

Verbatim Transcript of Monthly Council Meeting  
Washington State Energy Facility Site Evaluation  
Council

April 16, 2019



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WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL  
Olympia, Washington  
Tuesday, April 16, 2019  
1:30 p.m.

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MONTHLY COUNCIL MEETING  
Verbatim Transcript of Proceedings

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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A P P E A R A N C E S

Councilmembers:

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

Local Government and Optional State Agency for the Columbia Solar Project:

- JOE LAXSON (phone)

Assistant Attorney General:

- JON THOMPSON

Council Staff:

- SONIA BUMPUS
- TAMMY MASTRO
- AMI KIDDER
- AMY MOON
- PATTY BETTS
- CHRISTINA POTIS
- JOAN AITKEN
- STEW HENDERSON
- KYLE OVERTON

In Attendance:

- KARA WARNER, Golder Associates (phone)
- BILL SHERMAN, The Environment (phone)
- LIEM NGUYEN, Ecology
- ERIC MELBARDIS, EDP Renewables (phone)
- JENNIFER DIAZ, Wild Horse (phone)
- CHRIS SHERIN, Grays Harbor Energy
- MARK MILLER, Chehalis Generation Facility
- MARY RAMOS, Energy Northwest (phone)

1 OLYMPIA, WASHINGTON; APRIL 16, 2019

2 1:30 P.M.

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

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6 CHAIR DREW: Good afternoon. This is  
7 Kathleen Drew, Chair of the Energy Facility Site  
8 Evaluation Council, and I'm calling the meeting to  
9 order.

10 Ms. Mastro, will you please take the roll  
11 call?

12 MS. MASTRO: Department of Commerce?

13 CHAIR DREW: Is excused.

14 MR. STEPHENSON: Cullen Stephenson, here, on  
15 the phone.

16 MS. MASTRO: Department of Ecology?

17 CHAIR DREW: That was Cullen,

18 Mr. Stephenson. Thank you.

19 MS. MASTRO: Department of Fish & Wildlife?

20 MR. LIVINGSTON: Mike Livingston, here.

21 MS. MASTRO: Department of Natural

22 Resources?

23 MR. SIEMANN: Dan Siemann is on the phone.

24 MS. MASTRO: Utilities and Transportation

25 Commission?

1 MS. BREWSTER: Stacey Brewster, here.

2 MS. MASTRO: Chair, there is a quorum.

3 CHAIR DREW: Thank you.

4 Is there anyone else on the phone who wishes  
5 to introduce themselves at this point?

6 MR. LAXSON: Yeah, good afternoon. This is  
7 Joe Laxson from the Department of Health.

8 CHAIR DREW: Thank you.

9 MS. WARNER: Hi, this is Kara Warner with  
10 Golder Associates.

11 MS. DIAZ: This is Jennifer Diaz with Puget  
12 Sound Energy.

13 MR. SHERMAN: This is Bill Sherman as  
14 counsel for The Environment from the Attorney General's  
15 Office.

16 CHAIR DREW: Okay. Thank you very much.

17 With that, we have a proposed agenda in  
18 front of us. Is there a motion to adopt the proposed  
19 agenda?

20 MR. LIVINGSTON: Chair Drew, I would like to  
21 propose a motion to approve the agenda as presented.

22 MS. BREWSTER: I second that motion.

23 CHAIR DREW: Thank you.

24 All in favor, say "aye."

25 COUNCILMEMBERS: Aye.

1 CHAIR DREW: Opposed? The agenda is  
2 adopted.

3 We then move to the minutes. The meeting  
4 minutes have been sent to you previously and are in your  
5 packets. Is there a motion to adopt the minutes?

6 MR. LIVINGSTON: Chair, I would like to make  
7 a motion to approve the minutes as presented.

8 CHAIR DREW: Thank you.

9 MS. BREWSTER: I'll second that motion.

10 CHAIR DREW: Thank you. Are there --

11 MR. SIEMANN: I will second.

12 CHAIR DREW: Are there any comments or --  
13 about the minutes? Any corrections?

14 Hearing none, all those in favor of  
15 approving the minutes from March 19th, 2019, say "aye."

16 COUNCILMEMBERS: Aye.

17 CHAIR DREW: Opposed? The minutes are  
18 adopted.

19 Moving on now to our projects. The first in  
20 front of us is the Kittitas Valley Wind Project  
21 operational update, Mr. Melbardis.

22 MR. MELBARDIS: Good afternoon, Chair Drew,  
23 EFSEC Council. For the period of March, there was  
24 nothing nonroutine to report at Kittitas Valley. Oh,  
25 sorry. For the record, this is Eric Melbardis with EDP

1 Renewables. We did have a fire and life safety  
2 inspection in March and that came back with a perfect  
3 score.

4 CHAIR DREW: Congratulations.

5 Any questions?

6 Moving on to Wild Horse Wind Power Project,

7 Ms. Diaz?

8 MS. DIAZ: Yes. Thank you, Chair Drew and  
9 Councilmembers. For the record, Jennifer Diaz with  
10 Puget Sound Energy at the Wild Horse Wind and Solar  
11 Facility, and we have nothing nonroutine to report for  
12 the month of March.

13 CHAIR DREW: Thank you.

14 Chehalis Generation Facility, Mr. Miller?

15 MR. MILLER: Good afternoon, Chair Drew and  
16 Councilmembers and Staff. I'm Mark Miller for -- from  
17 the PacifiCorp Chehalis Generation Facility. I would  
18 like to highlight two nonroutine comments for the month  
19 of March. Plant conducted the annual relative accuracy  
20 test audit for our continuous emission monitors just to  
21 verify that they're continuing to operate within their  
22 required parameters.

