

City of Tacoma, Planning and Development Services Department
747 Market Street, Room 345
Tacoma, Washington 98402

Ms. Shirley Schultz and Mr. Peter Huffman:

We request a Supplemental Environmental Impact Statement for Puget Sound Energy's Liquefied Natural Gas facility, a project for which the City of Tacoma is lead State Environmental Policy Act or SEPA agency. We make this request because the Final Environmental Impact Statement issued by the City does not represent the project's current scope due to significant and material changes that have subsequently taken place and because the FEIS failed to adequately describe impacts that the City should have assessed as part of procedural due diligence. Because the permits that the City and various state and county agencies have issued—or in some cases are considering issuing—depend upon that FEIS, these unaccounted changes and failures to assess impacts pose a threat to public health and safety, undermine the principles of public participation in the siting of sensitive projects, and demonstrate a disregard for the interests and legal rights of the Puyallup Tribe of Indians.

Specifically, the following nine areas require further investigation:

(1) PUYALLUP TRIBE

As residents of Tacoma, we are all guests on the land of the Puyallup Tribe, who managed sustainably for millennia the land on which Tacoma rests. The Puyallup Tribe Land Claims Settlement Act of 1990 mandates meaningful consultation with the Tribe on any “substantial action.” It is clear that the City has failed to initiate or engage in this meaningful consultation in any sort of timely manner.¹ Additionally, several recent court rulings that found individuals not guilty of charges of trespassing at the LNG facility work site depended on the principle that the Puyallup Tribe and not the Port of Tacoma is the legitimate owner of the land on which the LNG facility is being built.² Because these court rulings were jury findings, they do not in themselves establish legal precedent, but they do raise profound questions as to the legality of PSE's LNG project, questions that must be addressed in an SEIS..

¹ Native Daily Network, March 10, 2018, “Tarika Powell Tacoma LNG Testimony, Online Video Clip,”

² <https://www.youtube.com/watch?v=jeX7dcz1Enk&t=2016s>, “Jury Acquits grandmas who chained themselves to equipment at Tacoma's LNG site,” <http://www.thenewstribune.com/news/local/crime/article189889664.html>, Way, Steve, “Steve's Verdict Is In,” <https://www.350tacoma.org/wayverdict/>, (accessed May 1, 2018)

(2) TRANSPORTATION & TRANSFER OF LNG FUEL

On August 8, 2016, the City posted on its website a response to requests that the City conduct a Supplemental Environmental Impact Statement for the Tacoma LNG facility. In this communication of August 8, 2016, the City concluded from Puget Sound Energy's letter to the city, dated July 25, 2016, that "no additional truck traffic other than that described/analyzed in the FEIS will take place from the PSE site."³ The City's conclusion that truck traffic would not significantly increase is based solely upon PSE's assurance, rather than actual data and analysis assessing the impact of the LNG plant on truck traffic. It is the lead agency's responsibility to make a determination of significance, not the applicant's.

PSE agreed not to bunker any ships or barges on the Hylebos Waterway due to contamination there. This agreement between PSE and the City was especially significant in that it allowed PSE to survive the Puyallup Tribe's appeal of the LNG project's Shoreline Substantial Development Permit. That this subsequent change of project plans from the FEIS significantly altered the project is underscored by the fact that it provided the basis for the Washington Shoreline Hearings Board's decision on the Tribe's appeal.

As a result of this significant departure from the FEIS, for LNG to be provided as a marine fuel to any customer besides TOTE shipping, the transfer of LNG would now need to take place via one of two remaining routes: (a) on the Blair Waterway at the TOTE loading platform, which was originally intended only to bunker TOTE ships (b) via transport by truck to an offsite location where bunkering can then take place.

Either of these two scenarios—transferring LNG to non-TOTE ships on the Blair Waterway TOTE platform or moving LNG via truck—represents a substantial change from the project assessed in the FEIS. The shipment of LNG via truck entails major risks to public health and safety that must be carefully assessed in an SEIS.

On November 7, 2017, Puget Sound Clean Air Agency Executive Director, Craig Kenworthy, publicly criticized the Port of Tacoma for missing the 2017 deadline for its Clean Trucks Program. Speaking of the harm to public health caused by high levels of truck emissions,

³ "Will the City be issuing an SEIS?" <http://www.cityoftacoma.org/cms/one.aspx?portalId=169&pageId=113653>

Kenworthy asked, “Why is the health of the people of Tacoma less important than the health of the people of Seattle?”⁴

Kenworthy’s pointed expression of concern highlights the need for an SEIS that accurately calculates the increase in truck traffic that the LNG facility will entail and assesses how it would affect air quality, vehicular traffic, and road safety at the Port of Tacoma, in the City of Tacoma, and in surrounding communities.

