

Verbatim Transcript of Monthly Council Meeting

Washington State Energy Facility Site Evaluation Council

September 21, 2021



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WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL

September 21, 2021

1:30 p.m.

Virtual Monthly Meeting
Verbatim Transcript of Proceedings

DATE TAKEN: SEPTEMBER 21, 2021

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

1 A P P E A R A N C E S

2 Councilmembers:

- 3 KATHLEEN DREW, Chair
- ROB DENGEL, Department of Ecology
- 4 LENNY YOUNG, Department of Natural Resources
- MIKE LIVINGSTON, Fish and Wildlife

5 Assistant Attorney General:

6 JON THOMPSON

7 Local Government and Optional State Agencies for the
8 Goose Prairie Project, Department of Transportation:

9 BILL SAURIOL

10 EFSEC Staff:

- 11 JOAN OWENS
- SONIA BUMPUS
- 12 KYLE OVERTON
- AMY MOON
- 13 JOE WOOD
- SEAN CHISHOLM
- 14 PATTY BETTS
- ANDREA GRANTHAM

15 Also in Attendance:

- 16 JENNIFER GALBRAITH, PSE Wild Horse
- 17 MARK MILLER, Chehalis Generating Facility
- CHRIS SHERIN, Grays Harbor Energy
- 18 MARY RAMOS, Energy Northwest
- OWEN HURD, TUUSSO Energy
- 19 BILL SHERMAN, Counsel for The Environment

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1 LACEY, WASHINGTON; SEPTEMBER 21, 2021

2 1:30 P.M.

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

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6 CHAIR DREW: Good afternoon. This is
7 Kathleen Drew, Chair of the Washington State Energy
8 Facility Site Evaluation Council, and I'm calling our
9 monthly meeting for September 21st, 2021, to order.

10 Ms. Bumpus, will you call the roll?

11 MS. BUMPUS: Yes. Department of Commerce?

12 CHAIR DREW: Excused.

13 MS. BUMPUS: Department of Ecology?

14 MR. DENGEL: Rob Dengel, present.

15 MS. BUMPUS: Fish and Wildlife?

16 MR. LIVINGSTON: Mike Livingston, present.

17 MS. BUMPUS: Department of Natural

18 Resources?

19 MR. YOUNG: Lenny Young, present.

20 MS. BUMPUS: And Utilities and

21 Transportation Commission?

22 CHAIR DREW: Excused.

23 MS. BUMPUS: Okay. Department of

24 Transportation?

25 MR. SAURIOL: Bill Sauriol, present.

1 MS. BUMPUS: Department of Agriculture?
2 Benton County?
3 Assistant Attorney General, Jon Thompson?

4 MR. THOMPSON: Present.

5 MS. BUMPUS: Judge Sullivan?
6 Judge Torem?

7 Ami Hafkemeyer is excused for Council Staff.
8 Amy Moon?

9 MS. MOON: Amy Moon, present.

10 MS. BUMPUS: Kyle Overton?

11 MR. OVERTON: Kyle Overton, here.

12 MS. BUMPUS: Joe Wood?

13 MR. WOOD: Joe Wood, present.

14 MS. BUMPUS: Sean Chisholm?

15 MR. CHISHOLM: Sean Chisholm, present.

16 MS. BUMPUS: Patty Betts?

17 MS. BETTS: Patty Betts, present.

18 MS. BUMPUS: Stew Henderson?

19 Stephen Posner?

20 Joan Owens?

21 MS. OWENS: Present.

22 MS. BUMPUS: Andrea Grantham?

23 MS. GRANTHAM: Present.

24 MS. BUMPUS: Okay. For our operational
25 updates for our facilities, Kittitas Valley?

1 CHAIR DREW: Not here.

2 MS. BUMPUS: Wild Horse Wind Power Project?

3 MS. GALBRAITH: Jennifer Galbraith, present.

4 MS. BUMPUS: For Grays Harbor?

5 CHAIR DREW: Not present.

6 MR. SHERIN: Chair Drew, this is Chris

7 Sherin, I am present. I made it.

8 CHAIR DREW: Oh, okay. Great. Thank you.

9 MS. BUMPUS: Chehalis Generation Facility?

10 MR. MILLER: This is Mark Miller for the

11 PacifiCorp Chehalis Facility.

12 MS. BUMPUS: Thank you.

13 Columbia Generating Station?

14 MS. RAMOS: Mary Ramos and Marshall Schmitt,

15 present.

16 MS. BUMPUS: And Columbia Solar?

17 MR. HURD: Owen Hurd, present.

18 MS. BUMPUS: All right. Thank you.

19 And counsel for the environment?

20 MR. SHERMAN: Bill Sherman and Megan Sallomi

21 for the Environmental Protection Division at the AG's

22 Office, present.

23 MS. BUMPUS: Thank you.

24 Chair Drew, that -- and we have Chair Drew

25 present as well. That completes roll call.

