

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

No. 15-001

CLARK COUNTY'S
POST HEARING BRIEF

I. INTRODUCTON

Throughout five weeks of adjudication proceedings, this Energy Facility Site Evaluation Council (“EFSEC”) heard testimony from dozens of witnesses and received hundreds of exhibits regarding the potential risks to the State of Washington associated with the oil terminal that has been proposed by Tesoro-Savage. These risks include the risk of injury and death to off-site populations, including the inmates and employees of the Clark County Jail Work Center (“JWC”). With regard to these risks, Clark County offered testimony from highly qualified petro-chemical risk analysis expert, Dr. Eric Peterson, PhD. This testimony specifically described the quantifiable and unacceptable risks to the JWC population. Additionally, Clark County offered expert testimony from a jail operations expert and emergency response experts showing that an oil-terminal related emergency could overwhelm the emergency response resources and threaten the safety of the JWC population. Finally, unlike many parties to this proceeding, Clark County offered testimony regarding specific potential mitigation measures that could eliminate or reduce the risks to the JWC population.

In contrast, Tesoro-Savage has offered testimony that attempts to minimize the risks to off-site populations. However, this testimony is unreliable because it is based upon inaccurate and/or undocumented JWC population assumptions. Additionally, Tesoro-Savage has not accounted for the above-ground design of the oil pipelines on the boundary of the JWC property or the fact that the JWC population is incarcerated and therefore unable to quickly “escape” oil terminal related emergencies. This brief will serve to highlight some of this testimony and urge the EFSEC council to heavily weigh the risks to the JWC population as it considers whether this project is in the public’s interest.

To the extent EFSEC recommends permitting of the project, it should also recommend *mandatory* mitigation measures consistent with those proposed by Clark County, which would serve to protect the health and safety of the vulnerable JWC population. Clark County believes that *complete mitigation* of the risks posed by the terminal can only occur through the Tesoro-Savage re-location of the JWC facility. Alternative *lesser mitigation* measures such as re-locating certain infrastructure and providing substantial emergency response and evacuation resources could reduce, but not eliminate, the threats posed to the JWC population. As currently designed and without mitigation, the proposed terminal presents unacceptable risks to the JWC population.

II. RELEVANT LEGAL AUTHORITY

EFSEC was established to “balance the increasing demands for energy facility location and operation in conjunction with the broad interests of the public.” RCW 80.50.010. In furtherance of this charge, EFSEC has endeavored to evaluate specific energy projects while (1) balancing anticipated risks, (2) determining whether the project will provide energy at a reasonable cost, and (3) determining whether the project is in the public interest of the State of Washington and local communities. *Id.* EFSEC is ultimately responsible for making a recommendation to the Governor regarding the permitting of the project after conducting a thorough review that includes an assessment of “local governmental or community interests affected by the construction or operation of the energy facility.” WAC 463-64-020. This required assessment of “local governmental or community interests” necessarily includes, but is not limited to, the balancing of all manner

of risks to public health and safety, the sufficiency of emergency response resources, and the impact that a project related emergency would have upon the community. Additionally, EFSEC must balance the totality of these risks and downstream costs to the community against the need for the proposed project in the State of Washington. WAC 463-14-020(3). This balancing must consider whether there is a need for additional energy and whether a proposed project will even deliver energy to the State of Washington. *Id.*; *RCW 80.50.010*. Finally, EFSEC must consider whether the project is in the public interest by considering and weighing all relevant information submitted to determine whether factors such as public safety/health and essential public services will be enhanced or compromised by the proposed project. *RCW 80.50.010*.

As the applicant, Tesoro-Savage bears the burden of proof in this proceeding and must show that the energy benefit to be provided by the facility, if any, outweighs the substantial risks to the community. It is not Clark County or any other party's burden to prove that the facility is unnecessary, unsafe, or that it presents unreasonable risks to off-site populations like the JWC, although there has been substantial credible evidence offered by Clark County to this point. As set forth below, the evidence received by EFSEC demonstrates that Tesoro-Savage has failed to meet its burden of proving that the proposed terminal may be safely co-located with a 200 bed residential jail facility and planned electrical substation.

