

1 In Re: Tesoro Savage Vancouver
2 Energy Distribution Terminal
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5 EFSEC PUBLIC INFORMATIONAL MEETING
6 Clark College, Gaiser Student Center
7 1933 Fort Vancouver Way
8 Vancouver, Washington
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11
12 October 28, 2013

13 6:00 p.m.
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16 Reported by:

17 Grace F. Lengmueller, RPR, CSR
18 Court Reporter
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1 COUNCIL PANEL

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3 CHAIR:

4 Dennis Moss - Utilities & Transportation Commission
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8 MEMBERS:

9 Andrew Hayes - Department of Natural Resources
10 Christina Martinez - Department of Transportation
11 Bryan Snodgrass - City of Vancouver
12 Cullen Stephenson - Department of Ecology
13 Joe Stohr - Department of Fish & Wildlife
14 Jeff Swanson - Clark County
15 Liz Green Taylor - Department of Commerce
16 Larry Paulson - Port of Vancouver
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20 ADMINISTRATIVE LAW JUDGE:

21 Honorable Adam Torem
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1 VANCOUVER, WASHINGTON; MONDAY, OCTOBER 28, 2013

2 6:36 P.M.

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4 THE CHAIR: I want to thank you all for being
5 here tonight. This is a very important part of our
6 process, hearing from the public, and it's a nice
7 turnout. I'm glad to see you here.

8 My name is Dennis Moss. I've been a member
9 of EFSEC now for a second term for about three or four
10 years. I have been for the last couple of months the
11 active chair, a tenure that will end on the last day of
12 this month when the gentleman sitting to my right, Bill
13 Lynch, will take over as permanent chair of EFSEC. And
14 Bill is not officially on board yet, but we're very
15 happy that he could come tonight, and he'll be here
16 tomorrow night as well so that he can hear all these
17 comments and be involved in the process from the --
18 from the very beginning.

19 I want to make a few remarks about the
20 council and a couple of other points, and then I'm
21 going to turn the floor over to others. The council
22 membership includes five standing members. We have a
23 representative from the Department of Commerce, one
24 from the Department of Ecology, one from the Department
25 of Fish & Wildlife, one from the Department of Natural

1 Resources, and one from the Utilities & Transportation
2 Commission, which happens to be me.

3 We have four additional members who are
4 provided for under the statute in a case such as this
5 where we have another -- we have a representative from
6 the Department of Transportation, a representative from
7 Clark County, a representative from the City of
8 Vancouver and also from the Port of Vancouver.

9 And rather than try to introduce everyone
10 myself, I think I put a microphone down here at the far
11 end of the table, and I'm just going to ask Mr. Hayes
12 to start us off and ask the members to introduce
13 themselves to you. And when we complete that, I'll
14 have a couple more comments.

15 COUNCIL MEMBER HAYES: Good evening. My name
16 is Andy Hayes, and I'm from the Washington Department
17 of Natural Resources.

18 COUNCIL MEMBER MARTINEZ: I'm Christina
19 Martinez with the Department of Transportation.

20 COUNCIL MEMBER SNODGRASS: I'm Bryan
21 Snodgrass with the City of Vancouver.

22 COUNCIL MEMBER STEPHENSON: Cullen Stephenson
23 with Department of Ecology.

24 MR. BILL LYNCH: Bill Lynch. I'm the
25 incoming chair.

1 JUDGE TOREM: My name is Adam Torem. I'm the
2 administrative law judge. I'll be helping Chair Moss
3 as we go this week and later on with Chair Lynch to
4 preside over these meetings.

5 COUNCIL MEMBER STOHR: Good evening. My name
6 is Joe Stohr. I'm with the Department of Fish &
7 Wildlife.

8 COUNCIL MEMBER SWANSON: I'm Jeff Swanson
9 with Clark County.

10 COUNCIL MEMBER GREEN TAYLOR: Liz Green
11 Taylor with the Department of Commerce.

12 COUNCIL MEMBER PAULSON: And I'm Larry
13 Paulson with the Port of Vancouver.

14 THE CHAIR: All right. Thank you all very
15 much. And we have another person I want to introduce.
16 Matt Kernith over here. Matt, if you could stand up.
17 Matt is the counsel for the environment who is
18 appointed pursuant to the statute to represent the
19 interest of the people of Washington, and you'll be
20 hearing more from him later.

21 Do you have any comments tonight, Matt?

22 MR. MATT KERNITH: I have some small
23 comments.

24 THE CHAIR: Would you like to come up?

25 MR. MATT KERNITH: Materially.

1 THE CHAIR: We've got a -- we've got a
2 microphone here.

3 MR. MATT KERNITH: Just very briefly, my name
4 is Matt Kernith, and I have been appointed by Attorney
5 General Bob Ferguson as the counsel for the
6 environment. Counsel for the environment is a
7 statutory role that represents the people of the State
8 of Washington and their interest in the quality of
9 environments. I look forward to hearing from all of
10 you today as well as I have numerous business cards. I
11 look forward to any comments you may have either
12 written or verbal, like you prefer, if possible. It
13 would be great if you would communicate with me as we
14 proceed with these proceedings. Thank you.

15 THE CHAIR: All right. Thank you. We're
16 going to have a full presentation in a moment about
17 EFSEC and its processes, but I just wanted to give a
18 very brief overview and say that tonight is the first
19 step in a formal process that involves several
20 different paths of developing a record for a decision.
21 This is a public information meeting. It's required
22 under the statute to be held within 60 days of the
23 filing of an application in the vicinity of the project
24 proposed, so that's what we're doing here tonight.

25 Tomorrow night, we will be meeting here again

1 in the first -- what's called the State Environmental
2 Policy Act, SEPA; the first SEPA scoping meeting. And,
3 in that meeting, we'll also take public comments, and
4 the purpose of that is to get the SEPA process under
5 way. That's separate from what we as a council do.

6 The manager of EFSEC is the designated
7 official, and EFSEC is the lead agency under the SEPA
8 statutes, and so that process will continue in parallel
9 with what we do which involves a formal evidentiary
10 hearing under the State Administrative Procedures Act,
11 and that's much like a hearing in a courtroom. We'll
12 hear evidence, we'll have pre-filed evidence, we'll
13 have cross-examination, and we'll have thousands of
14 pages of exhibits and so forth. So that's a very
15 formal process that will go on in parallel with the
16 SEPA process.

17 In the final analysis, the council will
18 resolve any disputed issues of fact in law in the
19 adjudication; I believe an order. We'll consider the
20 outcome of that along with the final environmental
21 impact statement that is the outcome of the SEPA
22 process, and we'll make a recommendation to the
23 governor to either accept the project, approve the
24 project, and enter into a site certification agreement
25 with the applicant or to deny it or to enter into it

1 with conditions. The governor can also send it back to
2 us for the development of additional facts if he feels
3 there are things he needs to know that he did not
4 become informed sufficiently about.

5 Our agenda tonight, very quickly, is a brief
6 presentation from the applicant, Tesoro Savage,
7 describing the proposed project followed by a brief
8 presentation from the EFSEC manager, Stephen Posner,
9 describing EFSEC and its role. And once he finishes,
10 we're going to turn the floor over to Judge Torem, who
11 will actually conduct the public comment section
12 section of the -- of the hearing, and he will call you
13 up in accordance to the way you signed up on the list.

14 So, with that, I'm not sure who's going to
15 speak with Tesoro Savage, but if that person would make
16 their presence known. Ah, here they are. Very good.
17 Come ahead.

18 MR. KELLY FLINT: Good evening, members of
19 council and members of the public. My name is Kelly
20 Flint. I'm the senior vice president and general
21 counsel of Savage Companies, and it's my pleasure to be
22 here tonight to present this project on behalf of
23 Tesoro Savage.

24 Tesoro Savage is a joint venture of Tesoro
25 Company and Savage Companies. Tesoro is one of the

1 largest refinery -- refining companies on the West
2 Coast. They have four refineries on the West Coast of
3 the United States, including Alaska and in Anacortes,
4 Washington. They also have refineries in Salt Lake and
5 in North Dakota.

6 Savage is a -- is a supply chain management
7 company, service company. We assist other companies
8 with -- with managing their supply chains and handling
9 their materials and products for them. When -- we
10 worked with Tesoro for more than 10 years in various
11 refineries, and we found the companies worked really
12 well together. And so when the Port of Vancouver
13 issued a request for proposals for -- for parties to
14 propose building a -- and operating a crude-by-rail
15 facility at the port, we decided to team up together
16 and bring our respective expertise. Savage has
17 extensive experience in building and operating
18 crude-by-rail facilities throughout the United States,
19 and Tesoro has deep experience with the -- on the
20 marine side of loading and -- and handling marine
21 vessels for their refineries.

22 The -- this project really is about getting
23 petroleum-based fuels to consumers, and it starts at
24 the well head, and the -- the crude is transported to a
25 refinery where it's refined. And, in the United

1 States, those refineries tend to be concentrated in --
2 in locations along the West Coast, the Gulf Coast, and
3 the Northeast. And the refineries need a constant
4 supply of crude to work, and so this facility is about
5 getting crude to those refineries so they can refine it
6 and distribute it to consumers.

