State Representative

See attachment

HEATHER SCOTT
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BONNER & BOUNDARY COUNTIES

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House of Representatives
State of Idaho

October 15, 2018

Mr. Grant Pfeifer
Regional Director, Eastern Regional Office
Washington Department of Ecology
4601 N Monroe Street
Spokane, Washington 99205-1295

Dear Mr. Pfeifer:

Attached please find comments and scoping questions needing your attention related to PacWest Silicon's proposed smelter project near Newport, Washington and Oldtown, Idaho. I cannot stress enough to you and the Washington Department of Ecology the disappointment Idaho citizens who reside in neighboring Bonner County, Idaho have for the lack of meaningful attention given to their concerns to date. Idaho roads and infrastructure appear to be vital links to this project and will see excessive use and require expensive maintenance. Bonner County residents will shoulder the full brunt of any downwind negative environmental consequences with the potential to jeopardize Lake Pend Oreille and Priest Lake watersheds, both some of the most outstanding and unique watersheds in North America.

Thank you for your attention in this matter and I hope you and your department will give these comments and questions your full attention and expertise. Idaho residents need to receive the fullest protections and assurances from the State of Washington to ensure our way of life is not degraded, hindered or marginalize should this project go forward.

Sincerely,

Rep. Heather Scott

Representative Heather Scott
District 1A

Proposed Silicon Project SCOPING QUESTIONS

Submitted by:
Idaho State Representative Heather Scott
District 1A Idaho
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208-920-3120

PROPOSED PROJECT: A silicon smelter facility is being proposed by PacWest Silicon, a Canadian company. PacWest recently changed their name from HighTest Silica LLC, amidst public outcry of an LLC from Canada utilizing local Idaho resources and impacting Idaho infrastructure in neighboring communities. The location of the property is within 1 mile of the state boundary between Bonner County, Idaho, and Pend Oreille County, Washington. Because of this close proximity to the border between the two states and certainty of impacts to Idaho, I am requesting that all scoping questions cover a minimum perimeter of 20 miles around the project location in all directions and not just in the state of Washington.

I am also requesting that all intended impacts from the projected operations of the proposed project clearly identify impacts to Idaho in addition to Washington. Currently there is no mention of impacts to Idaho in PacWest's June 5, 2018 letter to Mr. Grant Pfeifer, Regional Director, Washington DEQ.

I am requesting a full assessment of the environmental, socio-economic, aesthetic, and auditory impacts of the proposed silicon smelter project that the majority of citizens in the west Bonner County, Idaho and the East Pend Oreille County, Washington citizens do not desire. Below are the scoping questions I would like answered for the citizens of Legislative District 1 in Idaho before any consideration of a permit can move forward.

1. PROJECT WETLANDS

1.2 Are there drainage ways including sewer, historical underground drains, streams, rivers, or seeps on or near the project site that have been surveyed and described? If so, where can the published results be reviewed?

1.3 Are there ponds, marshes, bogs, swamps or other wetlands on or near the site? When were they categorized and was it during periods of runoff or drought?

1.4 Is the project located within a wetland, or will its construction or operation impact any designated area on a National Wetlands Inventory map of the Department of Interior (DOI)? What established criteria and methods were used to determine whether impacts will or will not occur?

1.5 Will the project receive any federal funding, federal tax incentives, or federal grants (even those obtained by and laundered through the State of Washington)? If so, does

the project comply with Executive Order (E.O.) 11990, Protection of Wetlands, which discourages federal funding of new construction or filling in wetlands and requires compliance with the wetlands decision-making process (§ 55.20 of 24 CFR Part 55). The applicant should use Part 55, published in the Federal Register on January 1, 1990, for wetland procedures.

2. FLOOD MANAGEMENT

2.1 Is the project located within a 500- or 1000-year floodplain designated on a current FEMA flood map? (24 CFR Part 55). Will intended emissions including the proposed fugitive dust, criteria air pollutants, hazardous air pollutants (HAPs), toxic air pollutants (TAPs) and Greenhouse Gases (GHGS) be dispersed over or into any flood plains with 50 miles?

2.2 Is the proposed building footprint located in a Special Flood Hazard Area identified on a current Flood Insurance Rate Map (FIRM)?

2.3 Do proposed construction plans accommodate and comply with Uniform Building Code requirements of facilities constructed within Special Flood Hazard Areas?

