including
18 the Pacific County Project. But I don't want to
19 particularly go into that other than to say that I
20 encouraged them to do their technical work, make sure that
21 the projects from my perspective that they are pursuing are
22 commercially available technologies, and that they would at
23 the same time undertake due diligence with the various
24 stakeholders that are involved in all of those projects, and
25 so I'm hopeful that they will.

1 Any questions?

2 Yes.

3 MR. BYERS: At our last meeting and in some
4 meetings prior to that there was discussion of presentation
5 on the part of Energy Northwest having to do with both
6 performance issues at Columbia and the initiative to examine
7 nuclear technologies. Was the meeting that you had in lieu
8 of that or in association?

9 CHAIR LUCE: No, in fact I made those points, and
10 I believe those discussions are scheduled for next month; is
11 that correct?

12 MR. POSNER: That's my understanding.

13 CHAIR LUCE: And Jack Baker will be coming over
14 with some other senior staff and giving us a report on both
15 of the Scams or the reliability issues with CGS and on their
16 thinking on small nuclear.

17 MR. BYERS: Okay. Thank you.

18 CHAIR LUCE: I made the note in March but didn't
19 mention it.

20 Any other questions?

21 All right. We'll move ahead to the Whistling
22 Ridge Energy Project. Mr. La Spina, do you have an update
23 for us?

24 MR. LA SPINA: Yes, sir. First, I'd like to
25 address the Draft EIS. The Draft EIS is in internal review

1 of BPA. We don't have a schedule right at the time. We
2 will get a schedule within the next week or so. BPA will
3 also be handling the printing and distribution of the
4 documents, and they have a big operation that deals with
5 that sort of thing so they will be doing the actual printing
6 and distribution.

7 The other item is a request from Whistling Ridge
8 Energy to extend the application processing time. The
9 Applicant submitted the application on March 30, 2009 and
10 the one year statutory time is about ready to end, and in
11 your packet is the request letter (green) from Whistling
12 Ridge Energy to extend the application review time.

13 CHAIR LUCE: Does staff have a recommendation?

14 MR. LA SPINA: Yes, sir. Staff recommends that
15 the Council approve the request.

16 MR. POSNER: This is an item that the Council
17 there should be a vote on this.

18 CHAIR LUCE: Council discussion?

19 MR. BYERS: Do we need a motion first?

20 CHAIR LUCE: A motion would be helpful.

21 MR. BYERS: I move that we approve the request.

22 CHAIR LUCE: Second?

23 MR. FRYHLING: Second.

24 CHAIR LUCE: We have a motion and second.

25 Discussion?

1 Question? The question is called for. All in
2 favor say aye.

3 COUNCIL MEMBERS: Aye.

4 CHAIR LUCE: Would you like a roll call vote,
5 Hedia?

6 MS. ADELSMAN: No, no, no, I was asking is there
7 any piece of paper or are we just acting on this?

8 CHAIR LUCE: I think we're acting on this pursuant
9 to the statutory authority that I think is cited in here,
10 and it says we're to process these within a year, but we can
11 allow extensions of time if both parties agree on it and I
12 think we just agreed.

13 So would you have the record reflect that the vote
14 was unanimous to extend the period of time within the
15 process of Whistling Ridge Energy Project.

16 (Council Members unanimously approved motion to
17 extend the application processing time for Whistling Ridge
18 Energy Project.)

19 CHAIR LUCE: Is there anything else to deal with
20 on Whistling Ridge?

21 MR. LA SPINA: No, sir.

22 CHAIR LUCE: Satsop - Grays Harbor.

23 MR. GATEWOOD: Good afternoon, Chair Luce and
24 Council Members. My name is Todd Gatewood. I'm the manager
25 for Satsop - Grays Harbor Energy. Sorry I didn't get a

1 report out. I had technical difficulty with my computer
2 connecting to work this morning.

3 So to date for 2010 we've had zero safety
4 incidents or near misses. Environmentally for the month of
5 January we've had one chloride exceedance by the current
6 permits. Mr. La Spina sent the Draft NPDES revision to
7 Ecology last week I believe to get that rolling. We also
8 had a PSD meeting with Ecology about ten days ago, and
9 tomorrow we'll be submitting our final letter to staff on
10 getting changes to the current PSD permit.

11 Operationally we ran zero so we're still zero, no
12 noise complaints. We did get picked up to run tonight so we
13 may get some calls in the next couple days.

14 Also did you get that call procedure in the
15 packet?

16 MR. LA SPINA: I saw it but I haven't had time to
17 look at it.

18 MR. GATEWOOD: Okay. We sent an entire call
19 procedure policy. Copies of a log book entry is what it
20 looks like. It's spells out the whole thing.

21 MS. ADELSMAN: And complaints?

22 MR. GATEWOOD: It's called I believe the Area
23 Residents Concern Log, but it's basically an in-and-out
24 phone log. The left side is in, the right side is out so I
25 can detail all the stuff for responses for each concern, and

1 this sets the limits for responding and how it's handled by
2 the control room and our admin.

3 CHAIR LUCE: The control time within which to
4 respond is?

5 MR. GATEWOOD: It's as soon as possible. If they
6 call in the middle of the night, if they call me, I respond
7 as soon as possible during business hours, no greater than
8 24.

9 CHAIR LUCE: Thank you.

10 MR. GATEWOOD: It spells out a lot more. You'll
11 see it.

12 CHAIR LUCE: Right.

13 MR. GATEWOOD: It's quite comprehensive.

14 CHAIR LUCE: Anything else?

15 MR. GATEWOOD: We are going to hold that tour for
16 a group of the neighbors this Saturday. Mrs. Taylor gave me
17 a list of the neighbors that are directly on Keys Road up
18 there. I can hold about 16 people so we're going to have an
19 informational meeting to describe when and why we run,
20 exactly what the machinery is, what they see when we they go
21 by it. That will be on Saturday.

22 CHAIR LUCE: Just as a suggestion there were a
23 number of comments on the MDNS, and if you could crosscheck
24 those who sent e-mail comments against the list that you
25 already invited it might be a good idea to make sure that

1 everybody who sent a comment is invited.

2 MR. GATEWOOD: It is. I saw that e-mail this
3 morning from Mr. La Spina about Ms. Farr sent a comment that
4 had a list of neighbors.

5 CHAIR LUCE: Yes.

6 MR. GATEWOOD: And it's that list. It is that
7 list with a couple other landowners that don't reside there,
8 but they're in the neighborhood.

9 CHAIR LUCE: Okay. Thank you.

10 MR. GATEWOOD: Thank you.

11 CHAIR LUCE: Mr. La Spina, the SCA amendment
12 report review.

13 MR. LA SPINA: First, I would like to tack on a
14 couple of things to the actual plant that exists now.

15 CHAIR LUCE: Okay. Tack away.

16 MR. LA SPINA: The last meeting a couple of
17 Council Members asked for a comparison of noise mitigation
18 measures from some other facilities, and so I made this very
19 simple little matrix that compared noise mitigation at
20 Satsop with that at Chehalis and BP Cherry Point.

21 CHAIR LUCE: That's the baby blue sheet.

22 MR. LA SPINA: Yes, sir. So if anybody has any
23 questions on that.

24 Yes, sir.

25 MR. TAYER: So this is very interesting. I

1 appreciate that. One thing I'd be curious about is would we
2 at some point be able to see a side-by-side comparison of
3 what actually, the noise that's actually produced in the
4 neighborhood between these, at least between a couple of
5 these, you know, Chehalis and Satsop for example? So here's
6 measures you did to try and reduce the noise. What's
7 happened at the fence line or across the fence?

