

Scoping Report
Tesoro Savage Vancouver Energy
Distribution Terminal

APPENDIX

B

SCOPING MEETING MATERIALS

Appendix B

Scoping Meeting Materials

EFSEC Brochure – General Procedural Information

EFSEC Flyer for Public Scoping Meetings

EFSEC Agenda for October 29, 2013 SEPA Scoping Public Meeting in Vancouver

Meeting Ground Rules for October 29, 2013 SEPA Scoping Public Meeting in Vancouver

Presentation for October 29, 2013 SEPA Scoping Public Meeting in Vancouver

EFSEC Agenda for December 11, 2013, 2013 SEPA Scoping Public Meeting in Spokane

Presentation for December 11, 2013 SEPA Scoping Public Meeting in Spokane



EFSEC
Washington State
Energy Facility Site Evaluation Council

1300 Evergreen Park Dr
PO Box 43172
Olympia, WA 98504-3172
(360) 664-1345

efsec@utc.wa.gov
www.efsec.wa.gov

HISTORY

The Council was created in 1970 to provide "one stop" licensing for large energy projects. By establishing the Council, the State Legislature centralized the evaluation and oversight of large energy facilities in one agency within state government.

MANDATE

The Legislature called for "balancing" demand for new energy facilities with the broad interests of the public. As part of the balancing process, the Council takes into account factors such as:

- Protection of the environment (Air, Water, Wetlands, Plants, Fish and Wildlife, etc...);
- Protection of cultural resources;
- Health and safety impacts to surrounding populations;
- Socioeconomic impacts to the surrounding communities and the state;
- Impacts to transportation systems;
- Concerns for energy availability.

JURISDICTION AND DUTIES

The Council's responsibilities derive from the Revised Code of Washington (RCW) Chapter 80.50 and the Washington Administrative Code (WAC) Title 463. These responsibilities include:

- Imposing conditions on approved projects to ensure safe construction and operation and to minimize or mitigate adverse impacts;
- Monitoring construction, operation and decommissioning of energy facilities;
- Enforcing compliance with site certification conditions;
- Ensuring that effective and coordinated nuclear emergency response plans are in place and satisfactorily tested for the Columbia Generating Station (formerly WNP-2) nuclear power plant located at Hanford.

COUNCIL MEMBERSHIP:

The Council is composed of **six permanent members**: a Citizen filled **Council Chair**, appointed by the Governor, and **representatives from the following five State Agencies**, appointed by the director of the agency they represent:

- Department of Ecology;
 - Department of Fisheries and Wildlife;
 - Department of Natural Resources;
 - Department of Community, Trade and Economic Development;
 - Utilities and Transportation Commission.
- The Department of Agriculture; Department of Health; Department of Transportation and the Military Department can elect to have representatives participate on the Council for new applications.

LOCAL REPRESENTATIVES:

When an application to site a facility is submitted to the Council, it is augmented by members from local jurisdictions affected by the project such as Cities, Counties and Port Districts.

REGULATED FACILITIES:

- Electric power plants greater than 350 megawatts and their dedicated transmission and natural gas pipelines;
- Alternative energy resource facilities that opt into EFSEC review.
- Nuclear facilities (Columbia Generating Station, WNP 1 & 4);
- Natural gas pipelines that fulfill all of the following conditions:
 - greater than fourteen inches in diameter
 - longer than fifteen miles
 - for the purpose of delivering gas to a distribution facility;
- Petroleum product pipelines that fulfill all of the following conditions:
 - greater than 6 inches in diameter
 - longer than fifteen miles;
- New oil refineries or large expansions of existing facilities capable of processing more than 25,000 barrels per day;
- Underground natural gas storage fields;

EFSEC's authority does not extend to:

- Interstate Natural Gas Product Pipelines Regulated by the Federal Regulatory Energy Commission;
- Hydroelectric based power (dams);
- Fuel based electric plants that generate less than 350 MW;
- Electrical transmission lines not associated with an Energy Facility under EFSEC's jurisdiction.

THE POTENTIAL SITE STUDY

The Energy Facility Site Evaluation Council highly encourages future applicants to participate in a Potential Site Study. It is a preliminary environmental assessment that is used to identify environmental, health and safety, social, or regulatory issues related to locating a proposed major energy facility at a proposed site. The pre-application process assists the

future applicant in knowing what environmental and other impacts must be addressed and the level of information that must be included in a site application. Finally, it provides for involvement of state, local, and federal agencies, tribes, non-governmental organizations, and the opportunity for public input in discussing the possible effects of a proposed project.

