WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL

Olympia, Washington
Tuesday, May 21, 2019
1:30 p.m.

MONTHLY COUNCIL MEETING
Verbatim Transcript of Proceedings

REPORTED BY:
DANI WHITE, CCR NO. 3352
APPARANCES

Councilmembers:

KATHLEEN DREW, Chair
CULLEN STEPHENSON, Department of Ecology
STACEY BREWSTER, Utilities & Transportation Commission
MIKE LIVINGSTON, Fish and Wildlife (phone)
DAN SIEMANN, Department of Natural Resources (phone)

Assistant Attorney General:

JON THOMPSON

Council Staff:

SONIA BUMPUS
AMI KIDDER
AMY MOON
KYLE OVERTON
TAMMY MASTRO
JOAN AITKEN
STEW HENDERSON

In Attendance:

ERIC MELDBARDIS, EDP Renewables (phone)
JENNIFER DIAZ, Wild Horse (phone)
CHRIS SHERIN, Grays Harbor Energy (phone)
MARY RAMOS, Energy Northwest (phone)
JANET NELSON, Kittitas Audubon
NORM PECK, Kittitas Audubon
CHAIR DREW: Good afternoon. This is Kathleen Drew, Chair of the Energy Facility Site Evaluation Council, and our meeting, which is in Ellensburg, Washington, today, will now come to order. We're very happy to be here.

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

MS. MASTRO: Department of Commerce?

CHAIR DREW: Department of Commerce we're waiting for an appointment.

MS. MASTRO: Department of Ecology?

CHAIR DREW: Cullen Stephenson here.

MS. MASTRO: Fish and Wildlife?

MR. LIVINGSTON: Mike Livingston on the phone.

CHAIR DREW: Hi, Mike.

MS. MASTRO: Department of Natural Resources?

MR. SIEMANN: Dan Siemann is on the phone.

MS. MASTRO: Utilities and Transportation Commission?

MS. BREWSTER: Stacey Brewster here.

MS. MASTRO: Chair, there is a quorum.

CHAIR DREW: Thank you.

You have before you the proposed agenda. Is there someone who would like to make a motion to adopt the agenda?

MR. STEPHENSON: I will move that we adopt the
agenda.

CHAIR DREW: Any questions? All those in favor say "aye."

COUNCILMEMBERS: Aye.

CHAIR DREW: All those opposed? Agenda's adopted.

Moving on to the meetings minutes. You have sent to you the minutes from the meeting for April 16, 2019. Is there a motion to adopt the meeting minutes?

MR. STEPHENSON: I will move that we adopt the meeting minutes.

MS. BREWSTER: I second that motion.

CHAIR DREW: Thank you.

Are there any comments or changes to the draft meeting minutes in front of you? Hearing none, all those in favor of adopting the minutes please say "aye."

COUNCILMEMBERS: Aye.

CHAIR DREW: Thank you. The meeting minutes are adopted.

We are now moving on to our project updates. First is Kittitas Valley Wind Project, and I would like to thank -- oh.

MS. MASTRO: Who is on the phone or do you want to ask?

CHAIR DREW: Oh, I should ask. Thank you,
Ms. Mastro.

Who is on the phone who wants to introduce

yourself?

MS. DIAZ: This is Jennifer Diaz with Puget Sound

Energy, Wild Horse Wind Facility.

MR. SHERIN: This is Chris -- excuse me, this is

Chris Sherin with the Grays Harbor Energy Center.

MS. RAMOS: Mary Ramos, Energy Northwest.

CHAIR DREW: Okay. Moving on now to our
operational updates, Kittitas Valley Wind Project.

MR. MELBARDIS: Yes, good afternoon, Chair Drew,

EFSEC. This is Eric Melbardis with EDP Renewables for
the Kittitas Valley Wind Power Project. There was
nothing nonroutine to report for the month of April.

But I did want to mention that we had a visit with
EFSEC Staff and members of the Council today, and it
was great to have you out to give you a little tour and
to show you what we do out here in Kittitas Valley.

CHAIR DREW: Thank you very much. We appreciated
the tour, we all learned a lot, and we’re very glad to
be on site to see your facility and how well it’s run.

Really appreciated the tour so thank you very much for

that.

MR. MELBARDIS: Thank you.

CHAIR DREW: Wild Horse Wind Power Project,
Ms. Diaz.

MS. DIAZ: Hi, yes, thank you, Chair Drew and Councilmembers. For the record, this is Jennifer Diaz with Puget Sound Energy for the Wild Horse Wind Power Project. I have a couple of updates for you all.

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

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

And then the Renewable Energy Center, our visitor center, opened to the public for the tourist season on April 1st. And then I look forward to the Council and Staff touring Wild Horse tomorrow.

CHAIR DREW: Thank you. We look forward to it as well. And I also appreciate the two of you arranging such nice weather for us.

MS. DIAZ: Any time.

CHAIR DREW: Moving on to the Chehalis Generation Facility. Are we -- Ms. Bumpus? Mr. Miller or anyone
else from Chehalis on the line?

MS. BUMPUS: Chair Drew, for the record, this is Sonia Bumpus. We were expecting that Chehalis would be calling in for their update. Based off of their report to the Council for April 2019, there were no recordable incidents for this reporting period.

CHAIR DREW: Okay. Thank you very much.

Columbia Solar Project, Ms. Kidder.

MS. KIDDER: Thank you, Chair Drew. For the record, my name is Ami Kidder. Staff are continuing coordination with their certificate holder. EFSEC Staff has selected an environmental monitor that would participate in the construction phase of the project. I have no other updates at this time.

CHAIR DREW: Thank you. Are there any questions? Okay. Thank you.

Desert Claim, Ms. Moon.

MS. MOON: Good afternoon, Council, Chair Drew, and Councilmembers. For the record, this is Amy Moon and I'm providing an update for the Desert Claim Project. EFSEC Staff continues to coordinate with Desert Claim, and a field meeting was held on May 10, 2019, at the Desert Claim site to discuss temporary and permanent water crossings with the Washington Department of Ecology, the Washington Department of
Fish and Wildlife, as well as Desert Claim staff and their consultants.

CHAIR DREW: Thank you. Any questions?

WNP - 1/4, Ms. Ramos.

MS. RAMOS: Good afternoon, Chair Drew and Councilmembers. This is Mary Ramos reporting for Energy Northwest. For WNP - 1/4 there are no updates to report.

CHAIR DREW: Okay.

MS. RAMOS: And for Columbia Generating Station, as previously reported during the April 2019 EFSEC Council meeting, Columbia Generating Station began its 24th refueling and maintenance outage on May 11th, and the outage is scheduled to last for 40 days.

And then another topic to report is regarding our NPDES permit submittal. In accordance with S7.4 of this Columbia Generating Station NPDES permit, Columbia submitted a groundwater mounding study engineering report on April 24th.

And then also in accordance with condition S6 of the Columbia Generating Station NPDES permit, Columbia submitted its NPDES permit renewal application on April 30th. No other updates.

CHAIR DREW: Thank you. Are there any questions? Okay. Thank you.
For Grays Harbor Energy Center, Mr. Sherin.

