



Washington State Energy Facility Site Evaluation Council

AGENDA

POTENTIAL ACTION ITEM

MONTHLY MEETING
Wednesday May 15, 2024
1:30 PM

VIRTUAL MEETING ONLY
[Click here to join the meeting](#)
Conference number: 564-999-2000 ID: 699286814#

- 1. Call to Order Kathleen Drew, EFSEC Chair
- 2. Roll Call Andrea Grantham, EFSEC Staff
- 3. Proposed Agenda Kathleen Drew, EFSEC Chair
- 4. Minutes Kathleen Drew, EFSEC Chair
 - Meeting Minutes..... Kathleen Drew, EFSEC Chair
 - April 17, 2024 Monthly Council Meeting Minutes
 - April 23, 2024 Wallula Gap Info Meeting and Land Use Hearing Minutes
- 5. Projects
 - a. Kittitas Valley Wind Project
 - Operational Updates.....Jarred Caseday, EDP Renewables
 - b. Wild Horse Wind Power Project
 - Operational Updates.....Jennifer Galbraith, Puget Sound Energy
 - c. Chehalis Generation Facility
 - Operational Updates.....Jeremy Smith, Chehalis Generation
 - d. Grays Harbor Energy Center
 - Operational Updates.....Chris Sherin, Grays Harbor Energy
 - Title V Amendment.....Sara Randolph, EFSEC Staff

The Council may consider and take FINAL ACTION on issuing the Title V Amendment for public comment.
 - e. Columbia Solar
 - Operational Updates.....Thomas Cushing, Greenbacker Capital
 - f. Columbia Generating Station
 - Operational Updates.....Denis Mehinagic, Energy Northwest
 - g. WNP – 1/4
 - Non-Operational Updates.....Denis Mehinagic, Energy Northwest
 - h. Goose Prairie Solar
 - Project Updates.....Jacob Crist, Brookfield Renewable
 - i. High Top & Ostrea
 - Project Updates.....Sara Randolph, EFSEC Staff
 - j. Horse Heaven Wind Farm
 - Project Updates.....Amy Moon, EFSEC Staff
 - k. Whistling Ridge
 - Project Updates.....Lance Caputo, EFSEC Staff
 - l. Badger Mountain
 - Project Updates.....Joanne Snarski, EFSEC Staff
 - m. Wautoma Solar
 - Project Updates.....Lance Caputo, EFSEC Staff
 - n. Hop Hill Solar
 - Project Updates.....John Barnes, EFSEC Staff
 - o. Carriger Solar
 - Project Updates.....Joanne Snarski, EFSEC Staff
 - p. Wallula Gap
 - Application Update.....John Barnes, EFSEC Staff
- 7. Adjourn..... Kathleen Drew, EFSEC Chair

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

WA State Energy Facility Site Evaluation Council
April Transcript, Monthly Council Meeting - April 17, 2024

WASHINGTON STATE

ENERGY FACILITY SITE EVALUATION COUNCIL

MONTHLY MEETING

April 17, 2024

Lacey, Washington

Reporter: John M.S. Botelho, CCR, RPR

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 STATE AGENCY MEMBERS:</p> <p>4 Kathleen Drew, Chair</p> <p>5 Elizabeth Osborne, Department of Commerce (*)</p> <p>6 Eli Levitt, Department of Ecology (*)</p> <p>7 Mike Livingston, Dept. of Fish and Wildlife (*)</p> <p>8 Lenny Young, Department of Natural Resources (*)</p> <p>9 Stacey Brewster,</p> <p>10 Utilities & Transportation Commission (*)</p> <p>11 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:</p> <p>12 Horse Heaven:</p> <p>13 Ed Brost, Benton County (*)</p> <p>14 Badger Mountain:</p> <p>15 Jordyn Guilio, Douglas County (*)</p> <p>16 Wautoma Solar:</p> <p>17 Dave Sharp, Benton County (*)</p> <p>18 Carriger Solar:</p> <p>19 Matt Chiles, Klickitat County (*)</p> <p>20</p> <p>21 ASSISTANT ATTORNEY GENERAL:</p> <p>22 Jon Thompson</p> <p>23 Jenna Slocum (*)</p> <p>24 Zack Packer (*)</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (Continuing)</p> <p>2</p> <p>3 COUNSEL FOR THE ENVIRONMENT:</p> <p>4 Sarah Reyneveld (*)</p> <p>5 Yuriy Korol (*)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 (*) indicates remote attendee</p> <p>24 Note: All attendees listed above have been</p> <p>25 verified as being present despite some</p> <p>having been omitted from the oral roll call.</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (Continuing)</p> <p>2</p> <p>3 ADMINISTRATIVE LAW JUDGE:</p> <p>4 (No administrative law judges present.)</p> <p>5</p> <p>6 COUNCIL STAFF:</p> <p>7 Sonia Bumpus John Barnes (*)</p> <p>8 Ami Hafkemeyer Joanne Snarski (*)</p> <p>9 Amy Moon (*) Alex Shiley (*)</p> <p>10 Stew Henderson (*) Karl Holappa (*)</p> <p>11 Joan Owens (*) Maria Belkina (*)</p> <p>12 Andrea Grantham Lisa McLean (*)</p> <p>13 Dave Walker Adrienne Barker (*)</p> <p>14 Sonja Skavland (*) Catherine Taliaferro (*)</p> <p>15 Sara Randolph (*) Alondra Zalewski (*)</p> <p>16 Sean Greene (*) Sairy Reyes (*)</p> <p>17 Lance Caputo</p> <p>18</p> <p>19 OPERATIONAL UPDATES:</p> <p>20 Sara Randolph (*)</p> <p>21 Grays Harbor Energy Center, Grays Harbor Energy</p> <p>22 Denis Mehinagic (*)</p> <p>23 Columbia Generating Station & WNP-1/4, Energy</p> <p>24 Northwest</p> <p>25 Ethan Sanford (*)</p> <p>Goose Prairie Solar, Brookfield Renewable</p>	<p style="text-align: right;">Page 5</p> <p>1 MEETING INDEX</p> <p>2 EVENT: PAGE NO.</p> <p>3 Call to order 7</p> <p>4 Roll call 7</p> <p>5 Proposed agenda 12</p> <p>6 Minutes</p> <p>7 3/20/2024 Monthly Council Meeting 12</p> <p>8 Projects</p> <p>9 Kittitas Valley Wind Project 14</p> <p>10 Wild Horse Wind Power Project 14</p> <p>11 Chehalis Generation Facility 14</p> <p>12 Grays Harbor Energy Center 15</p> <p>13 Columbia Solar 15</p> <p>14 Columbia Generating Station & WNP-1/4 15</p> <p>15 Goose Prairie Solar 16</p> <p>16 High Top and Ostrea 18</p> <p>17 Whistling Ridge 18</p> <p>18 Badger Mountain 18</p> <p>19 Wautoma Solar 19</p> <p>20 Hop Hill Solar 20</p> <p>21 Carriger Solar 21</p> <p>22 Horse Heaven Wind Farm 23</p> <p>23 Wallula Gap 45</p> <p>24 Fourth-quarter cost allocation 47</p> <p>25</p>

Page 6

1	MEETING INDEX (Continuing)	
2	EVENT:	PAGE NO.
3	Employee updates	
4	New-employee introduction of Alondra Zalewski	48
5	New-employee introduction of Sairy Reyes	48
6	Adjournment	48
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

Page 8

1 MR. LIVINGSTON: Mike Livingston,
2 present.
3 MS. GRANTHAM: Department of
4 Natural Resources.
5 MR. YOUNG: Lenny Young, present.
6 MS. GRANTHAM: Utilities and
7 Transportation Commission.
8 MS. BREWSTER: Stacey Brewster,
9 present.
10 MS. GRANTHAM: For local government
11 and optional State agencies:
12 For the Horse Heaven project, for Benton County,
13 Ed Brost.
14 I do understand that I saw Mr. Brost -- oh. Go
15 ahead. Was that Mr. Brost?
16 I will move on.
17 For Badger Mountain, Douglas County, Jordyn
18 Guilio.
19 MS. GUILIO: Jordyn Guilio,
20 present.
21 MS. GRANTHAM: Wautoma Solar:
22 Benton County, Dave Sharp.
23 MR. SHARP: Dave Sharp, present.
24 MS. GRANTHAM: Washington State
25 Department of Transportation, Paul Gonseth.

Page 7

1 BE IT REMEMBERED that on Wednesday,
2 April 17, 2024, at 621 Woodland Square Loop
3 Southeast, Lacey, Washington, at 1:31 p.m., the
4 following Monthly Meeting of the Washington State
5 Energy Facility Site Evaluation Council was held, to
6 wit:
7
8 <<<<<< >>>>>>
9
10 CHAIR DREW: Good afternoon. This
11 is Kathleen Drew, Chair of the Energy Facility Site
12 Evaluation Council, calling today's meeting to order.
13 For our EFSEC staff, we are calling roll a little
14 bit differently going forward. So if your name is
15 not called, it's because your name is not on the
16 agenda. But we appreciate you-all being here.
17 Ms. Grantham, will you call the roll.
18 MS. GRANTHAM: Certainly. Thank
19 you, Chair Drew.
20 Department of Commerce.
21 MS. OSBORNE: Elizabeth Osborne,
22 present.
23 MS. GRANTHAM: Department of
24 Ecology.
25 Department of Fish and Wildlife.

Page 9

1 For Hop Hill Solar: For Benton County, Paul
2 Krupin.
3 For Carriger Solar: For Klickitat County, Matt
4 Chiles.
5 MR. CHILES: Chiles.
6 MS. GRANTHAM: For Wallula Gap:
7 For Benton County, Adam Fyall.
8 Assistant attorney generals: Jon Thompson.
9 MR. TOMPSON: Jon Thompson,
10 present.
11 MS. GRANTHAM: Jenna Slocum.
12 MS. SLOCUM: Present.
13 MS. GRANTHAM: Zack Packer.
14 MR. PACKER: Present.
15 MS. GRANTHAM: And do we have any
16 administrative law judges present today?
17 For Council staff: Sonia Bumpus.
18 MS. BUMPUS: Present.
19 MS. GRANTHAM: Ami Hafkemeyer.
20 MS. HAFKEMEYER: Present.
21 MS. GRANTHAM: Amy Moon.
22 MS. MOON: Amy Moon, present.
23 MS. GRANTHAM: Sara Randolph.
24 MS. RANDOLPH: Present.
25 MS. GRANTHAM: Sean Greene.

Page 10

1 MR. GREENE: Present.
 2 MS. GRANTHAM: Lance Caputo.
 3 MR. CAPUTO: Present.
 4 CHAIR DREW: John Barnes.
 5 MR. BARNES: Present.
 6 MS. GRANTHAM: Joanne Snarski.
 7 MS. SNARSKI: Present.
 8 MS. GRANTHAM: Catherine
 9 Taliaferro.
 10 MS. TALIAFERRO: Present.
 11 MS. GRANTHAM: Alondra Zalewski.
 12 MS. ZALEWSKI: Present.
 13 MS. GRANTHAM: Sairy Reyes.
 14 MS. REYES: Present.
 15 MS. GRANTHAM: Moving on to
 16 operational updates: Kittitas Valley wind.
 17 MR. CASEDAY: Jarred Caseday,
 18 present.
 19 MS. GRANTHAM: Wild Horse Wind
 20 Power Project.
 21 MS. GALBRAITH: Jennifer Galbraith,
 22 present.
 23 MS. GRANTHAM: Grays Harbor Energy
 24 Center.
 25 Chehalis Generation Facility.

Page 11

1 MR. SMITH: Jeremy Smith, present.
 2 MS. GRANTHAM: Columbia Generating
 3 Station.
 4 MR. MEHINAGIC: Denis Mehinagic,
 5 present.
 6 MS. GRANTHAM: Columbia Solar.
 7 MR. CUSHING: Thomas Cushing,
 8 present.
 9 MS. GRANTHAM: Goose Prairie Solar.
 10 MR. SANFORD: Ethan Sanford,
 11 present.
 12 MS. GRANTHAM: And do we have
 13 anyone present for the counsel for the environment?
 14 MS. REYNEVELD: Yes. Sarah
 15 Reyneveld and Yuriy Korol are present.
 16 MS. GRANTHAM: Thank you.
 17 Chair Drew, would you like me to go back to make
 18 sure that Mr. Brost is on the line?
 19 CHAIR DREW: Yes, please.
 20 MS. GRANTHAM: Okay. Going back to
 21 Horse Heaven, for Benton County: Ed Brost, are you
 22 present?
 23 Okay. Chair Drew, there is a quorum for all of
 24 the councils. Thank you.
 25 CHAIR DREW: Thank you.

Page 12

1 Moving forward with our agenda. You have all
 2 seen the -- Council members, you have all seen the
 3 draft agenda.
 4 Is there a motion to adopt the draft agenda?
 5 MR. YOUNG: Lenny Young. So moved.
 6 CHAIR DREW: Thank you.
 7 Second?
 8 MR. LIVINGSTON: Mike Livingston.
 9 MS. OSBORNE: Elizabeth --
 10 MR. LIVINGSTON: Second.
 11 MS. OSBORNE: -- Osborne. Second.
 12 CHAIR DREW: There were two people.
 13 I didn't hear which.
 14 MR. LIVINGSTON: Mike Livingston.
 15 Second.
 16 CHAIR DREW: Thank you,
 17 Mr. Livingston.
 18 Any discussion?
 19 All those in favor of adopting the proposed
 20 agenda, please say "aye."
 21 MULTIPLE SPEAKERS: Aye.
 22 CHAIR DREW: Opposed?
 23 Motion carries. The agenda is adopted.
 24 Moving on to approval of the meeting minutes.
 25 You see the meeting minutes in front of you, Council.

Page 13

1 Is there a motion to approve the draft meeting
 2 minutes?
 3 MS. OSBORNE: Elizabeth Osborne.
 4 So moved.
 5 CHAIR DREW: Okay. Thank you,
 6 Ms. Osborne.
 7 Is there a second?
 8 MS. BREWSTER: Stacey Brewster.
 9 Second.
 10 CHAIR DREW: Thank you.
 11 I did not find any corrections for the minutes
 12 this month.
 13 Is there anyone who has any corrections or edits?
 14 Hearing none.
 15 All those in favor of approving the meeting
 16 minutes, please say "aye."
 17 MULTIPLE SPEAKERS: Aye.
 18 CHAIR DREW: Opposed?
 19 The minutes are approved.
 20 Before we move on to our -- our updates,
 21 operational updates, I'd like to ask any of the
 22 Council members who were called: If you are on the
 23 line and heard your name called, can you please
 24 respond in the chat that you are, in fact, present at
 25 the meeting. Thank you.

Page 14

1 Kittitas Valley wind project. Mr. Caseday.
 2 MR. CASEDAY: Good afternoon, Chair
 3 Drew, EFSEC Council, and staff. This is Jarred
 4 Caseday with EDP Renewables for the Kittitas Valley
 5 wind project.
 6 We had nothing nonroutine to report for the
 7 period.
 8 CHAIR DREW: Thank you.
 9 MR. CASEDAY: Thank you.
 10 CHAIR DREW: Wild Horse Wind Power
 11 Project. Ms. Galbraith.
 12 MS. GALBRAITH: Yes. Thank you,
 13 Chair Drew, Council, and EFSEC staff. For the
 14 record, this is Jennifer Galbraith with Puget Sound
 15 Energy representing the Wild Horse wind facility.
 16 I have no nonroutine updates for the month of
 17 March.
 18 CHAIR DREW: Thank you.
 19 Chehalis Generation Facility. Mr. Smith.
 20 MR. SMITH: Good afternoon, Chair
 21 Drew, Council members, and staff. This is Jeremy
 22 Smith, the operations manager representing the
 23 Chehalis Generation Facility.
 24 I do not have anything nonroutine to note for the
 25 month of March.

Page 15

1 CHAIR DREW: Thank you.
 2 MR. SMITH: Any questions?
 3 CHAIR DREW: Thank you.
 4 Grays Harbor Energy Center. I did not hear
 5 Mr. Sherin on the roll call.
 6 Ms. Randolph, do you have the update?
 7 MS. RANDOLPH: I do. Thank you,
 8 Chair Drew and Council members. For the record, this
 9 is Sara Randolph, site specialist, for Grays Harbor.
 10 Staff wanted to do a final prep for the
 11 application for modification for the air operating
 12 permit, or the AOP, ahead of the comment period to
 13 make sure the document and notices were ready prior
 14 to the Council for public comment. A national
 15 pollutant discharge elimination system, NPDS, permit
 16 is under review. There are no other updates to
 17 report at this time.
 18 CHAIR DREW: Thank you.
 19 Columbia Solar. Mr. Cushing.
 20 MR. CUSHING: Good afternoon, Chair
 21 Drew, Council members, EFSEC staff. This is Thomas
 22 Cushing speaking on behalf of Columbia Solar.
 23 There are no nonroutine updates to report.
 24 CHAIR DREW: Thank you.
 25 Columbia Generating Station. Mr. Mehinagic.

Page 16

1 MR. MEHINAGIC: Good afternoon,
 2 Chair Drew and Council members. This is Denis
 3 Mehinagic on behalf of Columbia Generating Station --
 4 CHAIR DREW: Sorry.
 5 MR. MEHINAGIC: -- and Washington
 6 Nuclear Projects 1 and 4.
 7 I do have a small update under environmental
 8 compliance. Following the March 6, 2024, total
 9 residual halogen maximum daily discharge summit
 10 exceedance, Energy Northwest submitted a 5-Day
 11 Discharge Noncompliance Report to the Energy Facility
 12 Site Evaluation Council. An internal evaluation of
 13 the halogenation/dehalogenation system malfunction
 14 driven by the station's Corrective Action Program is
 15 nearing completion. Energy Northwest will provide an
 16 update to EFSEC once the evaluation is finalized.
 17 That's all I had.
 18 CHAIR DREW: Thank you,
 19 Mr. Mehinagic.
 20 Are there any other questions from Council
 21 members?
 22 Okay. Thank you.
 23 Moving on to the Goose Prairie Solar project
 24 update.
 25 MR. SANFORD: Yes.

Page 17

1 CHAIR DREW: Mr. Sanford.
 2 MR. SANFORD: Yes.
 3 Yeah, good afternoon, Chair Drew, EFSEC Council,
 4 and staff. This is Ethan Sanford, project manager,
 5 filling in for Jacob Crist on behalf of Brookfield
 6 Renewable. I'll be providing the Goose Prairie Solar
 7 project update.
 8 The project is on -- currently on schedule. As
 9 far as things go, we're installing perimeter fencing.
 10 Substation fen- -- or the perimeter fencing is
 11 installed and complete. Sorry. Substation fencing
 12 is being installed.
 13 The racking and tracker install are near
 14 complete. Module installation continues, with about
 15 six blocks remaining. Terminations have been started
 16 on the inverters, aboveground wire management.
 17 Installation is ongoing with cable hanging to the
 18 combiner boxes and inverters. And the substation
 19 work is progressing at approximately 90 percent
 20 complete.
 21 From an environmental perspective, no discharges
 22 on the site reported in March. And frequent
 23 monitoring is -- is occurring through WSP, with no
 24 findings reported to date.
 25 CHAIR DREW: Thank you for your

Page 18

1 update.
 2 High Top and Ostrea project update. Ms. Rand- --
 3 Ms. Randolph. Sorry about that.
 4 MS. RANDOLPH: Thank you again,
 5 Chair Drew and Council members. For the record, this
 6 is Sara Randolph, site specialist for High Top and
 7 Ostrea.
 8 EFSEC staff are continuing to work with the
 9 developer on preconstruction requirements and plans.
 10 We have no other updates at this time.
 11 CHAIR DREW: Thank you.
 12 Whistling Ridge project update. Mr. Caputo.
 13 MR. CAPUTO: Thank you, Chair Drew
 14 and Council members.
 15 The public hearings before the Council to review
 16 the certificate holder's petitions are tentatively
 17 scheduled for Thursday, May 16th, 5 till 9 p.m.
 18 Public notices will be published as soon as they are
 19 finalized.
 20 May I answer any questions?
 21 CHAIR DREW: Any questions from
 22 Council members?
 23 Thank you.
 24 Badger Mountain project update. Ms. Snarski.
 25 MS. SNARSKI: Thank you, Chair

Page 19

1 Drew. And good afternoon, Council members. For the
 2 record, this is Joanne Snarski, the siting specialist
 3 for Badger Mountain Solar.
 4 EFSEC staff have finalized the land-use license
 5 agreement with DNR, granting access to the DNR parcel
 6 at Badger Mountain on April 1st. This agreement
 7 allows us to access the parcel to perform fieldwork
 8 for the supplemental cultural resources survey. The
 9 work is set to begin in mid May.
 10 Also, EFSEC and Department of Ecology have been
 11 working with the applicant on identifying
 12 supplemental field assessment work for wetlands and
 13 other water resources. The work is intended to
 14 confirm and/or eliminate wetland characteristics on
 15 the proposed site. This work will also begin in mid
 16 May.
 17 Can I answer any questions?
 18 CHAIR DREW: Are there any
 19 questions for Ms. Snarski?
 20 Thank you.
 21 Wautoma project -- Wautoma Solar project update.
 22 Mr. Caputo.
 23 MR. CAPUTO: Thank you, Chair Drew
 24 and Council members.
 25 Staff are continuing coordination with our

Page 20

1 contracted agencies, tribal governments, and the
 2 applicant to refine identified mitigation. We are
 3 finalizing documents in anticipation of the issuance
 4 of an MDNS within the coming weeks. When the SEPA
 5 determination is concluded, this -- this will be
 6 noticed to the public, and a minimum 14-day public
 7 comment period will commence. Staff are also working
 8 in coordination with the Office of Administrative
 9 Hearings and our assistant attorney general support
 10 in preparation of the adjudicative proceedings'
 11 logistics.
 12 May I answer any of your questions?
 13 CHAIR DREW: Are there any
 14 questions for Mr. Caputo? Thank you.
 15 Hop Hill Solar Project. Mr. Barnes.
 16 MR. BARNES: Thank you, Chair Drew
 17 and Council members. For the record, this is John
 18 Barnes, EFSEC staff, for the Hop Hill application.
 19 Work is continuing with the applicant to complete
 20 studies and reports needed to make a SEPA
 21 determination. As part of this work, the Department
 22 of Ecology, who is an application review agency
 23 partner, has requested access to the site to conduct
 24 a water source survey of the project area. EFSEC,
 25 along with the members of the applicant and their

Page 21

1 contractor, SWCA, will be shadowing the Department of
 2 Ecology as the fieldwork is conducted.
 3 Results from the fieldwork will help to support
 4 the EFSEC SEPA determination for the Hop Hill
 5 application. We are continuing to coordinate and
 6 review the application with our contractor,
 7 contracted agencies, and tribal governments.
 8 Are there any questions?
 9 CHAIR DREW: Are there any
 10 questions for Mr. Barnes?
 11 Thank you.
 12 Carriger Solar project. Ms. Snarski.
 13 MS. SNARSKI: Again, thank you,
 14 Chair Drew and Council members. For the record, this
 15 is Joanne Snarski, the siting specialist for Carriger
 16 Solar.
 17 Yesterday we met with the applicant's consultants
 18 and the Department of Ecology on-site to further
 19 assess wetland characteristics within the boundary of
 20 the proposed facility. Based on observations in the
 21 field, we will be following up with Ecology staff and
 22 working with the applicant to address the updated
 23 findings. EFSEC staff will soon be making final
 24 assessments regarding the revised visual impacts
 25 assessment provided to us by the applicant. Next

Page 22

1 steps will include meeting with the applicant
 2 regarding their mitigation proposal to reduce
 3 significant impacts to visual aesthetics.
 4 May I answer any questions?
 5 CHAIR DREW: Are there any
 6 questions for Ms. Snarski?
 7 Thank you very much.
 8 Before we move on to Horse Heaven Wind Farm, I
 9 would like to ask our staff, Ms. Grantham, to confirm
 10 that Mr. Brost is online. And we will pause for a
 11 minute until we confirm that.
 12 MS. GRANTHAM: Sure thing, Chair
 13 Drew.
 14 CHAIR DREW: I need to wait in this
 15 meeting until we find him. So can you contact Joan?
 16 MS. BUMPUS: I have Council Member
 17 Brost on the phone.
 18 CHAIR DREW: Okay.
 19 MS. BUMPUS: He's having audio --
 20 CHAIR DREW: Okay.
 21 MS. BUMPUS: -- difficulties,
 22 and --
 23 CHAIR DREW: We're not on right
 24 now. I turned -- are we on? I turned off -- oh, I
 25 guess I am. My microphone's still on. Okay. I said

Page 23

1 we paused the meeting, but...
 2 (Pause in proceedings.)
 3
 4 CHAIR DREW: I am sorry. That was
 5 my technical error, everyone. So we will try this
 6 again. My apologies.
 7 Would you put Mr. Brost -- Ms. Bumpus, will you
 8 put him on speakerphone.
 9 Okay. Can he speak?
 10 MS. BUMPUS: Ed, can you hear?
 11 MR. BROST: Yes. Yes.
 12 CHAIR DREW: Let's try...
 13 MS. BUMPUS: Ed, can you say again?
 14 MR. BROST: I can hear you, and
 15 I've got my mike all the way up. Can you hear me
 16 back?
 17 MS. BUMPUS: Yes.
 18 MR. BROST: Okay.
 19 CHAIR DREW: Okay. Thank you,
 20 everyone, for bearing with us. We have had technical
 21 difficulties in the past, and I did not want to
 22 proceed until we had that resolved.
 23 Moving on: Ms. Moon, project update for Horse
 24 Heaven Wind Farm.
 25 MS. MOON: Thank you.

Page 24

1 Good afternoon, Council Chair Drew and EFSEC
 2 Council members. For the record, this is Amy Moon
 3 reporting on the Horse Heaven Wind Project.
 4 As directed by the Council at the March 20th,
 5 2024, Council meeting, EFSEC staff prepared and
 6 posted the draft site certification agreement, or
 7 draft SCA, along with the draft report to the
 8 governor for public comment on April 1st.
 9 The public comment period was open from April 1st
 10 until midnight on April 10th. Approximately 973
 11 submissions were received and reviewed by EFSEC staff
 12 and were made available for Council review. Sean
 13 Greene, the EFSEC State Environmental Policy Act
 14 specialist, will provide a synopsis of the
 15 submissions and proposed changes to the draft SCA.
 16 Sean.
 17 MR. GREENE: Thank you. I will
 18 share my screen now.
 19 Are you-all able to see the presentation? Looks
 20 like it.
 21 Okay. So to begin, like Amy said, the -- the
 22 campaign was open from April 1st to April 10th. We
 23 received about 973 responses, the vast majority of
 24 which were from members of the public. Approximately
 25 10 to 15 of the responses were from interest groups.

Page 25

1 Two were from the Yakama Nation, with no other tribal
 2 responses received. One was from the applicant. And
 3 we received no responses from federal or State
 4 agencies.
 5 The large majority of responses were expressions
 6 of general opposition or support for the project,
 7 with opposition primarily focused on the project's
 8 impacts to visual, cultural, recreational, plant, and
 9 wildlife resources, with multiple arguments made that
 10 currently imposed mitigation is insufficient.
 11 Comments in support were based generally on
 12 support for renewable energy development, with
 13 multiple arguments made that imposed mitigation as
 14 currently envisioned is excessive.
 15 In this presentation, I'll take you through
 16 changes that staff have identified and proposed to
 17 the SCA for modification based on public comments
 18 that have been received.
 19 So the first edit -- this is a format that we've
 20 used prior for Council meetings where the original
 21 text is on the left side and the text on the right is
 22 representative of changes that staff is recommending.
 23 So this first edit is to the SCA statement of
 24 purpose. It was a request from a member of the
 25 public that the full date for the final application

Page 26

1 be listed as opposed to just the month and year. So
 2 we have done so here.
 3 Just pause to see if any Council member has
 4 questions. I don't envision any.
 5 Next is a comment that we received where, in the
 6 SCA, we had explicitly stated the four turbine
 7 options that the applicant had conceived of in their
 8 application as representing the potential for the
 9 turbines selected for the final project. In the ASC,
 10 these were presented as examples of the types of
 11 turbines that might be considered and some of which
 12 are no longer commercially available.
 13 So we have changed the text to indicate that,
 14 while the total number of turbines and the turbine
 15 height at blade tip are consistent with the ASC and
 16 the EIS, we are not requiring one of those four
 17 turbine options, and we are just indicating that
 18 whatever turbine option is selected will not exceed
 19 the examples that were considered within the draft
 20 EIS or, rather, the final EIS.
 21 Are there any Council questions for this?
 22 Okay. The next is a simple typo correction.
 23 There -- in this section of the SCA, there was a
 24 double space. That's been corrected.
 25 The next change was within the description for

Page 27

1 the battery energy storage system. It was
 2 described -- these systems were described as
 3 including cooling systems, in parentheses, if needed,
 4 and including a fire detection system. This was
 5 inconsistent with how these systems were described in
 6 the ASC and the FEIS, wherein a cooling system is
 7 anticipated to be required for these -- these battery
 8 systems, and they would include a fire suppression
 9 system rather than a detection system, and the text
 10 is now consistent within the SCA.
 11 Are there any Council questions here? Okay.
 12 The next was an update to how we are describing
 13 the final ASC, the final application for site
 14 certification. The applicant submitted documents
 15 that amounted to the final ASC on Friday, September
 16 22nd of last year and Sunday, September 24th of last
 17 year. For clarity and consistency, we will be
 18 referring to the operative date of the final ASC as
 19 the date on which all documents amounting to that ASC
 20 were received by EFSEC staff, which is Monday,
 21 September 25th, 2023. And a change has been applied
 22 to the draft site certification agreement.
 23 The next is a correction in the "Definitions"
 24 section. We had defined "micro-siting" as the
 25 process by which solar project facilities could be

Page 28

1 relocated within the micro-siting corridor. That
 2 process is not inclusive to solar project facilities
 3 and would apply to wind turbines and other project
 4 components as well.
 5 Okay. This is a clarification of text. The --
 6 the wording was a little difficult for -- difficult
 7 to follow. So rather than stating that the
 8 certificate holder shall notify EFSEC of the
 9 replacement of any significant portion of project
 10 facilities no later than 30 days prior to the
 11 replacement occurring, it is now just at least 30
 12 days prior.
 13 Next is clarification regarding other State and
 14 local permits. We have added a sentence to the
 15 description indicating that construction of the
 16 project shall only be initiated upon EFSEC
 17 determination that all applicable permits have been
 18 issued. That was always intended to be the case, but
 19 this makes sure that that authority is explicitly
 20 stated.
 21 Next is regarding the -- the PTAG, the
 22 Pre-Operational Technical Advisory Group. We added
 23 text indicating that EFSEC will be responsible for
 24 approval of the proposed rules of procedure for the
 25 PTAG prior to the inception of its operation. This

Page 29

1 is, again, always intended to be the case, but now it
 2 is explicitly stated as so.
 3 Next is a slightly larger change. Regarding
 4 Species 5, which is the ferruginous hawk mitigation,
 5 we -- the original text had indicated that the
 6 two-mile radius surrounding ferruginous hawk nests
 7 documented within the priority habitat and species
 8 database would be applied to that data set at the
 9 time of construction based on the nests that were
 10 documented at that time.
 11 There was concern that was raised that, if that
 12 were the case, then -- and nests were removed from
 13 that data set between now and the start of
 14 construction, that the exclusion areas that the
 15 Council had imposed to address a number of resources
 16 beyond ferruginous hawk -- including visual,
 17 cultural, recreation, fire management, and others --
 18 would potentially be reduced in size.
 19 It was staff's understanding that that would have
 20 been contrary to the desires of the Council, so we
 21 have added text indicating that the exclusion areas
 22 would be applied to the PHS data set at the time of
 23 SCA execution, and any nests added to that data set
 24 between SCA execution and the time of construction
 25 would also be considered to require those two-mile

Page 30

1 buffer areas.
 2 Are there any questions from Council members
 3 regarding this change? Okay.
 4 This was a change in wording for a later part of
 5 that same ferruginous hawk mitigation, just to
 6 indicate that the process through which project
 7 components could be cited within two miles of a nest
 8 subsequent to the determination that the nest is no
 9 longer available and the foraging habitat is no
 10 longer viable, that that process does not apply to
 11 project infrastructure that has been excluded by an
 12 earlier part of this mitigation measure, such as
 13 turbines.
 14 Again, this was always intended to be the case,
 15 but now it is more explicitly stated that this
 16 process only applies to otherwise allowed
 17 infrastructure.
 18 Are there any questions here? Okay.
 19 Next is an error correction. We had copied some
 20 text from a previous site certification agreement on
 21 a different project that referenced Yakima County
 22 Code. It has been updated now to reference the
 23 appropriate Benton County Code, or the Revegetation
 24 and Noxious Weed Management Plan.
 25 This is again a typo correction. There was an

Page 31

1 inadvertent use of the word "or" in the middle of a
 2 statement that is otherwise irrelevant. It has been
 3 removed.
 4 This is a correction of an omission regarding the
 5 construction traffic control plan. This plan in the
 6 ASC and the FEIS included Benton County Public Works
 7 Department as an agency to be consulted for final
 8 development of this plan. That reference was not
 9 carried over into the draft SCA initially. It is now
 10 included there to make it consistent with the -- the
 11 ASC and the FEIS.
 12 This is in regards to the applicant providing
 13 certification of water availability just to avoid any
 14 confusion that that water availability proof was only
 15 needed for vegetation management and solar panel
 16 washing. It is applicable to all project actions,
 17 including those -- those examples.
 18 There was some question on the soil
 19 destabilization notification and fugitive dust
 20 control plan. The text didn't fully explain what the
 21 certificate holder would be notifying EFSEC of at
 22 least 90 days prior to commencing construction, and
 23 that notification is of their intent to begin
 24 construction, so now it is explicitly stated.
 25 This is a terminology correction in the FAA

Page 32

1 administrative review. It had stated that the
 2 project would apply for FAA approval, and it should
 3 have stated the certificate holder would apply for
 4 that approval.
 5 This is in regards to the fire control plan for
 6 the -- construction fire control plan in the SCA. We
 7 had included the Benton County Fire Districts 1 and 5
 8 as agencies to coordinate with. That reference was
 9 not carried over into the operations fire control
 10 plan initially. It is -- it is so now, so that the
 11 SCA is consistent throughout.
 12 Next is this section is discussing the process
 13 through which the applicant could decommission an
 14 individual turbine during the operation phase of the
 15 project prior to the decommissioning phase of the
 16 entire project. The initial text indicated that
 17 decommissioning of that turbine would not require the
 18 removal of that turbine's foundation. That was meant
 19 to indicate that that removal would not necessarily
 20 need to occur at that time, but it would still be
 21 required when the entire project was decommissioned.
 22 So the language has been changed to indicate that
 23 the foundation would still be removed, whether
 24 immediately following the decommission of that
 25 individual turbine or the decommissioning of the

Page 33

1 entire project, consistent with Articles VIII.B and
 2 VIII.D(2) within the SCA, which just define the
 3 timing and extent of decommissioning.
 4 Next, regarding that decommissioning process,
 5 there was some question -- is there a -- sorry.
 6 There was some question about the language that was
 7 used in defining the scope and whether certain
 8 project components would be excluded from being --
 9 from the requirement to be removed from the -- the
 10 site. And that is not intended to be the case, so
 11 the language has been altered to indicate that all
 12 project components, foundations, and facilities to a
 13 depth of four feet below grade would be removed from
 14 the project area following project decommissioning.
 15 Next is, similar to the operations phase fire
 16 control plan, the decommissioning phase fire control
 17 plan should have also included Benton County's
 18 fire -- Benton County Fire Districts 1 and 5 to be
 19 consistent with the construction fire control plan.
 20 And this slide represents a number of SCA
 21 comments that were received from the public for which
 22 staff have not recommended edits to the SCA.
 23 The first was a number of comments that requested
 24 that the SCA list all turbine -- either all turbines
 25 allowed by the SCA or all turbines excluded by

Page 34

1 mitigation -- by individual turbine identification
 2 number. And staff believe that this would be
 3 counterproductive, because the exclusions imposed by
 4 the Council are intended to be area-based rather than
 5 targeting specific turbine numbers.
 6 We anticipate some level of micro-siting prior to
 7 the start of construction, during which some turbines
 8 that are currently excluded by mitigation member --
 9 mitigation measures may be moved into areas of the
 10 micro-siting corridor in which they would not be
 11 excluded. And in a scenario like that, it might
 12 cause confusion if that individual turbine number
 13 were listed as excluded but ended up in the final
 14 project design.
 15 The second request was listing -- including a
 16 table within the SCA listing all turbines by number
 17 and listing their impacts for resource areas used for
 18 the classification system that the Council is aware
 19 of. This is again a case where staff felt that would
 20 be counterproductive as mitigation is intend to be
 21 area-based and not specific to those turbines. And
 22 there was also some level of concern about some of
 23 the res- -- or some of the resource data that was
 24 used for the classification system being not -- not
 25 publicly available.

Page 35

1 The next request was that we identify a new
 2 maximum number of allowable turbines, following the
 3 imposed exclusion areas, which is anticipated to
 4 substantially reduce the number of turbines within
 5 the project area. And that request is impractical at
 6 this time as the applicant is anticipated to need to
 7 go through substantial project redesign to
 8 accommodate exclusion areas, and the data available
 9 right now to determine a new maximum number of
 10 turbines is not available. But it will not be more
 11 than what was initially proposed.
 12 There were a number of requests to make
 13 mitigation either more or less restrictive, depending
 14 on the comment. And staff believed that mitigation
 15 has been developed through the EIS process with
 16 public comment available at a number of points and
 17 considered by Council during deliberations with,
 18 again, public comment periods available. And
 19 mitigation as described within the SCA is
 20 representative of the final Council determinations at
 21 this time.
 22 And, finally, there were a few requests to make
 23 mitigation measures assigned to the Pre-Operational
 24 Technical Advisory Group, the PTAG, or the Technical
 25 Advisory Committee -- the TAC, more specific -- and

Page 36

1 staff believe that those measures were intentionally
 2 design- -- or written as they are to allow the PTAG
 3 and the TAC a degree of latitude on defining and
 4 providing methodology for mitigation and studies so
 5 that these technical groups have the discretion to
 6 develop the most effective and applicable mitigation
 7 strategies.
 8 And that is the summary of staff's work on
 9 responding to public comments for the SCA. And
 10 myself, Amy Moon, Ami Hafkemeyer are -- and Sonia
 11 Bumpus are available to answer any questions that you
 12 may have.
 13 CHAIR DREW: Thank you, Mr. Greene.
 14 And thank you, all, for your work over a short period
 15 of time. And thank you to the public for the
 16 tremendous amount of information and comments we
 17 received. It has made our process and our documents
 18 better. So appreciate all the comments that came in.
 19 Council members, do you have any questions at
 20 this point of staff?
 21 Okay. Yes, Mr. Brost. Go ahead, please. Hang
 22 on just one second.
 23 MR. BROST: (Unintelligible), or
 24 are those still TBD?
 25 CHAIR DREW: Ms. Bumpus is going to

Page 37

1 repeat your question.
 2 Sorry. I didn't..
 3 MS. BUMPUS: Council Member Brost
 4 asked if we have any information about power purchase
 5 agreements being in place for the project.
 6 CHAIR DREW: That is not part of
 7 our consideration.
 8 MR. BROST: (Unintelligible.)
 9 CHAIR DREW: Transmis- -- Mr. Brost
 10 now asked if transmission would be in the same
 11 category. And, yes, it would. We do not look at
 12 transmission agreements.
 13 MR. BROST: (Unintelligible.)
 14 CHAIR DREW: The site restoration
 15 plan and funding for that is his next question. And,
 16 yes, there's an extensive requirement for site
 17 restoration. And we just updated and clarified in
 18 the site certification some elements of that. The
 19 actual plan, we do not yet know what year the site
 20 will be restored. And so although there will be a
 21 preliminary site restoration plan before construction
 22 begins, we expect over time that technology and
 23 techniques may change. So we will not lock in a
 24 applicant to do what was required when 30 years later
 25 may be something different required.

Page 38

1 However, the applicant is required, under our
 2 statute, to post some sort of financial agreement --
 3 I'm sorry -- some sort of financial assurance which
 4 will ensure that the restoration is completed
 5 regardless of the financial condition of that
 6 company. And that will be, if the project is sold,
 7 then, again, the Council will see that new owner of
 8 the project and will require that same level of
 9 financial assurance to ensure that the public does
 10 not pay for site restoration or decommissioning.
 11 Is that correct, Mr. Thompson?
 12 MR. THOMPSON: Yes, that's correct,
 13 Chair Drew.
 14 CHAIR DREW: Thank you.
 15 Mr. Brost, does that answer your questions?
 16 MR. BROST: Yes, it answers the
 17 question (unintelligible).
 18 MS. BUMPUS: Council Member Brost
 19 responded that that does answer his question. He
 20 didn't like the answer, but it does answer the
 21 question.
 22 CHAIR DREW: Thank you.
 23 Are there other questions from Council members at
 24 this point in time?
 25 I have a motion to suggest. The motion is to

Page 39

1 recommend approval of the Horse Heaven Hills project
 2 and recommendation report, subject to the conditions
 3 set forth in the draft site certification agreement,
 4 SCA, including edits to the draft SCA as recommended
 5 today by EFSEC staff.
 6 Is there someone who would like to offer this
 7 motion?
 8 MS. BREWSTER: Stacey Brewster. So
 9 moved.
 10 CHAIR DREW: Thank you.
 11 Is there a second?
 12 MR. LEVITT: Eli Levitt. Second.
 13 CHAIR DREW: Thank you.
 14 Are there comments from Council members,
 15 discussion?
 16 MS. BREWSTER: This is Stacey
 17 Brewster. I would like to echo your statements
 18 earlier thanking staff for all of their hard work on
 19 this project. I appreciate all the last-minute
 20 recommendation updates and their presentation to the
 21 Council. Thank you.
 22 CHAIR DREW: Thank you.
 23 Other comments?
 24 We have spent a lot of time reviewing this
 25 project, gathering information about the impacts,

Page 40

1 gathering information about the project, itself. And
 2 by partially approving the Horse Heaven wind and
 3 solar project and approving this motion, EFSEC is
 4 balancing the need for renewable clean energy with
 5 potential impacts on tribal cultural resources,
 6 wildlife, and surrounding communities. If it is
 7 approved, that is the work that we are doing. And we
 8 thank the hundreds of community members who took the
 9 time to participate and share their opinions on this
 10 project.
 11 I think what we are working on and what we have
 12 worked on is -- is to show the value of taking in
 13 public input and addressing those very important
 14 issues as we move a project forward for the
 15 governor's consideration.
 16 I would ask -- if there are no further comments,
 17 I would ask Ms. Grantham to call the roll for
 18 approval of the Horse Heaven Hills project and
 19 recommendation report as stated in the motion.
 20 Please call the roll.
 21 MS. GRANTHAM: Chair Drew.
 22 CHAIR DREW: Aye.
 23 MS. GRANTHAM: Department of
 24 Commerce, Elizabeth Osborne.
 25 MS. OSBORNE: Aye.

