Docket EF-131590

Tesoro Savage CBR
Agency Scoping Comment
#002

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Stephen Posner, Interim EFSEC Manager
Energy Facility Site Evaluation Council
PO Box 43172
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-3172

Re: Environmental Impact Statement Scoping Comments for the Proposed Tesoro Savage Vancouver Energy Distribution Terminal: Application No. 2013-01; Docket No. EF-131590

On Dec. 10, 2013, the City Council of the City of Vancouver approved the submission of the following scoping comments to the Energy Facility Site Evaluation Council. These scoping comments are submitted to you for consideration in determining the Scope of the Environmental Impact Statement for the proposed Tesoro Savage Vancouver Energy Distribution Terminal at the Port of Vancouver.

EFSEC issued a Determination of Significance (DS) in recognition of the fact that this crude-by-rail terminal project "is likely to have a significant adverse impact on the environment." In the DS, EFSEC identified a number of areas that will likely be discussed in environmental impact statement (EIS) including:

> Geology; vegetation; fish and wildlife; water quality runoff/absorption; air-quality; climate; environmental health; noise; risk of fire or explosion; release or potential releases of toxic or hazardous materials; land and shoreline use; housing; aesthetics; transportation: vehicular, waterborne and rail traffic; and public services.

The city requests that the entire range of probable significant adverse environmental impacts associated, not only with the proposed terminal site, but also with transportation of the commodity to the port by rail and the shipping by ocean-going tankers on the Columbia River, be considered.

The EIS should also include an analysis of the cumulative impacts associated with other projects under consideration in the region that may have impacts that are similar to the proposed project.

In submitting these comments, the city is neither taking a position for or against the project. Rather, the city encourages EFSEC to require a full and comprehensive analysis of the probable, significant adverse environmental impacts of the entire project.

In addition, impacts from the project to existing land use plans, recreation, parks and scenic resources, the movement/circulation of people and goods, traffic hazards, police and fire services must be considered. In addition to considering these elements of the environment, the EIS must consider alternatives to the project including a no action alternative.[1]

EFSEC has adopted the SEPA rules set forth in chapter 197-11 WAC.[2] Pursuant to those rules, EFSEC must consider any probable, significant, adverse environmental impacts from a proposed project.[3] An impact is "probable" if it is "reasonably likely to occur".[4] Impacts are to be considered be they direct, indirect or cumulative.[5]

Cumulative Impacts

The Tesoro Savage project is one of a number of proposed projects that will have impacts to the city. The other proposed projects include the following:

Westway – Westway is a crude-by-rail terminal project proposed to be developed in Grays Harbor, Washington.[6] The Westway terminal would add two additional unit trains that would run through Vancouver every three days.

Imperium – Imperium is the second crude-by rail terminal project to be developed in Grays Harbor. The Imperium project would add two additional unit trains that would run through Vancouver every day.[7]

BHP Billiton - The Port of Vancouver approved three agreements with BHP Billiton related to the development of a potash export facility at the Port's Terminal 5.[8] The City of Vancouver approved site plans for the BHP facility June 16, 2011. The Port issued a SEPA MDNS for this project. At full build-out, BHP plans to move eight million metric tons of potash through the port annually. According to the Port, construction is expected to begin in 2014, "with operations commencing as early as 2017."[9] The potash will be transported through the city by rail for delivery to the Port.

Millennium Bulk Terminals – The city previously commented on the Millennium Bulk Terminals and the potential impacts that it will have on the city.[10] This project would add up to 20 unit trains daily traveling through the city.

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[1] WAC 197-11-440(5)
[2] WAC 463-47-020
[3] WAC 197-11-060
[4] WAC 197-11-782
[5] WAC 197-11-060 and 197-11-792
[6] Shorelines Hearing's Board No. 13-012c, Order on Summary Judgment at p. 7.
[7] Ibid. at p. 8.
[8] http://www.portvanusa.com/news-releases/port-commission-signals-confidence-in-bhp-billiton-project/
[9] The Columbian, August 22, 2013, "BHP Signals Commitment to Port of Vancouver Project"
[10] City scoping comments to Ecology and Cowlitz County dated September 30, 2013.