MR. SHERIN: Good afternoon, Chair Drew, Councilmembers. This is Chris Sherin, plant manager of Grays Harbor Energy Center. The only things that are nonroutine to report for this month for Grays Harbor Energy Center is that we did have one minor spill on April 26th. We had an oil leak that was discovered underneath the plant telehandler -- forklift. Estimated leak size was half a gallon to one gallon of oil and it was -- the telehandler was parked on a concrete pad where we normally store it.

So no oil reached any ground surface. It was contained and cleaned up, and we put a drip pan under the axle brake piston that was leaking. And on the 30th our vendor changed out the telehandlers because they were unable to repair it on site.

On April 25th we submitted our March Relative Accuracy Test Audit results to EFSEC and ORCAA, and then we also on the 29th submitted the Operations and Maintenance Manual per the PSD since we made changes to it to EFSEC. Other than that, I don't have anything else to report for the month.

CHAIR DREW: Thank you. Are there any questions?

Thank you.

Ms. Kidder.
MS. KIDDER: Thank you, Chair Drew. I just have a quick update for the Council. The Grays Harbor Energy Center is still within a public comment period for the National Pollution Discharge Elimination System waste discharge permit renewal and that public comment period will continue through close of business today. To date, we have received one public comment.

We are also looking forward to taking the Council to a site visit to Grays Harbor on June 18th, the morning prior to next month's Council meeting.

CHAIR DREW: So specifics in terms of logistics we'll be getting out to the Council. But for those of us starting from Olympia or anyone who wants to join us, I imagine we would carpool.

MS. KIDDER: Correct.

CHAIR DREW: Okay. Thank you.

Moving on now to the -- oh, did you -- I'm sorry, Ami -- Ms. Kidder, did you say when that public comment period is to going to be --

MS. KIDDER: Through close of business today.

CHAIR DREW: Close of business today. Thank you.

Moving on to the air rules. Ms. Bumpus.

MS. BUMPUS: Thank you. Good afternoon, Chair Drew and Councilmembers. I am listed as the individual who would be proposing the draft air rules. However,
I'm going to hand this over to Ms. Ami Kidder and she'll be updating the Council on the draft air rules that are in your packet.

MS. KIDDER: Thank you, Ms. Bumpus.

Today EFSEC Staff is seeking the Council's approval to begin the rulemaking process to amend Washington Administrative Code or WAC Chapter 463-78, the General and Operating Permit Regulations for Air Pollution Sources.

Specifically, with Council approval, Staff intends to file the CR-105 to the Code Reviser's Office by tomorrow, May 22nd. In your packets, you will see a copy of the CR-105 as well as a revised version of WAC 463-78.

Because EFSEC will be adopting by reference rules that have already been through public comment via the Department of Ecology's rulemaking process, this update to EFSEC rule qualifies for expedited process and so the CR-105 form is used.

The Department of Ecology has gone through a series of updates to their air quality rules, in particular, Chapters 173-400, 173-401, and 173-460 -- 406 -- no, it's 460. The purpose of the proposed rule revisions are to be consistent with Ecology and EPA rules and to ensure that EFSEC-issued permits are in
line with current EPA and Ecology regulations.
Additionally, the Washington Air Quality State
Implementation Plan is pending update and requires the
EFSEC rules be updated to move forward.
The revisions help to fulfill the intent of RCW
80.50.040 and RCW 43.21A, which lay the framework for
EFSEC and Ecology to oversee air emissions within the
state.
The Council's action today will allow for Staff to
file the CR-105 in time for the May 22nd filing
deadline, and this will allow the CR-105 to be noticed
in the June 5th publication which begets a 45-day
public comment period continuing through July 20th.
After this, the Council would take action on a
CR-103 which is the rulemaking order, and once filed,
would begin a 30-day waiting period after which the
updated rules take effect.
Are there any questions?
CHAIR DREW: Are there any questions for Staff?
If you would make a motion.
MR. STEPHENSON: Chair Drew, I move to allow EFSEC
Staff to file the CR-105 with the Code Reviser's Office
which would, upon publication, begin a 45-day public
comment period on the proposed rule adoption of WAC
173-400, 173-401, and 173-460 as promulgated in WAC
463-78. I hope I got all those right.

MS. BREWSTER: I second that.

CHAIR DREW: Okay. The motion has been made and seconded. Is there any discussion?

Mr. Stephenson.

MR. STEPHENSON: Chair Drew, Ecology's happy with the cooperative effort that's gone on to get these air rules into EFSEC's business. Air quality at the federal level is rather complex and there's lots and lots of rules and those need revising constantly, and so EPA fixes those, that trickles down to the states and locals, and then to EFSEC. And so we just appreciate all that work. We have to do it, you have to follow-up.

In this case, they are very routine updates but we appreciate the EFSEC staying quickly up-to-date with the needed changes.

CHAIR DREW: Thank you.

Any other comments or discussion? Hearing none, all those in favor of the motion, please say "aye."

COUNCILMEMBERS: Aye.

CHAIR DREW: I heard one "aye" on the phone.

MR. SIEMANN: Aye.

CHAIR DREW: Thank you. Motion is adopted.

MR. SIEMANN: My "aye" was muted. This is Dan
Siemann.

CHAIR DREW: Okay. Thank you. That is adopted and we look forward to it. As Mr. Stephenson said, this is following up on work already done both by EPA and by Department of Ecology, we're just adopting by reference, so we look forward to anything we might hear from the public.

And moving on, I have a quick update. I talked a bit about the bill that we had put forward during the legislative session and I was optimistic that it would pass the Senate, as it was on the floor ready to be passed and then to the Governor's signature; however, the Senate ran out of time and the bill was not considered on the floor so the bill did not pass. So we'll continue to work on what we're working on this year, which is really trying to look at our processes and ways we can improve our processes.

We have a building move taking place at the end of June where we'll be moving to another location with the Utilities and Transportation Commission in Lacey. And that will happen at the end of June so our address will change; however, that should cause very little disruption.

Are there any updates you'd like to make, Ms. Bumpus?
MS. BUMPUS: Chair Drew, thank you. Well, I'm glad you mentioned the move, I was also thinking of that. So I think that's a very good idea to put that out there. We'll certainly be updating our website as we need to with information if there is -- if there are changes that affect communications with EFSEC.

The only thing I was going to just add and it's already been publically noticed and that is the Wild Horse Wind and Solar Facility Council tour that we have scheduled tomorrow morning, May 22nd, and that tour will be taking place between 9 a.m. and 11:30 a.m.

CHAIR DREW: Thank you.

We have two members of the public with us, would either one of you like to comment on anything?

MS. NELSON: I'm Janet Nelson from Kittitas Audubon. I don't see anything that would affect us. I'm not even sure I followed it all.

CHAIR DREW: Thank you. We'll be happy to talk with you afterwards.

MR. PECK: I'm Norm Peck also with Kittitas Audubon, and the only comment I have to make is it was difficult to find anything on your website about the air rule that was going to be discussed today.

CHAIR DREW: Okay.

MR. PECK: And that was the primary reason I
showed up was to get more clarity on that.

