

Verbatim Transcript of Monthly Council Meeting

Washington State Energy Facility Site Evaluation Council

November 17, 2020



206.287.9066 | 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

www.buellrealtime.com

email: info@buellrealtime.com



WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL
Lacey, Washington
Tuesday, November 17, 2020
1:30 p.m.

Telephonic Monthly Council Meeting
Verbatim Transcript of Proceedings

REPORTED BY: TAYLER GARLINGHOUSE

Buell Realtime Reporting, LLC
1325 Fourth Avenue, Suite 1840
Seattle, Washington 98101
(206) 287-9066 | Seattle
(360) 534-9066 | Olympia
(800) 846-6989 | National
www.buellrealtime.com

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

2 Councilmembers:

- 3 KATHLEEN DREW, Chair
- KATE KELLY, Department of Commerce
- 4 MIKE LIVINGSTON, Department of Fish and Wildlife
- ROB DENGEL, Department of Ecology
- 5 STACEY BREWSTER, Utilities and Transportation Commission

6
7 Assistant Attorney General:

8 JON THOMPSON

9
10 EFSEC Staff:

- 11 SONIA BUMPUS
- 12 AMI KIDDER
- KYLE OVERTON
- 13 AMY MOON
- JOAN OWENS
- 14 TAMMY MASTRO
- PATTY BETTS
- 15 STEWART HENDERSON

16 Also in Attendance:

- 17 JENNIFER DIAZ, Puget Sound Energy Wild Horse
- ERIC MELBARDIS, EDP Renewables
- 18 TIM MCMAHON, Stoel Rives
- KAREN MCGAFFEY, Perkins Coie
- 19 CHRIS SHERIN, Grays Harbor Energy
- MACKENZIE EVANS, Grays Harbor Energy
- 20 SARAH DE GROOT, Grays Harbor Energy
- OWEN HURD, Columbia Solar Project
- 21 JEREMY SMITH, Chehalis Generation Facility
- JOHN STROUD, Timmons Group
- 22 DAVE ARBAUGH, Arbaugh & Associates
- JONI BOSH, Northwest Energy Coalition

23
24
25

1 LACEY, WASHINGTON; NOVEMBER 17, 2020

2 1:30 P.M.

3 --o0o--

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

5

6

7 CHAIR DREW: Good afternoon. Welcome to the
8 November meeting of the Washington State Energy Facility
9 Site Evaluation Council. I am calling this meeting --
10 I'm Kathleen Drew, Chair, and I am calling this meeting
11 to order.

12 Ms. Mastro, will you please call the roll?

13 MS. MASTRO: Thank you, Chair Drew. For the
14 record, this is Tammy Mastro.

15 The Department of Commerce?

16 MS. KELLY: Kate Kelly, present.

17 MS. MASTRO: Department of Ecology?

18 MR. DENGEL: Rob Dengel, present.

19 MS. MASTRO: Fish and Wildlife?

20 MR. LIVINGSTON: Hi, Mike Livingston,
21 present.

22 MS. MASTRO: The Department of Natural
23 Resources representative is vacant.

24 Utilities and Transportation Commission?

25 MS. BREWSTER: Stacey Brewster, present.

1 MS. MASTRO: Chair, I mark you as present
2 and there is a quorum for the EFSEC Council.

3 CHAIR DREW: Thank you.

4 MS. MASTRO: Assistant Attorney General Jon
5 Thompson?

6 MR. THOMPSON: Present.

7 MS. MASTRO: Can the court reporter please
8 identify themselves?

9 THE COURT REPORTER: This is Tayler
10 Garlinghouse, present.

11 MS. MASTRO: Thank you.

12 Sonia Bumpus?

13 MS. BUMPUS: Sonia Bumpus, present.

14 MS. MASTRO: Ami Kidder?

15 MS. KIDDER: Ami Kidder, present.

16 MS. MASTRO: Amy Moon?

17 MS. MOON: Amy Moon, here.

18 MS. MASTRO: Kyle Overton?

19 MR. OVERTON: Kyle Overton's here.

20 MS. MASTRO: Joan Owens?

21 MS. OWENS: Joan Owens is here.

22 MS. MASTRO: Patricia Betts?

23 MS. BETTS: Patricia Betts, present.

24 MS. MASTRO: Stewart Henderson?

25 MR. HENDERSON: I'm here.

1 MS. MASTRO: Stephen Posner?

2 Thank you, Chair Drew.

3 CHAIR DREW: Is there anyone else who would
4 like to identify themselves for the meeting?

5 MR. SHERIN: Chris Sherin, Grays Harbor
6 Energy Center.

7 MR. SMITH: Jeremy Smith and Mark Miller for
8 Chehalis Generation Facility.

9 MR. HURD: Owen Hurd for --

10 [Multiple speakers.]