Gateway Pacific – Gateway Pacific Terminal will be a multi-commodity, dry bulk cargo-handling facility on nearly 1,500 acres in Whatcom County, Washington, with development occurring on about one-quarter of the site.

Rail traffic generated by this facility may be routed through Vancouver. There are no estimates on the number of trains that may be routed through the city.

These projects are reasonably foreseeable and the EIS analysis needs to encompass the cumulative impacts of them with the impacts of the Tesoro Savage project.

Environmental Elements
The following comments are in outline form addressing the environmental elements as they appear in then SEPA Environmental Checklist form (WAC 197-11-960).

1. Earth

This includes all impacts to the earth including slopes, soils, instability, erosion, etc. For this proposal the following should be analyzed:

- Impact of additional train traffic on the stability of the shoreline along the Columbia River.
- Potential impacts to the project site created by the increased development.
- Impacts of added river traffic to potential bank erosion.
- The project is in an area identified to have a high risk of liquefaction in the event of an earthquake. The analysis needs to address this risk and its potential impacts.

2. Air

This review generally deals with emissions. For this proposal, the following should be analyzed:

- The combined impacts from emissions from the operation of the terminal facility, the emissions associated with the additional rail traffic and the emissions associated with the tanker ships on the Columbia River.
- The potential of accidental releases of emissions.
- The impact of emissions on the general public.
- Impacts of odor on existing and future developments.

3. Water

This element addresses impacts to water. The following should be reviewed as part of the EIS:

- Impacts to the ground water from infiltration on the terminal site.
- Impacts to the surface water due to additional river traffic.
- Impacts to surface and groundwater due to spills, including those associated with the terminal, rail shipments and river shipments.
- Runoff from trains, operations at the port and transport by ships.

4. Plants

This section deals with determining the impacts to vegetation associated with the proposal. Analysis should include the following:

- Impacts to plants from the emissions at the terminal site and of additional train and river traffic.
- Potential importation of exotic plants which may endanger native vegetation.
- Impacts to endangered plant species along the entire train and water routes.

5. Animals

This section deals with the overall impact to all animal life. The Tesoro Savage project will add 730 deep draft freighter trips to the vessel traffic on the Lower Columbia River. The Lower Columbia and its estuaries provide critical habitat to threatened and endangered species. The increase in river traffic presents a risk of introduction of invasive species through hull fouling.

In addition to the added river traffic, additional train traffic is expected. These impacts must be analyzed. This should include analysis of the following:

- Additional occurrences of animal impacts due to additional river traffic.
- Issues caused by the in-water construction component of the proposal.
- Importation of exotic invasive species.
- Impacts to critical habitat created by wave action and prop-wash associated with increased river traffic.
- Impacts to listed and endangered species.
- Impacts on species using the Pacific Flyway migration route.
- Animal impacts created by additional train traffic.
- Impacts to wildlife if there are spills or derailments while the oil is being transported by rail.

6. Energy and Natural Resources

This section deals with what natural resources will be impacted and whether the proposal would restrict the use of energy, such as solar energy. The applicant is required to address the energy conservation features that will be employed for the entire proposal.

7. Environmental Health

This element deals with any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous wastes that could occur as a result of this proposal.

This element also includes impacts associated with ambient noise levels and potential noise generation. The EIS should review the following as they relate to the public in general, and to all residents that may be impacted, and specifically including the residents of Fruit Valley and the Lower River Road Jail (located within 400 yards of the project). In particular:

- Exposure to toxic chemicals –
  A full study of the impact of the potential emissions on the population, including the impact to those in poor health.

- Noise –
  There are at least 26 at-grade crossings within Vancouver city limits, and many of these are un-signalized crossings. Impacts from train horn, locomotive and rail car noise, to nearby residents or employees should be studied in the EIS.