(3) INFRASTRUCTURE

In the August 8, 2016 response referenced earlier, the City concluded that “the infrastructure in the Blair Waterway is unique to the design of the TOTE ships and cannot be used for other ships or for bunker barges.”⁵ In July 2016, however, PSE provided conflicting statements to the City and the Northwest Seaport Alliance about its plans and/or ability to bunker non-TOTE ships.

⁶The City should request more information from PSE to clarify these conflicting statements in order to make a fully informed determination regarding potential marine traffic and safety impacts on the Blair Waterway.

(4) TRANSPARENCY & SUBSTANTIAL CHANGES AFTER FEIS

Again in its August 8, 2016 response referred to earlier, the City concluded that changes in the scope of Tacoma LNG have been reductions.⁷ Here the City interprets PSE’s statements that PSE does not know whether its production of LNG will decrease as a result of changes to the project as confirmation that production will in fact decrease, without offering any rationale for this interpretation. As area residents concerned about public health and safety, we challenge the City’s unsupported conclusion. Given that its primary responsibility is to protect the public, whenever uncertainty exists, the City of Tacoma should err on the side of public safety, rather than offering the interpretation most favorable to PSE.

⁴ Special Dual Meeting: NWSA/Port of Seattle/Port of Tacoma & NWSA Operating Budget Adoption. November 7, 1017, <http://portal.veconnect.us/p/nwseaportalliance> 1:13-1:18.

⁵ “Will the City be issuing an SEIS?” <http://www.cityoftacoma.org/cms/one.aspx?portalId=169&pageId=113653>

⁶ See attached: Tong Zhu, CCO, Container and Realestate, and Scott Francis, Realestate Director at Port of Tacoma at Port of Tacoma memorandum to Managing members of the Port of Tacoma Seaport Alliance. Item 5B, July 25, 2015, “Puget Sound Pipeline and Bunkering Easements”.

⁷ “Will the City be issuing an SEIS?” <http://www.cityoftacoma.org/cms/one.aspx?portalId=169&pageId=113653>.

In the absence of any documented evidence to the contrary, PSE's statement that production will remain within the range analyzed in the EIS should be interpreted as an affirmation that production will not decrease. As item (2) discusses, the implication of an unchanged production level is increased Blair Waterway or road traffic. An SEIS is thus needed to evaluate the impacts on local roads and the infrastructure of the Blair Waterway, as well as the resulting emissions and safety hazards associated with increases in these two modes of transport.

(5) SAFETY RISKS

The issue of safety has been raised at a number of community and City Council meetings. Residents are understandably concerned about the dangers of siting a fossil fuel project of this magnitude within the city limits. Residents are also worried about the terrorist threat this facility poses. PSE's responses to public requests for further information have only increased the sense that there are grounds for genuine worry. PSE initially claimed that its safety zone documents were Critical Infrastructure II, meaning that they thought that releasing them could also pose a credible terrorist threat. When the documents were eventually released, however, they revealed PSE did not consider a terrorist attack on the facility a credible scenario. This information conflicts with PSE's taking legal action against a Tacoma resident and the Tacoma News Tribune to prevent the release of PSE's safety modeling results.⁸ Given this uncertainty relating to safety data, we believe that an SEIS is warranted so that the safety data can be assessed more fully, and in light of these developments. PSE claims that a 550-foot safety zone is sufficient to protect the public, based on the modeling done for PSE by Chicago Bridge & Iron. This modeling only examined impacts within the boundary of land under lease, never more than 550 feet from the LNG plant. PSE said that the LNG plant represented no danger outside of their property line.⁹ A group local scientists and concerned citizens contacted Aristatek, which has a model called PEAC-WMD that is used by most large fire departments, the Department of Defense, all the US Air Force bases in the world and is supported by the Department of Homeland Security.

Aristatek ran a trial for these concerned scientists and residents using the parameters of the LNG tank. The model automatically connects to the weather channel and incorporates the temperature, wind direction and wind speed. With these parameters on the day Aristatek ran it, it calculated a 3.5-mile danger zone from a 4 inch hole in the 8 million gallon LNG storage tank. PSE has continually repudiated the results and claimed their model met all the required safety

⁸ "PSE drops one court fight against LNG records release, continues another," <http://www.thenewstribune.com/news/local/article108373987.html>

⁹ Hay, Todd, "Puget Sound LNG Safety Modeling," Section 3.1, <http://toddhay.com/lng>, (accessed May 1, 2018).

requirements.¹⁰ While the Tacoma Fire Department actually has the model and has been trained to use it, they have declined to run it. It would take less than an hour to prove the Aristatek results. We believe since they report to the City of Tacoma, they will not provide something contrary to the City Council's wishes.