11 MS. DIAZ: Jennifer Diaz for Puget Sound
12 Energy.

13 MR. MCMAHON: Tim McMahon, Stoel Rives.

14 MS. MCGAFFEY: Karen McGaffey, Perkins Coie.

15 [Multiple speakers.]

16 MS. EVANS: Mackenzie Evans and Sarah de
17 Groot from Grays Harbor Energy Center.

18 MR. STROUD: John Stroud from Timmons Group.

19 CHAIR DREW: I heard Dave Arbaugh, would you
20 like to again say your association?

21 MR. ARBAUGH: Sure. Arbaugh & Associates.

22 CHAIR DREW: Thank you.

23 I also heard Owen Hurd?

24 MR. HURD: That's correct, yeah, for
25 Columbia Solar Project.

1 CHAIR DREW: Thank you.

2 MS. BOSH: And Joni Bosh, Northwest Energy
3 Coalition.

4 MR. MELBARDIS: Eric Melbardis, Kittitas
5 Valley Wind Power Project.

6 CHAIR DREW: Okay. Thank you. Moving on to
7 the proposed agenda. This morning we sent out a revised
8 agenda which only reordered the items on our agenda
9 since I was concerned about the weather forecast for
10 this afternoon, and since we have a remote call, with
11 the high wind warning, I wanted to make sure we took
12 care of our business action item, potential action item,
13 up front. So instead of last on the agenda, we have
14 moved Grays Harbor Energy Center to first on the agenda.

15 Is there a motion to approve the agenda as
16 amended?

17 MS. BREWSTER: This is Stacey Brewster.
18 I'll make a motion to approve the agenda as amended.

19 MR. DENGEL: Rob Dengel, second.

20 CHAIR DREW: Thank you. Are there any
21 questions or comments?

22 Hearing none, all those in favor, say "aye."

23 COUNCILMEMBERS: Aye.

24 CHAIR DREW: All opposed? Motion carries.

25 Moving on to the meeting minutes from the

1 October 20th meeting. Is there a motion to approve the
2 meeting minutes?

3 MS. KELLY: This is Kate Kelly. Motion to
4 approve the meeting minutes from October 20th.

5 MR. DENGEL: Rob Dengel, second.

6 CHAIR DREW: Thank you. Are there -- is
7 there any discussion or any corrections?

8 Hearing none, all those in favor of
9 approving the meeting minutes from October 20th, please
10 say "aye."

11 COUNCILMEMBERS: Aye.

12 CHAIR DREW: Opposed? The minutes are
13 approved.

14 So moving on, then, to our first item on the
15 agenda, Grays Harbor Energy Center. We will start with
16 the operational update. Mr. Sherin?

17 MR. SHERIN: Good afternoon, Chair Drew,
18 Councilmembers. For the month of October, I don't
19 have -- I -- there are no nonroutine items to report
20 operationally. I will note, though, that we did submit
21 additional information to EFSEC Staff early in the month
22 in response to follow-up requests on our site
23 certification amendment application. And that is all.

24 CHAIR DREW: Thank you.

25 Any questions?

1 Next we have Mr. Kyle Overton with the SCA,
2 SEPA, and PSD update.

3 MR. OVERTON: Yes, thank you. My name is
4 Kyle Overton. I'm the EFSEC site specialist for the
5 Grays Harbor facility. First for the PSD update, Staff
6 continue to work with Ecology and ORCAA contractors to
7 develop draft PSD permit modification documents. Once
8 the final draft is completed, the documents will be
9 provided for the Council for their review prior to
10 making the decision to release documents for public
11 comment.

