

EFSEC MAY 17, 2011 MONTHLY MEETING MINUTES

Page 1

STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL  
P.O. Box 43172 - Olympia, Washington 98504-3172  
May 17, 2011 Monthly Meeting Minutes

CALL TO ORDER

Chair Jim Luce called the May 17, 2011 monthly meeting to order at 1300 South Evergreen Park Drive S.W., Conference Room 206, in Olympia, Washington at 1:30 p.m.

ROLL CALL

Council Members present:

Jim Luce, Chair  
Richard Fryhling, Department of Commerce  
Jeff Tayer, Department of Fish and Wildlife  
Andrew Hayes, Department of Natural Resources  
Dennis Moss, Utilities and Transportation Commission  
Doug Sutherland, Skamania County

Staff in attendance:

Al Wright, EFSEC Manager; Stephen Posner, Compliance Manager; Jim La Spina, Siting Specialist; Mike Mills, Siting Specialist; Tammy Talburt, EFSEC Specialist 1; Kyle Crews, Assistant Attorney General; Kayce Michelle, Administrative Assistant 3; Amber George, Administrative Assistant

Guests in attendance:

C. Robert Wallis, Administrative Law Judge; Mark Anderson, Department of Commerce; Travis Nelson, WDFW; T. Patrick Sanchez, PacifiCorp, Tim McMahan, Stoel Rives, Eric Melbardis, Horizon Wind Energy, Nathan Baker, SOSA

Guests in Attendance via phone:

Dan Rottler, Puget Sound Energy; Don Coody, Energy Northwest; Carol Cohoe, Aramburu & Eustis

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

PROPOSED AGENDA

CHAIR LUCE: Proposed agenda. Council Members have any recommended additions, deletions, changes?

Hearing none, the agenda proposed is adopted.

MEETING MINUTES

CHAIR LUCE: Minutes of April 19, 2011 are before you. Do Council Members have any changes, additions, deletions?

Hearing none, someone make a motion.

MR. FRYHLING: I'll make a motion. I move to approve the minutes.

CHAIR LUCE: All right. We have a motion to adopt.

Second?

MR. TAYER: Second.

CHAIR LUCE: We have a motion and a second to adopt the minutes of April 19, 2011. All in favor say aye.

COUNCIL MEMBERS: Aye.

CHAIR LUCE: Let the record reflect the vote was unanimous.

CHEHALIS GENERATION FACILITY UPDATE

CHAIR LUCE: Chehalis Generating Project, Mark Miller.

MR. SANCHEZ: Good afternoon, Chair Luce, Council Members.

CHAIR LUCE: You can get it closer if you want to. You've got a lot of cord there.

MR. SANCHEZ: My name is Patrick Sanchez, Environmental Analyst at Chehalis Power, providing you the operational update for Chehalis.

Under safety, we had no medical treatments or recordable accidents. The plant has achieved 3,114 days without a lost-time accident.

Under the environment category, our storm water, waste water, and air emissions reporting results were all in compliance with the permits for the month of April 2011.

1

On our carbon offset project, following the Council's agreement at the March monthly meeting both parties have signed the contract and are proceeding with the execution of that contract.

3

4

Personnel: Our plant staffing is currently 19, and we are staffed with 19 positions filled. Our operations under the month of April, the plant generated 13,202 megawatts at a capacity factor of 3.62 percent. Year to date the plant has generated 53,563 megawatt hours at a capacity factor of 3.6 percent. The generator step-up transformer GSU #1 root cause determination is still underway and still expected to continue for several months.

8

On our regulatory compliance we have completed the relative accuracy test audit for the continuous emissions (CEMS) on Combustion Turbines Units 1 and 2. Our results demonstrate that we are in compliance; that they are measuring emissions accurately and as required by the regulations under 40 CFR Part 75. Those reports were submitted to the regulatory agencies.

12

We have also submitted our DMR for storm water and waste water for the quarter. We completed and submitted the status report on the mineral oil spill related to the GSU #1 failure and the remediation. There were no Critical Infrastructure Protection Standards violations during this period, and we've had no sound monitoring or other issues to report.

16

CHAIR LUCE: Thank you. Council Members have any questions?

17

Appreciate your report.

18

KITTITAS VALLEY WIND PROJECT UPDATE

19

CHAIR LUCE: Kittitas Valley Wind Project?

20

Apparently there's no one here.

21

MR. FRYHLING: Oh, yes, there is. Right there.

22

CHAIR LUCE: Oh, I'm sorry. I zoned. All right.

23

MR. MELBARDIS: Chair Luce, Council, good afternoon. Eric Melbardis for Horizon Wind Energy Kittitas Valley Wind Power Project.

25

1 Project status update: Our April production was  
2 22,637 megawatt hours, average wind speeds of 8.1 meters a  
3 second, a capacity factor of 31.2 percent. No safety  
4 incidents to report.

5 The construction project is nearly wound down, and there's  
6 just a small punch list that we're going over. We're  
7 demobilizing the project laydown yard and preparing to  
8 return it to the landowner. We're repairing and improving  
9 some fence lines that were not installed to our  
10 expectations and post winter road repair beginning in May.  
11 The G, H, and I lines have some ongoing repair work right  
12 now.

13 Under compliance, the project is in compliance as of May  
14 11, 2011 when I created this update. EFSEC has received a  
15 response to EFSEC letter dated 3/14 regarding the  
16 compliance around shadow flicker and noise. Maybe we can  
17 take questions on that.

18 CHAIR LUCE: Council Members have questions on that?  
19 Not at this time.

20 Does staff wish to educate the Council on the issue maybe  
21 that we're not fully aware of? Although I'm aware of the  
22 shadow flicker issue, are there any updates to that?