After the Aristatek trial, a Public Disclosure Request showed that the Fire Department had actually run a model to show the safety zone. They utilized the ALOHA/CAMEO model in November 2015. The results of the model showed that indeed there was a severe danger to the public. The model showed about a 1.1 mile radius safety zone. (This is about 10 times larger than what PSE claimed.) From the direction that the wind was blowing, it impacted 1939 people and 693 houses.¹¹ If the wind changed it would put anyone within a 1.1-mile radius in danger. The 50 million gallon TARGA fossil fuel tank farm is in the center of the safety zone. Besides much of NE Tacoma, this would endanger most of the Port and all the businesses and industries inside the safety zone. Much like the “gold standard” Aristatek modeling used by the citizens, it showed that the safety zone extended far beyond the LNG property lines. The City received the Fire Department’s modeling of the LNG safety zone the day after the City completed the FEIS, and thus the FEIS does not take into account the Fire Department’s modeling, which reveals a that a much greater safety zone is needed than what the City’s FEIS indicates.

The City’s failure to obtain such important information prior to finalizing the FEIS troubles us deeply. Since the Fire Department’s safety assessment and residents’ use of PEAC-WMD to model risks associated with the LNG plant show such huge discrepancies, we ask that the City request that the Fire Department model risks of PSE’s LNG plant use the industry standard of PEAC-WMD software. We are troubled by the lack of transparency the City has shown in addressing the significant safety concerns raised by PSE’s LNG plant. The City’s own Fire Department has presented risk assessments that contradict the City’s findings in the FEIS, and the investigation by residents with technical expertise suggest that the Fire Department itself may be presenting an overly optimistic picture of the safety of the LNG plant.

(6) OPERATIONAL SAFETY AND EMERGENCY RESPONSE

The PSE assurances of safe operating procedures at the proposed LNG site have been generally accepted by the City, the Lead Agency on the project. The 2014 explosion and fire at the Plymouth, Washington LNG plant needs to be more closely examined and compared to the proposed site in Tacoma.

¹⁰ Hay, Todd, “City of Tacoma Fire Department Guidelines and Modeling,” Section 3.3, <http://toddhay.com/lng>, (retrieved May 1, 2018).

¹¹ Hay, Todd, “City of Tacoma Fire Department Guidelines and Modeling,” Section 3.3, <http://toddhay.com/lng>, (retrieved May 1, 2018).

At one level, the cause of the blast was operator error, as described in the report issued by the US Department of Transportation office that oversees the handling of hazardous materials.¹² But this means that LNG systems are designed with insufficient redundancies and oversight. Human operators are far from perfect, and the public deserves to expect the level of safe performance exhibited by the best safety-oriented industries, such as commercial aviation. The regulatory environment of LNG storage facilities is far less stringent than that of commercial aviation, as the Plymouth incident demonstrated. Analysts who have retrieved state and national regulatory findings on the Plymouth incident found numerous safety violations.¹³

One feature of the Plymouth incident that is relevant to a Tacoma LNG site is the emergency response to the fire. Emergency responders ordered an evacuation of a two-mile radius around the plant. Citizens up to 20 miles away reported they heard the explosion and that it shook their houses.¹⁴ That explosion and fire did not detonate either of the main tanks at the facility, which is why we call it a fire instead of an explosion. But the two-mile radius evacuation was undertaken on the very real chance that it would do so.

Emergency officials in the area also warned of a .75 mile "lethal zone" in the event of a larger explosion and ordered all non-essential firefighting personnel to stay back. Once the fire was largely controlled main evacuation radius was shortened to one mile.

There is currently no safety evacuation plan in place for the proposed Tacoma LNG facility. The Lead Agency needs to be very clear about what should be in such a plan. The Cove Point, Maryland, LNG facility does have a detailed emergency response plan that is a model of competency, including preparations for evacuation in the case of a fire or explosion. Their evacuation zones were drawn with respect to risk, geography and escape routes, and varies from 1 to 1.5 miles around the facility.¹⁵

A very different example of an emergency response plan is offered by the Newport Beach, California, LNG facility operated by Clean Energy. It makes for unsettling reading.¹⁶ There is

¹² Their report is available at <https://www.utc.wa.gov/publicSafety/Documents/5996%20Attachment%20to%20UTC%203-16-16%20letter%20Pipeline%20Safety%20Violation%20Report.pdf>

¹³ For example, see <http://www.sightline.org/2016/06/03/williams-companies-failed-to-protect-employees-in-plymouth-lng-explosion/>

¹⁴ See the comments on the story entered by nearby residents, at <http://www.nbcrightnow.com/story/25118246/fire-and-explosion-at-natural-gas-plant-in-plymouth>.

¹⁵ <https://www.co.cal.md.us/DocumentCenter/View/6515>

¹⁶ <https://westbranchiowa.org/sites/default/files/West%20Branch%20-%20ERP%20LNG%2007162013.pdf>

no specific guidance for emergency responders and firefighters. They are, as far as this document is concerned, expected to improvise on the spot in the event of an emergency. This reads, instead, like a long press release aimed at assuaging public concerns.