3. HISTORIC PRESERVATION

3.1 Has the State Historic Preservation Office (SHPO) and nearby Indian Tribes been notified of the project and requested to provide comments?

3.2 Is the property listed on, or eligible for, listing on the National Register of Historic Places?

3.3 Is the property located within or directly adjacent to a historic district or Indian Tribe?

3.4. Does the property's area of potential effects include a historic district or property?

4. NOISE ABATEMENT

4.1 Is the project located near a major noise source, i.e., civil airports (within 5 miles), military airfields (15 miles), major highways or busy roads (within 3,000 feet), or railroads (within 3,000 feet)?

4.2 Does the project comply with 24 CFR 51, Subpart B, that requires a Noise Assessment for proposed new construction? How will auditory impacts from a proposed 250 vehicle trips per day and up to 100 rail cars per day be evaluated? Will impacted citizens from Idaho be part of this evaluation process? What criteria and established methods will be used and how long and how often will noise levels be sampled?

4.3 Have noise contour maps been developed for the proposed project and does it show day-night average sound levels (abbreviated as DNL) for an average 365 day-period of project operations?

4.4 What procedures or guidelines will be developed that allow Washington and Idaho community members or adjacent property owners to formally complain about inordinate or unanticipated noise? What procedures or processes will be developed to address noise issues and implement timely response/actions?

5. PROJECT-RELATED HAZARDOUS MATERIALS

5.1 Is the site listed on an EPA Superfund National Priorities or CERCLA, or equivalent State list?

5.2 If the site is not currently listed on sites described in 5.1 above, should it be? If not, why not?

5.3 Does the project proposal include a full inventory and assessment of all hazardous materials associated with building and operating the project including import of raw materials and export of all products? If so, where is this inventory currently located and what is the timeline for regular review and modifications to it as needed, should the project move forward?

5.4 Does the applicant propose to handle, sell, or store explosives, or propose to store fire-prone materials such as wood, liquid propane, gasoline, or other storage tanks above or below ground?

5.5 Does the proposed project comply with Idaho public safety requirements for fire safety, vehicular transport of flammable or ignitable materials in accordance with state and federal law?

5.6 Has the applicant developed a public safety evacuation and rescue plan for employees, and does the plan accommodate projected employees based upon high or low attendance that is associated with hours of operations, weekdays, holidays, and special events? Does it meet County and State of Idaho standards if evacuation routes include Idaho roads or Idaho first responders?

5.7 Is the site located within 5,000 feet of a toxic or solid waste landfill site or a previous waste landfill site? If so, what level of testing has been done to ensure that site construction and/or site operations don't compromise buried materials, whether solids, liquids or gases? What is the plan of action should impacts occur in the future? How often would this be reviewed and modified?

5.8 Were underground storage tanks ever located on the site? If so, provide documentation that all underground storage tanks have been identified, located and appropriately removed by qualified professionals, using current techniques in compliance with 40 CFR Part 280.

5.9 Are there any unresolved hazardous materials issues at the proposed site that could cause the state, county or a municipality to be determined to be a potential responsible party? Who will be called for hazardous issue emergencies?

6. AIRPORT HAZARDS

6.1 Is the project within 2 and a half miles from the end of a runway or common helicopter landing locations?

7. WATER

7.1 Will the proposed project affect a sole source or other aquifer?

7.2 What is the total anticipated impervious surface coverage estimated for the proposed project?

7.3 What percentage of the project site is proposed for impervious surface, and how does this surface impact existing elements addressed in Section 1 above?

7.4 Is the site currently served by an adequate and acceptable water supply?

7.5 What mitigations are proposed for water supplies of the proposed project that will not affect or will ameliorate water supplies of adjacent Idaho residential neighborhoods, businesses, and other land uses currently receiving adequate water? How do the proposed project's owners intend to ensure that emissions, including the proposed fugitive dust, criteria air pollutants, hazardous air pollutants (HAPs), toxic air pollutants (TAPs) and Greenhouse Gases (GHGS), will not impact Idaho waters which are downwind? What level would be considered elevated enough to invoke a cease-and-desist operation for any parameter associated with the aforementioned groups of pollutants?

7.6 How will the applicant assure the local government and surrounding community that costs associated with increased water supply needs of the project will be fully accommodated by the applicant, and will not be a burden imposed upon local governments, local water districts or providers, or local property owners?