23 MR. WRIGHT: I don't believe so at this time.

24 CHAIR LUCE: Thank you. Proceed.

25 MR. MELBARDIS: No new noise complaints have been received  
by the Horizon project staff. The post-construction noise  
study is to be conducted May to June so they're getting  
ready to begin that within the next coming weeks. No new  
shadow flicker complaints. We did receive a corrected  
shadow flicker model that covered the Robertson residence.  
There were some faulty GPS, GIS data on that residence the  
first time around. We used this new data to program our  
turbines to shutdown during times of predicted shadow  
flicker. No shadow flicker is predicted during the summer  
months.

Environmental Report: We have no environmental incidents  
to report. We did have a meeting with Ecology, EFSEC,  
Kittitas County unfortunately to discuss some project  
versus nonproject lands related to our operational swift.  
Continuing to monitor all storm water BMPs improving them  
as necessary, and the avian and bat fatality monitoring is

1 to begin in May. That program did begin last week when  
 2 they started laying out their survey stakes, and I have  
 3 Christi Calabrese from our environmental department on the  
 4 line. She has an update up on that to give.

5 CHAIR LUCE: All right. Ready for the update.

6 The phone service is not working well today so we can pass  
 7 on that. Anything you can add to that that she's not  
 8 available for or would you prefer alternatively just to  
 9 send the Council an e-mail and we'll have that distributed  
 10 to the members?

11 MR. LA SPINA: I could provide an update whenever you  
 12 please, sir.

13 CHAIR LUCE: All right. Why don't you provide an update.

14 MR. LA SPINA: I talked to Christi about what she was going  
 15 to say. The monitoring study is expected to begin at the  
 16 end of June. The main thing we wanted to talk about was  
 17 the monitoring plan was slightly revised due to the change  
 18 in the permitting process at U.S. Fish and Wildlife. So  
 19 the monitoring plan is being circulated through the TAC for  
 20 their added approval on that.

21 CHAIR LUCE: All right. Thank you very much. We'll assume  
 22 that that's adequate. If Christi has anything to add she  
 23 could e-mail that to staff and they will forward that to  
 24 Council Members.

25 MR. MELBARDIS: Okay.

CHAIR LUCE: Anything else?

MR. MELBARDIS: Nothing from me.

MR. FRYHLING: I just wanted to ask has all the weather  
 over the last few days or whatever had any impact on the  
 project --

MR. MELBARDIS: No.

MR. FRYHLING: -- such as is going on in Ellensburg and  
 other places around the valley?

MR. MELBARDIS: We did get a lot of rain and Ellensburg  
 flooded. We did an entire site tour of all of our roads  
 yesterday to check our BMPs and any erosion and found  
 nothing. We documented and took pictures on our site

1 walk-through.

2 MR. SUTHERLAND: With your indulgence I struggled mightily  
3 with my three classes of mathematics at the university.  
4 Would you convert 8.1 meters per second to miles per hour?

5 MR. MELBARDIS: I believe it's 2.1. 2.1 would be the  
6 calculation. If you'd like I could put that in miles per  
7 hour power for you in the future. So that would be --

8 MR. SUTHERLAND: Around 17 or 18 miles an hour.

9 MR. MELBARDIS: Yes, about 17, 18 miles per hour.

10 CHAIR LUCE: That would be helpful. Council Member  
11 Sutherland struggled mightily with his three classes. I  
12 avoided all math classes all together.

13 MR. CREWS: Me too.

14 MR. MELBARDIS: Point taken. I will put down miles per  
15 hour.

16 MR. SUTHERLAND: Oh, gosh, thank you.

#### 17 WILD HORSE WIND POWER PROJECT UPDATE

18 CHAIR LUCE: Next project up is Wild Horse. Is Jennifer on  
19 the line?

20 MR. ROTTLE: No, this is Dan Rottler, the plant manager at  
21 Wild Horse. I'm filling in for Jennifer for this month.

22 CHAIR LUCE: All right. How about you give us what you  
23 got.

24 MR. ROTTLE: Okay. The following is the April update for  
25 Wild Horse. Under wind production we had 87,128 megawatt  
hours generated this month for an average capacity factor  
of 44 percent. Under solar production, the Solar  
Demonstration Project generated 4,160 kilowatt hours.  
There were no lost-time accidents or safety incidents.  
Under Compliance/Environmental the site opened for public  
access on April 1. The Wild Horse Renewable Energy Center  
is now open to visitors seven days per week from 9:00 a.m.  
to 5:30 p.m. The Post-Construction Rangeland Management  
and Grazing Plan was approved by the EFSEC staff in April.  
Are there any questions on anything in particular?

1 CHAIR LUCE: Council Member questions? 44 percent is  
2 pretty good.

3 MR. ROTTLER: Yeah, I wish every month was that good.

4 CHAIR LUCE: Thank you very much.

5 COLUMBIA GENERATING STATION UPDATE

6 CHAIR LUCE: We will move on to the next matter. Columbia  
7 Generating Station next.

8 MR. COODY: Good afternoon, Chair Luce and Council Members.  
9 This is Don Coody with Energy Northwest for Columbia  
10 Generating Station.

11 First, I want to provide a status of our refueling outage.  
12 Today is day 42 of Columbia's refueling outage which  
13 started on April 6. Important outage projects include  
14 installation of 244 new fuel assemblies which is complete.  
15 The reassembly of the reactor vessel should be complete by  
16 mid May after other related plant work testing is  
17 completed. We're replacing the main condenser. This is a  
18 major effort that's underway still. We have nonsegregated  
19 electrical bus repairs and inspections are ongoing. The  
20 main generator rotor was removed and a new rotor is being  
21 installed. We have low pressure turbine work that's  
22 ongoing. That work consists primarily of preventative  
23 maintenance cleaning and inspections. Our Emergency Diesel  
24 Generator No. 2 has been removed and shipped off site to a  
25 vendor facility for overhaul and our extensive valve  
replacement and overhaul is ongoing.