    CHAIR DREW: Okay. Thank you. And we can be
happy to talk with you as well after the meeting. So
thank you both for being here.

    Since there is no other business, this meeting is
adjourned.

    (PROCEEDINGS ADJOURNED AT 1:51 P.M.)
CERTIFICATE

STATE OF WASHINGTON )
COUNTY OF YAKIMA )

This is to certify that I, Dani White, Certified Court Reporter in and for the State of Washington, residing at Selah, reported the within and foregoing proceedings; said proceedings being taken before me on the date herein set forth; that said proceedings were taken by me in shorthand and thereafter under my supervision transcribed; and that same is a full, true, and correct record of the proceedings.

IN WITNESS WHEREOF I have set my hand this 4th day of June, 2019.

DANI WHITE
CCR NO. 3352
EFSEC
MONTHLY MEETING
May 21, 2019
ENERGY FACILITY SITE EVALUATION COUNCIL

Roll Call Checklist
Meeting Date: May 21, 2019 EFSEC Monthly Meeting

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1. Call to Order
2. Roll Call
3. Proposed Agenda
4. Minutes
   Meeting Minutes
   - April 16, 2019
5. Projects
   a. Kittitas Valley Wind Project
   b. Wild Horse Wind Power Project
   c. Chehalis Generation Facility
   d. Columbia Solar Project
   e. Desert Claim
   f. WNP – 1/4
   g. Columbia Generating Station
   h. Grays Harbor Energy Center
6. Other
   a. EFSEC Council
5. Projects
   a. Kittitas Valley Wind Project
   b. Wild Horse Wind Power Project
   c. Chehalis Generation Facility
   d. Columbia Solar Project
   e. Desert Claim
   f. WNP – 1/4
   g. Columbia Generating Station
   h. Grays Harbor Energy Center
7. Adjourn
Verbatim Transcript of Monthly Council Meeting
Washington State Energy Facility Site Evaluation Council

April 16, 2019
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<td>1:30 P.M.</td>
<td>MS. MASTRO: Chair, there is a quorum.</td>
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<td>CHAIR DREW: Thank you.</td>
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<td>MR. LAXSON: Yeah, good afternoon. This is</td>
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<td>Joe Laxson from the Department of Health.</td>
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<td>CHAIR DREW: Thank you.</td>
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<td>MS. WARNER: Hi, this is Kara Warner with</td>
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<td>MS. DÍAZ: This is Jennifer Díaz with Puget</td>
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<td>MR. SHERMAN: This is Bill Sherman as</td>
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<td>CHAIR DREW: Okay. Thank you very much.</td>
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<td>With that, we have a proposed agenda in</td>
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<td>MR. LIVINGSTON: Chair Drew, I would like to</td>
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<td>propose a motion to approve the agenda as presented.</td>
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<td>MS. BREWSTER: I second that motion.</td>
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<td>CHAIR DREW: Thank you.</td>
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<td>All in favor, say “aye.”</td>
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<td>COUNCILMEMBERS: Aye.</td>
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| 1. CHAIR DREW: Opposed? The agenda is adopted.                           | 1. as noted in the report. And also, the EFSEC contractor
| 2. We then move to the minutes. The meeting                               | Southwest -- from the Southwest Clean Air Agency and
| 3. minutes have been sent to you previously and are in your packets.    | title -- and EFSEC Staff conducted a Title V site
| 4. Is there a motion to adopt the minutes?                               | 5. inspection for the year, annual year 2019. The
| 5. MR. LIVINGSTON: Chair, I would like to make a motion to approve the minutes as presented, | 6. inspection was conducted on March 28th. At the time of
| 6. CHAIR DREW: Thank you,                                               | 7. the inspection, the Clean Air staff did not note any
| 7. MS. BREWSTER: I'll second that motion.                               | 8. anomalies and everything was as expected. Are there any
| 8. CHAIR DREW: Thank you, Are there --                                 | 9. questions?
| 9. MR. SIEMANN: I will second.                                          | 10. CHAIR DREW: Any questions?
| 10. CHAIR DREW: Opposed? The minutes are adopted,                        | 11. Thank you for your report.
| 11. CHAIR DREW: Are there any comments or --                            | 12. Columbia Solar Project, Ms. Kidder?
| 12. about the minutes? Any corrections?                                  | 13. MS. KIDDER: Thank you, Chair Drew. For the record, my name is Ami Kidder. I have a brief update
| 13. Hearing none, all those in favor of approving the minutes from March 19th, 2018, say "aye," | 14. for you on the Columbia Solar Project. EFSEC Staff are working to obtain an environmental-- environmental monitor
| 14. COUNCILMEMBERS: Aye.                                                | 15. that would participate in the construction phase of the project for all five sites. We will keep the Council updated as we progress. Are there any questions?
| 15. CHAIR DREW: Opposed? The minutes are adopted,                        | 16. CHAIR DREW: Thank you,
| 16. Moving on now to our projects. The first in front of us is the Kittitas Valley Wind Project | 17. Ms. Bumpus?
| 17. MR. MELBARDIS: Good afternoon, Chair Drew,                           | 18. MS. BUMPUS: Chair Drew, I just wanted to note, I'll be providing an update on the litigation for
| 18. EFSEC Council. For the period of March, there was nothing nonroutine to report at Kittitas Valley. Oh, sorry. For the record, this is Eric Melbards with EDP | 19. Columbia Solar at the end of the Council meeting.
| 19.                                                  | 20. CHAIR DREW: Okay. Thank you,
| 20. Renewables. We did have a fire and life safety inspection in March and that came back with a perfect score. | 21. I know at the table we also have a new Staff
| 21. CHAIR DREW: Congratulations.                                        | 22. |
| 22. Any questions?                                                       | |
| 23. Moving on to Wild Horse Wind Power Project,                          | |
| 24. Ms. Diaz?                                                           | |
| 25. COUNCILMEMBERS: Yes. Thank you, Chair Drew and Councilmembers. For the record, Jennifer Diaz with Puget Sound Energy at the Wild Horse Wind and Solar Facility, and we have nothing nonroutine to report for the month of March. | |
| 26. CHAIR DREW: Thank you.                                              | |
| 27. Chehalis Generation Facility, Mr. Miller?                           | |
| 28. MR. MILLER: Good afternoon, Chair Drew and Councilmembers and Staff. I'm Mark Miller for -- from the PacifiCorp Chehalis Generation Facility, I would like to highlight two nonroutine comments for the month of March. Plant conducted the annual relative accuracy test audit for our continuous emission monitors just to verify that they're continuing to operate within their required parameters. | |
| 29. last week indicate that all monitors were performing as -- as -- within the required performance parameters | |

