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

6 In the Matter of:  
7 Application No. 2013-01

8 TESORO SAVAGE, LLC

9 VANCOUVER ENERGY DISTRIBUTION  
10 TERMINAL

CASE NO. 15-001

**PREFILED TESTIMONY OF WAYNE  
11 SENTER, FILED BY THE CITY OF  
12 VANCOUVER**

13 Q: Please state your name, place of employment and title, and address.

14 A: Wayne Senter  
15 Executive Director  
16 Washington Fire Chiefs  
17 605 11th Ave. SE, Suite 211  
18 Olympia, WA 98501

19 Q: What does the Washington Fire Chiefs do?

20 A: The Washington Fire Chiefs is a professional membership organization that represents  
21 fire agencies in the State of Washington. It provides its members with high quality  
22 education and professional development to meet the diverse needs of our member  
23 agencies. We provide high quality services that are responsive to the changing needs of  
our members and external agencies. We can create an environment that provides open,  
timely and relevant communication both internally and externally. Legislative advocacy  
is one of our primary focuses.

TESTIMONY OF WAYNE SENTER- 1

CITY ATTORNEY'S OFFICE  
PO BOX 1995  
VANCOUVER, WA 98668  
Tel: (360) 487-8500 Fax: (360) 487-8501

Ex3106-0001-VAN

1 Q: Have you, on behalf of the Washington Fire Chiefs, attempted to obtain information from  
2 Burlington Northern Santa Fe regarding the operation of oil trains within Washington?

3 A: Yes, on March 6, 2015, I sent BNSF the letter that is attached hereto as Exhibit A. In it, I  
4 requested information regarding:

- 5 1. BNSF's own calculated Worst Case Scenarios for a potential crude oil train  
6 emergency in urban and sensitive environmental locales;
- 7 2. What is the potential impact of a crude oil disaster in Washington communities?
- 8 3. Evidence of the levels of catastrophic insurance coverage your railroad has purchased  
9 relevant for potential serious releases in Washington State and for what level of potential  
10 disaster is BNSF covered?
- 11 4. BNSF's high hazard flammable train Comprehensive Emergency Response Plans,  
12 both generic and for specific locations in Washington, urban and rural;
- 13 5. Whether BNSF was aware of any credible emergency response to crude oil train  
14 disasters except evacuation and I requested copies of such plans covering all counties  
15 with crude train routes; and
- 16 6. BNSF's route analysis documentation and route selection results for Washington  
17 State., pursuant to 2007 Public Law 110-53 on urban hazmat safety and security routing,  
18 with the currently covered cargoes, especially chlorine and ammonia, as well as for the  
19 newly-recognized "key trains" of crude oil and ethanol and how the 27 federal routing  
20 factors were weighted and what interchange agreements BNSF had with others to avoid  
21 high-risk areas?

22 Q. What response did you receive from BNSF?

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A: BNSF did not provide any written response to my letter, but I did meet with representatives from BNSF. Regarding the Worst Case Scenario, I was told that they had on for spills, but not for spills with fires. Regarding insurance, BNSF would not disclose the amount of insurance they had, but acknowledged that it was difficult to obtain sufficient insurance for a worst case scenario. They indicated that they had prepared some scenarios for insurers, but they were unwilling to share those scenarios. Regarding the emergency response plan, I'm aware that BNSF has a comprehensive plan for spills, but they have not provided such a plan for fires and I do not believe that one exists. Regarding the route analysis, I was told that one would be prepared and shared with the Federal Railroad Administration, but not the Washington Fire Chiefs.

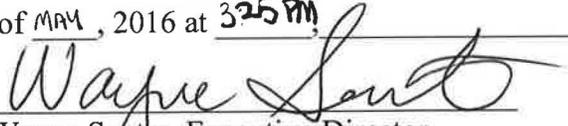
Q. Have you had conversations with BNSF regarding funding for responses to hazardous materials spill planning?

A. Yes, after my letter, I met with representatives of BNSF in Seattle to discuss ways to fund an update to the statewide hazardous materials response plan and the implementation of that plan. The BNSF representatives verbally expressed interest in the subject but nothing tangible ever resulted from that meeting.

Q. What concerns does the Washington Fire Chiefs have concerning the operation of fire trains within Washington?

1 A. As stated in my letter, the safety of our communities and firefighters is of utmost  
2 importance. We have seen a number of oil train derailments and resulting fires.  
3 Fortunately, these accidents have not occurred in a heavily populated urban area.  
4 Normally, the type of information I requested would be available through right-to-know  
5 and other public documents. However, the railroad industry has sought and gained  
6 exemptions to these sunshine laws. The Washington Fire Chiefs believe that the  
7 information we requested is vital to the safety and health of our fire agencies,  
8 communities and environment. We believe that our citizens have a right to know what  
9 chemical disaster risks exist, and the various hazardous operations that are exposing them  
10 to this risk. We are disappointed that BNSF chose not to provide the requested  
11 information.

