

CITY OF SEDRO-WOOLLEY
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RECEIVED

September 27, 2024

State of Washington Energy Facility Site Evaluation Council (EFSEC)
621 Woodland Square Loop SE
PO Box 43172
Olympia, WA 98503-3172

OCT 22 2024

ENERGY FACILITY SITE
EVALUATION COUNCIL

RE: Goldeneye BESS, First Comment Letter from the City of Sedro-Woolley

To Whom It May Concern:

On September 4, 2024, the City Council held an information session that included a presentation from the applicants of the Goldeneye BESS Project, and a public comment period. An estimated crowd of 200-250 residents attended the meeting and not a single speaker was in favor of the project. Goldeneye BESS is located less than a half mile east of the city limits of Sedro-Woolley and in an area where the City of Sedro-Woolley Fire Department provides fire response services through an interlocal agreement with Fire District 8.

The Sedro-Woolley City Council joins Skagit County, the Upper Skagit Indian Tribe, the Port of Skagit, the Skagit County Farm Bureau, and a growing chorus of additional organizations, in addition to the local public, in **categorically opposing** the Goldeneye BESS Project currently before EFSEC.

The City's concerns with this project are numerous.

The overarching concern about this project involves risks with the theoretical nature of it. In discussions with the City Council, Tenaska officials representing the Goldeneye project routinely relied upon theory and the potential of fire codes changing to justify their project's safety, without being able to provide the specifics and assurances that our community requires to feel confident about new development. The Sedro-Woolley community does not wish to be an experimentation zone for technologies that have only been tested in labs. There are better locations for this type of experimentation that are away from pristine farmlands, restored streams supporting 4 types of salmon and Steelhead Trout, growing population centers, and the largest schools in the Sedro-Woolley School District.

The City's largest concern is public safety. Even Tenaska officials cite a fire as a possible scenario. BESS facilities frequently make the news for catching fire. Fire risk is a deeply concerning issue. Tenaska Officials assured the community at our session that their project would be different from those that have caught fire but were not able to provide assurances. More specifically, there are no apparent contingencies for when a fire is not contained to its battery of origin, or when it exceeds the heat level for containment to that battery and begins to leak into the pristine environment and key wildlife habitat that surrounds it.

The site is located less than one half mile from the City of Sedro-Woolley. A fire would require an evacuation of indeterminate scale until the fire burned out. In some of the recent BESS fires, evacuations have extended to a scope that would cover the entire city limits of Sedro-Woolley. Besides the risks posed to health and safety, this type of evacuation would be tremendously disruptive to the

community and to City services. It is avoidable at this stage of the EFSEC process, with appropriate EFSEC action to protect the safety of our community and its residents by not recommending this proposal for approval to the Governor.

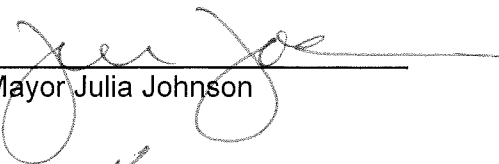
The Skagit Indian Tribe and Skagit County both commented at our meeting about the value of Hansen Creek and the millions of dollars invested in the creek's restoration in recent decades. The creek now supports 4 varieties of salmon, including ESA-listed Chinook Salmon, and Steelhead Trout. The Goldeneye Project would tunnel under it and a fire at the facility could release contaminants into both Hansen Creek and the nearby Skagit River. Given the importance of Hansen Creek to the local ecosystem and community, building this facility adjacent to and under the creek is an untenable and unwise risk. In addition, the project, which is proposed in the Skagit River floodplain representing yet another risk to the ecosystem and community with increased flooding risk brought by climate change, would prohibit future restoration efforts in the immediate area. Skagit County also discussed in their letter, dated August 28, 2024, how the project violates the County Comprehensive Plan and long-term strategies to restrict development on key resource lands.

Finally, this project would result in the loss of finite Skagit Valley agricultural land. The Skagit County Farm Bureau cited the importance of farmland to the region in their letter and comments, as did Skagit County in its statement of opposition. The project would have required a Hearing Examiner Special Use Permit, with significant public input, if the State had not preempted the County's land use permitting processes for this type of project.

To summarize, the City of Sedro-Woolley, Skagit County, the Upper Skagit Indian Tribe, the Port of Skagit, the Skagit County Farm Bureau, the local public, and a growing list of additional organizations **categorically oppose** the Goldeneye BESS Project siting. Attached are additional letters received by the City of Sedro-Woolley in opposition to this project. Had we received any letters in favor of the siting, we would have provided those to you as well. None were received. The only correct conclusion is that recommendation of this siting of the Goldeneye BESS project to the Governor is inappropriate.