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

The third topic I'd like to report on is
regarding our upcoming refuelling outage. Columbia
Generating Station will begin its 24th refuelling outagc
on May 11. The outage is scheduled to last for 40 days,
and it's an opportunity for us to add fresh nuclear fuel
to the Columbia's reactor core as well as perform
maintenance projects.
The total budget for this outage is
approximately $127 million. More than 1200 fuel
temporary outage workers are hired locally and across
the country to support the outage. This will be in
addition to the normal workforce at Columbia of about a
thousand.
The outage is a high priority for our
station, and it's the key to the plant success and
ability to provide low cost power. It takes two years
to plan an outage, and with just 25 days from the start,
the entire station is heavily involved in the outage
preparations. Every Energy Northwest employee is
assigned an outage job, and during this time, we'd ask
for and appreciate EFSEC's patience as our ability to
respond to questions and requests is limited.
CHAIR DREW: Thank you. Thank you for that
information. That I think helps all of us understand
your operations a little bit better.
1. overview. I hope that that provided some context as we
2. have a lot of activity at this facility in the coming
3. months, As Mr. Sherin mentioned, the Grays Harbor
4. Energy Center has been operating under an administrative
5. extension of their National Pollutant Discharge
6. Elimination System, or NPDES Permit, which was approved
7. by EFSEC at the end of their previous permit,
8. Grays Harbor submitted an engineering
9. report, which was followed by several rounds of review
10. and coordination between EFSEC Staff and the facility,
11. EFSEC approved the engineering report on
12. March 15th, 2018, and since have been working with our
13. contractors at Ecology to develop the NPDES Renewal
14. Permit here before you.
15. Are there any questions?
16. CHAIR DREW: And we also have a Staff from
17. Ecology who has worked -- if you'd like to introduce?
18. MS. KIDDER: Yes, we have our permit
19. contractor here, Liem Nguyen, from Ecology who is
20. contracted with us to develop this permit and fact
21. sheet.
22. CHAIR DREW: Thank you, Welcome.
23. MR. NGUYEN: Good afternoon.
24. MS. KIDDER: And if there are no questions
25. so far, Staff will proceed with our request of the

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

Essentially this is approval of the draft permit and --

MS. BREWSTER: Subject to public...

MR. LIVINGSTON: Yes, that helps.

CHAIR DREW: Thank you. Yes, it's new for a lot of us. So no worries there. So would you --

MR. LIVINGSTON: So I'll modify that motion to, I would make a motion to approve the draft permit pending public review of the period that the EFSEC Council -- or Staff have suggested to us.

CHAIR DREW: Is there a second?

MR. SIEMANN: I'll second that motion.

CHAIR DREW: Thank you.

Any discussion?

Okay. Thank you all -- oh, wait, I better take a vote on that. All those in favor, please say "aye."

COUNCILMEMBERS: Aye.

CHAIR DREW: Thank you. Motion carries and the action for approval of the NPDES Permit Renewal Draft subject to public comment has been approved. Thank you.

Ms. Kidder has additional information for us.

MS. KIDDER: Thank you, Council. In further news, I would like to notify the Council of additional activity planned for this facility in the coming months. At the May Council meeting, Staff tentatively plans to bring forth a petition for rulemaking pursuant to Washington Administrative Code or WAC 463-34-030 in order to update WAC 463-78-005, which adopts several sections of WAC 173 by reference. This update will bring WAC 463-78 current with respect to air quality regulations enacted by the Department of Ecology. Are there any questions up to that point?

CHAIR DREW: If I can explain in my own words perhaps what we are looking at. We adopt Department of Ecology's air quality rules by reference. They have changed their rules, so we are looking to adopt their new rules by reference.

MS. BUMPUS: Correct.

CHAIR DREW: And you will get information on that prior to the May meeting, but to know they've already -- Department of Ecology has already been through the process and the public hearing to adopt their rules.

MS. KIDDER: Thank you.
Specifically the governor asked me to reassemble the scope and role of the Council and recommend changes to reflect the ongoing changes to the industry and the state's needs for reliable, affordable, and clean energy to serve current and future generations; to evaluate the process and procedures of the Council; to consolidate and streamline their work in ways that increase consistency, reduce decision times, and improve the transparency and access to the process; and review the current membership of the Council and recommend changes that would broaden representation from local and tribal governments, industry experts, and the general public.

Throughout 2018, I met with a wide range of stakeholders to gather in-depth input on all aspects of our operations, and working together with the EFSEC Staff, we conducted process-mapping of our core work process—processes, including both analyzing current operations and developing options for future improvements.

Building on this work and with input and support from a broad group of stakeholders, I drafted legislation which was introduced earlier this year. In addition to adding standing membership on the EFSEC Council for counties and tribes, the bill contains important provisions to streamline our project application and review process. This legislation, House Bill 1332, is still moving through the 2019 legislative process. And I will give you an update on that in a little bit.

This work is—this work of the review that the governor asked me to do—is detailed in the 2018 Strategic and Policy Review to Governor Inslee, which I submitted on March 28th, 2019, and is in your packets today. It details what we have learned from our outreach and process improvement activities, what we believe lies ahead as Washington transitions to a hundred percent clean electricity, and what we propose to do to support that vital transition.

We’ve already begun implementation and intend to use this strategic and policy review as a roadmap for our continuous improvement to be carried out over the coming years. I’d like to ask Stewart Henderson, EFSEC senior policy advisor, to brief you on the report and where we are in implementation. And I’ll follow with an update on the status of House Bill 1332.

Mr. Henderson.

MR. HENDERSON: Thank you. Yeah, for the record, this is Stewart Henderson, senior policy advisor.
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1. for EFSEC, And it’s exciting. It’s my first official change to -- to speak with the -- with the Council.
2. Yeah, I was the sort of point person to -- and I’m going to be sort of leading through the -- leading through the report here for those of you who have it.
3. But I was basically the point person to bring together several streams of work that have been going on over the last -- over a year now of input from stakeholders, which are listed on page 15 of the report.
4. But extensive conversations that Chair Drew and others have had with the -- with the wide range of stakeholders, process-mapping that our own team did of our own processes,
5. In further discussions with stakeholders and others, recommendations that -- that -- that were provided which led to the -- the draft of the -- of the -- the bill that Chair Drew was referring to and ongoing input that we received on that. And then continuing efforts that we’ve done to -- to reach out to stakeholders and -- in several ways.
6. The -- the report, again, gives a couple pages of background on EFSEC’s mission and role, which might be a good kind of overview for -- for folks new to us. On pages 4 and 5, it talks about the -- some -- some view of the external conditions that we believe are

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1. -- are kind of looking out to the future, they’re kind of things that are impacting E- SLC moving forward, which changes in industry and energy demand, which really focus a lot on the demands for -- for renewable energy, which even before this session was -- was clear was -- was a way that things were going.
2. And in terms of mapping out the -- the -- the EFSEC of -- the thing about the EFSEC of the future on page 6, we’re really looking at how do we particularly review new wind and solar facilities in the most expeditious way possible and also be ready for even newer technologies that can be expected to be coming -- coming online in the -- in the future years.
3. And through the course, that really identified five strategic opportunities for -- for EFSEC moving forward, which are -- which are -- which are listed here. Basically restructuring the Council for greater accountability, streamlining the application process for everyone, enhancing transparency and public involvement, streamlining regulation and compliance, and refining the scope and role of the Council.
4. I’m just going to say a little bit about -- about each of those and then there’s -- they’re detailed more, one page for each of those. But in terms of restructing the -- the Council for greater accountability, the real goal there is to meet the challenges ahead, EFSEC should be a more cohesive body, better able to retain and build on institutional knowledge. We see in the past, there’s a -- there’s a sort of a core membership of EFSEC, but then different members that come -- that came for -- for different cases, so sometimes there’d actually be three councils convening in -- in -- at one meeting.
5. So there’s a sense that that wasn’t really the best structure in order to retain knowledge and -- and move forward. So several elements were put into the -- into the bill that -- that was put forward this year including bringing the tribes, Washington tribes, into permit membership on the Council, shifting the current active -- temporary memberships of the cities and counties over to permanent standing -- standing membership, in addition to getting input from -- from -- from local jurisdictions whenever a specific -- specific case is up for -- for review.
6. Letting go of the optional state agencies, keeping them closely involved as partners but not having -- having seats that the -- with -- with the Council, letting go of The Port, nonvoting Port representation, which was not very well utilized. And those -- as I said, those things are all in the bill.