23 The draft report that we received earlier  
24 last week indicate that all monitors were performing  
25 as -- as -- within the required performance parameters

1 as noted in the report. And also, the EFSEC contractor  
2 Southwest -- from the Southwest Clean Air Agency and  
3 title -- and EFSEC Staff conducted a Title V site  
4 inspection for the year, annual year 2019. The  
5 inspection was conducted on March 26th. At the time of  
6 the inspection, the Clean Air staff did not note any  
7 anomalies and everything was as expected. Are there any  
8 questions?

9 CHAIR DREW: Any questions?

10 Thank you for your report.

11 Columbia Solar Project, Ms. Kidder?

12 MS. KIDDER: Thank you, Chair Drew. For the  
13 record, my name is Ami Kidder. I have a brief update  
14 for you on the Columbia Solar Project. EFSEC Staff are  
15 working to obtain an environmon- - environmental monitor  
16 that would participate in the construction phase of the  
17 project for all five sites. We will keep the Council  
18 updated as we progress. Are there any questions?

19 CHAIR DREW: Thank you.

20 Ms. Bumpus?

21 MS. BUMPUS: Chair Drew, I just wanted to  
22 note, I'll be providing an update on the litigation for  
23 Columbia Solar at the end of the Council meeting.

24 CHAIR DREW: Okay. Thank you.

25 I know at the table we also have a new Staff



1 member, so I wanted to introduce him at this time. Kyle  
2 Overton, who started this morning. Kyle comes to us  
3 from Thurston County as an environmental staff person  
4 there, Environmental Health, and has an extensive  
5 background both here and from Arizona, and we are very  
6 pleased to have him on our Staff. So welcome.

7 MR. OVERTON: Thank you.

8 CHAIR DREW: Then moving on to Desert Claim,  
9 Ms. Moon?

10 MS. MOON: Good afternoon, Council Chair  
11 Drew and Councilmembers. For the record, this is Amy  
12 Moon, and I am providing an update for the Desert Claim  
13 Project. EFSEC Staff continue to coordinate with Desert  
14 Claim and our contractors working toward construction in  
15 2021, and I have no other updates at this time.

16 CHAIR DREW: Okay. Thank you.

17 WNP-1/4. Ms. Ramos?

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

22 CHAIR DREW: Okay. Thank you. And then for  
23 Columbia Generating Station.

24 MS. RAMOS: Again, Mary Ramos for Energy  
25 Northwest, Columbia Generating Station. I have three

1 topics to report today for Columbia.

2 CHAIR DREW: Ms. Ramos --

3 MS. RAMOS: First --

4 CHAIR DREW: -- we're having a little  
5 difficulty hearing you, so if you can speak up or  
6 closer, that would be great.

7 MS. RAMOS: Oh, okay. Apologize for that.

8 So I have three topics to report today for Columbia  
9 Generating Station. Is that better?

10 CHAIR DREW: Yes, thank you.

11 MS. RAMOS: Okay. Great. First is  
12 regarding the transformer oil spill at Columbia. Energy  
13 Northwest is working on a response to EFSEC's request  
14 for information regarding the transformer oil spill at  
15 Columbia. The letter which was sent to Energy Northwest  
16 by EFSEC on March 14th is -- requests information  
17 regarding the release and cleanup of the soil.

18 The second topic I'd like to report on is  
19 regarding our fire inspection. On March 27th, Energy  
20 Northwest responded to EFSEC's request for additional  
21 information regarding the fire inspection of nonpower  
22 block facilities at Columbia. And the third-party  
23 reports to support the building code of record  
24 modification for several buildings at Columbia have been  
25 submitted to EFSEC.

1           The third topic I'd like to report on is  
2 regarding our upcoming refuelling outage. Columbia  
3 Generating Station will begin its 24th refuelling outage  
4 on May 11. The outage is scheduled to last for 40 days,  
5 and it's an opportunity for us to add fresh nuclear fuel  
6 to the Columbia's reactor core as well as perform  
7 maintenance projects.

8           The total budget for this outage is  
9 approximately \$127 million. More than 1200 fuel  
10 temporary outage workers are hired locally and across  
11 the country to support the outage. This will be in  
12 addition to the normal workforce at Columbia of about a  
13 thousand.

14           The outage is a high priority for our  
15 station, and it's the key to the plant success and  
16 ability to provide low cost power. It takes two years  
17 to plan an outage, and with just 25 days from the start,  
18 the entire station is heavily involved in the outage  
19 preparations. Every Energy Northwest employee is  
20 assigned an outage job, and during this time, we'd ask  
21 for and appreciate EFSEC's patience as our ability to  
22 respond to questions and requests is limited.

23           CHAIR DREW: Thank you. Thank you for that  
24 information. That I think helps all of us understand  
25 your operations a little bit better.

1 Are there any questions for Ms. Ramos?

2 MS. BREWSTER: I have one.

3 CHAIR DREW: Ms. Brewster?

4 MS. BREWSTER: Ms. Ramos, regarding the  
5 response to the oil spill, do you have an estimated time  
6 when that response will be prepared?

7 MS. RAMOS: I don't have a target date for  
8 you. I know that the transformer is being repaired  
9 during the outage, and so I suspect that our submittal  
10 will be right after the outage, but I -- I'm not 100  
11 percent sure.

12 MS. BREWSTER: Thank you.

13 CHAIR DREW: Okay. Any other questions?

14 Okay. Thank you very much.

15 MS. RAMOS: Thank you.

16 CHAIR DREW: Moving on to Grays Harbor

17 Energy Center operational updates, Mr. Sherin?

18 MR. SHERIN: Good afternoon, Chair Drew and  
19 Councilmembers. I'm Chris Sherin, the plant manager at  
20 Grays Harbor Energy Center. The only two nonroutine  
21 items I'll point out from our March operational updates  
22 is, we also completed the required relative accuracy  
23 test audit, or RATA, for unit one, and we also did it  
24 on -- conducted a RATA on unit two. The dates for that  
25 were March 13th and 14th.

