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2
3 BEFORE THE STATE OF WASHINGTON
4 ENERGY FACILITY SITE EVALUATION COUNCIL

5 6 In the matter of 7 Application No. 2013-01 8 TESORO SAVAGE, LLC 9 VANCOUVER ENERGY DISTRIBUTION 10 TERMINAL 11	Case No. 15-001 CITY OF SPOKANE PETITION FOR INTERVENTION
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12 Pursuant to RCW 34.05.443, RCW 80.50.090, WAC 463-30-091 and
13 the January 28, 2015 Order Commencing Agency Adjudication, the City of
14 Spokane submits this Petition for Intervention.
15

16 **I. IDENTIFICATION OF PETITIONER**

17 The City of Spokane is a Washington State municipal corporation
18 located in eastern Washington. Spokane is the location of railroad lines that
19 would be used for the rail transport of crude oil through the City if the site
20 certification application filed by Tesoro Savage, LLC is recommended for
21 approval by the State of Washington Energy Facility Site Evaluation Council
22 (“EFSEC”).
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1 City of Spokane name and mailing address:

2 City of Spokane
3 Office of the Mayor
4 7th Floor Municipal Building
5 W. 808 Spokane Falls Blvd.
6 Spokane, WA 99201

7 **PETITIONER'S ATTORNEYS**

8 Petitioner City of Spokane is represented by:

9 Office of the City Attorney
10 Nancy Isserlis, City Attorney
11 Michael J. Piccolo, Assistant City Attorney
12 5th Floor Municipal Building
13 W. 808 Spokane Falls Blvd.
14 Spokane, WA 99201

15 (509)625-6225
16 nisserlis@spokanecity.org
17 mpiccolo@spokanecity.org

18 **II. STATEMENT OF CITY OF SPOKANE'S INTEREST IN THE**
19 **PROCEEDINGS**

20 The City of Spokane has a special and unique interest in the site
21 certification application of the Tesoro Savage Vancouver Energy Distribution
22 Terminal ("Project") in that approval of this Project will have significant
23 public health, safety, and environmental impacts on the City. Spokane has a
24 population of approximately 210,000 people with a total population of
25 approximately 400,000 people for the metropolitan area of Spokane County.
26 Approval of the Project would increase the amount of crude oil shipped from

1 the oil fields in the Bakken area of North Dakota to supply the Project. The
2 crude oil transport would travel on rail lines located in the heart of
3 downtown Spokane. The urban core of the City includes the location of two
4 regional medical centers, a university district with three universities,
5 Riverfront Park, the Spokane Intermodal Center (an intermodal
6 transportation serving both rail and bus transportation), the downtown
7 commercial, retail and business district, a public high school, numerous
8 non-profit and state social service agencies, as well as hundreds of small
9 businesses and residents. The rail lines also cross over the Spokane River
10 and Latah Creek and are located on top of the Spokane Valley-Rathdrum
11 Prairie Aquifer, which provides the main source of drinking water for the
12 City.
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16 The City has been reviewing the development of transport of crude oil
17 through eastern Washington to various west coast ports. Most rail transport
18 of crude oil will send trains through the urban core of the City. This past
19 summer, the City met with representatives from the State of Washington
20 Department of Ecology (DOE), the DOE's Spill Response Section Manager,
21 and the State of Washington Utilities and Transportation Commission to
22 review updates on crude oil transport and expansion of crude oil facilities.
23
24

25 See Attachment No. 1. The Mayor for the City also serves as co-chair for the
26

1 Association of Washington Cities Ad Hoc Rail Committee, which represents
2 communities across the state impacted by increased rail traffic and
3 addresses city concerns related to rail safety, mobility, and service.
4

5 The permitting of the Tesoro Savage Project at the Port of Vancouver
6 has the potential of increasing the number of trains transporting crude oil
7 through the City of Spokane. Given the number of actual and potential
8 derailments and leaks, the approval of the Tesoro Savage Project creates
9 public health, safety, and environmental concerns for the City of Spokane.
10

11 The City's interest extends to the following non-exhaustive preliminary
12 list of issues:
13

14 1. Whether all of the Project's potential public health, safety, and
15 environmental impacts on the City of Spokane and its urban core caused by
16 the increased rail line transport of crude oil through the City to supply the
17 Project have been evaluated and addressed.
18

