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BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

IN RE APPLICATION NO. 2002-01

EXHIBIT 21R.0 (MDT-RT)

BP WEST COAST PRODUCTS, LLC.

BP CHERRY POINT COGENERATION
PROJECT

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APPLICANT'S PREFILED REBUTTAL TESTIMONY

MICHAEL D. TORPEY

Q. Please reintroduce yourself to the Council.

A. My name is Mike Torpey. I am the Environmental Manager for the Cogeneration Project.

Q. What testimony will you be addressing in your rebuttal testimony?

A. My rebuttal testimony will respond to portions of the testimony of Neil Clement, Kate Stenberg and Rodney Vandersypen, filed on behalf of Whatcom County.

1 **Neil Clement**
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5 **Q. In his testimony, Mr. Clement recommends that EFSEC require the**
6 **Cogeneration Project to "take steps to guarantee that the applicant will acquire**
7 **and maintain sufficient radio communication equipment on site to insure that in**
8 **time of crisis, effective communication will be available between the facility and**
9 **emergency responders." What is your response to that recommendation?**
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15 A. This seems to be a reasonable request. The Cogeneration Project will coordinate
16 with the Division of Emergency Management to acquire and maintain the proper
17 radio equipment.
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23 **Q. Mr. Clement also expressed concern about the discussion of terrorist threats in**
24 **the Application for Site Certification. What is your response to his testimony?**
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27 A. Several large industrial facilities are located in the Cherry Point industrial area.
28 While all of these facilities may be potential terrorist targets, there is no reason to
29 believe that construction of the Cogeneration Project would increase the overall
30 threat to the area. As indicated in the Application, the Cogeneration Project would
31 prepare an emergency response plan prior to the start of operations. Although it
32 would not be prudent to describe the details of an Emergency and Security Plan to
33 address terrorism in a public document, the elements of such a plan would likely
34 include descriptions for site access, perimeter control, notification, coordination with
35 outside agencies, coordination with the Refinery, immediate actions, communication
36 plan, and incident command structure. BP is happy to coordinate with local
37 emergency management authorities in developing this plan.
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As far as physical barriers are concerned, we plan to construct an eight-foot cyclone fence with three strands of barbed wire at the top (similar to the current Refinery fencing) around the perimeter of the Cogeneration Project. It is also likely that the cogeneration plant would include an access controlled entrance. Other detailed security measures will be developed as part of the final detailed design and emergency plan development.

Q. Mr. Clement suggests that the Cogeneration Project "become an annually contributing members of the programs . . . established under the non-profit corporation known as the Specialized Emergency Response Program (SERP)." What is your response to this recommendation?

A. SERP is a non-profit public/private consortium including local businesses and industry, which provides specialized emergency response capabilities to the community and to the contributors. The Cogeneration Project would actively participate in the Specialized Emergency Response Program, as the Refinery has done in the past.

Q. Finally, Mr. Clement recommends that the Cogeneration Project be required to comply with all reporting aspects of the Emergency Planning and Community Right-to-Know Act (SARA Title III) and the Risk Management Program requirements of Section 112(r) of the Clean Air Act. What is your response to that recommendation?