7 The facility's purpose is rail to by North
8 American crude to U.S. refineries. Historically, the
9 refineries on the -- on the West Coast were initially
10 supplying crude oil from California and in -- then from
11 the Alaska North Slope, and as -- as time has
12 progressed, the production in both of those fields have
13 declined -- the Alaska North Slope fields, in
14 particular, are in steep decline -- leaving those
15 refineries to look for other sources of crude. And,
16 more recently, those sources of crude have been imports
17 from a number of -- of foreign sources, which -- which
18 leads to, you know, trade imbalance and all the issues
19 that come with that.

20 With the -- with the development of new
21 sources of crude, particularly in the Midwest of the
22 United States, those refineries are looking for
23 domestic sources of crude; more stable and -- and more
24 cost-effective sources of crude. And so they're --
25 they're hungry for this crude that's coming from the

1 Midwest. Unfortunately, there aren't pipelines that
2 run from -- from those areas to the refineries, and so
3 they're looking for a new means of transportation.

4 So we're looking for -- we're looking to
5 build a facility that will take advantage of those
6 sources of crude, put the suppliers that -- the
7 producers together with the refiners so that they
8 can -- and can refine that and deliver it to consumers.
9 We're looking to -- to leverage the facilities that
10 exist here in Port of Vancouver where the port has
11 invested in -- significantly in rail infrastructure and
12 has an existing dock that we can -- that we can use.
13 And we believe this will be a significant economic
14 benefit for the City of Vancouver and to the State of
15 Washington and through independence (inaudible) in the
16 United States.

17 The facility will create 120 full-time
18 family-wage jobs when it's fully built out, and
19 we'll -- we'll take advantage, like I said, of the --
20 of the port's infrastructure. This is an aerial photo
21 of the -- of the Port of Vancouver and the surrounding
22 neighborhoods, and I can highlight here the locations
23 on this -- that there will be several parcels that are
24 covered by the lease that we made into with the port,
25 the one through the crude and unloading area, the

1 storage tanks, and the loading of the dock, and I'll
2 show those in a little more detail in a moment.

3 The facility in overview will include two --
4 initially two tracks and eventually a third loop track.
5 A loop track is just a big circle of track that -- so
6 that a train can come in and progress around the loop;
7 eventually without ever having this to back up or be
8 roped into segments. It's much more efficient and a
9 safer way of progressing further.

10 The facility will initially be constructed to
11 handle up to two unit trains a day. The unit train
12 is -- is simply a train that is made up of a consistent
13 set of railcars handling a single product typically for
14 a single customer. Otherwise, they're like other
15 trains. The facility -- or two unit trains will be
16 approximately 120 to 150,000 barrels depending on the
17 exact cars that the customers use.

18 A facility -- we have asked EFSEC for -- to
19 permit a facility that had -- is expandable. We want
20 to be very transparent on what the facility could
21 become, and so the application covers an eventual
22 build-out. If the market is there for it, they could
23 handle up to four unit trains a day, and that could be
24 up to 360,000 barrels a day. That would build a second
25 phase.

1 We'll stage some crude oil in storage tanks
2 that will be built on site and then loaded at an
3 existing dock, which we do intend to upgrade to current
4 seismic standards. And those will be, for the most
5 part, approximately Handymax-sized vessels. There's
6 some ways that could be handled, but they're all --
7 they -- because they will be taking crude to -- to the
8 United States -- to ports in the United States, they
9 will all be what's called Jones Act vessels. They're
10 American flagged with American crews vessels all built
11 to handle crude oil with double -- double hulls.

12 This is the -- a schematic diagram of the
13 Port of Vancouver. I'm showing some of this -- its
14 facilities in the area where we want to build it. And
15 I can highlight here. Trains will come in and -- and
16 proceed around -- come in on the common track and
17 proceed around the loop track probably in clockwise as
18 it comes around there at the top of the loop, you can
19 see where we'll construct a loading building. The
20 loading building will have 30 unloading stations on
21 each track and so initially we'll have 16 unloading
22 stations that could unload two trains at once.

23 The -- the crude is -- is gravity drained
24 from the -- the railcars. They're what we use -- we --
25 what are called dry connect couplers to connect the

1 bottom of the railcar. That will open and allow crude
2 to flow only if it's a positive complete lock, and it
3 will be drained into -- into -- through headers into a
4 pipeline. Again, it's all gravity fed. There's no
5 pressurization. There's no pressurization of the
6 railcars or of the pipes.

7 The crude is then in -- is -- is then piped
8 from there to the storage tanks. We will initially
9 build four storage tanks, but we have room for -- for
10 two additional as part of the expansion within the Port
11 of Vancouver. These are -- this will be
12 state-of-the-art steel storage tanks. They'll have
13 dual floors in them with -- with water draining between
14 the two floors so if ever a leak in -- in the initial
15 floor, it can be caught and could be repaired. It will
16 sit within a complete containment area that is fully
17 lined and bermed. It can hold the largest of the tanks
18 plus a hundred-year storm event.

19 Once the -- a tank is full, then each tank
20 will be approximately equal to one vessel, then the
21 crude will be transferred from there out to the dock
22 through a -- again, a continuously welded steel
23 pipeline. Most of this pipeline will be above ground.
24 It will go underground in a few places where it needs
25 to go, like under -- under driveways or under roads

1 where it will be inside a fully lined sleeve to protect
2 it. And -- and, again, as I said, it'll be fully
3 welded so there aren't joints or flanges that --
4 that -- where there are going to be problems, and then
5 we'll unload the vessels there.

6 The -- the loading process is -- as crude
7 goes into these vessels, it displaces air that's in the
8 vessels. These vessels come in what's called Foley --
9 you know, the vessel holes are filled with gases that
10 can take very little oxygen to reduce any risk of fire
11 in a vessel. As the vessel is loaded, that area is
12 displaced, so we will capture that air and -- and
13 transfer and take -- pipe it to a thermal oxidizer
14 where it will be destroyed. Thermal oxidizers are --
15 are very efficient combustion devices that the vendor
16 guarantees a 99.8 percent destruction rate.

17 And we have -- then there are also -- and
18 here's some more information on that. And then we also
19 have a vapor return lines and -- and hard return lines
20 that come from the dock back to the vessel. So if
21 they -- if we ever had to close the valve, we have --
22 have quick-close valves. If you ever have a problem,
23 close the valve, and then -- and so then there wouldn't
24 be an overpressure in those pipes, and the return line
25 that will take the crude back to the tanks and take

1 care of that. And the ports exit -- will exit the loop
2 track and back out the port in the common tracks.

3 So that's -- that's the basic layout of our
4 facility. We are convinced we can operate this in a
5 safe and responsible manner. We can build it in the
6 same way. Safety is a core value to -- to both of our
7 companies, and we intend to -- to designing this
8 facility and build it with the latest state-of-the-art
9 technology.

10 We also include complete prevention
11 preparedness response programs. Tesoro already
12 operates a -- a petroleum facility in the Port of
13 Vancouver and has for a number of years, is a member of
14 the Clean Rivers Response Cooperative, and we will
15 make -- be making additional advances to that as
16 necessary based on the lines (inaudible) of crude that
17 will happen here, and we'll be working with -- with
18 Clean Rivers, Department of Ecology, the fire
19 departments, and other parties, and BNSF Railroad to
20 develop emergency response and spill prevention plans
21 and spill response plans that will be in place and
22 approved by the port and by the regulatory agencies in
23 advance of operations.

24 And the marine vessels that I mentioned are
25 specifically designed for safe transport, and we -- we

1 will have the docks outfitted -- the dock will be
2 outfitted with state-of-the-art controls free from all
3 the vessels, and so if they were a -- an occurrence,
4 that that would al -- that would be contained.

5 So that's our presentation on our facility.
6 Again, we are -- are pleased to be here in
7 participating in the process with EFSEC. We are -- we
8 have submitted our application. We have -- we asked
9 EFSEC to -- to use its full environmental impact
10 statement process. We believe this is an appropriate
11 process to -- to bring in all the facts regarding this
12 facility and how we will operate it -- construct it and
13 operate it and to demonstrate that we can in a safely
14 and environmentally responsible manner.

15 Thank you for your time.

16 THE CHAIR: Thank you, Mr. Flint.

17 Mr. Posner.

18 MR. STEPHEN POSNER: Good evening, council
19 members, members of the public. Thank you all for
20 being here this evening. I just have a quick
21 presentation, this PowerPoint presentation to just go
22 over the EFSEC process.

23 I'm not sure how many of you folks are
24 familiar with EFSEC. The -- the acronym stands for the
25 Energy Facility Site Evaluation Council.

1 Next slide, please. So EFSEC was formed in
2 1970, and it started out largely in response to a big
3 push for nuclear power plants in the state, and it was
4 billed as a one-stop permitting agency, and
5 essentially, that's how we operate now; one-stop
6 permitting agency. EFSEC issues all permits associated
7 with certain types of energy facilities if they meet
8 the regulatory thresholds described in our statute and
9 rules. And -- originally, it was called the Thermal
10 Power Plant Site Evaluation Council. The jurisdiction
11 was expanded in the late '70s, 1976, to include
12 pipelines, refineries, and storage facilities.