12 For the SEPA update, there's a little more
13 substance there. Staff has completed the State -- State
14 Environmental Policy Act, or SEPA review, which has been
15 provided to the Council. As SEPA review was separated
16 for each of the two aspects of facility's request, there
17 is one SEPA review Staff memo and one addendum for the
18 inflation of the Advanced Gas Path Package to Units 1
19 and 2. And there's a second SEPA review Staff memo and
20 a second addendum for extending the deadline for the
21 commencing of construction of Units 3 and 4.

22 No new mitigation was identified as a result
23 of this review and the proposed change was determined to
24 be minor in nature. Our SEPA review was based on the
25 current condition. With the issuances of SEPA addendum,

1 no additional SEPA review will be done at the time of
2 request to commence construction without the submission
3 of another SCA amendment request.

4 If the Council wants to be able to conduct
5 additional SEPA review at the time of construction
6 without an SCA amendment request, then that would need
7 be included as an addition of the SCA. The
8 recommendation memos and addendums have been completed
9 and have uploaded to the Council SharePoint site to
10 allow the Council to view these documents. This
11 completes EFSEC's responsibility to comply with SEPA.

12 And are there any questions at this time?

13 CHAIR DREW: Are there any questions?

14 MR. DENGEL: This is Rob Dengel. Just to
15 clarify, you're right about to go into Units 3 and 4,
16 correct?

17 MR. OVERTON: Sorry, can you repeat the
18 question again?

19 MR. DENGEL: So this is -- this is Rob
20 Dengel with Ecology. You're right about to discuss
21 Units 3 and 4 immediately after this, correct?

22 MR. OVERTON: I believe Sonia Bumpus is
23 going to be discussing that stuff after my little
24 presentation here.

25 MR. DENGEL: Okay. I'm just going to ask

1 that when we start, making sure we have time to talk
2 about the -- the two projects respectively. So thank
3 you.

4 CHAIR DREW: Thank you. We will do that.

5 Ms. Bumpus?

6 MS. BUMPUS: Thank you, Chair Drew. Good
7 afternoon, Councilmembers. In light of Councilmember
8 Dengel's question, I'm going to go ahead and start with
9 my discussion on the schedule extension for Units 3 and
10 4. So we'll -- we'll do that first.

11 So under direction of the Council, EFSEC
12 Staff have worked to develop a Staff recommendation for
13 the Grays Harbor SCA amendment request. Staff's
14 recommendation I did want to note and as Kyle Overton
15 indicated in his SEPA summary, the Staff recommendation
16 bifurcates Grays Harbor Energy's SCA amendment request
17 into two separate recommendations from Staff for the
18 Council to consider.

19 One of our recommendations addresses the
20 decision before the Council on the Advanced Gas Path
21 Package, which are the upgrades to Units 1 and 2. The
22 other Staff recommendation we've developed addresses the
23 schedule extension request for SCA Amendment 5, which
24 authorized the construction and operation of Grays
25 Harbor Units 3 and 4.

1 So this was mentioned in the October
2 meeting, but I wanted to just reiterate. I know
3 Councilmembers are familiar with the requirements in WAC
4 463-66-040. In that rule, it talks about what the
5 Council shall consider when it's reviewing an amendment
6 request. It says that the Council -- and I'm
7 paraphrasing, but that the Council will consider whether
8 the amendment request is consistent with one, the
9 intention of the original SCA; two, applicable laws and
10 rules; three, public health, safety, and welfare; and
11 four, EFSEC's requirements related to site restoration
12 and preservation in WAC 463-72.

13 So moving forward into the discussion about
14 the SCA schedule extension request for Units 3 and 4,
15 the -- the request is to extend the two thousand --
16 extend to 2028 the deadline for commencing construction
17 of Units 3 and 4.

18 Staff conducted SEPA and reviewed the
19 considerations that are in WAC 463-66-040 in order to
20 develop our recommendation. For SEPA, EFSEC reviewed
21 and analyzed new information to determine if there were
22 any likely significant adverse environmental impacts not
23 covered by the impacts and mitigation analyzed in the
24 existing SEPA document. No additional mitigation beyond
25 what was identified for the 2010 mitigation was found.