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1. and so -- and -- and we’re -- we’re moving forward, The only one that really -- there was some controversy around cities and some desire to keep -- keep -- keep individual representation there, but the other efforts there were -- were widely supported.
2. In terms of opportunity number two, streamlining the application process. Again, the overall goal, which we’re laying out, is that EFSEC should streamline review for all applicants, not just renewable, but for all -- for everybody. But in particular, EFSEC should map its level of review to match the environmental impact and risks associated with different energy technologies and should be granted the flexibility it needs in order to do so.
3. So that led to a -- thinking through in terms of the bill coming up with a new pathway particularly for currently solar -- solar power, solar farms, have -- have an ability to become expedited, but wind farms still have the EIS process. And so we’re -- we’re unable to go through the -- through the expedited process, but it seemed to be -- there seemed to be a call to streamline the review of wind facilities, So among the things that I said that were in the bill was a combined two hearings into one for -- for all -- for -- for all applicants, having the
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1. chance for the Council to waive adjudication, which
2. has -- which has been a time consuming thing, as long as
3. the EIS, the environmental impact statement, provides
4. sufficient information to -- to make a decision. So
5. envisioning straightforward environmental impact
6. statements such as what we see in a -- in a -- in a wind
7. farm or other new technologies that might ameliorate
8. that -- that kind of -- those kind of conditions.
9. And trying to expand the preapplication
10. process. We really saw that it's really clear that the
11. earlier we're involved with folks and the more
12. comprehensive that early involvement is, the better it
13. is in terms of getting a -- getting a result that's a
14. win-win for -- for local folks, for the environment,
15. for -- for energy -- energy developers.
16. Those were the elements here that were
17. related to the bill. There are other -- several other
18. elements involving getting increased input from --
19. from -- from stakeholders and -- and potential --
20. potential applicants, part of which is -- is underway
21. and we're certainly looking for additional and ongoing
22. input.
23. So this here lies [sic] a call for -- for
24. that -- for that input. This is very much a working
25. document. So if -- if you have ideas that -- either

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

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1. that you see here that you want to underline or more
2. detailed ideas that anyone who's listening would like to
3. contribute, please don't -- don't hesitate to contact
4. us. As I said, this is a living document and an
5. ongoing -- ongoing effort to -- to do the best we can.
6. The third opportunity there was to enhance
7. transparency and public involvement. Again, there were
8. a couple elements that were reflected from this in --
9. in -- in the -- in the bill. One, and having to do with
10. environmental justice, which actually, there was --
11. there was some questions about whether that would make
12. it through to -- to the final. But also strengthening
13. the preapplication process, particularly adapting a -- a
14. provision that we -- that -- about site review or early
15. site review in the bill to -- to -- excuse me, in -- in
16. our -- in our current statute to make that -- to adapt
17. that into a -- into a -- into a specific preapplication
18. process.
19. There's also some work proposed to -- to
20. continually continue the efforts that we've -- under
21. Chair Drew to -- to make hearings more accessible to
22. local folks and make sure that -- that the voices of
23. people at hearings are -- are -- are -- are well heard
24. and -- and people feel like -- can -- can see that their
25. input when they -- when they read how we've -- how we've

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1. protection while reducing the time costs and other
2. regulatory burdens on -- on facility -- facility
3. operators. We haven't heard facility operators asking
4. for -- opposed to that. Anything we can do that, you
5. know, maintains protections but cuts time and cost and
6. burdens is something that -- that -- that is -- is
7. widely agreed is a -- a -- a is a good idea.
8. We -- we have had ongoing meetings with --
9. we had our first meeting several weeks ago with
10. certificate holders, which actually went very well.
11. They're going to be hearing back from us in the coming
12. weeks as we build on -- on the input that we got -- that
13. we got from them. And, again, particularly in this
14. area, we are seeking further input. So anyone who --
15. who's listening to this and wants to -- wants to become
16. more engaged, just let us know.
17. And finally the -- the -- the last
18. opportunity had to do with refining the scope and role
19. of the Council. And this is really the most future
20. forward-looking of any of these that -- only one part of
21. this is reflected in the current bill, and that actually
22. probably may not be seen in -- in the final. But really
23. right now, EFSEC kind of -- kind of has a kind of what
24. at one time, I'm sure made -- made great sense, but now
25. is a somewhat scattered patchwork of -- of things

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that -- that energy facilities and transmission
facilities that -- that we regulate,
And there's some thought that, as we said in
the goal here, State decision-makers probably should
collect whether the State would be better positioned to
achieve its energy goals if EFSEC were granted expanded
scope in response to current and expected future changes
in the energy industry. EFSEC could be fully in power
to use its authority and expertise to help accelerate
the transmission to a clean energy economy.
So, again, this is -- this is
future-oriented. It involves ongoing conversations that
would take place in the future with -- with
stakeholders. Obviously nothing would -- would --
would -- would move forward in this area unless, similar
to the bill this year, we had broad stakeholder support
and had -- had things that the people felt very good
about.
There's some rough ideas in -- in Appendix
2, but this is the -- this is the -- we're not taking
any stands on any particular areas at all at this point.
It really is we really are trying to open the door to
are there things that -- that could be done that would
make that -- that everyone agrees would make sense to --
to really take advantage of the fact that EF-SEC is

-- is a one-stop shop and -- and -- and a benefit
to -- to developers and to build on that going forward,
I should say, and I probably couldn't --
shouldn't say it on -- on the record, but the -- that --
that moving forward on that will probably depend on
the -- on the Chair's ability to handle her PTSD and
the current -- current -- current legislative session
that we've been making our way through.
Final thing on -- and that the next set sort
of summarizes on -- on page 12, you know, where we're
going here that the, you know, that the current
legislative session is wrapping up, stakeholder out- --
stakeholder outreach has been going on and will be going
on through -- throughout the -- the future. We've been
preparing for rulemaking. If the bill passes as we
hope, there will be rulemaking required, so we've been
preparing for that. That is something that is going to
take up a good bit of time for many of us in the -- in
the -- the rest of the year.
And, of course, redesigning and improving
our -- our procacosa. Particularly looking forward to
testing out preaplication process with -- with future
applicants that -- that come in. Sort of ideally, we'd
love to -- to beta test some ideas that -- that then
could be put into -- put into rule, and -- and -- and

who knows about the -- the future as well.
So Chair, Chair Drew, that's -- that's kind
of the summary there of -- of what -- what we did and
what we're doing. And, again, this is -- this is really
just what we've proposed, and it's a -- it's what -- the
snapshot of -- of this moment, but we're -- we're hoping
to -- to -- to see this grow and develop as -- as -- as
people become more involved and as conditions --
conditions change.
CHAIR DREW: Thank you, Mr. Henderson,
Before we move on to an update on the
legislation, are there any questions? That was a lot of
information. This is meant to be a briefing to provide
you, I think many of you, I talked to early on when I
started this process. So this is the collection of the
work and the conversations and the recommendations
of that course.
And thank you, Stew, for all the help you
did.
And he is the actual author, so the
beautiful language in there really comes from
Mr. Henderson,
So thank you for -- for your work on this as
well.
Are there any questions?