- Risk of Fire, Spills and Explosions –
  Bakken crude oil is recognized as being highly volatile. The disaster at Lac-Megantic, Quebec, in which 47 lives were lost, demonstrates beyond question the danger posed by shipping this commodity through population centers. Analysis should include a review of the Federal Railroad Administration's "Operation Classification" undertaken due to its "specific safety concerns about the proper classification of crude oil being shipped by rail, the subsequent determination or selection of the proper tank car packaging used for transporting crude oil, and the corresponding tank car outage requirements." The Association of American Railroads[11] recently commented to the Pipeline and Hazardous Materials Safety Administration on the need to revise and upgrade the standards for DOT-11 cars used to transport crude oil.[12] The EIS needs to identify the potential for risks of explosion and if and how those can be mitigated to nonsignificant levels. The mitigation measures to be analyzed need to include the proper equipping of first responders. (Also see comments under Public Services)

8. Land and Shoreline Use

This element addresses whether the proposal is compatible with existing and projected land uses and plans. For this proposal, the following should be addressed:

In October 2009, the city unanimously approved the master plan for the Columbia Waterfront Development project, which calls for the development of 3,300 residential units and one million square feet of commercial space on 32 acres of riverfront property. This site is bordered by the BNSF railroad tracks that will be used to transport the oil to the terminal. On Nov. 4, 2013, the Vancouver City Council unanimously approved the Waterfront Park Plan that calls for a 7.3-acre park and trail within the Waterfront Development project. The city has invested $45 million in transportation improvements to serve the Waterfront Development project. The EIS needs to identify the impacts of the Tesoro Savage project and other reasonably foreseeable projects on the Waterfront Development project and identify how these impacts will be reduced to nonsignificant levels. The following should be considered:

- Impacts of the proposal on the viability of the city's Vancouver City Center Vision Subarea Plan.
- Impacts on existing land and shoreline uses.
- Impacts on envisioned future uses.
- Impacts to parks and public spaces.

[11] The AAR is a trade association whose membership includes freight railroads that operate 82 percent of the line-haul mileage, employ 95 percent of the workers, and account for 97 percent of the freight revenues of all railroads in the United States.

[12] See ARR comments submitted in Docket NO. PHMSA—2012—0082.

9. Housing

This element addresses impacts to housing. There are areas within the city zoned for residential development that are located south of the BNSF railroad tracks. The additional train traffic will reduce access to these areas. The following impacts should be analyzed:

- Impacts of noise on existing and planned residential development along the railroad corridor.
- Impacts of odor on existing and planned residential development.
- Impacts to access to existing and proposed residential development as a result of additional rail traffic.

10. Aesthetics

This section deals with views, heights of structures and the appearance of structures and buildings. The EIS should address the following:

- Potential impacts to existing views.
- Impacts to potential views of future developments based on the zoning and the adopted comprehensive plan.

11. Light and glare

This section addresses potential impacts caused by lighting and glare. The following should be addressed in the EIS:

- Impacts of overwater lighting on river traffic and on fish and wildlife habitat.

12. Recreation

This section addresses potential impacts on recreational uses, including recreational opportunities. The following should be addressed by the EIS:

- Impacts to recreational fishing and boating on the Columbia River.
- Impacts to access to outdoor recreational areas, including Wintler Park and the proposed Waterfront Park downtown.
- Impacts on development of, access to and the use of, the Evergreen Highway Trail.

13. Historic and Cultural Preservation

This element addresses landmarks, or evidence of historic, archaeological, scientific, or cultural importance which may be impacted by a proposed development. The terminal site is in an area designated as having high probability for encountering artifacts. The applicant has indicated no additional archeological studies are necessary, unless excavation reaches the native soils.

It does not appear any additional study related to historic or cultural preservation is required.

14. Transportation

This element addresses all modes of transportation. This includes rail, ship, air, personal vehicles, public transportation, trucks, buses etc.

The oil will be transported to the terminal over 14 miles of rail running through Vancouver. There are 18 private and eight public at-grade crossings along the route. There will be eight (four full and four empty) unit trains serving the project every day. A unit train is 100 to 110 cars long. Each unit is approximately one and a half miles long. The EIS needs to analyze the following:

- The cumulative impacts to vehicular and passenger rail transportation caused by the increase in rail traffic associated with the Tesoro Savage when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions.
- Identify any rail infrastructure improvements that need to be made to accommodate the increased rail traffic of these projects.
- Identify impediments to public and private access created by additional rail traffic.
- Identify if there are opportunities for public transportation to the terminal site.