III. EVIDENCE PRESENTED REGARDING RISKS TO JWC POPULATION & EMERGENCY RESPONSE RESOURCES

A. Dr. Eric Peterson testified that, as currently designed, the proposed oil terminal presents unreasonable risks to the JWC population.

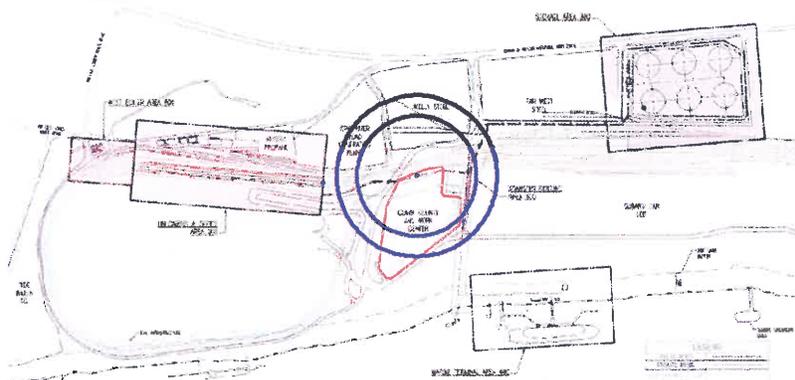
Clark County submitted the pre-filed written testimony of Dr. Eric Peterson, which discusses and quantifies the unreasonable risks the unmitigated construction and operation of the proposed oil terminal pose to the inmate and employee population of the JWC. (*See Pre-*

Filed Testimony of Dr. Eric Peterson, PhD “Pre-filed Testimony of Dr. Peterson”; See also Dr. Peterson’s Report, Ex. 2001-CLA¹.)

Dr. Peterson’s Hazard Screening Assessment:

As documented by his testimony, Dr. Peterson performed a comprehensive hazard screening and detailed quantitative risk assessment. (Pre-filed Testimony of Dr. Peterson at pp. 3-6; Dr. Peterson’s Report, Ex 2001-000001-CLA.) Through this analysis, Dr. Peterson determined that 24”-30” crude oil piping along the northern and eastern boundaries of the JWC property along with the Port of Vancouver’s planned construction of an adjacent electrical substation posed the greatest potential hazard to the JWC inmates and employees. (Pre-filed Testimony of Dr. Peterson, pp. 6-11.) In particular, Dr. Peterson determined that this crude oil piping exposed the JWC population to the threat of jet fires, which can occur whenever crude oil piping ruptures or otherwise loses containment and encounters an ignition source. *Id.* Dr. Peterson’s testimony and report graphically reports the following impact zones of these threats in relation to the JWC.

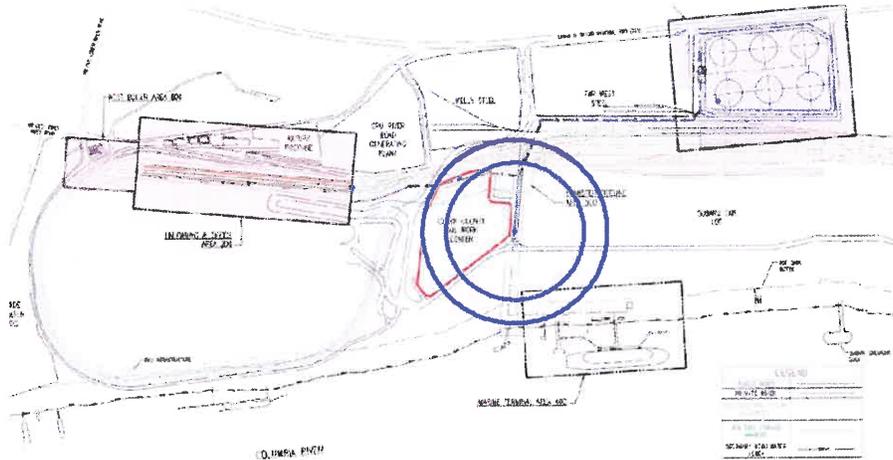
1. Flashfire envelope for release from pipeline on Northern boundary of JWC property:



Ex. 2001-000053-CLA

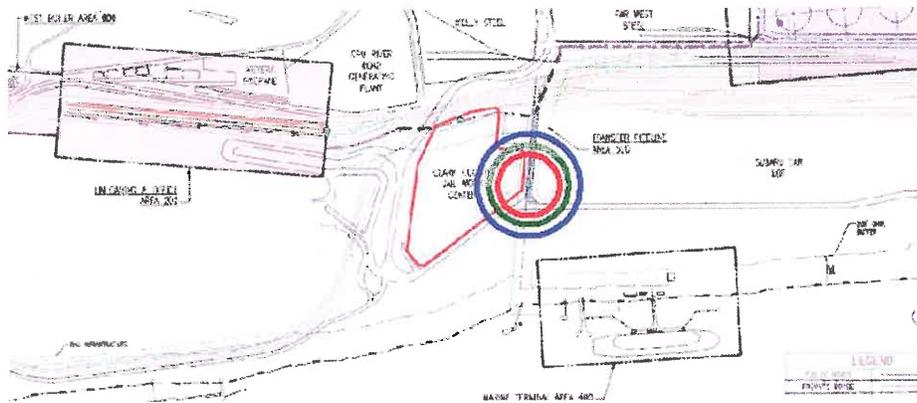
¹ Dr. Peterson was not called to provide live direct or cross-examination testimony at the EFSEC adjudication; however it is significant to note that his testimony directly contradicts the approving risk-analysis testimony offered by Tesoro-Savage’s expert, Dr. Kelly Thomas, PhD. Contrary to Tesoro-Savage’s suggestion in closing arguments, the decision not to call Dr. Peterson to provide live testimony does not render Dr. Thomas’ testimony undisputed.

2. Flashfire envelope for release from pipeline on Eastern boundary of JWC property:



Ex. 2001-000057-CLA

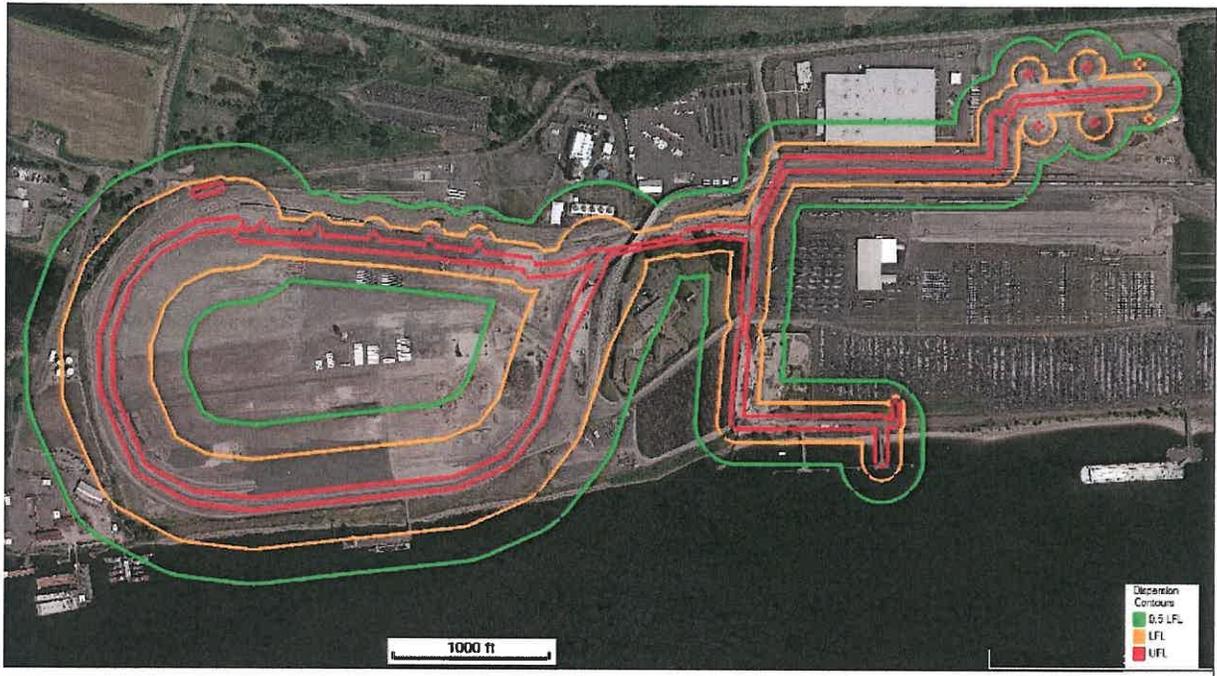
3. Jet fire contour for release from pipeline on Eastern boundary of JWC property:



Ex. 2001-000058-CLA

It is noteworthy that Tesoro-Savage's risk analysis expert, Dr. Kelly Thomas PhD, also reached the conclusion that a loss of containment and ignition could threaten the lives of people at the JWC property. Specifically, Dr. Thomas' report provides the following graphic depicting the flammability contours associated with a release resulting from a six inch breach and release.

Figure 15. Composite Flammability Contours (Full-Bore Release, Up to 6-inches)



Ex. 0118-000044-TSS

Dr. Thomas conceded that in the event a full bore release and ignition, 1/8 or 12.5% of people located between the 1/2 LFL and LFL lines depicted above would perish. (Live Testimony of Dr. Kelly Thomas, PhD *“Live Testimony of Dr. Thomas”* Vol. VI, pp. 1293-1296). Dr. Thomas further conceded that much of the JWC property falls between these two lines. *Id.*

Dr. Peterson’s Quantitative Risk Assessment:

Following his screening assessment, Dr. Peterson performed a quantitative risk assessment that evaluated the threats that had been identified. With regard to the applicable standard for evaluating risk in this case, Dr. Peterson testified that risk levels of one in a million (1x 10⁻⁶/yr.) are generally considered acceptable within the petro-chemical industry, and in his view, represents the appropriate minimum threshold for co-locating an oil

terminal and a 200 bed residential jail facility.² (Pre-filed Testimony of Dr. Peterson, pp. 8-9.) Dr. Peterson's testimony and quantitative risk analysis modeling shows that the proposed oil terminal, without mitigation, presents risks to the JWC population between **1 in 42,553 and 1 in 61,728**, depending upon whether inmates and staff are inside or outside during an emergency involving the oil piping surrounding the JWC facility. *Id.* at 9-10. These risk levels fall far above the 1 in a million standard that is appropriate for the co-location of oil terminal infrastructure and a residential facility such as the JWC. *Id.* Additionally, Dr. Peterson has testified that the risk to the JWC population increases **by 50%** when the Port of Vancouver's plan to build an electrical substation adjacent to the crude oil piping and JWC property is factored into the analysis.³ *Id.* at 9-10. Specifically, Dr. Peterson concluded that the Port of Vancouver's proposed electrical substation increased risk to the JWC population to between 1 in 27,473 and 1 in 40,816, again depending upon whether people are inside or outside during an emergency. In his live testimony, Tesoro-Savage's risk expert, Dr. Kelly Thomas, went even further and testified that accounting for this planned substation increased the risk to the JWC population "**by a factor of two.**" (Live Testimony of Dr. Thomas, Volume VI, pp. 1282, 1299-1300, 1302.)

Ultimately, based upon his modeling and analysis, Dr. Peterson concluded that, as currently designed, the proposed oil terminal facility presents an unacceptable level of risk to the JWC population that is compounded by the Port's planned construction of an

² It is noteworthy that Tesoro-Savage's expert, Dr. Thomas Kelly, conceded that if the risk to off-site population exceeded the one in a million standard, then cost-effective mitigation measures should be employed to drive the risk down. Dr. Kelly further conceded that if these mitigation measures cannot reduce the risk to below the one in a million standard, then the analysis becomes "a question of the relative importance of that facility, whether that's an acceptable position or not." (Live Testimony of Dr. Thomas, Volume VI, pp. 1274-76.)

