

# **1. INTRODUCTION TO VOLUME 2, RESPONSES TO COMMENTS**

## **1.1 BACKGROUND**

The Draft EIS for the BP Cherry Point Cogeneration Project was published on September 5, 2003. The comment period for the Draft EIS ended on October 27, 2003, which was 52 days after publication. During the comment period, a public comment meeting was held on October 1, 2003, at the Blaine Performing Arts Center in Blaine, Washington.

At the end of the comment period, the lead agencies had received a total of 315 comments made up of the following:

- 262 written comments from 25 agencies and organizations;
- 29 written comments from 11 citizens;
- 24 oral comments from 11 speakers at the public meeting (transcribed by a court reporter).

## **1.2 ORGANIZATION OF VOLUME 2**

This volume contains the written comments received during the comment period, the transcript from the October 1, 2003, public meeting, and the corresponding responses to those comments, organized into the following three sections:

### **1. Introduction**

- 2. General Responses to Comments on Major Issues.** Two issues were the subject of numerous written comments from individuals and agencies. To address these comments with a minimum of repetition and to provide a response that is meaningful to decision-makers, Volume 2 contains two general responses that encompass many commenters' concerns on each issue. These general responses are:

- A. Alternatives analysis
- B. Wetland impacts and mitigation

For each general response, we first summarized the issue and then responded to the commenters' concerns, incorporating new information from prefiled testimony, hearing testimony and examination, hearing exhibits, and Settlement Agreements.

- 3. Written and Oral Comments and Detailed Responses.** For each of the letters received during the comment period and for each speaker at the public meeting, EFSEC assigned an identification number in chronological order based on the date the comment was received or presented. Within each letter and transcript, comments are marked with a line and the corresponding comment number in the right-hand margin. In many cases, individuals have numerous comments addressing a variety of topics.

After each letter and transcript are the corresponding responses written by the EIS authors. The responses are numbered to match the comment numbers.

As described in WAC 197-11-560, possible options for responding to comments on a Draft EIS include modifying the alternatives or developing new alternatives, improving or modifying the analysis, making factual corrections, or explaining why the comments do not warrant further agency response. In this regard, for each comment within each letter or transcript, we:

- provide additional information or elaborate on a topic previously discussed in the Draft EIS;
- note how the EIS text has been revised to incorporate new information or factual corrections;
- refer the reader, when appropriate, to another comment response or one of the general responses to avoid repetition;
- explain why the comment does not warrant further response; or
- simply acknowledge the commenter when an opinion was stated.

### **1.3 REFERENCES CITED IN VOLUME 2**

The responses in this volume reference the following types of documents:

- Documents that were submitted as exhibits by those who testified during the EFSEC Adjudicative Hearings or the Prevention of Significant Deterioration Permit Comment Meeting on the BP Cherry Point Cogeneration Project. A list of these exhibits is provided below.
- The written transcript of the Adjudicative Hearings. Flygare & Associates, Inc., a court reporter under contract to EFSEC, prepared the transcript.
- Documents contained in the appendices of the Final EIS (see Volume 1).
- Additional literature sources, which are listed below.

#### **Adjudicative Hearing Exhibits (December 8, 9, 10, and 11, 2003)**

- Exhibit 2.1 Preliminary Approval Notice of Construction and Prevention of Significant Deterioration, Permit No. EFSEC/2002-01. Includes Technical Support Document.
- Exhibit 3.0 State Waste Discharge Permit WA-ST-7441, Draft.
- Exhibit 3.1 Fact Sheet BP Cherry Point Cogeneration Project State Waste Discharge Permit WA-ST-7441.
- Exhibit 20.0. Applicant's Prefiled Direct Testimony, Witness Mark S. Moore. Includes Attachments 20.1 and 20.2.
- Exhibit 20R.0. Applicant's Prefiled Rebuttal Testimony, Witness Mark S. Moore.
- Exhibit 21.0. Applicant's Prefiled Direct Testimony, Witness Michael D. Torpey. Includes Attachments 21.1, 21.2, 21.3, and 21.4.
- Exhibit 21R.0. Applicant's Prefiled Rebuttal Testimony, Witness Michael D. Torpey.
- Exhibit 22.0. Applicant's Prefiled Direct Testimony, Witness Brian R. Phillips. Includes Attachments 22.1, 22.2, and 22.3.
- Exhibit 22R.0. Applicant's Prefiled Rebuttal Testimony, Witness Brian R. Phillips.