As far as plant activities, I've been reporting on Columbia  
license renewal. Nothing yet has impacted renewal, but as  
previously reported to the Council, Columbia and all U.S.  
commercial nuclear power plants performed a review of  
safety equipment and procedures in the aftermath of the  
earthquake and the ensuing tsunamis in Japan that badly  
damaged the Fukushima Daiichi Nuclear Power Station. The  
reviews for verification of a plant's capability to  
mitigate conditions from a severe natural or man-caused  
event verified the capability to manage total loss of  
off-site power and the capability to mitigate flooding and  
the affect of flooding on systems inside and outside the  
plant and also to perform lockdowns and inspections of  
safety equipment to cope with fires and floods.  
The reviews began less than a week after the natural  
disasters in Japan, and Columbia concluded review in mid

1 April. Our review included four main areas.  
2 Number one was verifying the capability to mitigate  
3 conditions resulting from the severe adverse events,  
4 including the loss of significant safety systems. As part  
5 of this process a fire crew successfully tested our fire  
6 truck, including the hoses and connections which can be  
7 used to add water to the reactor core and used fuel pool  
8 through existing systems or directly pumped from overhead  
9 from a ladder that can extend to 110 feet.

10 The second area, verifying that the capabilities of  
11 mitigating a loss of electric power to the plant is proper  
12 and functional. This includes inspections to ensure needed  
13 equipment such as portable diesel generators work properly.  
14 Columbia's equipment procedures were found functional and  
15 in place.

16 The third area was verifying the capability to mitigate  
17 flooding and the impact of floods on the systems inside and  
18 outside the plant. Specific actions include verifying  
19 required materials or equipment are properly located to  
20 protect them from flood. Columbia Generating Station and  
21 the Ashe Substation were sited far enough from the Columbia  
22 River, approximately three miles, and at a high enough  
23 elevation to avoid any potential external flood scenario.  
24 Additionally plant safety-related structures are located  
25 above high water elevations associated with Columbia River  
26 flooding, intense local precipitation, and upriver dam  
27 failures. Through this process we also verified our  
28 internal flooding barriers and seals were intact.

29 Then the fourth area we performed walk downs and  
30 inspections of important equipment needed to successfully  
31 respond to fire and flood events. We identified the  
32 potential that equipment's function could be lost during  
33 seismic events appropriate for the site and develop  
34 mitigating strategies for potential vulnerabilities. As  
35 part of these inspections we found that the batteries for  
36 starting our diesel engine driven fire pumps were not  
37 strapped down to the battery holder platforms, and the  
38 holder platforms are not bolted to the ground. The  
39 batteries were immediately strapped down to the platforms  
40 and the platforms were also bolted down.

41 As I mentioned at the last Council meeting in addition to  
42 the industry's efforts, the Nuclear Regulatory Commission  
43 also conducted a comprehensive review of all U.S. Nuclear  
44 Power Plants. Their review of Columbia was reasonably  
45 completed. NRC's inspectors said they found no regulatory



1 issues and they concluded Columbia's procedure for coping  
2 with events beyond its design basis was satisfactory.

3 Kind of in summary, in the long term industry will conduct  
4 a careful analysis of the events in the hours, days, and  
5 weeks following the accident in Japan. We're committed to  
6 incorporate lessons learned to U.S. reactor designs and  
7 operating practices. While it's too early to predict the  
8 impact on the nuclear industry there will likely be  
9 increased attention to U.S. used fuel management policies,  
10 including potentially a strategic priority on centralized  
11 interim storage.

12 One other item quickly. On April 19, 2011, Energy  
13 Northwest received a letter from the Washington Department  
14 of Health suspending shipments of radioactive waste  
15 materials from Columbia to the Perma-Fix Northwest  
16 Treatment and Disposal Facility in Richland, Washington.  
17 The suspension resulted from an incident on March 31, 2011  
18 when two 55-gallon metal drums of low-level radioactive  
19 waste shipped from Columbia to the Perma-Fix facility  
20 started to leak during off-loading from the transport  
21 trailer. The small amount of leaking liquid was isolated  
22 and secured and radiological surveying found no radioactive  
23 contamination.

24 The suspension was rescinded by the Department of Health  
25 the next day on April 20 following a point of origin  
inspection at Columbia by the Department of Health and a  
review of corrective actions taken and planned by Energy  
Northwest.

That's all I have. Questions?

CHAIR LUCE: Questions, Council Members?

Thank you very much, Don.

Mr. La Spina, do you have something on the NPDES permit  
extension?

MR. LA SPINA: Yes, Chair Luce.

Good afternoon, Chair Luce and Council Members. The  
existing NPDES permit for the Columbia Generating Station  
will expire on May 25, 2011. At this time Energy Northwest  
as part of its outage is replacing a major power generating  
component that may alter the characteristics of the  
discharge to the Columbia River. Due to this work the  
EFSEC manager will issue a letter today administratively

1 extending the existing permit until May 25, 2016 or until  
2 EFSEC reissues the permit, whichever occurs first.

3 CHAIR LUCE: Thank you. Anything else?

4 MR. LA SPINA: No, sir.

5 CHAIR LUCE: Thank you.

6 TRANSMISSION LINES UPDATE

7 CHAIR LUCE: Council Members, we move ahead now to the  
8 transmission lines update from Mr. Posner.

9 MR. POSNER: Good afternoon, Chair Luce, Council Members.  
10 To give you a quick update on the BPA transmission line  
11 projects, the Central Ferry-Lower Monumental Project  
12 nothing new to report. The Final EIS was issued on  
13 2/15/11.

14 On the I-5 Project we're still anticipating that the DEIS  
15 will be out in the fall of 2011, the Final EIS in 2012.