13 In 2001, the statute was updated again to add
14 alternative renewable energy facilities to EFSEC, but
15 it's an opt-in process, so essentially, an alternative
16 energy facility can chose to seek certification through
17 EFSEC. They don't need to -- it's not required.

18 Next slide. So EFSEC -- specifically, EFSEC
19 reviews specific site proposals, and the -- the
20 criteria by which EFSEC does its evaluation and is
21 described in our statute, and specific sections of the
22 statute talk about the present need for increased
23 energy facilities, the need to provide energy at
24 reasonable costs, and to balance the increasing demands
25 of energy with broad interest of the public, and to

1 minimize to the greatest extent possible adverse
2 impacts on the environment.

3 Next slide, please. And the EFSEC council is
4 made up of a chairperson appointed by the governor,
5 representatives of five different state agencies. And
6 when an application is received -- in the case of the
7 Tesoro Savage application -- we contact a local
8 government -- in this case, the City of Vancouver,
9 Clark County, and the Port of Vancouver -- as well as
10 optional state agencies and invite them to appoint a
11 member to sit on the council. We have representatives
12 from -- from the city, the county, the port, and the
13 Department of Transportation sitting on the council for
14 this particular project.

15 Next slide. This is -- slide refers to
16 counsel for the environment. Matt has already been
17 introduced. Matt explained his -- his role, so just
18 encourage you to contact Matt if you have any questions
19 about his role in this process.

20 Next slide. And so we talk about different
21 types of facilities. This just talks about certain
22 types of energy facilities, non-hydro thermal power
23 plants, 350 or greater megawatts, certain types of
24 transmission lines, certain pipelines, refineries and
25 storage facilities, and renewable alternative energy

1 resource facilities. In the case of the Tesoro Savage
2 project, the capacity of this proposed project meets
3 the -- the EFSEC regulatory threshold of the capacity
4 to receive greater than 50,000 barrels per day, on
5 average.

6 Next slide. And this just -- just lists the
7 section of our statute that specifically deals with
8 this type of facility. This is actually the language
9 specifically in the Section 80.50.020 of our statute.

10 So we've received the application for this
11 project. This is part of the process that we go
12 through; the first public meeting within 60 days, as
13 Chair Moss has -- had mentioned. And what we're in --
14 we're also in the process of reviewing the application
15 for site certification. We have an independent
16 consultant who's assisting EFSEC in that review.

17 We will be conducting the environmental
18 review, which is the State Environmental Policy Act
19 review, and that's essentially being kicked off
20 tomorrow with our first SEPA scoping meeting. We
21 will -- we will be seeking input from the public and
22 other state agencies on the scope of the environmental
23 impact statement. We also will be conducting a land
24 use consistency determination, and there will be
25 adjudicated proceedings and also the issuance of

1 appropriate air and water permits.

2 Next slide, please. So this -- I think we're
3 one behind or I'm one ahead -- oh, there you go.

4 So this talks about the certain sections of
5 our statute that relate to air and water permits. We
6 issue -- EFSEC issues the national pollution discharge
7 elimination system permits. We are federally delegated
8 from EPA to issue that permit. We also are federally
9 delegated to issue appropriate air permits along with
10 EPA. Essentially, we -- we co-sign the air permits
11 with EPA.

12 Next slide. And also, the administrative
13 proceedings which we will be starting at some point in
14 the very near future is essentially the -- the hearing,
15 if you will, for the project. And there are certain
16 specific procedures that must be followed that are
17 consistent with requirements of the Administrative
18 Procedures Act.

19 To make sure that -- that we follow all the
20 steps as required, we -- we typically utilize the
21 services of an administrative law judge. In the case,
22 this will be Judge Adam Torem, who was introduced
23 earlier. This is -- these proceedings are much like a
24 court proceeding. We -- we have court reporters
25 present. There's a record compiled. There are parties

1 who enter into the proceeding as interveners either for
2 or against the project. The council holds hearings.
3 Information is gathered. It's evaluated. Council
4 deliberates. And then the council makes a
5 recommendation to the governor who ultimately has the
6 final decision on whether or not to accept, reject, or
7 remand the project.

8 Next slide, please. And we also -- on a
9 separate parallel path, we are conducting our SEPA
10 review. So, essentially, what we're doing tonight is
11 related to the adjudicative part of the process, and
12 what we'll be doing tomorrow is related to the SEPA
13 environmental review. They're all connected. They
14 operate basically on separate paths, come together at
15 the end. The council evaluates all the information,
16 puts together a recommendation order to the governor,
17 which takes into consideration everything that's been
18 developed through the SEPA process as well as the
19 adjudicative process, ultimately coming up with a
20 recommendation to the governor.

21 Next slide, please. So in the event that a
22 site certification agreement is issued, which would
23 require the governor approving the project, we -- we
24 essentially -- EFSEC sets the standards -- construction
25 and operation standards for the project. And we do

1 that in what we call a site certification agreement,
2 which is essentially a permit to construct and operate
3 the project. And some of the things listed here are
4 areas that the site certification agreement would
5 address. So, essentially, the site certification
6 agreement would -- would require the very specific
7 requirements, much like a permit, that the certificate
8 holder needs to comply with.

9 Next slide. And this is just again on -- on
10 the siting process. This siting process does involve
11 multiple opportunities for the public to participate,
12 which we're doing this evening, and there will be
13 others. And we are -- basically throughout the
14 process, we take public comments. We don't essentially
15 close the public comment period. The -- you can file a
16 public comment concerning this project essentially from
17 this point forward. We do have a specific comment
18 period, what will -- which will close on -- concerning
19 the SEPA process, and we'll talk about that more
20 tomorrow, but we do accept public comments throughout
21 the process.

22 Next slide, please. This just talks about
23 the opportunities for public comment throughout our
24 process for the public to be involved in our process.
25 So, again, tomorrow, we will be going into the -- the

1 SEPA part of it where we will be seeking comments on
2 the scope of the EIS.

3 Next slide, please. This is the generalized
4 siting diagram, which shows the -- the EFSEC process.
5 It shows the -- the siting process, the SEPA process,
6 and then also the process for air and water permits,
7 and you can follow it here. We also have a poster
8 board in the back. You can look at it more closely
9 back there.

10 Next slide, please. This is our current
11 EFSEC project location map. Shows the various projects
12 that are operating or under construction; approved, but
13 not constructed; or under review.

14 Next slide. And then once a site
15 certification agreement is issued, the -- the project
16 essentially is under EFSEC oversight for the life of
17 the project. So we -- we conduct an active on-site or
18 compliance monitoring program for -- for the life of
19 the project. And we work very closely with state,
20 local, and federal agencies to assist us in compliance
21 monitoring, and -- so, essentially, the -- the site is
22 under EFSEC jurisdiction from -- from construction
23 through decommissioning.

24 Next slide. And this is just a photo shot of
25 our home page. Our -- our website is www.EFSEC.wa.gov

1 if you seek more information. We're also available --
2 myself and Sonia Bumpus, and then we have two EFSEC
3 staff in the back are available if you have any
4 questions. After the meeting, we will be here, so
5 we'll be more than -- more than happy to try to answer
6 any questions you have.

7 That concludes my presentation.

8 THE CHAIR: Thank you very much.

9 With that, I'll turn the floor over to Judge
10 Adam Torem, and he will conduct our public comment
11 session.

12 MR. STEPHEN POSNER: Judge Torem, I do have a
13 sign-in.

14 JUDGE TOREM: Great. Thank you.

15 Well, good evening. Thanks for listening to
16 who the applicant is and who EFSEC is. It's now time
17 for us to hear from you. My job is really just to call
18 you up and have you address this council with your
19 comments. Seems to me we have right now 16 people
20 signed up. I know there's a lot more -- there's about
21 85 people here in the room in the audience. So if you
22 decide you want to comment later, see one of our staff
23 in the back, Tammy or Kali, and sign up, and they'll
24 let me know. But for the 16 that have signed up, I'm
25 going to do my best to call you up and not completely

1 butcher your name pronunciation-wise.

2 Let me tell you what the ground rules are.
3 This council, as EFSEC, is committed to having a safe
4 and effective public meeting. We want it to be a
5 non-intimidating, secure, and respectful atmosphere.
6 From what I can see tonight, this is not going to be a
7 problem. Everybody's been on good behavior, and I
8 thank you in advance for that.

9 What -- our goal is to have everybody's voice
10 have a chance to be heard equally. What I want to do
11 is, to maintain the quorum, I'll call folks up three at
12 a time. One person first can come to the microphone.
13 The others can kind of stage themselves in these chairs
14 off to the -- my left, the front right of the room.

15 If you have written comments you want to turn
16 in at any time, there is a comments box at the back.
17 If you want to create your own written comments
18 tonight, there's paper available, again, from our EFSEC
19 staff in the back of the room. If you decide you want
20 to send it in after the meeting, let me encourage you
21 to pick up this card. The cards are at the back of the
22 room where you signed in. It has all the addresses
23 that you can send it either electronically or put it in
24 the mail. And on the back is that slide again that
25 Mr. Posner put up showing you the two-track process.