Page 41

1 MS. GRANTHAM: Department of
 2 Ecology, Eli Levitt.
 3 MR. LEVITT: Aye.
 4 MS. GRANTHAM: Department of Fish
 5 and Wildlife, Mike Livingston.
 6 MR. LIVINGSTON: Aye.
 7 MS. GRANTHAM: Department of
 8 Natural Resources, Lenny Young.
 9 MR. YOUNG: Nay.
 10 MS. GRANTHAM: Utilities and
 11 Transportation Commission, Stacey Brewster.
 12 MS. BREWSTER: Aye.
 13 MS. GRANTHAM: And for Horse
 14 Heaven, for Benton County, Ed Brost.
 15 MR. BROST: No.
 16 MS. BUMPUS: Council Member Brost
 17 responds "no."
 18 CHAIR DREW: The motion is
 19 approved.
 20 Thank you very much. This will then be forwarded
 21 to the governor for his consideration.
 22 I can't -- oh. Mr. Young.
 23 MR. YOUNG: Yeah. After speaking
 24 with staff yesterday and also checking in with
 25 Mr. Thompson, I understand that I'll be able to

Page 42

1 provide a short statement with signature in lieu of
 2 my signature appearing with the other Council
 3 members, and I just want to confirm that that will be
 4 possible, and who should I send that statement to?
 5 CHAIR DREW: You would send that to
 6 me, and I will see that that is included.
 7 MR. YOUNG: Thank you.
 8 CHAIR DREW: And the same for
 9 Mr. Brost. If you would like to include a statement
 10 with your "no" vote, please send that to me, and I
 11 will ensure that that is included on the signature
 12 pages.
 13 MR. BROST: Thank you, Chair. I
 14 will do that. One of -- one of the
 15 (unintelligible) -- one of the things that we're
 16 basing this project on is the need for renewable
 17 resources. And it seems to me that the action to rip
 18 out the Snake River Dam -- separate action; I realize
 19 that -- but it's -- it's more firm electric power
 20 from a renewable resource. And if we're getting rid
 21 of all of that resource, I'm not sure why we still
 22 need more. So that's all.
 23 CHAIR DREW: Okay.
 24 MR. BROST: Thank you.
 25 CHAIR DREW: Thank you, Mr. Brost.

Page 43

1 And you certainly have been concerned about that
 2 throughout our process, and we understand that.
 3 And thank you. I want to thank certainly all the
 4 Council members, but in particular, Mr. Brost for all
 5 the time he has spent working on reviewing all the
 6 document and participating with us through the
 7 adjudication. Because it has been an extraordinary
 8 effort. And I know that you have spent your own
 9 personal time working on this project, and we very
 10 much appreciate the perspective and the work and the
 11 thoughts that you have brought forward, even if on
 12 occasion we may have a disagreement.
 13 So, again, very much value the work that you've
 14 done as a member from the community on this Council.
 15 Thank you.
 16 MR. BROST: And you're very
 17 welcome.
 18 CHAIR DREW: Again, I look forward
 19 to our continued work together on our other projects,
 20 but thank you to the Council for the time and effort
 21 you have put forward in -- in considering this
 22 project.
 23 We are now moving on to the Wallula Gap
 24 application update.
 25 Oh. Mr. Young, I missed you. Go ahead.

Page 44

1 MR. YOUNG: Yeah, I just wanted to
 2 add that, irrespective of my "no" vote, I also would
 3 like to add my appreciation and thanks to staff for
 4 all the hard work and great communications that
 5 they've exhibited all throughout this. And also
 6 extend those thanks to the office of the attorney
 7 general and to the judge -- administrative law judges
 8 who've assisted us throughout. So thank you, all,
 9 very much.
 10 CHAIR DREW: Thank you. That's an
 11 important point to our staff and the attorney
 12 general's office and to the support as well for Judge
 13 Adam Torem, our administrative law judge. Thank you
 14 for that.
 15 Mr. Young.
 16 MR. YOUNG: I'm just trying to get
 17 my hand down here.
 18 CHAIR DREW: Okay.
 19 MR. YOUNG: Okay. There it goes.
 20 CHAIR DREW: Yeah. And thank you.
 21 This -- in spite of what it might look to people, we
 22 had very heartfelt discussions, both openly in our
 23 public meetings as well as through the adjudication
 24 process, and a great deal of listening to lots of
 25 points of view. So appreciate everybody's effort on

Page 45

1 that behalf.
 2 Okay. Moving on to the Wallula Gap application
 3 update. Mr. Barnes.
 4 MR. BARNES: Thank you, Chair Drew
 5 and Council members. For the record, this is John
 6 Barnes, EFSEC staff, for the Wallula Gap application.
 7 The information public hearing and land-use
 8 hearing for the Wallula Gap solar application has
 9 been scheduled for next Tuesday, April 23rd, 2024,
 10 pursuant to RCW 80.50.90. The location of these
 11 hearings will be Kennewick Valley Grange No. 731.
 12 The location's address is 2611 South Washington
 13 Street, Kennewick, Washington 99337. The open house
 14 will begin at 5 p.m. and proceed until 5:30 p.m.
 15 This will be followed by the informational public
 16 hearing.
 17 The public meeting will start at 5:30 and proceed
 18 until 5 [sic] p.m. or last speaker. The land-use
 19 consistency hearing will follow and begin at 7 p.m.
 20 and proceed until 8 p.m. or last speaker. Further
 21 details as well as a Spanish-translated notice can be
 22 found by accessing the project website at
 23 [https://www.EFSEC.wa.gov/energy-facilities/Wallula-](https://www.EFSEC.wa.gov/energy-facilities/Wallula-Gap)
 24 [Gap.](https://www.EFSEC.wa.gov/energy-facilities/Wallula-Gap)
 25 Are there any questions?

Page 46

1 CHAIR DREW: Mr. Barnes, I might
 2 have heard wrong, but can you go over the times of
 3 the hearings? 'Cause -- so the public informational
 4 meeting starts at 5. Go ahead. Just go over it
 5 again, please.
 6 MR. BARNES: So there's an open
 7 house --
 8 CHAIR DREW: An open house.
 9 MR. BARNES: -- that will begin at
 10 5 p.m. and proceed till 5:30. The informational
 11 public meeting will begin at 5:30 and proceed until
 12 7. The land-use consistency hearing will follow and
 13 begin at 7 p.m. and proceed until 8 p.m.
 14 CHAIR DREW: And we will have
 15 information on sign-up for speaking at the meeting,
 16 but is it also going to be a virtual meeting?
 17 MR. BARNES: It will be both --
 18 yes, will be a hybrid meeting, both virtual and in
 19 person.
 20 CHAIR DREW: So people will be able
 21 to sign up to speak both online and in person?
 22 MR. BARNES: Yes. And all -- if
 23 they go to the project notification at that website,
 24 all details can be found as far as accessing comments
 25 and establishing comments can be found there.

Page 47

1 CHAIR DREW: Thank you.
 2 Ms. Hafkemeyer.
 3 MS. HAFKEMEYER: I just wanted to
 4 add that sign-ups prior to the start of the meeting
 5 can be done through either e-mailing our EFSEC
 6 general in-box or calling our EFSEC main line at
 7 (360) 664-1345.
 8 CHAIR DREW: Thank you.
 9 Okay. Thank you very much.
 10 Next item on our agenda is the fourth-quarter
 11 cost allocation. Ms. Bumpus.
 12 MS. BUMPUS: Thank you, Chair Drew.
 13 For the record, this is Sonia Bumpus.
 14 I am not going to read these off. They're
 15 provided in the packet. And I'll just ask if the
 16 Council has any questions.
 17 CHAIR DREW: Are there any
 18 questions from Council members?
 19 Thank you.
 20 And there is new -- we have new-employee updates.
 21 Ms. Taliaferro.
 22 MS. TALIAFERRO: Good afternoon,
 23 Chair Drew and Council members. My -- for the
 24 record, I am Catherine Taliaferro, and I'm the
 25 records manager for EFSEC.

Page 48

1 It is my pleasure today to announce that we have
 2 two new employees who recently joined the records
 3 management team: Alondra Zalewski and Sairy Reyes.
 4 Alondra, do you want to take a moment to
 5 introduce yourself?
 6 MS. ZALEWSKI: Yes.
 7 Hello. My name is Alondra Zalewski. Just moved
 8 here from Texas. And I am just happy to be here and
 9 excited to work for EFSEC.
 10 MS. TALIAFERRO: Thank you,
 11 Alondra.
 12 How about you, Sairy?
 13 MS. REYES: Hi, everybody. My name
 14 is Sairy Reyes. I just came here from Western State
 15 Hospital. I am very excited to be in this agency and
 16 to work for EFSEC.
 17 CHAIR DREW: Thank you. And
 18 welcome to the team. We look forward to working with
 19 you. Appreciate it.
 20 With that, our meeting is adjourned.
 21 (Meeting adjourned at
 22 2:27 p.m.)
 23
 24
 25

Page 49

1 STATE OF WASHINGTON) I, John M.S. Botelho, CCR, RPR,
) ss a certified court reporter
 2 County of Pierce) in the State of Washington, do
 hereby certify:
 3
 4
 5 That the foregoing Monthly Meeting of the Washington
 State Energy Facility Site Evaluation Council was conducted
 6 in my presence and adjourned on April 17, 2024, and
 thereafter was transcribed under my direction; that the
 transcript is a full, true and complete transcript of the
 7 said meeting, transcribed to the best of my ability;
 8 That I am not a relative, employee, attorney or counsel
 of any party to this matter or relative or employee of any
 9 such attorney or counsel and that I am not financially
 interested in the said matter or the outcome thereof;
 10
 11 IN WITNESS WHEREOF, I have hereunto set my hand
 this 6th day of May, 2024.
 12
 13
 14
 15
 16 /s/John M.S. Botelho, CCR, RPR
 Certified Court Reporter No. 2976
 (Certification expires 5/26/2024.)
 17
 18
 19
 20
 21
 22
 23
 24
 25

State of WA Energy Facility Site Evaluation Council
Transcript, Wallula Gap Info Meeting and Land Use Hearing - April 23, 2024

STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

Wallula Gap Solar Project
EFSEC Docket No. EF-240001

Informational Public Hearing and
Land Use Consistency Hearing
April 23, 2024
5:00 p.m.

Reporter (Via Zoom): Christy Sheppard, CCR, RPR

State of WA Energy Facility Sit Evaluation Council
Transcript, Wallula Gap Info Meeting and Land Use Hearing - April 23, 2024

Page 2

1 APPEARANCES

2 COUNCIL MEMBERS:

3 Chair, Kathleen Drew

4 Mike Livingston

5 Lenny Young

6 Stacey Brewster

7

8 LOCAL GOVERNMENT AND OPTIONAL STATE AGENCIES:

9 Adam Fyall, Wallula Gap, Benton County

10

11 ADMINISTRATIVE LAW JUDGE:

12 Travis Dupree

13 COUNCIL STAFF:

14 Ami Hafkemeyer

15 Andrea Grantham

16 Sean Greene

17 John Barnes

18 Alex Shiley

19 COUNSEL FOR THE ENVIRONMENT:

20 Yuriy Korol

21

22 IN ATTENDANCE:

23 Nathan Stottler, OneEnergy

24 Erin Lynch

25 Tim McMahan

Michelle Mercer

Page 3

1 CHAIR DREW: Good evening. This is

2 Kathleen Drew, Chair of the Energy Facility Site

3 Evaluation Council calling tonight's meeting to order. I

4 apologize for not being there with you in person. I have

5 a bad cold and cough and didn't think it was wise to

6 share it with others, so I will be with you virtually

7 throughout these two hearings.

8 The first meeting we are having tonight is the

9 informational public hearing for Wallula Gap, this -- as

10 required by RCW 80.50.090 and WAC 463-26-025. At this

11 meeting EFSEC Staff and the Applicant will introduce

12 themselves, as well as the Counsel for the Environment,

13 an Assistant Attorney General appointed by the Washington

14 Attorney General, and will explain their duties.

15 The Applicant and the Staff will both make

16 presentations. Following the presentations the public

17 will be invited to provide comments. We will allow three

18 minutes per person. And Judge Dupree will be managing

19 that part of the meeting with the public comments.

20 This will be followed by the Land Use Consistency

21 Hearing, which will be again at 7:00 p.m. or earlier if

22 the informational public meeting -- public hearing ends

23 before 7:00 p.m.

24 And with that, Ms. Grantham, would you call the

25 roll.

Page 4

1 MS. GRANTHAM: Certainly. Department

2 of Commerce? Department of Ecology? Department of fish

3 and Wildlife?

4 MR. LIVINGSTON: Mike Livingston here.

5 MS. GRANTHAM: Department of Natural

6 Resources?

7 MR. YOUNG: Lenny Young present.

8 MS. GRANTHAM: Utilities &

9 Transportation Commission?

10 MS. BREWSTER: Stacey Brewster

11 present.

12 MS. GRANTHAM: For Benton County we

13 have Adam Fyall. Adam Fyall is present.

14 Administrative Law Judge Travis Dupree?

15 JUDGE DUPREE: Present.

16 MS. GRANTHAM: And do we have our

17 Assistant Attorney General online, Jon Thompson?

18 I will move on to EFSEC Staff. In person we have

19 Amy Hafkemeyer. Sean Greene?

20 MR. GREENE: Present.

21 MS. GRANTHAM: And John Barnes?

22 MR. BARNES: Present.

23 MS. GRANTHAM: And do we have anyone

24 available for the Counsel for the Environment?

25 MR. KOROL: Yuriy Korol present.

Page 5

1 CHAIR DREW: Mr. Korol, could you

2 explain to the group what your role is?

3 MR. KOROL: Of course. Well, my --

4 it's statutorily laid out in RCW 80.50.090, and basically

5 it's to represent the public and its interest in

6 protecting the quality of the environment. I'm looking

7 forward to hearing everybody's comments and gathering

8 evidence in support of the protection of the environment

9 with these projects.

10 CHAIR DREW: And would you provide

11 your contact information should people be interested in

12 reaching out to you?

13 MR. KOROL: Yes, of course. I can

14 type that into a message box or --

15 CHAIR DREW: Into Chat?

16 MR. KOROL: Yes.

17 CHAIR DREW: Thank you, very much.

18 MR. KOROL: You're every welcome.

19 CHAIR DREW: Okay. With that, we will

20 move on to the introduction of OneEnergy Renewables, if

21 you would introduce your team and proceed with your

22 project presentation.

23 MR. STOTTLER: Thank you, Chair Drew.

24 My name is Nathan Stottler. I'm an associate director

25 for project development at OneEnergy Renewables. I'm

Page 6

1 here with my colleague Tanner Gillespie, manager for
 2 project development and Erin Lynch, an associate on our
 3 project development team.
 4 And with that I think we have a slide show and I can
 5 start the presentation.
 6 MS. GRANTHAM: One moment. We are
 7 working with tech to get that up.
 8 MR. STOTTLER: All right. Good
 9 evening, everybody. As I said, my name is Nathan
 10 Stottler an associate director with OneEnergy Renewables.
 11 My team and I are here tonight to introduce you to our
 12 Wallula Gap solar project which is located right here in
 13 Benton County.
 14 Quick agenda for this presentation tonight. I am
 15 going to start out by taking some time to introduce my
 16 team and our company, and then we'll move into
 17 introducing the project and discussing the work that's
 18 been developing it to date, and take questions and move
 19 into public comments.
 20 So OneEnergy is a Washington-based developer of
 21 solar energy and battery storage projects. We were
 22 founded 15 years ago in Seattle, and we have since grown
 23 to establish offices in Portland, Boulder, Madison, and
 24 Washington DC.
 25 In the time we've developed and sold over 1.2

Page 7

1 gigawatts of solar projects across 120 projects, and of
 2 those OneEnergy has built or is currently building 270
 3 megawatts across 47 projects.
 4 We also currently have over 350 megawatts of solar
 5 projects under development in Washington state, and
 6 that's spread across nine individual projects.
 7 As I mentioned, the team working on the project is
 8 all here today, including myself, Tanner and Erin, and
 9 the three of us are based out of OneEnergy's Boulder
 10 office.
 11 OneEnergy prides itself in its strategy for siting
 12 solar projects. We select carefully targeted project
 13 sites that are both low impact and high benefit for the
 14 land, the land owner, and the community.
 15 Some of the key factors that we look for in siting
 16 projects with this strategy are working in a market that
 17 needs renewable energy, such as the Pacific Northwest,
 18 finding land that is near transmission infrastructure
 19 that has available capacity to take more power, sites
 20 that have a buildable topography that access and minimal
 21 environmental conflicts, such as wetlands, wildlife, and
 22 cultural resources.
 23 We also work very diligently to find sites that help
 24 us work alongside the agricultural economy to work to not
 25 displace ag from high value farming.

Page 8

1 Wallula Gap is actually OneEnergy's second project
 2 that we are working to permit through EFSEC. Our first
 3 project was the 80 megawatt Goose Prairie solar project,
 4 which had its site certificate signed by the Governor in
 5 late 2021, and is now under construction in Yakima
 6 County.
 7 So with that we can move into talking about our
 8 project. Wallula Gap is located in the south central
 9 part of Benton County, just north of State Highway 14,
 10 between Paterson and Plymouth, on land that OneEnergy is
 11 leasing from AgriNorthwest.
 12 Some details about the project here. Four miles
 13 northwest of Plymouth, between Plymouth and Paterson.
 14 The land owners are Farmland Reserve, and the land is
 15 managed by AgriNorthwest.
 16 The site control is obtained through a long term
 17 land lease agreement that we signed on December 1st of
 18 2021. The zoning for the land is GMAD. The land use
 19 currently is uncultivated pasture and agricultural
 20 operations.
 21 Utility interconnection will be through both Benton
 22 PUD and Bonneville Power Administration. The project
 23 size is 60 megawatts AC and solar with an optional 60
 24 megawatt four hour or 240 megawatt hour battery storage.
 25 System type is single axis tracking ground-mounted

Page 9

1 solar photovoltaic. It's projected to produce just over
 2 137,000 megawatt hours of energy per year, which is
 3 enough to power 13,200 average homes. And our projected
 4 currently online date would be the end of the year 2026.
 5 **A couple other things I didn't have on the slide**
 6 **here, the project life span is expected to be about 30 to**
 7 **40 years. And OneEnergy is currently in negotiations to**
 8 **sell the power generated by the project to a public**
 9 **utility district in Washington state, helping to insure**
 10 **the benefits of renewable energy are going to stay in**
 11 **rural Washington.**
 12 **OneEnergy arrived at this piece of land after the**
 13 **robust land siting exercise that I described a few slides**
 14 **ago. It has all the things that we look for in a site.**
 15 **It's flat. It's near some good transmission**
 16 **infrastructure. It's currently uncultivated and**
 17 **unirrigated and has very few neighbors nearby.**
 18 **You can see the orange shapes here. These are the**
 19 **portions of the land that we will be developing for**
 20 **solar. The irregular shapes are a pretty clear indicator**
 21 **of one of the things that we think makes this a great**
 22 **site for solar, which is that the land is not currently**
 23 **being used for crop production. We are working inside**
 24 **the -- or sorry, outside the areas that are currently**
 25 **being irrigated and cultivated.**

Page 10

1 It's land that's been highly disturbed over the
 2 years by ag adjacent activities, including a gravel pit
 3 and a disused landing strip. The owners have attempted
 4 to irrigate and farm the land in the past but found they
 5 can get higher crop yield by using their water on other
 6 parcels. Since then the land has been vacant and used
 7 only for cattle grazing.

8 In addition to this, this site is also not high
 9 quality habitat. It's dominated by nonnative plants and
 10 noxious weeds. Two small wetlands have been found on the
 11 site, and those wetland areas are planned to be avoided
 12 by our development.

13 There are three different area definitions that you
 14 will find in our permit application, and I wanted to run
 15 through them quick just so that we are all very clear on
 16 what we are talking about when say these terms.

17 First, the blue outline here are the parcel
 18 boundaries. This is just the legal definition of the
 19 land that's owned by Farmland Reserve. We approached
 20 Farmland Reserve about working with them and they pointed
 21 us to these parcels. As you can see by the orange shape
 22 which you saw a couple slides ago which is the project
 23 area expanse, and we are working very diligently to avoid
 24 all of the irrigated land that's on the parcels. So,
 25 again, only working on the nonirrigated and noncultivated

Page 11

1 land.

2 The project area expanse is the area within which
 3 the solar project will be built. The project will not
 4 cover the full project area extent, but it will fall
 5 within that area.

6 And then the third term we had is the facility area,
 7 so the full facility area sits within the project area
 8 extent. It is slightly smaller than it, but by
 9 permitting the full project area extent we are able to do
 10 some final micro siting as we wrap up the final
 11 environmental studies and geotechnical work on the parcel
 12 to make sure we are using the best possible land.

13 A quick run through the due diligence activities
 14 that have been completed on the site so far. I have
 15 talked about the condition of the land and why we think
 16 it's suitable for solar and this is sort of the full list
 17 of due diligence activities and consultations that we
 18 have gone through to determine that.

19 So Phase 1 ESA has been completed. Land surveys are
 20 completed and we will do a few more as we get down to
 21 finalizing our facility are. Wetland delineation has
 22 been completed, and consultations with the Department of
 23 Ecology are ongoing. A wildlife and habitat survey has
 24 been completed. Consultations with WDFW are ongoing. An
 25 initial cultural survey has been completed. We are

Page 12

1 currently consulting with DAHP, EFSEC, and several tribal
 2 organizations to conduct a follow-up survey to ensure
 3 that we have adequate coverage of the site. Glare
 4 analysis has been completed. FAA analysis, DOD
 5 consultation, WSDOT, and Benton County Public Works have
 6 all bee completed. Still working with the Noxious Weed
 7 Board and fire marshal to make sure that our very final
 8 plans before we go to construction are up to their
 9 standards.

10 As I mentioned a bit earlier, OneEnergy is also
 11 increasingly working to ensure that its project work
 12 alongside and integrate seamlessly into the agricultural
 13 economies of the communities that host them.

14 One of the biggest ways in which we are doing this
 15 is by implementing sheep grazing underneath our solar
 16 projects. As you can see in this photo from OneEnergy's
 17 Stromland solar project in Western Wisconsin. Sheep
 18 grazing is a means of ensuring that the land remains in
 19 direct agricultural use also adding the use of solar
 20 energy generation.

21 OneEnergy has been consulting with a local sheep
 22 rancher that is interested in grazing the Wallula Gap
 23 project. Partnerships like these ensure that even more
 24 of the money and jobs from the project are going to stay
 25 in the local community, while also making sure that the

Page 13

1 land stays healthy.

2 An additional alternative means of dual use solar
 3 instead of grazing would be planting native grasses and
 4 pollinator habitat underneath the panels. While this
 5 doesn't produce a direct agriculture product from the
 6 land, it has been shown to have a multitude of other
 7 benefits for surrounding agricultural operations,
 8 including increased property of greater numbers of
 9 pollinators that are supported on the land. It also
 10 creates higher quality wildlife habitat, increases runoff
 11 infiltration, reduces soil erosion and restores the soil.
 12 So between these two options, one or both of them
 13 OneEnergy is aiming to make sure our project really does
 14 take care of the land and the people that work on it.

15 So a quick timeline for the project here. We are
 16 planning for permitting and development of the project to
 17 be finalized by end of the year 2025, with the project
 18 entering construction in early 2026, and wrapping up
 19 construction and entering into service by the end of
 20 2026, with the operations and maintenance period starting
 21 in 2027.

22 And finally we have here a rendering of what the
 23 project is expected to look like for passersby on State
 24 Highway 14, which runs just south of the south border of
 25 the project.

Page 14

1 **That concludes my part of the presentation. Now I**
 2 **will take questions or turn it over for public comment.**
 3 CHAIR DREW: Are there any questions
 4 from Council members before we go to public comment? Oh,
 5 actually the EFSEC presentation is next. Council
 6 members?
 7 MS. GRANTHAM: Chair Drew, can you
 8 please repeat yourself. We didn't hear you coming in in
 9 for the first half of that.
 10 CHAIR DREW: I'm sorry. Okay. Are
 11 there questions from Council members? Okay. Seeing
 12 none, we will now move to -- thank you very much for your
 13 presentation, and we will now move to Ms. Hafkemeyer, I
 14 believe, who is doing the presentation on EFSEC's
 15 process.
 16 MS. HAFKEMEYER: Thank you, Chair
 17 Drew. Actually, Staff member John Barnes will be giving
 18 the presentation, so I am going to hand the floor over to
 19 him.
 20 CHAIR DREW: Okay. Thank you. Mr.
 21 Barnes.
 22 MR. BARNES: Welcome, everybody.
 23 Thank you all for coming to participate this evening. I
 24 My name is John Barnes, I am the siting specialist for
 25 EFSEC and I will be giving a short presentation on the

Page 15

1 EFSEC process for those who are unfamiliar with our
 2 agency.
 3 **A little bit of the history of the EFSEC agency.**
 4 **EFSEC was created in 1970 for the siting of thermal power**
 5 **plants. The intent was to create a one-stop permitting**
 6 **agency for large energy facilities.**
 7 **EFSEC is compromised (sic) of state and local**
 8 **members who are review each application before voting to**
 9 **make Council recommendation to the Governor.**
 10 **If recommending approval, the package to the**
 11 **Governor includes a draft site certification agreement,**
 12 **SCA, which defines all pre-construction, construction,**
 13 **and operation plans. If approved by the Governor, the**
 14 **decision preempts other state or local regulations.**
 15 **EFSEC is compromised (sic) of members from several**
 16 **different state agencies. The chairperson is appointed**
 17 **by the Governor, and there are standing members from five**
 18 **other agencies appointed by those agencies to the site to**
 19 **sit on the Council.**
 20 **The current Council is made up of Chairwoman**
 21 **Kathleen Drew, Eli Levitt from Department of Ecology,**
 22 **Mike Livingston from the Department of Fish and Wildlife,**
 23 **Elizabeth Osborne from the Department of Commerce, Lenny**
 24 **Young from the Department of Natural Resources, and Stacy**
 25 **Brewster from the Utilities & Transportation Commission.**

Page 16

1 **There are additional agencies that may elect to**
 2 **appoint a Council member during the review of a new**
 3 **application. These agencies are the Department of**
 4 **Agriculture, the Department of Transportation, the**
 5 **Department of Health, and the military department.**
 6 **The local county shall also appoint a Council member**
 7 **for the review of the new application. Benton County**
 8 **appointed Council member is Adam Fyall. If a proposal is**
 9 **located at a port, the port may appoint a non-voting**
 10 **member.**
 11 **Multiple energy generation facilities fall under**
 12 **EFSEC's jurisdiction. Some projects, thermal power**
 13 **plants that are less than 350 megawatts, and nuclear**
 14 **generation for the purpose of generating electricity are**
 15 **required to be sited through EFSEC while others, such as**
 16 **wind, solar, green hydrogen, storage, or clean energy**
 17 **manufacturing can opt in at any sites.**
 18 **Transmission lines greater than 115 kilovolts can**
 19 **also opt in while lines greater than 500 kilovolts are**
 20 **required and thresholds for pipeline and refineries that**
 21 **may be sited through EFSEC are found in the Revised Code**
 22 **of Washington or RCW 80.50.060.**
 23 **Here's the map of facilities that are certified or**
 24 **have applied for certification under EFSEC's**
 25 **jurisdiction. You can see marked in green there are six**

Page 17

1 **operating facilities, including two natural gas**
 2 **facilities, one nuclear facility, one solar facility, and**
 3 **two wind facilities. The blue marks indicate that four**
 4 **additional facilities that are approved but are not yet**
 5 **constructed.**
 6 **The clear circle is one facility in the process of**
 7 **being decommissioned. EFSEC is currently reviewing seven**
 8 **projects marked by yellow, including the Wallula Gap**
 9 **solar application proposal, which brings us here this**
 10 **evening.**
 11 **Here's a flowchart showing the general process an**
 12 **applicant will go through when they submit an application**
 13 **to EFSEC. There are green arrows on the chart to**
 14 **indicate a milestone in the process where the Council and**
 15 **Staff seek input.**
 16 **You can see there are multiple processes that happen**
 17 **concurrently when EFSEC is reviewing an application.**
 18 **There is a land use hearing and an adjudicative process**
 19 **outlined on the far left, a state environmental policy**
 20 **for SEPA process outlined in the middle, and the third**
 21 **process on the right involves identifying and preparing**
 22 **applicable environmental permits. All these processes**
 23 **ultimately feed into the Council's recommendations made**
 24 **to the Governor.**
 25 **Where an adjudication is required following the land**

Page 18

1 use consistency hearing and orders issued to commence
 2 proceedings and initiate intervention. Members of the
 3 public wishing to participate in the adjudication must
 4 identify themselves and their issues. There are
 5 pre-hearing conference through which parties are granted
 6 intervention status and issues are identified. Exhibits
 7 and testimony are prohibited and cross-examination is
 8 conducted, after which the Council looks at all the
 9 information in the adjudication record and deliberates.
 10 Finally, the Council develops an order establishing
 11 the findings of fact and conclusion of law from the
 12 information provided throughout these proceedings.
 13 For every project proposed a SEPA review is
 14 performed. When a determination of significance and a
 15 decision to prepare an environmental impact statement or
 16 EIS is made, public comment are taken on the scope of the
 17 EIS.
 18 After public comment for scoping the SEPA
 19 responsible official determines the scope of the EIS. A
 20 draft EIS is prepared and issued with a minimum 30-day
 21 public comment period, after which the final EIS is
 22 prepared and released. In some instances a determination
 23 of nonsignificance, a DNS, or a mitigated determination
 24 of nonsignificance, MDNS, is issued.
 25 If the SEPA responsible official determines that a

Page 19

1 project meets the criteria of a DNS or MDNS an EIS is not
 2 required.
 3 In this process, the determination is noticed to the
 4 public and there is a minimum 15-day public comment
 5 period on an MDNS, while a DNS requires no comment
 6 period.
 7 Following the conclusion of these separate avenues
 8 of application review, the Council develops its
 9 recommendation to the Governor, tying together the
 10 information brought forth throughout the application
 11 review process.
 12 EFSEC is also an issuing agency for any applicable
 13 environmental permits a facility may require, including
 14 water quality, air quality permits as they may apply.
 15 The permits are identified in the final package with the
 16 Council's recommendation to the Governor.
 17 At the conclusion of the Council's review of an
 18 application, a recommendation is made to the Governor to
 19 either approve or reject the application. This initiates
 20 a 60-day window within which the Governor will either
 21 approve the application, reject the application, or
 22 remand the application back to the Council for
 23 reconsideration. Any application that is rejected by the
 24 Governor is a final decision of that application.
 25 In an application is approved by the Governor, EFSEC

Page 20

1 then has oversight over the environmental compliance for
 2 the life of the facility through decommissioning. EFSEC
 3 has contracts with applicable state agencies that assist
 4 in the monitoring and enforcement of conditions, either
 5 in the site certification agreement, identified permits,
 6 or EIS or MDNS. EFSEC's enforcement authority extends to
 7 the issuance of any penalties as they may apply.
 8 As previously mentioned, EFSEC oversees facilities
 9 under its jurisdiction to decommissioning. Prior to the
 10 start of construction of approved projects, an initial
 11 site restoration plan is required. Then at the end of
 12 the life of the facility, prior to the start of the
 13 decommissioning, a detailed site restoration plan is
 14 required. This plan must be reviewed and approved by the
 15 Council.
 16 The project must also provide financial assurance
 17 for the decommissioning in the event that the project is
 18 no longer able to complete the process. Assuming the
 19 project decommissions while still under full control of
 20 the developer these costs would be paid by the
 21 certificate holder directly.
 22 This wraps up my presentation for the evening, but I
 23 would like to recommend everyone -- or remind everyone if
 24 they would submit comments for the proposal. You may
 25 send in written comments to email to

Page 21

1 comments@efsec.wa.gov. You can also send them by postal
 2 mail to our office at 621 Woodland Square Loop, PO box
 3 43172, Olympia, Washington 98504-3172, or by phone at
 4 360-664-1345.
 5 When EFSEC is in an active comment period associated
 6 with public milestone comments, comments may also be
 7 submitted to our online comment database at
 8 <https://comments.efsec.wa.gov>. All comments received,
 9 regardless of timing or method of delivery, will be saved
 10 with the project records and available to the Council and
 11 Staff for review.
 12 CHAIR DREW: Thank you, Mr. Barnes.
 13 Have you concluded your presentation there?
 14 MR. BARNES: I have, Chair Drew.
 15 CHAIR DREW: Okay. We will now move
 16 to the comment period for our public informational
 17 meeting. Judge Dupree will be calling the names of those
 18 who are going to testify, and Andrea Grantham, I believe,
 19 will be putting up your time on the screen so that you
 20 can see how much time remains.
 21 MS. GRANTHAM: We will have our tech
 22 person put up the time on the screen, but you will be
 23 able to see about how much time you have left. Go ahead,
 24 Administrative Judge Dupree.
 25 JUDGE DUPREE: Okay. Thank you, Ms.

Page 22

1 Grantham. Let me just briefly introduce myself. My name
 2 is Judge Travis Dupree. I'm an administrative law judge
 3 with the Office of Administrative Hearings. I have been
 4 an administrative law judge for the last 13 years. My
 5 role here is to monitor the conversation and make sure
 6 that everyone has an opportunity to speak.
 7 And we do need to limit comments to three minutes so
 8 everyone does have an opportunity to speak tonight. When
 9 your time is up I will be interrupting you. And then
 10 also if you are unable to say everything in the time
 11 limit, or you couldn't provide comments, just please
 12 provide them to EFSEC in writing. We will gladly review
 13 them.
 14 An, then finally, let's just keep our comments
 15 respectful and relevant to the issue at the hand. Having
 16 said all that, I believe we are ready to begin, Ms.
 17 Grantham.
 18 MS. GRANTHAM: Thank you, Judge. I
 19 will be going ahead and calling on people for the public
 20 comment section. For this portion, I will call upon
 21 those who signed up to speak in order of sign up. If a
 22 person signed up to comment in person is not present to
 23 do so, I will move on to the next designated speaker. If
 24 you are calling in by phone remember you can use star six
 25 to mute and unmute yourself. Just one moment. The first

Page 23

1 I have signed up to speak is Rylan Grimes. Please
 2 proceed to the mic in the center aisle.
 3 JUDGE DUPREE: This is Judge Dupree.
 4 What I am going to have you do, Mr. Grimes, is go ahead
 5 and state your first and last name and then spell it so
 6 we have it for the record.
 7 MR. GRIMES: It's Rylan Grimes,
 8 R-Y-L-A-N, G-R-I-M-E-S.
 9 JUDGE DUPREE: Thank you. And you can
 10 go ahead and proceed.
 11 MR. GRIMES: Okay. My name is Rylan
 12 Grimes. I'm a representative with IBEW Local 112, which
 13 is the electrician union in the area. We represent about
 14 1400 electricians, and we support this project for the
 15 green energy it will bring the area and the jobs. I'll
 16 keep it short and sweet.
 17 JUDGE DUPREE: Thank you.
 18 MS. GRANTHAM: Our next speaker is
 19 Andrew Waddell.
 20 JUDGE DUPREE: And I will have you
 21 state your first and last name and spell it.
 22 MR. WADDELL: MY name is Andrew
 23 Waddell, A-N-D-R-E-W, W-A-D-D-E-L-L. I'm also going to
 24 keep it short and sweet. I'm an apprentice at IBEW 112.
 25 I've worked on a couple solar projects in the area, and

Page 24

1 I've been a resident of Benton County for 27 years. I
 2 know we have always been prideful of the energy
 3 generation due to the dams and the nuclear facility in
 4 the area. And I would be happy to see more clean energy
 5 come to the area, so, yeah, I support this.
 6 JUDGE DUPREE: Thank you.
 7 MS. GRANTHAM: Our next speaker is
 8 Russell Walker.
 9 JUDGE DUPREE: Mr. Walker, state your
 10 first and last name and spell it.
 11 MR. WALKER: Okay. My name is Russell
 12 Walker, R-U-S-S-E-L-L, W-A-L-K-E-R. I'm going to keep it
 13 short also. I speak on behalf of the Operating Engineers
 14 of the 302. We support the Wallula Gap solar project,
 15 and the good paying jobs it will provide for the local
 16 communities. The solar project will also provide an
 17 additional source of energy for our local power grid.
 18 After completion of construction the solar project will
 19 continue to employ a local workforce in a maintenance
 20 capacity, once again providing good paying jobs for our
 21 local communities. Thank you for your consideration in
 22 support of the project. Thank you.
 23 JUDGE DUPREE: Thank you.
 24 MS. GRANTHAM: Our next speaker is
 25 Kendel Castner.

Page 25

1 JUDGE DUPREE: Ms. Castner, just
 2 remember to state your name and spell it.
 3 MR. CASTNER: Of course. Kendel
 4 Castner, K-E-N-D-E-L, C-A-S-T-N-E-R. I'm an apprentice
 5 with Local 112 as well. I worked a solar project down in
 6 Lexington, Oregon and it was where I got my start, and it
 7 provided me with good money to support myself and my
 8 family. And I was grateful to be able to be a part of
 9 green energy being produced in the Pacific Northwest.
 10 There were things I would like to see that could be
 11 improved upon. I'm happy to see that making multiuse of
 12 the land is in the works, especially when it comes to the
 13 mono agriculture we have in our area. It can lead to
 14 some negative benefits -- or negative effects on the crop
 15 health and land regeneration is -- should be a huge part
 16 of our area, and I'm glad to see that's part of it. I
 17 hope to be out there. Thank you.
 18 MS. GRANTHAM: Our next speaker is
 19 Jens Rasmussen.
 20 JUDGE DUPREE: Mr. Rasmussen, go ahead
 21 and state your name and spell it for the record.
 22 MR. RASMUSSEN: Jens Rasmussen,
 23 J-E-N-S, R-A-S-M-U-S-S-E-N. I'm here on behalf of the
 24 land owner and operator Farmland Reserve and
 25 AgriNorthwest. We have submitted a letter in support of

Page 26

1 this project. I won't repeat everything stated in the
 2 letter, but just for the purpose of this hearing we have
 3 operated the farm area here for a little over 53 years,
 4 and many people have grown up on the farm and retired on
 5 farm. We are very cautious when we look to partners like
 6 OneEnergy for solar. We appreciate that we are first and
 7 foremost farm investors and farm operators, and we are
 8 very cautious about taking any property out of farm
 9 production for any other purpose. And we have looked at
 10 this site. A site we have historically attempted to
 11 irrigate, and have found a better use for higher quality
 12 soils that are in production on other land that we own,
 13 and we feel like this is a great fit to be able to be the
 14 best use of this piece of property within our farm area,
 15 and we are appreciative of OneEnergy's efforts to balance
 16 and ensure there's no environmental impact, as well as
 17 how well they have been in coordinating with all of the
 18 various other entities involved in mitigation of the
 19 negative effects, and so we support this project. For
 20 more details you can see our letter of support. Thank
 21 you.
 22 JUDGE DUPREE: Thank you.
 23 MS. GRANTHAM: Our next speaker is
 24 Victor Mendoza.
 25 JUDGE DUPREE: Mr. Mendoza, just

Page 27

1 remember to state your name and spell it.
 2 MR. MENDOZA: Victor Mendoza,
 3 V-I-C-T-O-R, M-E-N-D-O-Z-A. I am a Local 112 apprentice.
 4 I fully support this project. I have been living in Tri
 5 Cities all my life, and with the amount of green
 6 renewable energy we have, I feel like this will be
 7 beneficial to the area.
 8 JUDGE DUPREE: Thank you.
 9 MS. GRANTHAM: Our next speaker is
 10 Kris Leistriz.
 11 JUDGE DUPREE: Go ahead and state your
 12 name and spell it.
 13 MR. LEISTRITZ: My name is Kris
 14 Leistriz, K-R-I-S, L-E-I-S-T-R-I-T-Z. Lived here for
 15 all my life, and I appreciate the efforts to go into and
 16 develop these solar projects or renewable energy projects
 17 throughout Tri-Cities and the locals around the area. I
 18 very much support the working for the clean energy grid
 19 and within the area as well and as the surrounding area.
 20 Also, I'm really impressed with the idea of being
 21 implemented in this project with the battery storage
 22 aspect of the project in order to help out with the curb
 23 of some of the faults of solar. So really do appreciate
 24 the time and energy in thinking about the project and
 25 working it out. We are excited to see more renewable

Page 28

1 energy come to Tri-Cities. Thank you.
 2 JUDGE DUPREE: Thank you.
 3 MS. GRANTHAM: Our next speaker is Jim
 4 Atkins.
 5 MR. ATKINS: Jim Atkins, J-I-M,
 6 A-T-K-I-N-S. My question is regard around the solar
 7 panels, the heat projected off of this, you know, how
 8 much does that impact the environment from one foot, two
 9 foot, three feet, six foot on up, how much does that
 10 increase the temperature.
 11 And then that increased temperature, how does that
 12 affect the airflow above the air currents? How is that
 13 affected?
 14 Also, I heard rumors where bird deaths occur because
 15 they fly over these and because of the heat they die.
 16 Fire protection, I know you said you are working
 17 with the fire department but will you be providing any
 18 fire equipment to circumvent any large fires that come
 19 out there because that is a rural area, you know. And do
 20 they need more fire trucks? Do they need special
 21 equipment to fight a fire?
 22 You talk about grazing. How many grazing allotments
 23 are there there because nothing is being grazed now
 24 maybe, from what I understand. And we hear there's
 25 stories about sheep, how much -- how many sheep can be

Page 29

1 under there? And how much of this is subsidized by the
 2 government? And EFSEC oversight of environmental during
 3 the construction, is that an individual on site all the
 4 time or are you just going to show up every once a month
 5 and check the oversight?
 6 That's all I have. Thank you.
 7 JUDGE DUPREE: Thank you.
 8 MS. GRANTHAM: That is the end of our
 9 signed up speakers. Judge Dupree, it is at your
 10 discretion if you would like to open the floor to those
 11 in the room who were not able to sign up or did not
 12 initially sign up. The three-minute limit on speaking
 13 will still apply. For those attending online you can
 14 raise your hand to indicate if you would like to speak
 15 if the Judge does elect to do this, and those dialing in
 16 can use star five, so Judge Dupree.
 17 JUDGE DUPREE: Thank you, Ms.
 18 Grantham. And then if there's anybody that hasn't signed
 19 up and wishes to speak, now is your opportunity to
 20 provide a comment.
 21 MR. ATKINS: Jim Atkins. I will step
 22 up again. J-I-M, A-T-K-I-N-S. I do not think this
 23 meeting was very well advertised that this was going to
 24 occur. I only found out about it today, this morning at
 25 9:30, and so I don't know how much the community has.