16 On the Big Eddy-Knight Project comments on the Preliminary  
17 Final EIS from the state agencies were due May 11. Happy  
18 to report that we were able to submit all our comments on  
19 time, EFSEC comments, along with comments from Fish and  
20 Wildlife, DNR, and DAHP, and as I understand it the Draft  
21 EIS will be issued in a couple months, perhaps as early as  
22 end of June.

23 CHAIR LUCE: Thank you.

24 Council Members any questions?

25 Satsop - Grays Harbor. Do we have a report from Grays  
Harbor? I know we have a report. Do we have anyone here  
to present the report?

I think Council Members it's fairly self-explanatory.

There were no accidents.

MR. TAYER: Mr. Chair.

CHAIR LUCE: Yes.

MR. TAYER: I'm sorry. Could we go back to the Big  
Eddy-Knight for just a moment?

MR. POSNER: Sure.

1 MR. TAYER: Stephen, are you aware of the concern being  
2 expressed by Yakama Nation on this particular transmission  
3 line relative to cultural resources?

4 MR. POSNER: I am aware of some concerns that DAHP has with  
5 getting the information they need to make a determination,  
6 and it's actually the Umatilla Tribe that apparently there  
7 is some I don't want to say misunderstanding but some  
8 differing opinions on what information can be made  
9 available to DAHP for them to make their decision.  
10 Apparently this matter is going before it's called the  
11 keeper of historic places. I can't remember the exact  
12 date. I think it's the parks, and they're going to make a  
13 determination concerning the information. And based upon  
14 on that BPA will decide whether or not they can make the  
15 information available to DAHP. But I'm not aware of any  
16 issues with the Yakama's.

17 MR. TAYER: I only mention that because coincidentally I  
18 ran into the, literally ran into the director of natural  
19 resources for Yakama Nation at Skamania Lodge when we were  
20 there last week, and he was there meeting with Bonneville  
21 about the Yakama Nation's concern about this transmission  
22 line. And I just was trying to get a fix on what kind of  
23 government-to-government consultation we might be expecting  
24 to have or would be appropriate so that we aren't working  
25 completely across purposes.

MR. POSNER: Well, if you look at our work plan agreement  
with BPA, it's related specifically to state agencies, and  
EFSEC is tasked with coordinating the kind of comment  
responses from state agencies and only certain agencies:  
DNR, DFW, Ecology, and Parks. There's nothing in there  
that gives us the authority and responsibility to work with  
the tribes. I assume that BPA is working with them, but I  
don't know that for a fact. But we're not interfacing with  
the tribes relative to their concerns.

MR. TAYER: Maybe I should restate that. I would really  
appreciate knowing if we're taking a position that's going  
to create a direct, be in direct conflict with the Yakama  
Nation and where they're headed. We at least ought to know  
that.

MR. POSNER: Okay. Are you suggesting that we check with  
the Yakama Nation? Would you like us to check with them?

MR. TAYER: Yes.

1 MR. POSNER: And report back to you next month?

2 MR. TAYER: That would be great.

3 MR. POSNER: Okay.

4 SATSOP - GRAYS HARBOR ENERGY PROJECT UPDATE

5 CHAIR LUCE: All right. Satsop - Grays Harbor. One is  
6 here. The gray sheet is --

7 MR. LA SPINA: Chair, Chair Luce.

8 CHAIR LUCE: Yes.

9 MR. LA SPINA: Apparently when people call in they get  
10 kicked out. I found that out.

11 CHAIR LUCE: That's unfortunate, but we can read. Grays  
12 Harbor Energy reports no accidents or injuries and a  
13 year-to-date capacity factor of .6. They completed their  
14 spring outage, and the unit operated for one day for  
15 testing and there were no complaints. Sounds like a fairly  
16 uneventful month.

17 So we'll move ahead and you can just advise them we're  
18 sorry they got kicked off, but we handled it.

19 WHISTLING RIDGE ENERGY PROJECT UPDATE

20 CHAIR LUCE: Whistling Ridge Energy Project, Mr. Posner.

21 MR. POSNER: Just a quick update on the EIS. We are still  
22 working on finalizing the Draft EIS, and we expect to have  
23 that done in June.

24 CHAIR LUCE: All right. Do you have any idea as to when  
25 you might have it done in June?

MR. POSNER: June 10.

CHAIR LUCE: June 10. Do we have a schedule for Council  
meetings, deliberations with respect by Whistling Ridge?

MR. WRIGHT: Yes. You have a two-day closed deliberative  
session for the 6th and 7th of June schedule. The only  
other thing that is scheduled at this time is your regular  
monthly meeting on the 21st of June. I imagine by the time  
we get to June we're going to based on what's been done  
recently we will probably be asking you for some additional

1 time in June.

2 CHAIR LUCE: So I have a question, Al or Stephen. Is it  
3 likely that when we have our meeting in early June that  
4 Council Members will have a copy of the Draft EIS before  
5 them or not?

6

7 MR. POSNER: We're shooting to have the document available  
8 on the 10th. That's the target date that we have right  
9 now, and I believe that the meeting is a couple days before  
10 that, the deliberative session.

11 CHAIR LUCE: So I think it's the 3rd and 4th?

12 MR. WRIGHT: No, 6th and 7th, Monday and Tuesday. What you  
13 will not have is -- whether you have a document or not at  
14 that time, you will not have had a chance to have it in  
15 advance and review it. If you get it, I mean you will  
16 literally get it at that time.

17 CHAIR LUCE: So I just want Council Members to be aware of  
18 that. There's some issues that are important in that  
19 document, and if it's given to us at that point in time,  
20 then we should have perhaps lowered expectation with  
21 respect to our ability to review and comment at that date.  
22 The second question is we have a number of other meetings  
23 scheduled, if I recall correctly, during July. Our next  
24 meeting is July 21. Right?

25 MR. WRIGHT: Yes.

CHAIR LUCE: June 21, excuse me.