THE ENVIRONMENTAL IMPACT STATEMENT

The State Environmental Policy Act (SEPA)

For major energy facilities the Council is the lead SEPA agency. The Council is required to prepare an Environmental Impact Statement (EIS) for most energy facilities under EFSEC jurisdiction.

SEPA is intended to ensure that environmental values are considered during state and local decision making. SEPA rules (WAC 197-11) direct state agencies to consider environmental information before committing to a particular course of action, identify and evaluate probable impacts, alternatives and mitigation measures, and encourage public involvement in decisions. EFSEC's rules promote the integration of SEPA requirements into the EFSEC review and siting procedures.

National Environmental Policy Act (NEPA)

When a proposed project requires federal action it also becomes subject to the National Environmental Policy Act (NEPA). The federal agency taking the action must conduct a NEPA review. When possible, EFSEC works cooperatively with federal agencies to develop EISs, conduct hearings, and publish joint EISs for projects that fall under both SEPA and NEPA.

The EIS Process

The Council is responsible for preparing and distributing the EIS. The Council retains an **independent consultant** to help prepare the document. The time required to develop an EIS depends on whether the information contained in the application is complete, whether the Council requires the applicant to provide additional information that may require the applicant to conduct specific investigations, and the time it takes to develop and finalize draft and final documents and requirements for cooperation with the federal government if appropriate..

Public Review and EIS Preparation

The Council will hold a scoping meeting, typically during the initial public meeting, to hear public input on what issues need to be addressed in the EIS.

A **draft EIS** will then be prepared for public review and comment. The Council notifies the public when the draft EIS is ready, initiates a public comment period, and holds public hearings to receive comments. Joint hearings are held if it is a joint federal/state EIS. When the comment period ends, the Council and its consultant take the comments into consideration to prepare the **Final EIS**. When completed, the Final EIS is distributed to local libraries, interested parties, and to anyone who requests a copy.

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FEDERALLY DELEGATED AIR EMISSIONS AND WATER DISCHARGE PERMITS (IF REQUIRED)

In tandem with the adjudicative proceedings, the Council initiates its process for developing **air and water discharge permits** if required for a proposed project.

Air Emissions:
The Prevention of Significant Deterioration (PSD) Permit

Discharges to the air may require the applicant to receive a **Prevention of Significant Deterioration (PSD) permit**. The Environmental Protection Agency (EPA) has delegated responsibility for issuing the PSD permit to the Council.

The PSD permit details the levels of contaminants that may be discharged to the air by the project. The PSD permit will require an analysis of Best Available Control Technology, and modeling of visibility and deposition impacts to federally designated Class I Areas (National Parks and Protected Wilderness Areas). The applicant must provide evidence that the project will meet all local, state, and federal Clean Air Act standards before the Council will issue the permit.

Waste Water Discharges into Waters of the State:
The National Pollutant Discharge Elimination System (NPDES) Permit

The applicant is required to provide evidence that any discharge to any state waters will meet all state standards and the federal Clean Water. The EPA has granted the Council authority to issue the **National Pollutant Discharge Elimination System (NPDES) permit** for discharging waste water into waters of the state.

ADJUDICATIVE PROCEEDING:

EFSEC's siting process requires the Council to hold hearings on the proposed project to allow the applicant and opponents to present information to support their cases. These hearings are required to be conducted as "Adjudicative Proceedings".

A Quasi-Judicial Process:

The Adjudicative Proceedings are a quasi-judicial process similar to courtroom proceedings, where the Council hears from the official "parties" to the proceedings in accordance with the Washington State Administrative Procedures Act (Chapter 34.05 RCW).

By law, the project applicant is a party to the Adjudicative Proceeding, as well as all state agencies with members on the Council. If an agency wishes to be an active participant in the proceedings, the agency's Assistant Attorney General represents the agency during the proceedings. The state Attorney General's Office appoints a **Counsel for the Environment** to be a party in the proceedings *representing the public and its interest in protecting the quality of the environment*.