1 And this is documented in EFSEC's Staff memo for each of
2 the environmental topics.

3 However, EFSEC did note during its SEPA
4 review that the Department of Ecology is currently
5 creating a new rule for Governor Inslee's Directive
6 19-18 to address greenhouse gas impacts and mitigation
7 with an overall goal of no net increase of greenhouse
8 gas emissions. These new rules are due to be in place
9 in September 2021, and we wanted to note these because
10 it remains to be seen how these might impact this
11 facility.

12 Now, as for the other aspects of the
13 provisions and the rule that needs to be considered,
14 there were no other proposed changes to the terms or
15 conditions of the existing SCA, and presumably related
16 conditions and technological upgrades to the facility
17 would be addressed through future SCA amendments and
18 plan approval prior to commencing construction.

19 However, in reviewing the timeframe
20 requirements in the SCA for the start of construction
21 and operation, Staff did conclude in consultation with
22 our assistant attorney general, Jon Thompson, that the
23 extension request beyond a ten-year expiration of the
24 SCA is not consistent with the original SCA.

25 So that being said and, you know, based on

1 all those considerations, Staff concluded that if the
2 Council were to approve the extension request, the
3 Council should include some conditions to ensure it can
4 update its SEPA analysis before the start of
5 construction.

6 We also concluded that with an approval,
7 there would be a need for approval by the governor and
8 this is pursuant to what is in WAC 463-66-080. So I
9 just wanted to put that out there before I discuss
10 Staff's recommendation.

11 So for our recommendation, I wanted to note
12 first that I did consider the concerns expressed by some
13 of our Councilmembers related to questions about need
14 and the extent of SEPA analysis for this SCA extension
15 request. In thinking about those concerns and input
16 from our assistant attorney general and the consistency
17 with the four requirements in our rule, I -- I
18 essentially concluded that the Council should deny the
19 extension request without prejudice. This would mean
20 that the current SCA would expire in February next year.
21 The denial could be -- a denial could be documented by a
22 resolution for the Council to review and approve if
23 everything looks okay.

24 So that concludes my presentation on the
25 extension request and I can -- I can take questions if

1 there are any.

2 CHAIR DREW: Are there questions?

3 Mr. Dengel, did you want to ask a question
4 at this point?

5 MR. DENGEL: Yes. So I did have one -- one
6 question. So with the updated -- for -- I want to make
7 sure I'm getting the right project here. For the
8 turbines 3 and 4 going through an additional SEPA
9 process at a later time prior to construction, my
10 question is, what additional information would you think
11 we would be able to have that would -- that is not
12 currently addressed in the -- in the current SEPA
13 analysis that has been completed in addition to taking
14 into light, you know, new state regulations on power
15 use?

16 MS. BUMPUS: That's an excellent question.
17 And before I answer, I wanted to see if Patty Betts or
18 Kyle Overton would like to respond first?

19 MS. BETTS: This is Patty. I can -- I can
20 make a few comments. So when we reviewed the proposal
21 of currently, we're -- it's based on what we know today
22 and also what the current environmental conditions are
23 today. And we can potentially guess or extrapolate what
24 they might be, let's just say six to eight years from
25 now, but we don't know for sure.

1 We do know that climate conditions, the
2 effects of greenhouse gases are, you know -- that the
3 effects are -- and our information about those effects
4 are -- are -- are changing relatively rapidly. So we
5 don't really know what the situation for sure is going
6 to be like six years from now.

7 We also don't know what technologies are
8 going to be out there, and we don't even know what the
9 status of -- of even other forms of energy, et cetera
10 are going to be. So it's possible that even -- not
11 only -- not only the environmental -- the significance
12 of the environmental effects, the -- or new information,
13 new science about environmental effects and/or even --
14 we don't even know for sure whether the rule that
15 they're currently working on will actually be in effect.

16 So it's possible that there may not be
17 adequate regulations to deal with greenhouse gas
18 emissions at that point that are you might say kind of
19 out of sync with the -- the current situation.

20 So SEPA -- SEPA is there to address gaps,
21 and we can tell you what the gaps are today, but we
22 don't know for -- we can't -- it would be much more
23 difficult and inaccurate for us to anticipate exactly
24 what the gaps and existing regulations and environmental
25 protection are six years from now.