19 2. Whether all of the Project's potential public health, safety, and
20 environmental impacts on the Spokane Valley-Rathdrum Prairie Aquifer,
21 including impacts on the City's primary source of drinking water, caused by
22 the increased rail line transport of crude oil through the City to supply the
23 Project have been evaluated and addressed.
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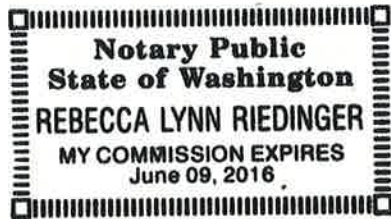
1 3. Whether all of the Project’s potential public health, safety, and
2 environmental impacts on the Spokane River and Latah Creek caused by the
3 increased rail line transport of crude oil through the City to supply the
4 Project have been evaluated and addressed.
5

6 **III. CITY OF SPOKANE’S INTEREST WOULD BE IMPAIRED AND**
7 **IMPEDED IF THIS PETITION FOR INTERVENTION IS NOT**
8 **GRANTED.**


9 The potential of increased rail traffic through the City of Spokane
10 transporting crude oil to the Project creates public health, safety, and
11 environmental concerns for the City of Spokane, which cannot be adequately
12 represented by other parties. The City is in a unique position in that even
13 though the Project site is at the Port of Vancouver, the approval of this
14 project will increase rail traffic coming through the City transporting crude
15 oil to the Project. The City’s interest in protecting the public health, safety,
16 and environment of its citizens would be impaired and impeded if the EFSEC
17 denies this Petition for Intervention because the EFSEC would not have the
18 benefit of the City’s input into the site certification process.
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21 The City requests the right to intervene in the proceedings and to be
22 afforded the right to participate in the proceedings to the full extent
23 authorized by the EFSEC’s rules.
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3 SUBSCRIBED AND SWORN TO before me this 27 day of February,
4 2015 by Michael J. Piccolo, Assistant City Attorney for the City of Spokane.



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Notary Public – State of
Washington

**SPECIAL MEETING NOTICE/AGENDA OF THE
SPOKANE CITY COUNCIL**

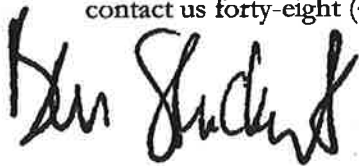
**MEETING OF THURSDAY, June 19, 2014
3:30 p.m. – CITY COUNCIL BRIEFING CENTER**

A special meeting of the Spokane City Council will be held at **3:30 p.m. on Thursday, June 19, 2014**, in the City Council Briefing Center, – City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington.

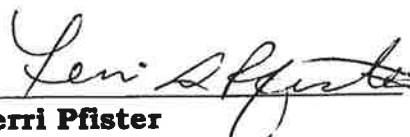
The meeting will be conducted in a study session format. The meeting will be open to the public, with the possibility of moving into executive session only with the members of the City Council and the appropriate staff. No public testimony will be taken and discussion will be limited to appropriate officials and staff.

**Washington State Business License Service Update (15 minutes)
Washington State Department of Ecology – Oil Trains/Oil Spill Response (Agenda attached)**

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Gita George-Hatcher at (509) 625-7083, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ggeorge-hatcher@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.



**Ben Stuckart
Council President**



**Terri Pfister
Spokane City Clerk**

RECEIVED

JUN 17 2014

CITY CLERK'S OFFICE
SPOKANE, WA

Spokane City Council Briefing:

- Overview of Changes in Transportation of Crude Oil
- Update on proposals in Grays Harbor to Expand Facilities and Handle Crude Oil

AGENDA

Date: June 19, 2014

Time: 3:45 – 5:00 pm

Location: Briefing Center

- Introductions, review agenda, purpose of briefing
 - Grant Pfiefer, Ecology Regional Director
- Changes in transportation of crude oil and How Does Washington's spill prevention, preparedness and response program work?
 - Dave Byers, Ecology Spill Response Section Manager
- What state agencies regulate rail transportation?
 - Jason Lewis, Utilities and Transportation Commission
- What will the new Legislative safety and oil spill study accomplish?
 - Dave Byers and Jason Lewis
- What is the status of the environmental reviews for the expansion proposals in Hoquiam? How do these relate to similar proposals in other parts of our state?
 - Paula Ehlers, Ecology Shorelands and Environmental Assistance Section Manager
- Discussion, questions and answers

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13 TERMINAL
14

Case No. 15-001

NOTICE OF APPEARANCE

15 TO: THE STATE OF WASHINGTON ENERGY FACILITY SITE EVALUATION
16 COUNCIL

17 YOU ARE HEREBY NOTIFIED that the City of Spokane, without waiving
18 objection as to improper service, jurisdiction, or any other lawful objection,
19 hereby appears in the above-entitled action by its attorneys, Nancy L. Isserlis,
20 City Attorney, and Michael J. Piccolo, Assistant City Attorney, and you are
21 hereby further notified that all subsequent papers and pleadings in said
22 action, except process, are to be served upon said attorneys at the address
23 stated below.
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DATED this 27th day of February, 2015