Page 30

1 And the other thing I will say, in the event that
 2 somebody decides they need to talk more than three
 3 minutes, why do you -- you know, just because people
 4 allow three minutes, other entities, you know, maybe
 5 somebody has -- can speak for four minutes and not three
 6 and before you pound the gavel and tell them they have to
 7 sit down. That's all I have. Thank you.
 8 JUDGE DUPREE: Thank you. Was there
 9 anybody else that wanted to comment?
 10 State your first and last name and spell it for the
 11 record.
 12 MR. RYKIEL: Edward Rykiel,
 13 E-D-W-A-R-D, R-Y-K-I-E-L. Dana Ward is the president of
 14 the Lower Columbia Basin Audubon Society and he couldn't
 15 be here tonight because this the monthly meeting of the
 16 chapter, so he enlisted me to come and represent the
 17 Lower Columbia Basin Audubon Society.
 18 We have been on the site and we have evaluated it,
 19 and we would be submitting a letter after we have a
 20 chance to review what WDFW has said about it. From what
 21 we seen on the site, we would generally support this
 22 project. There is a cow-calf operation on there right
 23 now which is serving to feed coyotes, among other animals
 24 like ravens, for example. There's not much bird habitat.
 25 As I said, lower Columbia Basis Audubon will be

Page 31

1 submitting a letter generally in support of the project.
 2 Thank you.
 3 JUDGE DUPREE: Thank you. And then,
 4 Ms. Grantham, was there anybody online that wanted or
 5 indicated they wanted to speak?
 6 MS. GRANTHAM: We have no raised
 7 hands.
 8 JUDGE DUPREE: Okay. Thank you. Then
 9 anybody else that hasn't had an opportunity to speak that
 10 would like to make a comment?
 11 Okay. I believe that is all of the comment portion
 12 then.
 13 CHAIR DREW: And since this -- again,
 14 this is Chair Drew. Since we have completed this portion
 15 of the meeting, of the informational meeting, we will
 16 adjourn until 6:30 and then we will start our
 17 Environmental Land Use Hearing earlier than the seven
 18 o'clock time, as also said in our notice, if this was to
 19 be completed before seven o'clock we would start the
 20 environmental hearing.
 21 So with that, let's take at 15-minute break and
 22 perhaps there are people who had questions who can get
 23 some of those questions answered in the meantime, and we
 24 will come back at 6:30 for the land use hearing. Thank
 25 you.

Page 32

1 (Recess.)
 2
 3 CHAIR DREW: Once again, good evening.
 4 This is Kathleen Drew, Chair of the Energy Facility Site
 5 Evaluation Council calling this meeting to order.
 6 This is the Land Use Consistency Hearing with
 7 Wallula Gap solar project as required by RCW 80.50.090(2)
 8 and WAC 463-26-035. We are holding this hearing where
 9 the public will be given an opportunity to provide
 10 testimony regarding the proposed project's consistency
 11 and compliance with land use plans and zoning ordinances.
 12 So this is a hearing which topic is limited only to
 13 those topics.
 14 Ms. Grantham, will you call the roll for the
 15 Council?
 16 MS. GRANTHAM: Certainly, Chair Drew?
 17 Department of commerce? Department of Ecology?
 18 Department of Fish and Wildlife?
 19 MR. LIVINGSTON: Mike Livingston,
 20 present.
 21 MS. GRANTHAM: Department of Natural
 22 Resources?
 23 MR. YOUNG: Lenny Young, present.
 24 MS. GRANTHAM: Utilities &
 25 Transportation Commission?

Page 33

1 MS. BREWSTER: Stacy Brewster,
 2 present.
 3 MS. GRANTHAM: For Benton County, Adam
 4 Fyall. Adam Fyall is present. And Administrative Law
 5 Judge Travis Dupree?
 6 JUDGE DUPREE: Present.
 7 MS. GRANTHAM: Chair, we have a
 8 quorum. Thank you.
 9 CHAIR DREW: Thank you. At this point
 10 I will turn the hearing over to Judge Dupree.
 11 JUDGE DUPREE: Thank you, Chair Drew.
 12 Thank you and good evening everyone. As Chair Drew
 13 indicated this is the Land Use Consistency Hearing where
 14 Council members will hear testimony, as will I, about the
 15 land use consistency. The process will be that the
 16 Applicant will be able to present their information and
 17 then the County will be given an opportunity to respond,
 18 and then after that I will hear from the members of the
 19 public who may want to testify. And then, again, the
 20 testimony will be limited to land use consistency. We
 21 had a meeting just prior to the hearing where people
 22 were -- could provide other comments and had an
 23 opportunity to provide comments on other matters.
 24 I believe I will check and see if there's any other
 25 preliminary matters that we need to address before we

Page 34

1 proceed. I will note that I believe counsel for the
 2 Applicant is Tim McMahan. I believe he was approached
 3 and indicated that there was a procedural matter, and I
 4 will indicate it on the record. That was the extent of
 5 our discussion.
 6 Having said that, Mr. McMahan, did you want to --
 7 was there some sort of procedural matter that you wanted
 8 to bring up?
 9 MR. MCMAHAN: Thanks, Judge Dupree.
 10 Good evening Chair Drew and Council members, and good
 11 evening, Judge Dupree. Tim McMahan for the record, and I
 12 represent OneEnergy in this project, and I will do a
 13 fairly quick presentation on land use consistency. But
 14 before I begin, what I did want to request is that the
 15 testimony from the Applicant be made a part of this
 16 portion of the record for the land use hearing just as a
 17 procedural matter on an ongoing basis so that that record
 18 is tied together, the public meeting and I'm testifying
 19 for the Applicant in the land use hearing discussion.
 20 JUDGE DUPREE: And then this is Judge
 21 Dupree, any of the other parties object? Then do any of
 22 the Council members object?
 23 CHAIR DREW: That sounds reasonable.
 24 JUDGE DUPREE: Sorry, Chair Drew, did
 25 you want to comment or weigh in?

Page 35

1 CHAIR DREW: I said that sounds
 2 reasonable.
 3 MR. MCMAHAN: Again, Tim McMahan, for
 4 the Applicant. I'm with Stoel Rives Law Firm, and I've
 5 been working with OneEnergy for some years, and have been
 6 involved with this application for a permit from its
 7 inception.
 8 Just as an introductory comment, as some of you know
 9 who are veterans in this process, this part of the
 10 project, or excuse me, this part of the process involves
 11 a land use consistency hearing, and there will also be a
 12 land use adjudication at a later time in the process
 13 given the nature of this particular application.
 14 So tonight we are focusing on the land use
 15 consistency hearing only. And it is a little bit
 16 different from what we expect in an adjudication in the
 17 coming months, so just kind of as a piece of background.
 18 So I have a presentation that is fairly short and
 19 really broken into three separate sections. First, I
 20 want to talk about the current status of the land use
 21 code in Benton County. In December of 2021, by ordinance
 22 number 2021-004 that Benton County Board of County
 23 Commissioners repealed a local code that allows for the
 24 permitting of large solar facilities in Benton County
 25 through a conditional use permit process, and that was

Page 36

1 for areas that were in agricultural zoning. And I know
 2 that the County is here and they can correct how I
 3 characterize the zoning, the zoning is GMAD I think it
 4 is, but I'm sure Ms. Cook will set me straight on the
 5 record.
 6 So at the time large scale solar facilities were
 7 allowed by the County by a conditional use permit, and
 8 projects were capable of previously being approved
 9 through a conditional use process.
 10 We concur, we understand, the Applicant understands
 11 that the proposal or project is not consistent with a
 12 zoning code that is now abolished, to state the obvious,
 13 so we stipulate and understand that at least from that
 14 standpoint, in terms of the County's zoning regulation,
 15 that project is not consistent with land use, but the
 16 inquiry doesn't stop there.
 17 With a local determination that major solar
 18 facilities are not supported by the Board of
 19 Commissioners, the evidence needed for this hearing is
 20 limited this evening, which is why I ask that OneEnergy's
 21 testimony be incorporated into this record so that we
 22 have some evidentiary foundation.
 23 So second, the second part that I want to talk about
 24 is how EFSEC proceedings differ somewhat from the
 25 consideration at the County level and County permitting.

Page 37

1 EFSEC proceedings differ from local land use
 2 considerations. EFSEC also considers the policy
 3 foundations, state and local, of the zoning code and
 4 Washington law and policy. Hence, land use consistency
 5 concerns do not stop at a question of whether or not a
 6 local code is repealed or a local code allows a
 7 particular use.
 8 EFSEC, as the Council members who are here know,
 9 EFSEC is informed by the local comprehensive plan goals
 10 and policies documented in the application, which we have
 11 submitted into the record. The AFC land use review
 12 Chapter 2 has an extensive review and analysis of the
 13 local comprehensive plan provisions that are applicable
 14 to the project.
 15 So we request that as the Council reviews the
 16 application for site certification that the Council's
 17 review be informed by the County's plans and policies
 18 coupled by the broader statewide interest, including
 19 climate change policies. We ask that that consideration
 20 be seriously considered by the Council as the Council
 21 proceeds with reviewing the application.
 22 We request careful consideration of the site
 23 characteristics described by Nathan, by the Applicant,
 24 showing that this site is really quite ideal for solar
 25 development purposes, including some creative ideas on

Page 38

1 how to perpetuate agricultural use on this site.
 2 Third, and finally, we acknowledge the main event
 3 here. The main event in land use consistency review will
 4 occur in the land use adjudication later in this process.
 5 And in that -- at that time the Council members will hear
 6 testimony then about land use consistency within the
 7 adjudication framework, which is essentially a trial. So
 8 consideration of the repealed provisions of the County
 9 code, including the conditional use permit criteria can
 10 help to inform the review. The comprehensive plan
 11 provisions can help inform this review. The conditions
 12 imposed by other projects also provide guide posts for
 13 the Council as they consider this application.
 14 Finally, and of great importance, in my view, the
 15 adjudication some months from now RCW 80.50.110 and
 16 Washington Administrative Code or WAC 463-28-070 will
 17 direct EFSEC to include conditions that will consider
 18 state and local interests as part of the decisionmaking.
 19 That's all I have this evening. Not terribly
 20 exciting because as I say we are not arguing about
 21 whether or not a zoning code exists or doesn't exist, so
 22 unless there are questions I am done with the
 23 presentation. Thank you, Judge.
 24 JUDGE DUPREE: Thank you. Then I
 25 believe -- let me allow -- I believe somebody from -- I

Page 39

1 believe my understanding is that Michelle Mercer is here
 2 on behalf of Benton County. Did you want to respond?
 3 MS. MERCER: Yes. The County has a
 4 statement that they would like to make.
 5 Good evening, my name is Michelle Mercer. I'm with
 6 the Benton County Planning Division. I would like to
 7 take a few minutes to speak about the proposed Wallula
 8 Gap solar project's inconsistency and lack of compliance
 9 with the Benton County land use plan, zoning ordinance,
 10 and the Washington State Growth Management Act.
 11 The County's comprehensive plan and zoning ordinance
 12 are shaped by the directives of the State's Grown
 13 Management Act, which mandates counties to designate and
 14 protect agricultural lands of long term commercial
 15 significance by prohibiting the inappropriate conversion
 16 of agricultural resource lands and ensuring development
 17 within these areas are compatible.
 18 RCW 36.70A.177 addresses nonagricultural uses and
 19 activities that can be allowed on designated agricultural
 20 resource lands. The provision allows nonagricultural
 21 accessory uses subject to several restrictions including,
 22 that the uses must be located in areas already developed
 23 with buildings, the uses cannot convert more than one
 24 acre of land to nonagricultural use, and that the use
 25 must be consistent with the size, scale, and intensity of

Page 40

1 the existing agricultural uses of the property.
 2 This application fails to meet any of these criteria
 3 laid out by the state. The project area is designated by
 4 the County's comprehensive plan as GMA Agriculture, and
 5 proposes to convert 392 acres of agricultural land to an
 6 industrial use, which would result in the direct
 7 violation of the Growth Management Act and Benton
 8 County's Comprehensive Plan as both mandate protection
 9 and prevention of the loss of agricultural lands of long
 10 term commercial significance.
 11 The County's comprehensive plan provides clear
 12 guidance through its goals and policies on the importance
 13 of the County to protect, maintain, conserve, and enhance
 14 agricultural lands while discouraging incompatible uses.
 15 One such policy found within the County's
 16 comprehensive plan seeks to conserve areas designated GMA
 17 Agriculture to the maximum extent possible and to protect
 18 these areas from the encroachment of incompatible uses to
 19 prevent fragmentation of agricultural land, which would
 20 occur if uses like the solar facility were allowed.
 21 As such, the application before you tonight is not
 22 consistent with the overall goals and polices of Benton
 23 County's comprehensive plan as the size, scale, and
 24 intensity of a solar facility is a noncompatible
 25 industrial use, not an agricultural one.

Page 41

1 As with the land use designation for this project,
 2 the zoning district is known as the AMA Agricultural
 3 zone. This zoning district seeks to protect agricultural
 4 activities by allowing uses compatible with agriculture
 5 and prohibiting those uses which are incompatible.
 6 Currently, industrial solar facilities are a prohibited
 7 use in the GMA Agricultural zoning district and are not
 8 permitted as an allowed, accessory, or conditional use in
 9 this zone per the Benton county Zoning Ordinance.
 10 The rationale for prohibiting these types of uses in
 11 the GMA Agricultural zoning district is developed from,
 12 and supported by, the goals and policies of both the
 13 Benton County Comprehensive Plan and the State Growth
 14 Management Act.
 15 The Applicant is requesting that EFSEC preempt the
 16 County's local land use plan and zoning ordinance which
 17 discourage and prohibit such uses from occurring on
 18 agricultural lands. As has been identified, this project
 19 does not meet the intent, and is in violation of the
 20 Washington Sate Growth Management Act. It is not
 21 consistent with the goals and policies of the County's
 22 Comprehensive Plan, and it does not comply with the GMA
 23 Agricultural zoning district as solar facilities are a
 24 prohibited use.
 25 In closing, it is Benton County's position that the

Page 42

1 Washington State Growth Management Act, the local land
 2 use policies, and zoning code should be held in effect
 3 and should not be superseded.
 4 Thank you for your time.
 5 JUDGE DUPREE: Okay. And then next I
 6 am going to turn to the Council members. Did the Council
 7 members have any questions of the Applicant? And I'm not
 8 hearing any or any raised hands so next we -- we will go
 9 next to if anyone else wants to testify this evening
 10 strictly on the land use consistency now is your
 11 opportunity to make a comment or testify.
 12 And, Ms. Grantham, was there anybody online that
 13 indicated they wanted to provide any testimony?
 14 MS. GRANTHAM: Just one moment. I am
 15 not seeing any raised hands for comment or testimony for
 16 the land use hearing portion.
 17 JUDGE DUPREE: Okay. And this is
 18 Judge Dupree. I will try one more time. Anybody that
 19 would like to provide testimony or comments? I'm not
 20 seeing any raised hands and then at this point -- hold on
 21 just a moment.
 22 I believe now the process now is just to conclude
 23 the hearing. Was there anything else, Chair Drew, before
 24 I wrap up or conclude tonight?
 25 CHAIR DREW: No, I don't believe so.

Page 43

1 JUDGE DUPREE: Okay. Thank you. All
 2 right. Well, I want to thank everybody for your
 3 participation tonight and your presentations.
 4 We will conclude the hearing at this time. I hope
 5 that all of our participants and observers have a good
 6 rest of your evening and also stay safe out there.
 7 The time is now 6:48 p.m. and we stand adjourned.
 8 Thank you.
 9 CHAIR DREW: This meeting is
 10 adjourned.
 11 (Meeting adjourned at 6:48 p.m.)
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 44

1 STATE OF WASHINGTON) I, Christy Sheppard, CCR, RPR,
) ss a certified court reporter
 2 County of Pierce) in the State of Washington, do
 hereby certify:
 3
 4
 5 That the foregoing transcript of the EFSEC
 6 Informational Public Hearing and Land Use Consistency
 7 Hearing re: Wallula Gap Solar Project, was taken before
 8 me via Zoom, and completed on April 23, 2024, and
 9 thereafter was transcribed under my direction;
 10
 11 That I am not a relative, employee, attorney or
 12 counsel of any party to this action or relative or
 13 employee of any such attorney or counsel and that I am
 14 not financially interested in the said action or the
 15 outcome thereof;
 16
 17 IN WITNESS WHEREOF, I have hereunto set my signature
 18 May 5, 2024.
 19
 20
 21
 22
 23
 24
 25

 /s/Christy Sheppard, CCR, RPR
 Certified Court Reporter No. 1932
 (Certification expires 05/06/25.)

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Kittitas Valley Wind Power Project

Operator: EDP Renewables

Report Date: May 1, 2024

Reporting Period: April 2024

Site Contact: Jarred Caseday, Operations Manager

Facility SCA Status: Operational

Operations & Maintenance (only applicable for operating facilities)

- Power generated: 28,247.58 MWH.
 - Wind speed: 7.11 m/s
 - Capacity Factor: 38.50%
-

Environmental Compliance

- No incidents

Safety Compliance

- Nothing to report

Current or Upcoming Projects

- Nothing to report

Other

- No sound complaints
- No shadow flicker complaints

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Wild Horse Wind Facility
Operator: Puget Sound Energy
Report Date: May 2, 2024
Report Period: April 2024
Site Contact: Jennifer Galbraith
SCA Status: Operational

Operations & Maintenance

April generation totaled 74,933 MWh for an average capacity factor of 38.18%.

Environmental Compliance

Nothing to report.

Safety Compliance

Nothing to report.

Current or Upcoming Projects

Nothing to report.

Other

Nothing to report.

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Chehalis Generation Facility
Operator: PacifiCorp
Report Date: May 1, 2024
Reporting Period: April 2024
Site Contact: Jeremy Smith, Operations Manager
Facility SCA Status: Operational

Operations & Maintenance

-Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

- 169,580 net MW-hrs. generated in the reporting period for a capacity factor of 46.96%
-

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

-Monthly Water Usage: 290,972 gallons

- One of the two City of Chehalis water meters are out of commission. Chehalis utility district has a replacement on order.

-Monthly Wastewater Returned: 1,094,451 gallons

-Permit status if any changes.

- No changes.

-Update on progress or completion of any mitigation measures identified.

- Nothing to report

-Any EFSEC-related inspections that occurred.

- Nothing to report.

-Any EFSEC-related complaints or violations that occurred.

- Nothing to report

-Brief list of reports submitted to EFSEC during the monthly reporting period.

- Nothing to report

Safety Compliance

-Safety training or improvements that relate to SCA conditions.

- Zero injuries this reporting period for a total of 3,196 days without a Lost Time Accident.

Current or Upcoming Projects

- Planned site improvements.
 - No planned changes.
- Upcoming permit renewals.
 - Nothing to report.
- Additional mitigation improvements or milestones.
 - Nothing to report.

Other

- Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).
 - Nothing to report.
- Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).
 - Nothing to report.
- Public outreach of interest (e.g., schools, public, facility outreach).
 - Nothing to report.

Respectfully,



Jeremy Smith
Gas Plant Operations Manager
Chehalis Generation Facility

EFSEC Monthly Council Meeting – Facility Update

Facility Name: Grays Harbor Energy Center
Operator: Grays Harbor Energy LLC
Report Date: May 20, 2024
Reporting Period: April 2024
Site Contact: Chris Sherin
Facility SCA Status: Operational

Operations & Maintenance

- GHEC generated 255,000MWh during the month and 1,874,570MWh YTD.
- GHEC had a transmission line derate limiting the Plant's output to 370MW 1-12APR imposed by the BPA for maintenance required prior to our Annual Outage in May. The BPA has additional maintenance scheduled during our outage window.
- Annual (Maintenance) Outage started on April 29th.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

- There were no emissions, outfall, or storm water deviations, during the month.
- Routine monthly, quarterly, and annual reporting to EFSEC Staff.
 - o Monthly Outfall Discharge Monitor Report (DMR).
 - o Quarterly Stormwater Discharge Monitor Report (DMR).
 - o Quarterly EDR Submitted the AOP Annual Compliance Report.
- Dept. of Ecology's, accompanied by EFSEC, annual NPDES WQ Class 1 Non-Sampling Inspection.
 - o Sanitary wastewater and Outfall inspections.
 - o Lab procedures
 - o Cooling Tower

Safety Compliance

- None.

Current or Upcoming Projects

- Application for a Modification to the Air Operating Permit submitted to EFSEC in April 2022. GHEC is currently authorized to operate under PSD Permit EFSEC/2001-01, Amendment 5 and Federal Operating Permit EFSEC/94-1 AOP Initial.
- NPDES permit renewal application submitted to EFSEC in December 2023 in accordance with Section S6.A of NPDES Permit No. WA0024961.

Other

-None.

STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL (EFSEC)



TITLE V AIR OPERATING PERMIT (AOP)

Issued To

Grays Harbor Energy, LLC
For The
Grays Harbor Energy Center

PERMIT #: EFSEC/94-1 AOP- 1st Modification
ISSUED: June 17, 2020
EXPIRATION: June 17, 2025

ENERGY FACILITY SITE EVALUATION COUNCIL
621 Woodland Square Loop
Lacey, WA 98503-3172
Telephone: (360) 664-1345

AIR OPERATING PERMIT #: EFSEC/94-1 AOP 1st Modification

ISSUED TO: Grays Harbor Energy LLC
401 Keys Road
Elma, WA 98541-9149

PLANT SITE:
Grays Harbor Energy Center
401 Keys Road
Elma, WA 98541-9149

ISSUED BY: Energy Facility Site Evaluation Council
621 Woodland Square Loop SE - PO Box 43172 Lacey,
WA 98503-3172

NATURE OF BUSINESS: Electrical Generating Facility

SIC / NAICS: 4911 / 221112

ICIS NUMBER: WAORC0005302701186

EFFECTIVE DATE: <enter>

EXPIRATION DATE: June 17, 2025

RENEWAL APPLICATION DUE: December 17, 2024

PERMIT ENGINEER:

Aaron Manley P.E. – ORCAA

<enter>

Date

REVIEWED BY:

Sonia E. Bumpus – EFSEC Executive Director

<enter>

Date

APPROVED BY:

Kathleen Drew - EFSEC Chair

<enter>

Date

ISSUED IN ACCORDANCE WITH:
40 CFR Part 70, Chapters 70A.15 and 80.50 RCW, and Chapters 463-78 and 173-
401 WAC

TABLE OF CONTENTS

I. REGULATORY BASIS 1

II. EMISSION UNIT (EU)IDENTIFICATION..... 5

III. PERMIT ADMINISTRATION(P) 6

IV. GENERAL TERMS AND CONDITIONS (G)..... 13

V. APPLICABLE REQUIREMENTS (AR) 17

VI. MONITORING AND RECORDKEEPING (M)..... 37

VII. REPORTING (R) 44

VIII. PERMIT SHIELD CONDITIONS(S) 50

PERMIT ATTACHMENTS 54

Attachment 1:ACID RAIN PERMIT

Attachment 2: DEFINITIONS

Attachment 3: ABBREVIATIONS

I. REGULATORY BASIS

This Air Operating Permit (AOP), issued to Grays Harbor Energy LLC, for the Grays harbor Energy Center, is authorized under the procedures established in Chapter 173-401 WAC as adopted by EFSEC in Chapter 463-78 WAC, and Title V of the 1990 Federal Clean Air Act Amendments. The terms and conditions of this AOP describe the emissions limitations, operating requirements, monitoring requirements, recordkeeping requirements, and reporting requirements applying to the permitted facility.

AOP terms and conditions are divided into the following categories: Permit Administration Conditions (P#), General Terms and Conditions (G#), Applicable Requirements (AR#), Monitoring and Recordkeeping (M#), Reporting (R#), and Permit Shield (S#) Conditions. As used in this permit, there is no distinction between "terms" and "conditions." As such, "condition" means the same as "terms and conditions" as referred to in Title V of the 1990 Federal Clean Air Act Amendments.

All terms and conditions of this AOP, including any provisions designed to limit potential to emit, are enforceable under the Federal Clean Air Act (FCAA) unless specifically identified as "state" or "EFSEC" only in the "regulatory basis" description that follows each condition. Conditions identified as "EFSEC only" are enforceable only by the Energy Facility Site Environmental Council (EFSEC). Conditions identified as "state/EFSEC only" are enforceable only by EFSEC and the State of Washington.

The conditions in this AOP contain abbreviated and, in some cases, paraphrased versions of the language of the applicable requirements from the underlying laws, regulations and regulatory orders. Any difference between the description of an applicable requirement in this AOP compared to the corresponding law, regulation or order is provided for purposes of clarifying the underlying requirement. The legal requirement remains the underlying applicable requirement cited in the "Applicable Requirement" column of the tables and the citations contained in brackets at the end of each requirement. Any perceived conflicts between this AOP and an underlying applicable requirement will be resolved by referring to the cited applicable requirement.

Definitions of key terms used in this AOP are provided in Attachment 2 and should be consistent with definitions provided from corresponding referenced regulations. If not defined in this AOP, the referenced regulation, Chapter 70A.15 RCW, WAC 173-401-200 or WAC 173-400-030, terms shall be defined consistent with the Merriam-Webster's Collegiate Dictionary, Eleventh Edition copyright © 2003 by Merriam-Webster Inc.

The conditions required under this AOP were determined necessary to assure and provide for certification of compliance with applicable EFSEC, state, and federal air pollution regulations and standards. These requirements were determined applicable based on the equipment specifications and regulatory history of each emissions unit as described in the Technical Support Document for this AOP.

Conditions in this AOP originate from state, federal, and EFSEC regulations and standards and

are generally referred to as “applicable requirements.” AOP conditions reflect the versions of each applicable requirement in effect at the time the AOP modification application was submitted to EFSEC. Certain applicable requirements may have had multiple versions in effect at the time the AOP modification application was submitted due to either:

1. An amendment to the associated regulation/rule/standard that occurred after EFSEC adopted the regulation by reference; or,
2. An older version of the rule/regulation/or standard adopted by EFSEC in their State Implementation Plan (SIP).

In these instances, both versions of the applicable requirement apply and are reflected in the AOP condition.

The following tables clarify the “landmark” dates that establish the effective versions for each applicable requirement contained in this AOP. However, any disputes regarding the exact language of an applicable requirement covered in this AOP should be settled by consulting versions of the associated rules/regulations/standards based on the “landmark dates” shown in the following tables.

Table 1: Landmark Dates for Federal Regulation

Federal Regulations	Date Federal Regulation Adopted by EFSEC ^a	EFSEC Delegation Date ^b
40 CFR 60, Subpart A (§ 60.1 to § 60.19)	11/11/2019	Not Delegated
40 CFR 51, Subpart K	11/11/2019	Not Delegated
40 CFR 52, Subpart A	11/11/2019	Not Delegated
40 CFR 60, Subpart IIII	11/11/2019	Not Delegated
40 CFR 60, Subpart KKKK	11/11/2019	Not Delegated
40 CFR 60, Appendices	11/11/2019	Not Delegated
40 CFR 61, Subpart A	11/11/2019	Not Delegated
40 CFR 61, Subpart M	11/11/2019	Not Delegated
40 CFR 63, Subpart A	11/11/2019	Not Delegated
40 CFR 63, Subpart ZZZZ	11/11/2019	Not Delegated
40 CFR 63, Appendices	11/11/2019	Not Delegated
40 CFR 72	11/11/2019	Not Delegated
40 CFR 75	11/11/2019	Not Delegated
40 CFR 75, Appendices	11/11/2019	Not Delegated
40 CFR 82, Subpart B	11/11/2019	Not Delegated
40 CFR 82 Subpart F	11/11/2019	Not Delegated

- a. The “Date Federal regulation Adopted by EFSEC” is set by the date established in WAC 463-78-005(1), which is the effective date of EFSECs adoption by reference for all federal and state regulations adopted by EFSEC. At the time the Permittee submitted their AOP modification application, WAC 463-78-005(1) stated November 11, 2019, as the effected date for adoption by reference. Therefore, the versions of federal regulations cited in this permit are those that existed on 11/11/2019.
- b. The “EFSEC Delegation Date” is the date EFSEC was granted delegation to enforce the specific federal regulation. EFSEC has not yet received federal rule delegation from EPA.

Table 2: Landmark Dates for State Regulations

State Regulations	SIP Regulation Version Effective Date ^a	Date State Regulation Adopted by EFSEC ^{b, c}
WAC 173-400-036	12/29/2012	11/11/2019

WAC 173-400-040(2)(a & b) - Visible Emissions	4/1/2011	11/11/2019
WAC 173-400-040(3) – Fallout	Not in SIP	11/11/2019
WAC 173-400-040(4)- Fugitive Emissions	9/16/2018	11/11/2019
WAC 173-400-040(5) - Odors	Not in SIP	11/11/2019
WAC 173-400-040(6) - Detrimental Emissions	9/16/2018	11/11/2019
WAC 173-400-040(7) - SO2 Emissions	9/16/2018	11/11/2019
WAC 173-400-040(8) - Concealment and Masking	9/16/2018	11/11/2019
WAC 173-400-040(9) - Fugitive Dust	9/16/2018	11/11/2019
WAC 173-400-050 (Except: 173-400-050(2), (4), (5), and(6).	9/16/2018	11/11/2019
WAC 173-400-060	9/16/2018	11/11/2019
WAC 173-400-105	11/25/2018	11/11/2019
WAC 173-400-107	9/23/1993	11/11/2019
WAC 173-400-108	Not in SIP	Not Adopted Effective version of rule is 4/12/2022
WAC 173-400-109	Not in SIP	Not Adopted
WAC 173-400-110	12/29/2012	11/11/2019
WAC 173-400-114	Not in SIP	11/11/2019
WAC 173-400-230	Not in SIP	4/12/2022
WAC 173-400-700	4/1/2011	11/11/2019
WAC 173-401	Not in SIP	11/11/2019
WAC 173-406	Not in SIP	11/11/2019
WAC 173-425	10/18/1990	11/11/2019
WAC 173-441	Not in SIP	Not Adopted Effective version of rule is 4/12/2022
WAC 173-460	Not in SIP	Not Adopted Effective version of rule is 4/12/2022
WAC 463-78-105 (Fees)	Not in SIP	8/27/2015
WAC 463-78-115	Not in SIP	11/11/2019
WAC 463-78-120 (Testing)	11/11/2004	11/11/2004

- a. The “SIP Regulation Version Effective Date” is the effective date of the specific regulation listed in EFSEC’s State Implementation Plan.
- b. The “State Regulation Version Adoption Date” is set by the date established in WAC 463-78-005(1), which is the effective date of EFSECs adoption by reference for all federal and state regulations adopted by EFSECs. At the time the Permittee submitted their AOP modification application, WAC 463-78-005(1) stated November 11, 2019, as the effected date for adoption by reference. Therefore, the versions of federal regulations cited in this permit are those that existed on 11/11/2019.
- c. For those State regulations not adopted by EFSEC, the date the AOP modification application was submitted sets the date of the effective version of the regulation.

Table 3: Effective Dates for PSD and NSR Permits

Regulatory Orders/Permits	Effective Dates
Acid Rain Permit No. EFSEC/10-01-AR	6/17/2020
PSD No. EFSEC/2001-01, AMENDMENT 5	1/28/2021
No. EFSEC NOC 17-01 (Cooling Tower Replacement)	4/18/2017

[END OF SECTION]

II. EMISSION UNIT (EU) IDENTIFICATION

The following table contains emission unit identifications. More detailed descriptions of each emission unit are included in the Technical Support Document (TSD) for this Air Operating Permit (AOP).

TABLE 4: Emissions Units Covered Under AOP

EU #	Generating Equipment/Activity	Emission Control
EU-1	Combined Cycle Gas Turbine 1 (CGT-1): <ul style="list-style-type: none"> • Combustion Turbine 1 (CT-1) – General Electric 7FA natural gas turbine with a nominal design heat rate of 1,823 mmBtu/hr and an output of 234 MVA. • Duct Burner 1 (DB-1) – 505 mmBtu/hr natural gas duct burner 	<ul style="list-style-type: none"> • CT-1 equipped with Dry-Low NO_x Combustors • DB1 equipped with Low NO_x Burners. • Exhaust from both CT-1 and DB-1 pass through Selective Catalytic Reduction (SCR) and CO catalyst systems
EU-2	Combined Cycle Gas Turbine 2 (CGT-2): <ul style="list-style-type: none"> • Combustion turbine – General Electric 7FA natural gas turbine with a nominal design heat rate of 1,823 mmBtu/hr and an output of 234 MVA. • Duct Burner – 505 mmBtu/hr natural gas duct burner 	<ul style="list-style-type: none"> • CT-2 equipped with Dry-Low NO_x Combustors • DB-2 equipped with Low NO_x Burners. • Exhaust from both CT-2 and DB-2 pass through Selective Catalytic Reduction (SCR) and CO catalyst systems
EU-3	Auxiliary Boiler: 29.3 mmBtu/hr natural gas fired boiler used to assist with start-ups.	<ul style="list-style-type: none"> • Low NO_x burners • Flue Gas Recirculation (FGR)
EU-4	Cooling Tower: Nine cell, 175,000 gal/min forced draft cooling tower	<ul style="list-style-type: none"> • Equipped with drift eliminators
EU-5	Emergency Generator: 400 kW (536 hp) emergency generator used to help power down equipment and maintain operation of lubricating oil pumps in the event of power outages.	None
EU-6	Emergency Fire Water Pump: 205 kW (275 hp) diesel-fired water pump to provide for fire suppression during electrical power outages.	None

Table Notes:

1. The information in Table 4 is for purposes of description only and is not intended as a limitation.

[END OF SECTION]

III. PERMIT ADMINISTRATION(P)

Conditions in this section govern administration of this Air Operating Permit (AOP) and include AOP administrative and other requirements that have no ongoing compliance monitoring requirements. The Permittee must comply with all of AOP requirements including AOP administrative requirements and must certify compliance with all requirements annually.

P1. Permit Duration. This Air Operating Permit (AOP) is issued for a fixed term of 5 years from date of issuance.

[Origin: WAC 173-401-610]

[Authority: WAC 173-401-600(1)(b)]

P2. Federally Enforceable Requirements.

- a) All terms and conditions in this AOP, including any provision designed to limit potential to emit, are enforceable by the U.S. EPA Administrator (EPA) and citizens under the Federal Clean Air Act (FCAA), except as indicated in b) below.
- b) Notwithstanding subsection (a) of this condition, any terms and conditions included in this AOP that are not required under the FCAA or under any of its applicable requirements are specifically designated as “state,” “EFSEC,” or “state/EFSEC” only and are not federally enforceable under the FCAA. Terms and conditions so designated are not subject to review by EPA and affected states per the requirements of WAC 173-401-810 and 820.

[Origin WAC 173-401-625]

[Authority: WAC 173-401-600(1)(b)]

P3. Compliance Maintenance. The Permittee must maintain compliance with all applicable requirements with which the source was in compliance as of the date of permit issuance. The Permittee must meet on a timely basis any applicable requirements that become effective during the permit term.

[Origin: WAC 173-401-630(3); WAC 173-401-510(2)(h)(iii)]

[Authority: WAC 173-401-600(1)(b)]

P4. Standard Conditions:

- a) **Duty to comply.** The Permittee must comply with all conditions of this AOP. Any permit noncompliance constitutes a violation of Chapter 70.94 RCW, Chapter 80.50 RCW, the Site Certification Agreement, and, for federally enforceable provisions, a violation of the FCAA. Such violations are grounds for enforcement action; for AOP termination, revocation and re-issuance, or modification; or for denial of an AOP renewal application.
[Origin: WAC 173-401-620(2)(a)]
- b) **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this AOP.
[Origin: WAC 173-401-620(2)(b)]

- c) **Permit Actions.** This AOP may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and re-issuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [Origin: WAC 173-401-620(2)(c)]
- d) **Property Rights.** This AOP does not convey property rights of any sort, or any exclusive privilege. [Origin: WAC 173-401-620(2)(d)]
- e) **Duty to Provide Information.** The Permittee must furnish to EFSEC, within a reasonable time, any information that EFSEC may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the AOP, or to determine compliance with the AOP. Upon request, the Permittee must also furnish to EFSEC copies of records that the Permittee is required to keep by this AOP, or for information claimed to be confidential, the Permittee may furnish such records directly to EFSEC along with a claim of confidentiality per condition P16. Permitting authorities must maintain confidentiality of such information in accordance with RCW 70.94.205. [Origin: WAC 173-401-620(2)(e)]
- f) **Fees.** The Permittee must pay costs as a condition of this AOP in accordance with EFSEC's fee schedule as provided under WAC 463-78-105. Failure to pay fees in a timely fashion may subject the Permittee to civil and criminal penalties as prescribed in Chapter 70.94 RCW. [Origin: WAC 173-401-620(2)(f) and WAC 463-78- 105]
- g) **Emission Trading.** No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the AOP. [Origin: WAC 173-401-620(2)(g)]
- h) **Severability.** If any provision of this AOP is to be held invalid, all unaffected provisions of the AOP shall remain in effect and enforceable. [Origin: WAC 173-401-620(2)(h)]
- i) **Permit Appeals.** This AOP or any conditions in it may be appealed in accordance with the provisions of WAC 463-78-140(3). This provision for appeal in this section is separate from and additional to any federal rights to petition and review under §505(b) of the FCAA. [Origin: WAC 173-401-620(2)(i)]
- j) **Permit continuation.** This AOP and all terms and conditions contained therein, including any permit shield provided under WAC 173-401-640, shall not expire until the renewal permit has been issued or denied if a timely and complete application has been submitted. An application shield granted pursuant to WAC 173-401-705(2) shall remain in effect until the renewal permit has been issued or denied if a timely and complete application has been submitted. This protection shall cease to apply if, subsequent to a completeness determination, the applicant fails to submit by the deadline specified in writing by EFSEC any additional information identified as being needed to process the application. [Origin: WAC 173-401-620(2)(j)]

[Origins: as indicated by sub condition]

[Authority: WAC 173-401-620(2)]

P5. Duty to Supplement or Correct Application. The Permittee, upon becoming aware that any relevant facts were omitted, or incorrect information was submitted in the permit application, must promptly submit such supplementary facts or corrected information. In addition, the Permittee must provide additional information as necessary to address any

requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft AOP.

[Origin: WAC 173-401-500(6)]
[Authority: WAC 173-401-600(1)(b)]

P6. Misrepresentation and Tampering:

- a) The Permittee must not make any false material statement, representation or certification in any form, notice, or report.
- b) The Permittee must not render inaccurate any monitoring device or method required under Chapter 70.94 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

[Origin: WAC 173-400-105(6)&(8) (State Only)]
[Authority: WAC 173-401-600(1)(b)]

P7. Permit Renewal Application. The Permittee must submit a complete renewal application to EFSEC at least six months, but no more than 18 months, prior to the expiration date of this AOP.

[Origin: WAC 173-401-710(1)]
[Authority: WAC 173-401-600(1)(b)]

P8. Transfer of Ownership or Operational Control. A change in Permittee due to transfer of ownership or operational control of an affected source requires a request for administrative permit amendment as governed by WAC 173-401-720.

[Origin: WAC 173-401-720(1)(d)]
[Authority: WAC 173-401-600(1)(b)]

P9. Permit Expiration – Application Shield. AOP expiration terminates the Permittee’s right to operate unless a timely and complete renewal application has been submitted consistent with condition P7. All terms and conditions of the AOP shall remain in effect after the AOP itself expires if a timely and complete permit application has been submitted. Operation under the terms and conditions of the expired AOP will be allowed until EFSEC takes final action on the renewal application.

[Origin: WAC 173-401-705(2) and WAC 173-401-710(3)]
[Authority: WAC 173-401-600(1)(b)]

P10. Permit Revocation. EFSEC may revoke an AOP only upon the request of the Permittee or for cause. EFSEC shall provide at least thirty days written notice to the Permittee prior to revocation of the AOP or denial of a permit renewal application. Such notice shall include an explanation of the basis for the proposed action and afford the Permittee/applicant an opportunity to meet with EFSEC prior to the authority's Preliminary Draft decision. A revocation issued under this section may be issued conditionally with a future effective date and may specify that the revocation will not take effect if the Permittee satisfies the specified conditions before the

effective date.