1           The other nonroutine item is outside of our  
2 annual review, we did update our Startup, Shutdown,  
3 Malfunction, Procedure, and that was submitted to EFSEC  
4 in March.

5           CHAIR DREW: Thank you.

6           MR. SHERIN: And if there aren't any  
7 questions, Ms. Kidder asked me to provide some  
8 historical context to Grays Harbor Energy Center's  
9 permit history. So I'll just read that.

10           Grays Harbor Energy Center is a 620-megawatt  
11 two-by-one combined cycle natural gas-powered generating  
12 facility owned by Grays Harbor Energy LLC, a subsidiary  
13 of Invenergy Services LLC. The facility is located near  
14 Elma, Washington, approximately 40 miles from Olympia,  
15 Washington, on a 22-acre site, which is formerly a  
16 portion of the 1600-acre Washington Nuclear Project No.  
17 3 and 5 or WNPs 3 and 5. The former nuclear site  
18 surrounds Grays Harbor Energy Center and is operated by  
19 the Port of Grays Harbor's Satsop Business Park.

20           Duke Energy North America commenced  
21 construction of the facility in September of 2001. Then  
22 one year later, Duke Energy North America halted  
23 construction at approximately midpoint and placed the  
24 project in suspension. Invenergy acquired the project  
25 in March of 2005 and resumed construction in February

1 of 2007. Grays Harbor Energy Center's first fire on  
2 unit one was January 2008 and on unit two Feb- -- excuse  
3 me. Grays Harbor Energy's first fire on unit one was  
4 January 2008 and on unit two February 2008 and COD was  
5 July 1st, 2008.

6 Grays Harbor -- Grays Harbor Energy Center  
7 began operation in July of 2008 under authorization of  
8 Site Certification Amendment No. 3, including a  
9 reissued 2008 NP -- or NPDES Permit, or National  
10 Pollution Discharge Elimination System Permit, and PSD  
11 Amendment 3, or Prevention of Significant Deterioration  
12 Amendment 3. The original Site Certificate Agreement  
13 and National Pollution Discharge Elimination System  
14 Permits were issued for the construction of Nuclear  
15 Projects that -- WNP-3 and 5.

16 During the first year of Grays Harbor Energy  
17 Center's operation, compliance issues emerged that  
18 resulted in effluent exceedances and air emission issues  
19 that were identified from the development of the Air  
20 Operating Permit. These issues were addressed by  
21 requesting a fourth amendment to the PSD, or Prevention  
22 of Significant Deterioration Amendment 4, in August of  
23 2009, and the National Pollution Discharge Elimination  
24 System modification issued in November of 2010, which  
25 we're operating under. Grays Harbor Energy Center

1 operated under PSD Amendment 3, or Prevention of  
2 Significant Deterioration Amendment 3, until Prevention  
3 of Significant Deterioration 4, or Amendment 4, was  
4 approved in July 28th of 2018 and became effective  
5 September 1st, 2018.

6 CHAIR DREW: Thank you for that background.  
7 I really appreciate it. We -- we are working with you  
8 on renewing a number of -- a couple of permits, and so  
9 that helps to have the Council understand the -- the  
10 background as we -- we move forward in this process.

11 So are there any questions or we can proceed  
12 to our Staff to --

13 MR. LIVINGSTON: I just have one out of  
14 curiosity. The water supply, I -- I looked at a little  
15 bit of some of the background. Mentioned wells,  
16 mentioned also the river. Is the water coming directly  
17 from the river or is it from the ground?

18 MR. SHERIN: No, it's pumped from the ground  
19 through the rain wells.

20 MR. LIVINGSTON: Okay. All right. Thank  
21 you. That's all.

22 CHAIR DREW: Any other questions?

23 Ms. Kidder?

24 MS. KIDDER: Thank you, Chair Drew,  
25 Councilmembers, and thank you, Mr. Sherin, for that

1 overview. I hope that that provided some context as we  
2 have a lot of activity at this facility in the coming  
3 months. As Mr. Sherin mentioned, the Grays Harbor  
4 Energy Center has been operating under an administrative  
5 extension of their National Pollutant Discharge  
6 Elimination System, or NPDES Permit, which was approved  
7 by EFSEC at the end of their previous permit.

8           Grays Harbor submitted an engineering  
9 report, which was followed by several rounds of review  
10 and coordination between EFSEC Staff and the facility.  
11 EFSEC approved the engineering report on  
12 March 15th, 2018, and since have been working with our  
13 contractors at Ecology to develop the NPDES Renewal  
14 Permit here before you.

15           Are there any questions?

16           CHAIR DREW: And we also have a Staff from  
17 Ecology who has worked -- if you'd like to introduce?

18           MS. KIDDER: Yes, we have our permit  
19 contractor here, Liem Nguyen, from Ecology who is  
20 contracted with us to develop this permit and fact  
21 sheet.

22           CHAIR DREW: Thank you. Welcome.

23           MR. NGUYEN: Good afternoon.

24           MS. KIDDER: And if there are no questions  
25 so far, Staff will proceed with our request of the



1 Council to take action on a tentative determination to  
2 approve the Draft NPDES Renewal Permit, which would  
3 allow Staff to notice the Draft Renewal Permit and fact  
4 sheet for a minimum 30-day comment period.