Intervention of Parties Potentially affected by the proposed Project:

Private citizens, tribes, non-governmental organizations, or local, state, or federal agencies may petition the Council to become **intervenors** in the proceedings. The Council can determine whether to grant intervenor participation based on the project's impact on the concerns that are presented by those seeking intervention. Intervenors are allowed to participate fully in the legal process, by presenting expert witnesses to the Council, and participating in cross-examination. Intervenors are usually represented by legal counsel.

Public participation in the Adjudicative Proceedings

Rather than formally petitioning the Council for intervention status, interested members of the public can make their concerns about the project known to the **Counsel for the Environment** who represents the public and its interest in protecting the quality of the environment during the adjudicative phase of the proceedings.

The public may also express their concerns during the Adjudicative Hearings, at special **Public Witness Hearings** that are held in the vicinity of the proposed facility. This hearing is noticed by mailing to the project interested persons list, and by publishing notices in local newspapers.

COUNCIL CONSIDERATION AND RECOMMENDATION TO THE GOVERNOR

The testimony and exhibits introduced during the adjudicative proceedings are the basis for the **adjudicative record** the Council refers to when determining whether to recommend project approval or denial to the Governor. The Council also considers the analysis and comments provided in the Environmental Impact Statement.

RECOMMENDATION TO THE GOVERNOR:

The Council prepares an order that explains the basis for its decision. If the Council determines that the project should be approved by the Governor, it develops a **draft Site Certification Agreement** (SCA) to be signed by the Governor. The Council considers both the adjudicative record and the commitments made in the Application for Site Certification in developing construction and operation conditions for recommended projects.

The draft SCA has all of the environmental, social, economic, and engineering conditions the applicant must meet for construction and operation throughout the life of the project. The applicant must meet these conditions if the Governor approves the project. If appropriate, the draft SCA also includes any proposed PSD or NPDES permits developed by the Council.

If the Council determines the project should not be recommended to the Governor for approval, the final order explains the Council's decision.

The **Governor** has 60 days to consider the Council's recommendation and can take one of the following actions:

- 1. Approve the Council recommendation and execute the draft SCA;
- 2. Reject the application; or
- 3. Direct the Council to reconsider certain aspects of the project and draft SCA.

OPPORTUNITIES FOR PUBLIC INVOLVEMENT:

EFSEC's review process includes the following opportunities for public comment and involvement. Dates and locations will be announced by publication in local newspapers and mailing of notices to the interested persons list. In order to receive these notices, contact EFSEC to be added to the project mailing list of your choice.

During the Potential Site Study:

- Potential Site Study Informational Meetings;
- Written Comments to EFSEC.

After Application Submittal:

- Initial Public Information Meeting;
- Environmental Scoping Meeting;
- Draft Environmental Impact Statement Written Comments and Public Hearing;
- Draft Air (PSD) and Water (NPDES) Discharge Permit Written Comments and Public Hearings;
- Adjudicative Public Witness Testimony Hearings;
- Land-Use Consistency Hearing;
- Written Comments to EFSEC;
- Written Comments to the Counsel for the Environment.

WHERE TO GET MORE INFORMATION ABOUT A PROJECT:

- **The EFSEC web site:** www.efsec.wa.gov
- **Local Libraries:** Copies of the application and other review documents are typically made available for public reference at local libraries in the vicinity of the project.
- **Contacting EFSEC:**

Mail:
EFSEC
P.O. Box 43172
Olympia, WA 98504-3172

Tel: (360) 664-1345
E-mail: efsec@utc.wa.gov
- Contact EFSEC to get on the **Project Mailing List** of your choice to receive updates about the review process and notices about future public meetings.

Call (360) 664-1345, or send an e-mail with your name and complete mailing address to efsec@utc.wa.gov.

Energy Facility Site Evaluation Council – EFSEC

The State of Washington
Energy Facility Site Evaluation Council
(EFSEC or Council) provides a "one-stop" siting
process for certain types of energy facilities
in the State of Washington.

EFSEC coordinates all evaluation and licensing steps
for siting and compliance monitoring.

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- Contact EFSEC Staff

EFSEC specifies the conditions of
construction and operation.
If approved, a Site Certification Agreement
is issued in lieu of any other
individual state or local agency permits.

EFSEC also manages an environmental and safety
oversight program of facility and site operations.