1 CHAIR DREW: So, Miss Bumpus, I believe,
2 then, we have a quorum for the regular Council and a
3 quorum for the Goose Prairie Council. But unless we
4 have either Mr. Brost or Mr. Sandison, we do not have a
5 quorum for Horse Heave, but we also do not have any
6 actions planned.

7 MS. BUMPUS: Correct.

8 CHAIR DREW: Is that correct?

9 MS. BUMPUS: Yes.

10 CHAIR DREW: Okay. So let's now move on to
11 the proposed agenda. You have in your packets and see
12 on your screen the revised, proposed revised agenda for
13 our meeting today. Is there a motion to adopt the
14 revised agenda?

15 MR. DENGEL: Rob Dengel, motion to adopt the
16 agenda.

17 CHAIR DREW: Second?

18 MR. YOUNG: Lenny Young, second.

19 CHAIR DREW: Thank you.

20 All those in favor?

21 COUNCILMEMBERS: Aye.

22 CHAIR DREW: Opposed? The agenda is
23 adopted.

24 Moving on to the monthly -- excuse me, the
25 meeting minutes, which we have three before us today.

1 August was a busy month. So first, let's take up the
2 August 6th, 2021, special meeting minutes for approval.
3 The draft minutes are in front of you and were in your
4 packets. Is there a motion to approve the August
5 6th -- you're on August 17th there. Moving back to the
6 August 6th. Thank you -- special meeting for the August
7 6th meeting?

8 MR. LIVINGSTON: This is Mike Livingston. I
9 move to approve those minutes as presented.

10 CHAIR DREW: Thank you.

11 Are there any edits or changes or
12 discussion? Hearing none, all those in favor of
13 approving the minutes, say aye.

14 COUNCILMEMBERS: Aye.

15 CHAIR DREW: All those opposed? Minutes
16 from August 6th special meeting are approved.

17 Moving on to the August 17th, 2021, monthly
18 meeting minutes. You have them before you as drafted.
19 Is there a motion to approve the August 17th monthly
20 meeting minutes?

21 MR. YOUNG: Lenny Young, I move to approve
22 the August 17th meeting minutes.

23 CHAIR DREW: Thank you.

24 Are there any edits or changes or
25 discussion?

1 Hearing none, all those in favor of
2 approving the August 17th monthly meeting minutes, say
3 aye.

4 COUNCILMEMBERS: Aye.

5 CHAIR DREW: All those opposed? The meeting
6 minutes are approved.

7 Moving on to the August 17th public
8 informational meeting minutes, and this was for the
9 Columbia Solar amendment. There we are, public
10 informational meeting. The draft minutes are in front
11 of you and in your packets. Is there a motion to
12 approve the Columbia Solar public informational meeting
13 minutes?

14 MR. YOUNG: Lenny Young, I move to approve
15 the Columbia Solar public informational meeting
16 August 17th, 2021 minutes.

17 CHAIR DREW: Thank you.

18 Is there a second?

19 MR. LIVINGSTON: Mike Livingston, second.

20 CHAIR DREW: Thank you.

21 I have one change in this meeting minutes.
22 On page 22, line 4 in the portion that actually was the
23 EFSEC informational presentation. There it says on line
24 4, "forest haven" instead of Horse Heaven as the map of
25 current facilities and projects under review. And so I

1 would like to amend the minutes so it reads Horse Heaven
2 instead of forest haven.

3 With that, all those in favor of approving
4 the minutes as amended, please say aye.

5 COUNCILMEMBERS: Aye.

6 CHAIR DREW: Opposed?

7 The minutes are approved as amended.

8 Okay. Now we will move on to our
9 operational updates starting with Kittitas Valley Wind
10 Project, Mr. Overton.

11 MR. OVERTON: Yes, thank you. This is Kyle
12 Overton, the EFSEC site specialist for the Kittitas
13 Valley project. For the month of August, there were no
14 nonroutine items to report.

15 CHAIR DREW: Thank you.

16 Moving on to the Wild Horse Wind Facility,
17 Ms. Galbraith.

18 MS. GALBRAITH: Yes, thank you, Chair Drew,
19 Councilmembers, and Staff. This is Jennifer Galbraith
20 with Puget Sound Energy reporting for the Wild Horse
21 Wind project. For the month of August, I only have one
22 nonroutine update.

23 In accordance with the site certificate
24 agreement, the Operations Spill Prevention, Control and
25 Countermeasures Plan was updated and submitted to EFSEC

1 Staff on August 17th. There was only a few minor
2 administrative changes. And that's all I have. Thank
3 you.

4 CHAIR DREW: Thank you.

5 Moving on to Chehalis Generation Facility,
6 Mr. Miller?

7 MR. MILLER: Good afternoon, Chair Drew,
8 EFSEC Council, and Staff. This is Mark Miller, plant
9 manager, representing the PacifiCorp Chehalis Generation
10 Facility. I have one nonroutine note that was submitted
11 during the month of August.