³ The Port of Vancouver has initiated condemnation proceedings to acquire land in the north east corner of the JWC property to build an electrical substation immediately adjacent to the proposed 24-30" crude oil piping. (*See* Ex. 2002-CLA, Port of Vancouver' Petition for Condemnation.)

electrical substation. (Pre-Filed Testimony of Dr. Peterson, pp. 8-10.) Dr. Peterson has testified that this risk should be mitigated through specific and significant design changes or, alternatively, re-location of the JWC to another suitable location that is not adjacent to the proposed oil terminal and electrical substation. *Id.* at 11-12.

B. Tesoro-Savage's expert testimony understates the risks to the JWC because it does not adequately account for the JWC population or vulnerable inmates' limited ability to escape the lethal effects of an oil terminal emergency.

Tesoro-Savage's risk analysis expert, Dr. Kelly Thomas, PhD provided direct pre-filed and live testimony which failed to adequately account for the unique characteristics of the JWC population. (*See* Pre-Filed Testimony of Dr. Kelly Thomas, PhD "*Pre-Filed Testimony of Dr. Thomas*"; Live Testimony of Dr. Thomas, Vol. VI, pp. 1239-1317.) Significantly, Dr. Thomas's testimony fails to precisely calculate and/or report the risk to many JWC facilities (except to summarily state that the risk is "negligible") and does not even account for the number of people living and working at the JWC. *Id.* Although Dr. Thomas' testimony and report states that off-site populations were accounted for, these populations are not quantified anywhere in his report or testimony. *Id.* Instead, Dr. Thomas' report and testimony refer EFSEC to Appendix F of his report, but an inspection of this one page appendix reveals no such population assumptions or data. (Ex. 0118-000095-96-TSS.) On cross-examination, Dr. Thomas testified regarding the significance of knowing population input figures when evaluating risk and testified that he must have considered the maximum population of the JWC, whatever that figure might be. However, Dr. Thomas could not recall how many inmates or staff he assumed worked at the JWC and referred to the appendix of his report, which does not contain this information:

Q. Okay. Do you know how many inmates and workers are at the Jail Work Center?

A. I'd have to go back and into the analysis to look at the population that we assumed. I think we had it at max population, each of the buildings at max population.

Q. But you don't know what that is?

A. Not offhand. No, sir.

Q. Okay. Is this information detailed anywhere in your report?

A. I think it would be detailed in the appendices to the report.

Q. Would that be critical information; correct?

A. It would be input information like any of the other input information.

(Live Testimony of Dr. Thomas, July 5, 2016, Volume VI, p. 1290.)

In addition to failing to document his assumptions regarding the number of inmates and employees at the JWC, Dr. Thomas also incorrectly assumed that the JWC population is located exclusively indoors and conceded that accounting for outdoor activity could increase the predicted risk. (Live Testimony of Dr. Thomas, Volume VI, p. 1290-91.) In fact, the JWC property consists of both indoor and outdoor areas, which Dr. Peterson correctly accounted for when calculating the risks associated with jet fires. (Pre-Filed Testimony of Dr. Peterson pp. 9-11.) Dr. Thomas' faulty assumptions regarding the location and activities of the JWC population undermine his analysis and conclusions, especially when combined with the fact that his population assumptions are completely unknown and undocumented in his report.

Finally, and perhaps most significantly, Dr. Thomas' risk analysis and testimony does not account for the limited ability for incarcerated inmates to escape their confinement in the event of an emergency. Specifically, Dr. Thomas testified that he assumed that all off-

site populations, including the JWC population, would be able to escape oil terminal related hazards at a continuous rate of 3 meters-per-second. (Live Testimony of Dr. Thomas, Vol VI, p. 1296.) Despite this claim, Dr. Thomas conceded on cross-examination that he does not have any factual basis to conclude that a continuous rate of escape at 3 meters per second (or any other rate for that matter) was possible for an incarcerated population.

Q. I'd like to go back to Page 35 of Exhibit 118. That's back to Table 7. And the column furthest to the right, first row, indicates that "People in areas between LFL and 1/2 LFL are less likely to be impacted and more likely to escape the area." When calculating this escape probability, did you take into account the limited opportunities for jail inmates to escape their confinement?

