

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

3 In the Matter of: Application No. 2013-01  
4 TESORO SAVAGE, LLC  
5 VANCOUVER ENERGY DISTRIBUTION  
6 TERMINAL

CASE NO. 15-001

SECOND AFFIDAVIT OF FRANK A.  
DICK IN OPPOSITION TO APPLI-  
CANT'S MOTION FOR ORDER RULING  
THAT EFSEC HAS AUTHORITY TO  
ISSUE PRETREATMENT DISCHARGE  
PERMIT

7  
8 STATE OF WASHINGTON )  
9 COUNTY OF CLARK ) ss.

10 I, Frank A. Dick, do hereby solemnly affirm as follows:

11 1. I am competent to testify in this adjudication, and I have personal knowledge of  
12 the facts stated herein.

13 2. This affidavit is submitted in opposition to the Motion for Determination  
14 Regarding Issuance of Industrial Waste Discharge Permit submitted herein on March 29, 2016,  
15 by Applicant Tesoro Savage, LLC ("Tesoro") and in support of Vancouver's response thereto,  
16 submitted herewith ("Vancouver Response").

17 3. I hereby incorporate by this reference as if set forth in full herein the contents of  
18 my affidavit submitted herein on March 29, 2016, in support of Vancouver's Motion for Order  
19 Ruling that EFSEC Lacks Authority to Issue Pretreatment Discharge Permit.

20 4. Attachment 6 to the Vancouver Response is a true, correct and complete copy of  
21 the current version of Section 4.5 from Vancouver's Industrial Pretreatment Program Manual.  
22 Section 4.5 addresses the pretreatment permitting process for significant industrial users. Based  
23

1 on the information previously provided to Vancouver by Tesoro, it is likely that Tesoro would be  
2 considered a significant industrial user.

3 5. Attachment 7 to the Vancouver Response, captioned "City of Vancouver: New or  
4 Renewal Permit Preparation Timeline and Checklist," is a tracking and management tool that  
5 Vancouver's Public Works Division uses in connection with new and renewal pretreatment  
6 program permit applications. This checklist reflects realistic timeframes for the various tasks the  
7 division undertakes when processing these applications.

8 6. Attachment 8 to the Vancouver Response, captioned "Vancouver Pretreatment  
9 Program Permit Processing Timeframes," is a table prepared under my supervision using  
10 information derived from the Public Works Division's publicly available business records.  
11 Creation, retention and destruction of these records is within the scope of my authority as an  
12 employee of Vancouver, and I personally oversee their maintenance. Attachment 8 accurately  
13 reflects the data derived from these records regarding Vancouver's processing times for  
14 pretreatment program permit applications.

15 7. The table in Attachment 8 shows Vancouver's pretreatment program permit  
16 application processing times from April 2011 through February 2016, for both new and renewal  
17 applications. The highlighted rows represent new (first-time) applications, and the remainder  
18 represent permit renewal applications.

19 8. The mean and median processing times from application submission to permit  
20 issuance for all of the listed applications are both a little less than three and a half months.

21 9. For new permit applications, the processing time was slightly longer, but the  
22 mean and median are still less than four months each. This additional processing time is at least  
23 partially attributable to the 30-day public notice and comment period required for all new permits  
24

1 and for renewal permits proposing the discharge of a new pollutant or an increase in the  
2 volumetric discharge of the wastewater or an existing pollutant. VMC 14.10.070(G).

3 10. The longest processing time was eight months for the Pacific Northwest Plating  
4 application, but that permit had unique issues, including among other things: this permittee is a  
5 small, locally owned business; they do not have in-house pretreatment permitting expertise; and  
6 they did not retain a consultant to assist in the permitting process.

7 11. The second longest time was six and a half months, which is probably a  
8 reasonable estimate of the maximum duration for Vancouver's pretreatment permit processing.

9  
10 Dated: April 28, 2016

11 Frank A. Dick

12 Frank A. Dick

13  
14 I certify that I know or have satisfactory evidence that Frank A. Dick is the person who  
15 appeared before me, and said person acknowledged that he signed this instrument and  
16 acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the  
17 instrument.

18 Dated: April 28, 2016

19 Penny S. Hedval  
20 Notary Public

21 **Notary Public**  
**State of Washington**  
**PENNY S HEDVAL**  
**My Appointment Expires Nov 1, 2017**

22 My appointment expires:

23 11-1-17