1 So that's why we do -- when we have -- when
2 we have an action to take, that's why we have to kind of
3 recheck and relook and see if there's new information
4 that -- that changes our analysis of environmental
5 impacts and/or whether the changes that are being
6 proposed by the proposal itself are creating a change in
7 the environmental impacts.

8 Was that helpful?

9 MR. DENGEL: Yes. Thank you very much.

10 MS. MCGAFFEY: Excuse me, Chair Drew, this
11 is Karen McGaffey. May I address the Council?

12 CHAIR DREW: At this point, we're having a
13 Council discussion, so I think that we will continue
14 with that. Thank you.

15 So, Councilmembers, are there other
16 questions about either the SEPA review or the
17 recommendation?

18 MR. LIVINGSTON: Chair Drew, this is
19 Councilmember Livingston. I have a question.

20 CHAIR DREW: Go ahead.

21 MR. LIVINGSTON: I just -- so I understand
22 the procedural differences between Council approving an
23 extension in the near-term, before February 21, and --
24 versus allowing the expiration of that current SCA for
25 the sites 3 and 4 and for a later date for the Grays

1 Harbor to come back for an amendment, and can we kind
2 of -- I just want to understand what procedures they'll
3 have to follow to ask for that amendment later on.

4 CHAIR DREW: Okay. Thank you.

5 Either Ms. Bumpus or Mr. Thompson?

6 MS. BUMPUS: This is Sonia Bumpus. So Jon
7 Thompson may want to weigh in, but I'll just go ahead.
8 So if the -- if the SCA expires as it's -- as it's
9 scheduled to do next year in twenty -- February 2021,
10 I -- my understanding is that Grays Harbor could come
11 back with another amendment request to the Council
12 similar to how the original amendment request was -- was
13 pursued when Units 3 and 4 were sited by the Council in
14 2010. So I -- I think that that's one way that they may
15 proceed.

16 Jon, did you want to add anything to that?

17 MR. THOMPSON: No, I think that captures it.
18 I mean, there -- the -- there is a provision in the
19 existing SCA Amendment No. 5 that describes what the --
20 the certificate holder has to do if they have not
21 commenced construction within five years of execution of
22 the -- of the SCA, which -- so I guess that would have
23 been, well, about five years ago now.

24 Anyway, it provides that the applicant has
25 to provide additional information about changed

1 regulatory conditions, you know, other -- other changes
2 and to -- to propose any amendments to the SCA that are
3 needed to address those.

4 So it's -- but it seems to envision a
5 presumption of, you know, that siting is allowed and is
6 just a matter of updating with new information and
7 potentially new regulatory information. But so that's
8 if -- if the extension is granted. Presumably it would
9 still be under that -- under that framework.

10 But if a -- if the SCA is allowed to expire
11 under its own terms, then presumably there would be
12 something that looks more like an original application
13 for site certification. And in that case, it would be
14 much clearer that -- that the Council has the authority
15 to evaluate the request anew and to balance the
16 considerations of need for the facility against the --
17 its environmental impacts at the site where it's
18 proposed to be constructed and the full SEPA review
19 could be conducted anew at that time.

20 So that's really the difference in a
21 nutshell about -- of -- of allowing an extension to the
22 current SCA versus allowing it to expire and then -- and
23 then if the need -- if need for the facility were to
24 arise, you know, in the next few years, then Grays
25 Harbor Energy could come back and -- and basically

1 start -- start from scratch as it were with a new
2 request for amendment or application for certification.

3 CHAIR DREW: Mr. Livingston, does that
4 answer your question?

5 MR. LIVINGSTON: Yes, it does. Thank you.

6 CHAIR DREW: So following up on that,
7 Mr. Thompson, as we review the SEPA documents, the SEPA
8 is one part of the Council's decision, and actually the
9 SEPA decision is made by the EFSEC manager and provided
10 as information to the Council. But the other -- there
11 are other parts of a decision that the Council has to
12 weigh in either a new application or an amendment; is
13 that correct?

14 MR. THOMPSON: Yeah, correct. The SEPA, you
15 know, is to inform the decision-makers, you know, in
16 addition to the -- the considerations that the -- that
17 the Council already take into account in -- in reviewing
18 an application, yeah.