5 CHAIR DREW: And the Councilmembers have  
6 received that all in their packet, which they received  
7 last week.

8 MS. KIDDER: Correct.

9 CHAIR DREW: Okay. Go ahead.

10 MS. KIDDER: Staff recommends that the  
11 comment period begins on Monday, April 22nd and  
12 continues for 30 days, closing -- ending at close of  
13 business on Tuesday, May 21st. We do not recommend a  
14 public hearing at this time. If there are any questions  
15 on the technical aspect of the permit, our contractor  
16 from Ecology is here and able to address any of those  
17 concerns. I would ask that the Council please note that  
18 the draft fact sheet available for the Council on the  
19 SharePoint site has a typographical error that will be  
20 addressed prior to opening the draft up for public  
21 comment.

22 CHAIR DREW: And we did not include those in  
23 your packets. They're 50-some pages. So if you do want  
24 a hard copy, we're happy to provide that to you, but in  
25 order not to have substantial copies here with us, we

1 didn't do so. And I think we have some right here on  
2 hand if anyone would like to take a look at it.

3 MS. KIDDER: We do.

4 MS. BUMPUS: That's correct, Chair Drew, we  
5 have -- we made a few copies in case Councilmembers  
6 wanted to look at a hard copy while we're here.

7 CHAIR DREW: Are there any questions about  
8 the Draft NPDES Permit Renewal draft? Again, this is to  
9 take it out -- the -- the action we're asking for today  
10 is to take it out for public review.

11 MS. KIDDER: Correct.

12 CHAIR DREW: And if there are no public  
13 comments, part of the decision, then, would be that  
14 final action could be taken on this draft if we receive  
15 no comments. So I want the Council to be fully aware of  
16 that.

17 Is that correct?

18 MS. BUMPUS: That's correct. And if we do  
19 receive comments, we would come back to the Council at  
20 the end of the comment period and go over those comments  
21 with you and explain if there were any substantive  
22 changes to the permit necessary, and then you would have  
23 an opportunity to review those substantive changes  
24 before we would request approval of that version of the  
25 permit.

1 CHAIR DREW: Okay. Are there questions  
2 about the permit that anyone has? No? No?

3 Hearing none, is there someone who would  
4 like to make a motion to approve the NPDES Permit  
5 Renewal Draft for Grays Harbor Energy Center?

6 MR. LIVINGSTON: Sure, Chair, this is  
7 chairman -- or Councilmember Livingston, and I would  
8 make a motion to begin that comment period for the draft  
9 permit modification as the period specified by the Staff  
10 of EFSEC and to bring it back to us after that comment  
11 period for discussion and review.

12 CHAIR DREW: Okay. I think the -- the  
13 process is if there aren't any -- well, we can still do  
14 that.

15 MS. BUMPUS: We can do that. The rule says  
16 that this is a tentative determination to approve the  
17 permit. And so in the past where no comments are -- are  
18 provided, and the permit essentially states the same,  
19 the Chair could approve the permit without a vote by the  
20 Council. But if we do get comments and we do need to  
21 change -- make changes to the permit, then that's where  
22 we would send it back to you for another review, and we  
23 would discuss those changes with you, and then there  
24 would be -- I mean, in some cases, you potentially would  
25 go to comment again depending on how substantial the

1 changes are to the permit. So does that -- does that  
2 help here in the action that the Council's taking?

3 Essentially this is approval of the draft permit and --

4 CHAIR DREW: Subject to public...

5 MS. BUMPUS: That's right, public comment.

6 MR. LIVINGSTON: Yes, that helps.

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

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

13 CHAIR DREW: Is there a second?

14 MS. BREWSTER: Second --

15 MR. SIEMANN: I'll second that motion.

16 CHAIR DREW: Thank you.

17 Any discussion?

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

21 COUNCILMEMBERS: Aye.

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

1 Ms. Kidder has additional information for  
2 us.

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

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

19 MS. BUMPUS: Correct.

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

25 MS. KIDDER: Thank you.

1 CHAIR DREW: Thank you.

2 MS. KIDDER: Following the update of WAC  
3 463-78, in the summer, Staff tentatively plans to  
4 present the Council for review the Draft Title V Permit,  
5 which is an air operating permit for air quality for the  
6 Grays Harbor Energy Center at which point we would  
7 anticipate asking the Council to take action on the  
8 draft for public comment as well. Are there any  
9 questions on that?

10 CHAIR DREW: And this is that -- the -- this  
11 air permit is one which we were recently delegated  
12 authority by the EPA?

13 MS. BUMPUS: We were recently delegated  
14 authority for the PSD.

15 CHAIR DREW: Oh, I'm sorry.

16 MS. BUMPUS: And that was the Amendment 4  
17 that Mr. Sherin mentioned in his update.

18 CHAIR DREW: These permits are -- maybe we  
19 could even get a visual that shows the different air  
20 permit -- or the different permits that we are updating  
21 and the rule update associated with Grays Harbor Energy  
22 Center. That might be helpful.

23 MS. KIDDER: That's something that we can  
24 put together for the Council.

25 CHAIR DREW: Okay. Thank you. And I know

1 we do plan at some point hopefully during the course of  
2 the next few months to have a tour as well. And so  
3 having work going on, being able to see the facility in  
4 person for ourselves I think would be helpful as well  
5 so...

6 MS. KIDDER: That visit is tentatively  
7 scheduled for June 18th, the morning of our June Council  
8 meeting.

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

11 MS. KIDDER: Thank you.

12 CHAIR DREW: Lot of work going on. Thank  
13 you. We appreciate it.

14 Mr. Nguyen, thank you for being here and for  
15 your work.

16 Now we are in the category of "Other." So  
17 I'll start with my report, which is a legislative update  
18 but also an update on a request from the governor from  
19 when I was appointed to this position.

20 So I'd like to give you an update on a  
21 report we have just submitted to the governor and the  
22 status to our request legislation. When Governor Inslee  
23 appointed me as EFSEC Chair in January of 2018, he  
24 called on me to review the role processes and Council  
25 membership of EFSEC as provided by RCW 80.50.320.