One more piece of any risk equation is the cost of dealing with risks of a project. A recent report from the Tacoma Fire Department found that the budget for a new fire station closer to the proposed LNG site is beyond current funding. We should also note that a detailed response and evacuation plan might suggest a site further away from the proposed site, with dedicated firefighting equipment kept at the site itself. The budget for these facilities should be completed, along with an analysis of consequences for the larger city budget.

(7) RESPONSIBLE PLANNING FOR TERROR THREATS

The former National Security Advisor Richard Clarke formed a consultant group soon after leaving government service. One of his major reports looked at the risks in locating an LNG facility in an urban area. In brief, don't do it.¹⁷ Such a facility is far too attractive a target for terrorists, and the technologies of violence to cause a catastrophe are too easily acquired by a determined attacker. And while the likelihood of any facility to be the target of a terrorist attack is small, risk is a function of both likelihood of occurrence and severity of outcome. Since the outcome would be so large, a relatively small probability soon becomes an unacceptable risk. Clarke's report briefly discusses some, but not all, methods for inflicting damage.

The Lead Agency needs to devote more time to how to assess and respond to risk.¹⁸

(8) CRITICAL SCHOOL SAFETY ISSUE

The Tacoma School Board is responsible for the safety of students in the care of its many locations. Although individual Board members wrote letters of consent about the proposed LNG facility, this was not done with consideration of the safety and risk issues raised above.

¹⁷ Richard A. Clarke, et. al., *Liquefied Natural Gas Facilities in Urban Areas: A Security Risk Management Analysis for Attorney General Patrick Lynch, Rhode Island*. The report is available from the Department of Homeland Security, at <https://www.hsdl.org/?view&did=465391>

¹⁸ A study appearing in *Reliability Engineering & System Safety* should be read by decision makers. Its main finding is that "risk-informed legislation is a fragile legislative system which is dependent on conscientious and open-minded use by the industrial developer. In the opposite case, the authorities may well be unable to correct the situation and the legislation may fail to protect the neighbourhood from unreasonable exposure to risk."

Jan Erik Vinnem, "Risk Analysis and Risk Acceptance Criteria in the Planning Processes of Hazardous Facilities-- A Case of an LNG Plan in an Urban Area," *Reliability Engineering & System Safety* Volume 95, Issue 6, June 2010, Pages 662-670, <https://doi.org/10.1016/j.res.2010.02.005>.

The joint response of the Lead Agency and the Tacoma School Board should be addressed in an SEIS.

An emergency response and evacuation plan needs to be in place for several schools within the two mile radius of the new plant. The schools directly affected are Meeker Middle School, Crescent Heights Elementary School, and Northeast Tacoma Elementary School. Brigadoon Elementary, in the Federal Way school district, is also within a two-mile radius of the LNG plant.

(9) PUBLIC PARTICIPATION

Public participation was denied and obstructed, particularly during the earliest stages of the project. Notification was limited to landowners within 400 feet from the project site, and no local residents received notice. Our concern is that withholding and/or minimizing notification seems to have been a deliberate strategy on the part of the Port of Tacoma and PSE, with the intent of allowing the project to proceed as far as possible before the expected resistance to this dangerous and polluting fossil fuel project could be organized.

The City of Tacoma's FEIS process was clearly not transparent and the City's FEIS does not take into account information that points to serious risks and impacts presented by the Tacoma LNG proposed project.

As the lead State Environmental Policy Act or SEPA agency, the City of Tacoma has a responsibility to provide accurate information based upon the best scientific data and statistical modeling in its Final Environmental Impact Statement. As we have already documented, the City rushed to complete its FEIS even though it lacked complete data—data which now suggests that the risks associated with PSE's LNG facility are much greater than the FEIS would suggest.

Taken together with the failure to consult meaningfully with the Puyallup Tribe, the obstruction of public participation in the scoping process, and the significant changes PSE has made to the LNG project involving where and how bunkering will take place, the City's actions as lead SEPA agency reflect a disregard for public safety, tribal treaty rights, due process and environmental impact.

Given the City's history of noncommittal responses that seem intended to produce the effect of declining the request for an SEIS without actually stating that decision, and thus avoiding triggering the administrative appeals process, we respectfully request an answer to the following question in writing within 30 days:

On the basis of the concerns raised above, we ask for a yes or no response to the central question: will the City of Tacoma agree to undertake an SEIS on Puget Sound Energy's LNG facility at the Port of Tacoma?

If the City refuses our request for an SEIS, we ask that it specify what remedies or appeals are available to us, that it describe how residents would pursue these remedies or appeals, and that it provide information as to applicable timeframes.