- Having input into the EFSEC process:

- By Email: EFSEC@utc.wa.gov
 - By Mail: EFSEC
P.O. Box 43172
Olympia, WA 98504-3172
 - By Phone: (360)664-1345
- In Person: by speaking at one of the public meetings

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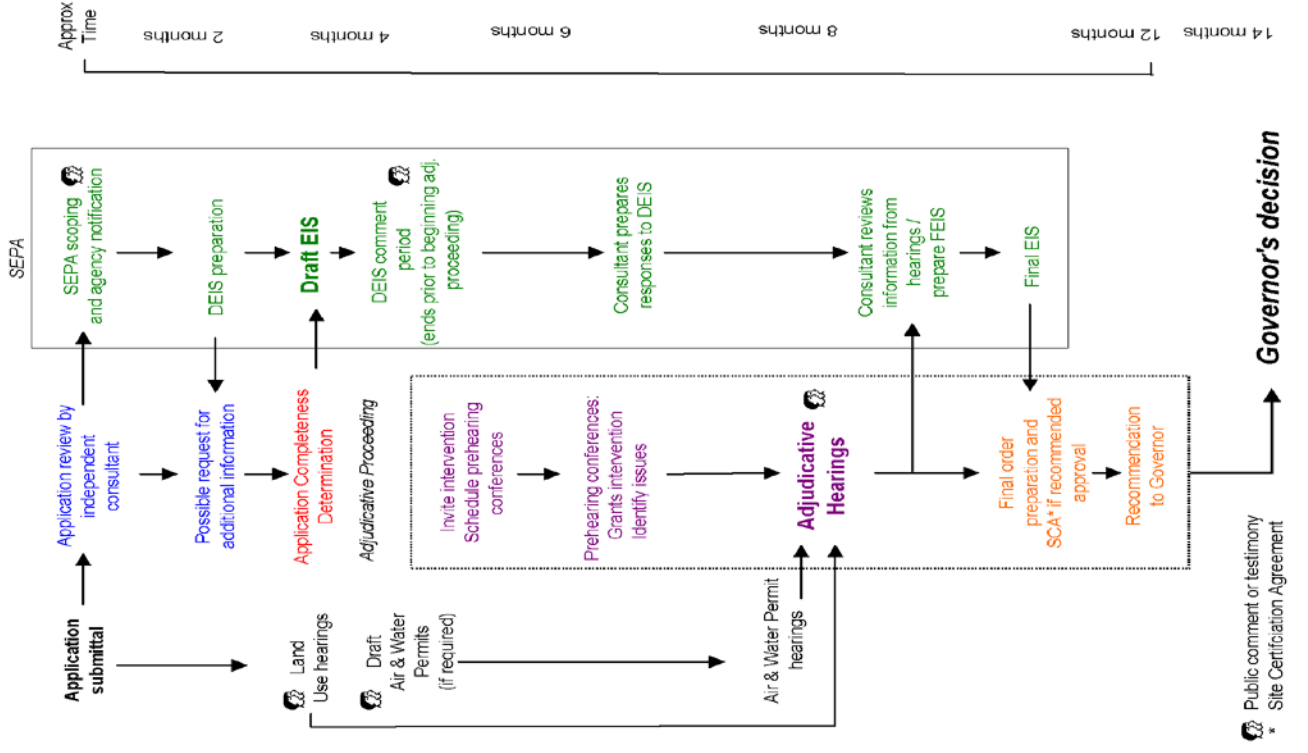
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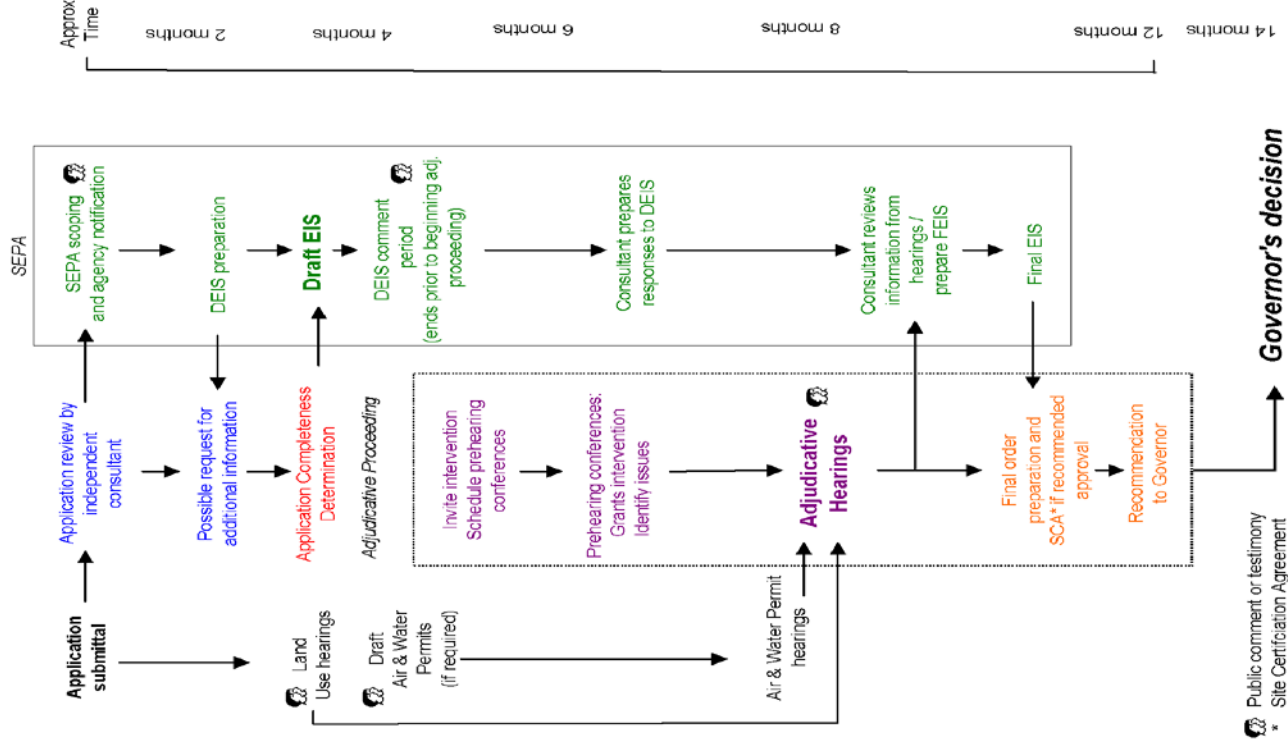
Washington State ENERGY FACILITY SITE EVALUATION COUNCIL