MR. STEPHENSON: Chair Drew, this is Cullen.
CHAIR DREW: Hi, Mr. Stephenson. Go ahead,
MR. STEPHENSON: Thank you. I went to
congratulate you on, you know, trying to make sure that
the Council and the Staff are excellent, I think the
Council is working better and better than ever, I think
the Staff is wonderful. I appreciate the changes that
you're trying to make and especially adding tribes and
local governments to the discussion is very important.
And then finally, just, you know, the continuing
emphasis on incremental improvement. We can always do
better, and I believe that's what you're trying to do,
so I appreciate that. Thank you,
CHAIR DREW: Thank you,
MR. LIVINGSTON: I will second that.
CHAIR DREW: Thank you, And -- and we can
have further conversations certainly if you'd like to
talk about anything in the report either to Stew or to
myself, please -- and to our manager, Ms. Bumpus, please
feel free to do so. And anyone else too. It's going to
be posted, if it's not already, on our website today or
tomorrow.
MS. AITKEN: Correct.
CHAIR DREW: So for those of you on the
phone, this was something we're providing now and it
will be available for people to get to in the very near future.

In terms of update on the legislation, it's called Engrossed Substitute House Bill, or ESHB 1332, and it's an agency request bill that's been amended throughout the legislative process. It passed the House 68 to 6 and is on the Senate floor calendar. I expect that it will be voted on before the deadline of 5:00 p.m. tomorrow. If it is, it will go to the House for concurrence with the Senate amendments and then to the governor for his signature, and it will become effective 90 days after being signed by the governor, which would make it about the end of July or the 1st of August.

The bill, you heard several of the specifics that Mr. Henderson was talking about, but essentially, to summarize, it expands EFSEC membership to include one member designated by the Washington Association of Counties and two members designated by federally recognized tribes.

As you heard, we had conversations with the cities and they chose to keep their participation the same as current law, and so there was amendment to -- to basically take it back to current law where they may appoint a member when EFSEC is considering an energy facility application within a city's corporate limits.

The percentages are on the green sheet in your packets, and I will go ahead and read off the percentages that run from April 1st, 2019, to June 30th, 2019. For Kittitas Valley Wind Power Project, 10 percent; Wild Horse Wind Power Project, 10 percent; Columbia Generating Station, 26 percent; Columbia Solar, 14 percent; WNP-1, 3 percent; Whistling Ridge Energy Project, 3 percent; Grays Harbor 1 & 2, 13 percent; Chehalis Generating Project, 10 percent; Desert Claim Wind Power Project, 8 percent; and Grays Harbor Energy 3 & 4, 3 percent.

CHAIR DREW: Are there any questions?

Thank you.

MS. BUMPUS: And then I have a few other updates, manager updates, about things that are going on. As I mentioned earlier, I wanted to update the Council on the Columbia Solar Project and the litigation activities that have been going on.

So just to give you some background, on November 14th of last year, Kittitas County had appealed the governor's decision approving the site certification agreements for the five Columbia Solar sites, along with EFSEC's recommendation of approval, and it did so by filing a petition for judicial review in Thurston County Superior Court.
1. In its legal brief to the court, the County
2. argued that EFSEC had acted contrary to law by
3. concluding that no water availability determination was
4. required under the state building code and the county's
5. ordinances for the proposed sites. The Attorney
6. General's Office filed a response brief on behalf of the
7. governor and EFSEC arguing that under the state building
8. code, a water availability determination is only
9. required for the construction of buildings that require
10. drinking water supply.
11. The brief also stated that while the state
12. industrial safety and health rules will require
13. employees working on the sites to have access to
14. drinking water, those rules allow water to be brought on
15. site in containers for construction workers and for the
16. maintenance workers that will occasionally be at the
17. site. Therefore, it was unnecessary to have plumbed
18. water supply at these five sites.
19. Following the receipt of the governor and
20. EFSEC's legal brief on April 8th, 2019, Kittitas County
21. agreed to voluntary dismissal of its appeal with
22. prejudice, meaning that they do not have the right to
23. refile. The request was granted by the assigned judge
24. the following day, which concluded the appeal.
25. So we are now -- and -- and as Armi Kidder

1. discussed earlier, we're continuing to work to get our
2. environmental monitor lined up for when this project
3. would proceed with construction, and we'll keep you
4. posted on how the project progresses as we move into
5. preconstruction activities.
6. The other thing I wanted to -- if there
7. aren't any questions about the litigation activities,
8. the other thing I wanted to let the Council know about
9. is that we're planning to hold the May 21st Council
10. meeting in Ellensburg, Washington. We know that there's
11. been an interest by Councilmembers to go to the
12. facilities that we regulate, and so we are going to have
13. that May 21st Council meeting in Ellensburg.
14. We'll include a site tour of the two wind
15. power projects that we have there, the Wild Horse Wind
17. We are planning for this to be a two-day even, so we
18. would be there May 21 and May 22. Joan will be in touch
19. with Councilmembers on more specifics about the schedule
20. for the 21st and the 22nd and to find out who would be
21. able to attend. So if you have any questions about the
22. itinerary, look for that, but also feel free to contact
23. us and let us know.
24. CHAIR DREW: And I would add that I hope
25. everybody -- I know schedules can be difficult, but I

1. hope that everybody does try to attend the meeting in
2. person and also to see the facilities if you haven't
3. seen them before. Because as we talked about earlier,
4. our compliance and regulation is one of the significant
5. activities that -- the Council approving different types
6. of activities. So personally, I think it's very
7. important for us to be familiar. Myself, I find it
8. easier to understand the topics that we cover and
9. perhaps to have more questions having seen the
10. facilities in person. So I would encourage everyone to
11. do so. Thank you. Are there any questions?
12. MR. LIVINGSTON: Chair, one question I have
13. is, and maybe I know my -- the answer already, but we
14. talked about a tour out to the Columbia Generating
15. Station a while back. Obviously, they got some big
16. things going on right now, so is there any plans in the
17. future for a tour out there as well?
18. CHAIR DREW: Ms. Bumpus?
19. MS. BUMPUS: So in light of the fact that
20. they -- they do have their scheduled shutdown, we're
21. working on several other things, we're looking at I
22. believe now October trying to line up a tour of the
23. Columbia Generating Station facility. So we'll keep you
24. updated, but it has been moved around a few times. But
25. I think that's -- and yeah, is that -- so Amy Moon is