15. Public Services

This section addresses whether the project could result in an increased need for public services. These include, for example: fire protection, police protection, health care, and schools, among others.

Some residential areas along the Columbia River could be entirely cut-off from emergency services for extended periods of time and increased frequency due to the length of the unit trains and slow speeds of the trains in city limits, or from trains stopped waiting for other trains to move. Emergency responders may have no alternative but to access these areas by boat. However, such a response would be clearly inadequate for fire response or responses to criminal activity.

The EIS needs to identify and address the impact of the Tesoro Savage project and all reasonably foreseeable projects on public services provided by emergency responders. These include:

- Potential impacts to health service providers should there be a spill, chemical release or other such incident associated with the terminal, rail or river shipping of the commodity.
- Potential impact to public and private utility providers when responding to emergency situations such as outages, leaks or failures.
- Potential need for additional police officers to assure they are available when there are trains blocking the access over the rail lines.
- An analysis to determine if the city should employ specially trained responders to respond to spills, fires, releases of contaminants etc.
- The Vancouver Fire Department has listed several concerns. Their specific concerns are attached. The Vancouver Fire Department requests the EIS review include a third-party fire protection engineer to analyze the attached comments.

16. Utilities

This section addresses impacts on utilities. The proposal may have impacts on the city's ability to provide utilities as well as impact the provision of services by private utilities. The EIS should address any impacts the proposal may have on:

- Public sanitary sewer collection system
- Public sanitary treatment system
- Public water supply
- Public water distribution system
- Public storm water drainage and water quality systems

Climate Change

The applicant indicates on page 3-256 of the Application for Site Certification Agreement, "*Although most scientists concur that anthropogenic global emissions of greenhouse gasses are affecting climate, there are no analytical tool or established procedures for evaluating climate impacts from individual projects*"

Although there is some controversy with this concept, the EIS should address the potential impacts to climate associated with this proposal.

Alternatives to the Proposal

The EIS must present an analysis of a reasonable range of alternatives to the proposal including a no action alternative.[13] Alternatives that might be considered include transporting the crude by pipeline; transporting the crude directly to the refineries by rail rather than by rail and then by ship; and the no action alternative.

The City of Vancouver appreciates this opportunity to provide comments on the appropriate scope of the EIS. The city encourages EFSEC to engage in a full and comprehensive review of the impacts associated with this project.

If you have questions please call me at (360) 487-7885 or e-mail me at jon.wagner@cityofvancouver.us.

JON WAGNER, AICP, SENIOR PLANNER
Land Use Team
Community & Economic Development Department

Attachment, Vancouver Fire Department Specific Comments

[13] WAC 197-11-440

VANCOUVER FIRE DEPARTMENT, SPECIFIC COMMENTS

Part A

Section 1 - Local and regional risk Analysis

Determine the fire and life safety risk and probability of error based on volume of crude oil and transport type as it will pertain to its proximity to City of Vancouver. The analysis shall include but not be limited to the risks to the following:

a) Residential dwelling along the rail system and Columbia River.
b) Commercial businesses along the rail system, Columbia River and downtown area.
c) Industrial complexes adjacent to the rail lines, Columbia River and Port of Vancouver. (Rail lines through city/waterfront – undeveloped, high-rise buildings [planned]).

Section 2 - Fire Operations Gap Analysis

Determine what impacts the proposed facilities and operations will or could have on the fire department's ability to provide incident response services. Identify deficiencies and needed mitigations such as training or equipment.

