BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the matter of
Application No. 2002-01

BP WEST COAST PRODUCTS, LLC
BP CHERRY POINT
COGENERATION PROJECT

EXHIBIT 41.0 (NC – T)

WHATCOM COUNTY’S PREFILED TESTIMONY
WITNESS # 41 : Neil Clement

Q: Please introduce yourself to the Council.
A: I am Neil Clement. I am a Certified Emergency Manager and serve as the Deputy Director of the Whatcom County Sheriff’s Office Division of Emergency Management. I am appointed by the Sheriff to oversee the day-to-day operations of the Division. Our primary function is to mitigate, prepare for, respond to and recover from all hazards. We are the primary planning and coordinating body for multi-agency, multi-jurisdictional incidents in Whatcom County. In addition, the Division provides the counter-terrorism coordination for the jurisdiction. I also Chair the Region One Homeland Security Council, which is composed of the five northwest Puget Sound Counties.

Q: What is the subject of your testimony?
A: I have reviewed those portions of the Application for the BP Cherry Point Cogeneration Project relevant to emergency management issues. I wish to offer some comments and concerns, which the project presents from the standpoint of emergency management. In particular I have concerns about communication, facility security, participation in local emergency programs, and compliance with specific planning requirements.

Q: As to communications concerns, what are those?
A: As we learned from the Whatcom Creek Pipeline Incident and more recently when telephonic communications were compromised, in order to effectively respond to an emergency situation, communication interoperability or connectivity is essential.
Should the facility be built, it is imperative that its emergency personnel have access to
radio equipment that will function well in conjunction with the outside emergency
response. Should the Energy Facility Site Evaluation Council (EFSEC) recommend
approval of the permit sought, it should take steps to guarantee that the applicant will
acquire and maintain sufficient radio communication equipment on site to insure that in
time of crisis, effective communication will be available between the facility and
emergency responders.

Q: As to the threat of terrorism, do you feel the application has adequately addressed and
provided for such threats?

A: No, I believe the application’s treatment of the threat of terrorism is wholly inadequate
in light of our present circumstances, especially for a facility, which will be producing
the amount of electricity that this facility is proposed to generate. Given the facility’s
output, it will likely become an essential facility subject to a heightened threat of risk.
While the application’s Section on terrorism provides some instruction on taking a
telephonic bomb threat, it should have some additional instructions on suspicious
packages, mail handling, etc. It also entirely fails to address the Terrorist and Civil
Disorder Incidents suggested in the Section title. Given the increased emphasis on
homeland security, it is my belief that this section should receive much more attention.
Additional planning, coordinated with local emergency response units is needed.

I would also ask that facility plans address the need for physical security measures, like
those found at the BP Cherry Point Refinery, to deter hostile threats from outside.

Q: Coordination with existing local responders is obviously essential; do you have any
further thoughts on how the cogeneration facility should heighten its involvement with
local responders?

A: Yes, given our existing capabilities and organizations, if permitted, I believe the facility
should be required to become an annually contributing member of the programs, which
have all been established under the non-profit corporation known as the Specialized
Emergency Response Program (SERP). A public/private consortium including local
businesses and industry share the funding of the SERP programs providing specialized
emergency response capabilities to the community and to the contributors.

Q: Finally, as to regulatory compliance issues, did the application raise any concerns?

A: Yes. From my review of the application, I believe it would be appropriate for the
EFSEC to additionally require the applicant to comply, as required, with all reporting
aspects of the Emergency Planning and Community Right-to-Know Act (SARA Title
III). In addition, it should be made clear that the facility must operate in full
compliance with the Risk Management Program requirements of Section 112(r) of the amended 1990 Clean Air Act 40 CFR Part 68.

END OF TESTIMONY

I declare under penalty of perjury that the above testimony is true and correct to the best of my knowledge.

Executed at Bellingham, Washington, on this 4th day of November 2003.

By: ______________________
    Neil Clement