

Grant Pfeifer
WA Department of Ecology
4601 N. Monroe St.
Spokane, WA 99205

10/8/2018

Re: Proposed PacWest Silicon Smelter – Newport, WA – Comments on scoping for SEPA review

Dear Mr. Pfeifer,

As an opening comment, I would like to express my opposition to the siting of the PacWest silicon smelter in Newport/Pend Orielle County, WA. This area is one of the premiere outdoor recreation and largely unspoiled areas of Washington State. The proposed smelter will have significant detrimental impacts on this area throughout the proposed 50-year life of the facility and many years beyond.

One only needs to look at the track records of smelters throughout the Pacific Northwest to see their negative legacy (Kellogg, ID; Anaconda, MT; Trail, BC, Mead, WA; Tacoma, WA, Everett, WA). In every case, except Trail, BC which is still operating and polluting today, after the facilities outlived their usefulness, the owners abandoned them and left taxpayers with the clean-up bills. There is no reason to expect any difference from the foreign operator of another such facility.

I also object to the appearance that approval of the project is already a foregone conclusion before there has been even one chance for public input:

- Governor Jay Inslee has declared the project to be of significant statewide economic significance.
- WA state has provided a \$300,000 grant to the proponents to offset the costs of the required environmental studies (taxpayer subsidy).
- The proponents have already closed on the purchase of the site for the proposed smelter absent any official review or approvals. In any type of major project such as this, a project proponent normally does not finalize the property acquisition unless they have full assurance that the proposal will receive all appropriate entitlements and approvals.

The logical conclusion can only be, absent litigation from project opponents, this facility will be built regardless of any public input that may be submitted.

Using the assumption that the project will proceed, the Department of Ecology has requested public comments for the Environmental Impact Statement (EIS) to be prepared in accordance with State Environmental Policy Act (SEPA) requirements. At the public meeting on September 18th, 2018 in Spokane, WA, we were told by Ecology staff of what Ecology is responsible for reviewing. One glaring

omission in this review is the economics of the project, which I believe are intrinsic to whether or not the project will proceed. I do not believe these can be stripped out and ignored, as many decisions going forward will be based upon whether or not the proponents can afford to implement the many mitigation measures this project will require.

For the scope of the EIS, Ecology must include the following:

- Full study of all items noted in WAC 197-11-444, including those items deleted in the July 26, 2018 email from John D. Carlson, Vice-President of PacWest Silicon to Ecology
- Full disclosure of proposed water use and impacts on the Little Spokane and Pend Orielle Rivers
- Rationale for the initial proposed exemption of a 5,000 gallons per day well for an industrial water use, especially in light of the Hirst legal decision which imposed restrictions on permit-exempt wells
- Complete characterization of the project's carbon emission impacts
 1. Plant construction
 2. Plant operations
 3. Mining operations including silica ore, coal
 4. Production of wood chips
 5. Transportation – all modes used in process
 6. Distribution of finished products
 7. Waste disposal
- Air quality impacts
 1. Onsite impacts
 2. Offsite impacts – This needs to include the actual operating data from similar plants, including all air quality violations, fines/penalties, interruptions of operations to address violations, frequency of violations, severity of violations.
 3. Rationale for offsetting “green energy” generation (i.e. solar panels) using the plant's finished product as the basis for allowing widespread contamination of property not owned by the proponents. This assumption is questionable, as there is no assurance that all, or even a portion of the finished products, will be used for solar panel production. Additionally, this is “pollution of the third-world” mentality, by industries seeking to construct facilities in areas where environmental controls are lax and costs to operate cheaper.
 4. Justification for allowing a facility that, even using Best Available Control Technology (BACT), will become the 15th largest polluter in the state. BACT is simply a low bar assuming that no one has to look any further than systems that presently exist, as long as they are the best available. Research and design should be done to incorporate a closed-loop system that would keep all pollutants onsite and be dealt with as they are generated, not years down the road as someone else's problem.
 5. Compensation to surrounding landowners for diminished property values due to emissions and property contamination (see Tacoma Asarco smelter - <https://www.thenewstribune.com/news/local/article43503663.html>)

- Water quality usage and impacts
 1. Full disclosure of proposed daily usage, especially given one of the site air pollution control methods is “sprinkling” materials stockpiles to control fugitive dust. This also needs to address runoff from stockpiles due to sprinkling and storm events, including containment, treatment and discharge from the site. If all discharges are to be managed on site, characterize potential contents of the runoff stream and treatment methods.
 2. Sources of water and impacts on existing infrastructure and/or groundwater
- Energy usage
 1. Disclosure of rate structure and concessions granted – Why could not this facility be built more economically in Golden, BC at the source of the materials – BC Hydro is roughly equal in power generating capacity to the Bonneville Power Administration. BPA supplies power to the Pend Orielle Public Utility District (PUD). Does this mean that a foreign company is receiving power at a rate subsidized by US taxpayers? Additionally, if the smelter is located in Golden, BC - less transportation and infrastructure costs needed to ship finished products rather than raw materials (ore, wood chips, coal).
 2. Impacts and costs to upgrade and extend services to the site – who is responsible for payment and are any costs being pushed off to ratepayers or citizens via subsidies? Avista Utilities declined to provide power to the proposed facility at the rate the PUD proposes, stating rates would have to rise for all other users in Avista’s system to make up the shortfall.
- Economic Impacts
 1. Infrastructure costs – rail, roads, utilities
 2. Police, fire protection – co-operative agreements with other agencies for major events (fire/explosion, derailling incident)
- Environmental impacts
 1. Wildlife migration, especially waterfowl and migratory birds
 2. Noise and light impacts
 3. Air quality degradation, especially during episodes of temperature inversions
- Long-term economic impacts

What assurances are to be provided for the orderly decommissioning of the site once its useful lifespan has elapsed? Suggest a cash fund controlled by Ecology that is built up over time, rather than bonding or self-funding of the estimated obligation. A fund controlled by Ecology would be immediately available once the plant is shut down, not after 20 years of litigation and settlement for a fraction of the true cost of cleanup (see Tacoma smelter details noted above). Also, the fund could not be claimed as an asset of the company, potentially coming available to pay other creditors in the event of a bankruptcy or judgment award. Such a fund would also reflect the true cost of operating such a facility by requiring a pay-as-you-go obligation, rather than the usual course of filing bankruptcy and sticking the taxpayers with the bill.

Finally, I urge all who are responsible for the review and approval of this facility to take a tour of the Newport/Oldtown/Priest River/Cusick/Usk area to gain a full appreciation of the area that will suffer greatly if this facility is built. This is a beautiful area that heavily depends on tourism, agriculture, forest products and outdoor recreation. All of these will suffer greatly if this facility proceeds as envisioned. Smelters have a dirty legacy in the Pacific Northwest. Let us not rush headlong into another ecological disaster in pursuit of a few jobs for a facility that will mainly be operated for the benefit for a foreign company. If this project is to proceed, it must be beyond state-of-the art. It must set a new standard of how such a facility can operate with no negative impacts on the people who already live work and own property in this area or who come to visit because of the natural beauty that make it such an inviting area.

I wonder if the project would have received the same enthusiastic endorsement from Governor Inslee if it had been proposed for Bellevue, Seattle, Tacoma or Everett?

Sincerely,

A handwritten signature in black ink that reads "Michael Brixey". The signature is fluid and cursive, with a large, stylized "M" and a long, sweeping tail that extends downwards and to the right.

Michael Brixey

P.O. Box 176

Elk, WA