A. For people inside buildings, we assume they stay put. For people outside buildings, we assume they're trying to move away.

Q. Okay. And I think you testified to that on your direct, that you assumed, unlike Dr. Peterson, that individuals or inmates at the Clark County Jail Work Center would escape at a rate of 3 meters per second; is that correct?

A. All individuals, not just those at the [Clark County Jail Work Center] --

Q. But including those --

A. Including those, correct.

Q. And do you have any, I guess, factual basis to support whether that's possible in a correctional facility?

A. I do not have a specific report or analysis or test program to point at, no.

(Live Testimony of Dr. Thomas, July 5, 2016, Volume VI, p. 1296.)

Ultimately, Dr. Thomas' analysis and underlying assumptions fail to account for and document three of the most basic variables in conducting a risk analysis for the co-location

of an oil terminal and a jail facility: (1) the number of inmates and staff at the JWC; (2) the indoor / outdoor nature of the fail facility; and (3) the fact that inmates cannot easily or lawfully escape their confinement. Given these deficiencies, Dr. Thomas' analysis cannot be reasonably relied upon to predict the risks posed to the JWC by the proposed oil terminal.

C. Dr. Thomas' risk analysis mistakenly assumes that the current design of the oil terminal calls for pipelines surrounding the JWC to be buried, when it does not.

In rebuttal testimony, Dr. Thomas was critical of Dr. Peterson's assumption that the oil pipelines surrounding the JWC property would be located above ground on piers, footings and supports. Specifically, Dr. Thomas testified that:

- Q. And how did using -- in a big picture sense, how did using detailed site documents impact the difference between your analysis and his [Dr. Peterson's] analysis?
- A. There's a number of areas that comes in to play, for instance, the specific location of piping runs, whether they're, in this case, right on the physical boundary of the Jail Work Center or whether they're some distance away from that.

[...]

“Similarly, some of the lines adjacent to the Jail Work Center are buried, they're not aboveground, and he [Dr. Peterson] treated them as if they were elevated at 2 meters. And again, that may have been accurate on a preliminary description of the facility and certainly would be possibly reasonable for a concept or a screening level, but with more accurate information available you can get a better picture of the risk.”

[...]

- Q. So how do you explain, we talked a lot about the differences between reports, but how do you explain why the risk that [Dr. Peterson] identified to this specific population is so much higher than your assessment?
- A. I can't answer that question with certainty because we don't have all the details of his analysis, but it appears to be the

coupling of a number of factors [...] **the assumption that the pipelines that bordered the JWC are elevated instead of buried.**

(Live Testimony of Dr. Thomas, July 5, 2016, Volume VI, p. 1251, 1279.)

On cross-examination, Dr. Thomas could not identify any specific document that informed his belief that any of the oil pipelines surrounding the JWC would be underground, and therefore less of a risk to the JWC facility. Moreover, Tesoro-Savage's most recent May 24, 2016 application includes design drawings which do not show that the pipelines on the northern and eastern boundaries of the JWC are planned to be buried. (Ex. 0001-007613-14-TSS.) Rather, these drawings appear to show that the pipelines are planned to be elevated above ground on supports and piers, just as Dr. Peterson assumed based upon his review of the initial 2013 application.⁴ (Ex. 0001-7613-14-TSS.)

Dr. Thomas' mistaken assumption that the pipelines bordering the JWC property were to be buried and/or vaulted is also belied by the testimony of Tesoro-Savage witness David Corpron, the chief designer of the proposed facility. (Live Testimony of David Corpron, Vol. I, p. 544-54.) Despite offering a number of "engineering solutions" to address concerns raised at the adjudication, Mr. Corpron was not able commit to burying the pipelines on the boundary of the JWC property.

Q. But it [burying the pipelines on the JWC boundary] would be something that would be on the table?

A. I can't say if it would be on the table or off the table. I can say I can look at an engineering solution and what that would cost. I can't say if it's on or off the table.