8 MR. FRYHLING: Somebody wants to answer that I
9 think.

10 MR. LA SPINA: I could work with you on that, but
11 I would need to talk to you more about exactly what you
12 needed.

13 MR. TAYER: Well, these are the measures that were
14 put into place to reduce noise in the neighborhood, but what
15 I don't see here and what would be interesting to me would
16 be actual noise that is recorded. What's the effect? How
17 did it work? Compare how it worked there.

18 MR. LA SPINA: Before and after mitigation.

19 MR. TAYER: You know, if decibels are the rate
20 measurer.

21 MR. FRYHLING: I think, Jeff, if you look at this
22 here, if you go to the second page here it shows the
23 difference, a before mitigation scenario and after. This is
24 on Chehalis after mitigation scenario.

25 MR. LA SPINA: I can send you the actual power

1 point that Mark sent me because that's got really nice color
2 therms of the noise before and after mitigation. Now, of
3 course, BP Cherry Point is a problem because it hasn't been
4 built yet.

5 CHAIR LUCE: I think you sent that out.

6 MS. ADELSMAN: No.

7 MR. FRYHLING: We got that in the e-mail.

8 CHAIR LUCE: Right.

9 MR. FRYHLING: And it's got the color --

10 CHAIR LUCE: It's got the color and everything
11 else.

12 MS. ADELSMAN: We got this in an e-mail?

13 CHAIR LUCE: Yes, this has been sent out in e-mail
14 form.

15 MR. LA SPINA: Oh, okay. I didn't remember if I
16 did or not.

17 CHAIR LUCE: Right, you did.

18 MR. LA SPINA: So that would be the Chehalis one
19 is an excellent example because they have those thermic
20 representations before and after. We're still trying to
21 quantify what noise mitigation measures have been installed
22 at Satsop. And as another part of this update the
23 independent sound consultant that is under contract we
24 should be meeting with them in the next week or so to get an
25 independent evaluation of the noise situation at Satsop, and

1 if you need more information or something I can work with
2 you to develop that. I'd be happy to do that. So is there
3 any other questions concerning noise?

4 CHAIR LUCE: A clarifying question. On Satsop you
5 said you're still trying to figure out what's been done or
6 not. So can you tell us today have they acoustically
7 absorbed silencers and insulation and have these things
8 actually been done?

9 MR. LA SPINA: I asked Mr. Gatewood to bring me
10 that information because I don't know.

11 CHAIR LUCE: It looks like Ms. McGaffey may have
12 something. Would you identify yourself for the record,
13 please.

14 MS. MCGAFFEY: Karen McGaffey representing Grays
15 Harbor Energy. One of the things I expect we'll talk more
16 about as we get on in the meeting is if the Council decides
17 to grant the request for expedited processing we've talked
18 about panel discussions. One of the things that we
19 envision, and I've talked with Jim and Stephen about as well
20 as Bruce Marvin, Counsel for the Environment, is trying to
21 get from the Council Members all kind of requests like that
22 of information that you think would be helpful so that we
23 can develop information, have our experts and consultants
24 develop information that will be helpful and be in a useful
25 form.

1 I know the matrix Jim sent around this morning I
2 saw it just before I left, and I know there's some -- we've
3 been working on a similar type of matrix that has some
4 additional information, and my hope is that if we do proceed
5 down the expedited process path that that will be an
6 interactive and collaborative process where we can identify
7 issues early on and specific factual requests so that we can
8 get all of that information for you in a useful form so that
9 it's not coming to you piecemeal and, you know, in various
10 drafts and we're not sure whether the information is
11 complete. But the more we can get questions like that and
12 maybe communicated through staff that would be helpful.

13 CHAIR LUCE: These are in the SCA though, Karen,
14 so you should know today have they been actually done or not
15 done? It's my understanding these are SCA requirements.

16 MR. LA SPINA: Yes, sir. Mr. Gatewood may be able
17 to answer that because I asked him to bring that
18 information.

19 MS. MCGAFFEY: Yes, I mean --

20 MR. WARNER: I think on that, Karen, Kevin Warner,
21 plant engineer for Grays Harbor Energy.

22 I reviewed these at the request of Jim recently.
23 I haven't been able to comment in writing, but to my
24 knowledge all these are implemented. There's one question
25 about generator enclosures. G.E. has several different

1 styles of generator enclosures, and the language in the SCA
2 is vague on that. We believe we have what was intended, but
3 I've had difficulty tracking down what was really agreed to
4 because the discussions took place so long ago. But as to
5 this list in the grid, yes, those are in place.

6 CHAIR LUCE: Jim, have you crosschecked with Grays
7 Harbor to make sure that that is consistent with what's your
8 understanding? You said you weren't positive either.

9 MR. LA SPINA: Well, the idea is to have our sound
10 consultants determine it. I mean I don't have the training
11 to evaluate how good of job they've done.

12 CHAIR LUCE: All right. Let's match the SCA
13 requirements and the history of the SCA which what I believe
14 Grays Harbor is saying up against what actually is in place
15 today, make sure that that exists before we go forward.

16 MR. LA SPINA: Okay. Chair Luce, I might add that
17 is under the scope of work that we negotiated with our
18 consultant. That is one thing that will be addressed to
19 look at the SCA and then to advise us to make sure that
20 things have been installed correctly and are being operated
21 correctly. So that will be addressed during that process.

22 CHAIR LUCE: Okay. Thank you.

23 MR. LA SPINA: As a matter of context, I wanted to
24 add that those measures were developed in the 1995 EIS that
25 was about three owners ago so I could see where the facility

1 may have some problems trying to match up what was actually
2 committed to.

3 CHAIR LUCE: I understand that. As long as
4 everybody is making a good faith effort that is the main
5 thing and it sounds like we are. So where does that bring
6 us, Mr. La Spina?

7 MR. LA SPINA: I need to do more of an update of
8 the existing facility. I just wanted to thank Council
9 Member Hedia Adelsman for arranging for Ecology Water
10 Quality Program review of the draft permit modification
11 you've been hearing about for a year and a half. So I thank
12 you very much.

13 MS. ADELSMAN: I'm going to send a big bill for my
14 time.

15 MR. LA SPINA: Next, I would like to offer the
16 Council sort of a summary of the MDNS activity to kind of
17 set the context for the next part of the discussion, and
18 that is that Allen Fiksdal issued the MDNS on February 12.
19 The public comment period went February 12 to March 8.
20 Staff received five comments, five comment letters I should
21 say. Three of the comment letters were from neighbors that
22 represented a total of 13 neighbors. Many of them cosigned
23 on the Farr's comment. We also got a letter from the
24 Ecology Regional Office saying that they need a water right
25 and a storm water permit which is expected, and we received

1 a letter of support from the Grays Harbor County Public
2 Development Authority (PDA), the name of the industrial park
3 I guess.

4 I read the comments. I just wanted to offer that
5 the comments are comments that you've heard already at the
6 public meeting for the most part, but I'll let you read the
7 comments for yourselves to get the nuances.

8 MR. TAYER: One question that I had related to the
9 water quality work is directly related to one of the
10 comments about chlorine and this whole chlorine exceedance
11 issue that's part of the last SCA, and it's going to be part
12 of this upcoming one. You know, I just reiterate the desire
13 to understand, you know, the appropriateness or not. That
14 it's never been clear to me. We keep having these
15 exceedances. The permit is in the midst of being adjusted.
16 I'm assuming that's part of the conversation that, Hedia,
17 you organized. But, you know, I just wanted to reiterate we
18 need to have an answer to that question.

