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BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

IN THE MATTER OF APPLICATION NO. 96-1)
) NO. 96-1
OLYMPIC PIPELINE COMPANY)
)
CROSS CASCADE PIPELINE PROJECT.)
_____)

PRE-FILED TESTIMONY OF
PETER J. COMENZO

ISSUE:
Adequacy of Project Application,
DEIS and Impacts to Grant County

SPONSOR:
GRANT COUNTY

1 Q. **What is your name and business address?**

A. Peter J. Comenzo – P.O. Box 37, Ephrata, WA 98823

2 Q. **How are you employed?**

3 A. I am a Senior Planner as well as the State Environmental Policy ("SEPA") Responsible Official
4 with the Department of Community Development.

5 Q. **How would you choose to describe your present duties with Grant County?**

6 A. I perform a large variety of tasks relating to land use planning and permitting in Grant County.
7 Examples include conditional use permits, shoreline permit applications, variance applications,
8 short and major plat applications, planned unit developments, R.V park applications,
9 manufactured home park applications and building permit review. In addition, I am also
10 responsible for environmental review and enforcement of all environmental land use laws in
11 Grant County.

12 Q. **Are you authorized to make statements and commitments on behalf of Grant County?**

13 A. Yes

14 Q. **Is your relevant background, education and work experience summarized in your attached
15 resume which is Exhibit PJC-1 to your testimony?**

16 A. Yes

17 Q. **What are the subject matters of your testimony?**

18 A. Purpose and need, constructability of the pipeline, leak detection, impacts relating to: geology,
19 plants, wetlands, wildlife, water resources, fish and fish habitat, air quality, noise, traffic and
20 transportation, cultural and historic resources, land and shoreline use, agriculture, recreation,
21 aesthetics, socio-economics, public health and utilities.

22 Q. **Would you please summarize your work experience, education, and background which
23 qualifies you to provide testimony on these subject?**

24 A. I have a Bachelor of Arts degree in Geography with a concentration in Resource Management
25

1 from Central Washington University. Before attending Central Washington University, I
2 received a Bachelor of Arts degree in Environmental Science with a minor in Planning from the
3 State University of New York at Plattsburgh. In addition, I spent three months as an intern with
4 the Planning Department at the City of Enumclaw.

5 I have been a planner with Grant County for over three years. During this time I have
6 reviewed project permit applications for conformance with applicable land use regulations,
7 provided technical assistance to the public and agencies concerning local and state zoning and
8 subdivision regulations. I also oversee and coordinate all environmental review of projects in
9 Grant County and act as the County's SEPA Responsible Official. For more information
10 concerning my background, please see my attached resume (Exhibit PJC-1)

11 **Q. Would you summarize your testimony?**

12 **A.** A project of this magnitude is extremely hard to evaluate due to the complexity and the potential
13 for catastrophic impacts to the environment. Since land use planners have to deal with a
14 multitude of disciplines, I would not be qualified as an "expert" to testify in any one of the
15 following disciplines. However, as a local government official who must review, coordinate, and
16 make decisions concerning the adequacy of environmental information contained in the various
17 and abundant amount of applications which cross my desk, it is my position that these comments
18 and observations concerning the Olympic Pipe Line Company ("OPC") pipe line application,
19 DEIS and supporting documents merit consideration. I also refer the Council to the testimony of
20 Mark G. Pedersen ("Shapiro & Associates), a consultant for Grant County. Mr. Pedersen has
21 advised Grant County on environmental and mitigation issues relating to the OPC Application.
22 The views I express fully rely, in part, on Mr. Pedersen's guidance and his testimony provided to
23 the Council.

