

Findings of Fact, Conclusions of Law and Order on Issues  
2a, 2c, 2d, 2e, 2f, and 9 (Excerpt)

**POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON**

ADVOCATES FOR A CLEANER  
TACOMA, SIERRA CLUB, WASHINGTON  
ENVIRONMENTAL COUNCIL,  
WASHINGTON PHYSICIANS FOR  
SOCIAL RESPONSIBILITY,  
STAND.EARTH, and THE PUYALLUP  
TRIBE OF INDIANS,

Appellants,

v.

PUGET SOUND CLEAN AIR AGENCY and  
PUGET SOUND ENERGY,

Respondents.

PCHB No. 19-087c

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER ON STATE  
ENVIRONMENTAL POLICY ACT  
ISSUES 2a, 2c, 2d, 2e, 2f, and 9

**I. INTRODUCTION**

This case concerns challenges to a Permit and accompanying supplemental environmental impact statement (SEIS) issued by the Puget Sound Clean Air Agency (PSCAA) authorizing greenhouse gas and other emissions from a specific project. Against the backdrop of the pressing effects of climate change, the Pollution Control Hearings Board's (Board) resolution of the case is a narrow one: whether the Permit and SEIS complies with the State Environmental Policy Act (SEPA), ch. 43.21C RCW, and applicable federal and state Clean Air Act statutes and regulations. *See* 42 U.S.C. §§ 7401-7671q; ch. 70.94 RCW. Concluding that they do, the Board affirms the Permit and SEIS, but remands to add a condition to the Permit.

- 1 6. Whether PSCAA’s permitting decision is invalid in light of its failure to engage in  
2 formal government-to-government consultation with the Puyallup Tribe of Indians.
- 3 8. Does the Board have jurisdiction over issues raised in Advocates for a Cleaner  
4 Tacoma et al.’s appeal and the Puyallup Tribe’s appeal that are outside of the Board’s  
5 jurisdiction in this permit appeal, including: facial challenge to Agency regulations  
6 and/or provisions of the Washington Clean Air Act, Ch. 70.94 et seq. (“Act”); alleged  
7 constitutional, Civil Rights Act, or treaty-based claims; challenges to an alleged  
8 failure to pursue enforcement; challenge to elements of the City of Tacoma’s 2015  
9 Final Environmental Impact Statement (“2015 FEIS”) not properly before this Board;  
10 and/or issues outside of the Board’s jurisdiction established in Ch. 43.21B et seq.?

7 **IV. GENERAL FINDINGS OF FACT**

8 1.

9 The TLNG is generally located north of East 11th Street, east of Alexander Avenue,  
10 south of Commencement Bay, and on the west shoreline of the Hylebos Waterway, adjacent to  
11 the Puyallup Indian Reservation. The site is in an area zoned as Port Maritime Industrial. The  
12 site is composed of four separate parcels owned by the Port of Tacoma. *Ex. RA-51, p. 6.*<sup>2</sup>

13 2.

14 The purpose of the project is to receive natural gas from PSE’s distribution system, chill  
15 natural gas to produce approximately 250,000 to 500,000 gallons of liquefied natural gas (LNG)  
16 daily, and to store up to 8 million gallons of LNG on site. *Ex. RA-51, p. 18.* PSE hired Chicago  
17 Bridge & Iron Company (CB&I) to design and construct TLNG. *Stobart Testimony at 969-972.*<sup>3</sup>

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21 <sup>2</sup> Page numbers in exhibit citations refer to the pdf page number.  
<sup>3</sup> Witness hearing testimony citations refer to the transcript pages.