1 One's the SEPA process, and one's the adjudication
2 process, and where this informational meeting tonight
3 kicks off the process that fits into the whole thing.
4 So I'm not going to read you out the mailing address or
5 the website again, but it's all available on the card.

6 I don't think I have to go over things about
7 loudspeakers or flashing lights or other disturbances.
8 It looks like we have a pretty civil crowd tonight, so
9 I'm not going to worry about that.

10 If you do have -- some of you want to show
11 you appreciate what the speaker said, I'm asking you to
12 do that silently in a way that doesn't distract from
13 the speaker or from the council's attention. So if you
14 feel like there's a need to hold a thumbs up or a
15 thumbs down, you can do that, but we're hoping there
16 won't be any jeering, cheering, any such thing as
17 showing how you feel that would distract from the
18 speaker.

19 If you have signs and you want to display
20 them, we've got an area out in front when you came in,
21 that's where signs are appropriate, not here in the
22 hearing room. And I think that's really all that I
23 wanted to say about ground rules for tonight. If
24 there's a need to enforce decorum, I'll get to it if
25 you force me to, but I don't think, again, that's going

1 to be the issue.

2 Given speakers tonight have a time available.
3 We're going to set three minutes per speaker. I've got
4 some cards that I'll hold up to let you know how much
5 time. When you see the yellow, it's the 30 seconds
6 left, and I think most of us know that the red means
7 hurry up and finish and get to the intersection, but
8 wrap it up within a few seconds. So I'll be trying to
9 give you some clues, and I may wave them around to hold
10 your attention if you're raptly into your notes.

11 If you find other speakers have already said
12 something you agree with or disagree with and you can
13 remember the name, feel free to again voice your
14 agreement with them. You don't have to repeat it.
15 We'll treat it just as though you had said it yourself,
16 and you can move on to another topic. Each of you when
17 you come up is not going to be under oath. We haven't
18 really kicked off the formal adjudication yet, but I
19 will ask you to state your name and give us your
20 mailing address and your city of residence.
21 Particularly, if you're a local resident, tell us how
22 long you've been a member of this community. That
23 helps put your comments into some kind of context for
24 all of us.

25 I think that's all that I have, unless

1 there's anything else from the chair. Then let me
2 start with the -- first three are Dan Serres, Courtney
3 Wallace, and Gary Rubin. If I can get Mr. Serres to
4 come to this microphone, and Ms. Wallace and Mr. Rubin
5 will come to my left here.

6 MR. DAN SERRES: Thank you for having me --
7 can you hear me?

8 JUDGE TOREM: Now we can hear you. Go ahead.
9 Sorry.

10 MR. DAN SERRES: Thanks for having us and
11 members of EFSEC and Judge -- Judge Torem. Really
12 appreciate this opportunity to be here and to address
13 this really landmark, very significant project for
14 Vancouver, which is jaw dropping in its scope. It is
15 receiving a lot more attention, and you'll -- you'll
16 probably have more folks here tomorrow night to make --
17 to give you their input than -- than almost any other
18 project for the Columbia River because of the sheer
19 size of what's being proposed. At 360,000 barrels a
20 day, this is almost half the size of the Keystone XL
21 Pipeline. Gives you a sense sort of what you're
22 looking at here; one of the most controversial fossil
23 fuel projects in the United States.

24 So I just want to start there by saying, you
25 know, that's one of the huge issues, which is this is

1 enormous. The second huge issue is that recent events
2 have really focused the attention of people throughout
3 this community on the safety of these oil-by-rail
4 projects. They are dramatically increasing in
5 frequency. These trains are a mile and a half long
6 carrying enormous quantities of fuel. Tesoro says
7 they'll bring in four a day. We think there will be as
8 many as six depending on how long the trains are and --
9 and, you know, four depends on having the biggest
10 trains and the biggest cars, so it'll fit more than
11 four, and that means you have to look at that impact,
12 not just in Vancouver, but potentially six full trains,
13 six times the trains leading each day all the way from
14 North Dakota to Vancouver and all those ships going
15 down the Columbia River.

16 Tesoro's motto has been for a while "Not one
17 drop." And one of the things that's really caught our
18 attention is it doesn't take looking very far in the
19 past to find real safety concerns with this company and
20 with this type of project. Moving crude by rail
21 imposes huge risks on communities in between the
22 terminal and the project. And we saw that in
23 Lac-Migantic, Quebec, where a train derailed and killed
24 almost 50 people in the middle of a small town carrying
25 the very same oil that we'd move through our community.

1 I would also point out that just very
2 recently, Tesoro had a very large pipeline spill in
3 North Dakota. And so when they say that safety is a
4 fundamental value, we question that. We don't buy it.
5 We ask you to take a hard look -- and not just at these
6 trains and the traffic impacts they'll have, but the
7 crude -- the type of crude oil they'll be moving, they
8 have different impacts, different safety impacts, you
9 know, some very heavy grades, the bitumen that comes
10 out of the tar sands in Canada can sink rather than
11 float; a major concern for us if we spill this in the
12 Columbia River.

13 So with my last 10 seconds, I will encourage
14 you all to take a really hard look at this project and
15 to listen to the voices in this community that range
16 from workers, teachers, students, fire safety
17 officials, and many others who are asking you to do the
18 right thing and say no to this project. Thank you.

19 JUDGE TOREM: Thank you, Mr. Serres.

20 Courtney Wallace.

21 MS. COURTNEY WALLACE: Actually reaches me.

22 Hi. Good evening. My name is Courtney
23 Wallace. I'm the -- with BNSF Railway. Thank you,
24 council members, for having us out tonight. We would
25 be the carrier for the crude that would be coming to

1 the project, and I just wanted to provide some
2 background on BNSF and the safety measures that we
3 undertake as a company.

4 As a railroad that has operated in Washington
5 State since 1873, safety is fundamental to what we do.
6 Rail is the safest form of transporting freight on land
7 and is one of the safest ways to transport hazardous
8 material, including crude -- pardon me -- including
9 crude oil. Since railroads are required -- we're
10 common carriers and under federal law, we are required
11 to carry all regulated quantities, including hazard --
12 hazardous materials, including crude, and we want to do
13 that the safest way possible.

14 Our industry has a strong -- very strong
15 safety record. In fact, the industry has reduced train
16 accidents, employee injuries rates, and rate project
17 (inaudible) by 80 percent or more, and then has reduced
18 any hazardous material spills and accidents by
19 91 percent since 1980. And about 99.9977 percent of
20 all hazard materials carried by freight in the U.S.
21 gets to its destination safely in the best way
22 possible.

23 Last year, in 2012, about 99.99 percent of
24 all hazardous materials on BNSF reached its
25 destination, and last year, we did not have any

1 derailments that were caused by hazardous material
2 waste. We also work across the system. We have more
3 than 200 first responders who actively work with
4 communities in case there is any sort of incident. We
5 are continuing to learn from what happened in Quebec
6 and Alberta, and we are working with our communities.
7 We have done training across our systems. We did
8 recent training here in Vancouver with fire departments
9 to make sure that they understood if there was an
10 incident what would happen. And we offer training. We
11 also offer -- we have a great fleet of first responders
12 and equipment that we will loan out to communities in
13 case there is an incident.

14 I highly encourage you to visit BNSF.com.
15 There's a lot more information out here, and we're
16 happy to invite additional comments in written form
17 that we've provided to the council that talks about --
18 more about safety at rail crossing and everything that
19 we do as a company. Thank you very much.

20 JUDGE TOREM: Thank you. Our next speaker is
21 Gary Rubin, who will be followed by Tony Andrews and
22 Noreen Hine.

23 MR. GARY RUBIN: Good evening. I'm Gary
24 Rubin. I'm here on behalf of Greenberry Industrial.

25 JUDGE TOREM: Mr. Rubin, if you can lean in

1 so the rest of the folks pick you up on the mic.

2 MR. GARY RUBIN: Certainly. My name is Gary
3 Rubin. I'm here on behalf of Greenberry Industrial, a
4 local Vancouver company. Vancouver has a plan of
5 growing the hold of the global energy business and
6 developing a reputation as a trusted and strategic
7 location. That's why Greenberry Industrial is in favor
8 of this ground lease agreement and supports its
9 passage. Since moving its own operations to the
10 Columbia Business Center three years ago, Greenberry
11 Industrial has seen a surge of opportunities for
12 complex projects for this industry. Vancouver and its
13 local workers are building and delivering key projects
14 to locations across the country to serve the nation's
15 energy needs. Translocating domestically sourced
16 energy resources in Vancouver will greatly contribute
17 to southwest Washington's economic development and a
18 healthy regional economy.

19 The economic impact, as it was stated
20 earlier, will be -- will meet hundreds of family-wage
21 jobs during construction and afterwards. It will add
22 more region's reputation as a strategic port that had
23 serviced the entire West Coast. This new facility also
24 presents an opportunity for Vancouver to lead the way
25 in building a safe and responsible infrastructure to

1 transport domestically sourced oil reserves along the
2 West Coast. These opportunities do not present
3 themselves very often, and we hope this lease moves
4 forward. If it does, it will further the reputation of
5 Vancouver as an energy leader. From our view, this is
6 adjunct to a prime opportunity for Vancouver to put its
7 mark on the U.S. oil and gas industry and help support
8 the U.S. energy benefits. Thank you.