Thank you for your kind attention to this matter. Please let us know if we can be of any further assistance. We respectfully hope that reason and common sense will guide your decisions in this process.

Sincerely,



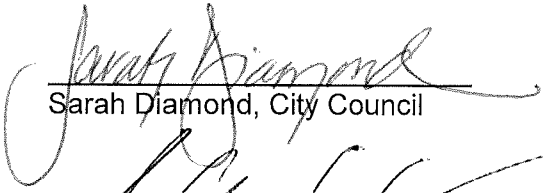
Mayor Julia Johnson



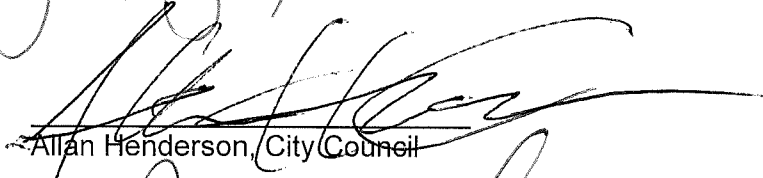
Kevin Loy, City Council

JoEllen Kesti, City Council

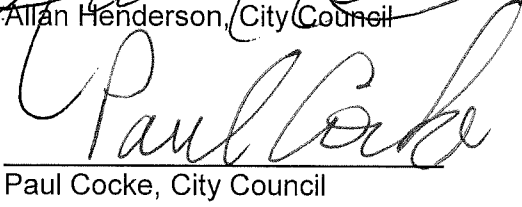




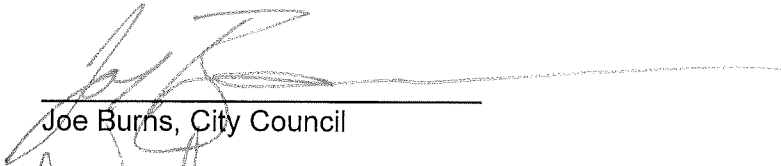
Sarah Diamond, City Council



Allan Henderson, City Council



Paul Cocke, City Council



Joe Burns, City Council



Nick Lavacca, City Council

- CC:
- Ron Wesen, Skagit County Commissioner
 - Peter Browning, Skagit County Commissioner
 - Lisa Janicki, Skagit County Commissioner
 - Jennifer Washington, Charwoman, Upper Skagit Indian Tribe
 - Doreen Maloney, General Manager, Upper Skagit Indian Tribe
 - Scott Schuyler, Policy Representative, Upper Skagit Indian Tribe
 - Bill Schmidt, President of the Skagit County Farm Bureau
 - Sara Young, Executive Director, Port of Skagit
 - Carolyn Eslick, Representative, State of Washington
 - Sam Low, Representative, State of Washington
 - Keith Wagoner, Senator, State of Washington
 - Jay Inslee, Governor, State of Washington
 - Dave Reichert, Governor Candidate, State of Washington
 - Bob Ferguson, Governor Candidate, State of Washington

Enclosures

From: Cynthia Calhoun

Subject: Please VETO Ordinance 2023-0263 regarding Battery energy storage systems in King County

Received through email by the City of Sedro-Woolley Mayor Julia Johnson

Dear Executive Constantine, King County Council Vice-Chair Dunn, and local Council Members, Board Members, Mayors, and Legislatures,

This is a request for Executive Constantine to VETO the Ordinance 2023-0263 voted to be approved by King County Council yesterday regarding Battery Energy Storage Systems. I believe there are 5 days for him to act.

I attended and spoke at the King County Council Open Hearing.

Thank you, Council Member Dunn, for voting against the ordinance and showing your care about the safety and well being of the people you represent.

It is wonderful that the 3% of agricultural land in King County will be protected, but citizens are very concerned about the lack of protections for residents, including any setbacks from schools, hospitals, and neighborhoods for over non-accessory 2 MW facilities, and less than 2 MW accessory uses. If BESS are too dangerous for Agricultural land- then they should be too dangerous to be placed next to schools.

Allowing the Kingfisher BESS facility (800 MWh) generating an ear splitting (90 – 110 decibels) ~100' from the 700+ students and staff at Mattson Middle School is irresponsible and dangerous to the health, well-being, and safety of the school and the surrounding community. The ordinance summary is at the bottom of this email.

Two recent CA BESS failures and forced evacuations cited below are proof that King County Council needs to revise the ordinance with more zoning and setback considerations.