MR. WRIGHT: June 21 and then in July I'm trying to find  
what I did with my -- here it is. Then in July we have yet  
to schedule them, but the completion schedule for Whistling  
Ridge requires you to have at least one, if not two,  
deliberative sessions in the month of July, and we have yet  
to schedule those.

21

22 CHAIR LUCE: Okay. And our Council Meeting is set for  
23 June. I might make a recommendation, just bounce it off  
24 the Council. If there's nothing significant in terms of  
25 action items for June 21, the question is do we have a  
meeting? And the same would be true for July. Maybe more  
so true for July. But if staff could give us a heads up on  
action items on those meetings, I know that we have  
scheduled discussions on Whistling Ridge, and we might use  
our time more productively on that. But I'm open to having

1 another Council Meeting if there's items on the agenda  
2 other than printed reports that staff thinks are important  
3 to bring to us.

3 MR. WRIGHT: Okay. What I would recommend is that we will  
4 prior to the 6th and 7th of June which you have scheduled  
5 right now we will send out to you recommendations for the  
6 complete schedule for the rest of June and all of July  
7 since it's also you're going into vacation schedule. And  
8 that way we can check dates with you and you can make  
9 decisions on how you want to set up the two months. There  
10 will be Whistling Ridge activities, meetings during those  
11 two months.

8 CHAIR LUCE: Understood. I will not be here on June 21, if  
9 that makes a lot of difference. Commander Fryhling can  
10 handle the gavel or someone else, but we'll look for your  
11 information here on these meetings and make a decision as  
12 to whether we want to go forward with the regular Council  
13 Meeting

11 MR. WRIGHT: We will have something to you prior to the 6th  
12 and 7th.

13 CHAIR LUCE: Anything else on Whistling Ridge, Judge  
14 Wallis?

14 JUDGE WALLIS: No, there's nothing new to report. The  
15 evidentiary hearing is concluded and Council as has been  
16 noted engaged in deliberative sessions.

16 CHAIR LUCE: The only matter I guess I would bring up is  
17 when we took the tour there were visual simulations that we  
18 utilized, and I would like those visual simulations placed  
19 into the record. So whatever process is necessary perhaps  
20 for noting this to all the parties or a possible Council  
21 order, I would like to get that done before it slips our  
22 mind.

20 JUDGE WALLIS: Yes. I've consulted with our Assistant AG.  
21 We have drafted an order that would start that process.

22 CHAIR LUCE: All right. We'll look forward to signing  
23 that.

23 Any other questions from Council Members on Whistling  
24 Ridge?

25 MR. FRYHLING: We have a representative from the Applicant  
and Friends here and supposedly SOSA on the line. I don't

1 know if they have anything to say or whatever.

2 CHAIR LUCE: Well, we're in deliberations. You know, kind  
of in deliberations. So thank you for being here and  
3 listening. Thank you for being here.

4 COMPLIANCE MONITORING CONTRACTS

5 CHAIR LUCE: The next item up is the compliance monitoring  
contracts. Contract renewal for 2012 and 2013 presented by  
6 Stephen Posner and Mike Mills, EFSEC staff. Before we  
begin I'm going to have the three-minute timeout stretch  
7 break for Council Members so we will be in recess for three  
minutes thank you. Maybe five. Who knows?

8 (Recess taken from 2:07 p.m. to 2:08 p.m.)

9 CHAIR LUCE: That was a short three minutes. We will be  
back on the record. You know, we work quick in government.

10 So Mr. Posner, Mr. Mills, how would you like to proceed?

11 MR. POSNER: Chair Luce, what we will do is, first of all,  
direct your attention to two meeting reports in your  
12 packets, and what I'll do is I will discuss the first one  
which is the compliance monitoring program and the BPA  
13 transmission projects. Mike Mills will then pick it up for  
the emergency preparedness contracts.

14 So this is listed as an action item.

15 CHAIR LUCE: Stephen, before you go too far could you set  
the context. Some of the Council Members haven't been  
16 through these so maybe some framework would be helpful in  
the process.

17 MR. SUTHERLAND: Hey, Mr. Chair?

18 CHAIR LUCE: Yes, Doug.

19 MR. SUTHERLAND: None of the existing agenda has anything  
to do with Whistling Ridge so I'm going to split.

20 CHAIR LUCE: You're going to get in your pickup and drive  
to Arizona?

21 MR. SUTHERLAND: No, not yet. I'm still cutting grass.

22 CHAIR LUCE: All right.

1 MR. POSNER: So if you actually look at the meeting report,  
2 there is a short section on the background that I'll go  
3 into to describe that in a little more detail. Essentially  
4 in our statute there is a section that talks about EFSEC  
5 shall conduct monitoring compliance activities with state  
6 agency's under contract to EFSEC. So essentially our  
7 monitoring compliance program is conducted with the  
8 assistance of various state agencies depending on their  
9 expertise working under contract with EFSEC staff to  
10 determine the compliance of the operating facilities and  
11 then also to evaluate proposals or applications.  
12 So basically the monitoring of approved projects is  
13 administered by the Council through the contracts with the  
14 agencies. These agencies have specific technical  
15 expertise, and that's why we're employing them. We've been  
16 very fortunate that to date the state agencies have been  
17 able to assist us and provide us the resources we need to  
18 do the monitoring activities.  
19 So basically most of this relates to construction and  
20 operations monitoring. Some of the activities performed  
21 are on-site inspections, technical reviews, data analysis,  
22 air permitting activities, evaluating compliance with  
23 siting conditions, conditions specified in the site  
24 certification agreements, and also preparing reports and  
25 assisting us in making determinations relative to  
applicable laws and regulations.