12 As mentioned in the July and August reports,
13 the Chehalis plant had been restricted on water
14 purchases from the City of Chehalis due to low flow of
15 the Chehalis River that's measured at the USGS Grand
16 Mound metering station. That restriction began on
17 July 8th, 2021. And this is a note of
18 September 14th, 2021, during the special meeting, the
19 Council approved PacifiCorp's request to buy water for
20 the City of Chehalis with commitment to fund certain
21 conservation measures.

22 Following receipt of the approved
23 resolution, the Chehalis Facility did begin taking water
24 during the low flow period on September 15th. And our
25 good fortune, it rained the next day, and the river

1 flows returned to above 165 cubic feet per second on
2 September 19th at 9:00 a.m.

3 So we appreciate the Council's attention and
4 support, and we will meet the requirements of Resolution
5 350 as approved by the Council.

6 Are there any questions?

7 CHAIR DREW: Thank you.

8 Are there any questions from Councilmembers?

9 Thank you, Mr. Miller.

10 The Title V Air Operating Permit, then,
11 Mr. Overton.

12 MR. OVERTON: Yes, thank you again. This is
13 Kyle Overton, the site specialist for the Chehalis
14 Facility. EFSEC Staff have provided a draft Title V Air
15 Operating Permit, or AOP, and associated basis statement
16 for the Council to review and consideration. This
17 permit is required of the facility per WACs 463-78 and
18 173-401 and Title V of the Federal Clean Air Act.

19 This permit is required to be renewed every
20 five years and was initially issued to the facility in
21 2006. On December 23rd, 2020, EFSEC received an
22 application from the facility to renew their AOP, and
23 their application deemed complete on January 28th of
24 2021.

25 EFSEC's Southwest Clean Air Agency, or

1 SWCAA, contractor developed the draft permit basis
2 statement in conjunction with EFSEC and facility staff.
3 No substantial changes or changes to emissions limits
4 were -- are being proposed in this permit renewal.

5 At this stage of the EFSEC process, EFSEC
6 is -- EFSEC Staff is requesting the Council to authorize
7 the release of the permit documents for a 30-day public
8 comment period and a 45-day EPA comment period, which
9 are required per regulation. The public comment period
10 would run from September 22nd through October 22nd, and
11 the EPA comment period would start the same day and
12 conclude on November 6th.

13 If the Council chooses, they may
14 conditionally approve these documents pending the
15 results of these comment periods, and if no substantial
16 comments are received, EFSEC would then issue the permit
17 at the conclusion of the comment periods. But if any
18 substantial comments are received, EFSEC Staff would be
19 provided -- would provide the comments to the Council
20 for their consideration and determination for next
21 steps.

22 Are there any questions?

23 CHAIR DREW: Are there any questions from
24 the Councilmembers for Mr. Overton?

25 I think we're familiar with the air permits

1 and the, if you will, preliminarily determining approval
2 and then allowing the public comment period to take
3 place, and if there are no substantial comments, then
4 the permits will be approved. That's the process we've
5 used in the past.

6 Are -- for this specific permit, are there
7 any questions about that?

8 Okay. Hearing none, is there a motion for
9 the Council to make a preliminary determination to
10 approve the draft Title V Air Operating Permit for
11 Chehalis Generating Facility which will allow EFSEC
12 Staff to begin the public comment period on the draft
13 permit documents?

14 MR. DENGEL: Rob Dengel, a motion to approve
15 the preliminary Title V Air Permit -- Operating Permit
16 for the Chehalis Generation Facility for the purposes of
17 going out to comment.

18 CHAIR DREW: Thank you.

19 Is there a second?

20 MR. LIVINGSTON: Mike Livingston, a second.

21 CHAIR DREW: Thank you.

22 Is there discussion about this? From the --

23 MR. DENGEL: This is Rob --

24 CHAIR DREW: Go ahead, Rob.

25 MR. DENGEL: Oh, this is Rob Dengel. I'll

1 just mention that these are pretty routine permit
2 updates, and my understanding, talking to the engineer
3 who helped put this together, is that there have been no
4 significant changes at the facility between these two
5 permit -- permit periods.

6 CHAIR DREW: Thank you.

7 All those in favor of approving the
8 preliminary determination on the Air Operating Permit
9 and allowing the Staff to move forward with the public
10 comments, please say aye.

11 COUNCILMEMBERS: Aye.

12 CHAIR DREW: Opposed? The motion is
13 adopted. Thank you.

14 We will move on to the Grays Harbor Energy
15 Center, Mr. Sherin.

16 MR. SHERIN: Good afternoon, Chair Drew,
17 Councilmembers, and EFSEC Staff. This is Chris Sherin,
18 the plant manager from Grays Harbor Energy Center. For
19 the month of August, I have no nonroutine items to
20 report. I will mention, though, that I sent in a
21 revision to what you probably have in front of you. I
22 did add that we completed our Relative Accuracy Test
23 Audit, or RATA, August 10th through 12th.