7.7 How does the facility plan to protect threatened or endangered species found in Idaho waters or on Idaho lands from any impacts resulting from emissions or auditory

pollutions, and/or mitigate those impacts? Should the project be approved by Washington, how does the facility plan to ensure that construction and operations cause no impacts to Idaho waters (rivers, lakes, streams, ponds, groundwater)? Will a fund be setup to protect Idaho natural resources and insure that stringent project operations will occur to protect Idaho natural resources? If so, how much, and held in trust by whom?

8. SEWER, SANITATION AND WASTE DISPOSAL

8.1 Are there current sanitary sewers and waste water disposal systems serving the site?

8.2. How will current sanitary sewers and waste water disposal systems be impacted by the proposed project, and at what cost?

8.3 What additional sanitary sewer and waste water disposal systems are required, and how will expansions of such infrastructure impact existing, connecting infrastructure in terms of capacity and annual cost? Does the City of Newport (the receiver of the proposed facility's waste water via the sewer system) propose to implement any additional testing procedures to monitor discharges into the receiving waters if the proposed project is built? If not, why? If so, what are the new procedures and what additional parameters will be tested for?

8.4 If the project water supply is non-municipal, has an acceptable "system" been designed, and approved by appropriate state and local authorities and agencies?

9. ENVIRONMENTAL JUSTICE

9.1 Is the project located in a predominantly minority or low-income Idaho neighborhood?

9.2 Does the project site or neighborhood suffer from disproportionately adverse environmental effects on minority and low-income populations relative to the community-at-large?

10. UNIQUE NATURAL FEATURES AND AREAS

10.1 Is the site near Idaho natural features (i.e., bluffs or cliffs) or near public or private scenic areas? If so, what site and construction adjustments have been determined to protect scenic viewsheds, rural noise impacts, night time light pollution or other public entitlements?

10.2 Are other natural resources visible on site or in the vicinity? Are there other Idaho natural resources that could be impacted by emissions or fugitive dust from the site

operations or the transport of raw or finished products? If not, how was this determined? If so, where, when and how often will this occur? What is the proposed mitigation for these impacts and how were they determined? Will any such Idaho resources be adversely affected or will they adversely affect the project?

11. SITE SUITABILITY

11.1 What are the previous uses of this site and what residual impacts affect the project or are affected by the project?

11.2 Is there paved access to the project site? Will any Idaho infrastructure be impacted by construction or operation of this facility? If so, what and how does the owner plan to compensate the County and the State for these impacts? How often will compensation occur and who decides the amount?

11.3 Are there unusual conditions on the site that will impact Idaho more than Washington residents? If not, why? If so, a detailed list needs to be develop including why Idaho is susceptible and how the project's owners plan to address these issues now and in the future

11.4 Is there any indication of currently distressed vegetation?

11.5 Are there waste materials or containers on site?

11.6 Are there pools of liquid or soil staining, chemical spills, abandoned machinery, cars, refrigerators, etc.?

11.7 Are there existing or abandoned transformers, fill/vent pipes, pipelines, drainage structures?

11.8 Is the project compatible with surrounding areas in terms of:

- 10.8.1 Land use
- 10.8.2 Height, bulk, mass
- 10.8.3 Building type (low/high-rise)
- 10.8.4 Building density

11.9 Will the project influence or be unduly influenced by:

- 10.9.1 Building deterioration
- 10.9.2 Postponed maintenance
- 10.9.3 Obsolete public facilities
- 10.9.4 Transition of land uses
- 10.9.5 Incompatible land uses
- 10.9.6 Inadequate off-street parking

12. AIR QUALITY

12.1 Are there proposed air pollution generators associated with the proposed project, such as those listed below, and if so, what and how much, and how will the applicant mitigate each of the following:

12.1.1 Incinerators.

12.1.2 Power generators.

12.1.3 Large parking facilities (1,000 or more cars).

12.1.4 Heavily traveled Idaho highways, adjacent and onsite road systems.

12.1.5 Increased railway activities and their effects on traffic, safety and pollution (air, water, noise).

12.1.6 Will the project affect or be affected by nuisance odors? What mitigations are proposed?

13. SOIL CONDITION, QUALITY, STABILITY, EROSION AND DRAINAGE

13.1 Describe the site elevations and any accommodations required for significant slopes.

13.2 Is there evidence of slope erosion or unstable slope conditions on or near the site that could impact Idaho residents or lands?

13.3 Is there any visible evidence of soil problems (foundations cracking or settling, basement flooding, etc.) in the vicinity of the project site?