There is one agency in particular, Fish and Wildlife, who  
has been very helpful in providing technical and consulting  
services on proposed projects, and I just want to make that  
known to the Council that they do provide these services  
under a specific contract as described in their scope of  
work, and they assist us in looking at new applications.  
There are actually four agencies. The meeting report says  
three that provide BPA transmission projects support, and  
besides Ecology, DAHP, and DNR, DFW also is under contract  
with EFSEC to evaluate the transmission projects.

So if you look at the second and third page we have  
itemized the various contracts, the dollar amounts for the  
different agencies. We have discussed these dollar amounts  
with the agencies. We are in general agreement that these  
dollar amounts are sufficient for them to do the work they  
need to do. There may be a little bit of negotiating, but  
we feel pretty certain that these numbers are very solid.  
And I could read them off, but I don't know that that's  
necessary. If you would like me to I will, but they're all  
there for you. They're broken out by department so you can



1 look and see what the contract amounts are for the various  
2 agencies.

3 I also note that we have two contracts with local agencies,  
4 the Southwest Clean Air Agency and the Olympic Region Clean  
5 Air agency. Those are the two local agencies that we have  
6 contracts with, and what we're going to ask after -- what  
7 I'll ask now is that after Mike finishes his summary report  
8 that we will be asking the Council to approve the renewal  
9 of these contracts, and there are motions, a copy of  
10 motions. We're suggesting that there be a separate motion  
11 for each of the agency contracts for the most part because  
12 when we come to like the Fish and Wildlife contract, Jeff  
13 Tayer would be asked to abstain from voting as would Hedia  
14 on the Ecology contracts and Andy on the DNR contracts.  
15 So there are a number of motions that were provided to  
16 Council Members to speed things along.

17 CHAIR LUCE: All right.

18 MR. POSNER: If there are any questions on the compliance  
19 monitoring contracts, I would happy to answer them.

20 CHAIR LUCE: Would you prefer that we vote on all when Mike  
21 has finished his presentation?

22 MR. POSNER: Yes, I think that would be the best thing.

23 CHAIR LUCE: All right. Mr. Mills, do you have a  
24 presentation with respect to the Columbia Generating  
25 Station off-site emergency preparedness program?

26 MR. MILLS: Yes, I do. The action today would be to  
27 consider the renewal of four contracts that the Council has  
28 with state agencies that provide off-site emergency  
29 preparedness services in support of the Columbia Generating  
30 Station Emergency Plan. Approval would provide funding for  
31 fiscal years 2012 and 2013 for Columbia-related emergency  
32 preparedness activities.

33 I'll just briefly summarize the background section.  
34 Maintenance of the state's Offsite Emergency Preparedness  
35 Program is a requirement of the site certification  
36 agreement issued to Energy Northwest to operate the  
37 Columbia Generating Station, a nuclear plant on the Hanford  
38 site. Pursuant to both state and federal requirements  
39 Energy Northwest must maintain an emergency plan in  
40 cooperation with state, local, and federal agencies to  
41 protect public health and safety in the event of a

1 radiological emergency at the plant.  
2 The OffSite Emergency Preparedness Program is organized to  
3 ensure that key state agencies with responsibility for  
4 emergency management and radiological response along with  
5 those counties located in the 10- and 50-mile emergency  
6 planning zones maintain plans and a demonstrated response  
7 capability.

8 Four state agencies and six counties received direct  
9 funding through the EFSEC contracts. Those agencies are  
10 the Washington State Military Department Emergency  
11 Management Division, and they subcontract with the six  
12 counties. The Department of Health, the Department of  
13 Agriculture, and the Washington State Patrol are the other  
14 three agencies. In March 2009, the Council approved  
15 Resolution 327 that reaffirmed its earlier findings that  
16 Columbia's off-site program is organized and managed  
17 adequately to meet program requirements and to protect the  
18 public health and safety. The resolution set baseline  
19 program budgets for these agencies for a four-year budget  
20 cycle running through fiscal years 2010, 2011, 2012, and  
21 2013. This was the fourth 4-year budget cycle that the  
22 Council had approved since conducting an earlier study in  
23 the late 1990s.

24 Following approval of Resolution 327 we executed the  
25 contracts for the two-year period fiscal years 10 and 11.  
Renewal of these contracts today would commit funding to  
the final two years of the current funding cycle. In  
reviewing the agencies' proposed budget requests for fiscal  
years 2012 and 2013 staff finds that the agencies and  
counties have held their proposals within the approved  
baseline amounts.

Staff would recommend that the Council approve the renewal  
of these contracts with the state agencies and counties  
that support Columbia emergency preparedness activities for  
fiscal years 2012 and 2013 in the amounts that are set out  
at the top of the second page. Again you will see Military  
Department has a planning element and then they pass  
through moneys to the six counties, and the Department of  
Health, Agriculture, and State Patrol receive direct  
funding.

Our proposed recommendation would be that the Council  
approve the renewal of these contracts.  
CHAIR LUCE: Thank you.

1 Council Members, do you have any questions?

2 MR. TAYER: Mr. Chair?

3 CHAIR LUCE: Yes.

4 MR. TAYER: Stephen, you mentioned the contract of the BPA  
5 Transmission Contract and the Fish and Wildlife  
6 subcontract. Although it is listed under Ecology,  
7 archaeology, and preservation of natural resources I don't  
8 see it under the Fish and Wildlife category.

9 MR. POSNER: Let's see.

10 CHAIR LUCE: Is that an existing contract that doesn't need  
11 to be undated I think?

12

13 MR. POSNER: It is an existing contract, and I believe  
14 that's an oversight on our part. I don't see it listed  
15 either. Well, that is part of the DFW contract so you  
16 could add that one, and I could tell you what the dollar  
17 amounts are.