1           Specifically the governor asked me to  
2 reassess the scope and role of the Council and recommend  
3 changes to reflect the ongoing changes to the industry  
4 and the state's needs for reliable, affordable, and  
5 clean energy to serve current and future generations; to  
6 evaluate the process and procedures of the Council; to  
7 consolidate and streamline their work in ways that  
8 increase consistency, reduce decision times, and improve  
9 the transparency and access to the process; and review  
10 the current membership of the Council and recommend  
11 changes that would broaden representation from local and  
12 tribal governments, industry experts, and the general  
13 public.

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

21           Building on this work and with input and  
22 support from a broad group of stakeholders, I drafted  
23 legislation which was introduced earlier this year. In  
24 addition to adding standing membership on the EFSEC  
25 Council for counties and tribes, the bill contains



1 important provisions to streamline our project  
2 application and review process. This legislation, House  
3 Bill 1332, is still moving through the 2019 legislative  
4 process. And I will give you an update on that in a  
5 little bit.

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

15 We've already begun implementation and  
16 intend to use this strategic and policy review as a  
17 roadmap for our continuous improvement to be carried out  
18 over the coming years.

19 I'd like to ask Stewart Henderson, EFSEC  
20 senior policy advisor, to brief you on the report and  
21 where we are in implementation. And I'll follow with an  
22 update on the status of House Bill 1332.

23 Mr. Henderson.

24 MR. HENDERSON: Thank you. Yeah, for the  
25 record, this is Stewart Henderson, senior policy advisor

1 for EFSEC. And it's exciting. It's my first official  
2 chance to -- to speak with the -- with the Council.  
3 Yeah, I was the sort of point person to -- and I'm going  
4 to be sort of leafing through the -- leafing through the  
5 report here for those of you who have it.

6 But I was basically the point person to  
7 bring together several streams of work that have been  
8 going on over the last -- over a year now of input from  
9 stakeholders, which are listed on page 15 of the report.  
10 But extensive conversations that Chair Drew and others  
11 have had with the -- with the wide range of  
12 stakeholders, process-mapping that our own team did of  
13 our own -- of our own processes.

14 In further discussions with stakeholders and  
15 others, recommendations that -- that -- that were  
16 provided which led to the -- the draft of the -- of  
17 the -- the bill that Chair Drew was referring to and  
18 ongoing input that we received on that. And then  
19 continuing efforts that we've done to -- to reach out to  
20 stakeholders and -- in several ways.

21 The -- the report, again, gives a couple  
22 pages of background on EFSEC's mission and role, which  
23 might be a good kind of overview for -- for folks new to  
24 us. On pages 4 and 5, it talks about the -- some --  
25 some view of the external conditions that we believe are

1 -- are kind of looking out to the future, they're kind  
2 of things that are impacting EFSEC moving forward, which  
3 changes in industry and energy demand, which really  
4 focus a lot on the demands for -- for renewable energy,  
5 which even before this session was -- was clear was --  
6 was a way that things were going.

7           And in terms of mapping out the -- the --  
8 the -- the EFSEC of -- the thing about the EFSEC of the  
9 future on page 6, we're really looking at how do we  
10 particularly review new wind and solar facilities in the  
11 most expeditious way possible and also be ready for even  
12 newer technologies that can be expected to be coming --  
13 coming online in the -- in the future years.

14           And through the course, that really  
15 identified five strategic opportunities for -- for EFSEC  
16 moving forward, which are -- which are -- which are  
17 listed here. Basically restructuring the Council for  
18 greater accountability, streamlining the application  
19 process for everyone, enhancing transparency and public  
20 involvement, streamlining regulation and compliance, and  
21 refining the scope and role of the Council.

22           I'm just going to say a little bit about --  
23 about each of those and then there's -- they're detailed  
24 more, one page for each of those. But in terms of  
25 restructuring the -- the Council for greater

1 accountability, the real goal there is to meet the  
2 challenges ahead, EFSEC should be a more cohesive body,  
3 better able to retain and build on institutional  
4 knowledge. We see in the past, there's a -- there's a  
5 sort of a core membership of EFSEC, but then different  
6 members that come -- that came for -- for different  
7 cases, so sometimes there'd actually be three councils  
8 convening in -- in -- at one meeting.

9           So there's a sense that that wasn't really  
10 the best structure in order to retain knowledge and --  
11 and move forward. So several elements were put into  
12 the -- into the bill that -- that was put forward this  
13 year including bringing the tribes, Washington tribes,  
14 into permit membership on the Council, shifting the  
15 current active -- temporary memberships of the cities  
16 and counties over to permanent standing -- standing  
17 membership, in addition to getting input from -- from --  
18 from local jurisdictions whenever a specific -- specific  
19 case is up for -- for review.

20           Letting go of the optional state agencies,  
21 keeping them closely involved as partners but not  
22 having -- having seats that the -- with -- with the  
23 Council, letting go of The Port, nonvoting Port  
24 representation, which was not very well utilized. And  
25 those -- as I said, those things are all in the bill,

1 and so -- and -- and we're -- we're moving forward. The  
2 only one that really -- there was some controversy  
3 around cities and some desire to keep -- keep -- keep  
4 individual representation there, but the other efforts  
5 there were -- were widely supported.

6 In terms of opportunity number two,  
7 streamlining the application process. Again, the  
8 overall goal, which we're laying out, is that EFSEC  
9 should streamline review for all applicants, not just  
10 renewable, but for all -- for everybody. But in  
11 particular, EFSEC should map its level of review to  
12 match the environmental impact and risks associated with  
13 different energy technologies and should be granted the  
14 flexibility it needs in order to do so.