19 MR. LA SPINA: Well, the chlorine was in relation
20 to air emissions.

21 MR. TAYER: The comment was for both. So if you
22 dump chlorine in the water it's probably going to smell bad
23 too. That was sort of the -- that's my summary paraphrasing
24 the comments.

25 MR. LA SPINA: Hedia and I can address it in the

1 to permit mod.

2 MS. ADELSMAN: And it's being reviewed by Ecology.

3 MR. TAYER: So you're just under review now by
4 Ecology?

5 MR. LA SPINA: Yes.

6 MR. MARVIN: Hello?

7 CHAIR LUCE: Yes, who's this?

8 MR. MARVIN: Hi, this is Bruce Marvin.

9 CHAIR LUCE: Thanks, Bruce.

10 MR. MARVIN: Yes. I'm sorry I --

11 CHAIR LUCE: You want to identify yourself for the
12 record. We have a court reporter here.

13 MR. MARVIN: Yes, it's Bruce Marvin, Counsel for
14 the Environment, Assistant Attorney General, and I just came
15 in at the discussion of the MDNS. I apologize for missing
16 whatever I may have missed.

17 CHAIR LUCE: All right. Do you have something you
18 want to say at this point or are you listening?

19 MR. MARVIN: I'm just listening. I wanted to let
20 folks know that I was present and that I am taking part in
21 this proceeding.

22 CHAIR LUCE: All right. Thank you.

23 MR. LA SPINA: So I guess if we're done with that
24 part the next part is the staff is requesting the Council
25 this afternoon to take two final actions potentially. The

1 first one involves the determination of land use consistency
2 which is a precondition for your second decision on whether
3 to grant expedited processing.

4 CHAIR LUCE: Does the staff have a recommendation
5 with respect to that?

6 MR. LA SPINA: Yes, sir. The red insert in your
7 packet is a letter from Grays Harbor County that states that
8 the request is consistent with the local and county land use
9 ordinances and rules and that sort of thing. So staff wants
10 to offer that as part of this decision.

11 CHAIR LUCE: My recollection is the statute says
12 that's prima facie evidence unless it's rebutted by somebody
13 and has anybody rebutted it?

14 MR. LA SPINA: No, sir.

15 CHAIR LUCE: All right. So we'll assume, I'll
16 assume that the Grays Harbor County Director of Planning and
17 Building has accurately stated that this Invenergy/Grays
18 Harbor Energy Project is consistent with local land use.

19 Anybody have any questions about that?

20 Do we have a motion?

21 MR. FRYHLING: I'll make a motion that we make a
22 determination of consistency for the county land use and the
23 ordinance.

24 MS. ADELSMAN: I have a question.

25 CHAIR LUCE: All right.

1 MS. ADELSMAN: In the letter says please refer to
2 Attachment 1, and then at the end it refers to Attachment 2.
3 Do we have those attachments, if you read the first bullet
4 and second bullet at the end?

5 MR. LA SPINA: I don't think I ever saw an
6 attachment.

7 MS. ADELSMAN: Do we know what they are about?

8 MR. LA SPINA: Did you ever see the attachments?

9 MS. MCGAFFEY: I believe Attachment 1 and
10 Attachment 2 were copies of the documents that are referred
11 to in the bullets. Attachment 1 is the Satsop Development
12 Park Master Plan and Attachment 2 is the relevant portion of
13 the Grays Harbor County zoning codes.

14 MS. ADELSMAN: So can we if we're going to vote on
15 this make sure that we actually describe these attachments
16 when we vote? Because I want make sure that's what they are
17 referring to.

18 CHAIR LUCE: I think we just did. You did.
19 Attachment No. 1, the reference to Attachment No. 1 is --

20 MS. ADELSMAN: The comprehensive plan?

21 CHAIR LUCE: -- the Grays Harbor County
22 Comprehensive Plan and the Satsop Development Park Master
23 Plan is the sub-area component adopted on April 7, 2008.

24 The second reference is to the Satsop Development
25 Park Zoning District, the letter stating that the proposal

1 was in conformance with Grays Harbor Zoning Code
2 17.57.020(H) which lists energy generation facilities and
3 activities as a permitted use. I would ask these documents
4 be made part of the record.

5 MR. LA SPINA: I apologize to the Council.

6 CHAIR LUCE: They speak for themselves. They're
7 incorporated by reference so I don't think we need to
8 physically have them here. If it later turns out that
9 neither one is correct, then that's a different issue.
10 Thank you for bringing that to our attention.

11 MS. ADELSMAN: I just wanted to make sure for the
12 record that we actually know what attachments are being
13 referred. I mean I understand what they're saying.

14 MR. LA SPINA: Staff appreciates you bringing that
15 up and we will follow up on that.

16 MR. POSNER: Just for the record also, in the
17 draft order which actually will be the item that we will be
18 asking you to approve under Findings of Fact No. 4 does make
19 specific reference to that, to the Grays Harbor County
20 Zoning Code and the Grays Harbor County Comprehensive Plan.

21 MS. ADELSMAN: I have a suggestion. I think in
22 the future we would -- you know, we post a lot of this on
23 the web. Maybe we just put a link to these documents. I
24 mean there must be an electronic somewhere. We put the link
25 in the order so somebody if they want to see it they could

1 actually go into the document if they choose to. So you
2 don't just have a big document, but somebody could just go
3 to that.

4 MR. LA SPINA: Yes, that's very doable.

5 MS. ADELSMAN: Okay. All right.

6 CHAIR LUCE: All right. We have the letter and we
7 have the draft order. Comments? Discussion?

8 MR. TAYER: It seems we could rely as well on the
9 testimony that was given by the county planner.

10 CHAIR LUCE: I think that's referenced in here.

11 MR. POSNER: It is referenced in the order.

12 MR. TAYER: I just wanted to note that for the
13 record.

14 CHAIR LUCE: Actually I think we need a second to
15 the motion.

16 MR. FRYHLING: We had a motion.

17 CHAIR LUCE: I don't think we had second.

18 MR. BYERS: You've got a second.

19 CHAIR LUCE: All right. There's a motion and
20 second. Discussion, further discussion?

21 MS. ADELSMAN: Is this the first time we see this?

22 MR. LA SPINA: Yes.

23 MR. POSNER: No, it was sent out yesterday.

24 MS. ADELSMAN: I get so many e-mails from you
25 guys.

1 MR. POSNER: We meant to send it out Friday, but
2 it got overlooked so it was sent out yesterday morning.

3 CHAIR LUCE: I've reviewed it. It seems to be a
4 well written document.

5 MR. BYERS: I hate to bring these things up, but
6 in the second page --

7 CHAIR LUCE: Is there a misspelling?

8 MR. BYERS: Yes, a typo. In the middle paragraph
9 begins, "Brian Shea he also testiified." Do you see it? Do
10 you have it?

11 CHAIR LUCE: Yes, yes, I do. Yes, you did it
12 twice. "He testiified" twice. All right. Well, staff will
13 spell check the document before I sign it and I will read it
14 line by line.

15 All right. We have a motion, second, discussion.
16 Anymore discussion?

17 Question? Question is called for. All in favor
18 of the Council decision that the proposal for the Grays
19 Harbor Project is consistent with local land use let's have
20 a roll call vote on that.

