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November 8, 2013

Maia D. Bellon, Director
Washington State Department of Ecology
P.O. Box 47600
Olympia, Washington 98504

RE: Coal Exports

Dear Ms. Bellon:

I am writing on behalf of the Gonzaga University Environmental Law Clinic.

The Environmental Law Clinic provides legal representation to non-profit environmental organizations throughout the Inland Northwest. We strive to protect and restore the ecological integrity of the region's natural resources, and to ensure compliance with environmental laws through advocacy and public interest litigation.

Exporting coal from American to Asia and building of terminals in Longview, Washington, Cherry Point, Washington, and Boardman, Oregon will cause extreme harm to communities throughout the West Coast. Power Past Coal: Communities Against Coal Export, *Transportation*, <http://www.powerpastcoal.org/impacts/transportation/> (2012). If all three were built, the terminals would "ship 100 million metric tons of coal abroad each year." Power Past Coal: Communities Against Coal Export, *Transportation, supra*. Disturbingly, "up to 500 pounds of coal can be lost in the form of dust from each rail car en route." Power Past Coal: Communities against coal export, *Health & Safety*, <http://www.powerpastcoal.org/impacts/health-and-safety/> (2012). Coal exportation has negative effects not just on the environment, but also in numerous other areas of life such as: health and safety, the economy, noise disturbance, aesthetic enjoyment of our area, and overall quality of life. All the communities near the railroads will be affected by the transportation of coal, not just the area where a terminal is built or where the coal will end up before it is shipped to China. Thus, all of the above concerns should be considered in an Environmental Impact Statement (EIS). I also agree with the Washington Department of Ecology's decision to do a geographically broad EIS and look at the cumulative impacts of coal exportation in all communities in which the coal trains pass through.

I. Environmental Impact/Impact on Wild Animals

One major problem with transporting coal through our communities is that the coal dust that is lost in transportation and settles in the area. This dust pollutes the air and waterways Power Past Coal: Communities Against Coal Export, *Environmental*, <http://www.powerpastcoal.org/impacts/environmental/> (2012). Disposal sites for coal ash release toxic contaminants such as "lead, boron, selenium, cadmium, thallium, and other pollutants" into the surrounding area. Power Past Coal: Communities Against Coal Export, *Environmental, supra*. Coal dust could spread from not just transportation, but also from uncovered coal piles sitting in the terminal. Coal Train Facts: Key Facts, *The Proposed Gateway Pacific Terminal Facility*, <http://www.coaltrainfacts.org/key-facts>.

However, the coal dust is not the only aspect of this project that would harm the environment and/or wild animals in the area. “To build the terminals, the companies would degrade wetlands, impacting marine ecosystems on which herring, salmon, orcas and fish depend.” Power Past Coal: Communities Against Coal Export, *Environmental, supra*. The cargo ships transporting the coal overseas would also cause grave harm to our environment/wildlife. Increase in cargo ships could threaten fishing grounds, wetlands, and already fragile ecosystems (e.g., more likely that cargo ships would crash or leak oil). Coal Train Facts: Key Facts, *Marine Impacts, Fisheries, supra*. In addition, the ships themselves as well as the coal trains burn a large amount of diesel fuel, which only adds to air pollution. Coal Train Facts: Key Facts, *Marine Vessel Traffic, supra*. Coal exportation also promotes the crisis of global climate change. The coal plants in Asia that would burn this coal greatly contribute to the pollution that causes global warming. “Burning the 100 million metric tons of coal annually that may be shipped through Washington and Oregon ports would produce . . . millions of tons of the pollution that causes global warming.” Power Past Coal: Communities Against Coal Export, *Climate change*, <http://www.powerpastcoal.org/impacts/the-climate/>.

II. Health and Safety Concerns

One major problem with transporting coal through our communities is that coal gives off coal dust, and this coal dust pollutes the air. Thus, people living in the communities where these trains pass through would be inhaling this air along with all the chemicals present in coal dust. Coal dust contains toxic heavy metals like mercury, which is associated with neurological dysfunctions such as Parkinson’s and Alzheimer’s. Coal Train Facts: Key Facts, *Public Health*, <http://www.coaltrainfacts.org/key-facts> (2013). Coal dust and diesel exhaust from coal trains “can cause serious long-term health problems, such as lung and heart disease and cancer.” Power Past Coal: Communities Against Coal Export, *Health & Safety*, <http://www.powerpastcoal.org/impacts/health-and-safety/> (2012). On a personal note, I am very concerned with our air quality because I have always had lung problems. My left lung is under-developed, so I have always been more sensitive to smoke than most people are. Thus, I am worried that coal dust will make it more difficult to breathe or harm my lungs. I am sure many other people in this area have sensitivities similar to mine, so we should be concerned about how increased coal dust in the air would affect our respective health conditions.

The proposed coal trains also pose serious safety risks. Firstly, coal dust can build up on the rails of the train tracks, which could cause derailments. Coal Train Facts: Key Facts, *Coal Dust, supra*. Secondly, if all proposed terminals were built, up to 40 coal trains would run through Spokane County every day. Power Past Coal: Communities Against Coal Export, *Transportation*, <http://www.powerpastcoal.org/impacts/transportation/> (2012). Naturally, this means that traffic on the rails would increase, thus trains would block railroad crossings more often. Since one coal train can block a crossing by “[six] minutes or more,” adding just 20 trains to Washington’s rail system would mean blocking some crossings by [two] hours per day.” Power Past Coal: Communities Against Coal Export, *Health & Safety, supra*. This would “clog commuter traffic and could slow response times for emergency responders” by forcing them to wait until a train has passed to reach the emergency. Power Past Coal: Communities Against Coal Export, *Health & Safety, supra*.