15 So that led to a -- thinking through in  
16 terms of the bill coming up with a new pathway  
17 particularly for currently solar -- solar power, solar  
18 farms, have -- have an ability to become expedited, but  
19 wind farms still have the EIS process. And so we're --  
20 we're unable to go through the -- through the expedited  
21 process, but it seemed to be -- there seemed to be a  
22 call to streamline the review of wind facilities.

23 So among the things that I said that were in  
24 the bill was a combined two hearings into one for -- for  
25 all -- for -- for -- for all applicants, having the

1 chance for the Council to waive adjudication, which  
2 has -- which has been a time consuming thing, as long as  
3 the EIS, the environmental impact statement, provides  
4 sufficient information to -- to make a decision. So  
5 envisioning straightforward environmental impact  
6 statements such as what we see in a -- in a -- in a wind  
7 farm or other new technologies that might ambulate  
8 that -- that kind of -- those kind of conditions.

9           And trying to expand the preapplication  
10 process. We really saw that it's really clear that the  
11 earlier we're involved with folks and the more  
12 comprehensive that early involvement is, the better it  
13 is in terms of getting a -- getting a result that's a  
14 win-win for -- for local folks, for the environment,  
15 for -- for energy -- energy developers.

16           Those were the elements here that were  
17 related to the bill. There are other -- several other  
18 elements involving getting increased input from --  
19 from -- from stakeholders and -- and potential --  
20 potential applicants, part of which is -- is underway  
21 and we're certainly looking for additional and ongoing  
22 input.

23           So this here lies [sic] a call for -- for  
24 that -- for that input. This is very much a working  
25 document. So if -- if you have ideas that -- either

1 that you see here that you want to underline or more  
2 detailed ideas that anyone who's listening would like to  
3 contribute, please don't -- don't hesitate to contact  
4 us. As I said, this is a living document and an  
5 ongoing -- ongoing effort to -- to do the best we can.

6 The third opportunity there was to enhance  
7 transparency and public involvement. Again, there were  
8 a couple elements that were reflected from this in --  
9 in -- in the -- in the bill. One, and having to do with  
10 environmental justice, which actually, there was --  
11 there was some questions about whether that would make  
12 it through to -- to the final. But also strengthening  
13 the preapplication process, particularly adapting a -- a  
14 provision that we -- that -- about site review or early  
15 site review in the bill to -- to -- excuse me, in -- in  
16 our -- in our current statute to make that -- to adapt  
17 that into a -- into a -- into a specific preapplication  
18 process.

19 There's also some work proposed to -- to  
20 continually continue the efforts that we've -- under  
21 Chair Drew to -- to make hearings more accessible to  
22 local folks and make sure that -- that the voices of  
23 people at hearings are -- are -- are -- are well heard  
24 and -- and people feel like -- can -- can see that their  
25 input when they -- when they read how we've -- how we've

1 handled hearings.

2 Listed here was also work on the website,  
3 which is -- is coming to fruition, which we're very,  
4 very excited about. And -- and as well as some -- some  
5 specific improvements that tie into previously -- the  
6 previously described efforts to -- to improve and  
7 streamline and simplify the application process.

8 Option four, having to do with streamlining  
9 regulation and compliance. Again, people -- people on  
10 the outside who do know -- many people do not know of  
11 EFSEC and its work, but -- but of those who do, it's --  
12 it's -- it's mostly focused on -- on new -- new siting  
13 and that's sort of the -- the -- that's kind of the  
14 flashy, dramatic -- the dramatic stuff that the -- that  
15 the -- that EFSEC works.

16 But the really real meat and potatoes of the  
17 day-to-day work for EFSEC is a lot of the regulation and  
18 compliance work that we're -- that you heard that we  
19 were doing at the beginning of this meeting and that --  
20 and that Staff are engaged in on a day-to-day basis with  
21 our -- with our current certificate holder.

22 So this is really, as I said, the goal here  
23 is, EFSEC should seek to continuously improve its  
24 regulatory oversight of energy facilities. Always  
25 seeking option needs to strengthen environmental



1 protection while reducing the time costs and other  
2 regulatory burdens on -- on facility -- facility  
3 operators. We haven't heard facility operators asking  
4 for -- opposed to that. Anything we can do that, you  
5 know, maintains protections but cuts time and cost and  
6 burdens is something that -- that -- that is -- is  
7 widely agreed is a -- is a -- is a good idea.

8 We -- we have had ongoing meetings with --  
9 we had our first meeting several weeks ago with  
10 certificate holders, which actually went very well.  
11 They're going to be hearing back from us in the coming  
12 weeks as we build on -- on the input that we got -- that  
13 we got from them. And, again, particularly in this  
14 area, we are seeking further input. So anyone who --  
15 who's listening to this and wants to -- wants to become  
16 more engaged, just let us know.

17 And finally the -- the -- the last  
18 opportunity had to do with refining the scope and role  
19 of the Council. And this is really the most future  
20 forward-looking of any of these that -- only one part of  
21 this is reflected in the current bill, and that actually  
22 probably may not be seen in -- in the final. But really  
23 right now, EFSEC kind of -- kind of has a kind of what  
24 at one time, I'm sure made -- made great sense, but now  
25 is a somewhat scattered patchwork of -- of things

1 that -- that -- that energy facilities and transmission  
2 facilities that -- that we regulate.

3 And there's some thought that, as we said in  
4 the goal here, State decision-makers probably should  
5 consider whether the State would be better positioned to  
6 achieve its energy goals if EFSEC were granted expanded  
7 scope in response to current and expected future changes  
8 in the energy industry. EFSEC could be fully in power  
9 to use its authority and expertise to help accelerate  
10 the transmission to a clean energy economy.