12  
13 I declare under penalty of perjury of the laws of the State of Washington that the  
14 foregoing is true and correct to the best of my knowledge.

15 DATED this 9 day of MM, 2016 at 325 PM.  
16   
17 Wayne Senter, Executive Director  
18 Washington Fire Chiefs

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TESTIMONY OF WAYNE SENTER- 4

CITY ATTORNEY'S OFFICE  
PO BOX 1995  
VANCOUVER, WA 98668  
Tel: (360) 487-8500 Fax: (360) 487-8501

Ex3106-0004-VAN

CERTIFICATE OF SERVICE

I certify that on the date provided below, I e-mailed a copy of the 1) TESTIMONY OF WAYNE SENTER and 2) EXHIBIT A to all parties or their counsel of record as listed below:

Kelly J. Flint  
Tesoro Savage Petroleum Terminal, LLC  
110 Columbia Blvd, Suites 108 & 110  
Vancouver, WA 98660  
Tel: (801) 944-6600  
kellyf@savageservices.com  
***Applicant, Tesoro Savage Petroleum Terminal LLC***

Via Hand delivery or leaving same at his/her office with clerk or other person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

Jay P. Derr  
Van Ness Feldman, LLP  
719 Second Avenue, Suite 1150  
Seattle, WA 98104-1728  
Tel: (206) 623-9372  
jpd@vnf.com  
copy to: aka@vnf.com  
***Attorney for Applicant, Tesoro Savage Petroleum Terminal LLC***

Via Hand delivery or leaving same at his/her office with clerk or other person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

Matt Kernutt  
Office of the Attorney General  
1125 Washington Street S.E.  
P.O. Box 40100  
Olympia, WA 98504-0100  
Tel: (360) 586-0740  
MattK1@atg.wa.gov  
copy to: meaghank@atg.wa.gov  
***Counsel for the Environment***

Via Hand delivery or leaving same at his/her office with clerk or other person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

Brian Bolender, Director  
Department of Commerce  
1011 Plum Street S.E.  
Olympia, WA 98504-2525  
Tel: (360) 725-4021  
brian.bolender@commerce.wa.gov  
***Department of Commerce***

Via Hand delivery or leaving same at his/her office with clerk or other person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

TESTIMONY OF WAYNE SENTER- 5

CITY ATTORNEY'S OFFICE  
PO BOX 1995  
VANCOUVER, WA 98668  
Tel: (360) 487-8500 Fax: (360) 487-8501

Ex3106-0005-VAN

1 Maia D. Bellon, Director  
2 Department of Ecology  
3 300 Desmond Drive  
4 Olympia, WA 98504-7600  
5 Tel: (360) 407-7001  
6 maia.bellon@ecy.wa.gov

7 **Department of Ecology**

- Via Hand delivery or leaving same at his/her office with clerk or other person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

8 Phil Anderson, Director  
9 Department of Fish and Wildlife  
10 1191 Second Avenue, Suite 2200  
11 Seattle, WA 98101  
12 Tel: (360) 902-2720  
13 philip.anderson@dfw.wa.gov

14 **Department of Fish and Wildlife**

- Via Hand delivery or leaving same at his/her office with clerk or other person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

15 Terence A. Pruitt  
16 Assistant Attorney General  
17 Natural Resources Division  
18 1125 Washington Street S.E.  
19 P.O. Box 40100  
20 Olympia, WA 98504-0100  
21 Tel: (360) 586-0642  
22 terrypr@atg.wa.gov  
23 RESOlyEF@atg.wa.gov

**Department of Natural Resources**

- Via Hand delivery or leaving same at his/her office with clerk or other person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

David Danner  
Utilities and Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
Tel: (360) 664-1208  
ddanner@utc.wa.gov

**Utilities and Transportation Commission**

- Via Hand delivery or leaving same at his/her office with clerk or other person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

1 Lynn Peterson  
2 Department of Transportation  
3 310 Maple Park Avenue S.E.  
4 P.O. Box 47300  
5 Olympia, WA 98504-7300  
6 Tel: (360) 705-7054  
7 lynn@wsdot.wa.gov  
8 copy to: MILLARR@wsdot.wa.gov  
9 **Department of Transportation**

Via Hand delivery or leaving same at  
his/her office with clerk or other  
person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

6 Taylor Hallvik  
7 Deputy Prosecuting Attorney  
8 Clark County Prosecutor's Office  
9 Civil Division  
10 P.O. Box 5000  
11 Vancouver, WA 98666-5000  
12 Tel: (360) 397-2478  
13 taylor.hallvik@clark.wa.gov  
14 nicole.davis@clark.wa.gov  
15 **Attorney for Clark County**

Via Hand delivery or leaving same at  
his/her office with clerk or other  
person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