1. nodding yes.
2. MR. LIVINGSTON: Great. Thank you.
3. CHAIR DREW: Thank you.
4. Any other questions? Hearing none, that's
5. the end of our business for today, so this meeting is
6. adjourned.
7. (Meeting adjourned at 2:25 p.m.)
1 C E R T I F I C A T E
2
3 STATE OF WASHINGTON
4 COUNTY OF THURSTON
5
6 I, Tayler Garlinghouse, a Certified Shorthand
7 Reporter in and for the State of Washington, do hereby
8 certify that the foregoing transcript is true and
9 accurate to the best of my knowledge, skill and ability.
10
11
12
13 Tayler Garlinghouse, CCR 3358
14
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25
Kittitas Valley Wind Power Project
Monthly Operations Report

April 2019

Project Status Update

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

Safety:
No incidents

Compliance:
Project is in compliance

Sound:
No complaints

Shadow Flicker:
No complaints

Environmental:
No incidents
Wild Horse Wind Facility  
April 2019

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

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

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

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

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

Eagle Update  
Nothing to report.
Chehalis Generation Facility——Monthly Plant Report – April 2019
Washington Energy Facility Site Evaluation Council

Safety:

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

Environment:

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

Operations and Maintenance Activities:

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

Regulatory/Compliance:

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

Sound monitoring:

- Nothing to report this period.

Carbon Offset Mitigation:

- Nothing to report this period.

Respectfully,

[Signature]

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

Columbia Generating Station (CGS)

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

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

April 2019

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

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

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

Noise and/or Odor
- None.

Site Visits
- None.

Other
- None.
EXPEDITED RULE MAKING

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

Agency: Energy Facility Site Evaluation Council (EFSEC)

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

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

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

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

Is rule necessary because of a:
Federal Law? □ Yes □ No
Federal Court Decision? □ Yes □ No
State Court Decision? □ Yes □ No

If yes, CITATION:

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

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting:</td>
<td>Tammy Mastro</td>
<td>P.O. Box 43172</td>
</tr>
<tr>
<td></td>
<td>Commerce Specialist</td>
<td>Olympia Washington 98504-3172</td>
</tr>
<tr>
<td>Implementation:</td>
<td>Sonia Bumpus</td>
<td>P.O. Box 43172</td>
</tr>
<tr>
<td></td>
<td>EFSEC Manager</td>
<td>Olympia Washington 98504-3172</td>
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<tr>
<td>Enforcement:</td>
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<td>P.O. Box 43172</td>
</tr>
<tr>
<td></td>
<td>EFSEC Manager</td>
<td>Olympia Washington 98504-3172</td>
</tr>
</tbody>
</table>

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

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

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

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

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

**NOTICE**

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

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

AND RECEIVED BY (date) ______

<table>
<thead>
<tr>
<th>Date:</th>
<th>Signature:</th>
</tr>
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<tr>
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<th>Name:</th>
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| Title: |
WAC 463-78-005 Adoption by reference. (1) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-400 WAC, as it existed on December 29, 2012 November 25, 2018, with the exceptions that:

(a) WAC 173-400-111 (5)(a) (last six words), (6), (9), (and WAC 173-400-720 is adopted by reference except the date in WAC 173-400-720 (4)(a)(vi) is May 1, 2015, and WAC) 173-400-730(4) and 173-400-750(2) second sentence are not adopted by reference((7)) and and

(b) The terms "ecology," "authority," "director," and "permitting authority" in WAC 173-400-030 shall mean "the energy facility site evaluation council" unless a different meaning is plainly required by the context.

<table>
<thead>
<tr>
<th>WAC 173-400-025</th>
<th>Adoption of federal rules.</th>
</tr>
</thead>
<tbody>
<tr>
<td>WAC 173-400-030:</td>
<td>Definitions.</td>
</tr>
<tr>
<td>WAC 173-400-036:</td>
<td>Relocation of portable sources.</td>
</tr>
<tr>
<td>WAC 173-400-040:</td>
<td>General standards for maximum emissions.</td>
</tr>
<tr>
<td>WAC 173-400-050:</td>
<td>Emission standards for combustion and incineration units.</td>
</tr>
<tr>
<td>WAC 173-400-060:</td>
<td>Emission standards for general process units.</td>
</tr>
<tr>
<td>((WAC 173-400-070 (5) and (7) only))</td>
<td>Emission standards for certain source categories.</td>
</tr>
<tr>
<td>WAC 173-400-075:</td>
<td>Emission standards for sources emitting hazardous air pollutants.</td>
</tr>
<tr>
<td>WAC 173-400-081:</td>
<td>Emission limits during startup and shutdown.</td>
</tr>
<tr>
<td>WAC 173-400-091:</td>
<td>Voluntary limits on emissions.</td>
</tr>
<tr>
<td>WAC 173-400-105:</td>
<td>Records, monitoring, and reporting.</td>
</tr>
<tr>
<td>WAC 173-400-107:</td>
<td>Excess emissions.</td>
</tr>
<tr>
<td>WAC 173-400-110:</td>
<td>New source review (NSR) for sources and portable sources.</td>
</tr>
<tr>
<td>WAC 173-400-111:</td>
<td>Processing notice of construction applications for sources, stationary sources and portable sources.</td>
</tr>
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<td>WAC 173-400-112:</td>
<td>Requirements for new sources in nonattainment areas.</td>
</tr>
<tr>
<td>WAC 173-400-113:</td>
<td>Requirements for new sources in attainment or unclassifiable areas.</td>
</tr>
<tr>
<td>WAC 173-400-114:</td>
<td>Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.</td>
</tr>
<tr>
<td>WAC 173-400-116:</td>
<td>Increment protection.</td>
</tr>
<tr>
<td>WAC 173-400-117:</td>
<td>Special protection requirements for federal Class I areas.</td>
</tr>
<tr>
<td>WAC 173-400-120:</td>
<td>Bubble rules.</td>
</tr>
</tbody>
</table>
(2) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-401 WAC, as it existed on September 10, 2011, with the exception that (a) WAC 173-401-620(2)(a)(i) is not adopted by reference, and (b) the terms "ecology," "authority," "director," and "permitting authority" shall mean "the energy facility site evaluation council" unless a different meaning is plainly required by the context.
WAC 173-401-530: Insignificant emission units.
WAC 173-401-531: Thresholds for hazardous air pollutants.
WAC 173-401-532: Categorically exempt insignificant emission units.
WAC 173-401-533: Units and activities defined as insignificant on the basis of size or production rate.
WAC 173-401-600: Permit content.
WAC 173-401-605: Emission standards and limitations.
WAC 173-401-610: Permit duration.
WAC 173-401-615: Monitoring and related recordkeeping and reporting requirements.
WAC 173-401-620: Standard terms and conditions.
WAC 173-401-625: Federally enforceable requirements.
WAC 173-401-630: Compliance requirements.
WAC 173-401-635: Temporary sources.
WAC 173-401-640: Permit shield.
WAC 173-401-650: Operational flexibility.
WAC 173-401-700: Action on application.
WAC 173-401-705: Requirement for a permit.
WAC 173-401-710: Permit renewal, revocation and expiration.
WAC 173-401-720: Administrative permit amendments.
WAC 173-401-722: Changes not requiring permit revisions.
WAC 173-401-725: Permit modifications.
WAC 173-401-730: Reopening for cause.
WAC 173-401-750: General permits.
WAC 173-401-800: Public involvement.
WAC 173-401-810: EPA Review.
WAC 173-401-820: Review by affected states.