- Exhibit 23.0. Applicant's Prefiled Direct Testimony, Witness W. David Montgomery, Ph.D. Includes Attachments 23.1, 23.2, 23.3, and 23.4.
- Exhibit 24.0. Applicant's Prefiled Direct Testimony, Witness David M. Hessler, P.E. Includes Attachments 24.1, 24.2, 24.3, 24.4, and 24.5.
- Exhibit 24R.0. Applicant's Prefiled Rebuttal Testimony, Witness David M. Hessler, P.E. Includes Attachments 24.1, 24.2, 24.3, 24.4, 24.5, 24.6, and 24.7.
- Exhibit 25.0. Applicant's Prefiled Direct Testimony, Witness Thomas R. Anderson.
- Exhibit 26.0. Applicant's Prefiled Direct Testimony, Witness William P. Martin. Includes Attachments 26.1, 26.2, and 26.3.
- Exhibit 27.0. Applicant's Prefiled Direct Testimony, Witness Michael A. Kyte. Includes Attachment 27.1.
- Exhibit 27R.0. Applicant's Prefiled Rebuttal Testimony, Witness Michael A. Kyte.
- Exhibit 28.0. Applicant's Prefiled Direct Testimony, Witness A. David Every, Ph.D. Includes Attachments 28.1, 28.2, 28.3, 28.4, 28.5, and 28.6.
- Exhibit 28R.0. Applicant's Prefiled Rebuttal Testimony, Witness A. David Every.
- Exhibit 29.0. Applicant's Prefiled Direct Testimony, Witness James W. Litchfield. Includes Attachment 29.1.
- Exhibit 30R.0. Applicant's Prefiled Rebuttal Testimony, Witness Donald Davies, Ph.D. Includes Attachment 30R.1.
- Exhibit 31R.0. Applicant's Prefiled Rebuttal Testimony, Witness Ann M. Eissinger. Includes Attachment 31R.1.
- Exhibit 32R.0. Applicant's Prefiled Rebuttal Testimony, Witness Sanjeev R. Malushte, Ph.D., S.E., P.E. (Civil), P.E. (Mechanical), C. Eng., F.ASCE. Includes Attachment 32R.1.
- Exhibit 33R.0. Applicant's Prefiled Rebuttal Testimony, Witness Dennis R. Bays.
- Exhibit 34R.0. Applicant's Prefiled Rebuttal Testimony, Witness David H. Enger. Includes Attachment 34R.1.
- Exhibit 40.0. Whatcom County's Prefiled Testimony, Witness #40, Bill Elfo.
- Exhibit 41.0. Whatcom County's Prefiled Testimony, Witness #41, Neil Clement.
- Exhibit 42.0. Whatcom County's Prefiled Testimony, Witness #42, Dr. Kate Stenberg. Includes Attachment 42.1.
- Exhibit 43.0. Whatcom County's Prefiled Testimony, Witness #43, Douglas Goldthorp.
- Exhibit 44.0. Whatcom County's Prefiled Testimony, Witness #44, Hal Hart.
- Exhibit 45.0. Whatcom County's Prefiled Testimony, Witness #45, Paul Wierzba, Ph.D., P. Eng. Includes Attachments 45.1, 45.3, 45.4, and 45.5.
- Exhibit 46.0. Whatcom County's Prefiled Testimony, Witness #46, Rodney Vandersypen. Includes Attachment 46.1.
- Exhibit 47.0. Whatcom County's Prefiled Testimony, Witness #47, Kraig Olason.
- Exhibit 48.0. Whatcom County's Prefiled Testimony, Witness #48, Jane Koenig, Ph.D. Includes Attachments 48.1, 48.2, 48.3, 48.4, 48.5, 48.6, and 48.7.

## **Other Information Sources**

BP West Coast Products, LLC. June 2002 (including April 2003 revisions). *BP Cherry Point Cogeneration Project, Application for Site Certification*. Application No. 2002-01. Part I, Compliance Summary; Part II, Environmental Report; and Part III, Technical

Appendices. Prepared by Golder Associates, Inc. for the Energy Facility Site Evaluation Council (EFSEC). Olympia, Wash.

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Greater Vancouver Regional District. September 2003. Lower Fraser Valley Ambient Air Quality Report 2002. Policy and Planning Department. Burnaby, B.C.

Morse, Darwin. June 26, 2003. Policy, Planning, and Permit Review Branch, National Park Service. Letter N3615(2350) to Bob Burmark, Washington Department of Ecology. Comments on Prevention of Significant Deterioration permit application.

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U.S. Department of Energy. January 2004. *Annual Energy Outlook with Projections to 2025 - Market Trends*. Electricity, Energy Information Administration. URL: <http://www.eia.doe.gov/oiaf/aeo/electricity.html> (visited April 2004).

U.S. Environmental Protection Agency. October 23, 2003. *Which Atmospheric Deposition Pollutants Pose the Greatest Problems for Water Quality?* U.S. EPA. URL <http://www.epa.gov/owow/oceans/airdep/air2.html> (visited April 2004).

URS. 2003a. *Brown Road Materials Storage Area Draft Mitigation Plan*. Seattle, Washington.

URS. 2003b. *Brown Road Materials Storage Area Habitat Management Plan*. Seattle, Washington.

URS. July 3, 2003c. *BP Cherry Point Cogen Project, Report of Subsurface Investigation/Laboratory Testing*. Seattle, Washington.

Walsh, Sondra. June 3, 2004. Sr. Policy Adviser, Washington Utilities and Transportation Commission. Personal communication.

Washington Department of Ecology. 1999. *Methods for Assessing Wetland Functions*. Publications #99-116. Olympia, Washington.

Washington Department of Ecology. 2000. *Stormwater Management Manual for Western Washington*. Publications #99-11 through #99-15. Olympia, Washington.

Washington Department of Fish and Wildlife (WDFW). 2004a. Priority Habitats and Species Management Recommendations for Washington's Priority Species, Volume IV: Birds: Great Blue Heron. URL: <http://wdfw.wa.gov/hab/phs/vol4/gbheron.htm> (visited May 10, 2004).

Washington Department of Fish and Wildlife (WDFW). January 12, 2004b. Letter to Calvin Douglas, Senior Ecologist, Shapiro and Associates, Inc., from Lori Guggenmos, Priority Habitat and Species.

Washington State Department of Transportation (WSDOT). 2003. *Environmental Procedures Manual*. M31-11. Olympia, Washington.

Western Electricity Coordinating Council (WECC). September 2002, *10-Year Coordinated Plan Summary 2002-2011 Planning and Operation for Electric System Reliability*, p. 16.

Whatcom County. February 26, 2003a. *Birch Bay Community Plan (Draft)*. Not adopted. Whatcom County Planning and Development Services Department, Planning Division. Bellingham, Washington. URL: <http://www.smartgrowthbirchbay.org> (visited June 21, 2003).