1 A. The BP Cherry Point Cogeneration Project would comply with all federal laws
2 including the EPCRA and the Risk Management Program requirements of the CAA.
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6 **Kate Stenberg**
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10 **Q. Other witnesses are responding to Dr. Stenberg's testimony, but I would like to**
11 **ask you some questions about the pages 8-9 of her testimony, which concerns**
12 **the discharge of waste water from the facility. In general, what is your reaction**
13 **to her testimony?**
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18 A. I was surprised by Dr. Stenberg's testimony on pages 8-9 regarding the discharge of
19 wastewater from the facility. I got the impression that she had not seen or did not
20 fully understand the information in the Application or the direct prefiled testimony of
21 Michael Kyte and William Martin, which addressed many of the issues she
22 identified. For example, Dr. Stenberg states that Table 3.4-5 indicates the
23 temperature of the wastewater being discharged is projected to increase by 1%.
24 While the DEIS shows this in table 3.4-5, our application indicates that there will be
25 no increase in the temperature at the discharge pipe. The 1% increase indicated by
26 the DEIS was incorrect, and was calculated by EFSEC's consultant Shapiro
27 Associates at the inlet of the Refinery Wastewater Treatment plant, where the
28 Refinery wastewater and Cogeneration Project Wastewater mix. The actual change
29 in the wastewater discharge temperature would be negligible after traveling through
30 the entire treatment system, which includes oil/water separators, a biological
31 treatment basin, a clarifier, two settling ponds and the final effluent pond, where
32 altogether there would be over three days of residence time. Given the duration of
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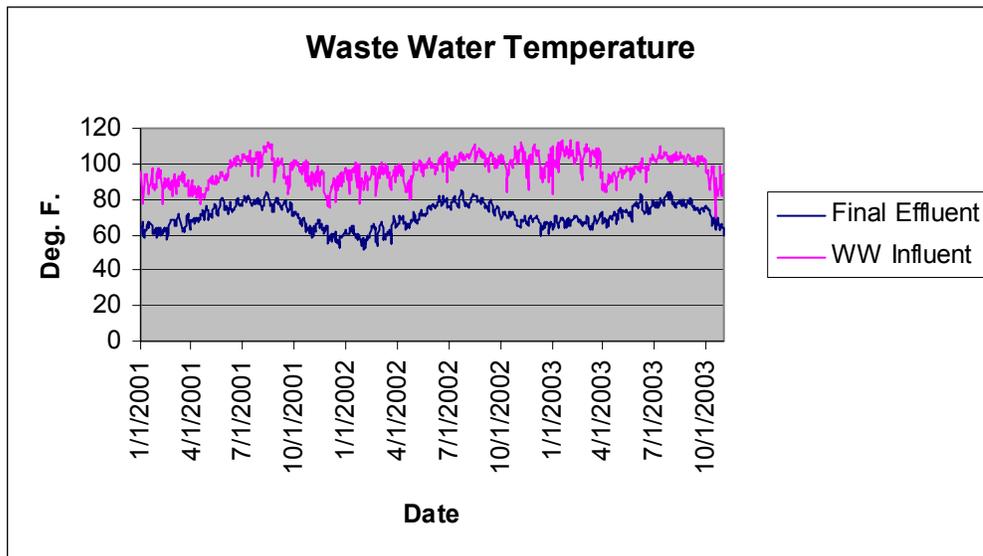
1 the treatment process, the ambient temperature would have a much greater impact on
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3 the final discharge temperature than the temperature of the Cogeneration Project
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5 wastewater when it comes into the refinery system.
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8 Dr. Stenberg also states that the DEIS did not indicate how the Refinery NPDES
9
10 parameters might change with the addition of the Cogeneration wastewater. Table
11
12 3.4-5 was specifically included in the DEIS to address this issue. It shows the effect
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14 of the wastewater on the discharge parameters. Regarding impact of the
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16 Cogeneration Project on the marine environment, this was thoroughly discussed in
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18 Michael Kyte's direct prefiled testimony.
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22 **Q. At page 8, Dr. Stenberg asks what the existing discharge temperature is, what**
23
24 **the projected temperature will be, and whether those temperatures are at the**
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26 **treatment plant or at the discharge point. Can you answer those questions?**
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29 A. The temperature of the current discharge from the Refinery into the Strait of Georgia
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31 ranges from about 51 to 85 Deg. F and averages about 70 Deg. F. The discharge
32
33 temperature is cooler during the winter and warmer during the summer due to the
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35 influence of ambient temperature and the long residence time in the outdoor settling
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37 ponds. As explained previously, the addition of the Cogeneration Project discharge
38
39 is not expected to change the discharge temperature. The waste water from the
40
41 refinery ranges in temperature from about 69 to 113 Deg. F and averages about 97
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43 Deg. F. before going through the waste treatment system. The waste water from the
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45 Cogeneration Project is expected to range in temperature from about 80 to 100 Deg.
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47 F and average about 93.8 Deg. F before entering the waste treatment system. When

