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7 **BEFORE THE STATE OF WASHINGTON**
8 **ENERGY FACILITY SITE EVALUATION COUNCIL**

9 In the Matter of Application No. 2002-01

APPLICATION NO. 2002-01

10 BP WEST COAST PRODUCTS, LLC

CONSOLIDATED STATEMENT OF
ISSUES BY COUNSEL FOR THE
ENVIRONMENT

11 BP CHERRY POINT
12 COGENERATION PROJECT

13 COMES NOW the Counsel for the Environment, by and through its attorney, Michael
14 G. Lufkin, Assistant Attorney General, and files this consolidated statement of issues in
15 response to the Council's Order 773 entered in this matter on December 16, 2002.

16 **1) Air Quality Impacts:**

17 **Counsel for the Environment**
18 **Whatcom County**
19 **Province of British Columbia**

20 The parties have a direct and substantial interest in the projects impact on the local and
21 regional air shed. The parties seek to ensure that the air impacts have been properly assessed
and modeled by the applicant. The parties also seek to minimize the impacts of pollutants that
would potentially be emitted by the project, through appropriate mitigation measures.
Specific impacts/issues include but are not limited to:

- 22 a) Particulate Matter Emissions: Particulate Matter emissions have been linked to
23 respiratory and circulatory diseases in humans. The parties seek to ensure
24 that the applicant has correctly modeled particulate matter emissions from the
25 project. This includes whether the applicant has utilized the appropriate
modeling methodology. The parties also seek to minimize the projects
particulate matter, and secondary particulate matter precursor emissions on the
regional air shed.
- 26 b) Ammonia Emissions (NH3): Ammonia is a precursor for secondary
particulates and is toxic to humans. The parties seek to ensure that the impacts

1 of ammonia emissions have been adequately assessed and that appropriate
2 mitigation measures are adopted.

- 3 c) Secondary Particulate Matter Precursors. The parties seek to ensure that the
4 impacts of secondary particulate matter precursors (spmp) have been
adequately assessed and that the particulate matter modeling and assessment
5 include and properly account for spmp.
- 6 d) The parties seek to ensure that impacts on regional visibility have been
properly assessed and modeled and that appropriate mitigation measures are
7 adopted;
- 8 e) Impacts of start-up and shut-down practices: Emissions under cold start-up are
9 more concentrated than during normal operations and may adversely impact
10 short term ambient concentrations. The parties seek to ensure that the air
11 quality impacts of start-up and shut-down practices have been adequately
12 assessed and modeled, and that practices are adopted that minimize air quality
13 impacts.
- 14 f) Whether the applicant has provided sufficient information to assess the air
15 impacts/public health and safety impacts of all pollutants emitted by the
project. This includes whether adequate and appropriate assessments and
16 modeling methodology have been utilized. It also includes whether adequate
and appropriate mitigation measures have been adopted. For example, BP has
17 indicated that the construction of the project would result in on-site offsets to
18 criteria pollutants, through the replacement of current boilers at the site. To
19 date, BP has not provided guarantees on the exact nature and level of offsets
that would occur on site. Without this information it is impossible to
20 adequately assess the air quality impacts of the project.
- 21 g) The parties seek to ensure that the applicant has adequately modeled and
assessed the cumulative air quality impacts of the project on the regional air
shed.
- 22 h) In addition to the specific impacts identified above, the parties have a general
interest in the issuance of the PSD permit, and the conditions contained in the
PSD permit, including but not limited to identification of Best Available
Control Technology (BACT).

21 **2) Impacts of Wastewater and Surface Water Discharge on Salmonid and Herring
Populations.**

22 **Counsel for the Environment**
23 **Province of British Columbia**
24 **Whatcom County**

25 The issue of wastewater and surface water discharge impacts on aquatic species, including
26 salmonid and herring populations has not been properly addressed. The parties seek to ensure
that this concern is properly assessed and if necessary mitigated. Waste and surface
discharges must be managed to avoid adverse impacts to the straight of Georgia and
watersheds in the vicinity of the project. More generally, the application lacked specific
information necessary to assess the trans-boundary pollution impacts on marine life.