18

19 MR. TAYER: Okay.

20

21 MR. POSNER: Do you want me to tell you now?

22

23 MR. TAYER: Please.

24

25 MR. POSNER: \$5,000 per fiscal year.

26

27 MR. TAYER: Okay.

28

29 CHAIR LUCE: Other Council Member questions? Hearing no  
30 questions, we have a series of motions and I'm going to ask  
31 Senior Member --

32

33 MR. FRYHLING: The old guy.

34

35 CHAIR LUCE: The older than me guy to make the motions.

36

37 MR. FRYHLING: We make a motion we want to vote on each one  
38 of these?

39

40 CHAIR LUCE: Right. One, two, three, four, five. I think  
41 we vote on each one.

42

43 MR. FRYHLING: Number one here I move that the Council  
44 approve contracts for Fiscal Year 2012 and 2013 with the  
45 Military Department Emergency Management Division including

1 subcontracts with six counties, the Department of Health,  
2 Department of Agriculture, and Washington State Patrol to  
support Columbia Generating Station related emergency  
preparedness activities.

3  
4 MR. TAYER: I'll second it.

5 CHAIR LUCE: I have a motion and second.

6 Discussion?

7 Hearing no discussion, the question is called for. All in  
8 favor say aye.

9 COUNCIL MEMBERS: Aye.

10 CHAIR LUCE: Let the record reflect that the vote was  
unanimous.

11 MR. FRYHLING: Motion No. 2, I move that the Council  
12 approve contracts for Fiscal Years 2012 and 2013 with  
13 Washington State Patrol, Department of Health, Olympic  
Region Clean Air Agency, and Southwest Clean Air Agency to  
provide compliance monitoring and/or air permitting  
services for EFSEC projects.

14 CHAIR LUCE: That's a motion. Do we have a second?

15 MR. HAYES: I second that.

16 CHAIR LUCE: Discussion?

17 MR. TAYER: Mr. Chair.

18 CHAIR LUCE: I'm sorry. Go ahead.

19 MR. TAYER: I must have missed this. Stephen, can you  
20 explain to me what the Washington State Patrol has got to  
do with clean air monitoring?

21 MR. POSNER. Well, they don't necessarily have anything to  
22 do with clean air monitoring. They're under the same  
23 motion, but what they do is the state patrol -- the office  
of the state fire marshal is under the Washington State  
24 Patrol, and they provide plan review and they do fire  
monitoring inspections at the Columbia Generating Station  
as well as Satsop facility.

25 MR. TAYER: Okay. Thank you.

1 CHAIR LUCE: Any other Council questions?

2 All right. The question is called for. All in favor say  
3 aye.

4 COUNCIL MEMBERS: Aye.

5 CHAIR LUCE: Let the record reflect the vote was unanimous.

6 MR. FRYHLING: Motion No. 3, I move that the Council  
7 approve a contract for Fiscal Years 2012 and 2013 with the  
8 Department of Fish and Wildlife to provide audits,  
9 mitigation, and technical services for EFSEC and Bonneville  
10 Power Administration projects.

11 CHAIR LUCE: All right. We've heard the motion. Is there  
12 a second?

13 MR. MOSS: I'll second that.

14 CHAIR LUCE: We have a second and a second.  
15 Council discussion?

16 MR. TAYER: Mr. Chair?

17 CHAIR LUCE: Yes, sir.

18 MR. TAYER: Just for the record, Council Member Tayer  
19 abstains from this vote.

20 CHAIR LUCE: Thank you. Council Member Tayer is recusing  
21 himself. Note that for the record.

22 All other Council Members who support this motion say aye.

23 COUNCIL MEMBERS: Aye.

24 CHAIR LUCE: Let the record reflect the vote was unanimous.

25 MR. FRYHLING: Motion No. 4, I move that the Council  
approve a contract for Fiscal Years 2012 and 2013 with the  
Department of Archaeology and Historic Preservation to  
provide compliance monitoring, technical services, and  
environmental/cultural reviews of EFSEC and Bonneville  
Power Administration projects.

CHAIR LUCE: You've heard the motion. Is there a second?

MR. TAYER: I'll second it.

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

CHAIR LUCE: A motion and a second. Discussion, Council?

Hearing no discussion, the question is called for. All in favor say aye.

COUNCIL MEMBERS: Aye.

CHAIR LUCE: Let the record reflect the vote was unanimous.

MR. FRYHLING: Motion No. 5, I move that the Council approve a contract for Fiscal Years 2012 and 2013 with the Department of Natural Resources to provide environmental review for Bonneville Power Administration projects.

MR. MOSS: I'll second that.

CHAIR LUCE: We have a motion and a second. Does the Council Member from Department of Natural Resources wish to recuse himself from this?

MR. HAYES: Yes. Council Member Hayes will abstain from this vote.

CHAIR LUCE: All right. Thank you.

All other Council Members than Council Member Hayes voting in the affirmative say aye.

COUNCIL MEMBERS: Aye.

CHAIR LUCE: Let the record reflect the vote was unanimous.

Next motion.

MR. FRYHLING: Motion No. 6, I move that the Council approve the Ecology Master Agreement and Task Orders 1 through 9 to provide compliance monitoring, air permitting, technical services, and environmental reviews for EFSEC and Bonneville Power Administration projects.

CHAIR LUCE: Thank you. We have a motion. Do we have a second?

MR. TAYER: Second.

CHAIR LUCE: Motion and second. We have a second. We do. Council discussion?

1 Hearing no discussion, Council person Hedia Adelsman is  
absent.

2 I'm sorry. Go ahead, Mr. Mills.

3 MR. MILLS: I think when we started we had nine task  
4 orders, but we're at seven right now so if you could make  
that change.