24 CHAIR DREW: Thank you, Mr. Sherin. The
25 marvelous Ms. Owens caught that on the fly and it's in

1 front of you on the screen although it wasn't in the
2 packet.

3 MR. SHERIN: Excellent. Thank you.

4 CHAIR DREW: Thank you.

5 Moving on to Columbia Generating Station,
6 Ms. Ramos.

7 MS. RAMOS: Thank you. Good afternoon,
8 Chair Drew, Councilmembers, and Staff. This is Mary
9 Ramos reporting for Energy Northwest. So for the month
10 of August, I have one nonroutine update to report for
11 Columbia Generating Station.

12 On August 22nd, Columbia Generating Station
13 determined that no more than approximately 8 gallons of
14 silicone oil was inadvertently released into a plant
15 service water system. And this was due to a failed heat
16 exchanger on a plant-installed air compressor. The
17 plant service water system provides cooling to
18 nonradioactive equipment in the plant and returns to the
19 circulating water basin, which contains at a minimum of
20 300,000 gallons of water. Circulating water basins
21 serves as the water source for noncontact cooling water,
22 plant service water, and fire protection water.

23 At the time of the release, the circulating
24 water system was estimated to contain approximately six
25 and a half million gallons. The circulating water basin

1 is connected to the Columbia River via blowdown line.
2 Although not confirmed, it is suspected that an unknown
3 quantity of silicone oil may have been released into the
4 Columbia River. The release was stopped when the air
5 compressor was removed from service.

6 Energy Northwest conducted a visual
7 inspection of the circulating water basin and did not
8 identify any oil sheen or film. Energy Northwest
9 determined that the potential oil -- oil release did not
10 pose a threat to health or the environment. However,
11 since there could have been a discharge of an unknown
12 quantity of silicone oil into the Columbia River, Energy
13 Northwest immediately notified the U.S. Coast Guard
14 National Response Center and Division of Emergency
15 Management in accordance with Revised Code of Washington
16 90.56.280.

17 In addition, Energy Northwest provided a
18 courtesy notification to our EFSEC siting specialist,
19 Ms. Amy Moon.

20 Per EFSEC's request, Energy Northwest also
21 submitted a written report, and this was in accordance
22 with the Columbia Generating Station's National
23 Pollutant Discharge Elimination Permit, specifically
24 section S3.E.c of our permit. This report is often
25 referred to as a five-day report, and the report was

1 submitted to EFSEC and Ecology on September 14th via
2 email and Ecology's web portal.

3 Are there any questions?

4 CHAIR DREW: Are there any questions from
5 Councilmembers?

6 MR. YOUNG: Yeah, this is Lenny Young. Is
7 any aspect of this still open? Is there any follow-up
8 that's underway or any regulatory oversight actions that
9 are still pending? To what extent is this concluded
10 or -- or still ongoing?

11 MS. RAMOS: So the spill has -- or the
12 potential source of the leak has been stopped when we
13 placed that equipment out of service. And then as far
14 as actions for Energy Northwest, after that written
15 five-day report was submitted, we're now waiting for
16 input from EFSEC and Ecology.

17 Does that answer your question?

18 MR. YOUNG: Yes, it does.

19 CHAIR DREW: Thank you.

20 MS. RAMOS: Thank you.

21 CHAIR DREW: Any other questions?

22 Thanks. So this will be an issue we'll hear
23 conclusions about in the future as well. Thank you.

24 MS. RAMOS: Thank you, and I don't -- I do
25 not have any updates for August for WNP-1/4.

1 CHAIR DREW: Okay. Thank you.

2 Our next item on the agenda is the Desert
3 Claim Wind Power Project, Ms. Moon. Ms. Moon, Desert
4 Claim Wind Power Project.

5 MS. MOON: Oh. Gosh, Chair Drew, I'm so
6 sorry. I read it to you with my mic muted.

7 CHAIR DREW: Go ahead. Let's try again.

8 MS. MOON: Now I need to open it again.
9 Okay. Good afternoon, Council Chair Drew and
10 Councilmembers. For the record, this is Amy Moon
11 providing an update on the Desert Claim Project.
12 Currently there are no updates to the project, but we
13 continue to work with Desert Claim.

14 CHAIR DREW: Thank you.

15 And next for our update, Horse Heaven Wind
16 Project, Ms. Moon?

17 MS. MOON: Again, good afternoon, Council
18 Chair Drew and Councilmembers. For the record, this is
19 Amy Moon providing an update on the Horse Heaven Wind
20 Project. EFSEC wants to provide you, the Council, with
21 the status on the Draft Environmental Impact Statement
22 or the DEIS. We want to provide an update on that
23 preparation effort.

24 As you know, following the applicant's
25 withdrawal of their request for the expedited processing

1 of the application on March 29th, 2021, a determination
2 of significance scoping notice was issued on May 11th.
3 The scoping notice announced a 30-day public comment
4 period, which ended on June 10th of 2021.