19 CHAIR DREW: And as you reviewed the
20 decision by the Council in 2009, was there -- I think in
21 the memo you may have -- have shared about -- or perhaps
22 Ms. Bumpus did if I'm -- I'm trying to find the
23 discussion that the Council had at the time about a
24 construction window.

25 MR. THOMPSON: Right. So in the -- it was

1 actually 2011 that the -- that the Council finally -- or
2 the Council recommended approval and the governor
3 executed the SCA Amendment No. 5. But yeah, in the --
4 in the Council's recommendation to the governor in
5 explaining the ten-year expiration date and the -- and
6 the sort of five-year provisions, I'll just read the
7 quote. It said, (as read) They acknowledged that there
8 is a benefit to the public to have permitted facilities
9 ready to be constructed whenever it becomes known that
10 more generation capacity is needed. However, the
11 Council recognized that -- quoting now -- that an
12 unlimited build window for a proposed project is not
13 appropriate as over time technology or mitigation
14 measures presented in an application may no longer be
15 protective of environmental standards and conditions at
16 the time the facility is constructed. And that was in
17 Council Order No. 860, which was the recommendation to
18 the governor for approval of construction of Units 3 and
19 4.

20 So that was one consideration going to the
21 question of consistency with the original site
22 certification agreement. And then another issue is --
23 another kind of general issue is that at the time the
24 Council recommended approval of construction of Units 3
25 and 4, it considered need for the facilities as it had

1 done previously for Units 1 and 2 when those were
2 approved. And so in other words, the -- the Council
3 didn't just rely on the statutory statement that there's
4 a need for abundant energy, but instead found -- found
5 it necessary to determine that there was a need for
6 the -- for the project, for the specific project in
7 order to be able to balance that need against the -- the
8 impacts from it.

9 So I think another -- there's another
10 question of whether it's appropriate to -- to authorize
11 an extension when there's not evidence of immediate --
12 immediate need since that was part of the consideration
13 for the Council to have recommended approval in the
14 first instance back in 2011.

15 So those are the couple of considerations
16 that seemed to me were relevant to the question of
17 whether the extension request was consistent with the
18 intention of the original SCA.

19 CHAIR DREW: Thank you.

20 Are there other questions from
21 Councilmembers?

22 Okay. Hearing none, why don't we proceed
23 and hear the discussion about the gas path for Units 1
24 and 2, and -- and then we'll have a conversation about
25 if we might want to propose any actions today.

1 MS. BUMPUS: Thank you, Chair Drew. So the
2 installation of the Advanced Gas Path Package, or AGP,
3 is an equipment and software improvement to combustion
4 turbines 1 and 2, and it is expected to increase
5 facility efficiency output.

6 So EFSEC Staff have looked at the four
7 considerations under WAC 463-66-040, as I discussed in
8 the presentation on Units 3 and 4, and what we've noted
9 is that the facility would continue to operate with
10 Units 1 and 2 to produce energy under its current SCA
11 pursuant to the existing SCA terms and conditions.

12 The AGP involves minor changes to the
13 operating facility, and none of these changes
14 substantially alter the analysis of the significant
15 impacts and alternatives in existing environmental
16 documents that we have reviewed.

17 So we -- we did not identify any -- any new
18 impacts or -- or new mitigation. The facility has an
19 approved greenhouse gas mitigation plan that addresses
20 mitigation of potential carbon dioxide emissions from
21 the facility. And the facility's Prevention of
22 Significant Deterioration, or PSD permit, is actually in
23 the process of being updated to reflect the upgrades.

24 So for the Advanced Gas Path Package,
25 Staff's recommendation to the Council is to approve the

1 request for the AGP package upgrade by resolution under
2 WAC 463-66-070. Staff -- if the Council agrees with
3 that recommendation, Staff could prepare a draft
4 resolution for the Council's review and approval at a
5 subsequent meeting.

6 CHAIR DREW: Are there any questions about
7 that?

8 Okay. Hearing none, Councilmembers, I'd
9 like to have a discussion about the recommendation to
10 bifurcate the decision into two pieces. What are your
11 thoughts about that?