[Origin: WAC 173-401-710(4)]

[Authority: WAC 173-401-600(1)(b)]

P11. Reopening for Cause. The AOP must be reopened and revised under any of the following circumstances:

- a) Additional requirements become applicable to the source with a remaining permit term of three or more years. Such a reopening must be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the AOP is due to expire, unless the original AOP or any of its terms and conditions have been extended pursuant to WAC 173-401-620(2)(j);
- b) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the AOP;
- c) EFSEC or the Administrator determines that the AOP contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the AOP; or
- d) EFSEC or the Administrator determines that the AOP must be revised or revoked to assure compliance with the applicable requirements.

Proceedings to reopen and issue this AOP shall follow the same procedures as apply to initial AOP issuance and shall affect only those parts of the AOP for which cause to reopen exists. Reopening under this section shall not be initiated before a notice of such intent is provided to the Permittee by EFSEC. Such notice shall be made at least 30 days in advance of the date that the AOP is to be reopened, except that EFSEC may provide a shorter time period in the case of an emergency.

[Origin: WAC 173-401-730]

[Authority: WAC 173-401-600(1)(b)]

P12. Changes not Requiring Permit Revision/Off Permit Changes. The Permittee may make the changes described in WAC 173-401-722 and WAC 173-401-724 without revising this AOP, provided that the changes satisfy the criteria set forth in those sections, including the requirements to notify EFSEC and EPA.

[Origin: WAC 173-401-722; and, WAC 173-401-724]

[Authority: WAC 173-401-600(1)(b)]

P13. Administrative Permit Amendments. The Permittee may request an "administrative permit amendment" for the following types of permit revisions:

- a) Correction of typographical errors;
- b) Change the name, address, or phone number of any person identified in the AOP, or provide a similar minor administrative change at the source;
- c) Require more frequent monitoring or reporting by the Permittee;
- d) Allow for a change in ownership or operational control of a source where EFSEC determines that no other change in the AOP is necessary, provided that a written

- agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new Permittee has been submitted to EFSEC; and,
- e) Incorporate into the chapter 401 permit the terms, conditions, and provisions from orders approving NOC applications processed under an EPA-approved program.

Application and approval of administrative permit amendment applications shall conform to the procedures in WAC 173-401-720.

[Origin: WAC 173-401-720]

[Authority: WAC 173-401-600(1)(b)]

P14. Permit Modifications. AOP permit revisions that cannot be accomplished using the provisions for administrative permit amendments shall be applied for and approved as a permit modification according to WAC 173-401-725.

[Origin: WAC 173-401-725]

[Authority: WAC 173-401-600(1)(b)]

P15. Greenhouse Gas Reporting Fee. The Permittee must pay a greenhouse gas (GHG) reporting fee for each year they submit a GHG report to Ecology. Fees will be paid according to Ecology's fee schedule. Fees must be paid within sixty days of receipt of Ecology's billing statement.

[Origin: WAC 173-441-110 (State Only)]

[Authority: WAC 173-401-600(1)(b)]

P16. Confidential Information. The Permittee is responsible for certifying and clearly identifying any information considered proprietary and confidential. In the case where a Permittee has submitted information to EFSEC under a claim of confidentiality, EFSEC may also require the Permittee to submit a copy of such information directly to the administrator. The Permittee is responsible for clearly identifying information that is considered proprietary and confidential prior to submittal to EFSEC. In addition, all confidential information must be submitted according to EFSEC's Public Records and Confidentiality Procedures.

[Origin: WAC 173-401-500(5) and, WAC 173-401-620(2)(e)]

[Authority: WAC 173-401-600(1)(b)]

P17. Credible Evidence. For purposes of certifying compliance or establishing whether or not the Permittee has violated or is in violation of this AOP, nothing shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with the requirements if the appropriate performance or compliance test or procedure had been performed.

[Origin: 40 CFR 51.212; 40 CFR 52.12; 40 CFR 52.33; 40 CFR 60.11, and, 40 CFR 61.12]

[Authority: WAC 173-401-600(1)(a)]

P18. Unavoidable Excess Emissions (Current SIP). The unavoidable excess emissions provisions in this condition are per WAC 173-400-107 and apply only to requirements that are

identified as either “state-only,” “EFSEC-only,” or state/EFSEC-only” requirements. The following conditions apply until the effective date of EPA's removal of the September 20, 1993, version of WAC 173-400-107 from the Washington State Implementation Plan after which they become inapplicable:

- a) Excess emissions determined to be unavoidable under the procedures and criteria in this condition shall be excused and not subject to penalty.
- b) The Permittee shall have the burden of proving to EFSEC in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief (from penalty).
- c) **Reporting.** Excess emissions may be considered unavoidable provided the Permittee reports as required in either condition R6 or R7. Excess emissions that represent a potential threat to human health or safety or which the Permittee believes to be unavoidable shall be reported to EFSEC as soon as possible. Other excess emissions must be reported within thirty days after the end of the month during which the event occurred or as part of the routine emission monitoring reports. Upon request by EFSEC, Permittee must submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.
- d) Excess emissions due to startup or shutdown conditions may be considered unavoidable provided the Permittee reports as required under subsection (c) of this condition and adequately demonstrates that the excess emissions could not have been prevented through careful planning and design and, if a bypass of control equipment occurs, that such bypass was necessary to prevent loss of life, personal injury, or severe property damage.
- e) Excess emissions due to scheduled maintenance may be considered unavoidable if the Permittee reports as required under subsection (c) of this section and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.
- f) Excess emissions due to a malfunction or upset may be considered unavoidable provided the Permittee reports as required under subsection (c) of this section and adequately demonstrates that:
 - i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
 - ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and
 - iii) The Permittee took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the Permittee knew or should have known that an emission standard or permit condition was being exceeded.

[Origin: WAC 173-400-107]

[Authority: WAC 173-401-600(1)(b)]

P19. Unavoidable Excess Emissions. The following conditions apply starting the effective date of EPA's removal of the September 20, 1993, version of WAC 173-400-107 from the

Washington State Implementation Plan:

- a) Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute, rule, permit, or regulatory order.
- b) EFSEC determines whether excess emissions are unavoidable based on the information supplied by the Permittee and the criteria in subsection (g) of this condition.
- c) Excess emissions determined by EFSEC to be unavoidable are:
 - i) A violation subject to WAC 173-400-230 (3), (4), and (6); but
 - ii) Not subject to civil penalty under WAC 173-400-230(2).
- d) The Permittee shall have the burden of proving to EFSEC in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsection (g) of this section.
- e) This condition (P19) does not apply to an exceedance of an emission standard in 40 C.F.R. Parts 60, 61, 62, 63, or 72, or EFSEC's adoption by reference of these federal standards.
- f) Excess emissions that occur due to an upset or malfunction during a startup or shutdown event are treated as an upset or malfunction under subsection (g) of this section.
- g) Excess emissions due to an upset or malfunction will be considered unavoidable provided the Permittee reports as required in either condition R6 or R7, as applicable, and adequately demonstrates to EFSEC that:
 - i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
 - ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;
 - iii) The Permittee took immediate and appropriate corrective action in a manner consistent with safety and good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, when the Permittee knew or should have known that an emission standard or other permit condition was being exceeded (Actions taken could include slowing or shutting down the emission unit as necessary to minimize emissions);
 - iv) If the emitting equipment could not be shut down during the malfunction or upset to prevent the loss of life, prevent personal injury or severe property damage, or to minimize overall emissions, repairs were made in an expeditious fashion;
 - v) All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;
 - vi) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible; and
 - vii) All practicable steps were taken to minimize the impact of the excess emissions on ambient air quality.

[Origin: WAC 173-400-109]

[Authority: WAC 173-401-600(1)(b)]

P20. Certification. All documents required to be submitted by this AOP must contain certification by a responsible official of truth, accuracy, and completeness. Documents include any application form, report, or compliance certification including but not limited to test plans and results, monitoring plans and results, applications, emissions inventory submittals,

equipment malfunction reports or annual compliance certification. Such certification must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Provided, however, where a report is sent more frequently than once every six months, the responsible official's certification need only be submitted once every six months, covering all required reporting since the date of the last certification.

[Origin: WAC 173-401-520; WAC 173-401-615(3)(a); and, WAC 173-401-630(1)]

[Authority: WAC 173-401-600(1)(b)]

IV. GENERAL TERMS AND CONDITIONS (G)

G1. Inspection and Entry. Upon presentation of appropriate credentials, the Permittee must allow a representative from EFSEC or an authorized representative to perform the following:

- a) Enter upon the premises where a Chapter 173-401 WAC source is located or emissions related activity is conducted, or where records must be kept under the conditions of this AOP;
- b) Have access to and copy at reasonable times any records that must be kept under the conditions of this AOP;
- c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this AOP; and
- d) Sample or monitor, at reasonable times, substances, or parameters for the purpose of assuring compliance with the AOP or other applicable requirements.
- e) Nothing in this condition or AOP shall limit the ability of EPA to inspect or enter the premises of the Permittee under Section 114 or other provisions of the Federal Clean Air Act.

[Origin: WAC 173-401-630(2) and WAC 173-400-105(3) &(4);

PSD No. EFSEC/2001-01, AMENDMENT 5, condition 27]

[Authority: WAC 173-401-600(1)(b)]

G2. Insignificant Emission Units. The following applies to emissions units determined insignificant based on actual emissions in accordance with WAC 173-401-530(1)(a):

- a) Any emission unit or activity that qualifies as insignificant solely on the basis of provisions in WAC 173-401-530(1)(a) must not exceed the emission thresholds specified in WAC 173-401-530(4) until this AOP is modified.
- b) Upon request from EFSEC, the Permittee must provide sufficient documentation to enable EFSEC to determine that the emission unit or activity has been appropriately listed as insignificant.
- c) Upon request from EFSEC, at any time during the term of the AOP, the Permittee must demonstrate to EFSEC that the actual emissions of any unit or activity claimed insignificant on the basis of actual emissions are below the emission thresholds listed in WAC 173-401-530(4).

[Origin: WAC 173-401-530]

[Authority: WAC 173-401-600(1)(b)]

G3. New Source Review. The Permittee must not construct or modify a source which is required to be reviewed under Chapters 173-400 or 173-460 WAC without first receiving an approval or permit. Portable sources may be exempt from the requirement to obtain a site-specific permit if they fulfill the criteria described in G5 - Temporary Sources. Replacing, relocating, or reconstructing a source is considered constructing a source.

[Origin: WAC 173-400-110; WAC 173-400-700; and, WAC 173-460-040 (State Only)]

[Authority: WAC 173-401-600(1)(b)]

G4. Replacement or Substantial Alteration of Emission Control Technology. A notice of construction application must be filed with EFSEC prior to replacing or substantially altering the emission control technology installed on an existing stationary source or emission unit. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or similar parts replacement.

[Origin: WAC 173-400-114]

[Authority: WAC 173-401-600(1)(b)]

G5. Temporary Sources. A portable source with an order of approval from another Washington permitting authority may be authorized to operate at the facility without obtaining a site-specific permit from EFSEC if EFSEC approves the proposal on a case-by-case basis and all of the conditions of WAC 173-400-036(2) through (4) are met. Operation at any location under this provision is limited to one year or less.

[Origin: WAC 173-400-036 (State Only) and WAC 173-400-110(6)]

[Authority: WAC 173-401-600(1)(b)]

G6. Asbestos, Demolition and Renovation Projects. The Permittee must notify EPA Region 10 and EFSEC prior to commencing any renovation or demolition activities at the facility as defined in 40 CFR 61.141. The Permittee must conduct all renovation, demolition, and asbestos projects in accordance with applicable asbestos control standards and requirements in Subpart M of 40 CFR Part 61.

[Origin: 40 CFR Part 61, Subpart M]

[Authority: WAC 173-401-600(1)(a)]

G7. Chemical Accident Prevention. The Permittee must comply with the requirements of the Chemical Accident Prevention provisions of 40 CFR Part 68 no later than the following dates:

- a) Three years after the date on which a regulated substance, present above the threshold quantity, is first listed under 40 CFR 68.130; or,
- b) The date on which a regulated substance is first present above a threshold quantity in a process.

[Origin: 40 CFR Part 68]

[Authority: WAC 173-401-600(1)(a)]

G8. Protection of Stratospheric Ozone. The Permittee shall comply with the standards for recycling and emissions reduction as provided in 40 CFR Part 82, Subpart F.

[Origin: 40 CFR Part 82, Subpart F]
[Authority: WAC 173-401-600(1)(a)]

G9. Outdoor Burning. The Permittee is prohibited from conducting outdoor burning except as allowed by Chapter 173-425 WAC.

[Origin: WAC 173-425]
[Authority: WAC 173-401-600(1)(b)]

G10. Concealment and Masking Prohibited: No person shall cause or allow the installation or use of any device or use of any means, which conceals or masks an emission of an air contaminant, which would otherwise violate any provisions of chapter 173-400 WAC.

[Origin: WAC 173-400-040(8) (State Only)]
[Authority: WAC 173-401-600(1)(b)]

G11. Circumvention. The Permittee must not build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[Origin: 40 CFR 60.12]
[Authority: WAC 173-401-600(1)(a)]

G12. General Emissions Testing Requirement. In addition to the testing requirements contained in this AOP, EFSEC or an authorized representative of EFSEC may require the Permittee to conduct stack and/or ambient air monitoring and report the results to EFSEC.

[Origin: WAC 463-78-120]
[Authority: WAC 173-401-600(1)(b)]

G13. Acid Rain Program - Duty to reapply. The designated representative must submit a complete acid rain permit application for each source with an affected unit along with the Title V permit renewal application required by condition P7. The original and three copies of all permit applications must be submitted to EFSEC.

[Origin: WAC 173-406-301(3)]
[Authority: WAC 173-401-600(1)(b)]

G14. Acid Rain Program – Designated Representative. Designated representative under the Acid Rain Program means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source or by the owners and operators of a combustion source or process source, as evidenced by a certificate of representation (see Acid

Rain Permit under Attachment 1), to represent and legally bind each owner and operator, as a matter of Federal law, in matters pertaining to the Acid Rain Program. Whenever the term “responsible official” is used in this permit, it shall be deemed to refer to the “designated representative” with regard to all matters under the Acid Rain Program.

[Origin: WAC 173-406-101(40)]

[Authority: WAC 173-401-600(1)(b)]

G15. Prevention of Significant Deterioration (PSD). A PSD permit application must be filed by the Permittee and a PSD permit issued by EFSEC prior to beginning actual construction of any major stationary source or major modification as these terms are defined in WAC 173-400-720.

[Origin: WAC 173-400-720]

[Authority: WAC 173-401-600(1)(b)]

G16. Requirements for PSD Applicability Determinations. The Permittee must comply with the specific pre and post project monitoring, recordkeeping, and reporting requirements in WAC 173-400-720(4)(b)(iii), as applicable, to projects triggering a PSD applicability determination.

[Origin: WAC 173-400-720(4)(b)(iii)]

[Authority: WAC 173-401-600(1)(b)]

[END OF SECTION]

V. APPLICABLE REQUIREMENTS (AR)

TABLE 5: Applicable Requirements.

AR#	Requirements	Subject Units	Additional Monitoring & Records Requirements
General Plant-wide Emission Standards			
AR 1.1	<p>General Duty Requirements: At all times, including periods of startup, shutdown, and malfunction, the Permittee must maintain and operate all emissions units and their associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.</p> <p>[Origin: 40 CFR 60.11(d); 40 CFR 60 Subpart KKKK, §60.4333; PSD No. EFSEC/2001-01, AMENDMENT 5, condition 26] [Authority: WAC 173-401-600(1)(a), and (b)]</p>	Plant-wide	None
AR 1.2	<p>General Standards for Maximum Visual Emissions. The Permittee must not cause or allow any emission of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity for more than three minutes, in any one hour, as determined by Ecology method 9A.</p> <p>Reference Test Method: When stack testing is conducted for purposes of demonstrating compliance, Ecology Method 9A must be used.</p> <p>[Origin: WAC 173-400-040(2) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b); and, WAC 173-401-605(1)]</p>	Plant-wide	M5 M6 M7
AR 1.3	<p>Fallout Prohibition. The Permittee must not cause or allow the emission of particulate matter from any source to be deposited beyond the property under their direct control in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.</p> <p>[Origin: WAC 173-400-040(3)(state/EFSEC only)] [Authority: WAC 173-401-600(1)(b)]</p>	Plant-wide	None
AR 1.4	<p>Fugitive Emissions Control. The owner or operator of any emission unit engaging in materials handling, construction, demolition, or any other operation which is a source of fugitive emissions must take reasonable precautions to prevent release of air contaminants from the operation.</p> <p>[Origin: WAC 173-400-040(4)(a) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b)]</p>	Plant-wide	M4
AR 1.5	<p>Odor Control. The Permittee must use recognized good practice and procedures to reduce odors to a reasonable minimum.</p> <p>[Origin: WAC 173-400-040(5) (state/EFSEC only)]</p>	Plant-wide	M4

	[Authority: WAC 173-401-600(1)(b)]		
AR 1.6	<p>Emissions detrimental to persons or property. The Permittee must not cause or allow the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.</p> <p>[Origin: WAC 173-400-040(6) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b)]</p>	Plant-wide	M4
AR 1.7	<p>Sulfur Dioxide (SO₂). The Permittee must not cause or allow the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes.</p> <p>Compliance Demonstration Methods:</p> <ol style="list-style-type: none"> 1. For diesel fuel, records documenting a sulfur content of 15 ppm or 0.0015% sulfur by weight or less must be used. A fuel certification from the fuel supplier documenting the sulfur content of the diesel may be used to demonstrate compliance with this requirement. 2. SO₂ emissions from combustion of natural gas are presumed to be in compliance with this limit. <p>Reference Test Method – When stack testing is conducted for purposes of demonstrating compliance, EPA Method 6c from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: WAC 173-400-040(7) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b); and, WAC 173-401-605(1)]</p>	Plant-wide	M1 M8
AR 1.8	<p>Fugitive Dust Control. The Permittee must take reasonable precautions to prevent fugitive dust from becoming airborne and must maintain and operate the source to minimize emissions.</p> <p>[Origin: WAC 173-400-040(9)(a) (state/EFSEC only)] [Authority: WAC 173-401-600(1)(b)]</p>	Plant-wide	M4

AR 1.9	<p>General Particulate Standards for Combustion Units. The Permittee must not cause or allow emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf).</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, emissions must be measured using EPA Method 5 in Appendix A to 40 CFR Part 60 (in effect on February 14, 2005), or approved procedures in Source Test Manual – Procedures for Compliance Testing, state of Washington, Department of Ecology, as of September 20, 2004, on file at Ecology. Measured concentrations must be adjusted for volumes corrected to 7% oxygen, except when EFSEC determines that an alternate oxygen correction factor is more representative of normal operations such as the correction factor included in an applicable NSPS or NESHAP, actual operating conditions, or the manufacturer’s specifications for the emission unit.</p> <p>[Origin: WAC 173-400-050(1)] [Authority: WAC 173-401-600(1)(b); and, WAC 173-401-605(1)]</p>	Plant-wide	M5 M6 M7
AR 1.10	<p>General Emission Standards for Process Units. The Permittee must not cause or allow emissions of particulate matter from any general process unit (excluding combustion) in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, test methods (in effect on the date in WAC 173-400-025) from 40 CFR Parts 51, 60, 61, and 63 and any other approved test procedures in Ecology's "Source Test Manual - Procedures For Compliance Testing" as of September 20, 2004, must be used to determine compliance.</p> <p>[Origin: WAC 173-400-060] [Authority: WAC 173-401-600(1)(b); and, WAC 173-401-605(1)]</p>	Plant-wide	None
AR 1.11	<p>Acid Rain. The Permittee must hold SO₂ allowances not less than the total annual emissions of SO₂ for the previous calendar year (see Attachment 1 of this AOP - Acid Rain Permit).</p> <p>[Origin: Acid Rain Permit No. EFSEC/10-01-AR] [Authority: WAC 173-401-600(1)(b); and, WAC 173-401-605(1)]</p>	CGT1 & CGT2	M1
AR 1.12	<p>Operating and Maintenance Manuals. The Permittee must have on-site, and must follow, an Operating and Maintenance manual (O&M Manual) and Start-up, Shutdown, and Malfunction Procedures manual (SSM Manual). Both manuals must describe accepted operating procedures for minimizing emissions for all equipment that have the potential to affect emissions to the atmosphere. The following requirements apply:</p> <ol style="list-style-type: none"> 1. Copies of both manuals must be available to EFSEC at the facility. 2. The manuals must be reviewed annually and updated as needed. 3. EFSEC must be notified whenever either manual is updated. 4. The O&M Manual should contain equipment-specific operating parameter and maintenance information. 	Plant-wide	M1

	<p>5. The O&M Manual should specify acceptable ranges for:</p> <ol style="list-style-type: none"> Fuel heat (MMBtu/dscf) and sulfur content (percent); Expected range of fuel rates for each unit (MMBtu/hr for turbines, duct burner and aux boiler) and mode of operation (startup, shutdown, operational); Expected range of power production (MW) for each turbine; Expected range of total power production (MW); CGT exhaust temperature and percent oxygen for each mode of operation; Ammonia flow for each mode of operation; SCR and CatOx catalyst temperatures for each mode of operation Mode 6 criteria <p>6. The SSM manual must contain information on the proper procedures, and sequencing of actions for plant operations staff to follow in order to safely, efficiently start and stop the various equipment at the station under all reasonably ascertainable normal and abnormal start-up and shut-down situations.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 17.1, 17.2 and 23] [Authority: WAC 173-401-600(1)(c)]</p>		
NSPS Requirements for CGT1 and CGT2 (including duct burners)			
AR 2.1	<p>CGT NSPS NO_x Limit. Nitrogen oxide (NO_x) emissions from each CGT exhaust stack after duct burners – CGT1 and CGT2 – must not exceed the following limits:</p> <ol style="list-style-type: none"> 15 parts per million at 15 percent oxygen and on a dry basis when the turbine is operating. 54 parts per million at 15 percent O₂ when the duct burners are operating independent of the turbine, if applicable. <p>Monitoring: The Permittee must install, certify, maintain, operate, and quality-assure a NO_x-diluent continuous emission monitoring system (NO_x-diluent CEMS) consisting of NO_x and O₂ analyzers, an automated data acquisition and handling system (DAHS), and natural gas monitoring system for recording and reporting NO_x emissions data according to conditions M5 and M8.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, test methods and procedures from 40 CFR 60, Subpart KKKK and EPA Method 20 must be used, except that the instrument span must be set between zero and 25 ppm. Performance testing must be conducted at any load condition within plus or minus 25 percent of 100 percent of peak load. Testing may be performed at the highest achievable load point, if at least 75 percent of peak load cannot be achieved in practice. Three separate test runs for each performance test must be conducted and the minimum time per run is 20 minutes.</p> <p>[Origin: 40 CFR 60 Subpart KKKK: §60.4320(a); §60.43.40; and §60.4345; and, §60.4350]</p>	CGT1 CGT2	M5 M8 M9 M12 M13

	[Authority: WAC 173-401-600(1)(b)]		
AR 2.2	<p>CGT NSPS SO₂ Limit. The CGTs (turbines and duct burners) must not burn any fuel containing total potential sulfur emissions in excess of 0.060 lb SO₂ /MMBtu heat input.</p> <p>Compliance Demonstration Required: A demonstration of compliance with the NSPS SO₂ standard must be conducted annually (no more than 14 calendar months between tests) using one or more of the following methods:</p> <ol style="list-style-type: none"> 1. Calculate the potential sulfur emissions in units of lb SO₂ /MMBtu heat input using a current, valid purchase contract, tariff sheet, or transportation contract for the fuel specifying the maximum total sulfur content of the natural gas combusted in the CGTs; 2. Stack testing according to the SO₂ Reference Test Method below; or, 3. Calculate the potential sulfur emissions in units of lb SO₂ /MMBtu heat input using natural gas composition data from required monthly monitoring as described below. <p>Monitoring: On a monthly basis, the Permittee must monitor the natural gas burned in the CGTs by sampling and analyzing the natural gas delivered to the GHE facility according to condition M8 to determine:</p> <ol style="list-style-type: none"> 1. The Gross Calorific Value (GCV) in terms of MMBtu/scf; 2. Sulfur concentration in terms of grains/hscf; and, 3. Potential sulfur emissions in terms of lb SO₂/MMBtu input. <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Methods 6, 6C, 8, or 20 in appendix A of 40 CFR Part 60 must be used. The American Society of Mechanical Engineers (ASME) standard, ASME PTC 19-10-1981-Part 10, “Flue and Exhaust Gas Analyses,” manual methods for sulfur dioxide can be used instead of EPA Methods 6 or 20. Concurrently measure the natural gas heat input to each CGT using a fuel flowmeter (or flowmeters). Use EPA Method 19 in appendix A of 40 CFR 60 to calculate the SO₂ emission rate in lb/MMBtu.</p> <p>[Origin: 40 CFR 60 Subpart KKKK: §60.4330(a)(2)] [Authority: WAC 173-401-600(1)(b)]</p>	CGT1 CGT2	M8 M9 M12
PSD Permit Requirements for CGT1 and CGT2			
AR 2.3	<p>CGT Fuel Limit: The CGTs (each consisting of a GE 7FA combustion turbine and its associated duct burner and HRSG) and auxiliary boiler are limited to the use of natural gas.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 2] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	M8
AR 2.4	<p>CGT NO_x Limits: Emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed the following, except during start-up and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14:</p> <ol style="list-style-type: none"> a) 21.7 pounds/hour (lb/hr), 1-hour (1-hr) average. b) 17.4 lb/hr, 24-hr rolling average. 	CGTs	M5 M8 M9 M12 M13

	<p>c) 2.5 parts per million by volume, dry (ppm), 1-hr average, corrected to 15 percent oxygen (O₂).</p> <p>d) 2.0 ppm, 24-hr rolling average, corrected to 15 percent O₂.</p> <p>Monitoring: Ongoing compliance must be monitored by a NO_x-diluent CEMS. The NO_x-diluent CEMS and flow measurement to determine NO_x mass rates must meet the requirements of conditions M5 and M8 respectively. Emissions calculations must meet the requirements of condition M9.</p> <p>Added Clarification: For purposes of determining compliance with the 24-hr rolling average NO_x limit, start-up, and shut-down emissions must not be included in the averaging and a full averaging period should be used in determining compliance.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 20 from 40 CFR Part 60 Appendix A must be used and testing must meet the requirements in §60.4405 of 40 CFR Part 60 Subpart KKKK, except that the instrument span must be set between zero and 25 ppm.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.1] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.5	<p>CGT CO Limits: Carbon monoxide (CO) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed the following limits, except during startup and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14:</p> <p>a) 2.0 ppm, corrected to 15 percent O₂, 1-hr average.</p> <p>b) 10.6 lb/hr, 1-hr average.</p> <p>Monitoring: Ongoing compliance must be monitored by a CO CEMS. The CO CEMS and flow measurement to determine CO mass rates must meet the requirements of conditions M5 and M8 respectively. Emissions calculations must meet the requirements of condition M9.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 10 from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC. The span and linearity calibration gas concentrations in Method 10 are to be modified as appropriate to the CO concentration limits specified in this condition.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.2] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	M5 M8 M9 M12 M13

<p>AR 2.6</p>	<p>CGT SO₂ Limits: Sulfur dioxide (SO₂) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed the following, except during startup and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14:</p> <p>a) 19.8 lb/hr, 1-hr average. b) 3.3 lb/hr, rolling annual-average of emissions determined monthly when the CGTs operate.</p> <p>Stack Testing: Compliance with the 1-hr average limit must be determined for each CGT at 5-year intervals through stack testing according to the Reference Test Method.</p> <p>Monitoring: Ongoing compliance with both limits must be determined monthly according to condition M9 by calculating hourly average SO₂ emission rates from each CGT in pounds per hour for all hours of operation during the previous month and the average emission rate in lb/hr over the previous 12-consecutive month period.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 6c from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.3] [Authority: WAC 173-401-600(1)(c)]</p>	<p>CGTs</p>	<p>M8 M9 M12</p>
<p>AR 2.7</p>	<p>CGT H₂SO₄ Limits: Sulfuric acid mist (H₂SO₄) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed 2.17 lb H₂SO₄/hr, rolling annual average calculated monthly, except during startup and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14:</p> <p>Stack Testing: Hourly H₂SO₄ rates and the unit-specific ratios of H₂SO₄ to SO₂ shall be determined for each CGT based on stack testing using EPA Reference Method 8, or an equivalent method approved by EFSEC. Stack testing shall be performed at each exhaust stack at 5-year intervals. Testing shall be performed between the months of November – March (unless otherwise approved by EFSEC) at representative maximum heat input rate.</p> <p>Monitoring: Ongoing compliance must be determined monthly according to condition M9 by calculating the average hourly H₂SO₄ emission rates from each CGT in pounds per hour for all hours of operation during the previous month and 12-consecutive month periods. The unit-specific ratio of H₂SO₄ to SO₂ determined through stack testing must be used to convert the calculated potential SO₂ emissions into sulfuric acid mist emissions and SO₂ emissions.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 8 from 40 CFR</p>	<p>CGTs</p>	<p>M8 M9 M12</p>

	<p>Part 60 Appendix A or EPA Conditional Test Method 013(CTM-013) for SO₂/sulfuric acid mist determination must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.4] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.8	<p>CGT VOC Limits: Volatile organic compound (VOC) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed the following, except during startup and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14:</p> <p>a) 7.7 lb/hr, 1-hr average, reported as propane. b) 0.93 ppm, 1-hr average, reported as propane at 15 percent O₂.</p> <p>Stack Testing: Each CGT stack must be tested at 5-year intervals. Testing must be performed between the months of November – March (unless otherwise approved by EFSEC) at representative maximum heat input rates and according to the Reference Test Methods.</p> <p>Monitoring: Ongoing compliance with the hourly rate limit of this condition must be monitored separately for each CGT by calculating hourly VOC emissions rates according to condition M9 using:</p> <p>a) The hours of operation; b) Fuel flow to each CGT according to condition M8; c) An emissions factor in lbs/MMBtu derived from the most recent reference method testing of the CGT; and, d) Emission calculations according to condition M9.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Methods 19 and 25A, 25B or 18 from 40 CFR Part 60 Appendix A, or South Coast Air Quality Management District Method 25.3, must be used, or equivalent methods agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.5] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	M8 M9 M12
AR 2.9	<p>CGT Particulate Limits: Particulate matter and particulate matter less than or equal to 10 micrometers (aerodynamic diameter)(PM₁₀) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed 22.6 lb/hr of filterable plus condensable PM₁₀ except during startup and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14.</p> <p>Stack Testing: Each CGT stack must be tested at 5-year intervals. Testing will be performed between the months of November – March (unless otherwise approved by EFSEC) while operating at representative maximum heat input rate.</p> <p>Monitoring: Maintaining compliance with the opacity limit in condition 2.11 will serve as a means to determine when CGT maintenance actions,</p>	CGTs	None

	<p>investigations or additional testing are needed to verify or assure compliance with the limit in this condition.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 19 and EPA Methods 5, 201, or 201A, plus EPA Reference Method 202 from 40 CFR Part 60 Appendix A must be used, or equivalent methods agreed to in advance by EFSEC. Use of EPA Reference Method 5 assumes all filterable particulate is PM₁₀. Use of EPA Reference Method 201 or 201A assumes that the mass of filterable PM is equal to the mass of filterable PM₁₀. If EPA Method 201 or 201A is used, the mass of particulate retained in the cyclone must be determined and reported. Test runs must be a minimum of 3 hour each unless otherwise approved in advance by EFSEC. The results of the filterable and condensable particulate analyses must be reported as total particulate, filterable particulate, and condensable particulate.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.6] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.10	<p>CGT Ammonia Limits: Ammonia (free NH₃ and combined measured as NH₃) emissions from each CGT exhaust stack – CGT1 and CGT2 – must not exceed the following, except during start up and shutdown (and CGT over-speed protection testing):</p> <p>a) 5.0 ppm, 24-hr average corrected to 15 percent O₂. b) 16.1 lb/hr, 24-hr average.</p> <p>Monitoring: Ongoing compliance must be monitored by an Ammonia CEMS. The Ammonia CEMS and flow calculations to determine Ammonia mass rates must meet the requirements of conditions M5 and M8 respectively. Emissions calculations must meet the requirements of condition M9.</p> <p>Added Clarification: For purposes of determining compliance with the 24-hr average Ammonia limit, start-up and shut-down emissions should not be included in the averaging and a full averaging period should be used in determining compliance.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, Bay Area Air Quality Management District Source Test Procedure ST-1B, "Ammonia, Integrated Sampling" or EPA Conditional Test Method 027 must be used, or an equivalent method approved in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.7] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	M5 M8 M9 M12 M13
AR 2.11	<p>CGT Opacity Limits: Opacity at each CGT exhaust stack must not exceed a 6-minute average opacity of five percent, except during start-up and shutdown (and CGT over-speed protection testing) when they must meet the requirements in conditions AR2.13 and AR2.14:</p> <p>Monitoring:</p>	CGTs	M5d

	<p>a) A certified opacity reader must read and record the opacity of each operating CGT daily during daylight hours; or,</p> <p>b) Opacity must be monitored using a Continuous Opacity Monitoring System (COMS) on each CGT as an alternative to EPA Reference Method 9 readings.</p> <p>c) Any COMS must be installed and operated according to condition M5.</p> <p>d) If readings from daily monitoring are less than the opacity limit for the last calendar month, the manual opacity monitoring frequency is reduced to weekly.</p> <p>e) Any readings above the opacity limit will require daily manual opacity readings for at least 30 days.</p> <p>Reference Test Method: When stack testing is conducted for purposes of demonstrating compliance, EPA Reference Method 9 from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.8] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.12	<p>CGT Formaldehyde Limits: Formaldehyde emissions from each CGT exhaust stack – CGT1 and CGT2 – during normal operation must not exceed 91 ppb, one-hr average corrected to 15 percent O₂.</p> <p>Stack Testing:</p> <p>a) The initial compliance test must be performed between the months of November – March, and then biennially (unless otherwise approved by EFSEC) after the initial test.</p> <p>b) The CT unit at a minimum (excluding duct burner) must be tested while operating at representative maximum heat input rate.</p> <p>c) If GHE demonstrated that the unit is not relying on CO catalyst to meet the Formaldehyde emission limit by testing at the inlet to the CO catalyst, GHE may perform compliance testing every 5 years instead of every 2 years.</p> <p>Monitoring: If compliance with the CGT formaldehyde limits relies on formaldehyde reduction by the CO catalyst, maintaining performance of the CO catalyst will serve as the indirect means for assuring compliance with the limits between testing events. Otherwise, ongoing compliance assurance with these limits does not require any additional monitoring beyond the required stack testing.</p> <p>Reference Test Method: When stack testing is conducted for purposes of demonstrating compliance, EPA Test Method 320 from 40 CFR part 63, appendix A must be used, or an equivalent method approved in advance by EFSEC. As an alternative, ASTM D6348-12e1 may be used, provided that the test plan preparation and implementation provisions of Annexes A1 through A8 are followed and the %R as determined in Annex A5 is equal or greater than 70% and less than or equal to 130%.</p>	CGTs	None

	[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.9] [Authority: WAC 173-401-600(1)(c)]		
AR 2.13	<p>CGT Start-up/Shut-down Operational Limits. The following definitions and limits apply during start-ups and shut-downs:</p> <p>a) Start-up Defined: A start-up begins when fuel is first fired in the combustion turbine, and ends when the earlier of one of these events occurs:</p> <ol style="list-style-type: none"> i) The operating temperatures of the oxidation and SCR catalysts serving an operating CGT reach 500°F and 525°F, respectively and when the associated combustion turbine achieves operational Mode 6; or, ii) One of the following time limits has been reached, as applicable: <ol style="list-style-type: none"> 1) Three hundred minutes have elapsed since fuel was first introduced to the applicable turbine on a cold start-up. A cold start-up is any start-up occurring after the applicable turbine has not operated in Operational Mode 6 for 48 hours or more. 2) One hundred eighty minutes have elapsed since fuel was first introduced to the applicable turbine on a warm start-up. A warm start-up is any start-up occurring after the applicable turbine has not operated in Operational Mode 6 between 8 and 48 hours. 3) One hundred twenty minutes have elapsed since fuel was first introduced to the applicable turbine on a hot start-up. A hot start-up is any start-up occurring after the applicable turbine has not operated in Operational Mode 6 for 8 hours or less. <p>b) Shut-down Defined: Shutdown is defined as the period beginning when the combustion turbine leaves operational Mode 6 and ends when fuel is no longer being introduced to any burner.</p> <p>c) Operational Mode 6 Defined: The turbine manufacturer defines operational Mode 6 as the low emission mode during which all six of the burner nozzles are burning a lean premixed gas at steady-state operation.</p> <p>d) Water Wash Operations: At least twice per year it is estimated each CGT will need to undergo an off-line water wash to remove combustion product buildup from the turbines to improve operational efficiency. The process requires CGT fired operation at Full Speed No Load (FSNL) for 5 minutes without attaining Operational Mode 6.</p> <p>e) Over-speed Protection Testing: Once per year it is estimated that each CGT will need to be tested to confirm that the over-speed protection is functioning properly (less than 90 minutes). Each test will account for one start-up.</p> <p>f) Start-up/Shut-down Operational Limits:</p> <ol style="list-style-type: none"> i) Each CGT is limited to two start-ups per calendar day. ii) Duration of a planned shutdown period must not exceed 30 minutes per occurrence. iii) During start-up, ammonia injection must begin no later than when the SCR reaches an operating temperature of 525°F. 	CGTs	M1

	<p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 11.1 – 11.3] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.14	<p>CGT Start-up/Shut-down Emissions Limits. During a start-up and associated shutdown (SU/SD) of a CGT, as defined in condition AR2.14, the combined emissions must not exceed the following limits in terms of pounds per turbine per SU/SD (lbs):</p> <ul style="list-style-type: none"> a) 900 lbs NO_x b) 500 lbs CO c) 730 lbs VOC <p>Monitoring: Ongoing compliance with the CGT SU/SD limits of this condition must be monitored by calculating the pounds of NO_x, CO, and VOC for each SU/SD event according to condition M9.</p> <p>Reference Test Methods: Not applicable. Compliance determined through emissions calculations using monitoring data.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 11.5] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	M1 M8 M9 M11
AR 2.15	<p>CGT Annual Limits. Annual emissions from each CGT, calculated as rolling 12-month averages in terms of tons, must not exceed the following limits, which apply to total emissions over each 12 consecutive month period and include emissions during start-up, shutdown and periods of malfunction:</p> <ul style="list-style-type: none"> a) 121.7 NO_x b) 71.6 CO c) 14.5 SO₂ d) 9.5 H₂S0₄ e) 99.0 PM/PM₁₀ (PM and PM₁₀ assumed to be equal) f) 45.8 VOC g) 70.5 NH₃ <p>The annual limits for NO_x, CO and VOC include emissions from the Diesel Generator and emergency fire pump engine.</p> <p>Monitoring: Annual 12-month total emissions from each CGT must be calculated and compared to the limits in this condition as follows:</p> <ul style="list-style-type: none"> a) Emissions total must be calculated monthly according to condition M9. b) Total annual emissions must be based on the total monthly emissions summed for the preceding 12 months. c) CGT start-up emissions may be equally apportioned between the two turbines. d) For NO_x, CO and VOC, annual 12-month total emissions must include emissions from the Diesel Generator and emergency fire pump engine. To accomplish this, emissions from the Diesel Generator and emergency fire pump engine may be equally apportioned between the two CGTs. 	CGTs	M5 M8 M9 M12 M13

	<p>Reference Methods: Not applicable. Compliance determined through emissions calculations using fuel consumption and monitoring data.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 10] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 2.16	<p>SCR Catalyst Maintenance: The SCR catalyst system treating the exhaust from one CGT must be repaired, replaced, or have additional catalyst bed installed at the next scheduled outage, following a calendar month when the average ammonia slip cannot be maintained at or below 4.5 ppm, corrected to 15% oxygen, based on the actual operating hours of the CGT. No month with less than 200 hours of actual operation (excluding start-up and shutdown hours) shall be used for this evaluation. The outage to repair, replace, or install additional catalyst to the SCR system must be no later than 12 months after the month the ammonia slip exceeds the 4.5 ppm criteria given above in this condition.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 5.7.5] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	M1
AR 2.17	<p>CGT Sampling Port Requirements:</p> <ul style="list-style-type: none"> a) Sampling ports and platforms must be provided on each CGT stack, after the final pollution control device. [PSD condition 15] b) The ports must meet the requirements of 40 CFR, Part 60, Appendix A, Method 20. [PSD condition 15] c) Adequate permanent and safe access to the test ports must be provided. Other arrangements may be acceptable if approved by EFSEC prior to installation. [PSD condition 16] <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, as indicated] [Authority: WAC 173-401-600(1)(c)]</p>	CGTs	None
PSD Permit Requirements for the Auxiliary Boiler			
AR 3.1	<p>Aux. Boiler NO_x Limit: NO_x emissions from the Auxiliary boiler exhaust stack are not to exceed the following:</p> <ul style="list-style-type: none"> a) 1.03 lb/hr, 1-hr average. b) 30 ppm at three percent O₂, 1-hr average. <p>Stack Testing: Compliance with these limits must be determined at 5-year intervals through stack testing according to the Reference Test Methods.</p> <p>Monitoring: No ongoing monitoring beyond the required stack testing is required for assuring compliance with the limits of this condition.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Methods 7E and 19 from 40 CFR Part 60 Appendix A must be used.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.1] [Authority: WAC 173-401-600(1)(c)]</p>	Aux. Boiler	None
AR	<p>Aux. Boiler CO Limit: CO emissions from the Auxiliary boiler exhaust</p>	Aux. Boiler	None

