Center for Salish Community Strategies

A Washington Non-Profit Public Interest Law and Policy Center

Navigating Toward the Future

November 18, 2013

Millennium Bulk Terminals-Longview EIS
c/o ICF International
701 Second Avenue, Suite 550
Seattle, WA 98104

Re: *Comments on the Scope of the Environmental Impact Statements*

Dear EIS Reviewers:

Thank you for the opportunity to comment on the scope of the separate Environmental Impact Statements under review by the U.S. Army Corps of Engineers, the Washington Department of Ecology/ Cowlitz County. These comments apply to both EIS' for the proposed Millennium Bulk Terminal in Longview, Washington. These comments are submitted on behalf of our non-profit public interest law and policy center.

The Millennium proposal, if approved, would involve the transport, storage, loading and shipping of Powder River Basin coal in unprecedented volumes in the Northwest, approximately 48.5 million U.S. tons of coal per year. The transport routes will affect both inland and shoreline areas of the state and introduce a large number of ocean-going vessels to Washington, British Columbia and Alaskan waters. Under the requirements of the National Environmental Policy Act and the State Environmental Policy Act, we believe the agencies are required to develop the following information in order to reasonably analyze the probable significant adverse environmental impacts of the proposal in the Northwest and whether those impacts can be mitigated:

1. Determine the scope of maximum possible impacts for the project. While the applicant has estimated annual exports of up to 48.5 U.S. tons of bulk materials per year, the EIS analysis should be based on the agency's independent analysis of the maximum possible volume that could physically be exported each year from the facility, as designed by the applicant. The theoretical volume could be much higher and economic conditions could change making it profitable for the applicant to export up to the limits of the facility. Thus, permit decision makers reasonably need to know

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the level of impacts that could occur at that higher volume. The EIS analysis should include the higher possible facility volume as one of the alternatives, unless the applicant has agreed in writing to SEPA permit conditions limiting the annual export volume to 48.5 million tons.

2. Determine the chemical composition of Powder River Basin coal and the impacts of discharges to freshwater and marine resources. Over the last two years, there has been a coal train derailment every couple of weeks in the United States and Canada. Yet there is very little literature reviewing the effects of coal deposited in freshwater or marine resources, either in small or large quantities. So little is known currently in the scientific community about the effects of spills from these coal export projects that Commissioner Peter Goldmark has called for a comprehensive study of Powder River Basin Coal, in his remarks concerning another similar coal terminal at Cherry Point WA:

> **Cumulative Impacts**
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> **Stormwater and wastewater discharges can carry heavy metals and other pollutants that may be harmful to fish and wildlife. What is the individual impact, and what are the cumulative impacts of stormwater, other pollutants, and any other wastewater discharges generated by the project on marine waters, when considering all other stormwater and wastewater discharges in the Cherry Point vicinity? The EIS should include an ambient water toxicity study, using protocols accepted by Ecology and EPA to evaluate the cumulative effects of existing industrial wastewater and stormwater outfalls and groundwater seeps on near shore species survival and water quality.**
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> **The EIS should analyze the potential for commodity materials to change the chemical environment of aquatic lands at Cherry Point, including pH. Some materials, such as inorganic sulfur like that found in coal, can react with chemicals in seawater to produce sulfuric acid, resulting in localized ocean acidification. In addition, coal particles may leach heavy metals into marine waters and sediments. The highest impacts here would be nearest the terminal. What might be the resultant impacts on fish and wildlife, and sediment quality? Studies have implicated coal in oxygen depletion. What is the potential for commodity materials to contribute to oxygen depletion or have a smothering effect on aquatic or upland habitats?**
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> **Letter from Peter Goldmark, Commissioner of Public Lands, (DNR) to CH2MHill, Jan. 22, 2013, Attachment at 6.**

The EIS for the Millennium Bulk Terminal should also include a study of the chemical properties of Powder River Basin Coal and its chemical effects on fresh water and saltwater resources and habitat. The probable (in light of train derailment probabilities) introduction of known hazardous substances into these areas could have long-lasting consequences to ecosystems throughout Washington State. The critical need for a new

study was made evident in a recent scientific literature review submitted into your record for this EIS. In this submittal, two PhD's carefully outlined the need to study the significant adverse effects of Cadmium and other heavy metals related to the proposed rail transport, storage and shipping of Powder River Basin coal.[1]

Your study of the effects of PRB coal in water should include a step-by-step analysis that consists of several studies, including the following elements:

(a) Determine the chemical composition of Powder River Basin coal, through new scientific, peer-reviewed studies, determining volumes of heavy metals as a percentage of total weight. This information is universally deemed to be critical to determining the effects of coal in water and thus to an analysis of impacts from derailments, windblown coal dust during transport and storage, stormwater runoff, and spills during loading and vessel collisions or groundings. And, from a regulatory and enforcement standpoint, the Final Report (Sept. 2013) of the multi-agency Emerging Risks Task Force developed by the Puget Sound Partnership also called for study of PRB coal's chemical constituents, in order to be able to assess the risk of significant environmental damage from coal rail transport and marine shipping. This information is capable of being developed through standard chemistry and must be done.

(b) Using this new information, conduct laboratory tests of point source rainwater leaching through a sample rail car full of Powder River Basin coal, using data for 100-year storms, to determine the amount of heavy metals and petroleum byproducts (PAH's) likely to leach out of each coal car along the rail line, during the average time estimated for a car to travel from coal mine to export storage facility. The rainwater leaching study should then make statistical estimates of the volume of daily rainwater leaching emissions from the Millennium proposal, at any given segment of the rail corridor, during 100-year storms, at the rate of 8 full trains per day at approximately 125 cars per train (the coal industry's numbers).

