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Letter 161

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ENERGY FACILITY SITE
EVALUATION COUNCIL

May 1, 2000

Allen Fiksdal
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98504-3172

Re: DEIS Comments for Sumas Energy 2 Generation Facility
Extended Comment Period Ending May 2, 2000

Dear Mr. Fiksdal:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) prepared by the Energy Facility Site Evaluation Council (EFSEC) for the Sumas Energy 2 Generation Facility (SE2).

It is my understanding that, with the exception of the natural gas supply pipeline and the alternative to construct two 115 kilovolt (kV) transmission lines, the proposed project is located inside the City of Sumas city limits and outside the Whatcom County Department of Planning and Development permitting jurisdiction. It is also my understanding that the alternative to construct two 115 kV transmission lines is not within the scope of SE2's current EFSEC permit application.

Pursuant to WCC 20.82.021, the construction of a natural gas distribution pipeline within a legally established pipeline easement is an outright permitted use. However, construction of 115 kV transmission lines would require a Whatcom County Conditional Use Permit. Whatcom County discretionary permits (e.g., Conditional Use Permits) are subject to review under the State Environmental Policy Act (SEPA). Although the alternative to construct two 115 kV transmission lines is included in the scope of the subject DEIS, Whatcom County may require additional environmental analyses and mitigation under SEPA as part of a Conditional Use Permit.

With this understanding, please consider the following comments on the adequacy of the subject DEIS:

115 kV Transmission Lines

The following comments pertain to the alternative to construct two 115 kV transmission lines across Whatcom County as discussed in Section 2.4 of the DEIS. The DEIS fails to provide adequate analyses and mitigation for the construction of new utility poles in wetlands and other environmentally sensitive areas. 1 The DEIS also fails to provide an adequate analysis of the biological effects of electromagnetic fields from power lines based on current scientific studies. Alternatives and cumulative impacts of constructing new poles "within five feet of existing poles" should be evaluated and proposed mitigation included in the DEIS. 2

A detailed assessment, evaluation and mitigation for transmission line construction impacts should be completed for each parcel located along the entire proposed transmission line right-of-way.

Air Quality

The following comments pertain to air quality as discussed in Section 3.1 of the DEIS. The DEIS fails to adequately evaluate or mitigate the impacts from exceeding Title 4, Clean Air Act, standards.

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The cumulative impacts from nitrogen and sulfur oxides released into the environment over an extended period of time should be evaluated and supporting studies should be included in the Technical Appendices of the DEIS. 3

Studies on adverse biological effects to public health including bioaccumulative toxic chemicals that would be produced by the project are not adequately discussed in the DEIS. The DEIS lacks adequate mitigation for impacts pertaining to the acidification of natural systems from air emissions generated from the project. 4

Existing ambient air quality conditions should be used as baseline criteria for establishing acceptable air emission levels and developing necessary mitigation. Section 3.1.7 of the DEIS states that cumulative emissions of criteria pollutants would be below ambient standards. However, the adverse impacts of the cumulative emissions are not evaluated and no mitigation is discussed. 5

Pursuant to WAC 197-11-060(4)(b), EFSEC must not limit its consideration of impacts only to those aspects within its jurisdiction, including local and state boundaries. The DEIS vaguely describes the Canadian air quality standards. The likelihood of failing to meet the Canadian "desirable" air quality standard should be evaluated including appropriate mitigating measures as necessary. 6

Water Resources

The following comments pertain to surface water, groundwater and floodplains as discussed in Section 3.2 of the DEIS. The DEIS provides analyses of existing water rights. However, the likelihood for over appropriation of water rights as a result of the SE2 project would result in exceptionally significant adverse impacts on the future growth potential and economic development of the greater Sumas area. Section 3.2.2.4 of the DEIS references an Ecology study completed in 1991. This 10-year old data may not be reliably current and should be updated. More current data should be obtained and evaluated before making final decisions pertaining to the status of water rights. The DEIS lacks a project-specific detailed study on the likelihood of significant adverse impacts to adjacent water rights, including impacts to Canadian users, and private and agricultural properties that depend on groundwater resources. Pursuant to WAC 197-11-060(4)(b), EFSEC must not limit its consideration of impacts only to those aspects within its jurisdiction, including local and state boundaries. 7

The DEIS fails to provide an adequate hydrogeologic analyses considering the scope and magnitude of the proposed action. Section 3.2.2.2 of the DEIS refers to a "conceptual" and "simplified" hydrologic model. A comprehensive, detailed and project-specific hydrogeological investigation and assessment needs to be completed to adequately evaluate aquifer characteristics. This hydrogeological investigation should include the assessment of aquifer recharge characteristics, seasonal changes to the hydraulic gradient and hydraulic conductivity, aquifer storativity and yield potential. Without this detailed site-specific study, the significant adverse impacts to the Sumas/Abbottsford Aquifer cannot be determined or mitigated. Insufficient data is provided in the DEIS to determine or support mitigation of significant adverse impacts to the Sumas/Abbottsford Aquifer. 8

A minimum of the past five years of quarterly potentiometric surface maps of the Sumas/Abbottsford aquifer should be included in the DEIS 9

Although it is proposed that the wastewater discharged from the proposed project would be reduced from approximately 2,800 gallons per minute (gpm) to approximately 850 gpm, the DEIS fails to adequately evaluate appropriate mitigation for the recipient of the wastewater. The adverse impacts from discharging relatively warm storm water to temperature-sensitive surface waters has not been evaluated or mitigated. 10

Rigorous verification of the best available flood data should be completed as soon as possible in the site planning process. Based on the work performed by KCM for the City of Sumas as described in Appendix A of the DEIS, it appears that the impact from filling the industrial area was not explicitly evaluated. The model was calibrated to the 1990 event with the industrial areas unfilled. The 100-year model simulation assumes that all industrial areas are already filled. 11

To adequately assess the impacts of the filling on floodplain levels, the hydraulic model should be run for a 100-year event, for both pre- and post-fill conditions. This will allow for an evaluation of the impacts to flood levels and velocities due to the placement of the fill. 11

In addition, impacts associated with floodplain fills include both loss of floodplain conveyance as well as loss of floodplain storage. To adequately evaluate the impacts of both conveyance and storage, an unsteady flow model should be used for the analysis described above. The simulation of the 100-year event performed by KCM was a steady-state analysis, which does represent the effect of floodplain storage. The County is currently in the process of developing an unsteady flow model which could be used for this analysis. 12

Noise

The following comments pertain to noise as discussed in Section 3.3 of the DEIS. Background ambient noise within the regulatory noise standards may have a significant adverse impact on residents residing near the proposed project site. The DEIS fails to adequately evaluate the impact from noise and fails to describe appropriate mitigating measures. Existing ambient noise levels should be used as baseline criteria for establishing acceptable noise levels for the proposed project. The adverse impact of noise on wildlife has not been adequately evaluated or mitigated. 13

Please do not hesitate to contact me should you have any questions or concerns regarding these comments.

Sincerely,

John Guenther
Senior Land Use Specialist/Deputy SEPA Official

Cc: Pete Kremen, Executive
Sam Ryan
Roland Middleton
Bruce Roll, Water Resources Division Manager
Dick Prieve, Public Works Assistant Director
Dave Grant, County Attorney
Karen Frakes, County Attorney

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