These Slides Are Intended for Illustrative Purposes Only and Do Not Represent the Official Position of EFSEC on Any Individual Project
Background

- EFSEC formed in 1970 to provide centralized siting and permitting for energy facilities (generally thermal power plants).

- Today large-scale thermal power plants, nuclear facilities, natural gas and oil pipelines, oil refineries, and underground natural gas storage fields are only facilities requiring certification.

- Council consists of members from state agencies and local government.

- EFSEC develops recommendation to the Governor and Governor’s office makes final decision.

- The final decision preempts other state and local government decisions.
Council Membership (RCW 80.50.030)

- **Chair** – Governor Appointee
  - Kathleen Drew

- **Dept. of Ecology**
  - Eli Levitt

- **Dept. of Fish & Wildlife**
  - Mike Livingston

- **Dept. of Commerce**
  - Kate Kelly

- **Dept. of Natural Resources**
  - Lenny Young

- **Utilities & Transportation Commission**
  - Stacey Brewster

- **Optional application review members:**
  - Dept. of Agriculture
  - Dept. of Transportation
    - Paul Gonseth
  - Dept. of Health
  - Military Dept.

- **Local Government application review (City and County)**
  - Dave Sharp

- **Port District application review** – nonvoting
  - for application review
Facilities (RCW 80.50.020)

- Energy Facilities that can be Certified via EFSEC:
  - Any nuclear power facility where the primary purpose is to produce and sell electricity.
  - Non hydro, non-nuclear thermal power plants 350MW or greater.
  - Clean energy product manufacturing facilities related to clean energy production and transport. (RCW 80.50.020(23))
  - Alternative energy resources (Renewable Green or electrolytic Hydrogen production facilities (RCW 80.50.020 (1)(g)), wind, solar, geothermal, wave/tidal, landfill gas, biomass, etc.) “any size may opt-in”.
  - Transmission Lines greater than 115kV may “opt-in”.
  - Pipelines
  - Refineries and Storage Facilities
Facilities

- **Spokane**
  - Badger Mountain Solar
  - Kittitas Valley Wind
  - Desert Claim Wind
  - Wild Horse Wind
  - Wautoma
  - WNP -1/4

- **Seattle**
  - Columbia Solar
  - Goose Prairie
  - High Top & Ostrea
  - Columbia Generating Station

- **Olympia**
  - Grays Harbor Energy Center
  - Chehalis CT
  - Whistling Ridge Wind

- **Other**
  - Horse Heaven

Legend:
- Operating
- Under Construction
- Approved - Construction Not Started
- Application Under Review
- Decommissioning
Site Certification Process

Application Submitted

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

- 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
  - 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)

<table>
<thead>
<tr>
<th>Determination of Significance</th>
<th>Determination of Non-Significance (DNS) or Mitigated DNS (MDNS)</th>
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<tbody>
<tr>
<td>• Scoping – Public Comment</td>
<td>• EIS Not Required</td>
</tr>
<tr>
<td>• Issue DEIS – Public Comment</td>
<td>• Determination noticed to public</td>
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<tr>
<td>• Issue Final EIS</td>
<td>• Determination issued</td>
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Siting Process – Expedited (WAC 463-43)

**Applicant Requests Expedited Process**
- Must be made in writing

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

**Council – Reviews ASC**
- No EIS or Adjudication

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

- EFSEC becomes agency for permits otherwise issued by a variety of agencies within the state (e.g., water quality, air quality, etc.)

- 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.
House Bill (HB) 1812 Overview

- Highlights of recently passed legislation:
  - New project types can come before EFSEC
  - Increased tribal consultation and equity
  - Streamlined review processes (without reducing standards)
  - Greater transparency
  - Creation of an independent agency
Public Input

• Verbal comment sign up
  Email efsec@efsec.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@efsec.wa.gov