History

- EFSEC formed in 1970 for thermal power plants

- “One stop permitting”
  - Issuing agency for permits otherwise issued by a variety of agencies within the state (e.g., water quality, air quality, etc.)

- State agency and local government members

- EFSEC recommendation to Governor for final decision

- Final decision preempts all other state and local governments
Council Membership (RCW 80.50.030)

- Chair – Governor Appointee
  - Kathleen Drew
- Dept. of Ecology
  - Robert Dengel
- Dept. of Fish & Wildlife
  - Mike Livingston
- Dept. of Commerce
  - Kate Kelly
- Dept. of Natural Resources
  - Lenny Young
- Utilities & Transportation Commission
  - Stacey Brewster
- Local Government (City and County)
  - Ed Brost (Horse Heaven project)
- Port District – nonvoting
  - for application review
- Optional application review members:
  - Dept. of Agriculture
    - Derek Sandison (Horse Heaven project)
  - Dept. of Transportation
    - Bill Sauriol (Goose Prairie project)
  - Dept. of Health
  - Military Dept.
**Facilities** *(RCW 80.50.060)*

- **Energy plants:**
  - Any nuclear power facility where the primary purpose is to produce and sell electricity
  - Non hydro, nonnuclear thermal power plants 350+ MW
  - Alternative energy resources (wind, solar, geothermal, wave/tidal, landfill gas, biomass, etc.) “any size may opt-in”
  - Transmission Lines 115+ kV may “opt-in”

- **Pipelines**

- **Refineries and Storage Facilities**
Siting Process

Application Submitted

Land Use Hearing
- Consistency Determination*
  - Initiate Intervention
  - Schedule Prehearing Conferences
  - Prehearing Conferences (Grants intervention and identifies issues)
  - Adjudicative Hearings
  - Deliberation

SEPA Determination
- DNS or MDNS*
  - Determination of Significance
    - SEPA Scoping & Agency Notification
      - Draft EIS Preparation
      - DEIS Issued/Public Comment
      - DEIS Comment response & FEIS Preparation
      - FEIS Issued

Permits

Findings & Conclusions

Final Order and SCA if recommending Approval

Recommendation to Governor

*Application may qualify for expedited process
Adjudicative Proceedings (WAC 463-30)
# SEPA Threshold Determination (WAC 463-47)

## Determination of Significance
- Scoping – Public Comment
- Issue DEIS – Public Comment
- Issue Final EIS

## Determination of Non-Significance (DNS) or Mitigated DNS (MDNS)
- EIS Not Required
- Determination noticed to public
- Determination issued
Siting Process – Expedited (WAC 463-43)

1. Applicant Requests Expedited Process
   - Must be made in writing

2. Council – Decides Eligibility
   - DNS or MDNS Required
   - Consistent with Land Use

3. Council – Reviews ASC
   - No EIS or Adjudication

4. Council Recommendation to Governor
Permit Issuance (WAC 463-76, Water; WAC 463-78, Air)

• EFSEC issues and monitors compliance with
  • Water Quality Permits
  • Air Quality Permits
  • Any other applicable permits that would typically be issued by a state agency
Recommendation to the Governor (RCW 80.50.100)

• The Council makes a recommendation to approve or reject an application

• Within 60 days of receipt of the Council’s recommendation, the Governor must:
  1. Approve the application and execute the draft certification agreement;
  2. Reject the application; or
  3. Remand the recommendation to the council for reconsideration.

• Any application rejected by the Governor is FINAL as to that application
Compliance Monitoring and Enforcement
(RCW 80.50.150; WAC 463-70)

- State and Local agencies contracted to assist EFSEC Staff in monitoring compliance with:
  - Site Certification Agreement Requirements
  - Permits
  - EIS or MDNS stipulated mitigation

- EFSEC has enforcement authority, including the issuance of penalties, for all facilities issued site certification agreements and associated permits.
Public Input

• Verbal comment sign up
  Email efsec@utc.wa.gov
  Call (360) 664-1345

• Mail
  Energy Facility Site Evaluation Council
  621 Woodland Square Loop P.O. Box 43172
  Olympia, WA 98504-3172

• Email
  efsec@utc.wa.gov

• Online
  https://comments.efsec.wa.gov