21 Tammy, you want to call the roll?

22 MS. TALBURT: Department of Commerce?

23 MR. FRYHLING: Yes.

24 MS. TALBURT: Department of Ecology?

25 MS. ADELSMAN: Yes.

1 MS. TALBURT: Fish and Wildlife?

2 MR. TAYER: Yes.

3 MS. TALBURT: Utilities and Transportation
4 Commission?

5 MR. BYERS: Yes.

6 MS. TALBURT: Chair?

7 CHAIR LUCE: Chair, yes. DNR for the record is
8 excused. Mary McDonald is excused.

9 MS. TALBURT: It's unanimous.

10 CHAIR LUCE: It's unanimous. Thank you.

11 (Council unanimously approved Order No. 845 on
12 consistency with Grays Harbor County Land Use Plans and
13 Zoning Ordinances.)

14 MR. LA SPINA: Thank you, Council Members, for
15 your action. Now the next part of this discussion would be
16 the expedited processing, and Karen is going to discuss
17 that. But before she does I wanted to draw your attention
18 to this document which has the relevant, the text of the
19 relevant WAC and RCW so if you have any questions you'll
20 have it all right in front of you.

21 CHAIR LUCE: Ms. McGaffey.

22 MS. MCGAFFEY: Grays Harbor Energy filed its
23 application in October '09 to amend the existing site
24 certification agreement. Then in early November we
25 submitted a written request for expedited processing. As I

1 believe you've got in front of you the relevant statutory
2 regulatory provision, RCW 80.50.075 says that the Council
3 may grant expedited processing upon finding two criteria
4 have been met. First that the environment impact is not
5 significant or has been mitigated to a nonsignificant level
6 under SEPA, and secondly that the project is consistent with
7 regional land use plans and zoning ordinances. The
8 Council's regulations also address expedited processing. At
9 WAC 463-43-050 the regulation says that the Council will
10 grant expedited processing if those two criteria are met.

11 In this case we urge you to grant expedited
12 processing. Those two criteria clearly have been met in
13 this case. The Council has already issued an MDNS, and the
14 Council just now concluded that the project is consistent
15 with regional and local land use plans so the statutory
16 regulatory criteria are clearly met.

17 We believe that expedited processing would allow
18 the Council to proceed in a timely, efficient manner while
19 at the same time allowing you to fully consider the
20 information about relevant issues. The legislature amended
21 the expedited processing provision back in 2006 to try and
22 make those criteria very clear in order to facilitate the
23 Council's use of that expedited process, and the Council
24 then amended its rule in 2009 to make that even clearer that
25 if you meet the two criteria the Council will grant

1 expedited processing.

2 Frankly this is just the kind of project that the
3 legislature and the Council was thinking about when it's
4 always talked about expedited processing. The project is on
5 a developed site with an existing similar facility. It
6 takes advantage of existing infrastructure and has no
7 significant SEPA impact, and it's consistent with local land
8 use. So I think it clearly meets the criteria, and I would
9 urge you to grant the request.

10 Stephen and Jim have asked me to talk a little bit
11 about what expedited process might look like, thinking that
12 that might be helpful in your consideration of whether or
13 not to grant expedited processing. I've circulated or the
14 staff has provided you with a copy of a proposed schedule
15 and kind of an outline of the process that we propose.
16 Again, I want to emphasize that this is just a process
17 proposal that we came up with based upon a similar process
18 that the Council decided upon back in 2001 when they were
19 considering a similar request for expansion by Duke. But
20 it's not, you know, particular steps aren't written in stone
21 or anything. I've had discussions both with staff and Bruce
22 Marvin, the Counsel For Environment, and if they or any of
23 you have suggestions for other ways things could be done
24 we're certainly open to suggestions.

25 The process we've proposed in broad strokes is a

1 panel presentation type process where the Council has an
2 opportunity to directly discuss issues concerning the
3 project with the experts and regulatory staff people who are
4 most knowledgeable in those areas. What I envision or what
5 we envision as far as the kind of key steps in this process
6 is that if the Council decided today to go with expedited
7 process we'd envision that over the next month Council
8 staff, the Counsel for the Environment, and the Applicant
9 would work together closely to identify a list of issues and
10 a list of potential panelists so that there would be
11 different viewpoints represented and kind of we cover the
12 field of issues that might be of concern to the Council.
13 Obviously whatever input you can provide to staff members
14 would be helpful for that discussion.

15 We then come back to you at the April meeting with
16 a proposal of here's what the panels would look like, here's
17 what the topics would be. You could discuss that proposal,
18 decide to add topics, add panelists, get rid of things,
19 whatever. Hopefully we come out of the April meeting with a
20 list of what the panels were going to look like. The rest
21 of April and much of May would then be spent preparing those
22 panels for presentation. I envision it to be an
23 interactive, collaborative process so that if you all
24 Council Members have specific information that you would
25 like to see, specific questions you would like answered,

1 those can be communicated through staff to the panelists so
2 that they're prepared to provide that information. The
3 panelists can speak with one another to exchange
4 information, try and resolve issues that come up, and answer
5 questions so that everyone is not surprised when the panels
6 occur and so the panels can be as informative as possible
7 for the Council.

8 Then we envision in June that these panel
9 presentations and hearings occur. We suggested that they
10 occur someplace in the area of the project, whether it's
11 Montesano or Elma or whatever is a convenient location. We
12 envision those panel presentations would be an opportunity
13 for interactions between the Council Members and the
14 panelists, and it would be primarily driven by that
15 interaction. In other words, it wouldn't be a trial like
16 adjudication where us lawyers kind of orchestrate the show.
17 Instead the panelists would make presentations to you, you
18 would ask questions. After you get your questions answered,
19 there would be an opportunity for the Counsel for the
20 Environment, for the Applicant, for members of the public to
21 ask questions, but those would be supplemental to the
22 discussion that folks would have already had with you.

23 We then envision an opportunity for post
24 presentation submissions that might be an opportunity for
25 additional information to be provided if questions are

1 raised during the panel hearings that people don't have the
2 answers to. It might also be an opportunity for briefs or
3 public comment letters to make arguments about the
4 information that was presented at hearing.

5 We envision that sometime by -- that would occur
6 in June and then that sometime by mid July you might be
7 ready to make a decision. It's been said that the schedule
8 might be somewhat aggressive or optimistic and it may be. I
9 think from our viewpoint we think given what is known about
10 the site and about the proposal, what's known about the
11 concerns in that area, we think that that schedule is
12 doable. But I think there's also flexibility to modify as
13 we go. Our proposal would be that we start down this path,
14 that we show up here at the monthly meetings to give status
15 updates to see where things are, and if it becomes clear in
16 April or in May that more issues have developed or there is
17 not enough, we need more time, we can, you know, make
18 modifications at that point.

19 But an expedited process is suppose to be just
20 that, an expedited one, and we've actually proposed a
21 process that's longer than the time limits that are
22 envisioned in the regulations because we think it's
23 important that there is a full airing of issues. So we'd
24 like to try and see whether that kind of timeline would
25 work.

1 So, again, that's an overview and I'm happy to
2 talk more about what we're thinking with this proposal, but
3 getting back to I guess the first order at hand is whether
4 or not the Council wants to grant the request for expedited
5 processing, and I think under your regulations it's pretty
6 clear that the two criteria have been met so you should
7 grant expedited processing. Thank you.