24 **1. Purpose and Need**

25 The EIS notes correctly that alternatives to be evaluated must meet the "Purpose and

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Need." Furthermore, all alternatives that meet the purpose and need must be evaluated. Statutory guidance on purpose and need has not been extensive, but generally it has been taken to mean a statement of the problem (need) and a statement of the solution (purpose of the project). The EIS narrowly defines the need as the desire by "shippers" to acquire less expensive petroleum products from Western Washington refineries. Since practically everyone wants a less expensive product, regardless of the subject in question, this does not seem to qualify as a problem, or need. Furthermore, the EIS states the shippers want product from Western Washington Refineries. No explanation for this statement is provided. In all likelihood, the shippers customers do not care about the origin of their gasoline or other fuel, they care only about price and quality of product. Therefore, the basic premise of the purpose and need, that the need is "not supply and demand" but is a response to shippers is faulty. If there is an increasing demand for petroleum products, then the solution is to increase the supply, and every possible way to do so must be evaluated, including existing pipelines from the east. The documentation provided does not provide any substantive reason to ignore those other pipelines in the analysis of alternatives. I would also refer you to the pre-filed testimony of Rodney D. Smith (RDS-T) to gain additional insight concerning "need" from someone currently involved in the sale and shipment of petroleum products from Western to Eastern Washington.

2. Constructability of the Pipeline

The primary geotechnical challenge of the project is the crossing of the Columbia River. The Yakima River presents a similar but lesser challenge. Directional drilling is the most likely approach to this challenge, although it may not be the most environmentally sound approach. The main difficulties are associated with the constructability of the crossings; more specifically, the implementation of directional drilling at the Columbia River crossing. The primary difficulties will be maintaining stability of the boring and drilling through boulders. While directional drilling technology has advanced greatly in recent years and successful completion of

1 this project is possible, it is a certainty unless a rigorous approach is used, the project is well-
2 funded, and contingency plans for alternate methods are available. Significant benefits exist and
3 favor the use of directional drilling, but the potential for mishap is still much higher than with
4 more conventional construction methods. Therefore, additional exploration and design work as
5 recommended by Dames & Moore is a necessity. In addition, a thorough review of the means,
6 methods and qualifications of the contractor, timing of the work, and rigorous monitoring of all
7 activities in the vicinity of the river, conducted by qualified personnel, should be required.

8 Other geotechnical issues are related to the constructability of the pipeline across, up and
9 down some of the steep slopes which will be encountered at multiple locations along the
10 pipeline. The applicant's analysis to date of these slopes has indicated that some of these slopes
11 require additional investigation and remediation measures to prevent mass wasting (sliding) of
12 the hillside both during construction and operational periods. Successful completion and peer
13 review of these investigations should be required. Given the environmental sensitivity of the
14 project, specific examples of typical stabilization measures should have been conducted. It is
15 expected that construction and maintenance costs will be associated with stabilization of some of
16 the hillsides along the alignment will involve significant expenditures.

17 **3. Impacts related to:**

18 **a. Geology, Seismicity**

19 The understanding of historical seismicity in the Pacific Northwest has been undergoing a
20 rapid evolution in recent years. The applicant appears to have considered much of the
21 information, which was current at the time of the preparation of the documents. The application
22 of the information to a probabilistic assessment of the pipeline would be an improvement, as
23 would a modification of the regional information to site-specific soils and local structural
24 features of the geology. Grant County believes that a higher Contingency Design Earthquake
25 (with less than 10% probability of exceedance), coupled with an analysis of the pipe/soil

interaction under multiple installation conditions, is warranted for this environmentally sensitive project.

b. Botanical Resources and Wetlands

Based on the aerial photographs and the data sheets provided in the application appendix, the brief descriptions of each wetland appear generally to be accurate.

c. Wildlife

Most construction impacts are adequately addressed in the Application Number 96-1 for Site Certification (AFSC) however, no wildlife impacts or associated mitigation was described for operation impacts associated with potential pipeline leaks, spills, or catastrophic events.

d. Water Resources

Methods proposed in the AFSC to control suspended sediment and other sources of potential pollution seem adequate. Effective implementation will be key to successful mitigation. Knowing where and how to apply the appropriate best management practices and ensuring measures are properly monitored and maintained will be of significant importance.