11 So, again, this is -- this is  
12 future-oriented. It involves ongoing conversations that  
13 would take place in the future with -- with  
14 stakeholders. Obviously nothing would -- would --  
15 would -- would move forward in this area unless, similar  
16 to the bill this year, we had broad stakeholder support  
17 and had -- had things that the people felt very good  
18 about.

19 There's some rough ideas in -- in Appendix  
20 2, but this is the -- this is the -- we're not taking  
21 any stands on any particular areas at all at this point.  
22 It really is we really are trying to open the door to  
23 are there things that -- that could be done that would  
24 make that -- that everyone agrees would make sense to --  
25 to really take advantage of the fact that EFSEC is

1 a -- is a one-stop shop and -- and -- and a benefit  
2 to -- to developers and to build on that going forward.

3 I should say, and I probably couldn't --  
4 shouldn't say it on -- on the record, but the -- that --  
5 that moving forward on that will probably depend on  
6 the -- on the Chair's ability to handle her PTSD from  
7 the current -- current -- current legislative session  
8 that we've been making our way through.

9 Final thing on -- and that the next set sort  
10 of summarizes on -- on page 12, you know, where we're  
11 going here that the, you know, that the current  
12 legislative session is wrapping up, stakeholder out- --  
13 stakeholder outreach has been going on and will be going  
14 on through -- throughout the -- the future. We've been  
15 preparing for rulemaking. If the bill passes as we  
16 hope, there will be rulemaking required, so we've been  
17 preparing for that. That is something that is going to  
18 take up a good bit of time for many of us in the -- in  
19 the -- the rest of the year.

20 And, of course, redesigning and improving  
21 our -- our processes. Particularly looking forward to  
22 testing out preapplication process with -- with future  
23 applicants that -- that come in. Sort of ideally, we'd  
24 love to -- to beta test some ideas that -- that then  
25 could be put into -- put into rule, and -- and -- and

1 who knows about the -- the future as well.

2 So Chair, Chair Drew, that's -- that's kind  
3 of the summary there of -- of what -- what we did and  
4 what we're doing. And, again, this is -- this is really  
5 just what we've proposed, and it's a -- it's what -- the  
6 snapshot of -- of this moment, but we're -- we're hoping  
7 to -- to -- to see this grow and develop as -- as -- as  
8 people become more involved and as conditions --  
9 conditions change.

10 CHAIR DREW: Thank you, Mr. Henderson.

11 Before we move on to an update on the  
12 legislation, are there any questions? That was a lot of  
13 information. This is meant to be a briefing to provide  
14 you. I think many of you, I talked to early on when I  
15 started this process. So this is the collection of the  
16 work and the conversations and then the recommendations  
17 of that course.

18 And thank you, Stew, for all the help you  
19 did.

20 And he is the actual author, so the  
21 beautiful language in there really comes from  
22 Mr. Henderson.

23 So thank you for -- for your work on this as  
24 well.

25 Are there any questions?

1 MR. STEPHENSON: Chair Drew, this is Cullen.

2 CHAIR DREW: Hi, Mr. Stephenson. Go ahead.

3 MR. STEPHENSON: Thank you. I want to  
4 congratulate you on, you know, trying to make sure that  
5 the Council and the Staff are excellent. I think the  
6 Council is working better and better than ever, I think  
7 the Staff is wonderful. I appreciate the changes that  
8 you're trying to make and especially adding tribes and  
9 local governments to the discussion is very important.  
10 And then finally, just, you know, the continuing  
11 emphasis on incremental improvement. We can always do  
12 better, and I believe that's what you're trying to do,  
13 so I appreciate that. Thank you.

14 CHAIR DREW: Thank you.

15 MR. LIVINGSTON: I will second that.

16 CHAIR DREW: Thank you. And -- and we can  
17 have further conversations certainly if you'd like to  
18 talk about anything in the report either to Stew or to  
19 myself, please -- and to our manager, Ms. Bumpus, please  
20 feel free to do so. And anyone else too. It's going to  
21 be posted, if it's not already, on our website today or  
22 tomorrow.

23 MS. AITKEN: Correct.

24 CHAIR DREW: So for those of you on the  
25 phone, this was something we're providing now and it

1 will be available for people to get to in the very near  
2 future.

3 In terms of update on the legislation, it's  
4 called Engrossed Substitute House Bill, or ESHB 1332,  
5 and it's an agency request bill that's been amended  
6 throughout the legislative process. It passed the House  
7 88 to 8 and is on the Senate floor calendar. I expect  
8 that it will be voted on before the deadline of 5:00  
9 p.m. tomorrow. If it is, it will go to the House for  
10 concurrence with the Senate amendments and then to the  
11 governor for his signature, and it will become effective  
12 90 days after being signed by the governor, which would  
13 make that about the end of July or the 1st of August.

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

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

1 And discretionary membership from other state agencies,  
2 ports, and counties is eliminated to sit on the Council,  
3 but we added requirements for working with the state  
4 agencies and notifying them who had previously had the  
5 option to sit on the Council as well as requirements for  
6 working with local governments that are affected by any  
7 of our site application processes as well as with the  
8 tribes. So that language has been added.

9 The EFSEC Chair, rather than the UTC, will  
10 appoint and supervise Staff to the Council. And during  
11 the site application process, as you heard, the  
12 informational hearing and land use hearing is combined.  
13 Those of you who haven't participated in the past, I  
14 think I came shortly after Columbia Solar started, but  
15 there was a land use hearing and an informational  
16 hearing meeting, and everybody needed to sign in and  
17 speak and then that meeting was closed and the next one  
18 began. And in order to change that, we had to change  
19 that in the statute, so that seemed to make sense to  
20 everybody. We're happy that's there.