3.2	<p>stack are not to exceed the following:</p> <ul style="list-style-type: none"> a) 50.0 ppm, corrected to three percent O₂, 1-hr average. b) 1.07 lb/hr, 1-hr average. <p>Stack Testing: Compliance with these limits must be determined at 5-year intervals through stack testing according to the Reference Test Methods.</p> <p>Monitoring: No ongoing monitoring beyond the required stack testing is required for assuring compliance with the limits of this condition.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Methods 10 and 19 from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC. The span and linearity calibration gas concentrations in EPA Method 10 must be appropriate to the CO concentration limits specified in this condition.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.2] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 3.3	<p>Aux. Boiler SO₂ Limit: SO₂ emissions from the Auxiliary boiler exhaust stack are not to exceed the following:</p> <ul style="list-style-type: none"> a) 0.07 lb/hr annual average, calculated monthly. b) One ppm at three percent O₂, 1-hr average. <p>Monitoring: Ongoing compliance with the hourly rate limit in AR 3.3a) must be determined monthly by mass-balance calculations utilizing the:</p> <ul style="list-style-type: none"> a) Monthly Fuel consumption records for the auxiliary boiler according to condition M8, b) Sulfur content of the natural gas per condition M8; and, c) SO₂ emissions must be calculated according to condition M10. <p>Reference Test Method: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 8 from 40 CFR Part 60 Appendix A or an equivalent method agreed to in advance by EFSEC must be used.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.3] [Authority: WAC 173-401-600(1)(c)]</p>	Aux. Boiler	M8 M10
AR 3.4	<p>Aux. Boiler VOC Limit: VOC emissions from the Auxiliary boiler exhaust stack are not to exceed 0.20 lb/hr, 1-hr average, reported as propane.</p> <p>Stack Testing: Compliance with this limit must be determined at 5-year intervals through stack testing according to the Reference Test Methods.</p> <p>Monitoring: No ongoing monitoring beyond the required stack testing is required for assuring compliance with the limit of this condition.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Methods 19 and 25A or 25B from 40</p>	Aux. Boiler	None

	<p>CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.4] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 3.5	<p>Aux. Boiler Particulate Limit: PM₁₀ emissions from the Auxiliary boiler exhaust stack are not to exceed the following:</p> <p>a) 0.292 lb/hr, hourly average (front & back half). b) 0.005 gr/dscf, 1-hr average, at three percent O₂.</p> <p>Stack Testing: Compliance with this limit must be determined at 5-year intervals through stack testing according to the Reference Test Methods.</p> <p>Monitoring: Maintaining compliance with the opacity limit in condition AR 3.6 will serve as an indicator of when Aux Boiler maintenance actions, investigations or additional testing is needed to verify or assure compliance with the limits in this condition.</p> <p>Reference Test Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Methods 19, 202 and either 5, 201, or 201A must be used, or an equivalent method agreed to in advance by EFSEC. Use of EPA Reference Method 5 assumes all particulate has an aerodynamic diameter less than 10 microns. Use of EPA Reference Method 201 or 201A assumes that the mass of filterable PM is equal to the mass of filterable PM₁₀. The results of the filterable and condensable particulate analyses must be reported as total particulate, filterable particulate, and condensable particulate.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.5] [Authority: WAC 173-401-600(1)(c)]</p>	Aux. Boiler	None
AR 3.6	<p>Aux. Boiler Opacity Limit: Opacity at the auxiliary boiler stack is not allowed to exceed a 6-minute average opacity of five percent.</p> <p>Monitoring: A certified opacity reader must survey the boiler stack daily during daylight hours to determine if any opacity is present. If opacity is not observed over the course of a week, the frequency for surveying the boiler stack may change to monthly, or another frequency as approved by EFSEC. If the survey detects visible emissions, then the company must investigate the cause of the emissions and repair the problem or take EPA Method 9 observations for determining compliance.</p> <p>Reference Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Method 9 from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.6] [Authority: WAC 173-401-600(1)(c)]</p>	Aux. Boiler	M6
AR	<p>Aux. Boiler Annual Limits: Annual total emissions from the Auxiliary</p>	Aux.	M12

3.7	<p>Boiler over each 12 consecutive month period and including emissions during start-up, shutdown, and periods of malfunction, must not exceed the following limits in tons per year:</p> <ul style="list-style-type: none"> a) 1.3 NO_x b) 1.3 CO c) 0.088 SO₂ d) 0.4 PM/PM₁₀ (PM and PM₁₀ assumed to be equal) e) 0.73 VOC <p>Monitoring: Total emissions of each pollutant over the preceding 12-months must be calculated monthly based on the actual amount of natural gas combusted over the 12-month period and emissions factors in terms of pounds per million Btu of fuel combustion. For NO_x, CO, PM/PM₁₀ and VOC, Aux. Boiler emissions factors must be based on the most recent results from stack testing. The SO₂ emission factor for the Aux. Boiler must be based on the most recent fuel analysis. Unless a specific emission factor is developed representing startup or shut down of the boiler, steady state emissions factors must be used to represent all operations of the Aux. Boiler.</p> <p>Reference Methods – Not applicable: Compliance determined through emissions calculations.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 10] [Authority: WAC 173-401-600(1)(c)]</p>	Boiler	
AR 3.8	<p>Aux. Boiler Sampling Port Requirements:</p> <ul style="list-style-type: none"> a) Adequate permanent and safe access to the test ports must be provided. Providing a man-lift to assure safe access to the test ports meets this condition. b) Other arrangements may be acceptable if approved by EFSEC prior to installation. <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, PSD condition 16] [Authority: WAC 173-401-600(1)(c)]</p>	Aux. Boiler	None
Requirements for Emergency Diesel Engines			
AR 4.1	<p>Nonroad, Temporary Replacement Engines. Compression Ignition, Internal Combustion Engines (CI ICE) used as temporary replacement units are allowed provided:</p> <ul style="list-style-type: none"> a) They are located at the facility for less than 1 year; and, b) Meet the nonroad engine requirements of WAC 173-400-035. <p>[Origin: WAC 173-400-030] [Authority: WAC 173-401-600(1)(b)]</p>	Nonroad, Temporary Engines	None
AR 4.2	<p>Emergency Engine Requirements. Compression ignition, reciprocating internal combustion engines used for emergency purposes (Emergency Engines) are subject to the following requirements from 40 CFR Part 63, Subpart ZZZZ:</p> <ul style="list-style-type: none"> a) Operate and maintain Emergency Engines according to the manufacturer's emission-related written instructions or develop your 	Emergency Engines	M1 M3

	<p>own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engines in a manner consistent with good air pollution control practice for minimizing emissions. [Origin: 40 CFR 63 Subpart ZZZZ, §63.6625 (e)]</p> <p>b) Each Emergency Engine must be equipped with a non-resettable hour meter. [Origin: 40 CFR 63 Subpart ZZZZ, §63.6625 (f); PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 7.4 and 8.4]</p> <p>c) Minimize time engines are spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. [Origin: 40 CFR 63 Subpart ZZZZ, §63.6625 (h)]</p> <p>d) There is no time limit on the use of the Emergency Engines in emergency situations. Emergency situations include periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency. [Origin: 40 CFR 63 Subpart ZZZZ, §63.6640 (f)]</p> <p>e) Required maintenance [Origin: 40 CFR 63 Subpart ZZZZ, Table 2d, Item 4]:</p> <ul style="list-style-type: none"> i) Change oil and filter every 500 hours of operation or annually, whichever comes first; ii) Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and iii) Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. <p>f) If an Emergency Engine is operating during an emergency and it is not possible to shut down the engine in order to perform the scheduled required maintenance, or if performing the scheduled maintenance would otherwise pose an unacceptable risk, the required maintenance can be delayed until the emergency is over or the unacceptable risk has abated. The scheduled maintenance should be performed as soon as practicable after the emergency has ended or the unacceptable risk has abated. [Origin: 40 CFR 63 Subpart ZZZZ, Table 2d, Item 4]</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 7 and 8, and 40 CFR 63, Subpart ZZZZ as listed in each sub-condition] [Authority: WAC 173-401-600(1)(b)]</p>		
AR 4.3	<p>Emergency Generator Engine Operating Requirements: The Emergency Generator engine must:</p> <p>a) Burn only on-road specification diesel oil with 500 ppm or less, biodiesel, or a mixture of both. In any case, the fuel used must have a maximum sulfur content that does not exceed 500 ppm by weight. A fuel certification from the fuel supplier may be used to demonstrate compliance with this requirement. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 3.1 and 7.3]</p> <p>b) Not exceed 500 hours per any 12 consecutive months of operating time. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 3.2]</p> <p>c) Be operated only during routine maintenance, testing, and periods when electricity is not available from the power grid. Maintenance and</p>	Emergency Generator Engine	M1 M3

	<p>testing must not exceed 50 hours per consecutive 12-month period. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 7.2]</p> <p>d) The facility must maintain engine operation and maintenance records verifying the engine has been operated, maintained, and repaired in a manner consistent with the manufacturer’s emission-related specifications. A copy of the manufacturer’s recommendations for maintaining the engine must be kept on-site and made available upon request. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 7.1.1]</p> <p>[Origins indicated for each sub-condition] [Authority: WAC 173-401-600(1)(b) and WAC 173-401-600(1)(c)]</p>		
AR 4.4	<p>Emergency Fire Water Pump Engine Operating Requirements: The Emergency Fire Water Pump engine must:</p> <p>a) Burn only on-road specification diesel oil with 500 ppm or less sulfur content, biodiesel, or a mixture of both. In any case, the fuel used must have a maximum sulfur content that does not exceed 500 ppm by weight. A fuel certification from the fuel supplier shall be used to demonstrate compliance with this requirement (An alternative would be testing of the fuel in the storage tank with prior approval). [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 4 and 8.3]</p> <p>b) Be operated only during routine maintenance, testing, and periods when electricity is not available from the power grid. Maintenance and testing must not exceed 50 hours per consecutive 12-month period. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 8.2]</p> <p>c) The facility must maintain engine operation and maintenance records verifying the engine has been operated, maintained, and repaired in a manner consistent with the manufacturer’s emission-related specifications. A copy of the manufacturer’s recommendations for maintaining the engine must be kept on-site and made available upon request. [Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 8.1.1]</p> <p>[Origins for each sub-condition] [Authority: WAC 173-401-600(1)(b) and WAC 173-401-600(1)(c)]</p>	Emergency Fire Water Pump Engine	M1 M3

AR 4.5	<p>BACT Opacity Limit (Emergency Generator Engine only). Visible emissions from the engine must not exceed an average of ten percent (10%) opacity during any 6-minute period except cold start-up, as determined in accordance with EPA Method 9 (Title 40 CFR, Part 60, Appendix A Method 9). Unless defined by the engine manufacturer, “cold start” as used in this condition shall be defined as the period beginning when the engine is started and ending when the temperature of the engine coolant reaches 150°F.</p> <p>Monitoring: During weekly testing of the engine, a certified opacity reader must survey and record if opacity is present after the engine achieves normal operating temperature according to condition M8. If opacity is observed, then Method 9 readings must be performed the nexttime the engine is operated for testing. The Survey frequency can be reduced to monthly once four readings without opacity are observed.</p> <p>Reference Methods: When stack testing is conducted for purposes of demonstrating compliance, EPA Reference Method 9 from 40 CFR Part 60 Appendix A must be used, or an equivalent method agreed to in advance by EFSEC.</p> <p>[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 7.5] [Authority: WAC 173-401-600(1)(c)]</p>	Emergency Generator Engine	M7
AR 4.6	<p>Excess Opacity Triggers Action (Emergency Generator Engine only): Visible emissions of ten percent (10%) opacity or more from the Emergency Generator Engine must trigger prompt (within a week) action to initiate maintenance and/or repair the engine and eliminate opacity exceeding this standard. Maintenance and repair actions must be documented and available for inspection.</p> <p>[Origin: For Emergency Generator Engine, PSD No. EFSEC/2001-01, AMENDMENT 5, condition 7.6] [Authority: WAC 173-401-600(1)(c)]</p>	Emergency Generator Engine	M1 M7
PSD & NOC Permit Requirements for Cooling Tower			
AR 5.1	<p>Cooling Tower Particulate Limit: PM₁₀ emissions from the Cooling Tower are not to exceed:</p> <ul style="list-style-type: none"> a) 24.5 lb/day PM₁₀, annual average. b) 4.5 tpy PM₁₀, rolling total, calculated monthly. <p>Monitoring:</p> <ul style="list-style-type: none"> a) Continuously monitor recirculating water flow rate in gallons per minute. In lieu of monitoring the recirculating water flow rate, the design rate may be used for compliance monitoring purposes. b) Total dissolved solids content of the cooling water must be measured monthly. c) On a monthly basis: <ul style="list-style-type: none"> i) Calculate the monthly average lbs/day PM₁₀ emissions from the cooling tower using the Reference Formula below and actual operating data from monitoring. ii) Calculate the annual average lbs/day PM₁₀ emissions from the 	Cooling Tower	None

	<p>cooling tower over the previous 12 consecutive months.</p> <p>Reference Formula: PM₁₀ emissions from the Cooling Tower must be calculated according to the following equation and actual operating data:</p> $Q \times C \times DL \times 60 \times 8.34 / 1000000 = D$ <p>Where:</p> <p>Q = Monthly average or design recirculation rate in gallons per minute</p> <p>C = Monthly average total dissolved solids concentration in parts per million by weight (ppmw)</p> <p>D = PM₁₀ emission rate in lb/hr.</p> <p>DL = the design drift loss rate in gallon lost/gallon of recirculating cooling water = 1.0 E⁻⁵</p> <p>[Origin: NOC No. EFSEC/2017-01, conditions 1, 3 and 4; PSD No. EFSEC/2001-01, AMENDMENT 5, condition 9 & 10] [Authority: WAC 173-401-600(1)(c)]</p>		
AR 5.2	<p>Cooling Tower O&M Plan: GHE must implement a plan for maintaining cooling tower water quality. The plan must include procedures for cooling tower chemical use, operating limits for free chlorine levels, schedule for testing free chlorine levels, and test methods.</p> <p>[Origin: NOC No. EFSEC/2017-01, condition 6] [Authority: WAC 173-401-600(1)(c)]</p>	Cooling Tower	None

[END OF SECTION]

VI. MONITORING AND RECORDKEEPING (M)

M1. General Recordkeeping Requirements:

- a) **Retention.** All records required by this Permit must be retained and made available when requested for no less than five years, unless specified otherwise (e.g. Acid Rain, GHG) from the date they were generated. [Authority: WAC 173-401-615(2)(c)]
- b) **Monitoring Records.** Records for required monitoring must include, as applicable:
- i) The required monitoring data in units and averaging times that can be compared to the associated emissions limit or required operating standard;
 - ii) Except for data recorded by an automated system, the date and name of the person making the record entry;
 - iii) The date, place as defined in the permit, and time of sampling or measurements;
 - iv) The date(s) any analyses was performed;
 - v) The company or entity that performed the analyses;
 - vi) The analytical techniques or methods used;
 - vii) The results of such analyses;
 - viii) The operating conditions existing at the time of sampling or measurement; and,
 - ix) Support information for continuous monitoring systems (CMS) and continuous emissions monitoring systems (CEMS) including all quality assurance and quality control (QAQC) records, maintenance records, certification records, and copies of all associated CEMS or CMS reports required by this Permit.
[Authority: WAC 173-401-615(2)(a)]
- c) **Records Supporting Non-Operation.** A contemporaneous record verifying an emissions unit did not combust fuel is required to support the absence of required monitoring records during the specific time period the emissions unit did not operate. [Origin: N/A - gap filling monitoring]
- d) **Record of Changes.** A record describing changes made at the source is required for any changes that resulted in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes. [Origin: WAC 173-401-615 (2)(b), and WAC 173-401-724(5)]
- e) **Startup, Shutdown, Malfunction Records.** The Permittee must maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the CGTs; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device was inoperative. [Origin: 40 CFR 60.7 (b)]
- f) **Excess Emissions Records.** For an excess emission event the Permittee intends to claim as unavoidable per conditions P18 or P19, as applicable, the following records must be maintained:
- i) Properly signed contemporaneous records or other relevant evidence documenting the Permittee's actions in response to the excess emissions event;
 - ii) Records documenting whether installed emission monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and

- iii) Any additional information supporting the claim that the excess emissions were unavoidable. [Origin: WAC 173-400-108]
- g) **MACT Applicability Records.** For each relevant standard or other applicable requirement under 40 CFR Part 63, which the Permittee determines inapplicable, the Permittee must keep record of the applicability determination on site for 5 years after the determination, or until the facility changes its operations to become an affected source, whichever comes first. For the purposes of this condition, a relevant standard is defined as any standard for which:
 - i) The facility emits or has the potential to emit (without considering controls) one or more hazardous air pollutants regulated by the standard; and,
 - ii) The facility belongs to the source category regulated by the standard.
 - iii) The record of the applicability determination must be signed by the person making the determination and include an analysis (or other information) demonstrating why the Permittee believes the facility is not subject to the MACT. The analysis (or other information) must be sufficiently detailed to allow EFSEC to make an independent applicability determination for the MACT. If required, the analysis must be performed in accordance with requirements established in the relevant MACT, and the analysis must be performed in accordance with EPA guidance materials published to assist sources in making applicability determinations under section 112, if any. [Origin: 40 CFR 63.1(b)(3); 40 CFR 63.10(b)(3)]
- h) **Acid Rain Program Records.** Unless otherwise provided, the owners and operators of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center must keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
 - i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certification of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents must be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period applies;
 - iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and
 - iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program. [Origin: Acid Rain Permit No. EFSEC/10-01-AR]
- i) **Required Manuals and Plans.** The Permittee must maintain written copies of the following manuals:
 - i) Operating and Maintenance manual (O&M manual) required by condition AR 1.12
 - ii) Start-up, Shutdown, and Malfunction Procedures manual (SSM manual) required

- by condition AR1.12;
- iii) NOx-diluent CEMS Monitoring Plan according to § 75.53 of 40 CFR Part 75, Subpart F;
- iv) CO CEMS Quality Assurance Quality Control (QA/QC) program according to 40 CFR Part 60, Appendix F;
- v) NH3 CEMS Quality Assurance Quality Control (QA/QC) program according to 40 CFR Part 60, Appendix F; and,
- vi) GHG monitoring plan in accordance with WAC 173-441-050(6)(e).
[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5]
- j) **General Fuel Records.** The Permittee must keep Safety Data Sheets (SDS) or equivalent monitoring records verifying the calorific value and sulfur content of the diesel and natural gas combusted at the facility. [Origin: N/A - gap filling monitoring]
- k) **Pollution control Equipment Maintenance Records.** The Permittee must monitor and keep a running log of actions taken to keep the SCR and oxidation catalyst units serving the CGTs in good operating condition and repair. [Origin: “Gap-filling” monitoring]

[Authority: WAC 173-401-615]

M2. Monitoring and Records Required for Greenhouse Gas (GHG) Reporting. The Permittee must monitor Facility operations, fuel rates and composition of fuels as necessary to report GHG emissions to Ecology in accordance with Chapter 173-441 WAC. The following is required:

- a) **GHG Monitoring Plan.** The Permittee must develop a written GHG monitoring plan in accordance with WAC 173-441-050(6)(e). The Permittee must revise the GHG monitoring plan as needed to reflect changes in processes, monitoring instrumentation, and quality assurance procedures; or to improve procedures for the maintenance and repair of monitoring systems to reduce the frequency of monitoring equipment downtime.
- b) **Monitoring Equipment Maintenance.** If needed to monitor fuel consumption, flow meters and other measurement devices used to measure fuel feed rates, process steam flow rates, or feedstock flow rates to provide data to perform the GHG emissions calculations must be calibrated according to the procedures specified in WAC 173-441-050(8).
- c) **Records.** The Permittee must maintain records in accordance with WAC 173-441-050. Required records must be retained for at least at least 10 years from the date of submission of the annual GHG report for the reporting year in which the record was generated. At a minimum, the Permittee must retain the following:
 - i) A list of all units, operations, processes, and activities for which GHG emissions were calculated.
 - ii) The data used to calculate the GHG emissions for each unit, operation, process, and activity, categorized by fuel or material type. These data include, but are not limited to, the following information:
 1. The GHG emissions calculations and methods used, as required by WAC 173-441-120.
 2. Analytical results for the development of site-specific emissions factors.
 3. The results of all required analyses for high heat value, carbon content, and other required fuel or feedstock parameters.
 4. Any Facility operating data/process information used for the GHG emission calculations.

- iii) Copies of the annual GHG reports.
- iv) Missing data computations. For each missing data event, also retain a record of the cause of the event and the corrective actions taken to restore malfunctioning monitoring equipment.
- v) The GHG Emissions Monitoring Plan required by condition M2.
- vi) The results of all required certification and quality assurance tests of continuous monitoring systems, fuel flow meters, and other instrumentation used to provide data for the GHGs reported under this chapter.
- vii) Maintenance records for all continuous monitoring systems, flow meters, and other instrumentation used to provide data for the GHGs reported under this chapter.

[Origin: WAC 173-441-050(6)(State only)]
 [Authority: WAC 173-401-615]

M3. Required Emergency Engine Records. The following records must be maintained for Emergency Engines:

- a) Engine operation and maintenance records verifying the engine has been operated, maintained, and repaired in a manner consistent with the manufacturer’s emissions-related specifications;
- b) A copy of the manufacturer’s recommendations for maintaining the engine.
- c) Total hours of operation of each engine; and,
- d) Total hours of maintenance testing.

[Origin: 40 CFR 63 Subpart ZZZZ, §63.6655 (f) and PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 7.1.1 and 8.1.1]
 [Authority: WAC 173-401-615]

M4. Monitoring Air Impacts Detrimental or a Nuisance to Persons or Property:

The Permittee must monitor all air quality related complaints directed to the facility as follows:

- a) The Permittee must provide an automatic phone recording system or an onsite contact person available to the general public for filing a complaint whenever the facility is operating.
- b) The Permittee must maintain a record of air quality related complaints, which must include, as applicable, the following information:
 - i) Description of the complaint.
 - ii) Date and time the alleged impact was first noticed.
 - iii) Date and time the alleged impact was last noticed.
 - iv) Location where the alleged impact was experienced.
 - v) Name and phone number of caller.
 - vi) The Permittee’s assessment of the validity of the complaint.
 - vii) Description of any corrective action taken.

[Origin: N/A - gap filling monitoring]
 [Authority: WAC 173-401-615(1)(b)&(c)]

M5. CGT Requirements for Continuous Emission Monitoring Systems (CEMS):

- a) The NOx-diluent CEMS for NOx compliance shall meet the requirements contained in 40 CFR 75,

Emissions Monitoring.

- b) CEMS for ammonia shall meet the requirements contained in 40 CFR, Part 63, Appendix A, Reference Method 301, Validation Protocol, and 40 CFR, Part 60, Appendix F, Quality Assurance Procedures, or other EFSEC-approved performance specifications and quality assurance procedures.
- c) CEMS for CO shall meet the requirements contained in 40 CFR, Part 60, Appendix B, Performance Specification 4 or 4A, and in 40 CFR, Part 60, Appendix F, Quality Assurance Procedures.
- d) Continuous Opacity Monitoring Systems shall meet the requirements contained in 40 CFR Part 60, Appendix B, Performance Specification 1 and in 40 CFR, Part 60, Appendix F, Quality Assurance Procedures.
- e) Continuous emission and opacity monitors must meet the requirements of 40 CFR 60.13, except that the term “applicable subpart” as used in 40 CFR 60.13 means this permit. Monitors shall be capable of determining emissions during start-up, shutdown, and periods of malfunction.
- f) Stack flows for calculating mass emissions must be determined in accordance with the following. Natural gas combusted in the CGT’s and boiler must be sampled and analyzed based on the sampling and analysis frequencies established in condition M8 for composition using Universal Oil Products (UOP) Laboratory Test Method 539-97 “Gas Analysis by Gas Chromatography” or equivalent. The gas composition must be used to determine the heat content of the gas in terms of British thermal unit, high heat value, per standard cubic foot (Btu/scf) and to determine the EPA Method 19 Fd factor for the gas. An alternative method to EPA Method 19 can be used to determine the Fd factor if preapproved

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 18]

[Authority: WAC 173-401-615]

M6. Auxiliary Boiler Opacity Monitoring

Ongoing compliance with the Auxiliary Boiler opacity limit must be monitored as follows:

- a) A certified opacity reader must survey the Auxiliary Boiler stack daily when it operates to determine if any opacity is present. Auxiliary Boiler opacity surveys must be conducted as follows:
 - i) Surveys must be conducted from a location with a clear view of the Auxiliary Boiler stack and where the sun is not directly in the observer’s eyes.
 - ii) Unless the Auxiliary Boiler is not scheduled to operate that day or is down for maintenance, surveys must be performed during daylight hours (from 9:00 am to 4:00 PM) and when the Auxiliary Boiler is operating.
 - iii) Any visible emissions other than uncombined water must be recorded as a positive reading.
 - iv) If it is not possible to conduct the survey due to inclement weather conditions the surveyor must note this in the records.
- b) If opacity is not observed over the course of seven days, the frequency for surveying the boiler stack may change to monthly when operating.
- c) If the opacity reader detects visible emissions, the Permittee must promptly investigate the cause of the emissions and repair the problem or perform EPA Method 9 observations for determining compliance.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 6.6.3 and 18.5]

[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M7. Opacity Monitoring for the Emergency Generator Engine.

Ongoing compliance with the opacity limit applying to Emergency Generator Engine must be monitored as follows:

- a) Weekly, a certified opacity reader must survey and record if opacity is present from the engine whenever the engine is operated for testing and after the engine achieves normal operating temperature.
- b) If opacity is observed, then Method 9 readings must be performed immediately or the next time the engine is started.
- c) Survey frequency can be reduced to monthly once four readings without opacity are observed.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 7.5.2]

[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M8. Monitoring Natural Gas Use and Composition.

Composition and the actual hourly rate of natural gas combusted by each Duct Burner, Turbine and Auxiliary Boiler must be monitored as follows:

- a) **Facility-wide Monitoring.** The Permittee must record monthly and report to EFSEC on a quarterly basis the quantity, heat value, and sulfur content of the natural gas burned at the facility, and purchase records.
- b) **Requirement to Monitor Natural Gas Combustion.** The actual hourly rates of natural gas combusted by each Duct Burner, Turbine, and the Auxiliary Boiler in terms of standard cubic feet per hour (or equivalent) must be continuously monitored using in-line fuel flowmeters per the methods in 40 CFR Part 75, Appendix D, Section 2.1.
- c) **Gas Composition.** The natural gas combusted at the facility must be sampled and analyzed at least once per calendar month for composition using Universal Oil Products (UOP) Laboratory Test Method 539-97 “Gas Analysis by Gas Chromatography,” or an equivalent method approved by EFSEC. An alternative method to section 12.3.2 of EPA Method 19 can be used to determine the Fd factor if pre-approved by EFSEC. The gas composition must be used to determine:
 - i) The heat content of the gas in terms of British thermal unit, higher heat value, per standard cubic foot (Btu/scf); and
 - ii) The dry basis fuel factor (Fd) for the natural gas in terms of dry standard cubic feet per million Btu heat input (dscf/MMBtu, heat input) according to section 12.3.2 of EPA Method 19.
 - iii) Sulfur content of the natural gas must be determined at least once per calendar month by sampling the natural gas combusted and analyzing samples for total sulfur content per the method specified in 40 CFR Part 75, Appendix D for high variability. Any other analysis method listed in 40 CFR Part 75, Appendix D may be used once approved by EFSEC. Valid sulfur test results from the previous month, or an average of valid sulfur data approved by EFSEC may be used when monthly sampling and analysis of the natural gas is inconclusive or results in invalid data.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 5.3.7 and 18.6; 40 CFR Part 60, Subpart Dc, §60.48c(g); and 40 CFR Part 75, Appendix D, Section 2.1]

[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M9. Calculating CGT Pollutant Mass Rates (PMR). The following applies:

- a) Average and total PMRs for determining compliance with each limit must be calculated consistent with calculation methodologies prescribed in PSD Amendment 5, 40 CFR Part 60 and 40 CFR Part 75, as applicable. Calculation methodologies including specific equations, parameters, and coefficients used for monitoring compliance with each emissions limit must be documented in a written Emissions Calculation Protocol. The Emissions Calculation Protocol must be maintained and made available to EFSEC when requested.
- b) **Rolling 12-Month Totals.** Rolling 12-month total emissions must be calculated monthly based on the total monthly emissions from each permitted unit summed for the preceding 12 months. The actual emissions must be based on CEMS, where installed, mass balance and emission factor calculations for SO₂ and H₂SO₄, and emission factors for other pollutants and emission units where CEMS are not installed.
- c) **H₂SO₄ to SO₂ Conversion Ratios.** The unit-specific ratios of H₂SO₄ to SO₂ must be determined for each CGT based on the most recent stack test results using EPA Reference Methods 8, CTM013, 6C, or 8A, or an equivalent method approved by EFSEC. Stack testing must be performed at each exhaust stack at 5-year intervals between the months of November – March (unless otherwise approved by EFSEC) at representative maximum heat input rate.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 10]

[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M10. Monitoring Compliance with Auxiliary Boiler SO₂ Limit.

Ongoing compliance with the Auxiliary Boiler SO₂ Pollutant Mass Rate (PMR) limit must be determined monthly by mass-balance calculations using the:

- a) Monthly fuel consumption records for the auxiliary boiler; and,
- b) Sulfur content of the natural gas per condition M8.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 6.3]

[Authority: WAC 173-401-615(1)(a-c)]

M11. Monitoring Compliance with CGT Emissions Limits for Start-ups and Shutdowns (SU/SD).

Ongoing compliance with the SU/SD limits must be monitored by determining the total emissions in pounds during each SU/SD event as follows:

- a) CO and NO_x must be determined based on the CEMS measurements and the amount of natural gas combusted during each event.
- b) VOC must be calculated using a VOC emission factor of 216 lb/startup/shutdown/CGT. The VOC emission factor accounts for combined VOC emissions during start-up and shutdown.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 11]

[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M12. Monitoring Compliance with Annual Emissions Limits.

Ongoing compliance with annual emissions limits are to be determined monthly as follows:

- a) 12-month total emissions must be calculated monthly based on the total monthly emissions from each permitted unit summed for the preceding 12 months.
- b) The actual emissions must be based on CEMS, where installed, mass balance and emission factor calculations for SO₂ and H₂SO₄, and emission factors for other pollutants and emission units where CEMs are not installed.
- c) For the CGTs, annual emissions must include emissions from start-up and shutdown events and CGT start-up emissions are equally apportioned between the two turbines.
- d) PM and PM₁₀ are assumed to be equal.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 10]

[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b)&(c)]

M13. Relative Accuracy Test Audits (RATA) for NO_x-diluent, NH₃, and CO Continuous Emission Monitoring Systems. Relative Accuracy Test Audits (RATA) for NO_x-diluent, NH₃, and CO Continuous Emission Monitoring Systems must be performed as follows:

- a) RATA testing is to be performed at the calendar year/calendar quarter frequency required by the quality assurance procedures contained in:
 - i) Requirements for NO_x-diluent monitors from 40 CFR 75, Emissions Monitoring;
 - ii) Requirements for CO monitors from 40 CFR, Part 60, Appendix B, Performance Specification 4 or 4A, and in 40 CFR, Part 60, Appendix F, Quality Assurance Procedures; and,
 - iii) Requirements for NH₃ monitors from PPS-001.
- b) The testing must be based on “QA operating quarters” as that term is defined in 40 CFR §72.2.
- c) A RATA is to be performed for all pollutants measured by CEMs as required by 40 CFR Part 75, Appendix B, Section 2.3, including minimum frequency of once every eight calendar quarters.
- d) A test plan must be prepared and submitted to EFSEC and Olympic Region Clean Air Agency (ORCAA) for review at least 30 days prior to any RATA test:
 - i) The test plan must cover all pollutants required to be monitored during that RATA test.
 - ii) The test plan must include the proposed dates of the testing.
 - iii) The Permittee must revise the test plan to address comments provided by EFSEC or ORCAA.
- e) A report of the results of the RATA and other emission testing must be submitted to EFSEC and ORCAA within 45 days of completing the test.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, condition 19]

[Authority: WAC 173-401-615(1)(a) and WAC 173-401-615(1)(b) &(c)]

VII. REPORTING (R)

R1. Certification of Reports. Any application form, report, or compliance certification submitted to EFSEC or the U.S. Environmental Protection Agency Region 10 (EPA) under

requirements of this AOP must contain certification by a responsible official of truth, accuracy, and completeness. This certification must state that, based on information and belief formed after reasonable inquiry, the statements and information in the submittal are true, accurate and complete. Where an applicable requirement requires reporting more frequently than once every six months, the responsible official's certification need only be submitted once every six months, covering all required reporting since the date of the last certification.

[Origin: WAC 173-401-630(1)]

[Authority: WAC 173-401-615(3)]

R2. Annual Compliance Certifications. The Permittee must submit to EFSEC and EPA an Annual Compliance Certification report, which must certify the status of compliance with respect to all AOP conditions in accordance with WAC 173-401-630(5)(d). Annual Compliance Certification Reports must be submitted to EFSEC and EPA by April 15th each year and must certify the status of compliance over the previous January through December period. The reports must be certified by a responsible official in accordance with condition R1. Annual Compliance Certification reports must include:

- a) Identification of each term or condition of the AOP that is the basis of the certification.
- b) Statement of compliance status;
- c) Whether compliance was continuous or intermittent;
- d) Method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with WAC 173-401-615;
- e) Such other facts as EFSEC may require to determine the compliance status of the source; and,
- f) Such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the FCAA.

[Origin: WAC 173-401-630(5)]

[Authority: WAC 173-401-615(3)]

R3. Semi-annual Monitoring Reports. Consistent with WAC 173-401-615(3) the Permittee must submit to EFSEC by October 18th and April 15th for the six-month periods January through June and July through December respectively, a report on the status of all monitoring requirements. All instances of deviation from AOP requirements must be clearly identified. The semi-annual report must contain a certification of any reports submitted during the semi-annual period that have not already been certified. The certification must be consistent with WAC 173-401-520.

[Origin: WAC 173-401-615(3)(a)]

[Authority: WAC 173-401-615(3)]

R4. Quarterly Reports. CEMS and process data must be submitted quarterly, in written form (or electronic if permitted by the EFSEC) within 30 days of the end of each calendar quarter to EFSEC as follows:

- a) Format:
 - i) For NO_x, the format of the data in the quarterly reports must match that required

- for demonstrating compliance with the Title IV Acid Rain program reporting requirements.
- ii) For all other pollutants and process data, the format of the data in the quarterly reports must be in a format approved by EFSEC.
- b) Quarterly Reports must include at the following:
- i) Process or control equipment operating parameters required to be monitored;
 - ii) The hourly maximum and average emissions monitored, in units of each standard, for each pollutant monitored;
 - iii) The duration and nature of any monitor downtime;
 - iv) Results of any monitor audits or accuracy checks; and,
 - v) Excess emissions and monitoring system performance reports for all continuous monitoring devices (CMS, CEMS and COMS) as required under 40 CFR, § 60.7(c).
- c) For each occurrence of monitored emissions in excess of the limits in this AOP, the quarterly emissions report must also include the following:
- i) For parameters subject to monitoring and reporting under the Title IV, Acid Rain program, the reporting requirements in that program shall govern excess emissions report content.
 - ii) For all other pollutants:
 - (1) The time of the occurrence;
 - (2) Magnitude of the emission or process parameters excess;
 - (3) The duration of the excess;
 - (4) The probable cause;
 - (5) Corrective actions taken or planned; and,
 - (6) Any other agency contacted.

[Origin: PSD No. EFSEC/2001-01, AMENDMENT 5, conditions 20, 21 and 22]

[Authority: WAC 173-401-615(3)]

R5. Reporting Deviations from AOP Conditions. The Permittee must promptly report any deviations from AOP requirements, including those attributable to upset and malfunction conditions as defined in this AOP. The following conditions apply:

- a) **Prompt Reporting.** For purposes of this AOP, submitting a report “promptly” means the following:
 - i) **Potential Threat to Human Health or Safety:** If the deviation presents a potential threat to human health or safety, “promptly” means as soon as possible but no later than 12 hours after discovery of the deviation;
 - ii) **Other Deviations:** For other deviations, “promptly” means as soon as possible but no later than 30 days after the end of the month during which the deviation was discovered. [Origin: WAC 173-401-615(3)(b)]
- b) **Deviation Report Content.** Permit deviation reports must include:
 - i) Identification of the emission unit(s) involved;
 - ii) The duration of the event including the beginning and end times;
 - iii) For emission and process parameter excesses, the magnitude of the excess;
 - iv) The probable cause of the deviation;
 - v) Corrective actions taken or planned; and,
 - vi) Preventive measures taken. [Origin: WAC 173-401-615(3)(b)]
- c) **Reporting Unavoidable Excess Emissions.** The deviation report may include

demonstration that excess emissions were unavoidable due to start-up, shutdown or upset conditions consistent with the requirements of conditions P18 or P19. [Origin: WAC 173-400- 107(3)]

[Origin: listed by sub-condition]
[Authority: WAC 173-401-615(3)]

R6. [RESERVED]

R7. Washington Requirements for Excess Emissions Reporting (WAC 173-400-108):

- a) Applicability:**
 - i) Condition R7 is a State-only requirement and not federally enforceable.
- b) Notify EFSEC.** The Permittee must notify EFSEC of excess emissions as follows:
 - i) When excess emissions represent a potential threat to human health or safety, the owner or operator must notify the permitting authority by phone or electronic means as soon as possible, but not later than **twelve hours** after the excess emissions (deviation) were discovered per condition R5.
 - ii) For all other excess emissions, the Permittee must notify EFSEC in a report no later than 30 days after the end of the month during which the excess emissions (deviation) was discovered per condition R5.
 - iii) However, notice of emergencies that do not pose a potential threat to human health or safety must be submitted within two working days from the time when emission limitations were exceeded due to the emergency, or shorter periods of time specified in an applicable requirement.
- c) Excess Emissions Report Required.** The owner or operator must report all excess emissions to the permitting authority according to condition R5.
- d) Unavoidable Excess Emissions.** To claim emissions as unavoidable under either condition P18 or P19 [whichever condition applies, the report must contain the following in addition to the information required under condition R5:
 - i) Properly signed contemporaneous records or other relevant evidence documenting the owner or operator's actions in response to the excess emissions event;
 - ii) Information on whether installed emission monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and
 - iii) Any additional information requested by EFSEC to support the claim that the excess emissions were unavoidable.

[Origin: WAC 173-400-108]
[Authority: WAC 173-401-615(3)]

R8. Notification of Complaint Received. The Permittee must notify EFSEC by phone call, e-mail or in writing of any complaint received in connection with a term or condition of this AOP as soon as possible, but no later than one week from the time the complaint was received. The notification must include a short description of the complaint, time it was received, actions taken, actions planned and preliminary assessment.

[Origin: condition M3]

[Authority: WAC 173-401-615(3)]

R9. Annual Inventory Report. On an annual basis, the Permittee must submit an inventory of actual emissions emitted during the previous calendar year. The inventory must be submitted to EFSEC within 30 days of receipt of the standard inventory reporting forms. The inventory must be accompanied by all associated calculations and data used in calculating the emissions.

[Origin: WAC 173-400-105(1)]
[Authority: WAC 173-401-615(3)]

R10. Source Test Plans. The Permittee must notify EFSEC in writing at least 30 days prior to any stack emissions testing (Source Test) and provide EFSEC an opportunity to review the Source Test Plan and to observe the test. The Source Test Plan must describe the proposed source test methods, operational conditions proposed for the test, and provisions for monitoring source operation during the test.

[Origin: WAC 173-400-105(4)]
[Authority: WAC 173-401-615(3)]

R11. Source Test and RATA Reports. Reports of all required source or emissions testing and RATA of the CGTs or auxiliary boiler must be submitted to EFSEC within 45 days after test completion.

[Origin: 40 CFR 60.8, WAC 173-400-105(4)]
[Authority: WAC 173-401-615(3)]

R12. State Greenhouse Gas (GHG) Reporting. The Permittee is subject to the requirement to report greenhouse gas (GHG) emissions to Ecology in accordance with Chapter 173-441 WAC if annual facility wide emissions of carbon dioxide equivalents (CO₂e) are 10,000 metric tons per year or more from all source categories listed in WAC 173-441-120. The following requirements apply:

- a) Once the facility emits 10,000 metric tons of GHGs or more per calendar year, the Permittee must report emissions of GHGs to Ecology annually thereafter unless the Permittee is allowed to discontinue reporting as allowed by WAC 173-441-030(5) and the specified notice is submitted to Ecology.
- b) To calculate GHG emissions, the Permittee must include all GHGs listed in Table A-1 of WAC 173-441-040, including those emitted from the combustion of biomass, using equation A-1 from WAC 173-441-030(1)(b)(iii).
- c) Reports must meet the requirements of WAC 173-441-050, and include the annual emissions of the GHGs listed in WAC 173-441-040 from source categories listed in WAC 173-441-120.
- d) The annual GHG report must be submitted electronically in accordance with the requirements of WAC 173-441-050 and 173-441-060 and in a format specified by Ecology.
- e) GHG emissions reports are due to Ecology:
 - i) No later than March 31 of each calendar year for GHG emissions in the previous

- calendar year for facilities required to report GHG emissions to the Administrator under 40 C.F.R. Part 98;
- ii) No later than October 31st of each calendar year for GHG emissions in the previous calendar year for facilities not required to report GHG emissions to the Administrator under 40 C.F.R. Part 98.
- f) All requests, notifications, and communications to Ecology pursuant to GHG emissions reporting, other than submittal of the annual GHG report, must be submitted to the following address:
- Greenhouse Gas Report
 - Air Quality Program
 - Department of Ecology
 - P.O. Box 47600
 - Olympia, WA 98504-7600
- g) The Permittee must submit a revised annual GHG report within 45 days of discovering that an annual GHG report previously submitted contains one or more substantive errors. A substantive error is an error that impacts the quantity of GHG emissions reported or otherwise prevents the reported data from being validated or verified. The revised report must correct all substantive errors.
- h) Ecology may notify the Permittee in writing that an annual GHG report previously submitted contains one or more substantive errors. Such notification will identify each such error. The Permittee must, within 45 days of receipt of the notification, either resubmit the report that, for each identified substantive error, corrects the identified substantive error (in accordance with the applicable requirements of this AOP) or provide information demonstrating that the previously submitted report does not contain the identified substantive error or that the identified error is not a substantive error.