GENERALIZED SITING PROCESS



Washington State ENERGY FACILITY SITE EVALUATION COUNCIL

GENERALIZED SITING PROCESS





Washington State Energy Facility Site Evaluation Council

AGENDA

SEPA PUBLIC SCOPING MEETING

**Monday October 29, 2013
6:00 – 9:00 PM**

**Clark College
Gaiser Student Center – GHL 150
1933 Fort Vancouver Way
Vancouver, WA 98663**

TESORO SAVAGE VANCOUVER ENERGY DISTRIBUTION TERMINAL

6:00 – 6:30 PM Informational Presentations:

- **Opening Remarks – EFSEC Acting Chair**
- **EFSEC – presentation**

6:30 – 9:00 PM Public Comment:

- **EFSEC will receive public comment on the scope of the EIS**

EFSEC MEETING GROUND RULES

Ground rules will be reviewed and/or explained by the facilitator at the start of the meeting, with periodic reminders from the facilitator throughout the meeting. The rules will be strictly enforced.

EFSEC is committed to providing a safe and effective public meeting. Public input is a very important part of the EFSEC process.

Public meetings, scoping meetings and the scoping period are an opportunity to involve the public in the environmental review process and hear suggestions, questions, and concerns.

We wish to provide a secure, non-intimidating and respectful atmosphere that allows all voices to be heard.

Based on long experience, EFSEC has developed specific ground rules to achieve this goal.

We ask all participants to honor the ground rules, to help maintain an open, secure and respectful environment to allow everyone's voice to be heard equally.

Individuals who do not follow the ground rules and create an unsafe or intimidating environment will be asked to leave this meeting.

EFSEC will monitor the number of people entering the meeting room and may close the room to additional attendance if facility capacity is reached. When people depart and space becomes available, additional people will be allowed to enter.

In anticipation that many people want to provide oral comments, a time limit of two minutes per speaker is established for this meeting and will be enforced.

Speakers will be invited to the podium in the order they appear on the sign-in sheets.

Signs may only be displayed free standing or held outside of the public meeting building and shall be no larger than 3' X 5'. No individual may carry more than one sign. Signs are not permitted inside the meeting room.

