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2 **BEFORE THE STATE OF WASHINGTON**  
3 **ENERGY FACILITY SITE EVALUATION COUNCIL**

4 In the matter of  
5 Application No. 2002-01

6 BP WEST COAST PRODUCTS, LLC

7 BP CHERRY POINT  
8 COGENERATION PROJECT

EXHIBIT 44.0 (HH-T)

9 **WHATCOM COUNTY'S PREFILED TESTIMONY**  
10 **WITNESS # 44 : Hal Hart**

11 Q: Please introduce yourself to the Council.

12 A: I am Hal Hart. I am the Director of Whatcom County Planning and Development  
13 Services Division.

14 Q: What is the subject of your testimony?

15 A: I have reviewed the site restoration provisions of the application and I am concerned  
16 with the lack of any time limit for restoration of the site after decommissioning of the  
17 plant.

18 Q: Why are you concerned with this aspect of the application?

19 A: As the Council is likely aware, it is not unusual to find instances in which derelict  
20 industrial facilities are left standing for many years after their operational life spans  
21 have been achieved and they have been decommissioned. Too often these derelict  
22 facilities remain on site simply because the costs of clean up associated with restoring  
23 the site to another permitted use are seen as being too burdensome or unprofitable to  
24 the landowner. Unrestored industrial sites can become an economic burden on local  
25 governments and can even present health hazards to area residents.

Under the restoration plan currently proposed by BP, there is a potential that this  
structure could remain on the site for an unlimited period of time after  
decommissioning. The plan places sole discretion for the timing of demolition and  
removal of equipment and facilities in the hands of BP. (See, e.g., "Assumptions,"  
Appendix M) No burden is placed upon the Applicant to clean up the site within any

1 specific period of time after the plant's operating life span has been reached and  
2 decommissioning has occurred. Such unlimited discretion should be avoided.

3 Q: Can you offer a solution?

4 A: Yes, while adequate funding for restoration is a critical part of the solution, the other  
5 necessary component is the imposition of a meaningful time line for site restoration.  
6 Industrial land uses are a limited resource and the uses impact the community in  
7 significant ways. So interests beyond those of the landowner can and should be  
8 considered in crafting an industrial use permit. The SCA should be framed so that the  
9 facility owner/operator would be obligated to undertake site restoration within a  
10 specified period of time after the facility is decommissioned.

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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 \_\_\_\_\_ day of November, 2003.

By: \_\_\_\_\_  
Hal Hart