III. Economic Impact

Northwest communities would also suffer great economic harm from coal exporting. Because these coal trains would increase traffic on the rails, they would “limit access to neighborhoods, schools, and

businesses corridors.” Power Past Coal: Communities Against Coal Export, *Health & Safety*, <http://www.powerpastcoal.org/impacts/health-and-safety/> (2012). This could disrupt local commerce, thus potentially harming our economy. Coal Train Facts: Key Facts, *Jobs & Local Business*, <http://www.coaltrainfacts.org/key-facts> (2013). In addition, adding these coal trains to the railroads could decrease the value of the property near the railroads. Indeed, “Entrepreneur Magazine found that the worth of small homes near freight rail lines decrease 5-7%,” and a study conducted in Los Angeles supports the contention that “home value decreases as nearby traffic rail increases.” Coal Train Facts: Key Facts, *Property Values*, *supra*. “Ranching and agricultural properties are often bisected by rail lines and therefore are particularly affected by the increased coal train traffic. The productive value of these properties is further diminished by damages to water supply caused by strip mining in the Powder River Basin.” Coal Train Facts: Key Facts, *Property Values*, *supra*. Not only will the coal trains harm our local economy, our communities will also not gain any profits or economic benefits from the coal trains either. The coal companies would get all the profits. Power Past Coal: Communities Against Coal Export, *Economic*, <http://www.powerpastcoal.org/impacts/economic/> (2012). In fact, the public could end up being the ones spending money on upkeep of the rails and terminals. Costs to upkeep the infrastructure or fix problems with the railway “are normally borne to taxpayers.” Coal Train Facts: Key Facts, *Taxpayer Investment*, *supra*. From an economic standpoint, it does not make much sense to permit an activity that will not benefit our local economy in any way and will in fact harm it.

IV. Noise Disturbance, Aesthetic Impact, and Impact on Quality of Life

Another reason to stand up against coal exports is that the coal trains will cause noise disturbance, and negatively affect the aesthetic value of our region and our overall quality of life. I, as well as many other people in the Spokane neighborhood, live near the railroad. So, I know how annoying it is to be in deep concentration on something, or just about to fall asleep, then suddenly be startled by a loud train horn. Adding up to 40 more trains are added to Spokane’s railroads could greatly increase how often we would be disturbed by the trains. Power Past Coal: Communities Against Coal Export, *Transportation*, <http://www.powerpastcoal.org/impacts/transportation/> (2012). Noise disturbance is not only annoying, chronic noise exposure has proven adverse health effects, including impaired sleep and cognitive function, and cardiovascular effects. Coal Train Facts: Key Facts, *Noise*, <http://www.coaltrainfacts.org/key-facts> (2013).

In addition to noise disturbance, coal exports will have a negative impact on the aesthetic value of our region and our quality of life. The Northwest is “a region noted for spectacular physical beauty . . . It is considered a prime tourist destination spot and a highly desirable place to live” Coal Train Facts: Key Facts, *Quality of Life & Regional Identity*, *supra*. How beautiful would our region continue to be, or how desirable would it be to live here, if there were continuous coal trains passing through the area, increased traffic delays, noise pollution, coal dust in the air, and coal dust pollution in the water? One nice thing about living in our region is that we do not have as much noise pollution, air/water pollution, and traffic congestion that some larger cities and other areas of the country have. “The pollution, traffic, noise, and degradation of our waters and fisheries that would come with significant coal train and ship traffic is at odds with our enjoyment and stewardship of this region . . . The Northwest’s most valuable asset is our quality of life . . . and this quality is what hangs in the balance.” Coal Train Facts: Key Facts, *Quality of Life & Regional Identity*, *supra*.

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V. Cumulative Impacts

Cumulative impacts are the “combined, incremental effects of human activity” that “accumulate over time” U.S. Environmental Protection Agency, Office of Federal Activities, Consideration of Cumulative Impacts in EPA Review of NEPA Documents (May 1999)

<http://www.epa.gov/compliance/resources/policies/nepa/cumulative.pdf>. The assessment of cumulative impacts is one of the most important aspects of an EIS because “[e]vidence is increasing that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time.” Smith, Michael, Recent Trends in Cumulative Impact Case Law, <http://www.shipleygroup.com/news/articles/0505.pdf> (internal citation omitted). Thus, simply looking at how a project, such as the coal trains, will affect a community now, or looking at how a single community will be affected versus all the surrounding communities, is not enough.

In the present case, this means that in their EIS, the Department of Ecology needs to look at all of the negative effects of coal exportation. For example, if someone looks only at how coal trains will increase traffic delays, coal exportation may not seem like that big of a problem. However, combined with the decreasing of property values, the harm local businesses could suffer, and the increased risk of derailments, coal exportation suddenly becomes a much more serious problem. In addition, since these trains will be going through multiple cities throughout Washington, all those cities will experience the same problems and negative side effects of coal exporting. Thus, I strongly support the Department of Ecology’s decision to do a geographically broad cumulative impact statement that looks at how coal exportation will affect West Coast communities near the rails in regards to the factors listed above (environment, health and safety, etc.).

Thank you for your consideration of these comments. If we can be of any further assistance in your review of these comments, please do not hesitate to contact us at the number listed above.

Sincerely,

UNIVERSITY LEGAL ASSISTANCE



Samantha Zimmerman
Law Clerk

SZ/rke/vly