

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

In the Matter of:
Application No. 2013-01

TESORO SAVAGE, LLC

VANCOUVER ENERGY DISTRIBUTION
TERMINAL

CASE NO. 15-001

ORDER COMMENCING AGENCY
ADJUDICATION AND SETTING
INTERVENTION PETITION DEADLINE:
FEBRUARY 27, 2015.

The Application:

On August 29, 2013, Tesoro Savage Petroleum Terminal LLC (Tesoro Savage), a State of Delaware limited liability company, submitted Application for Site Certification No. 2013-01. On February 28, 2014, Tesoro Savage submitted Supplement to Application for Site Certification No. 2013-01.

Tesoro Savage seeks a site certification agreement from the Washington State Energy Facility Site Evaluation Council (Council) to construct and operate the Tesoro Savage Vancouver Energy Distribution Terminal (Project) at the Port of Vancouver, Washington (Port). At full operation, the project would be capable of receiving up to 360,000 barrels of crude oil per day, transported by up to four unit trains. Each unit train would be comprised of approximately 100 to 120 tank cars. The crude oil would be temporarily stored on site prior to being loaded onto marine vessels for delivery to refineries on the west coast of the United States (California, Washington, and Alaska). The project area at the terminal site encompasses 44.9 acres, located at berths 13 and 14.

The project is comprised of three main areas: a rail unloading facility, an oil storage area, and a marine terminal. Two new rail loops would be added to the existing rail infrastructure and approximately 38,500 linear feet of pipeline would be constructed to move the crude oil between these three areas. Additional project components include six 48-foot tall, 240 foot diameter crude oil storage tanks with a working capacity of approximately 340,000 barrels each.

Notice of Adjudicative Process:

The Council is reviewing Application No. 2013-01 under the procedures set forth in Chapter 80-50 of the Revised Code of Washington (RCW) and Title 463 of the Washington Administrative Code (WAC) for reviewing applications for new major energy facilities. The Council holds an adjudicative proceeding under Chapter 34.05 RCW, the Washington Administrative Procedure Act.

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By this order, the Council commences the adjudicative hearing related to Application No. 2013-01 in accordance with the procedural requirements of WAC Chapter 463-30 and Chapter 34-05 RCW.

Procedural Setting:

The Council has taken lead agency status for the project under WAC 197-11-938 of the State Environmental Policy Act (SEPA rules for the environmental review of the project.) The Council will also conduct an examination of the project proposal through a formal adjudicative proceeding pursuant to RCW 80.50.090(3).

Parties:

The following are deemed to be parties:

Pursuant to WAC 463-30-060, the applicant, Tesoro Savage Petroleum Terminal LLC

Pursuant to RCW 80.50.080, Counsel for the Environment, representing the public interest in protecting the quality of the environment

Pursuant to WAC 463-30-050 and WAC 463-30-060(2), the following state agencies and local governments are also deemed to be parties:

State of Washington Agencies:

The Department of Commerce
The Department of Ecology
The Department of Fish and Wildlife
The Department of Natural Resources
Utilities and Transportation Commission
The Department of Transportation

Local governments:

Clark County
The City of Vancouver
The Port of Vancouver

Parties wishing to actively participate in the adjudication of Application No. 2013-01 shall file a written notice of party participation and serve a copy of the notice on all other parties. This notice shall include addresses for communications in both electronic and paper form.

Intervention:

Initial petitions for intervention shall be filed with the Council by **February 27, 2015**.

A copy of the petition shall be served on all other parties. Existing parties opposing any intervention petition must file a written objection to the petition, demonstrating with particularity how their rights would be prejudiced by the intervention. Any such objection shall be filed by **March 6, 2015**. Petitioning intervenors must file any response to objections by **March 11, 2015**.

Petitions to intervene shall be filed with the Council at the address below and copies of intervention petitions shall be served on all parties. Electronic filing of petitions and responsive pleadings will be allowed, provided one hard copy is placed in the United States Mail addressed to the Council on the same day as filing.

Energy Facility Site Evaluation Council
1300 S Evergreen Park Drive SW
Olympia WA 98504-3172

Electronic filing address: EFSEC@utc.wa.gov

All petitions to intervene in these proceedings shall be verified under oath by the petitioner. Petitions shall include the following:

- (1) Adequate identification of the petitioner and the petitioner's addresses for electronic and physical mailings;
- (2) Facts sufficient to establish with particularity that the petitioner has an interest in the subject matter; and
- (3) A statement of how the petitioner's ability to protect such interest may be impaired or impeded if the petitioner is not granted the status of intervenor.

Unless otherwise ordered, petitions for intervention will be decided based on the petition submittals and without oral argument. If an intervention qualifies under provision of law and is in the interests of justice, the petition will be granted provided it will not impair the orderly and prompt conduct of the proceedings. The presiding officer may condition the grant of intervention by limiting the intervenor's participation as follows:

- (a) Limitation to designated issues in which the intervenor has a particular interest demonstrated by the petition:
- (b) Limitation of the intervenor's participation in the proceedings, such as in the presentation of evidence and argument, cross-examination, and discovery, so as to

promote orderly and prompt conduct of the proceedings: and/or

- (c) Requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery and other participation in the proceedings.

If the Council determines that numerous intervenors would unduly delay the proceedings or otherwise might prejudice the rights of existing parties, intervenor status may be further conditioned upon the petitioner's agreement that the Counsel for the Environment or an existing party may act as lead counsel for the intervenor.

Public Participation:

Pursuant to RCW 80.50.080, the Counsel for the Environment represents "the public and its interest in protecting the quality of the environment." Assistant Attorney General Matt Kernutt has been appointed Counsel for the Environment in this case. He may be contacted at the following address and telephone number:

AAG Matt Kernutt
Office of the Attorney General
1125 Washington Street SE
PO Box 40100
Olympia WA 98504-0100
MattK1@atg.wa.gov
360-586-0740

Organization of the Proceedings:

Once intervening parties are known, the undersigned administrative law judge will set a date and provide notice to all known parties and intervenors of a prehearing conference to address and establish procedures for the pre-hearing phase of this adjudication. All active parties and intervenors will be required to attend the conference, following which an order will be entered concerning the process for addressing the procedural matters discussed in the conference.

Additional Information:

Council staff is not allowed to give legal advice, but may answer questions that are procedural in nature about the adjudication and intervention process. The Council's address and telephone number are as follows:

Energy Facility Site Evaluation Council
1300 Evergreen Park Drive
Olympia WA 98504-3172
(360) 664-1345

More information about the project is available from the Council's website at www.efsec.wa.gov, or from copies of the application at public libraries at the following locations:

Washington State Library
Joel M. Pritchard Library
415 15th Ave SW
Olympia WA 98504-2460
(360) 704-5227

Lewis D. Cannell Library
1933 Fort Vancouver Way
Vancouver WA 98663
(360) 992-2151

Vancouver Regional Library
901 C Street
Vancouver WA 98660
(360) 906-5000

Clark County Law Library
1200 Franklin Street
Vancouver WA 98660
(360) 397-2268

Cascade Park Community Library
600 Northeast 136th Ave.
Vancouver WA 98684
(360) 906-5000

Vancouver Mall Community Library
8700 Northeast Vancouver Mall Drive #285
Vancouver WA 98662
(360) 906-5000

Three Creeks Library
800 C-NE Tenney Road
Vancouver WA 98685
(360) 906-4790

DATED and effective at Olympia, Washington, the 28th day of January, 2015.

WASHINGTON ENERGY FACILITY SITE
EVALUATION COUNCIL

_____/s/_____
Cassandra Noble, Administrative Law Judge