[Origin: Chapter 173-441 WAC (State only)]

[Authority: WAC 173-401-615(3)]

[END OF SECTION]

VIII. PERMIT SHIELD CONDITIONS (S)

S1. Permit Shield. Compliance with an AOP condition shall be deemed compliance with the applicable requirements upon which that condition is based, as of the date of permit issuance. The permit shield does not apply to any insignificant emissions units or activity designated under WAC 173-401-530.

[Origin: N/A]

[Authority: WAC 173-401-640(1)]

S2. Inapplicable or Exempt Requirements. The requirements shown in Table 6, as of the date of permit issuance, have been determined not to apply to the corresponding emissions units indicated due to either inapplicability of the requirement or an exemption. Commencing the date this AOP is issued, the AOP shield shall cover the requirements specified in Table 6 with respect to the specific emissions units indicated, unless applicability of the requirement is triggered by an action or change after the date the AOP was issued.

[Origin: N/A]

[Authority: WAC 173-401-640(2)]

S3. Exclusions. Nothing in this AOP shall alter or affect the following:

- a) The provisions of Section 303 of the FCAA (emergency orders), including the authority of the administrator under that section,
- b) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of AOP issuance,
- c) The applicable requirements of the acid rain program, consistent with section 408(a) of the FCAA,
- d) The ability of EPA to obtain information from a source pursuant to section 114 of the FCAA, or
- e) The ability of the permitting authority to establish or revise requirements for the use of reasonably available control technology (RACT) as provided in chapter 252, Laws of 1993.

[Origin: N/A]

[Authority: WAC 173-401-640(4)]

[END OF SECTION]

TABLE 6 RELEVANT REQUIREMENTS DETERMINED INAPPLICABLE OR EXEMPT

Note: The requirements listed in the following table include only those requirements for which inapplicability must be based on a determination or comparison of the size, age, emissions or other characteristic of an emission unit with respect to applicability criteria and threshold contained in the requirement. All other requirements are considered obviously inapplicable to the facility and are not included in the table below.

Requirement	Emissions Unit	Exempt or Inapplicable	Brief Description of Requirement	Basis
WAC 173-400-100	Facility-wide	Inapplicable	Registration Required: Annual Registration is required for regulated sources of emissions, excluding sources subject to the operating permit program	The facility is subject to the operating permit program.
WAC 173-400-040(4)(b)	Facility-wide	Inapplicable	Fugitive Emissions (Non-attainment requirements): Emission units identified as significant contributors to non-attainment must use reasonable and available control methods to control emission of contaminants for which the area is designated non-attainment.	There are no non-attainment areas within Grays Harbor County or neighboring counties.
WAC 173-400-040(9)(b)	Facility-wide	Inapplicable	Fugitive Dust (Non-attainment requirements): Fugitive dust sources identified as significant contributors to PM ₁₀ non-attainment must apply RACT.	There are no non-attainment areas within Grays Harbor County or neighboring counties.
Chapter 173-435 WAC	Facility-wide	Inapplicable	Emergency episode plan requirements	The facility has not been requested to prepare such a plan.
40 CFR Part 68	Facility-wide	Inapplicable	Risk Management Programs: Requirements for Title V sources.	40 CFR Part 68 applies to any facility that has more than a threshold quantity of a regulated substance in a process, as determined under §68.115. GHE does not use or store any materials above the threshold quantities listed in 40 CFR Part 68. This is documented in GHE’s AOP application.
WAC 173-401-635	Facility-wide	Inapplicable	Temporary Title V Sources: No “affected source” as defined in WAC 173-401-200(1) shall be permitted as a temporary source [WAC 173-401-635].	WAC 173-401-635 provides that the permitting authority may issue a single AOP authorizing emissions from similar operations at multiple temporary locations, except for “affected sources.” Since this AOP is for a single location, this provision does not apply.

40 CFR Part 98 Mandatory Greenhouse Gas Reporting (Federal)	Facility-wide	Not an applicable requirement	Federal Mandatory Greenhouse Gas Reporting Rule. Establishes requirements for reporting emissions of GHGs.	These requirements are not pursuant to either the state or federal Clean Air Acts and, therefore, are not “Applicable Requirements” for purposes of Title V.
--	---------------	-------------------------------	---	--

Requirement	Emissions Unit	Exempt or Inapplicable	Brief Description of Requirement	Basis
		under the state and federal Clean Air Acts		
40 CFR Part 60 Subpart GG	CGTs	Inapplicable	Subpart GG—Standards of Performance for Stationary Gas Turbines	According to the Washington Department of Ecology (Ecology), as documented in the Fact Sheet for PSD Amendment 5, GHE’s AGP upgrades triggered applicability of the combustion turbine standards in 40 CFR Part 60, Subpart KKKK (Subpart KKKK). Under § 60.4305 of Subpart KKKK it states, “Stationary combustion turbines regulated under this subpart are exempt from the requirements of subpart GG of this part.” Therefore, the requirements under Subpart GG do not apply to the combustion turbines at GHE. It also states, “Heat recovery steam generators and duct burners regulated under this subpart are exempted from the requirements of subparts Da, Db, and Dc of this part.”
40 CFR Part 60 Subpart Da	Heat Recovery Steam Generators and Duct Burners	Inapplicable	Subpart Da – Standards of Performance for Electric Utility Steam-Generation Units	According to the Washington Department of Ecology (Ecology), as documented in the Fact Sheet for PSD Amendment 5, GHE’s AGP upgrades triggered applicability of the combustion turbine standards in 40 CFR Part 60, Subpart KKKK (Subpart KKKK). Under § 60.4305 of Subpart KKKK it states, “Heat recovery steam generators and duct burners regulated under this subpart are exempted from the requirements of subparts Da, Db, and Dc of this part.”
40 CFR Part 60 Subpart Db	Heat Recovery Steam Generators and Duct Burners	Inapplicable	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	
40 CFR Part 60 Subpart Dc	Heat Recovery Steam Generators and Duct Burners	Inapplicable	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	

40 CFR Part 64 Compliance Assurance Monitoring (CAM) Rule	Facility-wide	Inapplicable	Establishes the minimum requirements for compliance assurance monitoring at major sources	<ul style="list-style-type: none"> • For CGTs, pollutants triggering CAM are continuously monitored. • For the Auxiliary Boiler, pre-controlled emissions of controlled air pollutants (NO_x) are less than the CAM applicability threshold. • For Cooling Tower, pre-controlled emissions of controlled air pollutants (PM) are less than the CAM applicability threshold. • See Technical Support Document
---	---------------	--------------	---	--

PERMIT ATTACHMENTS

Permit attachments are part of the associated Air Operating Permit (AOP) and may contain applicable requirements that apply as specified by referencing conditions.

Attachment 1: ACID RAIN PERMIT

No. EFSEC/10-01-AR

Issued by the Washington State Energy Facility Site Evaluation Council

Issued to: Grays Harbor Energy Center,
Washington Operated by: Grays Harbor Energy LLC

Address: Grays Harbor Energy
Center 401 Keys Road
Elma, WA 98541-91491

ORIS code: 7999

Affected units: Combustion Turbine Generator #1 (CTG1)
Combustion Turbine Generator #2 (CTG2)

Effective: This Acid Rain permit, as part of the Grays Harbor Energy Center Title V permit, will become effective upon the effective date of the Title V permit June 17, 2020. The Acid Rain Permit shall have a permit term ending on June 17, 2025 (the expiration date of Title V Permit No. EFSEC/94-1-AOP).

Acid Rain Permit Contents

- 1) Statement of Basis
- 2) SO₂ allowances allocated under this permit and NO_x requirements for each affected unit.
- 3) Comments, notes and justifications regarding permit decisions and changes made to the permit application forms during the review process, and any additional requirements or conditions as per WAC 173-406-501, "Acid Rain Permit Contents" as adopted by WAC 463-78.
- 4) The permit application submitted for this source. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application and in WAC 173-406-106 "Standard Requirements" as adopted by WAC 463-78.

1) Statement of Basis

Statutory and Regulatory Authorities: In accordance with section 005 of Washington Administrative Code (WAC) 463-78 "General and Operating Permit Regulations for Air Pollution Sources," which adopts 173-406 "Acid Rain Regulation" and WAC 173-401 "Operating Permit Regulation," by reference, the Washington State Energy Facility Site Evaluation Council (EFSEC) issues this permit pursuant to WAC 463-78. WAC 173-406 is based on the provisions of Title 40 Code of Federal Regulations (CFR) parts 72-76, which is

part of the requirements established pursuant to Title IV of the Clean Air Act, 40 U.S.C. 7401, et seq., as amended by Public Law 101-549 (November 15, 1990).

In accordance with WAC 173-406-103(1)(c), Combustion Turbine Generator #1(CTG1) and Combustion Turbine Generator #2 (CTG2) are “utility units” because they serve generators greater than twenty-five (25) MWe and do not qualify for any of the exemptions provided under WAC 173-406-103(2). As such, they are subject to the acid rain requirements under Chapter 173-406 WAC.

2) SO₂ Allowance Allocations and NO_x Requirements for Each Affected Unit

		2010	After 2010
CT1 & CT2 Combined	SO ₂ allowances held as of January 31, 2010	20 ^a	To be determined
	Acid Rain NO _x limit	N/A ^b	N/A ^b

This Acid Rain Permit shall not be construed to exempt or exclude an affected unit from compliance with any other provisions of the Clean Air Act consistent with 40 CFR 72.9(h) and WAC 173-406-106(8) as adopted by WAC 463-78. Additional requirements for this facility include those contained in Prevention of Significant Deterioration permit EFSEC/2001-01 Amendment 5.

Table Footnotes

- ^a Pursuant to 40 CFR 72.9(c)(i) and WAC 173-406-106(3)(a)(i) as adopted by WAC 463-78, this unit is required to hold SO₂ allowances, as of the allowance transfer deadline, in the unit's compliance subaccount not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit. Each combustion turbine has the potential to generate up to 14.5 tons per year of SO₂ emissions. According to 40 CFR 72.2, a fraction of a ton equal to or greater than 0.50 is equal to 1.0 ton and a fraction of a ton less than 0.50 is equal to no tons. Depending on the unit operating hours, each unit could be required to hold between 0 and 14 SO₂ allowances.
- ^b Since this unit is not a coal-fired unit, there are no applicable acid rain NO_x emission limits and a Phase II NO_x permit application is not required. A NO_x limitation is included in PSD permit EFSEC/2001-01 Amendment 5.

3) Comments, Notes and Justifications

This Acid Rain Permit is deemed to incorporate the definition of terms under WAC 173-406-101 as adopted by WAC 463-78 unless otherwise expressly defined in this permit.

4) Permit Application

The permit application was signed on August 7, 2002. A copy of the application is attached.

Standard Requirements

Permit Requirements

- (1) The designated representative of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall:
 - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30 and WAC 173-406-301 as adopted by WAC 463-78; and
 - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit.
- (2) The owners or operators of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall:
 - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - (ii) Have an Acid Rain permit.

Monitoring Requirements

- (1) The owners and operators and, to the extent applicable, designated representative of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operator to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act, applicable requirements of Title 463 WAC, and other provisions of an operating permit for the Grays Harbor Energy Center.

Sulfur Dioxide Requirements

- (1) The owners and operator of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an affected unit under WAC 173-406-103(1)(b) as adopted by WAC 463-78; or
 - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under WAC 173-406-103(1)(c) as adopted by WAC 463-78.

- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7, 40 CFR 72.8, WAC 174-406-104 as adopted by WAC 463-78, or WAC 173-406-105 as adopted by WAC 463-78 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such an authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

The owners and operators of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

- (1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR Part 77.
- (2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
 - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
 - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR Part 77.

Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
 - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certification of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply;
 - (iii) Copies of all reports, compliance certifications, and other submissions and all

- records made or required under the Acid Rain Program; and
- (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
 - (2) The designated representative of the Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall submit the reports and compliance certifications required under the Acid Rain Program, including those under WAC 173-406-800 as adopted by WAC 463-78 and 40 CFR part 75.

Liability

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 40 CFR 72.8, WAC 173-406-104 as adopted by WAC 463-78, or WAC 173-406-105 as adopted by WAC 463-78, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act and by the permitting authority pursuant to Revised Code of Washington (RCW) 80.50.150.
- (2) Any person who knowingly makes any false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001 and by the permitting authority pursuant to RCW 80.50.150.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) The Grays Harbor Energy Center and each affected unit at the Grays Harbor Energy Center shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to the Grays Harbor Energy Center (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of the Grays Harbor Energy Center and to the affected units at the Grays Harbor Energy Center.
- (6) Any provision of the Acid Rain Program that applies to an affected unit at the Grays Harbor Energy Center (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under WAC 173-406-402 (Phase II repowering extension plans) as adopted by WAC 463-78, and 40 CFR part 76, and except with regard to the requirements applicable to a unit with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 40 CFR 75.17, and 40 CFR 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other unit of which they are not the owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (7) Each violation of a provision of WAC 173-406-100 through 173-406-950 as adopted by WAC 463-78 and 40 CFR 72, 73, 75, 76, 77, and 78, and regulations implementing section 410 of the Act by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit,

or an exemption under 40 CFR 72.7 or 40 CFR 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affect unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or
- (5) Interfering with or impairing any program for competitive bidding for power supply in a state in which such program is established.

[Origin:40 CFR Part 72]

[Authority: WAC 173-401-600(1)(a)]

Attachment 2: DEFINITIONS

Accuracy (A) The accuracy of the CEMS in percent as determined by the equation in section 5.f through a cylinder gas audit.

Add-on control means a pollution reduction control technology that operates independent of the combustion process.

Administrator means the Administrator of the United States Environmental Protection Agency or the Administrator's duly authorized representative.

Air Emission Testing Body (AETB) means a company or other entity that provides to the owner or operator the certification required by section 6.1.2(b) of appendix A to 40 CFR Part 75.

Automated data acquisition and handling system means that component of the CEMS, COMS, or other emissions monitoring system approved by the Administrator for use in the Acid Rain Program, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, moisture monitors, opacity monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by 40 CFR Part 75.

Bias means systematic error, resulting in measurements that will be either consistently low or high relative to the reference value.

Bypass operating quarter means a calendar quarter during which emissions pass through a stack, duct or flue that bypasses add-on emission controls.

Calibration Drift (CD) The difference in the CEMS output reading from a reference value after a period of operation during which no unscheduled maintenance, repair or adjustment took place. The reference value may be supplied by a cylinder gas, gas cell, or optical filter and need not be certified.

Calibration error means the difference between:

- (1) The response of a gaseous monitor to a calibration gas and the known concentration of the calibration gas;
- (2) The response of a flow monitor to a reference signal and the known value of the reference signal; or,
- (3) The response of a continuous opacity monitoring system to an attenuation filter and the known value of the filter after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

CEMS precision or precision as applied to the monitoring requirements of 40 CFR Part 75, means the closeness of a measurement to the actual measured value expressed as the uncertainty associated with repeated measurements of the same sample or of different samples from the same process (e.g., the random error associated with simultaneous measurements of a process made by more than one instrument). A measurement technique is determined to have increasing “precision” as the variation among the repeated measurements decreases.

Centroidal Area means a concentric area that is geometrically similar to the stack or duct cross section and is no greater than 1 percent of the stack or duct cross-sectional area.

Common stack means the exhaust of emissions from two or more units through a single flue.

Continuous Emission Monitoring System means the total equipment required for the determination of a gas concentration or emission rate. The sample interface, pollutant analyzer, diluent analyzer, and data recorder are the major subsystems of the CEMS.

Continuous Opacity Monitoring System (COMS) The total equipment required for determining the opacity of exhaust gases.

Coverage Factor k means, in general, a value chosen on the basis of the desired level of confidence to be associated with the interval defined by $U = k u_c$. Typically, k is in the range 2 to 3. When the normal distribution applies and u_c is a reliable estimate of the standard deviation of y , $U = 2 u_c$ (*i.e.*, $k = 2$) defines an interval having a level of confidence of approximately 95%, and $U = 3 u_c$ (*i.e.*, $k = 3$) defines an interval having a level of confidence greater than 99%.

Data Recorder means that portion of the CEMS that provides a permanent record of the analyzer output. The data recorder may include automatic data reduction capabilities.

Designated representative means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source or by the owners and operators of a combustion source or process source, as evidenced by a certificate of representation submitted in accordance with subpart B of this part, to represent and legally bind each owner and operator, as a matter of Federal law, in matters pertaining to the Acid Rain Program. Whenever the term “responsible official” is used in 40 CFR Part 70, in any other regulations implementing title V of the Act, or in a State operating permit program, it shall be deemed to refer to the “designated representative” with regard to all matters under the Acid Rain Program.

Diluent Analyzer means that portion of the CEMS that senses the diluent gas (*i.e.*, CO₂ or O₂) and generates an output proportional to the gas concentration.

Diluent Gas means a major gaseous constituent in a gaseous pollutant mixture. For combustion sources, CO₂ and O₂ are the major gaseous constituents of interest.

Diluent gas monitor means that component of the continuous emission monitoring system that measures the diluent gas concentration in a unit's flue gas. *Emissions* means air pollutants exhausted from a unit or source into the atmosphere.

EPA as used in this permit EPA shall mean Region 10 of the United States Environmental Protection Agency. All reports required by this permit to be submitted to EPA shall be mailed to the following address:

Part 70 Operating Permit Program
U.S. EPA Region 10, Mail Stop: OAW-150

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

EPA Protocol Gas means a calibration gas mixture prepared and analyzed according to section 2 of the “EPA Traceability Protocol for Assay and Certification of Gaseous Calibration Standards,” September 1997, as amended August 25, 1999, EPA-600/R-97/121 (incorporated by reference, see §72.13) or such revised procedure as approved by the Administrator.

Equivalent diameter means a value, calculated using the Equation 1-1 in section 12.2 of Method 1 in 40 CFR Part 60, appendix A, and used to determine the upstream and downstream distances for locating CEMS or CEMS components in flues or stacks with rectangular cross sections.

Excess emissions means emissions of an air pollutant in excess of any applicable emission standard or an emission limit established in a permit or order, including an alternative emission limit.

Facility means any institutional, commercial, or industrial structure, installation, plant, source, or building.

File means to send or transmit a document, information, or correspondence to the official custody of the person specified to take possession in accordance with the applicable regulation. Compliance with any “filing” deadline shall be determined by the date that person receives the document, information, or correspondence.

Fuel flowmeter system means an excepted monitoring system (as defined in this section) which provides a continuous record of the flow rate of fuel oil or gaseous fuel, in accordance with appendix D to 40 CFR, part 75. A fuel flowmeter system consists of one or more fuel flowmeter components, all necessary auxiliary components (e.g., transmitters, transducers, etc.), and a data acquisition and handling system (DAHS).

Gaseous fuel means a material that is in the gaseous state at standard atmospheric temperature and pressure conditions and that is combusted to produce heat.

Generator Output capacity means the full-load continuous rating of a generator under specific conditions as designed by the manufacturer.

Heat input rate means the product (expressed in mmBtu/hr) of the gross calorific value of the fuel (expressed in mmBtu/mass of fuel) and the fuel feed rate into the combustion device (expressed in mass of fuel/hr) and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

Kilowatthour saved or *savings* means the net savings in electricity use (expressed in Kwh) that result directly from a utility's energy conservation measures or programs.

Maximum potential hourly heat input means an hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input. If the unit intends to use appendix D of 40 CFR Part 75 to report heat input, this value should be calculated, in accordance with 40 CFR

Part 75, using the maximum fuel flow rate and the maximum gross calorific value. If the unit intends to use a flow monitor and a diluent gas monitor, this value should be reported, in accordance with 40 CFR Part 75, using the maximum potential flow rate and either the maximum carbon dioxide concentration (in percent CO₂) or the minimum oxygen concentration (in percent O₂).

Maximum potential NO_x emission rate or MER means the emission rate of nitrogen oxides (in lb/mmBtu) calculated in accordance with section 3 of appendix F of 40 CFR Part 75, using the maximum potential nitrogen oxides concentration (MPC), as defined in section 2.1.2.1 of appendix A of 40 CFR Part 75, and either the maximum oxygen concentration (in percent O₂) or the minimum carbon dioxide concentration (in percent CO₂) under all operating conditions of the unit except for unit start-up, shutdown, and upsets. The diluent cap value, as defined in this section, may be used in lieu of the maximum O₂ or minimum CO₂ concentration to calculate the MER. As a second alternative, when the NO_x MPC is determined from emission test results or from historical CEM data, as described in section 2.1.2.1 of appendix A of 40 CFR Part 75, quality-assured diluent gas (*i.e.*, O₂ or CO₂) data recorded concurrently with the MPC may be used to calculate the MER. For the purposes of §§75.4(f), 75.19(b)(3), and 75.33(c)(7) in 40 CFR Part 75 and section 2.5 in appendix E to 40 CFR Part 75, the MER is specific to the type of fuel combusted in the unit.

Maximum rated hourly heat input rate means a unit-specific maximum hourly heat input rate (mmBtu/hr or lbs/hr) which is the higher of the manufacturer's maximum rated hourly heat input rate or the highest observed hourly heat input rate.

Missing data period means the total number of consecutive hours during which any certified CEMS or approved alternative monitoring system is not providing quality-assured data, regardless of the reason.

Monitor accuracy means the closeness of the measurement made by a CEMS to the reference value of the emissions or volumetric flow being measured, expressed as the difference between the measurement and the reference value.

Monitor operating hour means any unit operating hour or portion thereof over which a CEMS, or other monitoring system approved by the Administrator under 40 CFR Part 75 is operating, regardless of the number of measurements (*i.e.*, data points) collected during the hour or portion of an hour.

Nameplate capacity means the maximum electrical generating output (expressed in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings, as listed in the NADB under the data field "NAMECAP" if the generator is listed in the NADB or as measured in accordance with the United States Department of Energy standards if the generator is not listed in the NADB.

Natural gas means a naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions. Natural gas contains 20.0 grains or less of total sulfur per 100 standard cubic feet. Additionally, natural gas

must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1100 Btu per standard cubic foot. Natural gas does not include the following gaseous fuels: landfill gas, digester gas, refinery gas, sour gas, blast furnace gas, coal-derived gas, producer gas, coke oven gas, or any gaseous fuel produced in a process which might result in highly variable sulfur content or heating value.

Ninetieth (90th) percentile means a value that would divide an ordered set of increasing values so that at least 90 percent are less than or equal to the value and at least 10 percent are greater than or equal to the value.

Ninety-fifth (95th) percentile means a value that would divide an ordered set of increasing values so that at least 95 percent of the set are less than or equal to the value and at least 5 percent are greater than or equal to the value.

Operating when referring to a combustion or process source seeking entry into the Opt-in Program, means that the source had documented consumption of fuel input for more than 876 hours in the 6 months immediately preceding the submission of a combustion source's opt-in application under §74.16(a) of 40 CFR Part 75.

Operating permit means a permit issued under 40 CFR Part 70 and any other regulations implementing title V of the Act.

Out-of-control period means any period:

- (1) Beginning with the hour corresponding to the completion of a daily calibration error, linearity check, or quality assurance audit that indicates that the instrument is not measuring and recording within the applicable performance specifications; and
- (2) Ending with the hour corresponding to the completion of an additional calibration error, linearity check, or quality assurance audit following corrective action that demonstrates that the instrument is measuring and recording within the applicable performance specifications.

Path CEMS means a CEMS that measures the gas concentration along a path greater than 10 percent of the equivalent diameter of the stack or duct cross section.

Pipeline natural gas means a naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions, and which is provided by a supplier through a pipeline. Pipeline natural gas contains 0.5 grains or less of total sulfur per 100 standard cubic feet. Additionally, pipeline natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1100 Btu per standard cubic foot.

Point CEMS means a CEMS that measures the gas concentration either at a single point or along a path equal to or less than 10 percent of the equivalent diameter of the stack or duct cross section.

Pollutant Analyzer means that portion of the CEMS that senses the pollutant gas and generates an output proportional to the gas concentration.

Pollutant concentration monitor means that component of the continuous emission monitoring system that measures the concentration of a pollutant in a unit's flue gas.

Potential electrical output capacity means the MWe capacity rating for the units which shall be equal to 33 percent of the maximum design heat input capacity of the steam generating unit, as calculated according to appendix D of 40 CFR Part 72.

Precision as applied to the monitoring requirements of 40 CFR Part 75, means the closeness of a measurement to the actual measured value expressed as the uncertainty associated with repeated measurements of the same sample or of different samples from the same process (e.g., the random error associated with simultaneous measurements of a process made by more than one instrument). A measurement technique is determined to have increasing "precision" as the variation among the repeated measurements decreases.

Probationary calibration error test means an on-line calibration error test performed in accordance with section 2.1.1 of appendix B of 40 CFR Part 75 that is used to initiate a conditionally valid data period.

QA operating quarter means a calendar quarter in which there are at least 168 unit operating hours (as defined in this section) or, for a common stack or bypass stack, a calendar quarter in which there are at least 168 stack operating hours (as defined in this section).

Qualified individual (QI) means an individual who is identified by an AETB as meeting the requirements described in ASTM D 7036-04 "Standard Practice for Competence of Air Emission Testing Bodies" (incorporated by reference, see §72.13), as of the date of testing.

Quality-assured monitor operating hour means any unit operating hour or portion thereof over which a certified CEMS, or other monitoring system approved by the Administrator under 40 CFR Part 75, is operating:

- (1) Within the performance specifications set forth in 40 CFR Part 75, appendix A and the quality assurance/quality control procedures set forth in 40 CFR Part 75, appendix B, without unscheduled maintenance, repair, or adjustment; and
- (2) In accordance with §75.10(d), (e), and (f) of 40 CFR Part 75.

Receive or receipt of means the date the Administrator or a permitting authority comes into possession of information or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official log, or by a notation made on the information or correspondence, by the Administrator or the permitting authority in the regular course of business.

Reference method means any direct test method of sampling and analyzing for an air pollutant as specified in appendix A of 40 CFR Part 60 .

Reference value or reference signal means the known concentration of a calibration gas, the known value of an electronic calibration signal, or the known value of any other measurement standard approved by the Administrator, assumed to be the true value for the pollutant or diluent

concentration or volumetric flow being measured.

Relative Accuracy (RA): The absolute mean difference between the gas concentration or emission rate determined by the CEMS and the value determined by the RM's plus the 2.5 percent error confidence coefficient of a series of tests divided by the mean of the RM tests or the applicable emission limit.

Sample Interface means that portion of the CEMS used for one or more of the following: sample acquisition, sample delivery, sample conditioning, or protection of the monitor from the effects of the stack effluent.

Span means the highest pollutant or diluent concentration or flow rate that a monitor component is required to be capable of measuring.

Span Value means the calibration portion of the measurement range as specified in the applicable regulation or other requirement. If the span is not specified in the applicable regulation or other requirement, then it must be a value approximately equivalent to two times the emission standard. For spans less than 500 ppm, the span value may either be rounded upward to the next highest multiple of 10 ppm, or to the next highest multiple of 100 ppm such that the equivalent emission concentration is not less than 30 percent of the selected span value.

Stack operating hour means a clock hour during which flue gases flow through a particular stack or duct (either for the entire hour or for part of the hour) while the associated unit(s) are combusting fuel.

Stack operating time means the portion of a clock hour during which flue gases flow through a particular stack or duct while the associated unit(s) are combusting fuel. The stack operating time, in hours, is expressed as a decimal fraction, with valid values ranging from 0.00 to 1.00.

Standard conditions means 68 °F at 1 atm (29.92 in. of mercury).

Substitute data means emissions or volumetric flow data provided to assure 100 percent recording and reporting of emissions when all or part of the continuous emission monitoring system is not functional or is operating outside applicable performance specifications.

Thermal energy means the thermal output produced by a combustion source used directly as part of a manufacturing process but not used to produce electricity.

Unit means a fossil fuel-fired combustion device.

Unit load means the total (*i.e.*, gross) output of a unit or source in any calendar year (or other specified time period) produced by combusting a given heat input of fuel, expressed in terms of:

- (1) The total electrical generation (MWe) for use within the plant and for sale; or
- (2) In the case of a unit or source that uses part of its heat input for purposes other than electrical generation, the total steam pressure (psia) produced by the unit or source.

Unit operating day means a calendar day in which a unit combusts any fuel.

Unit operating hour means a clock hour during which a unit combusts any fuel, either for part of the hour or for the entire hour.

Unit operating quarter means a calendar quarter in which a unit combusts any fuel.

Unit operating time means the portion of a clock hour during which a unit combusts any fuel. The unit operating time, in hours, is expressed as a decimal fraction, with valid values ranging from 0.00 to 1.00.

Utility unit means a unit owned or operated by a utility:

- (1) That serves a generator in any State that produces electricity for sale, or
- (2) That during 1985, served a generator in any State that produced electricity for sale.
- (3) Notwithstanding paragraphs (1) and (2) of this definition, a unit that was in operation during 1985, but did not serve a generator that produced electricity for sale during 1985, and did not commence commercial operation on or after November 15, 1990 is not a utility unit for purposes of the Acid Rain Program.
- (4) Notwithstanding paragraphs (1) and (2) of this definition, a unit that cogenerates steam and electricity is not a utility unit for purposes of the Acid Rain Program, unless the unit is constructed for the purpose of supplying, or commences construction after November 15, 1990, and supplies, more than one-third of its potential electrical output capacity and more than 25 MWe output to any power distribution system for sale.

Volumetric flow means the rate of movement of a specified volume of gas past a cross-sectional area (e.g., cubic feet per hour).

Zero air material means either:

- (1) A calibration gas certified by the gas vendor not to contain concentrations of SO₂, NO_x, or total hydrocarbons above 0.1 parts per million (ppm), a concentration of CO above 1 ppm, or a concentration of CO₂ above 400 ppm;
- (2) Ambient air conditioned and purified by a CEMS for which the CEMS manufacturer or vendor certifies that the particular CEMS model produces conditioned gas that does not contain concentrations of SO₂, NO_x, or total hydrocarbons above 0.1 ppm, a concentration of CO above 1 ppm, or a concentration of CO₂ above 400 ppm;
- (3) For dilution-type CEMS, conditioned and purified ambient air provided by a conditioning system concurrently supplying dilution air to the CEMS; or
- (4) A multicomponent mixture certified by the supplier of the mixture that the concentration of the component being zeroed is less than or equal to the applicable concentration specified in paragraph (1) of this definition, and that the mixture's other components do not interfere with the CEM readings.

Zero, Low-Level, and High-Level Values The CEMS response values related to the source specific span value. Determination of zero, low-level, and high-level values is defined in the appropriate PS in appendix B of this part.

Attachment 3: ABBREVIATIONS

TABLE 1: The following is a list of abbreviations used in this permit.

Administrator	EPA Region X Administrator
AOP	Air Operating Permit
AP-42	EPA Compilation of Emission Factors, AP-42, Fifth Edition, Volume I
AR#	Refers to a specific condition numbered “#” containing an “Applicable Requirement”
ASTM	American Society for Testing and Materials
BACT	Best Available Control Technology
CEMS	Continuous Emissions Monitoring System
CGT-#	Refers to specific combined cycle gas turbine unit numbered “#”
CMS	Continuous Monitoring System
CFR	Code of Federal Regulations
COMS	Continuous Opacity Monitoring System
CO	Carbon monoxide
CPMS	Continuous Parametric Monitoring System
CT-#	Refers to specific combustion turbine unit numbered “#”
DAS	Data Acquisition and System
DB-#	Refers to specific duct burner unit numbered “#”
EFSEC	Washington Energy Facility Site Evaluation Council (a.k.a. the Council)
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
EU-#	Refers to a specific emissions unit numbered “#”
FCAA	Federal Clean Air Act
FGR	Flue Gas Recirculation – means to control NO _x emissions
G#	Refers to a specific “General” permit condition numbered “#”
grain/dscf	Concentration in terms of grains per dry standard cubic feet
HAP	Hazardous Air Pollutant
hp	Horsepower
HRSG	Heat Recovery Steam Generator
IEU-#	Insignificant emission unit numbered “#”
kW	A kilowatt is a unit of electrical power consumption in thousands of watts.
M#	Refers to a specific monitoring term or condition numbered “#”
MW	A megawatt is a unit of electrical power consumption in millions of watts.
MACT	Maximum Achievable Control Technology
MMBtu/hr	Million British Thermal Units per hour
NESHAP	National Emission Standards for Hazardous Air Pollutants
NAICS	North American Industry Classification System
NCASI	National Council of the Paper Industry for Air and Stream Improvement, Inc.
NH ₃	Ammonia
NOC	Notice of Construction
NO _x	Oxides of Nitrogen
NSPS	New Source Performance Standards (from 40 CFR Part 60)
NSR	New Source Review
O ₂	Oxygen
O&M	Operations and Maintenance Plan
ORCAA	Olympic Region Clean Air Agency
P#	Refers to a specific administrative permit term or condition numbered “#”
PM	Particulate matter air pollution

PM ₁₀	Particulate matter with aerodynamic diameter less than 10 microns
PM _{2.5}	Particulate matter with aerodynamic diameter less than 2.5 microns
ppmvd	Parts per million by volume (assumed standard and dry)
PPS-001	Preliminary Performance Specification for Ammonia
PSD	Prevention of Signification Deterioration
PTE	Potential to emit
RACT	Reasonably Available Control Technology
RCW	Revised Code of Washington
Region 10	Region 10 of the U.S. Environmental Protection Agency
RICE	Reciprocating Internal Combustion Engine
R	Refers to a specific reporting condition numbered “#”
SIP	State implementation plan
SIC	Standard Industrial Classification
SCR	Selective Catalytic Reduction – a means to control NO _x emissions
SO ₂	Sulfur dioxide
TAP	Toxic Air Pollutant as defined in Chapter 173-460 WAC
tpy	Tons per year
VOC	Volatile Organic Compounds
WAC	Washington Administrative Code

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations.

[END OF SECTION]

STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL (EFSEC)



TECHNICAL SUPPORT DOCUMENT
AND
STATEMENT OF BASIS

GRAYS HARBOR ENERGY CENTER, LLC

<Date>

PERMIT #: EFSEC/94-1 AOP – 1st Modification

PREPARED FOR: Grays Harbor Energy, LLC
401 Keys Road
Elma, WA 98541-9149

PLANT SITE: Grays Harbor Energy Center
401 Keys Road
Elma, WA 98541-9149

PERMIT ENGINEER: Mark V. Goodin – ORCAA Professional Engineer

REVIEWED BY: Sonia E. Bumpus – EFSEC Executive Director

ENERGY FACILITY SITE EVALUATION COUNCIL
621 Woodland Square Loop
P.O. Box 47250
Lacey, Washington 98503-3172
Telephone: (360) 664-1345

TABLE OF CONTENTS

1.	DISCLAIMER	1
2.	GENERAL INFORMATION	1
2.1	Table 1: Administrative Information and Contact Information	1
2.2	Facility Description	2
2.3	Basis for Title V Applicability	2
2.4	Preconstruction Permitting	2
	Table 2: AGP - CGT Changes	3
	Table 3: AGP – Facility Changes	3
2.5	Regulatory History	4
2.6	Table 4: Permitting History	4
2.7	Compliance History	5
2.8	Effective Versions of Applicable Requirements	5
	Table 5: Landmark Dates for Federal Regulation	6
	Table 6: Landmark Dates for State Regulations	6
	Table 7: Effective Dates for PSD and NSR Permits	8
2.9	AOP Enforcement	8
2.10	AOP Enforcement Contractor	8
2.11	Owner and Operator	8
2.12	GHEC Responsible Official	8
3.	FACILITY DESCRIPTION	10
3.1	General Overview	10
3.2	Fuel	10
3.3	Combined Cycle Gas Turbines (CGT1 & CGT2)	10
3.4	Steam Turbine	15
3.5	Auxiliary Boiler	15
3.6	Cooling Tower	16
3.7	Emergency Generator	17
3.8	Diesel-fired Water Pump Engine (Fire Water Pump Engine)	18
3.9	Table 8: Summary of Emissions Units	18
3.10	Insignificant Emissions Units (IEUs)	19
3.11	Table 9: Insignificant Emissions Units (IEUs)	19
4.	Emissions	20
4.1	Table 10: Criteria Pollutant Potential to Emit (PTE)	20
4.2	Table 11: 2017 Actual Emissions	21
4.3	Table 12: HAP Potential to Emit (PTE)	21
5.	Regulatory Determinations	22
	Table 13 Applicability Determinations	22
6.	Basis for AOP Terms and Conditions	24
6.1	Table 14: EFSEC Rules Adopted by Reference	24
6.2	Table 15: Required Permit Content, Washington AOP Program	25
6.3	Permit Administration (P1 – P21)	26
6.4	General Terms and Conditions (G1 – G16)	29
6.5	Applicable Requirements	32

6.6	Monitoring and Recordkeeping Conditions	34
6.7	General Recordkeeping Requirements	35
6.8	Reporting	35
6.9	Permit Shield	35
7.	Environmental Justice	35
7.1	Identify Overburdened Communities	36
7.2	Engage with Communities	36
7.3	Evaluate Cumulative Impacts	37
7.4	Use Available Authority to Minimize Emissions	37

1. DISCLAIMER

Information contained in this Technical Support Document is for purposes of background information only and is not enforceable. Applicable requirements including emission limits and monitoring, recordkeeping and reporting requirements are contained in the associated Air Operating Permit (AOP) for the Grays Harbor Energy Center, permit EFSEC/94-1 AOP- 1st Modification, which was issued by the Energy Facility Site Evaluation Council (EFSEC) on <enter Date>.

2. GENERAL INFORMATION

2.1 Table 1: Administrative Information and Contact Information

Company Name	Grays Harbor Energy, LLC (GHE)
Facility/Source Name	Grays Harbor Energy Center (GHEC)
AOP Permit No.	EFSEC/94-1 AOP 1 st Modification
Mailing Address	Grays Harbor Energy, LLC 401 Keys Road Elma, WA 98541-9149
Site Address	Grays Harbor Energy, LLC 401 Keys Road Elma, WA 98541-9149
Facility/Plant/Environmental Manager	Peter Valinske Plant Engineer (360) 482-4353 (ext 224)
Responsible Official	Chris Sherin Plant Manager
Unified Business Identification Number	602 082 646
Standard Industrial Classification (SIC) Code	4911
Attainment Area Status	Unclassified for all criteria pollutants.
Permitting Authority	The Washington Energy Facility Site Evaluation Council (EFSEC) is the permitting authority for the GHEC. EFSEC implements an Air Operating Permit program through Chapter 463-78 WAC, which adopts by reference the Washington Operating Permits Regulations under Chapter 173-401 WAC.
Enforcement Manager	Sara Randolph – EFSEC Energy Facility Site Specialist (360) 485-1594
Compliance Contractor	Olympic Region Clean Air Agency (ORCAA) (360) 539-7610
Permit Engineer	Aaron Manley – ORCAA Engineer II (360) 539-7610 ext 104
Compliance Manager	Mike Shults – Compliance Manager (360) 539-7610 ext 113

2.2 Facility Description

Grays Harbor Energy, LLC (GHE) owns and operates an electricity generation facility located at 401 Keys Road in Elma, Grays Harbor County, Washington. The facility is referred to as the Grays Harbor Energy Center (GHEC). GHEC is capable of generating up to 662.4 megawatts (MW, @ 59° F) of electricity from a combined-cycle power plant comprised of two combustion turbines, each equipped with a duct burner and heat recovery steam generator and a single steam turbine and bank of cooling towers shared in common. GHEC also operates an auxiliary boiler, a diesel emergency generator and an emergency fire water pump. Commercial operation of GHEC began on April 25, 2008.

2.3 Basis for Title V Applicability

Facilities with a potential to emit (PTE) at or above the “major source” thresholds defined in WAC 173-401-200(19) are required to operate under an Air Operating Permit (AOP) issued through an approved Washington State AOP program, according to Title V of the Federal Clean Air Act (FCAA). GHEC has the potential to emit several regulated air pollutants above their major source thresholds. In addition, GHEC is an affected source under Title IV (Acid Deposition Control) of the FCAA, which independently triggers the requirement to obtain a Title V AOP.

EFSEC received delegation from EPA Region 10 on August 13, 2001 to implement an AOP program for electric power generating plants in Washington State with capacities exceeding 350 MW. EFSEC implements their AOP program through Chapter 463-78 WAC, which adopts by reference the Washington Operating Permits Regulations under Chapter 173-401 WAC.

Because GHEC is capable of generating up to 662 MW of electricity and is a “major source” as defined in WAC 173-401-200(19), GHEC is required to operate under an AOP issued by EFSEC.

2.4 Preconstruction Permitting

EFSEC is responsible for issuing pre-construction permits to electric power generating plants in Washington with capacities exceeding 350 MW, including Notice of Construction (NOC) permits and Prevention of Significant Deterioration (PSD) permits. Both types of permits have been issued to GHEC by EFSEC.

