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**BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL**

**IN RE APPLICATION NO. 99-1  
SUMAS ENERGY 2 GENERATION  
FACILITY**

**RESPONSE OF THE CITY OF  
SUMAS TO SE2’S MOTION FOR  
RECONSIDERATION**

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**INTRODUCTION**

The City of Sumas submits this response in support of SE2’s Motion for Reconsideration and urges the Council to carefully reflect upon the strengths of this project, in light of the changes now proposed by the applicant. The applicant’s proposal to remove the diesel-fired option and to provide offset of PM10 and NOx allows Sumas to now support the project without reservation, and also squarely addresses two major concerns of Whatcom County. Both Whatcom County and Sumas had asked for offset of emissions, and both had expressed reservations about the diesel-fired option. The applicant has made great strides toward meeting these major concerns expressed by local governments.

Sumas is aware that the Council found flaws in SE2’s proposal other than those associated with diesel firing. In particular, Order No. 754 identified concerns about water quantity and water quality. Sumas respectfully submits that the Council’s findings with respect to these two issues are not consistent with the record, as described below.



1 the proposed rate will not be environmentally detrimental. No party, including the  
2 Department of Ecology (which has the statutory responsibility to regulate water  
3 withdrawals), disputed this evidence or offered contradictory testimony.  
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6 Finally, the record indicates that the aquifer in this area is *known* to be able to  
7 support pumping in amounts much larger than that proposed to support SE2. As  
8 indicated in Abbotsford’s letter (FEIS Appendix J), long-term pumping at a rate of  
9 5,000 gpm occurred historically at the nearby Farmer Road and Industrial wells. The  
10 homeowner wells that seem to be of such concern to the Council have already  
11 experienced nearby pumping at a level almost eight times greater than that needed to  
12 support SE2.  
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18 *Two qualified hydrogeologists have said the proposed withdrawal will not be*  
19 *detrimental, actual historic pumping has proven this to be true, and no qualified*  
20 *person has testified otherwise.* Within this context, Sumas is baffled by the  
21 Council’s findings and urges it to reconsider Finding #50 (Order at p. 52).  
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## 27 **WATER QUALITY**

28 Sumas is also surprised by the Council’s conclusion that SE2 has not provided  
29 “meaningful mitigation” with respect to nitrate contamination of groundwater.  
30 Sumas reminds the Council that nitrate levels are gradually increasing at the Sumas  
31 wellfield as a result of poor agricultural practices within a recharge area north of the  
32 border in Abbotsford. As indicated by the USGS, “changes in nitrate concentrations  
33 can be expected to follow from patterns of land use and seasonal recharge conditions,  
34 rather than from well use.” (FEIS p. 3.2-38) Absent an improvement in land-use  
35 practices in Abbotsford, the Sumas wellfield will eventually exceed the nitrate MCL,  
36 causing a disruption of water service to two cities and to the 25-square mile rural  
37 area that depends upon Sumas for water. Individual homeowner wells within the  
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1 zone of influence of the Sumas wellfield will be an additional small population  
2 affected by Abbotsford's land-use practices.  
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4 Within this setting, SE2's proposal to mitigate nitrate contamination at the  
5 Sumas wellfield is of tremendous significance. This offer presents a solution to a  
6 looming future problem, *not of SE2's making*, for the overwhelming majority of the  
7 people affected by Abbotsford's land-use practices. Put simply, *without* SE2's offer,  
8 all of the people relying on the contaminated aquifer will suffer eventual harm, while  
9 *with* SE2's offer, 99 percent of the people will have safe water, and a few  
10 homeowners will suffer the same fate they already face.  
11

12 There are three separate intervenors charged with representation of the interests  
13 of rural homeowners that rely upon individual wells – Abbotsford, Whatcom County,  
14 and the CFE. Not one of the three raises any concern in its post-hearing brief about  
15 the issue of groundwater quality. The CFE specifically says that the proposed  
16 mitigation appears adequate. (CFE Supplemental Memorandum, p.3). Sumas  
17 strongly urges the Council to reconsider Findings # 53 and 54 (Order at p. 52).  
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### 29 **NEW EVIDENCE/HEARINGS**

30 In Order No. 754, the Council writes that it would be unfair to recommend  
31 certification of a gas-only facility without allowing the parties and the public to  
32 respond to such a different project. We remind the Council that the parties already  
33 have thought and said much about this scenario. The CFE, Whatcom County, and  
34 Sumas all argued extensively upon this matter in their post-hearing briefs. Each was  
35 able to easily ascertain the relative magnitude of impacts associated with gas- and  
36 diesel-firing from the information in the record. In fact, the record is riddled with  
37 discussion of the comparative impacts associated with each mode of firing. The  
38 application exhaustively lists data for each mode and the joint air quality report  
39 issued by Canadian agencies likewise provides data allowing easy comparison. The  
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1 FEIS states conclusively “no significant air quality impacts would occur when the  
2 facility is fired with natural gas.” (FEIS p. 3.1-37) For these reasons, Sumas believes  
3 that no new evidence regarding air quality impacts associated with the gas-fired  
4 mode is necessary within the adjudicative hearing process.  
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8 Within the PSD permit process, there would clearly be substantial changes to the  
9 text of the permit in order to remove discussion relevant to the oil-fired mode.  
10 However, a careful reading of the Draft Fact Sheet reveals that all of the discussion  
11 pertaining to determination of BACT for the gas-fired mode remains valid. The  
12 parties and the public already had the opportunity to comment upon the BACT  
13 determination and associated gas-fired permit limits and, in fact, many did (e.g.,  
14 CFE’s recommendation of “H” series turbine and SCONOX).  
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17 Recognizing the need for public scrutiny of the revised PSD permit, but wishing  
18 to avoid revisiting earlier ground, Sumas suggests that a PSD hearing and comment  
19 period be provided, but that the scope of comments be limited to identification of  
20 inadvertent substantive changes created by the revision process, and to comments  
21 upon intentional substantive changes (if any) within the second draft permit  
22 pertaining to the gas-fired mode.  
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25 No draft 401 water quality certification has yet been made available to the parties  
26 and the public. An appropriate public process (be it a hearing or a comment period,  
27 whatever is usual for the 401 process) will need to be undertaken by the Council.  
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### 31 **CONCLUSION**

32 The applicant’s proposed changes satisfy all objections raised earlier by the City  
33 of Sumas. The City Council (exclusive, of course, of Mr. Richmond) continues in its  
34 unanimous support of this project. They also urge EFSEC to recognize that most  
35 City of Sumas residents support this project. With a postal zip code that stretches for  
36 miles around town, it is simple for opponents to step up to a microphone and say they  
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1 are from Sumas when in fact they do not live in the City. EFSEC has received  
2 evidence that many City residents support SE2. Mayor Peterson submitted a petition  
3 in favor of SE2 at the public testimony hearing on July 27, 2000. The Mayor and  
4 City Council have seen the various petitions, both for and against. However, they  
5 live in town, interact daily with their constituents, and believe that their support of  
6 this project is consistent with the views of the people they represent and, ultimately,  
7 in furtherance of their obligations as representatives for the City of Sumas.  
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17 SMITH KOSANKE & WRIGHT  
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20 By \_\_\_\_\_  
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22 Attorneys for City of Sumas  
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