8 CHAIR LUCE: Any comments?

9 I'm going to turn to Council Members now. It
10 seems to me that to frame that discussion by saying the
11 action, the issue before us is whether to take a final
12 action today on Invenenergy's request for expedited
13 processing, and I guess I would preface that by saying I
14 just got the comments that were sent by the public. Staff
15 has said that they were nothing new there, but I trust but
16 verify. So my personal inclination would be to take some
17 time to read those comments and be confident myself that I
18 could vote for expedited processing.

19 If the matters are as you allude to, Counsel, I
20 think that I would favorably consider expedited processing,
21 but I haven't had a chance to really review these comments
22 yet. So with that -- Council?

23 MS. ADELSMAN: Can I ask a question of Jim? It
24 looks like it had two different conditions, and the first
25 one is the MDNS and then the second one is it consistent,

1 and we just voted on consistency. And then on the MDNS so
2 when we say you're going to review the comments are you
3 thinking there will be an action that will modify the MDNS?

4 CHAIR LUCE: I don't know until I review comments
5 whether there will be.

6 MS. ADELSMAN: We issued the MDNS already.

7 CHAIR LUCE: Yes, and we asked for comments.

8 MS. ADELSMAN: And it's past the 15 days comment,
9 and we got comments.

10 CHAIR LUCE: I assume we get a chance to look at
11 the comments before -- am I wrong?

12 MS. ADELSMAN: What do we do with them legally?

13 MR. CREWS: Legally?

14 MS. ADELSMAN: Yes.

15 MR. CREWS: You can discuss them among yourselves
16 and decide what you should do and move forward.

17 MR. FRYHLING: They are part of the record.

18 MS. ADELSMAN: Do they carry as much weight as to
19 actually for us to go back and change our review about
20 issuing an MDNS? I'm trying to understand why. I mean
21 we've taken the actions, we got comments, and what I'm
22 hearing from the Applicant is a lot of the comments can be
23 addressed through a panel of experts that would come and
24 talk about noise, talk about maybe water quality and
25 quantity, and so on. So why can't we just go ahead

1 and agree to the expedited?

2 CHAIR LUCE: We can. There's nothing to prevent
3 you from doing that. I'm just stating my opinion that I
4 haven't a chance to review comments yet, and before I
5 approve something generally speaking I like to read the
6 comments and be comfortable with it. Now, you're also
7 correct that the comments have been made part of the record
8 so you could take that perspective and say let's act now
9 because no harm, no foul, and thus we verify it later.
10 That's a reasonable position to take.

11 MS. ADELSMAN: Yes. I mean I skimmed through the
12 comments. I read quite a few of them, including Ecology.
13 I'm just more trying to understand okay so we read the
14 comments. What does that mean? What's the impact to the
15 MDNS to No. 1, No. 2?

16 CHAIR LUCE: Well, my assumption, correct me if
17 I'm wrong, Counsel, that the Energy Siting Council Members
18 could crosscheck the comments that have been submitted
19 against the MDNS and if they thought there was an issue they
20 could raise it.

21 MR. CREWS: They could.

22 CHAIR LUCE: I'm not saying they would but they
23 could.

24 MS. ADELSMAN: Okay. Let me carry through here.
25 So if they had some good comments and some good suggestions

1 we could carry those into the SCA?

2 CHAIR LUCE: Yes.

3 MS. ADELSMAN: There's nothing to prevent if
4 Ecology had a long list of actions that I'd like to see in
5 the SCA.

6 CHAIR LUCE: Correct. I'm saying there's just two
7 different ways to look at this. Either one which probably
8 gets you to the same end in the sense that we are going to
9 have public meetings, and we are going to consider the
10 comments that were received and they will be considered in
11 greater detail. I'm simply stating my general preference,
12 but that's one voice.

13 Karen, you've got your hand up.

14 MS. MCGAFFEY: Yes. My understanding, and I think
15 that it's consistent with what Hedia is saying, is that for
16 EFSEC the SEPA official is the manager. Allen issued the
17 MDNS and now as the acting manager it's in Stephen's court.
18 I believe the process would be, you know, as you suggested,
19 Chair Luce, that the SEPA official would have to review
20 those comments and decide if there was something in there
21 that made him want to revise the MDNS he could do that. I
22 think, although Stephen hasn't spoken to this, I guess I'm
23 assuming from what Jim said in his report that Stephen has
24 reviewed the comments and decided that revising the MDNS is
25 not necessary, but I guess I think that would be useful for

1 Stephen to speak to.

2 MR. POSNER: Well, I'll comment on that. Jim has
3 reviewed all the comments. I've looked at them briefly and
4 we didn't receive some of them until this morning. And
5 Jim's assessment, and I tend to agree with him, is that
6 there's nothing in any of the comments that would cause me
7 to consider modifying the MDNS to a DS, for instance.

8 However, I think perhaps for the Council to take
9 action on this and the rules specify that it should be done
10 by order as far as expedited processing. We do not have an
11 order prepared for the Council to review or approve at this
12 time. However, I believe the Council could take a vote and
13 perhaps approve expedited processing contingent upon their
14 review of the comments and after review of those comments
15 that none of them rise to the level of a need to modify the
16 MDNS. If that was the case, then we could go ahead and
17 draft the order, distribute it to the Council Members just
18 to make sure that it looks okay to them, and then Chair Luce
19 could sign the order. But approval for moving forward could
20 be done now by vote contingent upon your review of the
21 comments just to make sure there's nothing there that's
22 bothersome to you.

23 CHAIR LUCE: What you're saying I think is a
24 motion to approve with the condition subsequent that if we
25 review these comments and we have an issue that we can raise

1 it and that would void the approval which I guess is a
2 potentially reasonable way to proceed. I want to hear what
3 the other Council Members have to say though. I trust that
4 the SEPA official listens very carefully to Council Members'
5 thoughts on this issue as well.

6 MR. FRYHLING: Well, I've reviewed the comments
7 and I found nothing new and exciting that would require us
8 to go back to look at it.

9 MS. ADELSMAN: Nothing exciting?

10 CHAIR LUCE: Jeff.

11 MR. TAYER: Well, I think I've been operating
12 under the premise if we could narrow down the issues to one
13 or two significant issues that it was likely that we would
14 be able to find a way to mitigate those issues, and as I
15 read the criteria I notice there's a slight difference
16 between the RCW and the WAC. The RCW says it will be
17 mitigated and the WAC says it's likely to be mitigated, may
18 be mitigated. I seem to think the jury is still out on the
19 noise issue from my perspective, but I think the course, the
20 issues are narrow enough, and the way to deal with that is
21 clear enough that I'm comfortable with the expedited
22 processing.

23 CHAIR LUCE: Dick.

24 MR. BYERS: I guess I have a question. If we were
25 to take action today to move expedited processing does that

1 mean we're also approving the expedited process proposal in
2 front of us?

3 MS. ADELSMAN: The schedule you mean?

4 MR. BYERS: Yes. I'm hoping that the two are
5 entirely separable actions.

6 CHAIR LUCE: Yes, they are. One is process and
7 one is substantive.

8 MR. BYERS: Is there an opportunity to actually
9 spend some time on the process itself once we decide there
10 will be a process?

11 CHAIR LUCE: We're not voting on Ms. McGaffey's
12 schedule here.

13 MR. BYERS: Okay. In that instance I've had a
14 chance to review comments as well, and it seems to me they
15 are most effectively used in designing the set of issues and
16 identifying the set of issues that would be dealt with by
17 the experts that we'll have on these panels. But I'm also
18 sensitive to your concern that you have not had an
19 opportunity to spend quality time, and so the idea of taking
20 an action that has a condition subsequent attached to it is
21 okay with me.

