

**1. It is our understanding that the U.S. Army Corps of Engineers Section 404 permit, the Washington Department of Ecology Section 401 permit, and the City of Tacoma substantial shoreline permit were all conditioned on having an approved PSCAA Air Quality Notice of Construction (NOC) permit. Aren't these other permits invalid until this PSCAA NOC permit has been issued?**

No. The ECY Section 401 permit, and the City of Tacoma SSDP were not "conditioned" on having an approved PSCAA NOC permit. The condition in the shoreline permit is that the development of the LNG facility comply with all other applicable laws, regulations, and policies, including Department of Ecology permitting and PSCAA permitting. The SSDP is not conditioned, nor are the development permits conditioned, on the receipt of those permits prior to development at the site; they will be required prior to construction of any element requiring the permit, and, at the latest, prior to operation of the site. Any construction completed in advance of receiving the permits is at the developer's own risk. Both ECY and PSCAA have declined to issue stop work orders based on the initial lack of an NOC. PSCAA is working with PSE to come into compliance, including the air emissions SEIS currently underway by PSE. In evaluating the consequences of issues associated with ECY or PSCAA's permits, the City defers to the approaches taken by those agencies.

**2. What are the specifics in terms of the tax and other monetary benefits to Tacoma? Please identify the taxes revenues and types of taxes in particular that the City of Tacoma will receive per year. Also identify bulk payments that PSE will be paying the City of Tacoma for infrastructure upgrades (fire department, roads, etc.).**

Please see the attached Memo. Revenue projections are only estimates.

**3. Who is responsible for studying the project financial viability and how can ratepayers be assured that they will not be stuck paying for a failed financial venture? With about 40% of the production previously scheduled for barging removed from the Hylebos, can the project even be profitable?**

This is a question for the Washington State Utilities and Transportation Commission (WUTC.) The WUTC regulates energy companies, including Puget Sound Energy. The City cannot speak for the WUTC.

**4: What are the health and safety concerns that should be addressed as part of an SEIS?**

The City may lawfully determine to require a Supplemental Environmental Impact Statement (SEIS) based only upon either actual data showing substantial changes to a proposal such that the proposal is likely to have significant additional adverse environmental impacts, or by new factual information indicating a proposal's probable newly discovered significant adverse environmental impacts. The actual data showing substantial changes, and/or the new factual information about newly discovered

impacts must be completely new, and the newly discovered or identified environmental impacts must not be within the range of alternatives and impacts already analyzed in the existing Final Environmental Impact Statement (FEIS). (WAC 197-11-600 (3)(b) and 197-11-620). Criticism of the existing FEIS, or speculation about what PSE may do in the future does not constitute completely new factual information, or completely new probable significant adverse impacts.

#### **5. Request face-to-face meeting with the Tacoma Fire Department to review and understand their Aloha modeling results versus PSE and other modeling claims.**

The Tacoma Fire Department welcomes a meeting about modeling concerns. The design-engineering software (FLACS) used by PSE's engineering firm to demonstrate compliance with setback requirements for LNG facilities is approved by PHMSA for siting studies. The ALOHA software is not approved by PHMSA for siting studies—neither is the PEAC-WMD emergency response software also referenced on the handout; therefore they do not inform the permitting process—that is, the process to ensure that the facility design and fire protection systems comply with the applicable safety codes and standards. Moreover, unlike the approved siting software (FLACS), ALOHA and PEAC software do not take into account the 3-D layout of the facility, secondary spill containment, impoundment areas such as trenches and sumps, spill protection measures, and other constraints and conditions that are required at the site by the applicable safety codes and standards.

In the event of a prolonged emergency inside or outside the facility, our hazardous materials team would use PEAC software to quickly obtain an initial prediction of the greatest extent of a potential vapor cloud including an added margin for safety. Our firefighters know that emergency response software does not take into account topography, such as the substantial elevation difference between the tideflats and Northeast Tacoma. Initial plume predictions do not necessarily coincide with the determined evacuation zone. The output from ALOHA or PEAC would be validated against what Fire Department personnel actually observe and measure on scene and downwind from the incident. At that point active decisions would be made on evacuation needs. Emergency response software simply provides rapid and conservative (that is, with a significant margin of error) plume predictions to our crews and does not necessarily determine the actual evacuation limits, if any.

#### **6. No Health Impact Assessment was completed by the TPCHD, despite their policy of requiring one whenever an EIS for a large project is required: <http://www.tpchd.org/home/showdocument?id=2373> We are only aware of the following letter from TPCHD indicating their approval of the project:**

This is a question for the Tacoma-Pierce County Health Department. The City cannot speak for the TPCHD.

