

Energy Facility Site Evaluation Council (EFSEC)

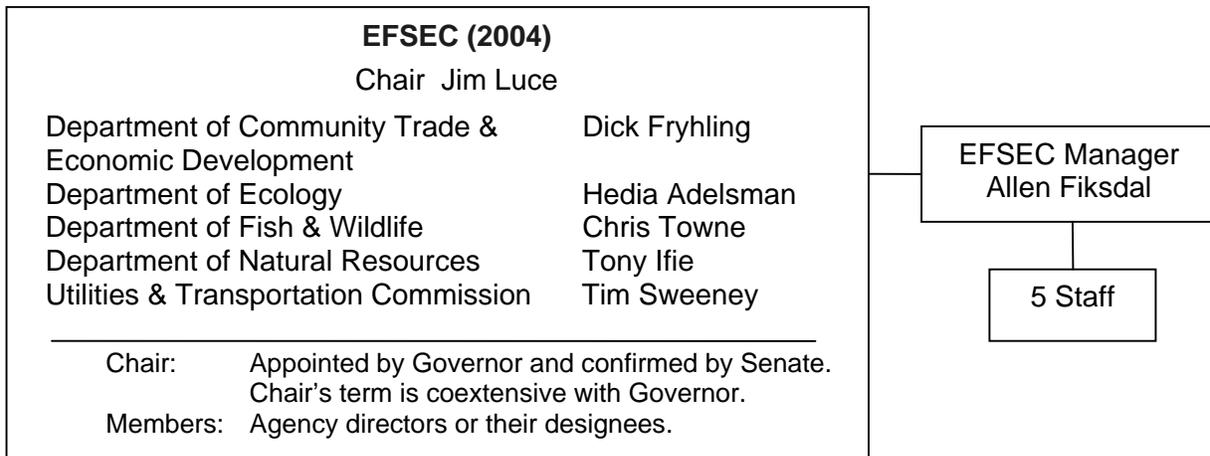
925 Plum Street SE, Olympia, WA 98504-3172, <http://www.efsec.wa.gov>

Contact: Allen Fiksdal, EFSEC Manager, <mailto:allenf@ep.cted.wa.gov>, 360-956-2152

Agency Responsibilities

- Provide recommendation to Governor for approval or denial of the siting of energy facilities after conducting public and adjudicative proceedings for:
 - thermal electric generation facilities greater than 350 megawatts
 - alternative electric generation facilities of any size that choose to opt in to the EFSEC process
 - intrastate natural gas pipelines greater than 15 miles long and 14 in. in diameter
 - petroleum product pipelines greater than 15 miles long and 6 inches in diameter
 - new facilities that receive liquefied natural gas (LNG) that has been transported over marine waters
 - underground natural gas storage facilities able to deliver more than 100 million cubic feet per day
 - refineries capable of producing more than 25,000 barrels per day
 - expansion of existing facilities not under EFSEC regulation that increase by the thresholds listed above
- Regulate approved energy facilities.
- Authorized under Chapter 80.50 RCW.

Organization Chart and Budget



- Administrative services and staffing are provided by the Department of Community, Trade, & Economic Development (CTED)
- Current budget is all Private/Local funds totaling - **\$12.5 million for FY 2003-05** biennium.
- Two monthly meetings, and public and adjudicative hearings as required near project locations.

Most Pressing Issues or Challenges

EFSEC superceding local land use plans and zoning ordinances – EFSEC's 1970 enabling law and 1976 revisions allow EFSEC to supercede local land use plans and zoning ordinances. There are unresolved questions whether the Growth Management Act takes precedence over EFSEC's enabling legislation. An applicant to site a wind power project in

Kittitas County has requested EFSEC supercede the county's land use plans including its comprehensive plan adopted under the Growth Management Act. Local governments and opponents to the project are challenging EFSEC's authority. One opponent has challenged EFSEC's authority in Kittitas County Superior Court but the Court ruled (9/13/04) the court does not have jurisdiction. EFSEC expects this challenge to be raised again if the land use consistency issues which gave rise to it cannot be resolved prior to EFSEC's adjudicatory hearings. Such a challenge, assuming EFSEC was to preempt local land use laws, would likely be brought before the State Supreme Court. Contact Allen Fiksdal, 360-956-2152, allenf@ep.cted.wa.gov.

EFSEC Overhead, Indirect, and Non Attributable Charges - Applicants to EFSEC and some current permit holders are questioning whether EFSEC can charge its overhead and indirect costs to applicants and permittees. Over the past 20 years EFSEC has charged 100% of its costs to applicants and certificate holders; however some permit holders interpret EFSEC's law to say that only certain activities "directly attributable to" their projects can be charged to them. These would not include "non attributable" charges such as overhead, indirect, travel and attendance at conferences relating generally to energy issues, etc. EFSEC has been meeting with affected parties represented by Energy Northwest and the Northwest Independent Power Producers trade association to discuss and try to resolve this issue. EFSEC's position is that it has the authority to charge applicants and permittees 100% of EFSEC's costs. All parties have set aside the legal issue to work toward a policy solution. During the Legislative interim EFSEC has been requested to testify to the Senate Natural Resources, Energy & Water Committee on this issue. Legislative committee staff is regularly briefed and meetings have been held with the Governor's Policy Office, the Office of Financial Management, and the Governor's Chief of Staff. Contact Allen Fiksdal, 360-956-2152, allenf@ep.cted.wa.gov.

Future Siting and Energy Issues: - Through out the country there is controversy surrounding the siting of transmission lines and Liquid Natural Gas (LNG) import facilities. EFSEC needs to prepare itself for these upcoming siting and energy issues and included in the CTED budget is a request for \$100,000 in state general funds for the next biennium for EFSEC time and travel to gain expertise in these issues. The Federal Energy Regulatory Commission has determined that it has sole jurisdiction over LNG facilities; these are very controversial and potentially very dangerous. State law gives EFSEC jurisdiction over these types of facilities and EFSEC needs to prepare for what many are saying are the next wave of energy development. New transmission lines are needed to alleviate transmission bottlenecks in several parts of Washington State. EFSEC has expertise in siting controversial energy facilities and can add to the state and regional discussion on this issue. Contact Allen Fiksdal, 360-956-2152, allenf@ep.cted.wa.gov.

Greenhouse Gas Mitigation Rule Making - CTED's proposed budget for EFSEC includes \$150,000 in state general funds for the next biennium to develop Carbon Dioxide (CO₂) Mitigation rules as required by SHB 3141. SHB 3141 however does not allow EFSEC to charge any applicants or permittees not affected by the bill for this activity. Without funding by the legislature, EFSEC cannot conduct the required rulemaking. Contact Allen Fiksdal, 360-956-2152, allenf@ep.cted.wa.gov.

Board Member Listing by Board Position

ENERGY FACILITY SITE EVALUATION COUNCIL (NS060)

Agency 103 - Community, Trade & Economic Develop	Senate Conf. Y	Positions: Maximum 016
Authority Governor, statute	Public Disc. Y	Minimum 000
Authoriztn. RCW 80.50.030	Term Length 048	Actual 016
Rem. Auth. GC	Meetings/Yr. 12	

Pos. #	Name and Address	Status	Race	Appointed	Expires
001	Luce, James O. 310 Pasadena Way Vancouver, WA 98661	A	C	09/17/2001	
		Terms Served	01		
		Position	a member		
		Comments	Chair		