9 JUDGE TOREM: Thank you, Mr. Rubin.

10 Tony Andrews followed by Noreen Hine, Laura
11 Stevens, and Jane Rather Thiibaud.

12 MR. TONY ANDREWS: Good evening, members of
13 the council. Again, I'm Tony Andrews. I'm the
14 president of the Teamsters Union for the State of
15 Oregon and southwest Washington. Collectively, we
16 represent 24,000 Teamster members throughout those
17 areas. Southwestern Washington, we have a lot of
18 activity when it comes to labor and input. We're very
19 interested in jobs, and certainly, this operation can
20 provide good jobs for this area.

21 I'm a Clark County resident of 35 years.
22 I've raised my family here. I'm very proud of that.
23 Some of you may wonder, why would the Teamsters Union
24 even be interested in this project? It's simply
25 because, today, we're one of the most diversified

1 unions in America. In Clark County, we represent your
2 UPS driver, area school bus drivers, City of Ridgefield
3 employees, several major food and beverage
4 distributors. We represent the solid waste and
5 recycling drivers of Waste Connections.

6 At the Port of Vancouver, currently, we work
7 very well with employers such as New Star Energy, an
8 existing operation which is very, very similar to the
9 proposed project being considered this evening.
10 They've operated at the Port of Vancouver for more than
11 four decades; and I say very, very safely as that
12 operation continued. Next to them, Great Western
13 Malting -- production malt for breweries and food
14 markets around the world. Auto Warehousing Company
15 importing Subaru vehicles from Japan with distribution
16 to auto dealers across America. Northwest Packing, the
17 fruit and juice producer for government and private
18 labels. We have a long and prosperous relationship
19 with those employers on behalf of our members.

20 You may wonder, What's the connection? The
21 connection is simply this. Teamster members in Clark
22 County, just as all working families in our area, need
23 and want good jobs that provide family, living, and
24 safe wages with benefits. The proposed oil handling
25 operation throughout construction and the day-to-day

1 operation is the type of work we believe will provide
2 area workers the opportunity for a good career as a
3 result of this project going forward, the labor
4 necessary to maintain and operate the rail operation
5 can potentially provide wages and benefits to area
6 families in line with those already established
7 industries at the Port of Vancouver. Jobs that command
8 decent wages, family healthcare, retirement benefits,
9 and job securities are all realistic accomplishments as
10 this project develops.

11 Unfortunately, as we all know in this room,
12 high unemployment, part-time work with no or few
13 meaningful benefits are too common in our area. I
14 speak in favor of this project to provide favorable
15 employment opportunities to the residents of Clark
16 count, which in turn provide tax revenue for city,
17 count, and state services. It's a win-win opportunity,
18 and we must take advantage of the opportunity before
19 us. I thank you on behalf of the Teamsters Union.
20 Thank you.

21 JUDGE TOREM: Noreen Hine.

22 MS. NOREEN HINE: I want to say that this is
23 the very icon of democracy with all of us being able to
24 speak to you and you being here. Thank you.

25 A little bit of history regarding both

1 Washington State and the State of Oregon. Years ago,
2 nuclear power plants were constructed all over the
3 nation. These power plants were shut down due to the
4 pollution of the land, air, and water, thus causing
5 farmlands, rivers, and drinking water to be polluted.
6 If I recall correctly, many people living in the area
7 got cancer. Other life forms -- animals, fish,
8 birds -- were also deformed. Today, sal -- the salmon
9 and other life forms along the Columbia River are still
10 deformed and unedible.

11 Another incident in Clark County area years
12 ago was the discovery of a natural gas leak in
13 Vancouver Lake. The natural gas pipeline ran from
14 Seattle to the -- through Vancouver. Had this not been
15 discovered, the whole town of Vancouver, Washington,
16 and part of Oregon would have exploded. Now is the
17 issue of crude oil being stored at the Port of
18 Vancouver. It occurred to me that the possibility
19 had -- had the nuclear plants and the natural gas line
20 had been constructed better, all these events would not
21 have happened. Or would they?

22 We must remember that we are surrounded by
23 mountains; thus, we are living in a bowl, just as
24 St. Helens did. Thus also those possibilities of an
25 earthquake. Clouds hover over this bowl we live in in

1 this area, and thus if there's no strong wind, the
2 polluted air becomes stagnant, which in turn makes all
3 life difficult to breathe. Windmills do not work, and
4 now we have microwave towers which are not that healthy
5 either due to the possibility that electric magnetic
6 fields can cause seizures. I don't remember problems
7 with old-fashioned telephone poles but the exception of
8 lines breaking.

9 So the bottom line is how can the above
10 disasters be prevented? Thank you.

11 JUDGE TOREM: Laura Stevens.

12 MS. LAURA STEVENS: Hi. Good evening. Thank
13 you so much for being here tonight. I really
14 appreciate it.

15 My name is Laura Stevens, and I'm a lifelong
16 Pacific Northwesterner. My mom has worked in Vancouver
17 at what's now PeaceHealth since before I was born. And
18 I'm currently organizer for the CRPA, which is the
19 nation's oldest and largest environmental organization,
20 and we're working to move beyond fossil fuels to 100
21 percent clean energy. It's our goal.

22 So I'm opposed to this project for two main
23 reasons, the safety risk to thousands of people who
24 live near the train tracks and near the Port of
25 Vancouver and also because of the risk of oil spills

1 which could so easily destroy our beautiful Columbia
2 River.

3 I'm headed in my late 20s right now, and I'm
4 starting to think about starting a family, and I'm
5 looking for a community to settle down in, and like
6 anyone, I'm looking for a neighborhood that's safe,
7 offers high quality of life, clean air, clean water,
8 quiet, without a risk for disasters like the one we saw
9 in Quebec a few months ago. Nothing fancy; just a
10 place to start a family.

11 And Vancouver, Camas, Washougal, they have a
12 lot going for them. I have a lot of friends that live
13 in these cities, but I have to say that the possibility
14 of dirty, polluting, and dangerous oil trains and oil
15 terminal here is -- it's a strong deterrence for
16 wanting to live here.

17 My second reason for opposing this oil
18 terminal is that I've seen oil spills firsthand. I saw
19 the oil spill that was over 20 years old, and it
20 covered acres of land. It was acres of land that were
21 dead, acres that were blackened, acres of land and
22 water that were void of life. Twenty years later, it's
23 decimated. And over and over again, oil companies
24 promise us that they're taking all the precautions.
25 And if they're taking all the precautions, but over and

1 over again, dangerous oil projects like this one
2 (inaudible) disasters like we saw in Quebec and like
3 the oil spill that I witnessed firsthand.

4 So Washington has led the nation with its
5 environmental track record, really, and I know that
6 many of you here before me have -- are here -- are --
7 you know, we thank you for that, so thank you for all
8 your work, you know, help the state lead the nation. I
9 urge you to do the right thing and say no to this
10 project so that we can continue to have a safe, secure,
11 and clean future for generations to come. Thank you
12 again.

13 JUDGE TOREM: Thank you. Our next speaker is
14 Jane Rather Thiibaud followed by Anita Thomas and Don
15 Steinke.

16 MS. JANE RATHER THIEBAUD: Good evening. I
17 am Jane Rather Thiibaud. American Rather's the
18 American -- pardon -- Swiss from the name Thiibaud. I
19 lived in Switzerland for 30 years. I've been in
20 Vancouver, Washington, for seven years now, and I live
21 minutes from here on East Reserve Street just over from
22 the other side of the Clark College, so it's wonderful
23 to be able to come here and having it be so close.

24 Living with the French language, I -- I
25 couldn't help when I hear the name Savage and Tesoro.

1 Tesoro is a -- is a word meaning "treasure." It's --
2 it's an Italian word, I believe, and Savage is French;
3 it means "wild" or "savage." So I think it's really
4 true. That's what is coming out of the earth, this
5 petroleum, this gas. It's a -- it's a wild -- a wild
6 treasure, and it's going to require a few particularly
7 and many people in our world in America today a
8 tremendous amount of wisdom and thought and
9 understanding.

10 I -- I hope that you all are eating well and
11 getting rest and having time to think deeply about this
12 issue because it is indeed an enormous issue. I was in
13 Switzerland this summer, and the day after I arrived, I
14 was invited to go to a meeting of Le Monde
15 Diplomatique. It's a French newspaper, and they have
16 many articles about -- about this question of what's
17 happening in the United States, and -- and they really
18 said that this is a world issue that we have here. The
19 whole world is watching America.

20 We -- we are the children of Europe, and we
21 came over here. We've been just going, going, going
22 ever since we came here, and -- and other countries in
23 the world are looking at -- we -- we really have --
24 we're in a very strategic time to take real care about
25 what we're going to do about this.

1 So I -- I would -- I would ask you -- now,
2 I -- I am very Swiss. I've gotten influenced by the
3 Swiss. The Swiss say I'm neither for nor against just
4 the contrary. In other words, we -- we're one country.
5 We're one country. We're one world. We've got to look
6 at this as a problem, and we have to listen to each
7 other. You need to listen to the people that are
8 making up these problems and not toss it all to
9 something not important. Just radicals. Radical means
10 going to the roots, as a matter of fact.