⁴ Ex. 0001-007613-14-TSS are engineering design drawings showing the *above ground* 24"-36" pipeline route along the northern and eastern boundaries of the JWC property and adjacent to the planned electrical substation. Significantly, these drawings do not reflect underground pipelines, but instead refer to dozens of elevated pipeline piers, footings, and supports running along the JWC property adjacent to the planned electrical substation.

(Live Testimony of David Corpron, July 28, 2016, Vol. XXI, pp. 4885- 4886.)

In refusing to commit to burying these pipelines, Mr. Corpron effectively acknowledged that the current design does not call for these pipelines to be buried as Dr. Kelly Thomas had assumed. *Id.* Mr. Corpron explained that Tesoro-Savage's decision not to bury these pipelines and instead place them *above ground* was made to avoid cost and that burying pipelines was viewed as unnecessary given Dr. Thomas' risk analysis conclusions.

Q. So given that the -- one of the costs in this particular situation would be the 200 people at the Jail Work Center, that [burying the pipeline] would be something that you would entertain or that the applicant would entertain?

A. Looking at the pipeline, we can -- you know, I obviously don't have the final say on this, but we can look at that and pull costs and present those. But as we had run the analysis before, **that is not a high risk based on the Baker Risk analysis.**

Id. at pp. 4885- 4886 (emphasis added).

This rationale is obviously problematic and circular because Baker Risk [Dr. Thomas] assumed that the pipelines surrounding the JWC were to be buried. (Live Testimony of Dr. Thomas, July 5, 2016, Volume VI, p. 1251, 1279.) Indeed, as noted above, this was one of the primary assumptions that Dr. Thomas identified when asked why his prediction of the risk to the JWC population was so much lower than Dr. Petersons. *Id.*

Dr. Thomas' assumptions regarding the design of the pipelines bordering the JWC property and the Port's planned electrical substation cannot be reconciled with reality, Tesoro-Savage's current design plans, or the testimony of Mr. Corpron. As a result, Dr. Thomas' resulting analysis and conclusion that the facility presents "negligible" risk to the JWC population cannot reasonably be relied upon by EFSEC in these proceedings.

D. There are insufficient emergency response and evacuation resources to respond to an oil-terminal emergency that impacts the JWC while maintaining adequate emergency service levels in the community.

A moderate to severe oil-terminal related emergency (such as a fire, explosion) would almost certainly impact the JWC population and operations,⁵ which could in turn require a robust emergency response and/or evacuation. Clark County's Chief Corrections Deputy, Richard Bishop, has provided pre-filed written testimony addressing the insufficiency of resources available to respond to an oil terminal related emergency that impacts the JWC. Mr. Bishop has over 32 years of experience in corrections and public safety and routinely testifies as an expert witness regarding jail operations and requirements.

Mr. Bishop has testified that the JWC is not presently equipped to respond to an oil terminal related emergency that requires immediate evacuation. In particular, Mr. Bishop has testified that there is not a sufficient emergency or fire response capability at the JWC and that the known evacuation routes from the JWC are unreliable because of their close proximity to oil terminal infrastructure, which could be compromised during an emergency. Furthermore, Mr. Bishop testified that an emergency evacuation of the JWC could put both inmates (many of whom have special needs) and the public at risk.

Clark Regional Emergency Services Agency (CRESA) Emergency Manager, Scott Johnson, has offered pre-filed and live testimony addressing the community's emergency response and evacuation capability as it pertains to the proposed oil terminal. (*See Pre-Filed Testimony of Scott Johnson; See also Live Testimony of Scott Johnson, July 19, 2016,*

⁵ The JWC facility has 200 inmate beds and 57 employees working during a 24 hour period at full operation. There are plans to double the capacity of the JWC facility to 400 inmates by constructing two new buildings in the North/East portion of the property, closer to proposed oil pipelines and electrical substation that is contemplated by the proposed oil-terminal. Additionally, the JWC serves an essential role in supporting the operations of the main Clark County Jail, by providing all food and laundry service to over 700 inmates located in that nearby facility. Finally, the JWC also serves as a backup facility to the main jail, should that facility become uninhabitable for whatever reason. (*See Pre-Filed Testimony of Richard Bishop, pp. 5-9.*)