5 EFSEC Staff and their consultant worked on
6 tracking and reviewing the comments, which included 361
7 public comments. In addition, EFSEC received
8 approximately 17 comment letters from agencies and
9 tribes.

10 During that same timeframe, EFSEC's
11 consultant was also preparing several data requests for
12 the applicant. The 134 data requests covered a wide
13 number of topical areas including habitats, wildlife,
14 vegetation, air, noise, recreation, water supply, land
15 and shoreline use, cultural historic, esthetic, earth,
16 service water and wetlands, energy and natural
17 resources, light and glare, environmental health, heat
18 dissipation, transportation, stormwater, and finally
19 wastewater.

20 These requests were provided to the
21 applicant in three packages between May 27th and July
22 22nd of 2021. The applicant subsequently provided
23 responses beginning July 1st, and the most recent
24 response was received yesterday on September 20th.

25 The applicant is still preparing a few

1 remaining responses associated with cultural resources
2 and visual simulations, which falls into esthetics.

3 Between April 4th, 2021, and now, EFSEC has
4 also been working with our consultant to define the
5 parameters providing the draft EIS. Those parameters
6 that we're working on now defining are the final scope
7 of elements of the environment that will be examined in
8 the draft EIS, the alternatives that will be examined,
9 how impacts will be analyzed using an impact rating
10 system, identification of reasonably foreseeable
11 projects for the cumulative effects analysis, the
12 overall organization of the draft EIS, the draft EIS
13 document review period, and an overall timeline.

14 Most of these decisions are interconnected
15 to some degree or another. For example, the scope of
16 the elements of the environment and determination of
17 alternatives could not be made until public scoping was
18 completed and all comments were considered. As
19 indicated, the timeline is affected by all these
20 preliminary pieces that are important steps to
21 completing the SEPA process.

22 EFSEC Staff continue to coordinate with the
23 applicant on responses to data requests and
24 clarifications regarding the application for site
25 certification. This coordination and completion of

1 these interim tasks are important in producing an
2 informative DEIS for the Council and the public.

3 In the meantime, we are working to identify
4 the timeframe of major milestones so we can keep the
5 Council and applicant apprised of these as work
6 progresses.

7 Does the Council have any questions?

8 CHAIR DREW: Are there questions from
9 Councilmembers?

10 MR. LIVINGSTON: Chair Drew, this is Mike
11 Livingston. I'm curious, so as scoping comments and the
12 responses from the applicant are put together, when --
13 when would you anticipate us, as Councilmembers, being
14 able to view some of these draft documents? Or are they
15 available today and I just haven't seen them yet?

16 MS. MOON: So I guess I'm misunderstanding.
17 What draft documents? Do you mean the full draft EIS or
18 do you mean comments that public and agency --

19 MR. LIVINGSTON: Yeah, the -- the -- yeah,
20 the scoping comments that came in from the public as
21 well as the responses from the applicant.

22 MS. MOON: So the responses we have from the
23 applicant are from data requests. So we asked them for
24 additional information, and those are posted on the
25 public EFSEC website. And then comments are also posted

1 on that public website. I don't -- I don't know that
2 they have been posted to a Council share point site for
3 review, but they are on the public Horse Heaven website.

4 MR. LIVINGSTON: Okay. That's -- that's
5 what I was asking for, Amy. Thank you.

6 MS. MOON: You're welcome.

7 CHAIR DREW: Thank you.

8 Are there other questions from
9 Councilmembers?

10 Thank you, Ms. Moon. And it's a complex
11 process with a lot of information, work, and gathering
12 and -- going on. And I know that we will have more
13 information yet at the next monthly meeting. So thank
14 you for your report.

15 Moving on to the Columbia Solar Project.
16 First of all, let's have a facility update by Mr. Owen
17 Hurd.

18 MR. HURD: Good afternoon, Chair Drew,
19 Councilmembers, and EFSEC Staff. This is Owen Hurd for
20 TUUSSO Energy reporting on the Columbia Solar Projects.

21 Regarding construction status, Penstemon
22 pile driving is complete.

23 Puget Sound Energy's interconnection work
24 and inverter installation is underway. Torque tubes are
25 expected shortly and then installation will begin

1 immediately thereafter.

2 For Camas, a majority of pile driving is
3 complete. Inverters have been delivered and are
4 currently being installed as are the torque tubes.
5 We've gotten a portion of them and are still expecting
6 some.

7 On Urtica, pile driving is now underway.
8 We're seeing a higher refusal rate than the other sites,
9 but that was to be expected.

10 Module deliveries have recently been delayed
11 due to port congestion, which affects all these projects
12 and we don't have a real clear view of how long that
13 will be. Weeks, but seems like it will be two to six
14 weeks.

15 Environmental compliance, all BMPS are in
16 place. Golder and Northwest Code continue to do their
17 routine inspections. The main issue we have is
18 construction dust on Penstemon, between the combination
19 of bare dirt, high winds, and water trucks being in
20 short supply due to wildfires. The dirt piles have been
21 removed/placed back in trenches, filled up with
22 hydroseed during construction, and then talking with the
23 water district about using water on-site to minimize
24 dust.