e. Fish and Fish Habitat

The construction phase impacts and mitigation are generally given a thorough treatment in the AFSC. The statement that "potential impacts to aquatic resources would be limited to the construction phase of the project" is not true. Operational impacts have the potential to occur as a result of undetected pipeline leaks, rupture, or other catastrophic events that could cause petroleum products or toxic cleanup materials to enter surface waters. This should be addressed.

f. Air Quality

The DEIS Air Section is essentially a summary/extraction of the AFSC. Generally, the air quality documentation is thorough and complete. No significant impacts were identified that were not addressed in the documents.

g. Noise

1 The noise section of the AFSC was complete and credible. It was written at the level of
2 detail that should be expected in an EIS noise section. It is recommended that this document be
3 at least added as a Technical Appendix to the DEIS, or replace the existing DEIS noise section
4 entirely. The DEIS section for noise is inadequate. It neither contains nor references technical
5 data or administrative documentation to support its brief discussion of impacts and the effects of
6 proposed mitigation.

h. Traffic and Transportation

7 The magnitude of traffic volumes has been underestimated. The proponent should
8 provide backup data to support the trip generation estimates. The level-of-service definitions are
9 outdated. The 1994 Highway Capacity Manual presents revised definitions. Also, the proper
10 definitions that should be used are for arterial segments, not intersections.

11 Discussion on affected environment or existing conditions is inadequate. However, the
12 magnitude of trips is not great, and from a capacity viewpoint, impacts should be minor. Some
13 mitigation will be required, specifically the preparation of a Construction Transportation
14 Management Plan (CTMP). Overall, the transportation analysis is not an analysis. At a
15 minimum, the transportation text needs significant revisions and it should be greatly expanded.
16 The main focus is the construction areas for the pipeline versus the communities that will be
17 affected by the pipeline. The DEIS discusses the jurisdictional transportation policies in each
18 jurisdiction through the pipeline passes. Some elements do apply, but have not been identified
19 appropriately.

i. Cultural and Historic Resources

20 The DEIS and AFSC seem to be deferring key work, identification of effects, and
21 mitigation for cultural resources further into the NEPA and Section 106 process than is often the
22 case. This may be of great concern to some affected entities including the Yakama Indian Nation
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(and 9 Treaty Tribes) with lands or treaty rights along the proposed alignment with whom OPL or the USFS has had only preliminary consultation.

j. Land and Shoreline Use

The existing land use in both the corridor and the pump stations is described generically, it is virtually impossible to visualize what is located in and or around the corridor. AFSC and the DEIS needs to be expanded with a discussion of the impacts on the different land uses (e.g. residences, commercial uses) by mile or segment (e.g. the figures that show the various roadway segments) should be reviewed to determine the real magnitude of the impacts.

k. Agriculture

The adverse impacts on farmlands, prime and unique farmlands protected under federal law, appear to be understated. The DEIS states that other than permanent loss of farmland at the Kittitas Terminal and Othello Pump Station (about 28.5 acres), the effects on farmlands would be short-term construction impacts associated with the actual laying of the pipeline. This appears to understate the long-term risk to adjacent farmlands of potential spills and explosions from the pipeline. In addition, the pipeline would have an unknown economic effect on agriculture since in many instances the barges that currently transport petroleum products up the Columbia River to Pasco return with grain.

l. Recreation

There is virtually no mitigation proposed in either Section 3.14 or Appendix C for recreational impacts. They also include potentially major impacts on motel unit and campground availability in Grant County, if workers use these resources during construction, as suggested in the EIS. These potential construction worker impacts on recreational facilities are well documented in the EIS, but adequate mitigation is not provided. Although these construction impacts would be temporary, they need to be mitigated nonetheless to the extent feasible. The DEIS needs to be much more specific about the site-specific mitigation measures at each of the

recreational facilities in order to minimize impacts on recreational users and tourists.