1 In addition to the specific impacts identified above, the parties have a related and general
2 interest in the issuance of any water quality related permits issued to the project, including
state waste discharge permits, or an NPDES permit issued under the federal clean water act,
and the conditions contained in those permits.

3
4 **3) Greenhouse Gas Emissions and Mitigation.**

5 **Counsel for the Environment**
6 **Whatcom County**

7 The proposed project will emit a significant quantity of greenhouse gases (GHG), primarily
carbon dioxide. It is well established that GHG emissions contribute to global warming. The
parties seek to minimize the detrimental impacts of the projects GHG emissions through
mitigation offsets.

8
9 **4) Wetland Impacts and Mitigation.**

10 **Counsel for the Environment**
11 **Whatcom County**

12 As proposed the project will impact approximately 36 acres of wetlands, including the loss of
approximately 30.58 acres of wetland. The parties seek to ensure that wetland impacts have
been adequately assessed and that adequate wetland mitigation has been provided by the
applicant.

13
14 **5) Water Quantity/Use.**

15 **Counsel for the Environment**
16 **Whatcom County**

17 In April 2003, BP revised the project to use water rather than air for cooling. The project is
proposing to use recycled industrial water, purchased from the Whatcom County PUD as its
prime industrial water source. The Whatcom County PUD obtains its water from the
Nooksack River. The parties are concerned about the potential impacts on the Nooksack
River, as well as other potential impacts to local water resources. The parties seek to ensure
that the water quantity/use impacts have been adequately assessed by the applicant. The
parties seek to minimize fresh water usage for the project.

20 As the project is located within the Terrell Creek watershed the parties are concerned that the
project may impact the hydraulic regime and water quality of the watershed. Impacts to this
watershed as well as to other watersheds and water course should be avoided.

22 **6) Surface water runoff and erosion control.**

23 **Counsel for the Environment**
24 **Whatcom County**

25 Construction and operation practices, including but not limited to storm water management
and erosion controls should be conducted in accordance with appropriate regulatory schemes
and mitigation requirements. The parties have a general interest in the issuance of any
permits or the approval of any plans, or mitigation obligations, related to storm water
management and erosion control

1 **7) Noise Impact Assessment and Mitigation.**

2 **Counsel for the Environment**
3 **Whatcom County**

4 The construction and operation of the facility will increase existing noise levels for those
5 living and working in the vicinity of the plant. Existing within the probable zone of impact
6 are residential and community uses. Additional residential and community uses are currently
7 in the planning phase. As a result construction and operational noise mitigation must be
8 designed and implemented to minimize detectable noise levels and sound frequencies not only
9 to adjacent properties, but for people and wildlife within the area which may also be impacted
10 by noise/sounds emanating from the site. It is important to the parties that the project not
11 have any significant adverse noise impacts to persons and wildlife nearby.

8 **8) Natural Gas Supply Adequacy.**

9 **Counsel for the Environment**
10 **Whatcom County**

11 The flow of natural gas into Washington State is not an infinite resource. Both the State and
12 County already have many consumers of natural gas, both for residential and commercial uses.
13 Some of these consumers are required to switch to alternative fuels at times of natural gas
14 shortages. The availability of natural gas impacts its price for all consumers. Therefore, the
15 impact of any diversion of existing natural gas resources to fuel the cogeneration plant is of
16 concern and its impact on pricing and availability to local consumers, both existing and future
17 is of concern to the parties. Related to this concern is adequacy of existing pipeline capacity.
18 Limited pipeline capacity could affect the availability of gas for other consumers and is
19 therefore an issue for the parties.