11 But if you need to listen -- and we need to
12 listen to you too. If my father were here right now,
13 he would -- he -- I would have to listen to him. He
14 was an executive in -- with Mobile Oil, and he was in
15 charge of toxicology. Can you imagine if he was --

16 JUDGE TOREM: Thank you, Ms. Thiibaud.

17 MS. JANE RATHER THIEBAUD: What?

18 JUDGE TOREM: Time's up.

19 MS. JANE RATHER THIEBAUD: I'm finished?

20 Okay.

21 JUDGE TOREM: Sorry.

22 MS. JANE RATHER THIEBAUD: Okay. Well, he's
23 not here, so I can't act, but I have to listen to him.
24 So let's listen to each other then. Okay?

25 JUDGE TOREM: Thank you.

1 MS. JANE RATHER THIEBAUD: Thank you very
2 much.

3 JUDGE TOREM: Anita Thomas.

4 MS. ANITA THOMAS: May I request that when I
5 have only 30 seconds left, could you please tell me?

6 JUDGE TOREM: Thank you, Ms. Thomas. I'll
7 let you know.

8 MS. ANITA THOMAS: Thank you. I think this
9 is for someone taller.

10 Okay. My name is Anita Thomas. I moved
11 here -- Anita J. Thomas. I moved here almost exactly
12 one year ago. My address is 1414 Coffman Avenue,
13 No. 201, Vancouver, Washington, 98660. I moved here
14 because I have family here, and I moved here because
15 this is a beautiful area. I saw it when I could still
16 see. And I moved from the oil patch. My father was a
17 member of Pipeliners Local 798, and I grew up in
18 Wichita Falls, Texas, which was part of the boomtown
19 area of Texas a hundred years ago.

20 I lived quite a few of my years there, quite
21 a few in Oklahoma City with my ex-husband, and most of
22 the rest of it in Dallas, which I finally escaped to
23 get up here a year ago. And I can tell you that,
24 although there's quiet beauty to those prairies, it is
25 sort of like boiled over. If you didn't grow up with

1 it, you're not likely to like it.

2 And so the -- the thing about this area is
3 you -- it's not an acquired taste. The beauty here is
4 absolutely natural and pristine. And my father who was
5 a pipeline welder was also a lover of nature, and I do
6 not believe that my father who taught me my love of
7 nature would be willing to go into that same profession
8 today because he would understand the ultimate
9 consequences of doing that. And I do not want to see
10 this area turned into something like my ex-husband used
11 to say of Oklahoma, that it's a great place to -- to
12 leave to go on vacation because almost anywhere you
13 went on vacation would look better. Okay?

14 Now, here if I'm afraid we get those oil
15 spills and if all that air that's supposed to get
16 destroyed, I don't know science that well, but I don't
17 think we destroy air. I am afraid it's not going to
18 smell very good, and I know what those things smell
19 like having been subjected to them for large parts of
20 my life.

21 JUDGE TOREM: About 30 seconds left.

22 MS. ANITA THOMAS: Thank you so much.

23 My father also worked on the Manhattan
24 Project because he was so good in critical skills that
25 he was needed there instead of in the war as a welder.

1 He did not know when he was working on that that the
2 radiation from it would cost him my mother's life, that
3 it would cost him and the child she was carrying, who
4 would have come after me, and he did not know that it
5 would cause him years of agony with cancer. So I am
6 saying we need to reject the permit on this because no
7 matter how good the safety standards, and they are
8 questionable, I am afraid there are things we do not
9 know that we are not taking into account. Thank you.

10 JUDGE TOREM: Thank you, ma'am.

11 Next speaker is Don Steinke. He'll be right
12 back up, I see. He'll be followed by William Bauman
13 and Peter Aller.

14 MR. DON STEINKE: Hello. I'm Don Steinke.
15 Before we -- well, my Post Office Box is 822393,
16 Vancouver, 98682. Don Steinke.

17 When the international panel for climate
18 change says it's urgent to reduce our greenhouse gas
19 emissions and we're causing climate change with
20 95 percent certainty, I wonder what the 50 percent
21 would say. I think they might say something like this.
22 This planet won't be fit to live on by mid century. At
23 least I know one who said that; the dean of the School
24 of Forestry at Yale. And so it's something we should
25 take seriously.

1 The Clark County Public Health Department,
2 it's very directional. Clark County Public Health
3 Department has on their website, "Climate change is a
4 public health emergency." Public health emergency, and
5 we need to reduce greenhouse gas emissions. You could
6 Google those words, "Clark County, Washington, climate
7 change and public health" to find 20 pages saying that.
8 They didn't say we should reduce greenhouse gas
9 emissions only if the alternatives are here. They
10 didn't say we should wait 10 years. So I urge you to
11 consider climate change and ocean acidification.

12 Well, the port said they consider climate
13 change, but that the alternatives were not here yet. I
14 would like you to do a better job than that. It's not
15 a matter of whether the alternatives are here yet.
16 It's whether or not this matters. It's almost as if
17 the whole country is oblivious. The National Academy
18 of Sciences says, "This is urgent." Are those guys
19 morons? I'd like you to analyze the need of this
20 project. Is the need so great that it exceeds the
21 risks and that -- and the costs compare to the benefits
22 with the harms, compare the economic benefits with the
23 jobs loss, consider the Willapa Bay oyster industry
24 that is being harmed, consider the salmon. We're
25 spending \$600 million a year now to recover salmon.

1 Let's make it a billion dollars a year.

2 And those cars. They keep on telling us that
3 they're going to build a new car, but they never say
4 what percent of them will be used. They should all be
5 the new railcars; not the DOT-111s. And those jobs, I
6 don't think they're union jobs. Thank you.

7 JUDGE TOREM: Next is Mr. William Bauman and
8 then Peter Aller or Peter Aller. I'm sure we'll find
9 out. He will be followed by Karen Axell.

10 MR. WILLIAM BAUMAN: I'm William Bauman, and
11 I live in Fruit Valley. I've been here 36 years. I'm
12 at what's called "Ground Zero." I'm in the greatest
13 jeopardy. If anything happens to this project, poof,
14 I'm gone. I'd really like to -- to let you know that
15 Fruit Valley does suffer the great -- it is in the
16 position of the greatest jeopardy. And you should
17 consider that there should be something done to the
18 people that are very, very close-by.

19 In fact, if there was an evacuation of Fruit
20 Valley, the street grid system is wholly inadequate to
21 move people out of the area fast. The only street for
22 evacuation is Fruit valley Road to the north or to the
23 south. There are no other public streets available to
24 evacuate. There needs to be a -- full-time streets.
25 There are a couple of, oh, factories or something that

1 are open, and they're -- they could get through, but
2 they have gates, and they're usually shut, you know, if
3 they're not in business at that hour.

4 So my thought is, at the least minimum,
5 what -- what really needs of -- this project really,
6 really, really needs to be behind it is the surety bond
7 to guarantee if there's any problems with anything, any
8 people lose their lives trying to evacuate or the
9 property is damaged that they could be compensated for
10 it. That's if the -- if you agree to the project, that
11 should be -- there should be bond, and it should be a
12 surety bone. Thank you very much.

13 JUDGE TOREM: Thank you, sir.

14 MR. PETER ALLER: Good evening. This is an
15 impressive board. Thank you. My name is Peter Aller.
16 38201 N.E. 172nd Avenue in Vancouver. I'm a retired
17 chemical engineer, worked 30 years in paper mills.
18 The -- I'm not against the project, but I would like
19 the nation to move faster towards getting away from
20 fossil fuels. The explosive nature of the Bakken oil
21 in the Quebec accident indicates that it's much more
22 volatile than described in the MSDS for drilling crude
23 oil. Apparently, the MSDS for drill crude is setting
24 the handling standard for the oil to be transferred
25 here in Vancouver. What means will be taken to assure

1 that the transporting and loading techniques here in
2 Vancouver will be enhanced to prevent any threat from
3 this volatility? In other words, the mitigation
4 procedures put in place need to be equal to the
5 true-headed levels. Thank you.

6 JUDGE TOREM: Thank you, sir.

7 Our next speaker is Karen Axell. She'll be
8 followed by Carol Anderson and Ryan -- I think it's
9 Ritterhouse.

10 MR. RYAN RITTENHOUSE: Rittenhouse.

11 JUDGE TOREM: Rittenhouse. Thank you.

12 MS. KAREN AXELL: Thank you. Judge and EFSEC
13 council, thank you so much for being here tonight. My
14 name is Karen Axell. Vancouver, Post Office Box 5183,
15 Vancouver, Washington, 98668. I've been a Vancouver
16 resident for 22, 23 years, and I'm here on behalf of
17 the Rosemary Neighborhood Association. We are opposed
18 to this proposal. We don't live at Ground Zero, but
19 we're close. It poses way too great a risk to our
20 environment, to our community, to our neighborhoods,
21 all of our neighborhoods. There are not enough safety
22 measures in place, and Tesoro has a terrible record.
23 Mr. Serres addressed some of that very briefly, but
24 pointed out some good points on that.