**7. Did the WUTC approve the siting and safety of the PSE LNG facility? Do they have safety oversight for this facility?**

This is a question for the WUTC. The City cannot speak for the WUTC.

**8. Why is the Tacoma Fire Department LNG Emergency Response Plan to be developed after the plant is operational and what would be the emergency response if an accident were to occur on day 1?**

The emergency response procedures are required to be completed prior to the plant becoming operational. The plant operator/owner is responsible for developing these procedures, which include how and when to coordinate with local first responders. TFD will closely coordinate with the operator/owner in the development of these procedures.

**9. Catastrophic and material breach scenarios were not studied in the CB&I Safety Studies. CB&I studied what they deemed were credible safety scenarios, however PSE sued to withhold the release of these safety scenarios under the claim that they represent Critical Energy Information Infrastructure (CEII). CEII was established after 9/11 to protect critical infrastructure from potential terrorist attacks. Upon being forced by a judge to release the scenarios, it was noticed that PSE and CB&I never even considered a terrorist threat scenario, despite using that justification to withhold the results. We request that these scenarios be modeled and exposed to the public.**

The design of the LNG plant must meet the adopted codes and safety standards or the operator/owner will not receive a certificate of occupancy to operate the plant. Detailed safety modeling is required and has been submitted for all the required scenarios as dictated by the existing adopted codes and standards. TFD has and will continue to closely review and scrutinize the design and safety modeling of the facility to ensure the adopted codes and standards are met.

**10. The Safety Studies results were not made public during the EIS public comment opportunity; they were made public much later, and thus the public was denied the opportunity to ask questions or comment on their results.**

The SEPA and permitting process for the PSE LNG plant followed the established process and fully complied with all applicable laws and regulations. The City's issuance of the SSDP was upheld by both the State Shoreline Hearings Board, and unanimously by the Division I Washington State Court of Appeals.

**11. Change of scope - the original EIS stipulated that only 2 trucks will leave the facility daily and the only marine vessels that will dock on the Blair Waterway are the two Tote ships; However, there is ample evidence that PSE intends to bunker barge out of the Blair waterway (see the below announcement about Carnival Cruise Line or marketing by**

**Puget LNG, LLC at <https://puget-lng.com>) and to increase the truck volume to make up for no longer bunkering on the Hylebos. These increases were never studied.**

To date PSE has not taken any steps to either increase truck trips, or to add or intensify any other transport method. If actual changes to transportation associated with the PSE plant are proposed to the City by PSE, or otherwise occur, the City will review the impacts.

**12. Other chemicals on site were not completely disclosed in the original EIS and were not studied. Recently the Pipeline and Hazardous Material Safety Administration (PHMSA) held a meeting talking about the future federal regulations for LNG (<https://www.eenews.net/stories/1060038378>). Concern was raised about the co-location of the refrigerants and other chemicals onsite at LNG facilities that increase the risk when considered in combination with LNG and that haven't been studied. We request the City of Tacoma properly study and understand this risk.**

The FEIS, which was not appealed, addressed the safety of plant operations. Washington State law is clear that an EIS is not a catalog of every conceivable effect. "An environmental impact statement is adequate under the rule of reason if it presents a reasonably thorough discussion of the significant aspects of the probable environmental consequences of the proposed development. An environmental impact statement is not a compendium of every conceivable effect or alternative to a proposed project but is, simply, an aid to the decision-making process. The environmental impact statement need include only information sufficiently beneficial to the decision-making process to justify the cost of its inclusion. Impacts or alternatives having an insufficient causal relationship, likelihood, or reliability to influence decision makers are 'remote' or 'speculative' and may be excluded from the impact statement." Preserve our Islands et al., Appellants, v. The Shorelines Hearings Board, et al, 133 Wn. App. 503 (2006).

**13. May a person or entity outside City government demand an SEIS and receive an appealable decision from the City of Tacoma?**

No. A decision to require an SEIS is solely an administrative decision of the permitting agency, in conformance the applicable law. No State law, or reported decision of Washington courts creates a right to demand an SEIS, and receive an appealable decision on that demand from the permitting agency. If the permitting agency in its judgment requires an SEIS, that decision, and the SEIS when completed are both appealable.

**14. Will the City be liable if there is a catastrophic event at the LNG Plant?**

No. Under Washington State law the act of governmental permitting does not shift any liability to the permitting agency. The permit holder and operator of the project remains liable for damage arising from its permitted activity.