22 CHAIR LUCE: Okay. Mary.

23 MS. McDONALD: I appreciate the schedule, that
24 distinction. I needed that too. I've only read the one
25 that came in on March 4. I haven't read the couple of

1 comments that have come in as of yesterday late. So I'm
2 okay as far as approving it, but I haven't read them so I
3 would kind of like to read them too.

4 CHAIR LUCE: I think we're approaching a
5 consensus. Dick, do you want to try a motion with a
6 condition subsequent?

7 MR. BYERS: An extemporaneous motion? Okay. I'll
8 move that the Council approve expedited processing
9 conditioned upon the Council Members not identifying issues
10 within the comments that we received as of today on the MDNS
11 that arise to the level of calling the MDNS into question.

12 CHAIR LUCE: Do I have a second?

13 MR. TAYER: I'll second that.

14 CHAIR LUCE: We have a motion and second.
15 Discussion?

16 MS. McDONALD: Should there be a time limit on it
17 of maybe some --

18 CHAIR LUCE: Two weeks. Somebody want to amend
19 the motion?

20 MR. BYERS: I will with a friendly amendment.

21 MR. TAYER: So amend it to two weeks.

22 CHAIR LUCE: All right. Discussion? We have a
23 motion. Do we have a second?

24 MS. McDONALD: Second.

25 CHAIR LUCE: We have a motion and second and

1 friendly amendment. Discussion? Question? Question is
2 called for.

3 Roll call vote, please.

4 MS. TALBURT: Department of Commence?

5 MR. FRYHLING: Yes.

6 MS. TALBURT: Department of Ecology?

7 MS. ADELSMAN: Yes.

8 MS. TALBURT: Fish and Wildlife?

9 MR. TAYER: Yes.

10 MS. TALBURT: Natural Resources?

11 MS. McDONALD: Yes.

12 MS. TALBURT: Utilities and Transportation
13 Commission?

14 MR. BYERS: Yes.

15 MS. TALBURT: Chair?

16 CHAIR LUCE: Yes.

17 MS. TALBURT: It is unanimous.

18 CHAIR LUCE: Thank you.

19 (Council Members unanimously approved expedited
20 processing conditioned upon the next two weeks Council
21 Members not identifying issues within the comments that were
22 received as of today on the MDNS that rise to the level of
23 calling the MDNS into question.)

24 MR. FRYHLING: Before we go on, we've got a
25 problem at Satsop or Grays Harbor on 1 and 2 in regard to

1 noise issues, and I'm hopeful by the time we get to EFSEC's
2 recommendation to the Governor that we have some answers
3 that we can address 1 and 2 because 3 and 4 shouldn't go
4 forward until we show that we can make some effort to
5 satisfy the people that live out there.

6 Noise is an issue and I think that whatever you
7 produce out there is going to meet the state standards, but
8 that's not the noise we're talking about. It's the noises
9 that people hear and we all hear everyday, whether it's a
10 screech or scratch on a chalkboard or turbine starting up in
11 the middle of the night. Those are the issues we have to
12 see if we can find some resolution to, and so I hope that as
13 we go forward we're thinking of 1 and 2 at the same time as
14 we're thinking about 3 and 4.

15 CHAIR LUCE: I guess I would say we have
16 standards. For the record, we do have standards, noise
17 standards. We will follow those standards both with respect
18 to the proposed amendment, to the existing SCA, and to the
19 existing facility. We look to have cumulative impact
20 connected actions addressed. Maybe not in an EIS now but
21 certainly by the panels, and we are sensitive to noise. We
22 also have noise standards and we will follow those WACs.

23 MR. BYERS: Mr. Chair.

24 CHAIR LUCE: Yes.

25 MR. BYERS: I would like to agree with the

1 concerns that were expressed by Council Member Fryhling. I
2 too am quite concerned about the issues out there that we've
3 heard from the public, and I am operating on the assumption
4 that the proposal to amend the SCA means that the scope of
5 our discussion, our actions extend to the entire SCA which
6 includes 1 and 2.

7 CHAIR LUCE: It certainly extends to the
8 environmental impacts associated with the project's combined
9 effects. My point on standards is simply that we went
10 through a long process of developing standards, and this is
11 a Council that operates by standards and by rules that are
12 prescribed. So I just want to make it clear for the record.

13 MR. BYERS: I understand your point.

14 MS. ADELSMAN: So if I hear you right, I mean
15 scratch on the board if it's less than 50 or is it 60? The
16 standard is 60?

17 MR. LA SPINA: It depends.

18 MS. ADELSMAN: I mean there could be some
19 irritable noises and if they are below standards, I mean all
20 we could recommend is the company try to deal with them.

21 CHAIR LUCE: We can strongly encourage that they
22 do things.

23 MS. ADELSMAN: I don't think we could take any
24 further action.

25 CHAIR LUCE: We are a Council of rules, and we had

1 this debate not even ten years ago, and we will follow the
2 rules. I believe we follow the rules. We're going to
3 follow the rules.

4 MR. FRYHLING: I think one of the nice things
5 about this proposal is the fact that whatever experts we
6 bring in the people who live out there can hear the same
7 thing that we hear and they can ask questions and they can
8 get answers within whatever the technology is. I don't
9 think that's always available through an adjudicative
10 hearing. So this is going to a new experience I think for
11 at least those that are on the Council and I think it's
12 going to be a positive.

13 CHAIR LUCE: Actually let's get to the proposed
14 schedule and process a little bit. We don't have to
15 finalize it today, but I have a couple thoughts that I would
16 like to put out. One of the them is that -- and this is a
17 tough one. Now, let me leave the tough one aside for now.
18 It's a legal issue. You know what I'm talking about.
19 Right? I don't want to keep a lawyer in suspense.

20 It did occur to me, and I have thought about what
21 happens -- the issue in the MDNS so what happens if you get
22 into this and along the way you discover the rare and
23 endangered snake? Okay? I'm just positing a hypothetical
24 here. At that point in time there will be a question about
25 whether you can proceed in the manner that you in good faith

1 intended to do, and I don't have an answer for that question
2 right now. But it is an issue that's worth at least
3 recognizing exists. Everything proceeds in good faith, in
4 due diligence. We believe to the best of our knowledge that
5 a determination of nonsignificance is entirely appropriate,
6 but there's always the oops. So I just want to put that on
7 the table.

8 Yes, Hedia.

9 MS. ADELSMAN: Real quick. I mean we're dealing
10 with energy and air and say we discover later on that some
11 of the mitigation or something that we thought there was no
12 significant impact suddenly has an impact, I mean the first
13 route is to mitigate it.

14 CHAIR LUCE: Yes.

15 MS. ADELSMAN: To actually add some mitigation and
16 put it in the SCA. I mean that's some remedies in that
17 existing SEPA to deal with that, even if it's an endangered
18 snake.

19 CHAIR LUCE: We shouldn't use those remedies. All
20 I'm trying to posit is this is sort of a law school
21 hypothetical which this would be a fun classroom discussion,
22 and as far as I'm concerned it is an academic discussion,
23 but I don't want to completely not recognize -- I want to
24 recognize it.

25 Now, Dick, you had some suggestions with respect

1 to these panels and, Jeff, you did too in terms of how to
2 proceed. You want to talk about those?