25 We live here, we love it here, and we've

1 worked very hard to serve and preserve our environment
2 here. The dangers of oil spills and what's been in the
3 news lately has really woken everyone up. The horrific
4 explosion in Quebec woke up anyone who had been not
5 paying attention to this, the dangers of crude oil and
6 this kind of Bakken oil crude spills.

7 Even this past weekend -- I don't know if you
8 saw it -- there was a truck, a single truck, in the LA
9 freeway that crashed. It was carrying crude oil. It
10 crashed. It was carrying 8,500 gallons only. It
11 crashed, the oil spilled, the oil ignited, the oil went
12 into the storm drains, it flowed down a path where it
13 ignited vehicles, it ignited property, they evacuated
14 homes. It was -- I mean, just for a tiny little thing,
15 it closed the street, the neighborhood, everything.
16 The officials report said, "Well, it could have been
17 much worse," and we would agree. It could have been a
18 train carrying 110 cars through the middle of our town
19 in the middle of our neighborhood that had crashed,
20 derailed, and spilled crude oil. Thank you.

21 JUDGE TOREM: Thank you, ma'am.

22 Carol Anderson.

23 MS. CAROL ANDERSON: Thank you very much for
24 coming here. I appreciate your attention to this
25 matter. My name is Carol Anderson. I live on

1 N.W. Trillium Lane, Vancouver.

2 I've lived in my home for 42 years. We are
3 about 100 yards from the railroad tracks. I live above
4 Fruit Valley Road. We have a very nice yard with a
5 garden that we grow fruit trees, vegetables, and so
6 forth. I suffer from asthma and which has gotten worse
7 through the years, and so I'm limited on some -- some
8 days when it is (inaudible) to be out and about. But,
9 otherwise, I'm out working in the yard and enjoying
10 this very much.

11 However, if this train -- these trains come
12 through, and my being a hundred yards from there, I
13 will be greatly affected by the air, and our water will
14 also be affected. So I do not know if my garden will
15 be edible with this kind of contamination. Besides
16 myself, I have little children in my neighborhood that
17 have asthma as well. So you can see the effect on --
18 on our health.

19 And I'm sure that these -- this contamination
20 would not pass the EPA standard for air and water
21 contamination. My understanding is that it would be --
22 the equivalent, the carbon monoxide give-off of having
23 12 million cars additional in Vancouver.

24 I ask you to think of this from your own
25 perspective. Would you want this to be in your

1 backyard?

2 Another thing to consider is it is not going
3 to make this oil dependent. Our greatest export in the
4 United States is oil. This oil is going to be going to
5 China, it's (inaudible), so let's call it what it is.
6 We also live in earthquake country, so that's another
7 factor to consider that is a real danger.

8 I do not want to be contaminated, and I don't
9 want to be incinerated. And I do not want to have to
10 move from my home of 42 years. Also, it will decrease
11 the value of my home. Who will buy my home in any
12 event?

13 Thank you so much for being here. Thank you
14 for your attention, and think of it in your own
15 backyard. Vancouver does not need to become the
16 cesspool of the state. Thank you very much.

17 JUDGE TOREM: Next speaker is Ryan
18 Rittenhouse. And the last two that I have on my list,
19 unless staff tells me there's more signed up, are
20 Carol -- I think it's Paufilio. I'm sorry. I can't
21 read that. And Aldana Gordon. Those will be the last
22 two speakers.

23 MR. STEPHEN POSNER: Judge Torem, we do have
24 one more speaker, Paul Thomas.

25 JUDGE TOREM: Okay. I'll add Paul Thomas to

1 the list.

2 MR. RYAN RITTENHOUSE: Thank you very much
3 for letting us speak to you tonight. My name is Ryan
4 Rittenhouse, and I work at Friends of the Columbia
5 Gorge.

6 A little bit about me since you asked. I am
7 not from the Pacific Northwest. Originally, I'm from
8 Cleveland, Ohio. Our friends in Pittsburgh call us the
9 state on a lake because of all the environmental
10 pollution (inaudible) there. So I'm no stranger to
11 that. For the last six years, I've been living in
12 Texas fighting against dirty energy projects like this.
13 And probably the second most popular bumper sticker in
14 Texas is "I was not born in Texas, but I got here as
15 fast as I could." I never really told anybody about
16 that since there are many things I love about Texas,
17 many people I love there, but I have always felt that
18 way about the Pacific Northwest.

19 I wasn't born here, but I did get here as
20 fast as I could. I've always wanted to live here.
21 It's -- and it's because of the environment here and
22 the people here who care so much about the environment
23 that I'm heavily still drawn to this place.

24 In Texas, they don't really care a lot about
25 things like cumulative impacts. When I say "they," I

1 mean the regulatory agencies. And, in fact, it's so
2 bad in some places like Houston, Texas, that they don't
3 even zone the city. There's no zoning in the city of
4 Houston. So at the tank farms there in the Houston
5 Ship Channel, you can have houses literally sandwiched
6 right between two of these gigantic oil tank -- tanks
7 that you heard or mentioned earlier. And in all of
8 these neighborhoods, the can -- they race of cancer and
9 other disease associated with these environmental
10 hedges are extremely high. I spent a number of years
11 organizing those communities, and so I'm very familiar
12 with the impacts that these kind of facilities have.

13 Now, will this one facility turn Vancouver
14 into the Houston Ship Channel overnight? Of course
15 not. But it will make it more like the Houston Ship
16 Channel. And I didn't move here to live near a place
17 like the Houston Ship Channel. I moved out of Texas to
18 get away from that kind of stuff.

19 So these -- when you're looking at this,
20 you're going to be told not to look at the cumulative
21 impacts. You're going to be told that you should only
22 look at the facility itself, the areas of that site,
23 but at Friends of the Columbia Gorge, we are very, very
24 concerned that the cumulative impacts from this
25 facility, including the transport of the oil on the

1 railroad tracks through the Gorge, and we're very
2 concerned with the combination of this in conjunction
3 with -- I'm sure you've heard about the proposed coal
4 import proposals because there's already an issue with
5 coal dust coming off of the trains that are going
6 through the Gorge, and the coal dust deteriorates the
7 balance on these railroad tracks, and they're talking
8 about increasing that from three to four trains a day
9 to maybe twenty trains a day, and that's going to
10 increase that amount of coal dust by that same factor.

11 So we're looking at a potentially
12 catastrophic combination of effects here where you
13 could have coal tracks being destabilized by this coal
14 dust from the coal trains combined with running these
15 heavy oil trains on the -- on the tracks, we could see
16 a disaster very much like what happened in
17 Lac-Migantic.

18 So I urge you to consider all the potential
19 cumulative impacts; and not just in the Gorge. That is
20 our main concern, but look at everything from the
21 (inaudible) mouth where fracking is going on, which is
22 a very different process from normal crude oil
23 development all the way to when this is burned to where
24 it contributes to climate change.

25 You know, there is a -- you keep hearing this

1 message that, you know, we need this, you know, we need
2 this oil, but it's not for us, really. It's for
3 California --

4 JUDGE TOREM: Time.

5 MR. RYAN RITTENHOUSE: -- and if Canadian
6 oil --

7 JUDGE TOREM: Time.

8 MR. RYAN RITTENHOUSE: -- gets transported
9 down here --

10 JUDGE TOREM: Time.

11 MR. RYAN RITTENHOUSE: -- and shipped
12 overseas. So thank you.

13 JUDGE TOREM: Ma'am, can you please tell us
14 the pronunciation of your name.

15 MS. CAROL PANFILIO: Panfilio.

16 JUDGE TOREM: Go ahead.

17 MS. CAROL PANFILIO: Can you hear me?

18 JUDGE TOREM: Go ahead and hold it closer.
19 You'll be all right there.

20 MS. CAROL PANFILIO: Okay. I'm Carol
21 Panfilio. I live at -- I don't live, but my Post
22 Office Box is P.O. Box 2552, Vancouver, Washington.
23 And I'm asking that a much larger area be included in
24 the review, all the rivers and streams, the Columbia
25 River Gorge, vessels, all small towns, all train tracks

1 and junctions, as I am extremely concerned about the
2 safety and environmental impact when a spill will occur
3 in all these areas. I just say that it -- we need to
4 look at much further than what the little area is at
5 the port. We need to look at all of the areas that are
6 going to be impacted. Thank you.

7 MS. DIANA GOLDON: Hi. I'm Diana Goldon
8 (inaudible) at 642 "I" Street in Washougal, Washington,
9 and I've lived there for over -- well, in
10 Camas/Washougal area for over 30 years. And, you know,
11 I don't really see anything in this proposal that's
12 going to help our communities. Washougal was drawn out
13 along the river and therefore along the railroad
14 tracks, and within about a quarter mile of the tracks,
15 there are high -- there's a high school, middle school,
16 elementary school, our downtown, sports fields, a
17 wildlife refuge, and my house. If there is any
18 accident or any spill, it's going to have a direct
19 impact on hundreds of people.

20 And I urge you also to look at the cumulative
21 effects of this. Lately, I've heard proposals for two
22 coal terminals and -- in addition to this oil terminal,
23 and if all these go through, our rail traffic will
24 skyrocket there in Washougal. We have five at-grade
25 crossings and only one overpass. What effect will this

1 have on our community if -- if it's a hassle to get
2 downtown for kids to get to school? I don't think that
3 people and new businesses will want to locate in
4 Washougal under these conditions.