- Published September 6, 2024 at 4:17 PM PDT
- "The Escondido battery fire is unfolding in an industrial area away from homes and residences. However, it reinforces the concerns of residents that a project that is 10 times larger (the Seguro project) is being proposed, which would be surrounded by hundreds of homes and upwind from a hospital in northern San Diego County, near Escondido," they write. "Despite the current fire being in an industrial area, hundreds of businesses were evacuated and many more were told to shelter-in-place. Schools located downwind were closed today as well."

- Since 2020, there have been 45 fires at similar BESS facilities, including one at the Otay Mesa battery storage earlier this year and Valley Center's BESS had its 2nd BESS fire in two years last year.
- Posted May 18,2024
- SAN DIEGO (FOX 5/KUSI) — After several days of burning and reigniting, a fire at a battery storage facility in Otay Mesa increased in intensity overnight Friday, damaging the building and leading to evacuation orders, the California Department of Forestry and Fire Protection (Cal Fire) said in an update Saturday.
- Evacuation orders and road closures are in place in the area surrounding the storage facility. The San Diego County evacuation map shows the area under an evacuation order as Alta Road, from just south of Donovan State Prison Road to Otay Mesa Road, and from Enrico Fermi Drive at the intersection of Otay Mesa Road east to Paseo de la Fuente.
- <https://fox5sandiego.com/.../lithium-battery-fire-burns.../>

In addition,

Mysteriously, the financial responsibility requirements were changed from "worst case" and "maximum damages levels" to a financial responsibility requirement of a flat \$1 millions, rather than an amount determined based on a study of maximum potential damages. BESS developers and operators like Tenaska, are now unburdened by the financial risks of locating thier industrial BESS in risky locations such as next to Mattson Middle School where death, long term injuries/health issues, and contamination of people's land and homes and Little Soos Creek could be the reality when there is a BESS fire...

These financial responsibility changes took place after a Sarah Perry met with/corresponded with Tenaska and shortly thereafter, the catastrophic and max damages for worst-case clause was removed in the March 20th, of 2024 revision and replaced by requiring proof of financial responsibility at a capped amount of \$1 Million for industrial BESS no matter where they are located...

Interestingly, the BESS Ordinance originally stated:

"Financial Responsibility. In May 2023, the Council adopted Ordinance 19601, which established financial responsibility requirements for privately owned fossil fuel facilities and nonhydroelectric generation facilities. The PO would extend these requirements to privately owned BESS with 1 MW or more of capacity, as well privately owned Consumer-scale BESS with 1 MW or more of capacity. The County is prohibited by state law from imposing financial responsibility on public entities, but the PO would encourage the Permitting Division to seek voluntary compliance from public entities.

The financial responsibility requirements would be moved to a new chapter in Title 21A, but would be identical to the existing requirements for fossil fuel facilities and nonhydroelectric generation facilities. Applicants would be required to demonstrate proof of financial

responsibility in an amount necessary to compensate for the maximum damages from an explosion resulting from a worst-case release, and proof of financial responsibility in an amount necessary to compensate for facility decommissioning (e.g., brownfield remediation). The level of financial responsibility necessary would be determined by the Executive based on studies provided by the applicant at the time of permit application. The PO lays out the information that would be required in these studies."

Requiring only a \$1 million in liability insurance for an industrial facility is a joke- especially if you consider the catastrophic impact the Mattson Middle School BESS could cause on school children and all the staff and all the homes surrounding the proposed BESS site.

Most people's and regular businesses' Umbrella policy is greater than the policy now in place for BESS facilities which could have results similar to the two recent fires in CA, in May and September of this year.

"Public Liability:

Applicants for construction of a BESS would be required to demonstrate at permit application that they have at least \$1 million of financial responsibility (insurance, bonds, etc.) that would cover damages from a thermal event, ONLY IF:

- The BESS is over 2 MW; AND

The battery technology requires thermal runaway protections under state law;"

Please VETO Ordinance 2023-0263 and send it back to KC Council to realign their statements with proven best practices for the health, welfare and safety of the residents in the event of a BESS fire. Irreparable harm will be done from containment to streams, aquifers, and wetlands which also have no setback restrictions in this ordinance.

These facilities should only be allowed in Commercial/Industrial Zones, but even so, the Escondido fire mentioned above delineates the necessity for evacuating a huge area. Do you want to be responsible for allowing an ordinance to be put in place after the first fire erupts? I think not.

Thank you for your consideration in this matter,

Cynthia Calhoun
19425 SE 266th Street
Covington, WA 98042



*"Upon awakening, let the words Thank You flow from your lips,
for this will remind you to begin your day with gratitude and compassion." – Wayne Dyer*

Cynthia "Sam" Calhoun

253-653-8898