NANCY L. ISSERLIS
City Attorney
City of Spokane

By: Michael F. Piccolo
Michael F. Piccolo WSBA #20238
Assistant City Attorney
City of Spokane

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Case No. 15-001

PROOF OF SERVICE

15 **Proof of Service**

16 I, Roxanne L. Imus, hereby certify that on Friday, February 27, 2015, I served, by
17 email and U. S. Postal Service, a copy of the Notice of Appearance and Petition for
18 Intervention on all parties below, or their counsel of record.

19 **Tesoro Savage Petroleum Terminal LLC, Applicant**

20 Kelly J. Flint
21 Tesoro Savage Petroleum Terminal, LLC
22 110 Columbia Boulevard, Suite 108 & 110
23 Vancouver, WA 98660

24 Email: kellyf@savageservices.com

25 Phone: 801-944-6600

Jay Derr, Counsel
Van Ness Feldman, LLP
719 Second Ave, Suite 1150
Seattle, WA 98104-1728

Email: jpd@vnf.com

Phone: 206-623-9372

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27 Proof of Service
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Nancy L. Isserlis
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Spokane, WA 99201-3326
(509) 625-6225
FAX (509) 625-6277

<p>Counsel for the Environment</p> <p>Matt Kernutt Office of the Attorney General P.O. Box 40100 Olympia, WA 98504-0100</p> <p>Email: mattkl@atg.wa.gov</p> <p>Phone: 360-586-0740</p>	<p>Energy Facility Site Evaluation Council</p> <p>Energy Facility Site Evaluation Council 1300 S Evergreen Park Drive SW P.O. Box 43172 Olympia, WA 98504-3172</p> <p>Email: efsec@utc.wa.gov</p>
<p>The Department of Commerce</p> <p>Brian Bonlender, Director Department of Commerce 1011 Plum Street SE Olympia, WA 98504-2525</p> <p>Email: brian.bonlender@commerce.wa.gov</p> <p>Phone: 360-725-4021</p>	<p>Department of Ecology</p> <p>Maia D. Bellon, Director Department of Ecology 300 Desmond Drive Olympia, WA 98504-7600</p> <p>Email: maia.bellon@ecy.wa.gov</p> <p>Phone: 360-407-7001</p>
<p>Department of Fish and Wildlife</p> <p>Phil Anderson, Director Department of Fish and Wildlife 1191 Second Ave, Suite 2200 Seattle, WA 98101</p> <p>Email: Philip.Anderson@dfw.wa.gov</p> <p>Phone: 360-902-2720</p>	<p>Department of Natural Resources</p> <p>Peter Goldmark Commission of Public Lands Department of Natural Resources 1111 Washington St SE Olympia, WA 98501</p> <p>Email: Peter.Goldmark@dnr.wa.gov</p> <p>Phone: 360-902-1004</p>
<p>Utilities and Transportation Commission</p> <p>David Danner Utilities and Transportation Commission 1300 S Evergreen Park Drive SW P.O. Box 47250 Olympia, WA 98504</p> <p>Email: ddanner@utc.wa.gov</p> <p>Phone: 360-664-1208</p>	<p>Department of Transportation</p> <p>Lynn Peterson Department of Transportation 310 Maple Park Avenue SE P.O. Box 47300 Olympia, WA 98504-7300</p> <p>Email: lynnp@wsdot.wa.gov</p> <p>Phone: 360-664-1208</p>

<p>Clark County David Madore, Chair Clark County Board of Commissioners 1300 Franklin Street P.O. Box 5000 Vancouver, WA 98666-5000</p> <p>Email: david.madore@clark.wa.gov</p> <p>Phone: 360-397-2232</p>	<p>City of Vancouver Timothy Leavitt, Mayor City of Vancouver P.O. Box 1995 Vancouver, WA 98668-1995</p> <p>Email: tim.leavitt@cityofvancouver.us</p> <p>Phone: 360-487-8600</p>
<p>Port of Vancouver Todd Coleman, Chief Executive Officer Port of Vancouver Board of Commissioners 3103 NW Lower River Rd Vancouver, WA 98660</p> <p>Email: tcoleman@portvanusa.com</p> <p>Phone: 360-693-3611</p>	

I certify under penalty of perjury under the law of the state of Washington that the foregoing is true and correct.

DATED this 26th day of February, 2015 at Spokane, Washington

Roxanne L. Imus, Attorney Assistant