Vol. 14, pp. 3165- 3236.) With respect to the JWC, Mr. Johnson has testified that an emergency requiring the evacuation of the JWC facility would be challenging due to the limited evacuation routes from the facility and the bottleneck that is likely to occur as emergency responders and evacuees attempt to use the same 2 lane fly-over road (which crosses over crude oil piping and train tracks.) (Pre-filed Testimony of Scott Johnson, p. 9.) Additionally, Mr. Johnson has testified that the JWC inmate population represents a special needs community because they have specific court ordered sheltering needs, security requirements, and integrated food service and hygiene services. *Id.* at 13. Finally, he testified that providing evacuation resources and alternative secure shelter to this special needs community will be especially challenging in the event of an oil terminal related emergency that impacts the JWC. *Id.*

Finally, Clark County Sheriff Chuck Atkins provided pre-filed testimony that he is very concerned that an oil terminal related fire or explosion could threaten the JWC population and/or necessitate the evacuation of the facility. (Pre-filed Testimony of Chuck Atkins, p. 4.) In addition to these concerns, Sheriff Atkins has testified that he is concerned about the serious secondary impact that an oil terminal related emergency would have on the Clark County Sheriff's Office's (CCSO) ability to provide essential law enforcement and emergency response services throughout Clark County and/or mutual aid to other jurisdictions. *Id.* at 4-6. In particular, Sheriff Atkins has testified an oil terminal related emergency that necessitates the evacuation of the JWC would require virtually every on-duty CCSO law enforcement deputy to assist in the evacuation and re-housing of inmates at an alternate secure location. *Id.* at 5-6. According to Sheriff Atkins, this necessary diversion of CCSO resources would indefinitely strain its ability to respond to other emergency calls in the community. *Id.*

E. If EFSEC recommends granting a permit it should recommend *mandatory* mitigation measures to ensure the safety of the vulnerable JWC population.

The testimony received by EFSEC demonstrates that, as currently designed, the proposed oil terminal presents unacceptable risks to the inmates and staff of the JWC. To the extent that EFSEC recommends approval the project, it should be conditioned upon Tesoro-Savage's acceptance of mandatory mitigation measures that protect the JWC population.

With regard to mitigation measures, Dr. Peterson has testified that re-location of the JWC is the only mitigation measure that would almost completely eliminate the risk to the vulnerable JWC population. (Pre-Filed Testimony of Dr. Peterson, p. 12.) This point has not been rebutted by any Tesoro-Savage witness. Short of re-location, Dr. Peterson has testified that lesser mitigation measures that would reduce the risks to the JWC population. These lesser mitigation measures include (1) burying the 24"-30" crude oil pipelines in secure vaults on the boundaries of the JWC property; and (2) allowing at least 250' of separation between the pipelines on the boundaries of the JWC property and the adjacent electrical substation that is planned by the Port of Vancouver.⁶ To the extent that EFSEC recommends granting a permit for the proposed terminal, it should be conditioned upon the acceptance of these mandatory mitigation measures, which will reduce, but not eliminate, the risk to the JWC population.

CONCLUSION

As set forth above and in the testimony received by the EFSEC council, the proposed oil terminal presents serious, quantifiable, and unacceptable risks to the health and safety of

⁶ Tesoro-Savage's risk analysis expert, Dr. Kelly Thomas PhD, has acknowledged that co-locating an electrical substation and oil pipelines increases the risk to the JWC population "by a factor of two." (Live Testimony of Dr. Thomas, Volume VI, pp. 1282, 1299-1300, 1302.)

the JWC population. Clark County urges EFSEC to heavily weigh these risks and the above referenced testimony as it prepares a recommendation to the Governor regarding whether this project should be permitted and, if so, what *mandatory* Tesoro-Savage funded mitigation measures should be imposed to protect the vulnerable JWC population.

Dated this 16th day of September, 2016.



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CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the State of Washington. I am over 18 years of age and not a party to this action. I hereby certify that on September ^{6th}, 2016, I served the following document, via email, on the parties listed below:

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