Loudspeakers, flashing lights, or other visual or audible disturbances are not permitted.

EFSEC reserves the right to close the meeting at any time if disruptions interfere with the opportunity for participants to make oral comments or there is a safety risk.

Silent expressions of support or opposition by giving a "thumbs up" or "thumbs down," or raising one's hand or are allowed so long as this practice does not disrupt a speaker. Such behavior is considered disruptive when there is sign waving or a mass activity such as standing as a group. Such actions reduce the overall time allotted for people to speak, which is unfair to others in attendance.

Intimidating behavior will not be tolerated because it creates a disrespectful and threatening environment. Examples of intimidation that are prohibited include:

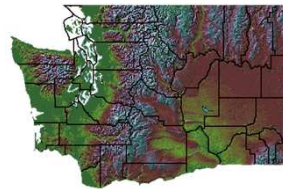
1. Confronting, blocking or interfering with attendees when they approach, enter, or engage in the meeting venue.
2. Conducting rallies or demonstrations at the entrance to, or within, the meeting venue.

Clapping, cheering, or jeering disrupts speakers, contributes to an intimidating atmosphere, and is prohibited at this meeting.

Again, the established time limit is two minutes per speaker and will be enforced. Speakers will be invited to the podium in the order they appear on the sign-in sheets and, to keep things moving, asked to queue up three to five at a time.

Washington State
Energy Facility Site Evaluation Council
Tesoro Savage Vancouver Energy Distribution Terminal
SEPA Scoping Public Meeting
Clark College
Vancouver, WA
October 29, 2013

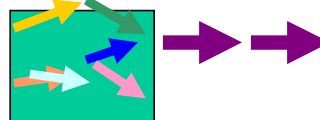
EFSEC



EFSEC

SCOPE

- EFSEC formed in 1970: Nuclear power
- “One stop permitting agency”
- State agency and local government members
- EFSEC recommendation to Governor for final decision
- Final decision preempts all other state and local governments



EFSEC

STATE LAW **Chapter 80.50 RCW** **WAC 463-14**



EFSEC reviews specific site proposals

- Recognize the pressing need for increased energy facilities
- Provide abundant energy at a reasonable cost
- Balance the increasing demands for energy facilities with the broad interests of the public
- Produce minimal adverse effects on the environment

EFSEC

MEMBERS **RCW 80.50.30**

Chair – Governor Appointee

- Dept. of Ecology
- Dept. of Fish & Wildlife
- Dept. of Commerce
- Dept. of Natural Resources
- Utilities & Transportation Commission*
- Local Government (City and County)
- Port District - nonvoting (both for application review)

Optional members:

- Dept. of Agriculture
- Dept. of Health
- Dept. of Transportation
- Military Department

* Provides staff and administrative support to EFSEC

EFSEC

FACILITIES



- **Power Plants:**



- Alternative Energy Resources “any size may **opt-in**” (wind, solar, geothermal, wave/tidal, landfill gas, biomass, etc.)

- Non Hydro Thermal Power Plants 350+ MW

- **Transmission Lines 115+ kV may “opt-in”**

- **Pipelines**

- **Refineries and Storage Facilities**



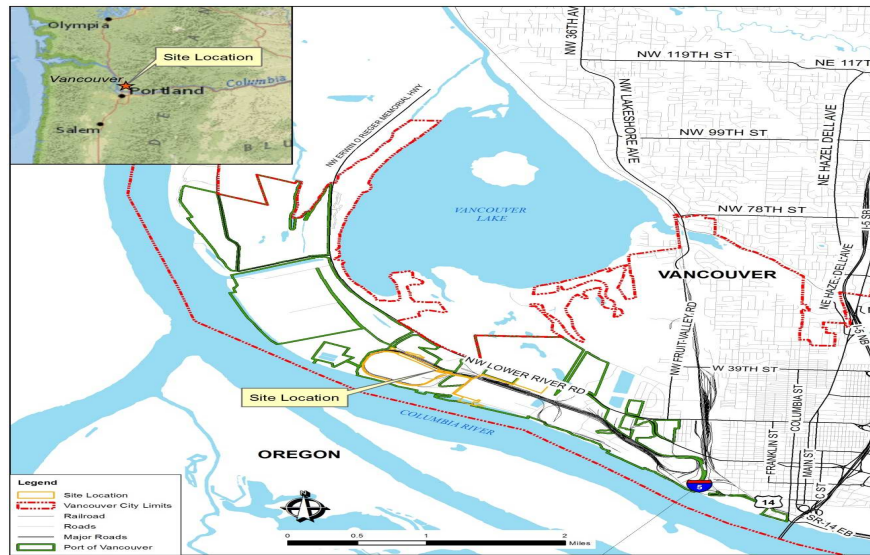
EFSEC **Oil Storage Facilities** **RCW 80.50.020**



- “Energy plant” means the facility together with its associated facilities and includes...
- “Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum... which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction.”