5 MR. FRYHLING: I would amend the motion to seven.

6 CHAIR LUCE: All right. The motion is amended to include  
7 seven or nine?

8 MR. MILLS: Seven.

9 CHAIR LUCE: Seven. The motion is to include seven. Does  
the second wish to amend and agree to the motion?

10 MR. MOSS: I agree to the motion.

11 MR. TAYER: I agree to the motion.

12 CHAIR LUCE: Counsel Member discussion?

13 Hearing no discussion all the Council Members voting in  
14 favor say aye.

15 COUNCIL MEMBERS: Aye.

16 CHAIR LUCE: Hedia is excused.

17 MR. MOSS: Just for the accuracy for the record, I suppose  
we should note that the actual person who seconded that  
18 motion agreed to the amendment.

19 CHAIR LUCE: I think he did.

20 MR. TAYER: I did.

21 CHAIR LUCE: It was quick. He did.

22 So I thank you, Mr. Posner.

23 Thank you, Mr. Mills.

24 MR. MILLS: Thank you.

25 CHAIR LUCE: Mr. Mills, as we are all aware, will be  
leaving the Council retiring for a second time on June 1.

1 So I just want to take a moment to say to Mike, 32 years  
2 with the Council. Started with five nuclear projects a  
3 long time ago, got down to one. That's an easy way to make  
4 your work easier. I mean, you know, you don't have to do  
5 as many agreements.

6 But, seriously, you have done an outstanding job. We said  
7 that before the first time you retired and I'll say it  
8 again now. I guess my time with Mike I remember  
9 specifically the WNP-1/4 initiative that we put together  
10 for site restoration, and Mike was by my side as we worked  
11 with Columbia Generating Station and all of the partners  
12 and potential beneficiaries of a three and a half million  
13 dollar settlement which Mike was very significantly  
14 involved in getting from Energy Northwest for offsite  
15 mitigation. As a result of that, those of us will remember  
16 that Badger Mountain is now public ownership. It was  
17 threatened by subdivision development. It's a nature  
18 preserve in the Tri-Cities.

19 Tapteal Greenway Project you were very involved in that as  
20 well Dick and it's now much better preserved than otherwise  
21 would have been. There's been a substantial acquisition of  
22 the Greenway project for the benefit of the public in the  
23 Tri-Cities.

24 Hofer Dam passage on the Walla Walla -- I believe it's the  
25 Walla Walla -- has now been made possible by that three and  
a half million dollars and not to forget Skookumchuck.

MR. TAYER: 6,000 acres.

CHAIR LUCE: 6,000 acres. Again, it was Mike Mills who was  
there by my side arm wrestling with -- I hope they're not  
still on the phone -- arm wrestling with Columbia  
Generating Station over offsite mitigation. But, no, it  
was a partnership, and those projects will be with us for  
all time.

20 So, Mike, I just, you know, can't thank you enough for  
21 everything you've done, and you don't have to come back a  
22 third time, that's okay, and enjoy a work knowing that it  
23 was very, very, very well done.

24 MR. MILLS: Thank you. I'd just like to thank Council  
25 Members and staff and our clients for this support that I  
have received over the years, and I feel very lucky that  
I've been able to work for the Council for the time that I  
have so thank you all.



1 CHAIR LUCE: Mike, I'd like you to come up here. Mike and  
2 I spent a lot of time in the Tri-Cities negotiating this  
3 WNP-1/4 settlement agreement, and occasionally we would  
4 have to stop someplace and get snacks because you can't go  
5 back to the motel and survive on, you know, water. So we  
6 ended up at I think it was Kmart or Walmart.

7 MR. MILLS: It was someplace.

8 CHAIR LUCE: So walking down the aisles looking for  
9 something to eat Mike spied one of his favorites he said,  
10 which are Austin Toasty Crackers with peanut butter, and it  
11 just so happens they carry them at Costco too. So 45  
12 individually wrapped peanut butter toasty crackers inched  
13 down the road.

14 MR. MILLS: I just love them, but that's a lot.

15 (Applause.)

16 CHAIR LUCE: And they really are. There's only 120  
17 calories in a package so I recommend it to all of you.

18 MR. MILLS: Thank you.

19 MR. FRYHLING: I think when you retire the second time it  
20 looks to me like the quality of awards you get become much  
21 less. They may be more meaningful so I don't know. I'm in  
22 that boat so I hope so.

23 MR. MILLS: I have my appetite back so that's good.

24 CHAIR LUCE: For those of us who have schlepped around the  
25 Tri-Cities looking for snacks it's meaningful.

OTHER

1 CHAIR LUCE: All right. So we are now down to the last  
2 item on the agenda, Other.

3 Legislative update, they're still in session so be careful,  
4 and I don't think there will be any energy siting  
5 legislature passed.

6 I don't have any manager's update really.

7 MR. FRYHLING: The manager might.

8 CHAIR LUCE: Well, it says manager's update. Oh, I  
9 misread. I thought it was me, no.

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

All right. Al, what's the manager's update?

MR. WRIGHT: I really don't have anything either other than we will get you the June and July schedule so you can fill that in. I was thinking about it after that discussion since it is the vacation season maybe we ought to try to include August also and try to get you as complete schedule for the kind of vacation season as we can between now and Labor Day, and we will try to do that.

CHAIR LUCE: All right. That's it. Meeting's adjourned.

MR. WRIGHT: Oh, wait. I'm sorry.

CHAIR LUCE: Hold it. Meeting is not adjourned.

MR. WRIGHT: Sorry. I've derelicted my duty. We have a new administrative assistant with us today. Amber George just came on Monday.

CHAIR LUCE: Congratulations sort of, I think. You worked with this motley this crew before?

MS. GEORGE: No.

CHAIR LUCE: Well, I'll talk to you in a month. No, it's a fun place to work. I think you'll enjoy everybody so congratulations.

MS. GEORGE: Thank you.

CHAIR LUCE: Anything else?

MR. WRIGHT: No, I'm done.

CHAIR LUCE: All right. Re-adjourned.

(Whereupon, the meeting was adjourned at 2:31 p.m.)

(These are minutes and not a verbatim report of proceedings.)