m. Visual Quality and Aesthetics

The AFSC adequately documents this element however, it is not summarized accurately in the EIS.

n. Socio-economics

The Socioeconomic section is inadequate and fails to provide a thorough analysis and in particular the cumulative assessment is deficient. It does not address the negative impact on the tanker trucking and barge companies and support services.

o. Public Health and Utilities

Impacts related to construction employees' health and safety issues should be researched and mitigated.

p. Leak and Spill Detection

Leak and spill detection methods need to be further analyzed. I would refer to the pre-filed testimony of Charles H. Batten (CHB-T), since it appears that the proposed leak detection methods may be woefully inadequate. I am not by any means an expert in leak detection but ground patrols (in the winter?) and "fixed wing aircraft inspections about once every two weeks" does not seem like state of the art leak detection to me.

Q. **What have you reviewed in relation to preparing you testimony?**

A. I have reviewed the AFSC submitted by Olympic Pipe Line and a copy of the DEIS which was prepared by Jones and Stokes. In addition, a review of AFSC, the DEIS, and supporting documentation, and a report prepared by Shapiro and Associates. I have also relied upon the DEIS comment letters filed by many different agencies and individuals.

Q. **Have you discussed or coordinated your testimony with other Grant County employees or officials?**

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Q. **What employees or officials?**

A. Mr. Tim Snead, Mrs. Deborah Moore, and Mr. LeRoy Allison (Board of County Commissioners), Mr. Damien C. Hooper (Associate Planner), and Mr. Steven Hallstrom (Deputy Prosecuting Attorney)

Q. Have you discussed or coordinated your testimony with other parties to this proceeding?

A. Yes

Q. **What parties?**

A. Mr. Dennis Reynolds (Attorney at Law), Mr. David Taylor (Kittitas County Planning Director), Ms. Dee Caputo (Adams County Planning Director), Mr. David Bricklin (Attorney for the City of Snoqualmie and City of North Bend), Mr. David Mosley (City Manager, Ellensburg), Mr. Jim Hurson (Kittitas County Deputy Prosecuting Attorney) and Mark G. Pedersen, Shapiro & Associates.

Q. **Do you have an opinion regarding the adequacy of the information contained in the project application?**

A. Yes

Q. **What is your opinion?**

A. It is my opinion the application and supporting documentation are inadequate. I agree with many of the comments and concerns raised by other local, state, and federal agencies as well as by other parties as to the adequacy of the Application, DEIS, and supporting documentation. All of the Eastern Washington Counties in which this project passes through (Adams, Franklin, Grant, Kittitas) strenuously objected to EFSEC that these documents are “fatally flawed” since they lack the specificity needed to conduct an adequate review of the potential impacts to the health, safety, and welfare of our residents and environment. Negotiations with Olympic have been hampered due to the aggressive timeline of the EFSEC hearings, inadequate information, and “future” studies to be performed concerning the risks and long term impacts to our community. It is

1 disheartening to see that Grant County as well as many, if not all, of the cities and counties
2 directly impacted by this project have been largely ignored by EFSEC in regards to the
3 inadequacy of the DEIS for this project. The irony is that OPC is also impacted because while it
4 is obvious it desires to negotiate issues in good faith, the absence of information has impacted the
5 negotiation process.

6 **Q. What is the basis for your opinion?**

7 A. My opinion is based upon my testimony stated above, as well as the actions of OPC and EFSEC
8 to date and the testimony of other parties to this proceeding.

9 **Q. Does Grant County have a preferred or recommended route?**

10 A. Grant County would prefer that this pipeline be routed through Yakima and Benton Counties,
11 which looks to be the most direct route to Pasco. This route to my knowledge has not been
12 considered or is simply technologically unfeasible.

13 Concerning the alternatives proposed by OPC Pipe Line, Grant County would
14 recommend that the pipeline be located on the existing railroad bridge at Beverly.