3 MR. TAYER: You want me to talk about those? My
4 only discussion is that we get something out there that both
5 the Council and the public can look at ahead of the hearings
6 so they're not walking in cold hearing a bunch of experts.
7 For myself anyway I would be probably sitting here thinking
8 about it for two days and then wished I would have asked a
9 question that I thought of. So something analogous to the
10 prefiled testimony that we would have in adjudication.

11 CHAIR LUCE: I think that's a good idea.

12 MR. BYERS: I agree.

13 CHAIR LUCE: And we would figure out the time
14 frame. That way the public will at least have an
15 opportunity to review the panelists' thoughts and if they
16 have questions to structure those questions in an organized
17 way and a thoughtful way.

18 Dick.

19 MR. BYERS: I think one of the advantages -- I'm
20 traveling hopefully with this kind of process just as
21 Council Member Fryhling is. But I think one of the
22 advantages is that the public will have the opportunity to
23 participate in a meaningful way. And so I'm a little
24 concerned about the idea that panel hearings would only take
25 place during the day. I'm not sure that the public would

1 actually be able to participate in that time frame.

2 And I'm also hopeful that the public will be able
3 to participate in a way that will prevent members of the
4 public to ask their own questions I'm not certain exactly
5 how of the panel.

6 CHAIR LUCE: Right.

7 MR. BYERS: I'm not exactly certain how that
8 should be arranged. It could be arranged through if we're
9 going to have an ALJ there to go through a presiding officer
10 or through the Chair so that it's structured in some way.
11 And I agree informed by the opportunity for people to review
12 what the panel is going to have to say so they don't have to
13 extemporaneously ask those questions.

14 CHAIR LUCE: I agree. I think the concept
15 actually of splitting daytime panel hearings and nighttime
16 public comment is not a good idea. I want to have -- if
17 it's necessary we'll have nighttime panel hearings so the
18 public can be present and listen to the panelists'
19 presentation and will be informed by the prefiling of the
20 panelists' testimony that are offered. And I do believe
21 that questions from the public are entirely appropriate.
22 They can be channeled through the ALJ or the Chair and
23 presented in writing.

24 This is not going to be a debating contest.
25 That's not the purpose. But the purpose is to allow the

1 public to have view opportunity in advance of what the
2 panelists intend to say, to be present when the panelists
3 offer their testimony, and to if they wish submit questions
4 to the Council in some structured and disciplined manner.

5 Yes, Hedia.

6 MS. ADELSMAN: When I look at this schedule I'm
7 thinking that, you know, the topics that you'll be selecting
8 eventually could include things that would relate to the
9 NPDES, the PSD, or, of course, they would be directly to the
10 proposed amendment, and I think that mid April and early
11 June it looks like concurrently we have the draft NPDES, but
12 at the same time we're doing the discussions on the topic
13 issues. And I almost feel like maybe we need to do the
14 topic issues and focus on that right away. At least if we
15 know the water quality is not going to be part of that or
16 air is not going to part of that, then I think it's okay to
17 move the NPDES with the PSD. But, if not, I think we may
18 want to focus on what are the topic areas and how we're
19 going to address them and then the NPDES, PSD, and amendment
20 will come later. Here you have them at the same time.

21 And then maybe that would be once we come up with
22 a list of issues this will become much clearer as to what we
23 could move ahead with and what would be, you know, which are
24 going to have to wait. Because I don't know if there's
25 going to be anything else besides the noise. I think noise

1 is definitely the number one issue, but there could be some
2 water quality, water resources issues that we may want to
3 have.

4 CHAIR LUCE: I would think that between now
5 March 9 and the next Council meeting as counsel for the
6 Applicant has laid it out, the Applicant, Counsel for the
7 Environment, and staff could work on issues and hopefully
8 this will be an iterative process where they're sharing
9 those draft issues with Council Members by e-mail, and then
10 we can come up with a list of issues. And panelists, are
11 you going to have the panelists available too? Are we going
12 to know who the panelists are by our April meeting?

13 MS. MCGAFFEY: I would like to be able to do that,
14 yes.

15 CHAIR LUCE: At that point in time we will be able
16 to adopt a list of issues hopefully and know who the
17 panelists are and then we'll flesh out the rest of the
18 schedule. At that point in time we will know more than we
19 know today. Bearing in mind hopefully that we will have
20 those panel hearings in the evening and that we will have
21 prefilled testimony by the panelists with some structured way
22 for the public to ask questions. I assume you write them
23 out, you hand them up to the EFSEC manager or the ALJ or the
24 Chair, and they be asked and answered. Then the only other
25 question I had is you can't -- I'm sorry. Go ahead.

1 MS. ADELSMAN: Although I heard Karen saying it
2 would nice to have them beforehand so the panel is prepared
3 to answer.

4 CHAIR LUCE: Oh, yes, that's another reason to
5 have prefiled testimony would be that rule of no surprises
6 should apply to the maximum extent possible.

7 Yes.

8 MR. OAKLEAF: No, just a scratch. Didn't mean to
9 throw you off.

10 CHAIR LUCE: You're eluding the Council.
11 I think we'll wait and see how things unfold.

12 MS. ADELSMAN: Are you eluding too?

13 MR. BYERS: It actually is a question to other
14 related kind of process questions with regard to I wanted
15 get this out at this point. One is the Council at this
16 point has retained an expert on noise issues. Is it within
17 the scope of work of that expert to be able to be a
18 participant on one of those panels?

19 MR. LA SPINA: I believe we wrote the scope of
20 work to allow for that, yes, with that in mind even.

21 MR. POSNER: That would fit into the scope of
22 work.

23 MR. BYERS: My preference would be to ensure
24 there's representation on these panels that is independent
25 of the employ of the Applicant.

1 MS. ADELSMAN: Although the Applicant pays for the
2 consultant.

3 MR. BYERS: But at least it goes through the
4 Council first.

5 MS. ADELSMAN: Yes. And I think you're suggesting
6 the same with all the other panelists that we could be
7 selecting them ourselves.

8 MS. MCGAFFEY: And I think staff and Bruce and I
9 will get together and come up with a panel to address
10 different issues. So I have exactly the same idea on noise
11 that it would be our person and the Council consultant. On
12 some of the other issues like water it might be somebody
13 from Ecology or somebody from Fish and Wildlife. So there
14 would be a variety of perspectives.

15 MR. BYERS: The second question having to do with
16 what we will have in hand when all of this is over. It
17 would be my preference we actually have a recorded
18 transcript.

19 CHAIR LUCE: Yes, absolutely.

20 MR. BYERS: So we won't have to worry about
21 reading our own notes.

22 CHAIR LUCE: No, and spell checking. No, we
23 definitely will have a court reporter and in all probability
24 an ALJ or presiding officer. But we're not going to have an
25 adjudication. There won't be any bobbing heads, lawyers

1 stand up and object, you know, my shorthand for bobbing
2 heads.

3 MS. MCGAFFEY: I understood you meant it in the
4 most complimentary way.

5 CHAIR LUCE: I did as a dues paying member of the
6 Bar Association. Anything else?

7 MR. BYERS: I confess that I had a third one, but
8 now I can't -- I didn't write it down so.

9 CHAIR LUCE: Moving on.

10 MR. TAYER: Mr. Chair.

11 CHAIR LUCE: Yes.

12 MR. TAYER: Just one other comment to Council
13 Member Fryhling's general statement. It occurs to me that
14 it would signal pretty strongly that there's been a
15 significant ratcheting out in efforts for community
16 relations and it hasn't gone unnoted, and I think from my
17 perspective that's very much appreciated.

