

March 30, 2015

TO: Rob Duff, Senior Policy Advisor to Governor Inslee
Maia D. Bellon, Director, Washington State Department of Ecology
Denise Clifford, Director of Governmental Relations, Department of Ecology
Dr. Kathy Taylor, Shorelands and Environmental Assistance Program, Department of Ecology

FR: Solidarity Roundtable on Oil (Delegation)

Kelly Fox, President, Washington State Council on Fire Fighters
Laura Ackerman, Oil Policy Advisor, The Lands Council, Spokane
Bruce Amundson, President, Washington State Physicians for Social Responsibility, Seattle
Cager Clabaugh, President, ILWU Local 4, Vancouver
Diane Dick, President, Landowners and Citizens for a Safe Community, Longview
Tom Glade, President, Evergreen Islands, Inc. Anacortes
Arthur R.D. Grunbaum, President, Friends of Grays Harbor, Aberdeen
Don Steinke, Coordinator, Sierra Club of SW Washington, Vancouver
Larry Thevik, Vice President, Washington Dungeness Crab Fisherman's Association, Westport

Re: **Our Requests for Executive Action:** Discussion and Response to our letters to Governor Inslee, November 21st and March 16th.

Monday, March 30th at 1:30 pm. WSCFF Conference Room, 1069 Adams St. SE Olympia

Thanks very much to Governor Inslee and to each of you for meeting with us to discuss our letter and its requests for executive action.

As our letters to Governor Inslee state, we are “opposed to the proposed oil terminals in Grays Harbor and Vancouver and to the expansion of oil refineries in Washington State, including the Shell oil refinery in Anacortes” and we look to the Governor's executive action in this regard.

At this point, we would like Governor Inslee to take the following executive actions:

Add his voice to local, state and Congressional voices calling on Matt Rose (BNSF) and Warren Buffett (Berkshire Hathaway) to get these dangerous oil tank cars (DOT 111s & CPC 1232s) off the rail road tracks that endanger the three million Washington residents living in the blast zone.

Join us in publicly opposing the siting of oil terminals in Vancouver (Nustar) and in Grays Harbor (Westway, Imperium and US Development).

The Governor's current semi-judicial relationship to the EFSEC decision on Tesoro/Savage does not prevent his public opposition to these four terminals. The Washington Physicians for Social Responsibility has stated its opposition to the siting of any such facilities in Washington state population centers. These proposed terminals also threaten Eastern Washington cities, like Spokane, whose EPA designated sole-source drinking water aquifer intersects with BNSF rail lines, oil pipelines and mingles in places with the Spokane River. We need all the down-line impacts in eastern Washington thoroughly studied including traffic, greenhouse gas emissions and diesel particulate matter.

Direct his EFSEC Chair, Bill Lynch, to respond to the systematic circumvention of EFSEC review authority by oil companies proposing a series of oil terminals each technically below the threshold, but cumulatively above the threshold, such as in Grays Harbor. These are likely to engage in project creep such as what Global Partners did in Clatskanie, Oregon by quickly exceeding throughput by 400% and paying a fine of pennies per tank car.

Direct his EFSEC chair Bill Lynch and Ecology to include a Health Impact Assessment for its fossil fuel projects, to include in its reviews recent revelations with regard to oil train fires and spills and to insist on a 120 day comment period after a DEIS is published and that SEPA be applied to the full extent of the law.

Direct Ecology to become the lead agency in the EIS process currently mandated for the Shell oil refinery rail expansion project at March Point, Anacortes, and with the NuStar proposal in Vancouver. As a result of the Swinomish Supreme Court decision, Skagit County is disinclined to work with Ecology in developing the Shell EIS. Consequently, the Governor must intervene to require Ecology to assume the role of lead agency.