25 In terms of safety, daily safety tailgate

1 meetings have continued, and we're continuing to work on
2 the planting plans with seed mixes.

3 CHAIR DREW: So, Mr. Hurd, in terms of the
4 recent weather event, I know what kind of rain I got in
5 Olympia, but has any of that helped the dust situation
6 on-site?

7 MR. HURD: It has helped, yeah, it has
8 gotten a little bit -- it has helped for sure. But
9 we're --

10 CHAIR DREW: Long dry period.

11 MR. HURD: Yeah, yeah, yeah, that's right.
12 So we hope it keeps up, but it's hard to -- hard to
13 predict.

14 CHAIR DREW: Okay. Councilmembers, do you
15 have any questions for Mr. Hurd?

16 Okay. Hearing none, then we will move on to
17 the action item. Potential action item, I will say. So
18 before us, are -- as you remember, one of the meetings
19 we had in August -- there's somebody who needs to mute
20 their phone, please, because I can hear you as
21 background noise. So please make sure your phone is
22 muted. Thank you.

23 So for today, as I was saying, we heard the
24 amendment application by Columbia Solar, and we have in
25 the packet the site certification agreements. And I

1 will now ask Mr. Kyle Overton to give us the report on
2 the status.

3 MR. OVERTON: Thank you. Yes, this is --
4 again, this is Kyle Overton, the site specialist for the
5 Columbia Solar Project. For this SCA amendment, just a
6 brief history here. On July 28th, 2021, EFSEC received
7 a formal request for SCA amendment for the five
8 Columbia Solar sites from TUUSSO Energy, the current SCA
9 holder, in accordance with WAC 463-60-020 and 100.

10 This request was for the termination of the
11 Typha and Fumaria sites' SCAs and the transfer of
12 ownership of the Camas, Pestemon, and Urtica SCAs to
13 site-specific entities, which are TE Camas, TE
14 Penstemon, and TE Urtica respectively. Overall control
15 of these three site-specific entities would then be
16 transferred to Greenbacker Renewable Energy Corporation.

17 As part of the review process for the
18 request, WAC 463-60-030 calls for a public hearing
19 session, and this meeting was held, as Chair Drew
20 mentioned, on August 17th, 2021. No comments were
21 received during this meeting.

22 So when considering the request for
23 amendment, WAC 463-66-040 requires the Council to
24 consider four items.

25 Item one, the original intention of the SCA.

1 Item two is applicable laws and rules.

2 Item three is the public health and safety
3 and welfare.

4 And finally, item four is compliance with
5 WAC 463-72. WAC 463-72 concerns site restoration.

6 After reviewing the application materials,
7 EFSEC Staff believe that the requirements in WAC
8 463-66-040 have been met, and the Council have been
9 provided a draft order for consideration, which contains
10 one conditional approval item.

11 In order to meet the conditions, that fourth
12 condition item and maintain compliance with WAC 463-72,
13 restoration funding must be secured from the new SCA
14 owner, Greenbacker, prior to final approval of the SCA
15 transfers.

16 Due to the largely administrative nature of
17 the request of SCA amendments, approval or denial can be
18 made by the Council action and is not required to go
19 before the governor per WAC 463-66-070. And that's kind
20 of where we are today. Are there any questions?

21 CHAIR DREW: Are there any questions for
22 Mr. Overton?

23 So what we have before us, then, also, and
24 Councilmembers have received a draft order, what we have
25 to begin with here are three site certification

1 agreements, and that's because in this project of the
2 close but not adjacent sites, we have different site
3 certifications for each one of the sites. But then
4 we're doing -- we're -- the amendment request to amend
5 those and to -- I'm looking for it on my screen here --
6 the resolution.

7 Have Councilmembers had a chance to review
8 the resolution, the Draft Order 880? I could have
9 Mr. Thompson walk through it for us if you'd like.

10 Mr. Thompson?

11 MR. THOMPSON: Yes, Chair Drew. So as
12 Mr. Overton mentioned, essentially the order just goes
13 through -- there's -- there's three components of the
14 request. The first is to terminate the Typha and
15 Fumaria project SCAs, and that's based on the
16 information presented by the -- by TUUSSO Energy that
17 basically it's become apparent that due to the high
18 costs of paying for transmission facilities, that it's
19 not practicable to construct those facilities, so they
20 request a termination of those two SCAs.

21 Then the -- in order to facilitate the --
22 the acquisition of the SCAs or control over the SCAs for
23 the remaining three projects by Greenbacker Energy,
24 the -- the project SCAs need to be transferred from
25 TUUSSO down to subsidiary companies, so that's the --

1 that's the second request.