EFSEC

Site Location



EFSEC

SEPA Overview

- **SEPA: State Environmental Policy Act (1971)**
- **Modeled after NEPA**
- **Establishes environmental policy and agency responsibilities to protect the environment**

EFSEC

SEPA

- **Key aspects:**
- **Informs agencies and decision makers of significant impacts**
- **Addresses regulatory gaps**
- **Reviews impacts early in process**

EFSEC

SEPA Scoping

- Scoping
- What is scoping?
- Determines the focus or “scope” of the subsequent review
- Invites public, agency and tribal comments
- Identifies impacts to consider
- Identifies alternatives and reasonable mitigation measures
- Identifies specific studies, surveys and methodologies for analysis

EFSEC

Scoping SEPA Pathway

- SEPA determination of significance (DS) and scoping notice:
- Issued by co-leads and initiates scoping
- Indicates dates, times and locations for public scoping meetings
- The DS normally includes:
 - Description of project
 - List of alternatives to be reviewed
 - List of elements of environment to be researched

EFSEC

Scoping Comments

- What comments are useful to agencies during scoping?
- Identify probable impacts that should be considered in the EIS
- Identify mitigation measures that may reduce or eliminate the adverse impacts
- Suggest alternatives to the proposal that should be considered
- Suggest methods of analysis that should be used

EFSEC

Scoping Comments

- Commenting allows you to:
- Identify, clarify and resolve concerns early
- Influence design changes
- Achieve more environmentally sound proposals
- Improve environmental information in SEPA
- Create a written record

EFSEC

Scoping Comments

- Public comment period: 30 – 60 days
- Public scoping meetings
- Comments can be provided at meetings
- Written comments can be sent by hard copy, email and online to agencies

EFSEC

After Scoping

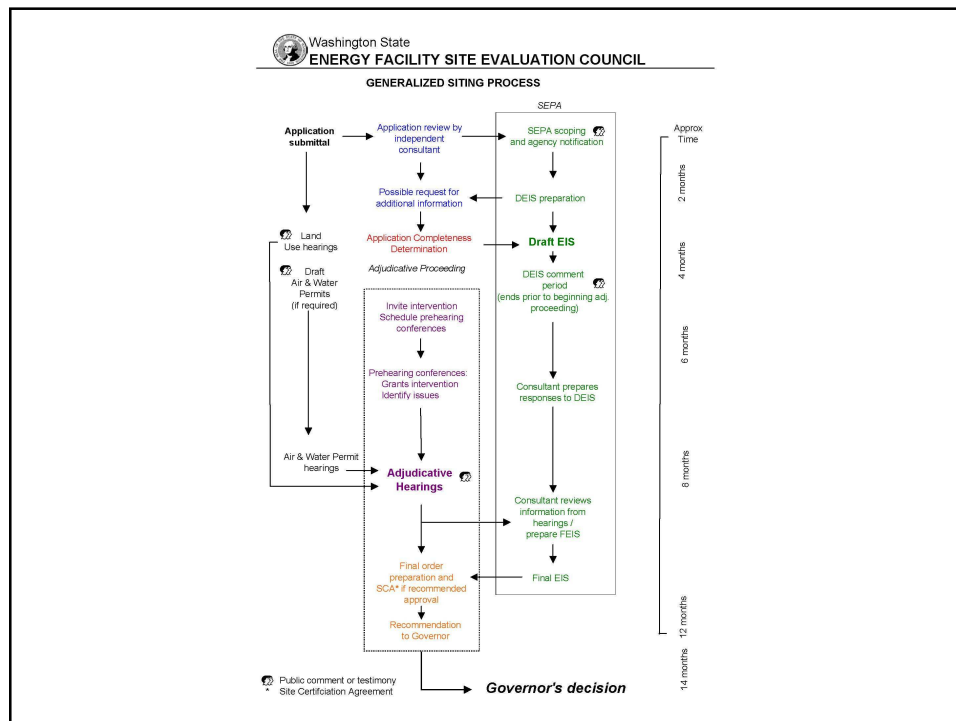
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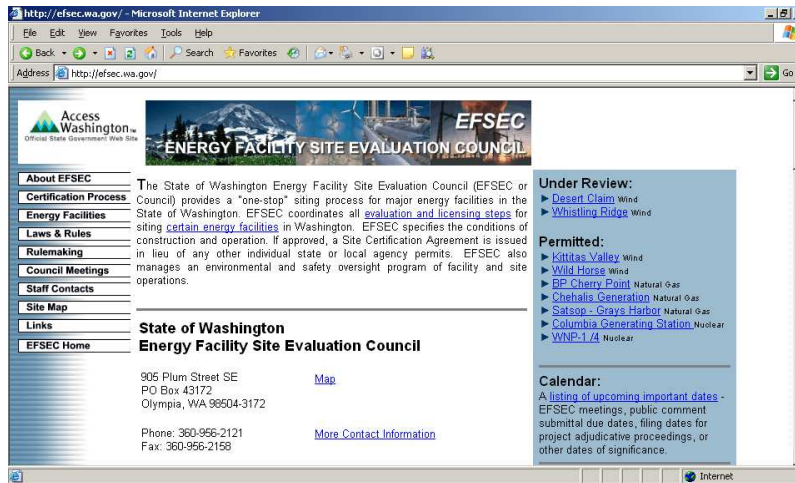
WAC 463-47