(c) Make reasonable estimates per ton of coal load discharges to freshwater and salt water, including amounts of heavy metals and PAH's likely to be discharged, per rail car during a derailment and per ocean-going vessel during a ship breakup due to grounding or collision.

(d) Using the above information, conduct new toxicity studies estimating the effects of unit discharges of heavy metals and PAH's on freshwater and marine life at all stages of the life cycle for endangered and threatened species under federal and state

[1] A copy of their letter is incorporated by reference and attached for your review.

listings, as well as for commercial shellfish, crab and fish. This analysis is critical for use by permit decision makers, as various parties present evidence and professional judgment on the levels of stormwater runoff likely to emerge from the stormwater storage piles.

3. Utilizing the methods identified in prior studies, determine the amount of wake-stranding of threatened or endangered fish and other listed species in the Columbia River. The Biological Assessment commissioned by the applicant, Ambre Energy, for its other Columbia River coal export proposal at Coyote Terminals, Port of Morrow, OR, concludes that wake-stranding from new ocean-going vessels will likely adversely affect listed species, and adversely modify to critical habitat. The same impacts from those ocean-going coal transport vessels can be expected for the Millennium Bulk Terminal's ocean-going vessels. We incorporate by reference as though fully set forth in this letter Anderson Perry Associates, *Biological Assessment, Morrow Pacific Project* (April 2012).[2] We request that the EIS incorporate the findings of this study and utilize similar methods in analyzing the likely adverse effects of Millennium wake-stranding.

4. Determine the increase in windblown dust into the Columbia River per ton for Longview, in comparison to the Coyote Terminals proposal. In its proposed operation for Coyote Island, Ambre Energy proposes to enclose all storage bins, barges, and loading. In the case of its Longview proposal, Ambre does not do so, proposing open piles of coal next to the river and open transport of coal in uncovered rail cars.

5. Identify the exact nature of approvals needed from the Washington Department of Natural Resources, so that the EIS thoroughly analyzes impacts associated with leases or lease modifications necessary from DNR. We note that the project description discusses modification of an existing pier and construction of two new docks. All phases are part of this EIS scope of review. We understand the modification of the existing dock would require a lease modification from DNR and the new piers would require new leases. We incorporate by reference DNR's comment letters on the Coyote Terminals and the Gateway Pacific Terminal projects and request that the EIS analyze all of the parallel issues identified by DNR in those letters. Copies of those DNR letters are enclosed for your review.

6. The Washington State Department of Transportation – in a comment letter for another export project, the Gateway Pacific Terminal, requested a study of impacts of large export facilities on rail, state highway, and local transportation corridors that

[2] The study is available at: http://www.columbiariverkeeper.org/wp-content/uploads/2012/04/Boardman-Coal-Terminal-BA-RFS.pdf

should be studied in the Millennium EIS. A copy of WSDOT's analysis is enclosed and is incorporated by reference. Please review this as a template for the analysis of similar impacts at Millennium Bulk Terminals. The cumulative impacts of the Millennium and Gateway Pacific bulk terminals should be analyzed as part of the Millennium EIS.

7. The Washington Department of Archeology and Historic Preservation (DAHP) – in a comment letter to the US Army Corps of Engineers concerning its Section 106, Historic Preservation Act review for the Gateway Pacific Terminal, requested a study of listed sites and sites eligible for listing on the National Register of Historic Places along the entire rail line serving the proposed Millennium Bulk Terminal. As indicated by DAHP, the analysis should include both the short-term and long-term effects of the operation of the rail routes upon the viability as well as livability of affected areas. A copy of DAHP's letter to the Corps is attached for your review and incorporated herein by reference. The cumulative impacts of the Millennium and Gateway Pacific bulk terminals on historic sites should be analyzed as part of the Millennium EIS.

8. Evaluate the risk of impacts of increased bulk carrier oceangoing vessels along the Coasts of Washington, British Columbia, and Alaska. Conduct a risk assessment of this increased vessel traffic including analysis of increased risk of collisions, groundings and oil spills, particularly as the Millennium bulk carriers interact with: (a) tankers or barges from the proposed Vancouver oil-by-rail facility (Tesoro-Savage, under EIS review by the Energy Facility Site Evaluation Council); (b) large vessel traffic coming out of the Strait of Juan de Fuca, including new traffic related to Kinder Morgan's Trans Mountain Pipeline and the proposed Gateway Pacific Terminal; and (c) other tankers and large ships transiting through Unimak Pass in the Aleutian Islands on the Great Northern Circle route to Asia. This study should integrate with and augment the risk assessment study already underway in Alaska, being conducted under contract by NUKA Research and Planning Group, and with the EIS risk analysis conducted by EFSEC for the Tesoro-Savage project.[3]

9. Study the noise impacts of additional large vessels in the Columbia River on threatened and endangered species listed by federal and state agencies, all salmonids, and lamprey eels. A 2006 study of the Westshore Coal Terminal in British Columbia found that the noise generated from the large coal carrier vessels was the loudest source out of any at the coal export facility, exceeding 164 dB underwater. While this study did not address impacts to salmonids, a copy is attached for your reference.

[3] http://www.aleutianriskassessment.com

In conclusion, the Millennium Bulk Terminal has the potential to transform Southwest Washington into one of the largest coal export centers in the nation. We urge your careful consideration of the above-referenced impacts, in both the USACE EIS and the Ecology/Cowlitz County EIS's.

Thank you for your consideration.

Very truly yours,

Tom Ehrlichman
Co-Executive Director

Barbara Dykes
Co-Executive Director

cc: Board Members