12 MS. BREWSTER: This is Stacey Brewster, I am
13 in favor of bifurcating the -- the two parts to this
14 amendment. They seem different and I believe
15 considering them separately would work for us.

16 CHAIR DREW: Mr. Thompson, do you think we
17 need to have a motion on the floor for this?

18 MR. THOMPSON: I -- I don't -- I don't see
19 it as a separate issue. I mean, I think you can just
20 take separate actions with -- with respect to the
21 different -- two different aspects of the request.

22 CHAIR DREW: Okay. Thank you.

23 Other thoughts?

24 MR. DENGEL: Just to kind of jump onto the
25 last comment there, I would note that it also seems, you

1 know, in addition to their nature, both of the
2 timeframes and the certainty of the different projects
3 going forward are -- are very different too. Just kind
4 of seems to lead me to the point of agreeing that the
5 projects would benefit from being bifurcated.

6 CHAIR DREW: Thank you.

7 So at this point, why don't we start with
8 the Advanced Gas Path. Is there a motion on that part
9 of the SCA to perhaps, let's see, direct the Staff to
10 draft a resolution for our next meeting approving that
11 part of the SCA, that part of the amendment?

12 MS. KELLY: Chair -- Chair Drew, this is
13 Kate Kelly. So I move that the Council request Staff to
14 prepare a resolution that would support amending the SCA
15 to allow for the Advanced Gas Path Package to become
16 part of the operations for the Units 1 and 2. I don't
17 know if I said that right, but...

18 CHAIR DREW: I think that works. Thank you.

19 MS. KELLY: Okay.

20 MS. BREWSTER: Stacey Brewster, I'll second
21 the motion.

22 CHAIR DREW: Thank you.

23 Discussion?

24 Okay. All those in favor, please say "aye."

25 COUNCILMEMBERS: Aye.

1 CHAIR DREW: Opposed? Motion carries.
2 So now is there -- let's -- let's discuss
3 the extension of the construction window.
4 Councilmembers, is -- are there -- is there more
5 information that you would like to have? Would you like
6 to -- would you like to have a motion to accept -- to
7 follow the recommendation of this -- not to follow
8 the -- take the recommendation of the Staff and not
9 allow the extension of the construction period, what --
10 what direction would you like to go on this?

11 MS. KELLY: So, Madame Chair, this is Kate
12 Kelly. And first of all, I can -- I would like to just
13 extend my appreciation to Staff and to Jon for providing
14 us all the support during this process. I really
15 appreciate the amount of information we've gotten in
16 response to our questions just to help inform our
17 decision on this.

18 The question I have at this point is not for
19 more information, just what -- what does this look like?
20 Are we asking for -- are we needing to do a resolution
21 if we were going to accept Staff's recommendation? Is
22 that -- is that a resolution to deny the request for --
23 how does that work? Or do we just not take action on it
24 and it expires by its own terms?

25 CHAIR DREW: Mr. Thompson, can you help with

1 that?

2 MR. THOMPSON: Yeah, certainly. My
3 recommendation is that what you would do if you want to
4 take Staff's recommendation is to -- and -- and
5 Ms. Bumpus can -- can correct me if she sees this
6 differently. But I think the way it goes to direct
7 Staff to -- to prepare a resolution denying the request
8 for an extension of the construction deadline. So yeah,
9 I think you need to -- again, this goes back to the
10 bifurcation and the need to memorialize, I think, in --
11 in different decisions, your decision with respect to
12 the Advanced Gas Path for Units 1 and 2 and then -- and
13 then another -- another decision memorialized in a
14 different resolution that denies the request from Grays
15 Harbor Energy for an extension of the SCA. That would
16 be my recommendation.

17 CHAIR DREW: Thank you.

18 MS. BUMPUS: And this is Sonia Bumpus. I
19 agree with Jon's recommendation.

20 MR. DENGEL: This is Rob Dengel. I'd like
21 to make a motion. See if I get this right. So make a
22 motion for Staff to prepare a resolution to the -- deny
23 the Grays Harbor extension of -- of gen- -- construction
24 on 3 and 4 without prejudice.