2 And then the third request is to -- is to
3 basically transfer control over the -- those three SCAs,
4 which would now be held by the three project companies
5 over to ownership by -- of those entities by a
6 subsidiary, Greenbacker. And so that -- that requires a
7 third approval, which is the transfer of control over
8 those SCAs as a result of a transfer of the companies
9 themselves that hold them.

10 So and as Mr. Overton mentioned, the real --
11 the chief concern here is -- is really -- because the
12 project themselves are not being changed. The -- the
13 holders of the certificates are still required to comply
14 with the -- the terms of how the projects are -- are
15 described and all of the various requirements that apply
16 to them. So it's really just that they'll be -- the
17 SCAs will be in different corporate hands.

18 And then -- and the chief concern is just
19 that there not be a lapse in the financial assurance
20 that's provided to make sure that if the projects are
21 abandoned or at the end of their useful life, that they
22 will be -- you know, there will be money available to
23 restore them if the certificate holder isn't able to do
24 so.

25 So -- so that -- the order goes through that

1 analysis. And as Mr. Overton said, as the one condition
2 that the transfer not be approved until proof is
3 provided by Greenbacker of their ability to provide --
4 or their provision of financial assurance to replace the
5 financial assurance with TUUSSO is currently providing
6 through its bank. So...

7 CHAIR DREW: And there will be continuity --
8 so the proposal is for continuity, so TUUSSO holds onto
9 that financial security until an appropriate instrument
10 from Greenbacker, which has done this in other locations
11 around the country, provides that -- that financial
12 security, and then we will finally approve the transfer.
13 So the only reason we have that mechanism is to make
14 sure there isn't a lapse; is that correct?

15 MR. THOMPSON: That's absolutely correct,
16 right. So there is no moment at which there is no
17 financial assurance in place. So if -- once the
18 evidence of that financial assurance is received, then
19 the -- the -- at a later Council meeting, the Council
20 can adopt a resolution indicating that final approval
21 is -- is -- is granted.

22 CHAIR DREW: Okay. Thank you.

23 Mr. Overton, have there been any public
24 comments with any concerns about this transfer of
25 ownership?

1 MR. OVERTON: No. We haven't -- we haven't
2 received any comments on this proposal.

3 CHAIR DREW: And I know all of the
4 Councilmembers who are here right now participated in
5 the hearing and asked questions. In the informational
6 hearing, we had quite a robust conversation. What is
7 your view at this point in time, Councilmembers, in
8 terms of this amendment, which is administrative, but no
9 doubt very important administrative in the terms of the
10 transfer of the ownership? Are Councilmembers inclined
11 to approve the resolution or want more time to review
12 it?

13 MR. LIVINGSTON: This is Mike Livingston.
14 I've -- I've read this enough and the explanation from
15 Mr. Thompson makes me comfortable with approval of the
16 resolution as it's presented today.

17 MR. YOUNG: This is Lenny Young, I concur.

18 CHAIR DREW: Okay. So let's -- then the
19 motion I would suggest is to move that the Council
20 approve Order No. 880 regarding the Columbia Solar
21 Project to -- and I think once I read it, if somebody
22 wants to say "so moved," that would be sufficient.

23 I move that -- unless you want to change it,
24 I would add.

25 I move that the Council approve Order

1 No. 880 regarding the Columbia Solar Project to
2 terminate the Typha and Fumaria site certification
3 agreements, for those are the two that can't continue;
4 approve the transfer of the Penstemon, Camas, and Urtica
5 agreements from TUUSSO Energy LLC to separate project
6 companies; and approve the transfer of control of the
7 agreements to Greenbacker Renewable Energy Company.

8 MR. LIVINGSTON: This is Mike Livingston. I
9 will so move to approve what you just repeated -- or
10 just stated, Council Chair.

11 CHAIR DREW: Thank you.

12 Is there a second?

13 MR. DENGEL: Rob Dengel --

14 MR. YOUNG: Lenny Young, second.

15 CHAIR DREW: Okay. Rob Dengel second.

16 Are there further comments or discussions?

17 I am happy to see this partnership relationship between
18 TUUSSO and Greenbacker. I think it bodes well for the
19 financial security and the future of this solar
20 facility. So I appreciate all the work that's been put
21 in to make this become a reality.

22 So all those in favor of this resolution --
23 you know, I think what I'm going to do, I'm going to ask
24 for the roll call because this is a resolution on an
25 amendment, an SCA amendment order.

1 So, Ms. Bumpus, will you call the roll?

2 MS. BUMPUS: Yes, Chair Drew.

3 Okay. Calling roll, Chair Drew?

4 CHAIR DREW: Aye.

5 MS. BUMPUS: Commerce is excused.

6 Ecology?

7 MR. DENGEL: Rob Dengel, aye.

8 MS. BUMPUS: Department of Fish and

9 Wildlife?

10 MR. LIVINGSTON: Mike Livingston, aye.

11 MS. BUMPUS: Department of Natural

12 Resources?

13 MR. YOUNG: Lenny Young, aye.

14 MS. BUMPUS: And the member for the
15 Utilities and Transportation Commission is excused.

16 Chair, the motion passes.

17 CHAIR DREW: Thank you. Thank you all for
18 your work on this and as I said, the excellent questions
19 and discussion we had in the public informational
20 meeting.