5 These trains represent a danger to our
6 community, and they'll have an adverse effect on our
7 livability and our property values. I urge you not to
8 approve this proposal because it's the negative effects
9 it will have on all the cities and towns along the way.
10 Thank you.

11 JUDGE TOREM: Thank you, ma'am.

12 Paul Thomas.

13 MR. PAUL THOMAS: Hello. I'm Paul Thomas,
14 resident of Ridgefield, Washington. I'm 147 S. Sixth
15 Way, 98642, about one half mile south of the railroad
16 tracks. Raised in Texas and stationed in -- on the
17 Texas Gulf Coast as a coast marine safety officer, I
18 saw the Mexico oil spill on the Texas coast and blobs
19 as I walked around trying to enjoy the Gulf Coast. It
20 was something that we noted, well, that's -- the
21 Mexicans are delivering the oil, price is right, but
22 the delivery system really stinks, and we can smell
23 gulf and crude oil in the gulf.

24 While stationed in the -- while actually
25 still in Texas, I realized that no matter how well your

1 right rules, some -- there's going to be some
2 communication problem. One incident resulted in a
3 helicopter taking oil field workers off of the drill
4 platform, flying through the boom of a -- of the
5 derrick that the operator didn't know the helicopter
6 was taking off, so he just rolled it right through the
7 rotors; 47 people died.

8 We know that accidents happen. Exxon Valdez,
9 BP in the Gulf of Mexico, Canadian, the previous
10 actually just mentioned, and then -- and Port Arthur
11 where I was -- where I was stationed, we had a ship
12 that actually ran over its own anchor on (inaudible)
13 soil causing a sizeable oil spill. Another -- and we
14 never found out the reason for it -- blew up while it
15 was loading crude oil, and that was a substantial
16 disaster there.

17 While stationed and headquartered in
18 Washington D.C., I noted the train boxcars outside my
19 office, literally was rocking from side to side as they
20 went by. We could only pray that there was not a
21 catastrophe before funds were found to fix the
22 railroads. And then the rush to get the biggest buck.
23 I wonder. Is track safety going to be the highest of
24 priorities here? I have some question about that.

25 Safety and health was the reason I moved here

1 some five years ago after originally retiring in the
2 Big Island of Hawaii. The fall from the constant
3 eruption of volcano the last two years I was there
4 exacerbated my breathing condition which was a result
5 of my (inaudible) in the Coast Guard. So I moved here
6 expecting to find deeply stunning scenery with better
7 air and healthcare. As it turns out five stints later,
8 that may have been a move that saved my life.

9 If the train comes through and the air is
10 polluted again, do I need to move again to get healthy
11 air to breathe? Lastly, and I think most of --

12 JUDGE TOREM: If you can just wrap up in a
13 couple seconds.

14 MR. PAUL THOMAS: Okay. As a youngster in
15 north Texas, I was astounded at the stupidity of the
16 cattle on my aunt's farm as they defecated in their own
17 troughs, their own feeding troughs. I hope I'll never
18 see that our intelligence sinks that low.

19 JUDGE TOREM: Thank you. I've been handed a
20 list that has a couple more names on it.

21 I'm going to call Philip Durkee or Durkee and
22 then Walter LaChapelle. Unless I'm handed another
23 couple names, Mr. LaChapelle will have the last word
24 tonight.

25 MR. PHILIP DURKEE: Thank you, and thank you

1 for your service. I didn't expect to speak tonight,
2 but my name is Philip Durkee. I've been in this
3 community since 1955. I (inaudible) this is -- or a
4 closed business that had existed for over a hundred
5 years in Vancouver that I worked in that business for
6 over 33 years. But I'm kind of surprised a little bit
7 tonight as history teaches us one thing we don't seem
8 to learn from. And it's not a question if something
9 will happen, but when.

10 And I'm kind of a ecologist and
11 environmentalist, and I think back tonight when
12 Lewis & Clark came here in 1804 and 1805, they saw a
13 huge amount of salmon in the river. Well, nowadays,
14 the Department of Ecology and the environmental
15 stated -- the environmental council in the State of
16 Washington are concerned about the river runs that are
17 diminishing. We have -- we have locked up the river.
18 When you go Grand Coulee, you finish the runs going
19 into Canada. And now, we've put 16 dams on the
20 Columbia River. We've diminished the runs since then.
21 It isn't going to take much to push the fish over the
22 edge into extinction. The Columbia River has one of
23 the best runs going -- or had one of the best runs
24 going.

25 You get a spill in this river somewhere along

1 from this point down, you're going to affect the
2 estuaries. It's going to take you a long time to clean
3 them up. You're not going to get a good clean because,
4 basically, as you found out from the Gulf of Mexico
5 when BP -- and I don't think -- I think that thing
6 lasted 70 days before they got the well head sealed
7 off. I'm guessing on the time on that.

8 But then, again, I want to talk about
9 earthquakes. No one has mentioned anything about the
10 potential of earthquakes. The Port of Vancouver and --
11 Mr. Paulson was one of the officials down here. You
12 get an earthquake, and here, we're in a subduction
13 zone. We get an earthquake here, it's going to turn
14 the Port of Vancouver into a field of mud. There --
15 it's built on fill.

16 And I guess the last thing I'd like to say is
17 that if you're shipping things out here by ship -- I
18 served in the Navy for six years, and I was at sea for
19 eight -- for almost two years. So I know something
20 about ships at sea, and I know one thing, you've got
21 the Columbia River Bar. It is one of the worst places
22 to cross. Now, we don't have a lot of ship accidents
23 on the Columbia River Bar, but the point is the Oregon
24 coast, you've seen shipwrecks down there, they had --
25 they had to tear one up. It wasn't an oil vessel, but

1 if you look back in history here recently of all the
2 oil spills in Europe on -- and they had to clean up
3 huge mess -- huge messes of oil spills in Europe, but
4 thank you very much.

5 JUDGE TOREM: Thank you, sir.

6 Walter LaChapelle.

7 MR. WALTER LaCHAPELLE: I'd like to thank you
8 all for the privilege and opportunity to address this
9 council, first off. My name is Walter LaChapelle. I'm
10 a lifelong resident of the Northwest. The last 10
11 years I have spent in Clark County, and I just wanted
12 to address a few fact issues that haven't been brought
13 up, and before I go into those preparedly marks, I
14 would also like to echo the comments of Mr. Tony
15 Andrews representing the Teamsters tonight.

16 For U.S. Class I railroads between the
17 periods of 2002 and 2012, there was over 400,000 car
18 loads hauled by rail of crude oil totaling over
19 11 billion gallons and 266 million barrels. During
20 that same period, spills over five gallons totaled 35.
21 Since 1990, there has been no injuries or fatalities
22 related to the movement of crude oil in the United
23 States. And, moreover, there's been comments about
24 Tesoro's safety record, but there's been no presented
25 evidence to this body by anybody that discredited

1 that employer.

2 I'm confident as a resident and as also being
3 a taxpayer in the United States that regulators from
4 all different entities will be on top of a program like
5 this and also a project to ensure compliance of
6 environmental and safety and health standards. This
7 community needs good jobs, good paying jobs. We've
8 been needing them for a long time, and this would be
9 one way to give an injection of that type of employment
10 environment that is likely needed in Clark County,
11 needed in our community, and I urge you to vote -- or
12 excuse me -- urge you to support this project. Thank
13 you.

14 JUDGE TOREM: All right. Thank you.

15 Tammy and Kali, any other sign-ups in the
16 back?

17 Mr. Posner?

18 Okay. Well, thank you all for coming
19 tonight. It's a little bit after 8:00 o'clock. I
20 appreciate your attendance tonight. As the acting
21 chair pointed out, we will be back tomorrow night to
22 focus on the State Environmental Policy Act and the
23 formal process of scoping the further environmental
24 review. It's an urge from the company. They asked us
25 to do the fullest possible environmental review in the

1 form of an environmental impact statement, so there
2 will be full environmental documentation going forward.

3 Tomorrow night is an opportunity for the
4 local community to tell us things they want considered.
5 You heard some of that tonight. Any of those that want
6 to have it reconsidered formally in the SEPA process,
7 please come tomorrow.

8 Acting chair, anything else for tonight?

9 THE CHAIR: No.

10 JUDGE TOREM: Thank you. Thank you for
11 coming for the information. There's still some
12 materials on the back. For those of you that didn't
13 pick up one of these cards, please do so.

14 We are adjourned for the evening.

15 (Meeting adjourned at 8:05 p.m.)
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CERTIFICATE

I, GRACE F. LENGMUELLER, a Certified Court Reporter for Washington, hereby certify that the public meeting occurred before me at the time and place set forth in the caption hereof; that at said time and place I reported in Stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting under my direction, and that the foregoing transcript, pages 3 to 66, both inclusive, constitutes a full, true, and accurate record of all such testimony adduced and oral proceedings had, and of the whole thereof.

Witness my hand and CSR seal at Washougal, Washington, this 18th day of November, 2013.

GRACE F. LENGMUELLER
Certified Court Reporter
Certificate No. 3031