25 CHAIR DREW: Thank you.

1 MS. KELLY: Kate Kelly, I would second.

2 CHAIR DREW: Okay. Discussion?

3 I think the information that we have been
4 provided, particularly in the context of the Council
5 resolution and recommendation to the governor from --
6 from 2011 regarding unlimited construction windows, the
7 fact that with a new SCA meet -- should be taken into
8 consideration. It doesn't deny the ability for Grays
9 Harbor Energy to come back when there is actually a
10 project in the offing to bring that and -- with a site
11 certification agreement amendment to the Council. But
12 at that point in time, the Council would consider the
13 need as well as any revised environmental regulations
14 that would be enforced at the time.

15 So that is my comment on the subject. Are
16 there other comments?

17 MS. BREWSTER: This is Stacey Brewster. I
18 would like to agree with your comment. My concern is
19 mostly with new rules that are being developed at this
20 time, and I think the ability to consider it when a
21 project is imminent is more important.

22 CHAIR DREW: Thank you.

23 Okay. At this point, all those in favor of
24 the motion to direct Staff to draft a resolution denying
25 the extension of the construction period for Units 3 and

1 4, please say "aye."

2 COUNCILMEMBERS: Aye.

3 CHAIR DREW: Opposed? Motion carries.

4 Thank you all. And thank you, yes, to Staff
5 and to our certificate holder for all the work done on
6 this -- this project on this amendment.

7 Okay. Moving on in our facility updates.
8 Kittitas Valley Wind Power Project?

9 MR. MELBARDIS: Good afternoon, Chair Drew,
10 EFSEC Council, and Staff. This is Eric Melbardis with
11 EDP Renewables for the Kittitas Valley Wind Power
12 Project. We have nothing nonroutine to report for the
13 period.

14 CHAIR DREW: Thank you.

15 Ms. Diaz, Wild Horse Wind Power Project?

16 MS. DIAZ: Yes, thank you, Chair Drew,
17 Councilmembers, and Staff. This is Jennifer Diaz
18 representing Puget Sound Energy for the Wild Horse Wind
19 Facility. I have no nonroutine updates for the month of
20 October.

21 CHAIR DREW: Thank you.

22 Moving on to Chehalis Generation Facility,
23 Mr. Smith?

24 MR. SMITH: Good afternoon, Chair Drew,
25 Council, and Staff. This is Jeremy Smith, the

1 environmental analyst for the Chehalis Generation
2 Facility. The Chehalis Facility does not have any
3 nonroutine items to report for the month of October at
4 this time.

5 CHAIR DREW: Thank you.

6 Desert Claim Wind Power Project, Ms. Moon?

7 MS. MOON: Good afternoon, Council Chair
8 Drew and Councilmembers. As Chair Drew said, this is
9 Amy Moon providing an update for the Desert Claim
10 Project. EFSEC Staff continue to coordinate with Desert
11 Claim; however, there are no project updates at this
12 time.

13 CHAIR DREW: Thank you.

14 Columbia Solar Project project update,
15 Ms. Kidder?

16 MS. KIDDER: Thank you, Chair Drew. Good
17 afternoon, Chair and Councilmembers. For the record, my
18 name is Ami Kidder. The certificate holder continues to
19 update EFSEC Staff on their preconstruction activity.
20 We have no further project updates at this time.

21 CHAIR DREW: Thank you.

22 WNP-1/4 and also Columbia Generating
23 Station, Mr. Whitehead? Or Ms. Moon?

24 MS. MOON: Okay. I believe that there was
25 nothing nonroutine to report and they -- Columbia

1 Generating Station continues to address the COVID
2 response by having nonessential employees work away from
3 the office. That's about it. Thank you.

4 CHAIR DREW: Thank you.

5 With no other business to come before us at
6 this point in time, the meeting's adjourned. Thank you
7 very much.

8 MS. MOON: Oh, Council Chair Drew. So for
9 WNP-1/4.

10 CHAIR DREW: Yes.

11 MS. MOON: That also gets reported by Kip
12 Whitehead, there's also no nonroutine items to report
13 for that.

14 CHAIR DREW: Thank you for that.

15 MS. MOON: You're welcome.

16 CHAIR DREW: Now our meeting is adjourned.
17 Thank you all.

18 (Adjourned at 2:16 p.m.)
19
20
21
22
23
24
25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF WASHINGTON
COUNTY OF THURSTON

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



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358