EFSEC issued the initial PSD approval to the previous owner of the facility (Duke Energy) in 2001 and approved transfer of the PSD permit to GHE in April 2005. The PSD permit for GHEC has been amended five separate times since it was originally issued in 2001. The following list summarizes the PSD permitting history of the facility:

1. Original PSD Approval (EFSEC/2001-01, approved November 2, 2001) – Includes both PSD and minor NOC permits to construct the GHEC;
2. Amendment 1 (EFSEC/2001-01 Amendment 1, January 2, 2003) - Approved modified operating requirements and emission limitations, added equipment as part of the project and removed certain operational restrictions;

3. Amendment 2 (EFSEC/2001-01 Amendment 2, October 19, 2004) - Approved a delay in continuous construction to no later than January 20, 2006 and modified the monitoring requirements and BACT emission limitations based on recently available information;
4. Amendment 3 (EFSEC/2001-01 Amendment 3, approved April 3, 2006) - Approved a second delay in continuous construction to no later than July 20, 2007 and made several administrative corrections; and,
5. Amendment 4 (EFSEC/2001-01 Amendment 4, approved June 28, 2018) corrected certain minor errors in the permit and adopted specific emissions limits for startup and shutdown operations.
6. Amendment 5 (EFSEC/2001-01 Amendment 5, approved January 28, 2021) approved upgrades referred to as Advanced Gas Path (AGP) upgrades. These were upgrades to the two General Electric (GE) combustion turbines at the facility to enable more efficient operation. The AGP upgrades enabled more efficient operation at increased firing temperatures while maintaining compliant emissions levels. The AGP upgrades resulted in the following changes at the facility:

Table 2: AGP - CGT Changes

	CGT01		CGT02	
	MMBtu/hr	MW	MMBtu/hr	MW
Pre-AGP @ 59°F	1,671	175	1,671	175
Pre-AGP Design	NA	175	NA	175
Historical Max (unadjusted for temperature)	1,835	187	1,835	188
Post-AGP @ 59°F	1,823	181.2	1,823	181.2
Post-AGP projected, historical max	0.994	0.969	0.994	0.964

Table 3: AGP – Facility Changes

Max Heat Rates, MMBtu/hr			
	Pre-AGP	Post-AGP	
Ambient Temp.	At 59°F	At 59°F	At 14°F
Turbine	1735	1823	2,011
Duct Burner	505	505	505
Total	2240	2328	2,516
Max Output Rates, MW			
Combustion Turbine	175	181.2	206
Steam Turbine	300	300	300
Total	650	662.4	718
Lb CO2/MW	820	822	822

2.5 Regulatory History

The regulatory history of GHEC is fairly complicated due to:

1. Delays in starting and completing construction of the facility; and,
2. Delays in securing approval of Amendment 4 by Region 10 of the U.S. Environmental Protection Agency (EPA).

Start of construction and construction delays necessitated the need for permit extensions. In addition, construction delays triggered the need to re-permit the facility because effective versions of applicable regulations, which depend on when an affected facility begins construction, required re-evaluation.

PSD Amendment 5, which was issued by EFSEC on January 28, 2021, is the effective pre-construction air permit for GHEC. Table 4 summarizes the permitting history for GHEC.

2.6 Table 4: Permitting History

1995	Construction Authorized - EFSEC authorizes construction and operation
1996	Original PSD Approval - Site Certification Agreement (SCA) with PSD (EFSEC 95-01)
March 1998	Permit extension
September 1999	Permit extension
April 2001	Re-Application - Duke submitted a new PSD application for project
June 2001	EPA Consent Order - Administrative Order on Consent issued by EPA allowing start of construction prior to issuance of the new PSD approval.
September 1, 2001	Start of Construction – authorized by EFSEC
November 2, 2001	PSD Approval - (EFSEC/2001-01)
January 2, 2003	PSD Amendment 1 (EFSEC/2001-01 Amendment 1) - EFSEC approves Amendment 1, which modified operating requirements and emission limitations in the original approval, added equipment as part of the project and removed certain operational restrictions.
October 19, 2004	PSD Amendment 2 (EFSEC/2001-01 Amendment 2) - approved by EFSEC authorizing a delay in continuous construction to not later than January 20, 2006 and modifying the monitoring requirements and BACT emission limitations based on recently available information. Amendment 2 did not change or add any emission units that were either proposed for installation or already installed at the facility.

February 23, 2005	Transfer of Ownership - to Grays Harbor Energy LLC approved by EFSEC.
April 3, 2006	Amendment 3 (EFSEC/2001-01 Amendment 3) - approved by EFSEC authorizing a second delay in continuous construction to not later than July 20, 2007, and making several administrative corrections to errors in Amendment 2.
April 25, 2008	Start of Commercial Operation.
April 24, 2009	Date Complete Title V Application Submitted
August 7, 2009	Application for PSD Amendment 4 was submitted to EFSEC
September 29, 2018	Amendment 4 (EFSEC/2001-01 Amendment 4) - requested by GHE in 2009 to: <ol style="list-style-type: none"> 1. Rectify issues with the PSD permit identified during development of the Air Operating Permit for the facility; 2. Add specific startup/shutdown emissions limits; and, 3. Rectify permit issued raised by EPA.
January 28, 2021	Amendment 5 (EFSEC/2001-01 Amendment 5, approved January 28, 2021) approved upgrades referred to as Advanced Gas Path (AGP) upgrades.
<enter date>	Draft AOP - issued for public comment
<enter date>	Proposed AOP – submitted to EPA for review
<enter date>	Final AOP - issued by EFSEC

2.7 Compliance History

The EFSEC has issued one Notice of Violation to GHE, which occurred on March 9, 2012. Based on testing of emissions from turbine 2 on September 4, 2011, GHEC violated EFSEC.2001-01 Amendment 3 Condition 5.6.2, which states emission of particulate matter from the turbines must not exceed 0.003 grains per dry standard cubic foot (gr/dscf), including filterable and condensable particulate, and corrected to 15% oxygen. Testing on September 4, 2011 showed particulate emissions slightly above the limit. GHE investigated and concluded the excess particulate was an anomaly and possibly a result of rust from the stack lining. The Notice of Violation was resolved when GHE tested on March 15, 2012, confirming compliance with the standard. Results from this test documented particulate emissions at 0.0003 gr/dscf, which meets the standard.

2.8 Effective Versions of Applicable Requirements

Conditions in this AOP originate from state, federal, and EFSEC regulations and standards and are generally referred to as “applicable requirements.” AOP conditions reflect the versions of

each applicable requirement in effect at the time the AOP modification application was submitted. Certain applicable requirements may have had multiple versions in effect at the time the AOP modification application was submitted due to either:

1. An amendment to the associated regulation/rule/standard that occurred after EFSEC adopted the regulation by reference; or,
2. An older version of the rule/regulation/or standard adopted by EFSEC in their State Implementation Plan (SIP).

In these instances, both versions of the applicable requirement apply and are reflected in the AOP condition.

The following tables clarify the “landmark” dates that establish the effective versions for each applicable requirement contained in the AOP. However, any disputes regarding the exact language of an applicable requirement covered in the AOP should be settled by consulting versions of the associated rules/regulations/standards based on the “landmark dates” shown in the following tables.

Table 5: Landmark Dates for Federal Regulation

Federal Regulations	Date Federal Regulation Adopted by EFSEC ^a	EFSEC Delegation Date ^b
40 CFR 60, Subpart A (§ 60.1 to § 60.19)	11/11/2019	Not Delegated
40 CFR 51, Subpart K	11/11/2019	Not Delegated
40 CFR 52, Subpart A	11/11/2019	Not Delegated
40 CFR 60, Subpart IIII	11/11/2019	Not Delegated
40 CFR 60, Subpart KKKK	11/11/2019	Not Delegated
40 CFR 60, Appendices	11/11/2019	Not Delegated
40 CFR 61, Subpart A	11/11/2019	Not Delegated
40 CFR 61, Subpart M	11/11/2019	Not Delegated
40 CFR 63, Subpart A	11/11/2019	Not Delegated
40 CFR 63, Subpart ZZZZ	11/11/2019	Not Delegated
40 CFR 63, Appendices	11/11/2019	Not Delegated
40 CFR 72	11/11/2019	Not Delegated
40 CFR 75	11/11/2019	Not Delegated
40 CFR 75, Appendices	11/11/2019	Not Delegated
40 CFR 82, Subpart B	11/11/2019	Not Delegated
40 CFR 82 Subpart F	11/11/2019	Not Delegated

a. The “Date Federal regulation Adopted by EFSEC” is set by the date established in WAC 463-78-005(1), which is the effective date of EFSECs adoption by reference for all federal and state regulations adopted by EFSEC. At the time EFSEC submitted their AOP modification application, WAC 463-78-005(1) stated November 11, 2019, as the effected date for adoption by reference. Therefore, the versions of federal regulations cited in this permit are those that existed on 11/11/2019.

b. The “EFSEC Delegation Date” is the date EFSEC was granted delegation to enforce the specific federal regulation. EFSEC has not yet received federal rule delegation from EPA.

Table 6: Landmark Dates for State Regulations

State Regulations	SIP Regulation Version Effective Date ^a	Date State Regulation Adopted by EFSEC ^{b, c}
WAC 173-400-036	12/29/2012	11/11/2019

WAC 173-400-040(2)(a & b) - Visible Emissions	4/1/2011	11/11/2019
WAC 173-400-040(3) – Fallout	Not in SIP	11/11/2019
WAC 173-400-040(4)- Fugitive Emissions	9/16/2018	11/11/2019
WAC 173-400-040(5) - Odors	Not in SIP	11/11/2019
WAC 173-400-040(6) - Detrimental Emissions	9/16/2018	11/11/2019
WAC 173-400-040(7) - SO2 Emissions	9/16/2018	11/11/2019
WAC 173-400-040(8) - Concealment and Masking	9/16/2018	11/11/2019
WAC 173-400-040(9) - Fugitive Dust	9/16/2018	11/11/2019
WAC 173-400-050 (Except: 173-400-050(2), (4), (5), and(6).	9/16/2018	11/11/2019
WAC 173-400-060	9/16/2018	11/11/2019
WAC 173-400-105	11/25/2018	11/11/2019
WAC 173-400-107	9/23/1993	11/11/2019
WAC 173-400-108	Not in SIP	Not Adopted Effective version of rule is 4/12/2022
WAC 173-400-109	Not in SIP	Not Adopted
WAC 173-400-110	12/29/2012	11/11/2019
WAC 173-400-114	Not in SIP	11/11/2019
WAC 173-400-230	Not in SIP	4/12/2022
WAC 173-400-700	4/1/2011	11/11/2019
WAC 173-401	Not in SIP	11/11/2019
WAC 173-406	Not in SIP	11/11/2019
WAC 173-425	10/18/1990	11/11/2019
WAC 173-441	Not in SIP	Not Adopted Effective version of rule is 4/12/2022
WAC 173-460	Not in SIP	Not Adopted Effective version of rule is 4/12/2022
WAC 463-78-105 (Fees)	Not in SIP	8/27/2015
WAC 463-78-115	Not in SIP	11/11/2019
WAC 463-78-120 (Testing)	11/11/2004	11/11/2004

- a. The “SIP Regulation Version Effective Date” is the effective date of the specific regulation listed in EFSEC’s State Implementation Plan.
- b. The “State Regulation Version Adoption Date” is set by the date established in WAC 463-78-005(1), which is the effective date of EFSECs adoption by reference for all federal and state regulations adopted by EFSECs. At the time EFSEC submitted their AOP modification application, WAC 463-78-005(1) stated November 11, 2019, as the effected date for adoption by reference. Therefore, the versions of federal regulations cited in this permit are those that existed on 11/11/2019.
- c. For those State regulations not adopted by EFSEC, the date the AOP modification application was submitted sets the date of the effective version of the regulation.

Table 7: Effective Dates for PSD and NSR Permits

Regulatory Orders/Permits	Effective Dates
Acid Rain Permit No. EFSEC/10-01-AR	6/17/2020
PSD No. EFSEC/2001-01, AMENDMENT 5	1/28/2021
No. EFSEC NOC 17-01 (Cooling Tower Replacement)	4/18/2017

2.9 AOP Enforcement

Terms and conditions in the AOP apply continuously and are enforceable by EFSEC. Each condition in the AOP cites both the regulatory origin and authority for each permit condition. Any disputes regarding the exact language of an applicable requirement listed in GHEC’s AOP should be settled by consulting the regulation cited in the regulatory origin of the condition.

2.10 AOP Enforcement Contractor

Through a Memorandum of Agreement (MOA) signed by EFSEC on November 20, 2007, Olympic Region Clean Air Agency (ORCAA) was given the contract to serve as the air compliance /permitting contractor under EFSEC. Through this agreement, ORCAA is tasked with performing all air-related compliance monitoring and Title V permitting duties for GHEC on behalf of EFSEC. Under EFSEC’s oversight and direction, ORCAA performs such tasks as annual inspections, source testing oversight, review of monitoring reports, responding to complaints, drafting the AOP and reporting findings to EFSEC. While ORCAA serves as the compliance/permitting contractor, EFSEC remains the regulatory authority over GHEC. This means that ORCAA reports findings directly to EFSEC who then may act on the findings at their discretion. Only EFSEC can issue Notices of Violation (NOVs) and penalties for non-compliance.

2.11 Owner and Operator

GHE is the current owner and operator of the GHEC and is the entity responsible for complying with the AOP. Ownership of the facility was transferred from the former owners, Duke Energy and Energy Northwest to GHE on February 23, 2005. GHE, a subsidiary of Invenergy, is a private company categorized under Electric Power Generation, and is located in Elma, WA. The parent company, Invenergy and its affiliates develop, own and operate large-scale renewable and other clean energy generation facilities in North America and Europe. Invenergy specializes in developing and operating clean power sources of energy such as combined cycle power plants that operate using natural gas.

2.12 GHEC Responsible Official

AOP regulations under Chapter 173-401 WAC require a “Responsible Official” certify any submittals regarding compliance with the AOP as being true, accurate and complete based on their belief formed after reasonable inquiry. To form a reasonable belief of the truth, accuracy, and completeness of a compliance certification or other AOP-related submittal, the Responsible

Official needs to understand the significance of the submittal with respect to assuring compliance with the AOP. The Responsible Official must have a basic understanding of the Title V permitting program, an understanding of the deviations being reported, how permit deviations are determined and the role of credible evidence in certifying compliance.

AOP compliance-related submittals covers practically every report and submittal associated with an AOP, such as deviation reports, malfunction reports, periodic monitoring reports, test reports, quarterly reports and annual compliance certifications. The AOP as written for GHEC does allow for “batch-wise” certification of routine compliance reports. This is facilitated by condition P21, which states:

“Provided, however, where a report is sent more frequently than once every six months, the responsible official’s certification need only be submitted once every six months, covering all required reporting since the date of the last certification.”

This allows the Responsible Official to batch-wise certify retroactively all reports submitted since the last certification.

According to WAC 173-401-200(29), the responsible official means one of the following:

- a) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (i) The facilities employ more than two hundred fifty persons or have gross annual sales or expenditures exceeding forty-three million in 1992 dollars; or
 - (ii) The delegation of authority to such representative is approved in advance by the permitting authority;
- b) For a partnership or sole proprietorship: A general partner or the proprietor, respectively;
- c) For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of EPA); or
- d) For affected sources:
 - (i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated thereunder and in effect on April 7, 1993 are concerned; and
 - (ii) The designated representative for any other purposes under 40 C.F.R. Part 70.

Because GHEC is subject to an acid rain permit under Title IV of the FCAA, the definitions under “d” apply. Therefore, for GHEC, the Responsible Official and “Designative Representative” for the Acid Rain Permit should be the same person.

3. FACILITY DESCRIPTION

3.1 General Overview

GHEC is an electricity production facility occupying approximately 20 acres within the Satsop Redevelopment Park in Grays Harbor County, which is approximately four miles southwest of Elma, Washington. The facility consists of a combined-cycle electric power generating plant including two General Electric natural gas-fired combustion turbine generators (GE 7FA), operated in a “2-x-1” combined cycle gas turbine configuration with one steam turbine (GE D11) shared in common. The steam turbine is part of a steam power cycle that generates additional electric power from the waste heat in the exhaust of the combustion turbines. Each turbine is followed by a duct burner and a heat recovery steam generator (HRSG) to generate the steam used by the steam turbine. The steam turbine itself is not a direct source of air emissions, but requires operation of duct burners, heat recovery steam generators (HRSGs) and a cooling tower. The duct burners and the cooling towers are sources of air emissions themselves. GHEC also includes an auxiliary natural gas fired boiler, a diesel-fired emergency generator and a diesel-fired water pump.

3.2 Fuel

All combustion equipment except the diesel-fired emergency generator and diesel-fired water pump are fueled by natural gas received from the Williams Co.’s., Northwest Pipeline. The natural gas is sampled monthly by GHE and analyzed to determine its sulfur and heat content.

The diesel fuel allowed for use in the emergency generator and fire water pump engines is non-road specification diesel fuel with a maximum sulfur content of 15 ppm.

3.3 Combined Cycle Gas Turbines (CGT1 & CGT2)

Description

The combustion turbine generators are identical GE 7FA units and are each rated at maximum power generating capacity of 181.2 MW @ 59°F. Each combustion turbine has a design maximum heat-rate of 1,823 million British thermal units per hour (MMBtu/hr). Each combustion turbine is equipped with a heat recovery steam generator (HRSG) which has a duct burner. Each duct burner has a design maximum heat-rate of 505 MMBtu/hr.

In this Technical Support Document and the associated AOP, each combustion turbine, duct burner and HRSG combination is referred to as a “Combined–Cycle Gas Turbine Unit” or CGT unit. Each CGT unit has a separate exhaust stack. The western-most CGT is designated as CGT1 and the eastern-most CGT is designated as CGT2.

The combustion turbines take in filtered air that is compressed in the compressor stage of the turbine and then mixed with natural gas. The compressed fuel and air mixture is then burned in the combustion chamber of the turbine where it is expanded through a series of turbines to convert the energy to mechanical rotating shaft power. This mechanical energy is then used to

run the compressor section of the turbine and to directly power the electric generator.

High temperature exhaust produced by each combustion turbine is augmented with supplemental heat from its duct burner to generate high pressure steam in its connected HRSG. Each HRSG produces steam that is used by the steam turbine to generate power in a standard steam power cycle.

Each CGT exhaust through its own exhaust stack at a height of 180 feet above ground level. Exhaust stacks are each equipped with a caged ladder and stack testing platform that provide a permanent and safe access to stack testing ports. The testing ports conform to the requirements of 40 CFR, Part 60, Appendix A, Method 20.

Air emissions from the CGTs result from combustion of natural gas both in the combustion turbines and duct burners. Natural gas is the only fuel combusted. Air pollutant emissions from the CGTs include nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter (PM₁₀), sulfur dioxide (SO₂), volatile organic compounds (VOCs), sulfuric acid mist (H₂SO₄), ammonia (NH₃) and several Hazardous Air Pollutants (HAPs). Actual as well as potential emissions rates are described in section 4 of this TSD below.

CGT NO_x Control and Monitoring

The combustion turbines incorporate “Advanced, Dry Low NO_x” combustor technology. This technology is guaranteed by the manufacturer to reduce NO_x emissions from the combustion turbines to 9 ppm. It accomplishes NO_x reduction by maintaining a “lean” premix of fuel to air, staging the combustion into three-stages and utilizing a central diffusion flame for overall flame stabilization. The lean, premixed technology burns a lean fuel-to-air mixture for a lower peak combustion flame temperature, which results in lower “thermal NO_x” formation. The combustion turbines operate with just one of the lean premixed stages and the diffusion pilot at lower loads, and additional stages at higher loads. This provides efficient combustion and lower temperatures throughout the combustor-loading regime.

The duct burners also incorporate low NO_x combustor technology. This burner technology is capable of maintaining NO_x emissions below 10 ppmvd at 15% oxygen.

The typical NO_x emission concentration from each CGT is in the 3 to 9 ppm range. NO_x from each CGT is further treated by separate selective catalytic reduction (SCR) units downstream of each HRSG. The SCR units are capable of maintaining NO_x concentrations to less than 2.0 ppm at 15% oxygen during steady state operation of the CGTs.

SCR is a post-combustion NO_x control technology where ammonia (NH₃) is injected into the flue gas upstream of a vanadium oxide catalytic reactor. The catalyst bed operates most efficiently at temperatures between 600 and 800°F, which match the temperature range typically found within HRSG units. On the catalyst surface, the NH₃ reacts with NO_x to form molecular nitrogen and water. The process uses approximately 1 – 1.3 moles of NH₃ per mole of NO_x reduced. The rate of NH₃ injection is automatically controlled based on the amount of “NH₃ slip,” which is the concentration of unreacted NH₃ downstream of the SCR units. NH₃ slip is continuously

monitored.

The primary variable affecting SCR performance is temperature. If operating below the optimum temperature range, the catalyst activity is reduced, allowing unreacted NH₃ to slip through into the exhaust stream. If operating above the optimum temperature range, NH₃ is oxidized, forming additional NO_x. In addition, the catalyst may suffer thermal stress damage. Temperature of the catalyst beds as well as NO_x concentrations are required to be continuously monitored in order to maintain NO_x rates below the permitted limits.

An aqueous solution of NH₃ is used as the source for NH₃ in order to minimize impacts of possible spills or the unlikely event of rupture of an NH₃ tank. The solution is approximately 19% NH₃ as received and used. The rate of NH₃ solution injection is automatically regulated based on the NH₃ slip rate, which is continuously monitored. NH₃ slip is limited to 5 ppm on a 24-hour average basis. The NH₃ pump is controlled to maintain NH₃ slip between 1 and 3 ppm.

Per the PSD permit, NO_x emission concentrations and rates from the CGTs are required to be continuously monitored. As such, both CGTs are equipped with continuous emissions monitoring systems (CEMS) for NO_x and O₂, which is referred to as a NO_x-diluent CEMS. The NO_x-diluent CEMS is subject to the requirements contained in 40 CFR Part 75, Continuous Emission Monitoring, which contains the continuous emissions monitoring requirements for facilities subject to the Acid Rain program. Because 40 CFR Part 75 establishes the monitoring requirements for all pollutants and parameters required to be monitored under the acid Rain program (NO_x, O₂, SO₂, CO₂, volumetric flow, and opacity), and for different types of combustion units, much of it is not applicable to GHEC. For this reason, 40 CFR Part 75 is incorporated by reference in the permit.

On a real-time basis, GHEC can verify compliance with any of the short term NO_x limits from the NO_x-diluent CEMS. In addition, the NO_x-diluent CEMS triggers an alarm to notify the operator when concentrations approach any short term limit. NO_x concentrations measured by the NO_x-diluent CEMS is used to determine the NO_x concentrations in terms of parts per million by volume at 15%O₂, which is the metric of the CGT emissions concentration limits. For pollutant mass rate (PMR) limits, measured NO_x concentrations are coupled with the natural gas combustion rate measured by the fuel monitoring system and a Fuel Factor (Fd) measured monthly to calculate the NO_x PMR in terms of pounds per hour.

The natural gas combustion rate is monitored continuously by separate fuel flow meters on each CGT and Duct Burner (DB) in terms of cubic feet per hour. Cubic feet per hour of natural gas combusted by each unit is multiplied by the Fd (measured monthly) to compute the exhaust gas flowrate for each unit in terms of dry standard cubic feet per hour at 15% O₂. This result is then multiplied by the concentration to compute the NO_x PMR as shown in the following equation.

$$PMR_x = (NG)(HHV)(Fd)(Cx)(MW_{pollutant}) / [(1000)(Molar Volume_{stp})]$$

Where:

- PMR_x = The calculated pollutant mass rate of pollutant “x” in terms of pound per hour (lbs/hr).
- NG = The actual amount of natural gas combusted by the unit over the hour per condition M6(a) in terms of dry standard cubic feet of natural gas (dscf_{ng}/hr).
- HHV = The Higher Heat Value of the natural gas determined for the month per condition M6(b)(i) in terms of million Btu per dry standard cubic feet of natural gas (MMBtu/dscf_{ng}).
- F_d = The dry basis fuel factor determined for the month per condition M6(b)(ii) in terms of dry standard cubic feet of exhaust per million Btu of natural gas combusted (dscf_{exhaust}/MMBtu)
- C_x = The average concentration of pollutant “x” monitored by CEMS over the hour in terms of parts per million by volume, dry (ppmvd), uncorrected.

-Although the detailed equations for PMRs were removed from the AOP, this equation is maintained in the TSD intentionally as a reference point.

CGT CO Control and Monitoring

The dry low NO_x combustors in the CGTs also minimize the formation of CO. Minimizing NO_x is usually at the expense of higher CO emissions, however, the “Advanced, Dry Low NO_x” combustor technology is able to optimize the combustors to minimize emissions of both pollutants. The dry low NO_x combustors are expected to maintain a CO emission rate well below 9 ppm. In addition to CO control through the dry low NO_x combustors, exhaust from each CGT passes through a platinum catalyst (following the SCR units) where oxygen in the gas stream reacts with CO to produce CO₂. The CO oxidation catalyst technology is capable of reducing CO concentration by 90+%.

Per the PSD permit, CO emission concentrations and rates from the CGTs are required to be continuously monitored. The CO CEMS must meet the requirements contained in 40 CFR Part 60, Appendix B: Performance Specification 4 or 4a, and in 40 CFR, Part 60, Appendix F: Quality Assurance Procedures. CO CEMS requirements are incorporated by reference in the permit.

From the CO CEMS data, GHE can verify compliance with both short-term and long-term average limits. In addition, the CEMS triggers an alarm when CO concentrations approach any of the short CO limits. This is done automatically by the CO data acquisition system (DAS).

CGT SO₂, H₂SO₄ and PM₁₀ Control and Monitoring

Combusting only natural gas is the principle means for minimizing emissions of particulate matter, sulfur dioxide and sulfuric acid from each CGT. Per the PSD permit, continuous monitoring of the rate of natural gas combustion by each turbine and DB is required. In addition, natural gas is required to be sampled monthly and analyzed to determine sulfur and heat content.

For SO₂ and H₂SO₄, the PSD permit imposes only PMR limits. Monitoring compliance is accomplished by calculating emissions rated using sulfur balance calculations based on the actual amount and composition of natural gas combusted and emissions factors from stack testing relating the percent of H₂SO₄ to SO₂. The amount of natural gas combusted is

continuously monitored by a gas flow meters on each turbine and DB. Meters measure the gas flow rate and automatically correct to standard temperature and pressure units based on the monitored pipeline gas temperature and pressure. This data is periodically crossed checked by GHE against fuel certifications provided by the Williams Pipeline Company.

Per the PSD permit, gas flow meters are required to be installed, operated and maintained according to 40 CFR Part 75, Appendix D. Also, natural gas heat and sulfur content are required to be determined monthly through direct sampling and analyzing the natural gas per 40 CFR Part 75, Appendix D. 40 CFR Part 75, Appendix D is incorporated by reference in the permit.

PM₁₀ emissions from the CGTs are each limited to no more than 22.6 lb/hr of filterable plus condensable PM₁₀. The required monitoring means is to calculate PM₁₀ emissions based on the actual amount of natural gas combusted during each 24-hr period time an emissions factor based on the most recent particulate stack testing.

Reference method testing is the required means for monitoring compliance with the particulate grain loading limit. For the first three years of operation testing was required annually. Provided testing verifies compliance, the required testing frequency is relaxed to once every 5-years. Stack testing results must be reported as total particulate, filterable particulate and condensable particulate.

CGT Ammonia Emissions Monitoring

Per the PSD permit, NH₃ emissions (NH₃ slip) from each CGT is required to be continuously monitored. NH₃ CEMSs must meet the requirements contained in 40 CFR, Part 63, Appendix A, Reference Method 301, Validation Protocol (Validation Protocol), and 40 CFR, Part 60, Appendix F, Quality Assurance Procedures (Appendix F), or other EFSEC-approved performance specifications and quality assurance procedures. Because neither the Validation Protocol nor Appendix F contain actual performance specifications for operating NH₃ CEMSs, performance specifications needed to be adopted into the AOP to fill this void. Washington's Title V regulations under WAC 173-401-615(1)(b) allow adopting monitoring requirements into a Title V AOP when requirements are not adequately specified. This approach to adding monitoring to a Title V AOP is referred to as "gap-filling monitoring".

Until NH₃ CEMS performance specifications are adopted as final by EPA, EPA's Preliminary Performance Specification for Ammonia Continuous Emission Monitors (PPS-001, EPA, 2005) can serve as a surrogate performance specification. PPS-001 has not yet been published in the Federal Register but is proposed by EPA as their preferred performance specifications for NH₃ CEMS. PPS-001 establishes specifications for the allowable range, calibration drift and accuracy for NH₃ CEMS. The PPS-001 performance specifications are then inserted into the Validation Protocol for initial testing of NH₃ CEMS and Appendix F for ongoing quality assurance and control of NH₃ monitors.

CGT Opacity Monitoring

Per the PSD permit, opacity of the exhaust from each CGT must be monitored. Two options are

provided for opacity monitoring:

- A certified opacity reader can read and record the opacity of each operating unit during daylight hours daily and then weekly of compliance is maintained for the previous calendar month; or,
- Opacity can be monitored using a Continuous Opacity Monitoring System (COMS) on each CGT as an alternative.

Per the PSD permit, COMS must meet the requirements contained in 40 CFR Part 60, Appendix B, Performance Specification 1 and in 40 CFR, Part 60, Appendix F, Quality Assurance Procedures. Both are incorporated by reference in the permit.

3.4 Steam Turbine

Description

The GE D11 steam turbine generates electricity using steam produced by the Heat Recovery Steam Generators (HRSGs). Each HRSG produces superheated steam using leftover heat energy from its associated gas turbine plus supplemented heat energy from its associated DB. The steam turbine itself is not an emissions unit but is an integral part of the combined cycle power plant. The steam turbine power cycle requires operation of the CGTs (turbines + DBs), Cooling Tower and Auxiliary Boiler during startup. The steam turbine generator can produce up to an additional 300 MW of electric power. The steam power cycle is a closed loop process where exhaust steam from the steam turbine is condensed by passing through the cooling towers and then pumped as liquid water back to the HRSGs in a continuous closed-loop arrangement. Since the steam turbine has no direct air pollutant emissions, it is not designated as an emissions unit.

3.5 Auxiliary Boiler

Description

Start-up of the combined cycle power plant requires an auxiliary heat source to provide heat while the CGTs are warming up. This is accomplished by a separate, 29.3 MMBtu/hr natural gas-fired Auxiliary Boiler. The Auxiliary Boiler is used primarily to assist with start-up of the CTG units. The Auxiliary Boiler also provides initial steam for the steam turbine during startup.

Auxiliary Boiler Emissions Control and Monitoring

The Auxiliary Boiler employs low NO_x burners, good combustion practices and the use of natural gas for controlling air pollutant emissions.

The PSD permit establishes hourly and annual emissions limits for the Auxiliary Boiler for NO_x, CO, SO₂, VOC, PM₁₀, and opacity. The PSD permit does not require CEMS for the Auxiliary Boiler but does require periodic stack testing to demonstrate compliance with permit limits. The PSD permit also requires monthly calculation of emissions over the previous 12-consecutive month period to monitor compliance with annual emissions limits to verify compliance with annual emissions limits. The prescribed calculation method for all pollutants except SO₂ requires using

actual natural gas consumption data and emissions factors based on the most recent stack testing results. For SO₂, emissions must be based on fuel sulfur monitoring data and sulfur balance calculations. For opacity, certified opacity readings are required once per month.

3.6 Cooling Tower

Description

As mentioned previously, the steam power cycle is a closed-loop process whereby steam remaining after expanding through the steam turbine is condensed so the entire flowrate of the “working fluid” can be pumped back to the HRSGs in order to complete the steam power cycle. Pumping produces the high pressures in the working fluid loop, which is needed by the steam turbine to generate power. The Cooling Tower enables the closed loop steam power cycle by expelling waste heat through one, nine-cell, forced draft cooling unit. The Cooling Tower transfers heat to the ambient air through evaporation of water. Water used by the Cooling Tower is pumped from a well located nearby on the Chehalis River.

GHE maintains Cooling Tower water quality to prevent high concentrations of chemicals and dissolved solids that would lead to particulate emissions and odors. Cooling Tower water is continuously monitored for pH, free chlorine, oxidation reduction potential (ORP) and conductivity to assure water quality. Sodium Hypochlorite (bleach) is added to prevent biological growth in the Cooling Tower. The sodium hypochlorite is added automatically to maintain 0.2 – 0.6 ppm free chlorine. Sulfuric acid (H₂SO₄) to prevent scaling is added automatically to maintain pH between 8.1 and 8.5. The bleach, H₂SO₄ and bromine are all added to the water via constant volume pumps that are automatically controlled based on continuous monitoring of the water quality.

Design operating specifications for GHEC’s Cooling Tower are as follows:

- 1,535,200 cubic feet per minute (ft³/min) air flow at design conditions (9 fans total)
- 175,000 gallons per minute (gpm) recirculating water flow
- 1165 milligrams per liter (mg/L) total dissolved solids
- Addition of 93% H₂SO₄ (sulfuric acid) to water at a variable rate, but approximately 70 gallons per day (gpd) average when the plant is running.
- Addition of 12.5% NaClO (sodium hypochlorite) to water at a variable rate, but approximately 104 gal/day average when the plant is running.
- 2H Drift Eliminators manufactured by ENEXIO with a drift rate less than 0.0005 percent.

Cooling Tower Monitoring

The Cooling Tower emits PM₁₀ in the form of particulate suspended or dissolved in tiny airborne water droplets, which are referred to as “drift.” VOCs and chlorine compounds may also be emitted in drift if Cooling Tower water quality is not maintained. The GHEC Cooling Tower is equipped with “drift eliminators” to reduce drift and air emissions associated with the drift. GHEC’s Cooling Tower employs drift eliminators rated at a drift loss rate of less than 0.0005% of the recirculating cooling water flow rate.

The permit requires monthly calculation of the daily (annual average) and annual cooling tower PM₁₀ emissions rates based on design flow rates for the circulating water pumps, circulating water pump operating records, conductivity, conductivity to total dissolved solids (TDS) correlation factor and a drift loss rate of 0.000005 gallons per gallon of recirculating water. The level of TDS in the cooling tower water determines the potential for PM₁₀ emissions as dissolved solids precipitate to particulate as the cooling tower water evaporates using the following formula:

$$\frac{Q \times C \times 0.000005 \times 60 \times 8.34}{1000000} = D$$

Where:

Q = Either the actual or design recirculating water flow rate in gallons per minute

C = total dissolved solids concentration in parts per million by weight (ppmw)

D = particulate emission rate in lb/hr.

0.000005 = the drift loss rate in gallon lost/gallon of recirculating cooling water

TDS is monitored indirectly by monitoring conductivity of the cooling tower water (TDS is directly related to conductivity). The level of TDS is controlled by adjusting the rate of make-up water to the cooling tower to maintain conductivity below 1200 microohms conductivity. Conductivity is monitored continuously and an alarm is triggered in the control room when conductivity reaches 1200 micro ohms to alert operators to manually adjust the make-up water-up water rate.

3.7 Emergency Generator

Description

GHEC relies on one 400 kilowatt (536 horsepower) Caterpillar, model 3456, diesel-fired emergency generator (Emergency Generator) to provide electricity during power outages. This is critical for GHEC to power down equipment and maintain operation of lubricating oil pumps during power outages. The manufacture date of the Emergency Engine was 2002.

Engine Make & Model	Caterpillar, model 3456
Engine Serial #	CER00348
Date engine was ordered	7/22/2002
Model year of engine	2002
Engine BHP	536 BHP
Engine KW	400 KW

40 CFR Part 60, Subpart IIII (Subpart IIII) does not apply to the Emergency Generator at GHEC because the order date of the Emergency Generator precedes the effective date of Subpart IIII. 40

CFR Part 63, Subpart ZZZZ (Subpart ZZZZ) does apply. In addition to Subpart ZZZZ, the Emergency Generator is subject to requirements from PSD Amendment 5.

Emergency Generator Monitoring

The permit requires monitoring sufficient to verify the Emergency Generator engine is operated, maintained and repaired in a manner consistent with the manufacturer’s emissions-related specifications. In addition, total hours of operation and hours of maintenance testing must be tracked and recorded.

3.8 Diesel-fired Water Pump Engine (Fire Water Pump Engine)

Description

The facility includes a 205 kilowatt (275 horsepower) Fire Water Pump Engine for fire suppression during electrical power outages.

Engine Make & Model	John Deere, model No. 6081AF001
Engine Serial #	RG6081A146553
Date engine was ordered	Pre 2002
Model year of engine	2001
Engine BHP	275 BHP
Engine KW	205 KW

40 CFR Part 60, Subpart IIII (Subpart IIII) does not apply to the Fire Water Pump Engine at GHEC because the order date of the Fire Water Pump Engine precedes the effective date of Subpart IIII. 40 CFR Part 63, Subpart ZZZZ (Subpart ZZZZ) does apply. In addition to Subpart ZZZZ, the Fire Water Pump Engine is subject to requirements from PSD Amendment 4.

Fire Water Pump Engine Emissions Control and Monitoring

The permit requires monitoring sufficient to verify the Fire Water Pump Engine is operated, maintained and repaired in a manner consistent with the manufacturer’s emissions-related specifications. In addition, total hours of operation and hours of maintenance testing must be tracked and recorded.

3.9 Table 8: Summary of Emissions Units

ID	Description	Control Devices	Permit #s
EU-1	<p>Combined Cycle Gas Turbine 1 (CGT1):</p> <ul style="list-style-type: none"> Combustion Turbine 1 (CT1) – General Electric 7FA natural gas turbine with a nominal design heat rate of 1,823 mmBtu/hr and an output of 234 KVA. Duct Burner 1 (DB1) – 505 mmBtu/hr natural gas duct burner 	<ul style="list-style-type: none"> CT1 equipped with Dry-Low NO_x Combustors DB1 equipped with Low NO_x Burners. Exhaust from both CT1 and DB1 pass through 	EFSECC/2001-01 Amendment 5

ID	Description	Control Devices	Permit #s
		Selective Catalytic Reduction (SCR) and CO catalyst systems	
EU-2	Combined Cycle Gas Turbine 2 (CGT2): <ul style="list-style-type: none"> Combustion turbine – General Electric 7FA natural gas turbine with a nominal design heat rate of 1,823 mmBtu/hr and an output of 234 KVA. Duct Burner – 505 mmBtu/hr natural gas duct burner 	<ul style="list-style-type: none"> CT2 equipped with Dry-Low NO_x Combustors DB2 equipped with Low NO_x Burners. Exhaust from both CT2 and DB2 pass through Selective Catalytic Reduction (SCR) and CO catalyst systems 	
EU-3	Auxiliary Boiler: 29.3 mmBtu/hr natural gas fired boiler used to assist with start-up.	<ul style="list-style-type: none"> Low NO_x burners Flue Gas Recirculation (FGR) 	
EU-4	Cooling Tower: Nine cell, 175,000 gal/min forced draft cooling tower	<ul style="list-style-type: none"> Equipped with drift eliminators 	
EU-5	Emergency Generator: 400 kW (536 hp) emergency generator used to help power down equipment and maintain operation of lubricating oil pumps in the event of power outages.	None	
EU-6	Emergency Fire Water Pump: 205 kW (275 bhp) diesel-fired water pump to provide for fire suppression during electrical power outages.	None	

3.10 Insignificant Emissions Units (IEUs)

The equipment listed in Table 9 were identified by the GHE as insignificant emissions units (IEUs) as defined under WAC 173-401-200(17). IEUs are exempt from Title V permit program requirements as provided under WAC 173-401-530. None of the IEUs listed in Table 9 are a significant source of emissions or subject to equipment-specific air quality requirements. Because all of the IEUs listed in Table 9 are “categorically exempt” IEUs, they are not required to be listed in in the GHEC AOP.

3.11 Table 9: Insignificant Emissions Units (IEUs)

ID	Description	Size/Capacity	IEU Basis
IEU	Mobile Fugitive Emissions	Na	WAC 173-401-530(1)(d)
IEU	Lubricating Oil Tank	Na	WAC 173-401-532(3)
IEU	Hydraulic Oil Tank	Na	WAC 173-401-532(4)
IEU	Storage of Pressurized Gases	Na	WAC 173-401-532(5)
IEU	Maintenance Shops	Na	WAC 173-401-532(7)
IEU	Continuous Emissions Monitoring Systems (CEMs)	Na	WAC 173-401-532(7)

ID	Description	Size/Capacity	IEU Basis
IEU	Vents	Na	WAC 173-401-532(9)
IEU	Vehicle Internal Combustion Engines	Na	WAC 173-401-532(10)
IEU	Welding Operations	Na	WAC 173-401-532(12)
IEU	Plant Upkeep Activities	Na	WAC 173-401-532(33)
IEU	Pavement Cleaning and Sweeping	Na	WAC 173-401-532(35)
IEU	Food Preparation	Na	WAC 173-401-532(41)
IEU	Portable Drums and Totes	Na	WAC 173-401-532(42)
IEU	Lawn and Landscaping Activities	Na	WAC 173-401-532(43)
IEU	General Vehicle Maintenance	Na	WAC 173-401-532(45)
IEU	Comfort Air Conditioning	Na	WAC 173-401-532(46)
IEU	Office Activities	Na	WAC 173-401-532(49)
IEU	Sampling Connections	Na	WAC 173-401-532(51)
IEU	Parking Lot Exhaust	Na	WAC 173-401-532(54)
IEU	Indoor Activities	Na	WAC 173-401-532(55)
IEU	Repair and Maintenance	Na	WAC 173-401-532(74)
IEU	Air Compressors	Na	WAC 173-401-532(88)
IEU	Steam Leaks	Na	WAC 173-401-532(89)
IEU	Vacuum System Exhaust	Na	WAC 173-401-532(108)

4. Emissions

GHEC's emissions of criteria air pollutants and ammonia are characterized in the following tables. Table 10 shows cumulative, facility-wide emissions in terms of maximum potential to emit (PTE). PTE values represent maximum permitted emissions from all emissions units at GHEC based on enforceable emissions limits and maximum operating rates for all regulated emissions units. Table 11 shows actual emissions for calendar year 2017. Actual emissions are based on monitored fuel consumption rates, measured natural gas heat and sulfur content, and monitored emissions concentrations over calendar 2017. Table 12 shows cumulative, facility-wide HAP emissions in terms of maximum potential to emit (PTE).