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

Part 1 - GENERAL PROVISIONS
WAC 173-406-100: Acid rain program general provisions.
WAC 173-406-102: Measurements, abbreviations, and acronyms.
WAC 173-406-103: Applicability.
WAC 173-406-105: Retired units exemption.
WAC 173-406-106: Standard requirements.
Part II - DESIGNATED REPRESENTATIVE
WAC 173-406-200: Designated representative.
WAC 173-406-201: Submissions.

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

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

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

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

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

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

Part IX - NITROGEN OXIDES

Part X - SULFUR DIOXIDE OPT-IN
WAC 173-406-950: Sulfur dioxide opt-ins.
(4) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-460 WAC, as it existed on June 20, 2009.

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

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

  WAC 173-441-010: Scope.
  WAC 173-441-020: Definitions.
  WAC 173-441-030: Applicability.
  WAC 173-441-040: Greenhouse gases.
  WAC 173-441-050: General monitoring, reporting, recordkeeping and verification requirements.
  WAC 173-441-060: Authorization and responsibilities of the designated representative.
  WAC 173-441-070: Report submittal.
  WAC 173-441-080: Standardized methods and conversion factors incorporated by reference.
  WAC 173-441-090: Compliance and enforcement.
  WAC 173-441-100: Addresses.
  WAC 173-441-110: Fees.

WAC 173-441-140: Petitioning ecology to use an alternative calculation method to calculate greenhouse gas emissions.

WAC 173-441-150: Confidentiality.

WAC 173-441-160: Ecology to share information with local air authorities and with the energy facility site evaluation council.

WAC 173-441-170: Severability.

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

WAC 463-78-100 Registration. (1) Purpose. The registration program is used by the council to develop and maintain a current and accurate record of air contaminant sources subject to chapter 80.50 RCW. Information collected through the registration program is used to evaluate the effectiveness of air pollution strategies in collaboration with the department of ecology, and to verify source compliance with applicable air pollution requirements.

(2) Requirement to register. Except as provided in subsection (3) of this section, the owner or operator of each source subject to chapter 80.50 RCW shall register the source with the council. Sources subject to the Operating permit regulation in chapter 173-401 WAC are not required to comply with these registration requirements.

(3) The following sources are exempt from registration:

(a) A source that emits pollutants below the following emission rates:

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

(b) A source or emission unit that does not emit measurable amounts of Class A ((or Class B)) toxic air pollutants specified in WAC 173-460-150 ((or 173-460-160)).

(4) Initial registration. The owner or operator of a source that exists on the effective date of this rule must register the source with the council by no later than one year after the effective date of this rule. The owner or operator of a new source must register with the council within ninety days after beginning operation.

(5) Annual reregistration. After initial registration, the owner or operator of a source must reregister with the council by February 15 of each year. The reregistration must include all of the informa-
tion required in the initial registration and must be updated to re-
fect any changes to such information since the previous registration.
For information that has not changed since the previous registration,
the owner or operator may reaffirm in writing the correctness and cur-
rent status of the information previously furnished to the council.

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

(a) Name of the source and the nature of the business;
(b) Street address, telephone number((faximile number)) and
email address of the source;
(c) Name, mailing address, telephone number((faximile number))
and email address of the owner or operator;
(d) Name, mailing address, telephone number((faximile number))
and email address of the local individual responsible for compliance
with this rule;
(e) Name, mailing address, telephone number((faximile number))
and email address of the individual authorized to receive requests for
data and information;
(f) A description of the production processes and a related flow
chart;
(g) Identification of emission units and air pollutant generating
activities;
(h) A plot plan showing the location and height of all emission
units and air pollutant generating activities. The plot plan must also
show the property lines of the air pollution source and indicate the
distance to and direction of the nearest residential or commercial
property;
(i) Type and quantity of fuels, including the sulfur content of
fuels, used on a daily and annual basis;
(j) Type and quantity of raw materials used on a daily and annual
basis;
(k) Estimates of the total actual emissions for the air pollution
source of the following air pollutants: Particulate matter emissions,
PM_{10} emissions, sulfur dioxide (SO_{2}), nitrogen oxides (NO_{x}), carbon
monoxide (CO), volatile organic compounds (VOC), lead (Pb), fluorides,
sulfuric acid mist, hydrogen sulfide (H_{2}S), total reduced sulfur
(TRS), and reduced sulfur compounds;
(l) Calculations used to determine the estimated emissions in (k)
of this subsection;
(m) Estimated efficiency of air pollution control equipment under
present or anticipated operating conditions; and
(n) Any other information specifically requested by the council.

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

(a) Source-specific emission tests;
(b) Mass balance calculations;
(c) Published, verifiable emission factors that are applicable to
the source;
(d) Other engineering calculations; or
(e) Other procedures to estimate emissions specifically approved by the council.
(8) Other reports required.
(a) A report of closure shall be filed with the council within ninety days after operations producing emissions permanently ceased at any source within the council's jurisdiction.
(b) A report of relocation of the source shall be filed with the council no later than ninety days prior to the relocation of the source. Submitting a report of relocation does not relieve the owner or operator of other site certification agreement amendment requirements pursuant to chapter 463-66 WAC, nor does it relieve the owner or operator from the requirement to obtain a permit or approval to construct if the relocation of the air pollution source would be a new source or modification subject to any federal or state permit to construct rule.
(c) A report of change of owner or operator shall be reported to the council within ninety days after the change in ownership is effective. Submitting the report of change of ownership does not relieve the owner or operator of other site certification agreement amendment requirements pursuant to chapter 463-66 WAC.
(9) Certification of truth and accuracy. All registrations and reports must include a certification by the owner or operator as to the truth, accuracy, and completeness of the information. This certification must state that, based on information and belief formed after reasonable inquiry, the statements and information are true, accurate, and complete.
(10) The council shall ensure that the following, as it pertains to sources covered under this rule, is passed on to ecology in a timely manner for inclusion in its permit register:
(a) Public meetings or hearings on draft operating permits;
(b) Receipt of complete applications;
(c) Permit appeals;
(d) Issuance or denial of final permit, permit modifications, or renewals;
(e) Authorization for a source to operate without an operating permit by limiting its potential to emit to levels below those that would require the source to obtain an operating permit;
(f) Periodic summaries of enforcement order and changes made without revising the permit pursuant to WAC 173-401-722.