1 these waste streams are mixed together, the temperature of water going into the
2 treatment system could increase by approximately 1% under certain circumstances,
3 as indicated in the DEIS, however, on average the Cogeneration Plant wastewater is
4 expected to be cooler than the Refinery wastewater. By the time the combined
5 wastewater makes it through the waste water system, there will be no change in the
6 temperature at the discharge point. As shown in the chart below, the final effluent
7 temperature is significantly influenced by ambient temperature with the final effluent
8 temperature averaging about 27 Deg. F. lower than the wastewater influent
9 temperature. Also, as shown above, the average Cogeneration process wastewater
10 temperature is expected to average about 4 Deg. F lower than the current refinery
11 wastewater influent temperature, therefore we would expect, if anything, the
12 Refinery final effluent temperature would go down after the Cogeneration Plant
13 begins operation.
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1 **Q. Dr. Stenberg also testifies that "The DEIS appears to assume that the additional**
2 **wastewater will not be a significant addition to what is currently permitted,**
3 **however, it does not provide adequate documentation to show that this**
4 **assumption is correct." How do you respond to that testimony?**
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9 A. The Cogeneration Project would increase the Refinery wastewater flow by about 8%.
10 Table 2, Table 3.3-4, Table 3.7-3, Table 5.4-2, Table 8.2-1 of the Application, Table
11 3.4-5 of the DEIS, Michael Kyte's testimony, Exhibit 7 of the State Waste Discharge
12 Permit WA-ST-7441, and Exhibit 26.3 of William Martin's testimony, show that the
13 Refinery NPDES parameters change very little and are well within the NPDES
14 limits.
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23 **Q. Dr. Stenberg testifies that more attention should be paid to the potential**
24 **impacts to salmonids and forage fish species. How do you respond to that**
25 **testimony?**
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29 A. I don't believe that Dr. Stenberg had the benefit of being able to review all the work
30 that has been done regarding this issue. The topic of fisheries is extensively covered
31 in section 3.7 of the Application, Michael Kyte's direct prefiled testimony, and
32 Appendix H-5 Section 3.3.3 Marine Waters of the Biological Evaluation for the
33 Application. In addition, BP's consultant, URS, is working with the USFWS to
34 include additional information to evaluate potential fish impacts as part of the ESA
35 consultation process accompanying the federal wetland permit. All this analysis
36 shows that the Cogeneration Project will not adversely affect fish species.
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1 **Rodney Vandersypen**
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3 **Q. Mr. Vandersypen testifies that another land use development is going to add**
4 **800 vehicles to the Grandview Road and Vista Drive intersection, and that**
5 **traffic impacts should be reevaluated in light of that additional traffic. What is**
6 **your response to his testimony?**
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10 A. Dave Enger, a traffic engineer with Transportation Planning and Engineering, will be
11 addressing the technical aspects of Mr. Vandersypen's testimony.
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16 In general, it is important to keep in mind that the Cogeneration Project will only
17 have a temporary impact on traffic. The temporary impact will during the peak of
18 construction, which would last for only a few months during the middle of the two-
19 year construction period. As I understand it, Mr. Vandersypen is concerned about
20 the increased traffic at the Vista Lane – Grandview Road intersection that will result
21 from the Delta Line Industrial Park. According to the testimony, the Industrial Park
22 will result in the permanent addition of 800 vehicles at that intersection. If the
23 County is concerned about that traffic, it seems to me that the Industrial Park should
24 be providing mitigation. The temporary increase of construction traffic associated
25 with the Cogeneration Project has no permanent impact, and very little temporary
26 impact on that intersection.
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1 Furthermore, because Grandview Road is a state highway, we have met with the
2 WSDOT several times to discuss the project. WSDOT has already reviewed the
3 traffic analysis, and has determined that temporary construction impacts would be
4 fully mitigated by installing a traffic light at the intersection of Grandview and Portal
5 Way and a left turn lane for west bound traffic on Grandview at the intersection of
6 Grandview road and Blaine road.
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14 **Q. Mr. Vandersypen testified that "improvements to Brown Road may be**
15 **warranted if it is to be used in a significant manner in the course of the**
16 **project." How do you respond to that testimony?**
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20 A. Brown road is expected to receive very little if any construction traffic. It was
21 identified as a potential access point, but the construction contractor anticipates little
22 if any use. If Brown road were to be used extensively, then we would work with the
23 County to identify necessary road improvements, if any.
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30 **Q. Mr. Vandersypen also testified that "should the movement of heavy or**
31 **oversized equipment be undertaken on County owned and regulated roadways,**
32 **Applicant should coordinate such needs with the appropriate County division(s)**
33 **and comply with all applicable local regulations." What is your response to**
34 **that testimony?**
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40 A. Should the movement of heavy or oversized equipment on county roads become
41 necessary, we would coordinate such needs with the County.
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Q. Finally, Mr. Vandersypen says that you've developed a working relationship with the County regarding traffic issues. Is that the case?

A. Yes, we have a good working relationship with the County. We value this relationship and we expect, as in the past, we'll be able to work out any issues that arise.

END OF TESTIMONY