15 **Q. Do you have an opinion whether the mitigation proposed to date by the applicant is
16 sufficient to ameliorate these concerns?**

17 A. Yes

18 **Q. What is your opinion?**

19 A. Please refer to the testimony concerning mitigations outlined in the testimony provided by
20 Mr. Damien C. Hooper (DCH-T) and the testimony of Mark G. Pedersen (MGP-7) including
21 Exhibit MGP-3.

22 **Q. Mr. Comenzo, are you clear as to the exact pipeline route through Grant County?**

23 A. No. At this point Olympic has proposed several options concerning the Columbia River
24 Crossing.

25 **Q. As to the possible route options within Grant County, do some options have more expected**

impacts than others?

1 A. Yes. The route options that appear to have the greatest potential adverse impacts are the
2 proposed dredging and directional drilling below the Columbia River.

3 Q. **Please explain your answer.**

4 A. Crossing the Columbia River is obviously the most challenging aspect of this project. From the
5 information contained in the AFCS and the DEIS, it appears that locating this pipe line above the
6 Columbia, rather than below, would have the least potential for failure and potential catastrophic
7 environmental degradation.

8 Q. **Please identify Grant County's recommended route.**

9 A. The Beverly Burke Railroad Bridge

10 Q. **What is the County's justification for the preferred route?**

11 A. It appears to have the least amount of impact to Grant County. It is the most direct route and also
12 does not involve burying the pipeline under the Columbia River.

13 Q. **What are areas of potential impacts of peculiar or local concern to Grant County?**

14 A. The Saddle Mountains Fault and the Columbia River Crossing.

15 Q. **Do you endorse the testimony of other parties to the proceedings?**

16 A. Yes

17 Q. **What parties?**

18 A. Kittitas County

19 Adams County

20 King County

21 Q. **What testimony?**

22 A. The Complete Testimony of: David V. Taylor (Kittitas County), Dee Caputo (Adams County),
23 Kevin A. Lindsey, Rodney D. Smith, Charles H. Batten, Mark G. Pedersen.

24 Q. **Is it your understanding that the prefiled testimony you are presenting is only for the**

adjudicatory phase and not for the land use consistency review question?

1 A. Yes. It is my understanding that the information developed in the land use consistency hearings
2 will be incorporated into the adjudicatory phase, but that the consistency hearings are a separate
3 phase of the process and that the pre-filing requirement does not apply to the consistency
4 question.

5 Q. **Will Grant County therefore be submitting more detailed information regarding**
6 **consistency issues during those hearings which are not being addressed in this adjudication**
7 **phase?**

8 A. Yes.

9 Q. **Does this complete your testimony?**

10 A. No. I would like the opportunity to supplement testimony after I have a chance to review
11 anticipated additional information supplied by Olympic and other pre-filed testimony as it
12 becomes available.

13 I further reserve the right to supplement my testimony after I have had the opportunity to
14 review an adequate DEIS containing the minimum necessary information on which to base an
15 informed analysis of environmental impacts.

16 END OF TESTIMONY OF WITNESS

DECLARATION OF SERVICE

The undersigned certifies under penalty of perjury that on the below date, I mailed or caused delivery of a true copy of this document as authorized by WAC 463-30-120(2)(a) to: the Energy Facility Site Evaluation Council and Counsel for All Parties at the regular office or residence thereof.

Dated this _____ day of _____ 1999 at Seattle, Washington.

Paula Polet

EXHIBIT PJC - T

Williams, Kastner & Gibbs PLLC

Two Union Square, Suite 4100

Mail Address: P.O. Box 21926

Seattle, Washington 98111-3926

(206) 628-6600

PRE-FILED TESTIMONY OF

PETER J. COMENZO - 14

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EXHIBIT PJC-1

PRE-FILED TESTIMONY OF
PETER J. COMENZO - 15
S2-624494.1

EXHIBIT PJC - T
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(206) 628-6600

PETER COMENZO
Grant County Courthouse
P.O. Box 37
Ephrata, Washington 98823

EDUCATION: **B.A. Central Washington University, August, 1994**
 Major: Geography with a concentration in Land Studies/Resource
Management

Studies include Water Resource Development, Resource Analysis, Issues and Conflicts in Resource Management, GIS Database Development, Economic Issues, Cartography, and Air Photo Interpretation.