11 David F. Bartz, Jr.  
12 Alicia L. Lowe  
13 Schwabe, Williamson & Wyatt, P.C.  
14 1211 S.W. Fifth Avenue, Suite 1900  
15 Portland, OR 97204-3795  
16 Tel: (503) 796-2907  
17 dbartz@schwabe.com  
18 alowe@schwabe.com  
19 copy to: CSMartin@SCHWABE.com  
20 **Attorneys for Port of Vancouver**

Via Hand delivery or leaving same at  
his/her office with clerk or other  
person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

17 Donald L. English  
18 Scott Russon  
19 12204 S.E. Mill Plain Blvd., Suite 200  
20 Vancouver, WA 98684  
21 Tel: (360) 449-6100  
22 english@elmbv.com  
23 russon@elmbv.com  
copy to: karpjd@comcast.net  
**Attorneys for City of Washougal**

Via Hand delivery or leaving same at  
his/her office with clerk or other  
person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

1 Cager Clabaugh  
Jared Smith  
2 International Longshore Warehouse Union  
Local 4  
3 1205 Ingalls Road  
Vancouver, WA 98660  
4 Tel: (360) 903-7678  
Tel: (360) 241-0314  
5 cagerclabaugh@aol.com  
mithared@yahoo.com

6 **Members of ILWU Local 4**

7 Julie A. Carter  
Robert C. Lothrop  
8 Columbia River Inter-Tribal Fish Commission  
700 N.E. Multnomah Street, Suite 1200  
9 Portland, OR 97213  
Tel: (503) 238-0667  
10 carj@critfc.org  
lotr@critfc.org

11 **Attorneys for Columbia River Inter-Tribal Fish  
Commission**

12 Linda R. Larson  
13 Marten Law, PLLC  
1191 Second Ave, Suite 2200  
14 Seattle, WA 98101  
Tel: (206) 292-2600  
15 llarson@martenlaw.com

16 **Attorney for Columbia Waterfront LLC**

17 Daniel Timmons  
Marten Law, PLLC  
18 1001 S.W. Fifth Avenue, Suite 1500  
Portland, OR 97217  
19 Tel: (503) 243-2200  
dtimmons@martenlaw.com

20 **Attorney for Columbia Waterfront LLC**

21

22

23

Via Hand delivery or leaving same at  
his/her office with clerk or other  
person in charge

Via First Class Mail/Postage Prepaid

Via Email

Via Facsimile

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person in charge

Via First Class Mail/Postage Prepaid

Via Email

Via Facsimile

1 Nancy Isserlis, City Attorney  
Michael J. Piccolo, Assistant City Attorney  
2 Office of the City Attorney  
5<sup>th</sup> Floor Municipal Building  
3 W. 808 Spokane Falls Blvd.  
Spokane, WA 99201  
4 Tel: (509) 625-6225  
nisserlis@spokanecity.org  
5 MPiccolo@SpokaneCity.org  
*Attorneys for City of Spokane*

Via Hand delivery or leaving same at  
his/her office with clerk or other  
person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

6 Brent H. Hall  
7 Office of Legal Counsel  
Confederated Tribes of the Umatilla Indian  
8 Reservation  
46411 Timine Way  
9 Pendleton, OR 97801  
Tel: (541) 429-7407  
10 brenthall@ctuir.org  
*Attorney for Confederated Tribes of the Umatilla  
11 Indian Reservation*

Via Hand delivery or leaving same  
at his/her office with clerk or other  
person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

12 R. Joseph Sexton  
Galanda Broadman PLLC  
13 8606 – 35<sup>th</sup> Avenue N.E., Suite L1  
P.O. Box 15146  
14 Seattle, WA 98115  
Tel: (206) 557-7509  
15 joe@galandabroadman.com  
*Attorney for Confederated Tribes of the Umatilla  
16 Indian Reservation*

Via Hand delivery or leaving same at  
his/her office with clerk or other  
person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

17 Kristen L. Boyles  
Janette K. Brimmer  
18 Anna M. Sewell  
Earthjustice  
19 705 Second Avenue, Suite 203  
Seattle, WA 98104  
20 Tel: (206) 334-7340  
kboyles@earthjustice.org  
21 jbrimmer@earthjustice.org  
asewell@earthjustice.org  
22 *Earthjustice*

Via Hand delivery or leaving same at  
his/her office with clerk or other  
person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

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David Bricklin  
Bryan Telegin  
Bricklin & Newman LLP  
1424 Fourth Avenue, Suite 500  
Seattle, WA 98101  
Tel: (206) 264-8600  
bricklin@bnd-law.com  
telegin@bnd-law.com  
copy to: cahill@bnd-law.com  
copy to: miller@bnd-law.com  
***Attorneys for Columbia Riverkeeper et al***

Via Hand delivery or leaving same at  
his/her office with clerk or other  
person in charge  
 Via First Class Mail/Postage Prepaid  
 Via Email  
 Via Facsimile

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 13<sup>th</sup> day of May, 2016, in Vancouver, Washington.

  
\_\_\_\_\_  
Tammy Zurn, Senior Legal Assistant  
City of Vancouver