15 **9) Aesthetic and Visual Impacts.**

16 **Counsel for the Environment**
17 **Whatcom County**

18 Although the project will be built within an industrial zone, the project will not be without both
19 visual and lighting impacts to the surrounding area. As suggested by the Applicant, the project
20 should be constructed and operated in a manner to minimize its visual and lighting impacts.
21 "Spillover lighting" must be avoided.

21 **10) Decommissioning and site restoration.**

22 **Counsel for the Environment**
23 **Whatcom County**

24 The project must be appropriately prepared for decommissioning and site restoration in the
25 event of financial disaster, natural disaster, and/or at the conclusion of the project's life cycle.
26 The parties desire to ensure that site restoration will be planned in accordance with regulatory
requirements and that the option(s) presented will offer the least risk to the public, best restore
the site, and best fit within the land use and planning efforts of the County.

1 **11) Whether the project properly balances the need for energy with the environmental**
2 **impacts associated with the project.**

3 **Counsel for the Environment**

4 Whether the project properly balances the need for energy with the environmental impacts
5 associated with the project.

6 **12) Conformance and compliance with local land use plans and zoning ordinances.**

7 **Whatcom County**

8 The project must be constructed in conformance or compliance with all existing land use plans
9 and zoning ordinances, including WCC 20.88.100 which governs all major development
10 projects and Chapter 16.16 WCC which regulates land uses which impact critical areas as
11 wetlands. At present the application is insufficient to determine conformity with such local
12 zoning and land use regulatory schemes that would be applicable to the project but for the
13 existence of EFSEC jurisdiction.

14 **13) Future Pipeline Modifications.**

15 **Whatcom County**

16 The project will require modifications to the existing natural gas pipeline which serves the site
17 to accommodate the additional needs of the facility. The manner in which the service will be
18 upgraded at the site and whether upstream modifications within the county may be required is
19 of concern.

20 **14) Transmission Line Corridor.**

21 **Whatcom County**

22 As presently described the transmission line corridor impacts are acceptable. Any departure
23 from the proposal may be of concern. It is the County's position that the connection to the
24 existing transmission corridor must be done in a manner to minimize its impacts within the
25 vicinity of the line and its connection.

26 **15) Seismic Assessment and Impacts.**

Whatcom County

The geology of the site and vicinity is of concern insofar as the general seismicity should be defined utilizing all available data in a separate seismic assessment report. The seismic assessment report should include at a minimum, but not limited to: existing water well log data, petroleum exploration well and geophysical data, geotechnical data, known and postulated fault structures that may project through the vicinity, and all other relevant published and electronically available geological and geophysical information within a ten mile radius. Following site evaluation approval, a site-specific probabilistic seismic hazard assessment (PSHA) should be a requirement of construction permits (a copy of which should be included in the County building permit application). The project should be designed consistent with the findings thereof. To ensure continued public safety and to alleviate

1 concern, the approval should include an ongoing monitoring and public reporting program
2 adopting accepted industry monitoring standards that measure structural and geotechnical
performance in response to observed seismic activity.

3 **16) Traffic Impacts.**

4 **Whatcom County**

5 The construction and operation of the plant will have impacts on the flow of traffic on and
6 perhaps the surfaces of county roadways in the area of the site. As recognized by the
applicant, both the short term impacts from construction and the long term impacts of
7 operation must be considered. If significant impacts are found, appropriate mitigation must be
provided.

8 **17) Assessment of Impacts on Local Infrastructure and/or Services.**

9 **Whatcom County**

10 As mentioned in the application, given the nature of the facility, the risks of fire, explosion,
11 spills of hazardous or toxic material as well as the management and handling of the same must
be considered in view of their potential impacts on existing fire, police and emergency services
12 within the county. Emergency management plans should be coordinated and consistent with
Whatcom County's Comprehensive Emergency Management Plan (February, 2002).

13 This issue list was compiled prior to the completion and distribution of the draft
14 environmental impact statement (DEIS). The Parties reserve the right to supplement this
15 issue list to the extent that new information and/or impacts are identified in the DEIS.

16 DATED this 7th day of July, 2003.

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18 Attorney General

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