B.A. State University of New York at Plattsburgh, December 1987
Major: Environmental Science
Minor: Planning

Studies include EIS Preparation and Review, Environmental Law, Computer Mapping, Land Use Planning, and Freshwater Ecology.

EXPERIENCE:

June 1998 – Present Grant County Department of Community Development
 Current Planning Division
 County Courthouse
 Ephrata, WA 98823

Senior Planner / SEPA Responsible Official

Senior Planner performing a variety of tasks related to land use planning. I am the SEPA Official for Grant County, responsible for environmental review of all jurisdictional projects and act as a liaison between the public and elected officials concerning development projects. In addition, my duties include preparation and presentation of project permit applications and contact with landowners concerning proposed development activities.

Dec. 1995 – June 1998 Grant County Planning Department
 County Courthouse
 P.O. Box 37
 Ephrata, WA 98823

Associate Planner

Land use planning including review of project permit applications for conformance with applicable state and local laws, technical assistance to the public and agencies concerning zoning and subdivision regulations, preparation and presentation of staff reports at public hearings, development/revision of land use codes, critical areas review, and coordination with various local, state and federal agencies.

Sept. 1994 – Nov. 1995 U.S. Forest Service – Cle Elum Ranger District
 803 West Second Street
 Cle Elum, WA 98922

Forestry Technician

Upon completion of my Planning Internship position, I resumed work with the Forest Service as a trail crew supervisor. I also coordinated and supervised volunteer projects

1
2 by the Washington Trails Association. From January to May 1995, I worked on a
3 sedimentation survey for fish-bearing streams in Kittitas County. Also helped design and
4 produce several spreadsheets for watershed analysis projects using Microsoft Excel and
5 assisted the Wildlife Department in winter tracking surveys. From May to November 1995, I
6 continued work as a trail crew supervisor and also assisted with the Yakima River Watershed
7 Assessment Project. June 1994 – Sept. 1994 City of Enumclaw

8
9
10 Public Works Department
11 1309 Myrtle Avenue
12 Enumclaw, WA 98022

13 **Planning Intern**

14 My main tasks were to gain practical experience in land use planning and assist the City with
15 various projects related to the development of a Comprehensive Plan, consistent with GMA
16 requirements. Other duties included mapping of proposed land use designations and critical
17 areas, research into development of design review and historic preservation ordinances,
18 investigation of planning related code violations, and public contact. I also attended board,
19 sub-committee, and public hearings as a planning department representative.

20 1990 – 1994

21 U.S. Forest Service – Cle Elum Ranger District
22 803 West Second Street
23 Cle Elum, WA 98922

24 **Forestry Technician**

25 Worked Spring 1994 and Summer 1993 as a trail crew supervisor. Duties include trail
construction, design, layout, and maintenance as well as forest/range fire suppression. This
job also entailed public contact concerning recreational opportunities. From 1990 to 1992 I
worked as a seasonal employee in the Genetic Tree Improvement Division of the
Reforestation Department. Duties included mapping and surveying for insect and
environmental damage in tree seed orchards and evaluation plantations, contract
administration for seed (cone) collection, and stocking surveys for reforestation purposes.

1987 – 1989

U.S. Forest Service – White River Ranger District
857 Roosevelt Avenue East
Enumclaw, WA 98022

Forestry Technician

Summer 1988-1989 I worked as the Trail Crew Assistant Foreman. Duties include trail
construction, design, layout, and maintenance as well as forest/range fire suppression. This
job also entailed public contact concerning recreational opportunities. I also worked in the
timber department selecting wildlife leave trees. Worked Summer 1987 as a Wilderness
Ranger. This job entailed law enforcement and backcountry patrol.