18 CHAIR LUCE: I would agree.

19 MR. FRYHLING: I would agree, yes.

20 CHAIR LUCE: Next item on the agenda is
21 legislation.

22 Thank you very much.

23 MS. MCGAFFEY: Thank you.

24 CHAIR LUCE: Substitute House Bill 2527 passed the
25 House, three not voting and otherwise unanimous. So if the

1 Governor chooses to sign we have new authority. The primary
2 purpose of this law I believe or this act was to give us
3 authority over any nuclear power facility whose primary
4 purpose is to produce and sell electricity. So that changes
5 the jurisdiction from 350 megawatts down to anything that
6 produces and sells electricity.

7 MS. ADELSMAN: Can I ask a quick question?

8 CHAIR LUCE: Yes.

9 MS. ADELSMAN: Did anybody have authority before?

10 CHAIR LUCE: No. Benton County. That would have
11 been conceivably I think the general consensus that was the
12 counties.

13 MR. BYERS: The NRC.

14 CHAIR LUCE: Within the state it would have been
15 at the county level.

16 So the law, the legislation also gives us
17 jurisdiction over biofuel facilities except for such biofuel
18 productions undertaken at existing industrial facilities.
19 That was a last minute amendment by those who have existing
20 industrial facilities they believe are capable of producing
21 biofuel.

22 There are some other small changes in the law, a
23 couple of which were put in to clarify arguments that came
24 up in the KV case; one of which is a definition of
25 alternative energy resources to include energy facilities.

1 I think there was a semantic argument in the Kittitas Valley
2 about whether alternative energy and basically we want to
3 deal with that.

4 There is a consolidation in Section 3 of the
5 charges that applicants pay for the services that they
6 receive. It's largely consolidation. I think that the
7 total amount of payment that an Applicant has to make to
8 file this has gone up \$5,000. It used to be \$25,000 for the
9 consultant I believe as down payment and \$20,000 for the
10 staff and they consolidated that to \$45,000 and I think I
11 guess rounded it off to \$50,000. So in any case since the
12 provision still exists, costs are not paid, the application
13 is suspended or the site certificate is suspended. Those
14 don't seem to be any heady matter. The new section, Section
15 4 rulemaking costs are paid for to the -- proportionately
16 divided between the certificate holders and applicants
17 directly affected by this act.

18 You can interpret that a couple of different ways.
19 You can interpret as being limited to nuclear power and
20 biofuel or there's some legal argument that's been
21 interpreted to apply to all of those who do business with
22 EFSEC. I'm not going to prejudge how this is going to be
23 interpreted. I'll ask legal counsel.

24 So that's the legislation and we'll work with
25 Ecology and others and hopefully that will be sent to the

1 Governor for signature in the near future.

2 The last thing I would say is we're hopefully
3 going to be able to hire a new manager in the near future.
4 Stephen is acting manager now and doing a great job. We do
5 want to fill the position as soon as we reasonably can and
6 it puts it out for the Council's thinking at this point in
7 time possibly getting together for a day or so to do some
8 strategic planning. We know the projects that we're facing.
9 We are also facing potentially some other issues. We've got
10 this nuclear power business is coming around, how we're
11 going to handle that. We've got cumulative impacts that
12 we've talked about, cumulative impact analysis on wind
13 projects which I think is a good idea. I don't know if
14 you've been following the discussions or the stories in the
15 Oregonian regarding Steens Mountain and the editorial that
16 came up on that particular issue. There still is this issue
17 of aesthetics which I think is important. Some people
18 disagree with me. Some people think it's a code word for
19 anti-wind. I don't but some people do.

20 But I think a day spent in just getting to know
21 each other and when we hire our new manager and flushing out
22 some of these big picture issues, if you will, that are
23 going to come up over the course of the next year might not
24 be a bad idea.

25 MS. ADELSMAN: It would be an open meeting?

1 CHAIR LUCE: We're going to close the doors and
2 smoke a lot.

3 MS. ADELSMAN: I vote for food items to stop
4 smoking.

5 CHAIR LUCE: Details to be determined. We don't
6 meet behind closed doors.

7 MS. ADELSMAN: By then we'll be under UTC.

8 CHAIR LUCE: Right. Maybe.

9 MR. BYERS: Administratively housed at UTC.

10 MS. ADELSMAN: But not physically?

11 MR. BYERS: Under. I'm not sure what under means.

12 CHAIR LUCE: Our meetings are open to the public,
13 but it's a planning session of the Council so we are not
14 going to get into a debate about, you know, the directions
15 we're going to take. People are free to come and listen to
16 what we're thinking and the discussions that we have.

17 MR. BYERS: Just like they can come to any of our
18 meetings.

19 CHAIR LUCE: They can come to any of our meetings.
20 So that's just a thought going forward.

21 MS. ADELSMAN: It's a good idea.

22 CHAIR LUCE: Anything else for the good of the
23 order?

24 MR. BYERS: Mr. Chair.

25 CHAIR LUCE: Yes, sir.

1 MR. BYERS: Yes, I think so. I haven't looked at
2 the calendar. I think our next Council meeting is the 13th
3 of April; is that correct?

4 CHAIR LUCE: Yes.

5 MR. BYERS: First noting that's my birthday, but
6 that's not the point. My second noting is I'll actually not
7 be in the state that day so I will not be able to attend the
8 meeting on the 13th.

9 CHAIR LUCE: We'll have a cake in your honor.

10 MR. BYERS: I want to make certain that all my
11 colleagues knew that, and the third item because of that my
12 schedule for which retirement is the 30th. And while my
13 fervent desire is to continue to work with the Council, I'm
14 not certain how that may or may not work out, and so I
15 thought it was appropriate to let you all know at this point
16 in time that that was the case. Because as far as I can
17 tell right now until something else this is probably my last
18 Council meeting.

19 And so if it turns out that is the case I will
20 conditionally and subject to a condition subsequent to
21 something like that I extend my thanks to you and to all my
22 colleagues for the work that you have done, and I enjoyed
23 doing it with all of you, and I hope that I will be able to
24 continue that.

25 CHAIR LUCE: I will hope you will be able to

1 continue too so we're not going to take this as your last
2 meeting.

3 MR. BYERS: You can actually order me not to be my
4 last meeting.

5 MR. FRYHLING: I was going to bring you a bottle
6 of wine. Now we'll have to sit here and drink it since you
7 won't be here.

8 CHAIR LUCE: I was going to order a keg.

9 MS. WILSON: Remember this is all getting
10 recorded.

11 CHAIR LUCE: Shaun knew that. This is like the
12 rules of Congress. You get to go through and edit the
13 transcript before it's published in the Congressional
14 Record.

15 MS. WILSON: Oh, you didn't tell us that.

16 CHAIR LUCE: No, Dick, I can't say enough how
17 valuable a member you are and I am not going to say this is
18 your last meeting. We are going to work very hard to make
19 sure you stay among our number.

20 MR. FRYHLING: He's got to be out for 30 days.

21 CHAIR LUCE: I don't know about that. So you will
22 miss a meeting. You could resign earlier and start the
23 30 days now.

24 All right. Anything else?

25 Thank you very much.

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(Whereupon the meeting was adjourned at 3:13 p.m.)

1 In re: Energy Facility Site Evaluation Council Monthly
2 Meeting of March 9, 2010

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A F F I D A V I T

I, Shaun Linse, CCR, do hereby certify that the foregoing transcript prepared under my direction is a full and complete transcript of proceedings held on March 9, 2010, in Olympia, Washington.

Shaun Linse, CCR 2029