21 As you heard also, that after completion of  
22 an EIS and tribal consultation, the Council may waive  
23 the required adjudicative proceeding under certain  
24 circumstances. The conversations leading to that were  
25 about the fact that that was designed before SEPA, since

1 our statute is 50 years old, and I think one or two  
2 years older than SEPA, and therefore, that adjudicative  
3 process was put forward in order to get all the  
4 environmental and public issues on the table. And we  
5 have another mechanism of that to do that through SEPA.  
6 So this is really trying to see where that adjudicative  
7 process is necessary, but allowing the Council a little  
8 flexibility there and then expanding the preapplication  
9 process as you heard.

10 So those are the changes that are still in  
11 the bill. So we look forward to seeing the end of  
12 session and hopefully achieving success in the end. So  
13 I'd be happy to answer any questions.

14 Hearing none, we will move on to updates  
15 from our manager and the fourth quarter cost allocation,  
16 Ms. Bumpus.

17 MS. BUMPUS: Thank you. Good afternoon,  
18 Chair Drew and Councilmembers. For the record, this is  
19 Sonia Bumpus. As we do at the beginning of each  
20 quarter, we calculate our nondirect cost allocations.  
21 Mr. Posner was kind enough to do that before he retired.  
22 These allocations are the percentages that are charged  
23 to each of the different projects that EFSEC regulates.  
24 We review the Staff's technical work that has been done  
25 in the past quarters and look at work anticipated ahead.



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

12           CHAIR DREW: Are there any questions?

13           Thank you.

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

19           So just to give you some background, on  
20 November 14th of last year, Kittitas County had appealed  
21 the governor's decision approving the site certification  
22 agreements for the five Columbia Solar sites, along with  
23 EFSEC's recommendation of approval, and it did so by  
24 filing a petition for judicial review in Thurston County  
25 Superior Court.

1           In its legal brief to the court, the County  
2 argued that EFSEC had acted contrary to law by  
3 concluding that no water availability determination was  
4 required under the state building code and the county's  
5 ordinances for the proposed sites. The Attorney  
6 General's Office filed a response brief on behalf of the  
7 governor and EFSEC arguing that under the state building  
8 code, a water availability determination is only  
9 required for the construction of buildings that require  
10 drinking water supply.

11           The brief also stated that while the state  
12 industrial safety and health rules will require  
13 employees working on the sites to have access to  
14 drinking water, those rules allow water to be brought on  
15 site in containers for construction workers and for the  
16 maintenance workers that will occasionally be at the  
17 site. Therefore, it was unnecessary to have plumbed  
18 water supply at these five sites.

19           Following the receipt of the governor and  
20 EFSEC's legal brief on April 8th, 2019, Kittitas County  
21 agreed to voluntary dismissal of its appeal with  
22 prejudice, meaning that they do not have the right to  
23 refile. The request was granted by the assigned judge  
24 the following day, which concluded the appeal.

25           So we are now -- and -- and as Ami Kidder

1 discussed earlier, we're continuing to work to get our  
2 environmental monitor lined up for when this project  
3 would proceed with construction, and we'll keep you  
4 posted on how the project progresses as we move into  
5 preconstruction activities.

6 The other thing I wanted to -- if there  
7 aren't any questions about the litigation activities,  
8 the other thing I wanted to let the Council know about  
9 is that we're planning to hold the May 21st Council  
10 meeting in Ellensburg, Washington. We know that there's  
11 been an interest by Councilmembers to go to the  
12 facilities that we regulate, and so we are going to have  
13 that May 21st Council meeting in Ellensburg.

14 We'll include a site tour of the two wind  
15 power projects that we have there, the Wild Horse Wind  
16 Power Facility and Kittitas Valley Wind Power Project.  
17 We are planning for this to be a two-day event, so we  
18 would be there May 21 and May 22. Joan will be in touch  
19 with Councilmembers on more specifics about the schedule  
20 for the 21st and the 22nd and to find out who would be  
21 able to attend. So if you have any questions about the  
22 itinerary, look for that, but also feel free to contact  
23 us and let us know.

24 CHAIR DREW: And I would add that I hope  
25 everybody -- I know schedules can be difficult, but I

1 hope that everybody does try to attend the meeting in  
2 person and also to see the facilities if you haven't  
3 seen them before. Because as we talked about earlier,  
4 our compliance and regulation is one of the significant  
5 activities that -- the Council approving different types  
6 of activities. So personally, I think it's very  
7 important for us to be familiar. Myself, I find it  
8 easier to understand the topics that we cover and  
9 perhaps to have more questions having seen the  
10 facilities in person. So I would encourage everyone to  
11 do so. Thank you. Are there any questions?

12 MR. LIVINGSTON: Chair, one question I have  
13 is, and maybe I know my -- the answer already, but we  
14 talked about a tour out to the Columbia Generating  
15 Station a while back. Obviously, they got some big  
16 things going on right now, so is there any plans in the  
17 future for a tour out there as well?

18 CHAIR DREW: Ms. Bumpus?

19 MS. BUMPUS: So in light of the fact that  
20 they -- they do have their scheduled shutdown, we're  
21 working on several other things, we're looking at I  
22 believe now October trying to line up a tour of the  
23 Columbia Generating Station facility. So we'll keep you  
24 updated, but it has been moved around a few times. But  
25 I think that's -- and yeah, is that -- so Amy Moon is

1 nodding yes.

2 MR. LIVINGSTON: Great. Thank you.

3 CHAIR DREW: Thank you.

4 Any other questions? Hearing none, that's  
5 the end of our business for today, so this meeting is  
6 adjourned.

7 (Meeting adjourned at 2:25 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON  
COUNTY OF THURSTON

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

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Tayler Garlinghouse, CCR 3358