Direct his Transportation Secretary, Lynn Peterson, and Ecology Director, Maia Bellon, to require environmental assessments for all rail infrastructure improvement projects within the state to include thorough evaluation of all potential and cumulative impacts, short and long-term, caused by increased rail infrastructure capacity by all rail users of those projects, both freight and passenger. To revisit the November 2010 Finding of No Significant Impact for the Pacific Northwest Rail Corridor, projects utilizing state and federal ARRA funds, to ensure remaining projects assess the cumulative and projected environmental impacts of increased freight train capacity, not just improved passenger rail service on which the projects were justified. To assess the private versus public benefits of infrastructure improvements for all rail and highway projects under the Statewide Transportation Improvement Program (STIP).

Direct his FMSIB Chair, Dan Gatchet, and other state agencies (especially Ecology) to fully support a SEPA requirement for wide area cumulative impacts of proposals that studies the nexus between the extraction, transport, refining, use of fossil fuels, oil spills, inadequate spill response, and, among other things, increased ocean acidification. Specifically, Governor Inslee should tell Mr. Gatchet that he rejects the suggestion in the May 2014 Advisory Committee report that SEPA review be restricted to the project site.

Direct his UTC Chair, David Danner, to impose on BNSF the full allowable fine of \$700,000 for the railroad's 700 violations of state regulations which occurred between November 1, 2014 and February 24, 2015.

Direct his legislative staff to support the inclusion of minimum train crew language in the conference session reconciling Senator Ericksen's (5057) and Representative Farrell's (1449) bills. BNSF's efforts to enforce a one-person crew on these 120 car unit trains is a direct threat to our communities, regardless of their cargo.

We look forward to our discussion on Monday and to Governor Inslee's Executive Actions.

Statistically Oiled

The American Association of Railroads now says that 99.995% of all hazardous loads arrive safely. If we have 2.7 billion gallons of crude oil per year, that's 90,000 railcars at 30,000 gallons per car. If we apply the 99.995% they state, then 50 cars out of a million don't arrive safely, or 4.5 cars of our 90,000 cars per year have a mishap enroute, and will have some mishap. If the terminals run full bore for 20 years, then 90 cars will have a mishap over the life of the projects. If only 10% of them have a problem from Centralia to Hoquiam, that's a possibility of having 9 cars into the Chehalis.

Proposals on SW and Central Washington Coast would increase the carbon footprint of WA by 184.54%

Central SW Washington Proposed Fossil Fuel Terminals

Facility name	Location	Commodity	Rated Cap	Units	Tonne/BBL	Tonnes/yr	% Carbon	C Tonnes/yr	CO2 tonnes/yr	WA Tonne CO2/yr	% WA
Westway Terminals	Hoquiam	Bakken crude	17,833,333	BBL/yr	0.1334	2378967	0.84	1,998,332	7.327E+06	80,000,000	9.16%
Imperium Renewables	Hoquiam	Bakken crude	30,000,000	BBL/yr	0.1334	4002000	0.84	3,361,680	1.233E+07		15.41%
US Development	Hoquiam	Bakken crude	16,415,875	BBL/yr	0.1334	2189678	0.84	1,839,497	6.745E+06		8.43%
Tesoro Savage	Vancouver	Bakken crude	138,000,000	BBL/yr	0.1334	18409200	0.84	15,463,728	5.670E+07		70.88%
Longview coal	Longview	Powder River coal	44,000,000	Tonne/Yr			0.40	17,600,000	6.453E+07		80.67%
										Total =	184.54%

Along the corridor from origin to destination over 5 million citizens would be at daily risk. The Grays Harbor proposals would daily endanger 6,000 K-12 students. The US Development project alone would endanger 1,000 students daily.

It is important that fines are deterrents not just a "cost of doing business." The UTC should not negotiate a settlement on the fines for the 700 violations of state regulations. In our specific case in Grays Harbor, the 100-year old ill-maintained short line from Centralia to Hoquiam is incapable of safely handling unit trains. *

It is clear that the three Grays Harbor proposals have greater capacity than they are reporting in their SEPA documents. All proposals should be reviewed at maximum throughput capacity.

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