a) Assess risks associated with the proposed facilities and operations.
b) Assess risks associated with the proposed systems for transportation and storage of flammable & combustible liquids, including:
    1. Rail transportation over local railways, loading and off-loading operations
    2. Marine transportation over local waterways, loading and off-loading operations
    3. Pipeline transportation
    4. Storage, high capacity tank storage.
c) Evaluate the fire department's ability to provide incident response services (i.e., spill response, firefighting, confined space rescue, etc.) to the proposed facilities and related transportation systems. Evaluation to include:
    1. Pre-emergency plans
    2. Tactics and strategies
    3. Training
    4. Equipment
    5. Other resources
d) Evaluate the proposed fire protection systems and spill protection systems for the proposed facilities.
e) Recommend measures and estimated costs to mitigate any impacts the proposed facilities or related transportation systems may have on the fire department's ability to provide emergency services. Recommendations to include:
    1. Pre-emergency plans
    2. Tactics and strategies
    3. Training
    4. Equipment
    5. Other resources
f) Evaluate and verify the proposed emergency vehicle access:
    1. Given the reach of Vancouver's fire water streams and the specifications of Vancouver's fire apparatus, identify specifically what is required in terms of apparatus access as it pertains to the storage tanks, the rail car facility and the dock.
        i. Identify the best fire apparatus access design to and within the entire site.
        ii. Provide a plan view of the site showing the acceptable access.
        iii. Show the fire lanes and where fire lane signage is required if any.
        iv. Identify any additional access recommendations.

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g) Evaluate and verify the fire hydrants and water supply:
   1. Identify the minimum fire flow required.
   2. Determine whether the Port of Vancouver's and/or the City of Vancouver's water supply are adequate or whether storage water, pump and standby power are required. If storage water supply is required, identify the minimum specifications.
   3. Provide a scale plan view document with the recommended hydrant placement.
   4. New water main minimum size considering any recommended fixed fire protection systems and/or fixed fire equipment such as dike mounted nozzles.

h) Storage tanks: Provide an analysis of tank design, construction in terms of the 2012 International Fire Code and its referenced NFPA standards.
   1. Tank design including but not limited to foundation, supports, signage, etc.
   2. Ignition control issues: required classified wiring locations, protection against ignitions arising out of static, lightning, or stray currents or vapor leak migration to rail line sparks.
   3. Tank and pipe material compatibility with commodity stored/transported.
   4. Secondary containment design and material.
   5. Seismic, snow and wind load and flood uplift prevention issues.
   6. Identify minimum separation distances from adjacent structures, operations, property lines, public ways and other tanks.

What follows is a proposed scope of work for the 3rd party fire protection engineer.

Part B

Section 1 - Fire Protection Engineering

a) Evaluate the proposed startup plans.
b) Evaluate the proposed HMMP (Hazardous Materials Management Plan).
c) Evaluate the HMIS (Hazardous Materials Inventory Statement) reflecting peak capacities.
d) Evaluate the proposed accident procedures and emergency response/evacuation plans for on-site staff.
e) Provide an analysis of the proposed emergency relief from process vessels, taking into consideration the properties of the materials used and the automatic and manual fire protection and control measures taken.
f) Provide an analysis of applicable codes, regulations, NFPA and industry standard requirements for flammable and combustible/hazardous material liquid handling, transfer, and use.
g) Evaluate proposed portable fire extinguishing equipment, size, type and placement.
h) Evaluate the proposed fire protection systems and spill protection systems for the proposed facilities.
   1. The storage tanks
   2. The rail offloading facility
   3. The transfer piping
   4. The ship loading facility
i) Verify the review drawings and comment on the proposed emergency vehicle access and identify any additional access recommendations.
j) Verify the review drawings and comment on the proposed fire hydrants locations and adequacy of the proposed water supply.
k) Review the proposed fixed fire protection systems.
   1. Provide an analysis of proposed design of fixed fire protection for each location to be installed.

2. Evaluate and comment on the proposed ongoing NFPA inspection, testing and maintenance standards for each system including tanks, liquid transfer and fixed fire protection systems.

l) Provide plan review services by a licensed fire protection engineer for all fire protection system permits.

m) Review and comment on the proposed inspection list and inspection plans provided by the applicant's contractor, Poole Fire Protection.

(1) The installation of fixed fire protection for the storage tanks.
(2) The fixed fire protection for the rail loading/unloading facility and equipment.
(3) The installation of emergency or backup power systems.

2. When requested by the fire marshal, provide qualified on-site acceptance inspections and notify the fire marshal of planned dates and times as they are scheduled so they can audit the process and progress.