21 Our next item on the agenda is Goose Prairie
22 Solar Project. For a project update, Mr. Overton,
23 who -- this is your day.

24 MR. OVERTON: Yes, thank you. This is my
25 day and I think this is my last one. So this is Kyle

1 Overton, the site specialist for the Goose Prairie
2 Project. So for a -- the biggest thing to update for --
3 for this month is about the public comment period
4 currently going on. Here's some background on that.

5 On August 6th, 2021, the EFSEC Council
6 approved Order 879 granting expedited processing for the
7 Goose Prairie application for site certification. This
8 order required EFSEC Staff to develop a means to receive
9 information akin to what Yakima County would receive
10 during a conditional use hearing as the site-specific
11 conditions and criteria.

12 To that end, a public comment period started
13 on September 13th and will run through September 27th.
14 And then on September 27th, the public comment meeting
15 will be held at 5:00 p.m. to provide additional
16 opportunity to receive comment from the public on
17 conditional use criteria for the project.

18 As of today, no comments have been received.
19 And then I believe the EFSEC manager will have some info
20 on a project extension request -- review extension
21 request that we received but for that public comment
22 info.

23 Is there any questions?

24 CHAIR DREW: Are there any questions about
25 the public comment period and meeting we have coming up

1 next Monday evening?

2 Okay. Then, Ms. Bumpus, on the project
3 extension.

4 MS. BUMPUS: Thank you. For the record,
5 this is Sonia Bumpus. Good afternoon, Chair Drew and
6 Councilmembers. On September 17th, 2021, EFSEC received
7 a request from One Energy Renewables, a written request
8 from One Energy Renewables, requesting an extension on
9 the timeline for the decision on the Goose Prairie Solar
10 Project that was under review before the Council.

11 The letter requests an extension to October
12 31st, 2021. EFSEC Staff discussed this with the
13 applicant and internally and believe this is important
14 to ensure that EFSEC has enough time to complete our --
15 our review process, which includes the public comment
16 period and public comment meeting that Mr. Overton has
17 already discussed.

18 And with that, we'd like to ask the Council
19 to approve this request for extension to
20 October 31, 2021.

21 CHAIR DREW: So in that time period
22 between -- so it's a short extension, just to the end of
23 next month. To extend the timeline to transmit a
24 recommendation to the governor, will the Staff be
25 prepared to bring forward a draft recommendation on this

1 project to the Council after the conclusion of the
2 public comment period and before our October meeting?

3 MS. BUMPUS: That is what we plan to do,
4 Chair Drew, is to bring a Staff recommendation for the
5 Council at the October Council meeting where the Council
6 can discuss all of the information up to this point as
7 well as ask questions of the Staff and applicant with
8 respect to the Staff recommendation.

9 CHAIR DREW: Okay. Thank you.

10 Are there other questions from
11 Councilmembers?

12 Okay. Then let's move to -- may be the
13 simplest motion today -- to approve One Energy
14 Renewable's request to extend the timeline for EFSEC to
15 transmit a recommendation to the governor for the Goose
16 Prairie Solar Project until October 31st, 2021. Is
17 there a motion --

18 MR. YOUNG: This is Lenny -- this is Lenny
19 Young. I move that the Council approves EFSEC -- or One
20 Energy's request for extension of the timeline for EFSEC
21 to transmit a recommendation to the governor for the
22 Goose Prairie Solar Project to October 31, 2021.

23 CHAIR DREW: Thank you.

24 Is there a second?

25 MR. DENGEL: Rob Dengel, second.

1 CHAIR DREW: Thank you.

2 Discussion?

3 Okay. All those in favor, say aye.

4 COUNCILMEMBERS: Aye.

5 CHAIR DREW: All those opposed? Motion is
6 adopted.

7 Thank you, everybody, all the
8 Councilmembers. There were a few items. I appreciate
9 your work on all of that. I'm going to look back at my
10 agenda. This is the end of our agenda. I do want to do
11 one item for the good of the order and that is to
12 introduce a new EFSEC Staff member.

13 Her name is Andrea Grantham, and she's a --
14 has joined us as an administrative assistant and has
15 lived in the state, both Eastern and Western Washington,
16 and we're happy to have her on our staff.

17 So, Andrea, would you just like to say hello
18 to the Council?

19 MS. GRANTHAM: Yeah, hello. I'm so happy to
20 be here.

21 CHAIR DREW: Thank you. We're happy to have
22 you.

23 So she's a new member of our Staff, and I
24 know that Joan is very happy to have her on board to
25 support on the administrative side as well as we all

1 are.

2 So with that, our meeting is adjourned.

3 Thank you.

4 (Adjourned at 2:21 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

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



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358