4.1 Table 10: Criteria Pollutant Potential to Emit (PTE)

Pollutant	Potential to Emit (tons)	Source of Data
CO (Carbon Monoxide)	144	AOP Permit Application
PM 2.5 (Fine Particulate (<= 2.5 microns))	203	AOP Permit Application
PM-10 (Fine Particulate (<=10 microns))	203	AOP Permit Application
NO _x (Nitrogen Oxides)	245	AOP Permit Application
VOC as Volatile Organic Compounds	92	AOP Permit Application
SO ₂ (Sulfur Dioxide)	29	AOP Permit Application
H ₂ SO ₄ (sulfuric acid)	19	AOP Permit Application
NH ₃ (ammonia)	141	AOP Permit Application

4.2 Table 11: 2017 Actual Emissions

Pollutant	2017 Emissions (tons)	Source of Data
CO (Carbon Monoxide)	11.9	ORCAA 2017 Inventory
PM 2.5 (Fine Particulate: <= 2.5 microns)	24.1	ORCAA 2017 Inventory
PM-10 (Fine Particulate:<=10 microns)	24.1	ORCAA 2017 Inventory
NO _x (Nitrogen Oxides)	84.9	ORCAA 2017 Inventory
VOC as Volatile Organic Compounds	2.8	ORCAA 2017 Inventory
SO ₂ (Sulfur Dioxide)	2.9	ORCAA 2017 Inventory
H ₂ SO ₄ (sulfuric acid)	0.2	ORCAA 2017 Inventory
NH ₃ (ammonia)	10.3	ORCAA 2017 Inventory

4.3 Table 12: HAP Potential to Emit (PTE)

Pollutant	Potential to Emit (tons)	Source of Data
Acedaldehyde	0.64	AOP Permit Application
Acrolein	0.0102	AOP Permit Application
Arsenic	0.00087	AOP Permit Application
Benzene	0.20	AOP Permit Application
Beryllium	5.20E-5	AOP Permit Application
1,3-Butadiene	0.0069	AOP Permit Application
Cadmium	0.0048	AOP Permit Application
Chromium, trivalent	0.0030	AOP Permit Application
Chromium, hexavalent	0.0030	AOP Permit Application
Cobalt	0.00036	AOP Permit Application
Ethylbenzene	0.51	AOP Permit Application
Formaldehyde	1.75	AOP Permit Application
Hexane	7.81	AOP Permit Application
Manganese	0.0016	AOP Permit Application
Mercury	0.0011	AOP Permit Application
Naphthalene	0.023	AOP Permit Application
Nickel	0.0091	AOP Permit Application
Poly Aromatic Hydrocarbons	0.035	AOP Permit Application
Propylene Oxide	0.46	AOP Permit Application
Selenium	0.00010	AOP Permit Application
Toluene	2.09	AOP Permit Application
Xylenes	1.02	AOP Permit Application
Total HAP	14.67	AOP Permit Application

5. Regulatory Determinations

Table 13 summarizes regulatory determinations made for GHEC's AOP.

Table 13 Applicability Determinations

Citation	Description	Applicable Requirement under Title V?	Basis
40 CFR Part 60 Subpart GG	Stationary Gas Turbine NSPS	No	According to the Washington Department of Ecology (Ecology), as documented in the Fact Sheet for PSD Amendment 5, GHE's Advanced Gas Pathway (AGP) upgrades triggered applicability of the combustion turbine standards in 40 CFR Part 60, Subpart KKKK (Subpart KKKK). Under § 60.4305 of Subpart KKKK it states, "Stationary combustion turbines regulated under this subpart are exempt from the requirements of subpart GG of this part." Therefore, the requirements under Subpart GG do not apply to the combustion turbines at GHE. It also states, "Heat recovery steam generators and duct burners regulated under this subpart are exempted from the requirements of subparts Da, Db, and Dc of this part."
40 CFR Part 60 Subpart Da	Electric Utility Steam-Generation Units	No	According to Ecology, as documented in the Fact Sheet for PSD Amendment 5, GHE's AGP upgrades triggered applicability of the combustion turbine standards in 40 CFR Part 60, Subpart KKKK (Subpart KKKK). Under § 60.4305 of Subpart KKKK it states, "Heat recovery steam generators and duct burners regulated under this subpart are exempted from the requirements of subparts Da, Db, and Dc of this part."
40 CFR Part 60 Subpart Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	No	
40 CFR Part 60 Subpart Dc	Small Institutional-Commercial-Industrial Steam Generation Units	No – for heat recovery steam generators and duct burners Yes – Auxiliary boiler	
40 CFR Part 60 Subpart KKKK	Subpart KKKK - Standards of Performance for Stationary Combustion Turbines	Yes	According to Ecology, as documented in the Fact Sheet for PSD Amendment 5, GHE's AGP upgrades triggered applicability of the combustion turbine standards in 40 CFR Part 60, Subpart KKKK (Subpart KKKK). Subpart imposes standards for NOx and SO2 and associated monitoring requirements.
WAC 463-78-100	Registration	No	The latest version of EFSECs registration regulations in WAC 463-78-100 (effective 3/26/06) exempts air operating permit sources from EFSECs registration program.
WAC 173-400-112	Requirements for Sources in Nonattainment Areas	No	GHEC is not located in a nonattainment area for any criteria pollutant. Therefore, this regulation is not applicable facility-wide.
WAC 173-400-120	Bubble Rules	No	GHEC has not requested an emission bubble for any regulated pollutant. Therefore, this regulation is not applicable.
WAC 173-400-131	Issuance of Emission Reduction Credits	No	GHEC has not sought emission reduction credits (ERCs). Therefore, this regulation is not applicable.
WAC 173-400-136	Use of Emission Reduction Credits	No	GHEC has not sought to use emission reduction credits (ERCs). Therefore, this regulation is not applicable.
40 CFR Part 63.6080 et seq. Subpart YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion	No	Subpart YYYY applies to combustion turbines built after January 14, 2003 and located at major sources of HAP emissions. GHEC is facility is not a major source of HAP emissions. Therefore, Subpart YYYY does not apply.

Citation	Description	Applicable Requirement under Title V?	Basis
	Turbines		
40 CFR Part 64	Compliance Assurance Monitoring	No	<p>For NOx, CO, Ammonia and opacity emissions, 40 CFR 64.2(b)(iv) provides an exemption from the requirements of Part 64 when a CEMS is otherwise required.</p> <p>Compliance Assurance Monitoring rule requirements do not apply to particulate, SO2, and H2SO emissions per 40 CFR 64.2(a)(2), which includes an applicability criteria that the unit uses a control device to achieve compliance. A “control device” as defined in 40 CFR Part 64 does not include passive control measures that act to prevent pollutants from forming, such as the use low-polluting fuel or feedstocks. Because no control device is used to control particulate, SO2 or H2SO, this rule does not apply to those pollutants.</p>
40 CFR Part 98	Federal Greenhouse Gas Reporting Requirements	No	<p>The EPA greenhouse gas reporting rule was finalized September 22, 2009. In the preamble EPA responds to a question regarding whether it is an applicable requirement for the purposes of Title V:</p> <p><i>As currently written, the definition of "applicable requirement" in 40 CFR 70.2 and 71.2 does not include a monitoring rule such as today's action, which is promulgated under CAA sections 114(a)(1) and 208.</i></p> <p>Therefore, these requirements will be enforced directly by the USEPA outside of the Title V AOP program.</p>
40 CFR 63.11193 et seq. Subpart JJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers - Area Sources	No	<p>GHEC operates the following three steam generating units (boilers): CGT1 Heat Recovery Steam Generator (HRSG), CGT2 HRSG, and the Auxiliary Boiler. Both HRSGs are preceded by duct burners. All three units combust only natural gas and, therefore, are not subject to this regulation.</p>
40 CFR Part 60 Subpart TTTT		No	<p>In conjunction with the PSD Amendment 5 regulatory review, Ecology concluded that that the upgrade triggering PSD Amendment 5 (the Advanced Gas Pathway Project or AGP) would increase CO2 emissions by approximately 9.1 percent, which is less than the applicability threshold in 40 CFR 60.5509(b)(7) of 10 percent or less (rounded to two significant figures).</p> <p>Ecology further concluded that, to assure the 10 percent CO2 threshold is not crossed, “ESEC will monitor to confirm that the project will not trigger NSPS Subpart TTTT.” To enable this monitoring, an additional monitoring condition, M14, was added to the permit requiring ongoing CO2 monitoring and confirmation .</p>
40 CFR Part 63 Subpart YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines	No	<p>This facility is not a major source of HAP emissions, therefore this regulation is not applicable to the combustion turbines at this facility.</p>
Chapter 463-80 WAC	Carbon Dioxide Mitigation under the Carbon Dioxide Mitigation Program for Thermal Electric Generating Facilities	No.	<p>Chapter 463-80 WAC is not pursuant to either the Federal Clean Air Act (FCAA) or Washington Clean Air Act (WCAA). Therefore, by definition, it is not an “Applicable Requirement” under Title V.</p> <p>GHE is subject to a CO2 mitigation plan, which was required by EFSEC as a part of an amendment of the site</p>

Citation	Description	Applicable Requirement under Title V?	Basis
			certification agreement and EFSEC Resolution 298. However, the CO ₂ mitigation plan does not qualify as an “Applicable Requirement” under Title V.
Chapter 463-85 WAC	Greenhouse Gas Emissions Performance Standard and Sequestration Plans and Programs for Baseload Electric Generating Facilities	No	Chapter 463-85 WAC is not pursuant to either the Federal Clean Air Act (FCAA) or Washington Clean Air Act (WCAA). Therefore, by definition, it is not an “Applicable Requirement” under Title V.
40 CFR Part 60 Subpart III	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	No	The “order date” for both the Emergency Generator and Fire Water Pump precede the effective date of Subpart III.
40 CFR Part 63 Subpart ZZZZ	National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.	Yes	Applies to both Emergency Generator and Fire Water Pump.

6. Basis for AOP Terms and Conditions

Energy facilities under the jurisdiction of EFSEC are subject to EFSEC’s rules under Chapter 463-78 WAC (EFSEC’s Rules). Therefore, the underlying regulatory basis for all conditions in GHEC’s AOP comes from EFSEC’s Rules. However, because EFSEC’s Rules adopt by reference (ABR) relevant state and federal rules which apply to energy facilities, the pertinent details of applicable requirements reside within the adopted rules and regulations themselves. Table 14 provides a mapping of relevant state and federal regulations that have been ABR by EFSEC.

6.1 Table 14: EFSEC Rules Adopted by Reference

Title of Rule Adopted by Reference	Citation	Citation of EFSEC Adopting Rule
Washington Air Operating Permit Regulation	Chapter 173-401 WAC	WAC 463-78-005(2)
Washington’s General Regulations for Air Pollution Sources except for Ecology specific sections and adoption of federal New Source Performance Standards	Chapter 173-400 WAC	WAC 463-78-005(1)
Washington’s Acid Rain Program	Chapter 173-406	WAC 463-78-005(3)
Washington’s Controls for New Sources of Toxic Air Pollutants	Chapter 173-460 WAC	WAC 463-78-005(4);
Federal New Source Performance Standards	40 CFR Part 60	WAC 463-78-115;
National Emission Standards for Hazardous Air Pollutants	40 CFR Part 61	WAC 463-78-005(1)
National Emission Standards for Hazardous Air Pollutants for Source Categories	40 CFR Part 63	WAC 463-78-005(1)

In order to avoid compounding already long strings of regulatory citations in GHEC’s AOP, and because pertinent details of applicable requirements reside within the ABR regulations themselves, the ABR regulations are cited in GHEC’s AOP without citing the corresponding Chapter 463-78 WAC section that adopts them. Therefore, the following sections discuss the regulatory basis for AOP conditions from the standpoint of state and federal regulations that have been ABR by EFSEC.

Per the Washington Air Operating Permit Program under WAC 173-401-600, the regulatory origin and authority for each condition must be stated in an AOP. For GHEC’s AOP, origin and authority are stated at the end of each permit condition. The “origin” cites the state or federal regulation or PSD/NSR permit where the applicable requirement came from. The “authority” cites the specific section in WAC 173-401 providing authority to include the requirement.

The following authorities from the Washington AOP program were used in GHEC’s AOP:

6.2 Table 15: Required Permit Content, Washington AOP Program

WAC 173-401 Section:	Provides authority to include in AOP:
WAC 173-401-600(1)(a)	Federal emissions limits and standards.
WAC 173-401-600(1)(b)	State emissions limits and standards.
WAC 173-401-600(1)(c)	Requirements from permits issued by a local air pollution control authority (NOC and PSD permits).
WAC 173-401-615(1)(a)	Monitoring required by an applicable requirement.
WAC 173-401-615(1)(b)	Periodic monitoring where the applicable requirement does not require specific monitoring (commonly referred to as “gap-filling monitoring”).
WAC 173-401-615(1)(c)	As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.
WAC 173-401-615(2)	All applicable recordkeeping requirements and require, where applicable: <ul style="list-style-type: none"> • Records of required monitoring; • Records of changes made at the facility that result in emissions of a regulated air pollutant, but not otherwise regulated under the permit; • Retention of records of all required monitoring data and support information for a period of five years from the date the record originated; and, • Monitoring support information including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation; and, • Copies of all reports required by the permit.
WAC 173-401-615(3)	All applicable reporting requirements and require: <ul style="list-style-type: none"> • Submittal of reports of any required monitoring at least once every six months; and, • Prompt reporting of deviations from permit requirements, including those attributable to upset conditions.
WAC 173-401-620(2)	Standard Title V provisions from WAC 173-401-620(2).
WAC 173-401-605(1)	Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.
WAC 173-401-630(1)	Additional requirements for monitoring or monitoring equipment

	when monitoring is required by an applicable requirement, but it is not sufficient to assure compliance. This category of monitoring is referred to by EPA as “Sufficiency Monitoring.”
WAC 173-401-640(1)	Upon request, the permitting authority shall include in the permit or in a separate written finding issued with the permit a determination identifying specific requirements that do not apply to the source.

6.3 Permit Administration (P1 – P21)

Permit administrative conditions (conditions P1 – P21) include conditions specifying how the AOP is managed according to the State AOP program under Chapter 173-401 WAC and conditions having implications on assuring compliance with all other conditions in the AOP. Many of the permit administrative conditions are “standard terms and conditions” and required to be in the AOP per either Chapter 173-401 WAC or per federal requirements for AOPs.

The origin of each permit administrative condition is stated at the end of each condition. Authority to include permit administrative conditions comes from primarily from WAC 173-401-600(1)(b), which specifies AOPs contain requirements from the Washington Clean Air Act (Chapter 70.94 RCW) and rules implementing that chapter (Washington’s AOP program is pursuant to RCW 70.94.162, which under the Washington Clean Air Act.).

Permit administrative conditions specify terms of the AOP such as the permit duration, expiration, renewal and revision requirements. They also explain the “Permit Shield,” extent of AOP enforceability and how the AOP can be revoked or re-opened for cause. They are essential to the proper functioning of the AOP under the State of Washington Program. Because permit administrative conditions do not include any applicable emissions limitations or operational standards, monitoring is not applicable. However, general recordkeeping and reporting requirements apply. Also, compliance with permit administrative conditions must be certified annually.

Permit Duration (condition P1)

This condition simply states the fixed term of the permit from the date of issuance is 5 years. It is important to point out that permit amendments and modifications midway during the permit term do not reestablish the permit term unless the entire permit, including the acid rain portion of the permit is subject to review and reissuance.

Federally Enforceable Requirements (condition P2)

Condition P2 distinguishes between AOP conditions containing federally enforceable requirements from those that are not federally enforceable.

Requirements that only the Washington Department of Ecology (Ecology) has authority to enforce are designated as “State only.” Although EFSEC may enforce the specific provisions of the AOP permit condition containing a “State only” requirement, only Ecology may enforce the underlying rule, regulation or standard that imposes the requirement. The best example is the State’s rules for reporting greenhouse gas emissions titled, Reporting of Emissions of

Greenhouse Gases, under Chapter 173-441 WAC. The “core” requirements from Chapter 173-441 WAC to monitor, record, and report greenhouse gas emissions are included as conditions in GHE’s AOP and may be enforced by EFSEC. However, only Ecology may directly enforce the rule itself.

AOP conditions containing requirements that are not federally enforceable but are directly enforceable by both Ecology and EFSEC are identified as “State/EFSEC only.” In general, these include State air regulations that have no implications on achieving or maintaining the National Ambient Air Quality Standards. Examples include the State’s nuisance odor prohibitions and the standards for toxic air pollutant emissions. These are enforceable by Ecology and EFSEC but are not federally enforceable.

AOP conditions containing requirements that are federally enforceable and enforceable by EFSEC and Ecology do not include “State only” or “State/EFSEC” in the permit condition basis statement at the end of the condition.

Compliance Maintenance (condition P3)

This condition contains the requirement that the Permittee must maintain compliance with all applicable requirements in the AOP and those that become effective during the permit term.

Standard Conditions (condition P4)

Both the origin and authority to include this condition come from WAC 173-401-620(2). The condition identifies general duty and administrative requirements that are standard for all AOPs including the duty to comply and duty to provide information.

AOP Administration Conditions (conditions P5-P14)

Conditions P4 through P14 contain requirements for AOP permit administration from the State’s Air Operating Permit regulation like permit renewal requirements, permit modifications, administrative amendments, duty to supplement or correct an application. These are all considered standard terms of the permit.

Greenhouse Gas Reporting Fee (condition P15)

Condition P15 contains the requirement from WAC 173-441-110 that a Greenhouse Gas (GHG) reporting fee be paid to Ecology each year a GHG report to Ecology is required. This requirement is not federally enforceable and is a “State only” requirement.

Confidential Information (condition P16)

The origins of this condition are WAC 173-401-500(5) and WAC 173-401-620(2)(e). The condition identifies the essential standards for considering and handling confidential information. Justification for its inclusion in the AOP is that it establishes the standard for handling confidential information under Title V. Authority to include the condition in the permit comes

from WAC 173-401-600(1)(b).

Credible Evidence (condition P17)

Condition P17 contains important provisions from the Credible Evidence Rule under 40 CFR Part 51, and from provisions under 40 CFR Part 60 and 61 concerning credible evidence. In general, these rules provide that the permittee may use any credible evidence outside of the monitoring and testing required by the AOP to support a compliance determination. The authority to include this condition is WAC 173-401-600(1)(a), which requires AOPs contain terms and conditions that assure compliance with all applicable federal requirements. There may be times when the permittee must augment the monitoring and testing required by the AOP with other information in order to demonstrate or assure continuous compliance. This conditions allows for the use of credible evidence.

Emergency Provisions (condition P18)

Condition P18 contains the requirements governing how to treat emergencies under the Washington AOP program including what constitutes an emergency, criteria for demonstrating an emergency and effect of an emergency relative to AOP enforcement actions. This applicable requirement is required to be included in all AOPs.

Unavoidable Excess Emissions (conditions P19 & P20)

Condition P19 contains requirements from WAC 173-400-107 governing treatment of unavoidable excess emissions, which are included in the current Washington State Implementation Plan (SIP). The SIP is comprised of rules, which the State of Washington has adopted and EPA has approved, for maintaining the National Ambient Air Quality Standards. The current SIP was adopted by EPA September 20, 1993.

Recently, Washington Department of Ecology (Ecology) adopted updated rules governing unavoidable excess emissions events. These updated rules were adopted under WAC 173-400-108. They were adopted with a provision making them effective on the date EPA removes the currently effective rules under WAC 173-400-107. The future effective date provision was adopted knowing that the length of time for EPA to approve and update the SIP was uncertain. Therefore, the current rule governing unavoidable excess emissions, WAC 173-400-107, remains effective up to the date the EPA removes it from the SIP and inserts WAC 173-400-108.

Condition P19 was written with this “sunset” provision anticipating this change will likely happen sometime during the five-year AOP permit term. Likewise, condition P20, which contains the updated unavoidable excess emissions requirements under WAC 173-400-108, is written into the AOP with an effective date commencing the date EPA adopts it into the SIP.

Following recommendation from Ecology’s Air Quality Program, both conditions were included in GHEC’s AOP in order to avoid re-opening and modifying GHEC’s AOP mid permit term.

Certification (condition P21)

In accordance with WAC 173-401-520, all application forms, reports, and compliance certifications must be certified for truth and accuracy by a responsible official. Therefore, this requirement has implications all other requirements in the AOP requiring compliance reports to EFSEC. The requirement to certify reports for truth and accuracy is considered an applicable requirement. It is included in the AOP under the general authority provided by WAC 173-401-600(1)(b), which requires permits contain terms and conditions sufficient to assure compliance with all applicable requirements under the Washington Clean Air Act.

6.4 General Terms and Conditions (G1 – G16)

General terms and conditions (G1 – G16) cover general compliance and permitting requirements including:

- Access for inspection of GHEC;
- Treatment of insignificant emissions units;
- Pre-construction permitting requirements;
- Temporary source requirements;
- Asbestos and demolition permitting;
- Chemical Accident Prevention Program;
- Stratospheric Ozone Protection Program;
- Outdoor burning requirements;
- General emissions testing requirements; and,
- Acid Rain Program.

These conditions are categorized as General Terms and Conditions in GHEC's AOP because they either have broad implications on multiple conditions in the AOP, or are entire programs that are applicable if triggered, such as the Stratospheric Ozone Protection program. Authority for each condition varies depending on whether the applicable requirement originated from a state or federal regulation.

Inspection and Entry (condition G1)

Condition G1 contains requirements for inspection and entry to the facility. The specific provisions and requirements governing inspection and entry originate from WAC 173-401-630(2) and WAC 173-400-105(3)&(4). Authority to include these requirements in the AOP comes from WAC 173-401-600(1)(b).

Insignificant Emission Units (condition G2)

Condition G2 contains specific Title V requirements for insignificant emissions units determined insignificant based on actual emissions in accordance with WAC 173-401-530(1)(a).

New Source Review Requirements (conditions G3 & G4)

Conditions G3 & G4 reference the procedural requirements for securing EFSEC's approval prior

to commencing any project triggering an air permit from EFSEC. These requirements include requirements for NOC, PSD and modifications and are generally referred to as “New Source Review.” They become applicable when triggered and must be complied with prior to commencing any project triggering an air permit through EFSEC. Authority to include the requirements in GHECs AOP comes from the general authority provided by WAC 173-401-600(1)(b).

Temporary Source provisions (condition G5)

Condition G5 contains EFSEC’s requirements for temporary, portable sources that remain no longer than one year at the facility.

Asbestos, Demolition and Renovation Projects (condition G6)

Condition G6 identifies 40 CFR 61, Subpart M as the applicable regulation for asbestos, demolition, and renovation projects.

Chemical Accident Prevention (condition G7)

Chemical accident prevention under the federal Risk Management Plan (RMP) program (40 CFR Part 68) applies to any industrial facility that uses or stores any extremely hazardous substance. The RMP program requires subject facilities to develop an RMP for all substances used above a threshold quantity.

GHE does use and store aqueous ammonia, which is a chemical regulated under the RMP program. The RMP program applies to facilities that use or store 20,000 pounds of aqueous ammonia (conc 20% or greater) during any year. GHECs use of aqueous ammonia has been below this threshold concentration since the facility began operation. However, because there is a potential for aqueous ammonia to be used above the RMP rule threshold quantity, condition G8 was added to GHECs AOP. The specific requirements of the RMP rule remain dormant unless a regulated substance is used above its threshold quantity.

The RMP program is considered an applicable federal regulatory program. Therefore, authority to include condition G8 comes from WAC 173-401-600(1)(a), which requires permits contain terms and conditions sufficient to assure compliance with all applicable federal emissions limits and standards. Although it is unlikely GHEC will trigger the RMP program, the program must be acknowledged in the AOP as applicable if triggered.

Protection of Stratospheric Ozone (condition G8)

Incorporates by reference the federal requirements for protection of stratospheric ozone from 40 CFR Part 82, Subpart F. Because EFSEC has not adopted by reference these standards and had not requested delegation to enforce them, they are not directly enforceable by EFSEC. However, they are required to be in all Title V permits and EFSEC is responsible for verifying compliance with the requirements is both assured and monitored by GHE.

Outdoor Burning (condition G9)

Outdoor burning is generally prohibited but may be permitted as allowed by WAC 173-425. However unlikely for GHEC, the requirement was included in the AOP to allow for permitted outdoor burning. Authority to include it in the AOP comes from the general authority provided by WAC 173-401-600(1)(b). Any permit allowing outdoor burning would be issued by EFSEC's contractor, ORCAA.

Concealment and Masking Prohibited (condition G10)

This condition contains the state-wide requirement that prohibits concealing an air emission that would otherwise cause a violation of an applicable standard, such as use of gaseous diluents to achieve compliance a standard.

Circumvention (condition G11)

This condition contains the federal requirement that prohibits concealing an air emission that would otherwise cause a violation of an applicable standard, such as use of gaseous diluents to achieve compliance a standard.

General Emissions Testing Requirement (condition G12)

This condition states EFSEC's general authority to require testing .

Acid Rain Program – Duty to reapply (condition G13)

Condition G13 states the requirement that an acid rain permit renewal application must be submitted along with the AOP renewal application. Both permits expire on June 17, 2025. Renewal applications for each are due to EFSEC no later than December 17, 2024.

In addition to modifying GHE's AOP to incorporate new applicable requirements from PSD Amendment 5, EFSEC also took the opportunity to correct certain factual errors in the permit. One such error was an incorrect expiration date stated for the acid rain permit. The acid rain permit is included as an attachment to the AOP.

Both permits were issued at the same time and both have a five year term. Therefore, both permits should expire at the same time. However, while the AOP expires on June 17, 2025, the acid rain permit expiration date stated in the previous permit was a December 17, 2024. In addition, while the previous permit lists December 17, 2024 as its expiration date, it also references the expiration date of the AOP.

After careful investigation by EFSEC's Attorney and Title V contractor, it was concluded that the December 17, 2024 date for expiration of the acid rain permit was incorrect and should be changed to June 17, 2025. EFSEC's Title V contractor, the Olympic Region Clean Air Agency believes that the due date for submitting the acid rain permit renewal application, which is December 17, 2024, was mistakenly used in place of the expiration date in the permit. These conclusions and the corresponding expiration date changes made to the AOP align correctly with

WAC 173-406-601(4)(d): Each acid rain permit shall have a term of five years commencing on its effective date....” Therefore, the correct expiration date for the acid rain permit is June 17th, 2025. This misalignment of dates was corrected.

Acid Rain Program – Designated Representative (condition G14)

This condition contains the definition of the “Designated representative” as required under the State’s Acid Rain Program.

Reporting to Verify PSD Applicability Determinations (condition G15)

This condition was recommended by the Washington Department of Ecology to satisfy the monitoring, recordkeeping and reporting needed to assure ongoing relevance of PSD applicability determinations.

Prevention of Significant Deterioration (PSD) (Condition G16)

This condition includes EFSECs PSD and major New Source Review requirements and applies for projects triggering PSD.

6.5 Applicable Requirements

Applicable requirements (AR1 – AR5) cover applicable emissions limits and operating standards from applicable state and federal regulations and NOC and PSD permits issued by EFSEC to GHEC. Origin and authority are stated at the end of each condition. All monitoring and recordkeeping details are included in the Monitoring section of the AOP.

Applicable requirements are divided into the following subcategories:

- General facility-wide standards and prohibitions primarily from Chapter 173-400 WAC;
- NSPS for gas turbines and duct burners from 40 CFR 60 Subpart KKK;
- PSD Amendment 5 permit requirements for the CGTs;
- PSD Amendment 5 permit requirements for the Auxiliary Boiler;
- PSD Amendment 5 permit requirements for the emergency diesel engines; and,
- PSD and NOC permit requirements for the Cooling Tower.

NSPS General Duty Requirements (condition AR1.1)

This condition contains the general “blanket” requirement that emissions units subject to NSPS be operated in a manner consistent with good air pollution control practice for minimizing emissions. It is a requirement from the general NSPS requirements under 40 CFR60.11(d) and applies to all emissions units subject to a federal NSPS. For GHEC, the CGTs, Duct Burners, Auxiliary Boiler and Emergency Engines are all subject to federal NSPS and, therefore must abide by this general requirement.

Washington General Standards (condition AR1.2 – 1.10)

Conditions AR1.2 – AR1.10 contain applicable requirements from the States General Regulations for Air Pollution Sources under Chapter 173-400 WAC. These requirements apply plant-wide to all emissions units including insignificant emissions units (IEUs). However, IEUs are not subject to the monitoring, recordkeeping and reporting requirements of the AOP.

Acid Rain Program (condition AR1.11)

Condition AR1.11 contains the plant-wide SO₂ allowance requirement from the GHEC's Acid Rain Program permit. This is the primary requirement from the Acid Rain Program permit.

Required Plans (condition AR1.12)

Condition AR1.12 requires the permittee develop, maintain, and follow:

- An Operating and Maintenance manual (O&M Manual); and,
- An equipment Start-up, Shutdown, and Malfunction Procedures manual (SSM Manual).

Both manuals are required to describe accepted operating procedures for minimizing emissions from all emissions units at the facility. The origin of this requirement is PSD Amendment 4.

NSPS for Stationary Gas Turbines (conditions AR2.1 – AR2.2)

Conditions AR2.1 – AR2.2 contain applicable requirements from the federal Standards of Performance for Stationary Gas Turbines under CFR 60 Subpart KKKK (Subpart KKKK). Subpart KKKK applies to stationary gas turbines with a heat input at peak load equal to or greater than 10 million Btu per hour (MMBtu/hr), based on the lower heating value of the fuel fired. Because both turbines at GHEC have heat input rates well above this threshold, and because they were modified after the effective date of the regulation (February 18, 2005), Subpart KKKK applies.

Subpart KKKK imposes both NO_x and SO₂ standards for stationary gas turbines that apply at all times including startup, shutdown, and malfunction events.

The Subpart KKKK standard for NO_x is based on the standard stated for turbines firing natural gas and with heat rates greater than 850 MMBtu/hr, which is provided in Table 1 of the regulation:

NO _x standard for new, modified, or reconstructed turbine firing natural gas > 850 MMBtu/h: 15 ppm at 15 percent O ₂ or 54 ng/J of useful output (0.43 lb/MWh) NO _x standard for heat recovery units operating independent of the combustion turbine: 54 ppm at 15 percent O ₂ or 110 ng/J of useful output (0.86 lb/MWh)
--

The Subpart KKKK NO_x standards are included in condition AR 2.1. Subpart KKKK requirements for the NO_x-diluent CEMS incorporate by reference the monitoring requirements from 40 CFR Part 75.

The Subpart KKKK standard for SO₂ for natural gas fired turbines is:

You must not burn in the subject stationary combustion turbine any fuel which contains total potential sulfur emissions in excess of 26 ng SO ₂ /J (0.060 lb SO ₂ /MMBtu) heat input
--

The SO₂ standard from Subpart KKKK is included as a limit in condition AR2.2. Required monitoring is based on sulfur mass balance calculations as specified in conditions M9 and M14, which rely on fuel combustion monitoring and periodically measuring the heat and sulfur content of the natural gas per methods and protocols from 40 CFR Part 75.

PSD Requirements for CGTs (conditions AR2.3 – AR2.17)

Conditions AR2.3 – AR2.17 include applicable requirements from PSD Amendment 5 (PSD permit) applying to the CGTs. All requirements are in equivalent to the conditions as written in the PSD permit except for some reorganization and adding clarification of requirements for continuous emissions monitoring systems (CEMS) and continuous monitoring systems (CMS).

Clarification of requirements for CEMS and CMS was necessary for two reasons:

The CGTs are subject to multiple standards for the same pollutant from different regulations, each which have their own unique CEMS and CMS requirements. As a result, there are redundancies in CEMS and CEM requirements and some apparent conflicting requirements that needed to be resolved and harmonized in the AOP.

The PSD permit incorporates by reference federal performance standards and quality assurance procedures for CEMS and CMS, which are general and cover all possible scenarios and fuel types for affected facilities. As a result, requirements applying specifically to GHEC are difficult to identify due to the sheer volume of inapplicable provisions within the referenced federal standards. For example, the adopted requirements for NO_x monitoring under 40 CFR Part 75 spans well over 300 pages of CFR and itself references several other equally extensive sections of the CFR.

Because of this, requirements for CEMS and CMS in general rely heavily on adopting the federal requirements by reference in the permit.

PSD Requirements for the Auxiliary Boiler (conditions AR3.1 – AR3.8)

Conditions AR3.1 – AR3.8 include applicable requirements from PSD Amendment 5 (PSD permit) applying to the Auxiliary Boiler. All requirements are in equivalent to the conditions as written in the PSD permit except for some reorganization and adding clarification of requirements for monitoring.

Requirements for Emergency Diesel Engines (conditions AR4.1 – AR4.6)

Conditions AR4.1 – AR4.6 include applicable federal requirements and requirements from PSD Amendment 5 (PSD permit) applying to diesel fired emergency engines at the facility.

PSD and NOC Requirements for Cooling Towers (conditions AR5.1 – AR5.2)

Conditions AR5.1 – AR5.2 include applicable requirements from the NOC approving upgrades to GHE's cooling towers as well as applicable PSD permit conditions.

6.6 Monitoring and Recordkeeping Conditions

Applicable monitoring and recordkeeping conditions (M1 – M13) include all required monitoring from applicable federal subparts and the PSD permit, and additional monitoring determined necessary to assure sufficient monitoring meeting title V requirements. Origin and

authority are stated at the end of each condition. Regulatory origins are stated at the end of each condition.

6.7 General Recordkeeping Requirements

Applicable recordkeeping requirements were aggregated with monitoring conditions in the permit.

6.8 Reporting

Applicable reporting terms and conditions (R1–R13) include all required reporting requirements for Title V AOPs as required under WAC 173-401-615(32). Origin and authority are stated at the end of each condition.

6.9 Permit Shield

WAC 173-401-640 under Washington’s Operating Permit regulations requires AOPs to include a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit. This provision is referred to as the “Permit Shield.” Sub-section (2) of WAC 173-401-640 clarifies the effect of the Permit Shield on requirements determined inapplicable, and requires the permitting authority to include in the permit or in a separate written finding issued with the permit, a determination identifying specific requirements that do not apply to the source.

Conditions S1-S3 in GHE’s AOP provides the “Permit Shield” and list relevant requirements determined inapplicable.

7. Environmental Justice

EPA defines Environmental Justice (EJ) as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The purpose of an EJ review in conjunction with a Title V permitting action is to ensure no group of people are bearing a disproportionate share of any negative environmental consequences from the facility subject to the Title V permitting action. Further, EFSEC strives to engage the affected community meaningfully and effectively regarding the permitting action, and to ensure compliance with obligations pursuant to Title VI of the Civil Rights Act.

With respect to integrating EJ into air permitting decisions, EPA Region 10 expects air agencies including EFSEC to:

- Identify overburdened communities;
- Engage with communities;
- Evaluate cumulative impacts; and,
- Use available authority to minimize emissions.

However, EPA Region 10 does not expect air agencies or EFSEC to use the Clean Air Act’s authorities to address disproportional impacts to communities that are designated as “attainment/unclassifiable” with respect to meeting the National Ambient Air Quality Standard (NAAQS).

A designation is a label that EPA assigns to an area to describe the air quality for any of six common air pollutants for which EPA has established a NAAQS. These pollutants are called “criteria pollutants.” If the air quality in a geographic area meets or is cleaner than the national standard, it is called an attainment area and designated “attainment/unclassifiable.” Areas that don't meet the national standard are called nonattainment areas. In some cases, EPA is not able to determine an area's status after evaluating the available information and those areas are designated "unclassifiable." GHE is located within Grays Harbor County, which is designated “attainment/unclassifiable” for all the criteria air pollutants.

The following subsections describe how EPA’s expectations for EJ were met for this Title V permitting action.

7.1 Identify Overburdened Communities

The initial step in an EJ review is to identify any affected populations or communities of concern and to identify whether they are disproportionately impacted.

EPA’s environmental justice screening and mapping tool, EJ Screen, was used to answer the first part of this question. An EJ Screen Community Report was generated for Grays Harbor County. The Community Report estimates a minority population of 22%, with approximately 7% of the total population speaking Spanish and 2% speaking another non-English language at home. All demographic indicators were below the 80th percentile for the nation.

The Community Report also ranks the community with respect to environmental indicators such as toxic releases to the air, traffic, hazardous waste discharges, and others. The 80th nation-wide percentile for any environmental indicator is used as a threshold to identify communities may already be disproportionately impacted. Grays Harbor County ranks below the 80th nation-wide percentile for all environmental indicators. Therefore, based on EJ Screen, the area surrounding GHE does not include any preexisting, overburdened communities. A copy of the Community Report with more detailed information will be filed as part of the supporting documentation for this Title V permitting action.

7.2 Engage with Communities

EFSEC’s policy is to engage the public through a public comment period on the draft AOP. EFSEC’s current public noticing and outreach policies and procedures are sufficient to effectively provide notice of the hearing and meaningfully engage with the community. Public noticing actions that will be taken by EFSEC for this AOP modification include:

- Publishing the Public Notice and Draft AOP on EFSEC’s web site.
- Noticing the action through the Washington State Permit Register.

- Providing notice via email or mail to “Affected States” within 50 miles of the GHE.
- Providing notice via email or mail to interested persons and entities.

After the public comment period, and hearing if one is held, and after considering all comments submitted, EFSEC will prepare a written Responsiveness Summary. The Responsiveness summary will include a description of EFSEC’s Final Decision as well as responses to questions and comments received during the comment period and public hearing. EFSEC’s Responsiveness Summary will be forwarded to all persons and entities who submitted comments during the comment period and public hearing.

7.3 Evaluate Cumulative Impacts

EJ policies require that cumulative impacts be identified and addressed in any permit decision. However, as mentioned previously, EPA does not expect air agencies or EFSEC to use Clean Air Act authorities to address any disproportionate impacts to communities that are designated as “attainment/unclassifiable” with respect to the NAAQS. Therefore, a cumulative impacts evaluation was not performed for this Title V permitting action because:

1. Grays Harbor County is designated “attainment/unclassifiable” with respect to all criteria air pollutants;
2. Title V permitting actions do not require an evaluation of ambient air quality impacts; and,
3. EJ Screen results did not indicate any preexisting, overburdened communities.

7.4 Use Available Authority to Minimize Emissions

The purpose of Title V permitting actions is to assimilate all applicable air requirements for existing air pollution sources at a facility that is a “Major Source,” into a single permit that must be renewed every five years. Title V does not provide authority to impose additional air pollution control requirements or limits, except for monitoring. Therefore, because the permitting action was a Title V permitting action, EFSEC did not have authority to minimize emissions by imposing new limits or requirements. However, GHE did impose additional monitoring requirements for emissions limits that do not specify any monitoring, or when the applicable monitoring requirements were determined insufficient to assure compliance.

EFSEC Monthly Council Meeting Facility Update

Facility Name: Columbia Solar Projects (Penstemon, Camas and Urtica) Operator: Tuusso Energy, LLC

Report Date: May 9, 2024

Reporting Period: 30 Days Ending May 1, 2024

Site Contact: Thomas Cushing

Facility SCA Status: Construction

Construction Status

- Penstemon
 - Currently operational
 - Total Generation during the month of April was 1.11 Gigawatt hours

 - Camas
 - Currently operational
 - Total Generation during the month of April was 1.08 Gigawatt hours

 - Urtica
 - Currently operational
 - Total Generation during the month of April was 1.2 Gigawatt hours
-

EFSEC Monthly Council Meeting

Facility Name: **Columbia Generating Station and Washington Nuclear Project 1 and 4 (WNP-1/4)**

Operator: **Energy Northwest**

Report Date: **May 15, 2024**

Reporting Period: **April 2024**

Site Contact: **Denis Mehinagic**

Facility SCA Status: **Operational**

CGS Net Electrical Generation for April 2024: **825,823 Mega Watt-Hours.**

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance:

No update.

Safety Compliance

No update.

Current or Upcoming Projects

No update.

Other

No update.

EFSEC Monthly Council Meeting – Facility Update Format

Facility Name: Goose Prairie Solar

Operator: Brookfield Renewable US

Report Date: 05/03/24

Reporting Period: 04/10/24 to 05/03/24

Site Contact: Jacob Crist

Facility SCA Status: (Pre-construction/**Construction**/Operational/Decommission)

Construction Status (only applicable for projects under construction)

-On schedule or not. If not, provide additional information/explanation.

1. Project is on schedule.

-Phase/Brief update on status/month in review.

1. Perimeter fence complete. Substation fencing is nearing completion.

2. Racking/tracker install is complete.

3. Module installation is nearing completion at ~92%.

4. Terminations are at ~75%.

5. AWM installation ongoing with cable hanging to combiner boxes and inverters.

6. Substation work is progressing ~90%. Last major delivery was the switchgear building that were delivered the last week of April.

Operations & Maintenance (only applicable for operating facilities)

-Energy generated for the reporting period.

-Relevant energy generation information, such as wind speed, number of windy or sunny days, gas line supply updates, etc.

O&M site certificate deliverables are in draft with Brookfield O&M and Tetratech.

The following information must be reported to the Council if applicable to the facility:

Environmental Compliance

-Permit status if any changes.

-Update on progress or completion of any mitigation measures identified.

1. No discharge on the site reported in April.

-Any EFSEC-related inspections that occurred.

1. Frequent Monitoring is occurring through WSP with no findings reported to date.

-Any EFSEC-related complaints or violations that occurred.

-Brief list of reports submitted to EFSEC during the monthly reporting period.

Quarterly Report

Safety Compliance

-Safety training or improvements that relate to SCA conditions.

Current or Upcoming Projects

-Planned site improvements.

-Upcoming permit renewals.

-Additional mitigation improvements or milestones.

Other

-Current events of note (e.g., Covid response updates, seasonal concerns due to inclement weather, etc.).

-Personnel changes as they may relate to EFSEC facility contacts (e.g., introducing a new staff member who may provide facility updates to the Council).

-Public outreach of interest (e.g., schools, public, facility outreach).

High Top and Ostrea Solar Project

May 2024 project update

[Place holder]

Horse Heaven Wind Project

May 2024 project update

[Place holder]

Whistling Ridge Energy Project

May 2024 project update

[Place holder]

Badger Mountain Solar Energy Project

May 2024 project update

[Place holder]

Wautoma Solar

May 2024 project update

[Place holder]

Hop Hill Solar Project

May 2024 project update

[Place holder]

Carriger Solar

May 2024 project update

[Place holder]

Wallula Gap Solar Project

May 2024 project update

[Place holder]