- **SEPA applies to all Washington state and local public agencies**
- **Environmental concerns considered**
- **Informs agencies and decision makers of potential impacts**
- **Determination of Significance/Scoping – Focus of environmental review**
 - Invite public, agency and tribal comments
 - Identify impacts to consider
 - Scoping Report
 - Lead Agency decides scope for the draft EIS
- **DEIS**
 - Invite public, agency and tribal comments
 - Completeness and accuracy of environmental impacts and mitigation measures
- **FEIS**
 - Informs decision makers
 - Record of environmental analysis
 - Considered along with administrative record in making recommendation to Governor



EFSEC

efsec.wa.gov





Washington State Energy Facility Site Evaluation Council

AGENDA

SEPA PUBLIC SCOPING MEETING

**Wednesday December 11, 2013
6:00 – 9:00 PM**

**Center Place Regional Event Center
Great Room
2426 N. Discovery Place
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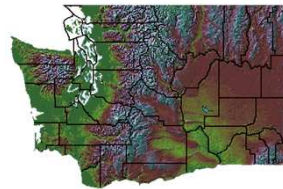
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Center Place Regional Event Center
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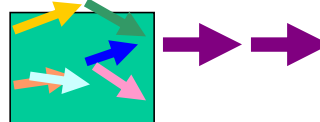
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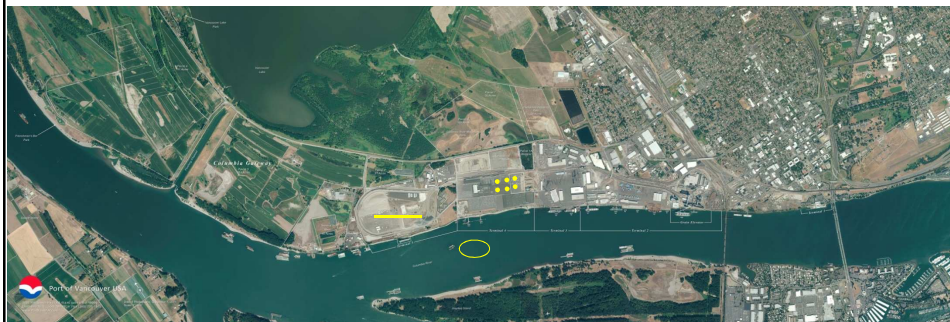
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Site Location



The Site – Aerial View



Facility Overview

- Located at the Port of Vancouver
- Construction of two 7500 ft loop tracks
- Receive and unload 2 to 4 unit trains per day (120,000 to 360,000 barrels per day)
- Stage the crude oil in storage tanks
- Load the crude oil into double hulled vessels
- Provide North American crude oil to U. S. refineries



9

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