13.4 Have soil reports or studies or borings been made for the project site or the area? If so, what are the findings of soil studies accomplished?

13.5 Is there indication of cross-lot runoff, swales, drainage flows on the property of from the property into or onto Idaho controlled lands?

13.6 Are there visual indications of filled ground? What assurances has the applicant developed to ensure soil stability for construction footprint and impervious surfaces?

13.7 Are there active rills and gullies on the project site?

13.8 Have structural borings or dynamic soil analysis been requested in association with geological studies?

14. NUISANCE AND HAZARDS

14.1 Will the project be affected by seismic faults, or fractures?

14.2 Will the project be affected by wind concerns or create hazardous downwind conditions for Idaho residents?

14.3 Are there unprotected water bodies on site?

14.4 Are there other hazardous terrain features?

14.5 Will the project add to the fire danger of the area during dry or other times of the year.

15. ROADS, TRAFFIC, AND TRANSPORTATION

15.1 Has an Idaho-side traffic study been developed for the proposed project that is specific to this site and this project with regards to Idaho roads and infrastructure?

15.2. Has a traffic study accommodated existing traffic counts experienced at the project site, and then projected appropriate increased Idaho traffic counts based upon days of the week, hours of the day or night, and special events?

15.3 Has an Idaho traffic study calculated existing road maintenance requirements with anticipated road maintenance or road expansion needs to accommodate the project? What are the project costs associated with this subject?

15.4 What is the projected weekly, daily and hourly traffic count for the site, and how does this translate into an annual traffic increase on Idaho roads that impacts adjacent properties and neighborhoods?

15.5 What mitigations for Idaho are proposed to accommodate traffic generated by the proposed project with existing traffic counts and flows at and adjacent to the project site?

15.6 Will the project affect or be affected by hazardous streets or hazardous rail crossings in Idaho?

15.7 Will the project affect or be affected by dangerous intersections or hazardous rail crossings in Idaho?

15.8 What mitigations (i.e. traffic signals, traffic security personnel and shuttle services) are proposed for Bonner County, Idaho, to ameliorate significant traffic increase and activity associated with the proposed project? What is this cost and how will it be accommodated without affecting costs of adjacent local governments?

15.9 Are there established Bonner County biking and pedestrian pathways at or near the vicinity of the project site, and if so, what mitigations does the applicant propose to ensure the safety and non-interference of use of these public pathways?

15.10 How will the project impact existing public transportation facilities in any Bonner County, Idaho, communities?

15.11 How will the applicant ensure that increased capacity needs of public transportation will be accommodated at the sole expense of the applicant and not the adjacent Idaho local governments?

15.12 Will private transportation systems be required and/or implemented in association with the project?

15.13 How will any proposed private transportation systems impact and/or coordinate with public transportation systems currently in operation?

15.14 Is access to the project bordering or near any scenic byways or loops? Is access through Idaho or on any Idaho public roadways planned?

16. CHILDREN, SCHOOLS, PARKS, AND RECREATION

16.1 What is the proximity of any Idaho public, private or charter school to the project site?

16.2 Are there usual and customary children's play areas within the vicinity of the project site or within 1 mile of the site in any direction?

16.3 Do public or private school buses travel the Bonner County, Idaho, road systems associated with the project site or with the transportation of raw or finished products to or from the site, and if so, how will traffic mitigations proposed by the applicant ensure safe and timely schedules for private or public school transportation needs?

16.4 Are there usual and customary recreational areas in Idaho in the vicinity of the project site that are currently utilized by the adjacent community, and if so, how will the users of these recreation areas be affected by the project?

16.5 Will the proposed project increase a need for onsite or offsite daycare facilities for children, and how will the applicant accommodate such need, inclusive of safety of children to and from day care facilities?

16.6 Is the site located in any scenic byways, areas of special concern, or unique areas? How will the project owners mitigate the loss of scenic enjoyment due to the

increased truck and rail traffic along the scenic byway in Idaho, Washington, and Canada?

17. LIGHT AND GLARE

17.1 How will the applicant assess project site light and glare to adjacent Idaho properties?

17.2 What mitigations will ensure that onsite and offsite light and glare will not increase with adjacent local Idaho government light, glare and signage requirements?

17.3 What procedures are proposed for adjacent Idaho neighbors who wish to legitimately complain of excessive light or glare?

17.4 What type of mitigation is proposed by applicant for light and glare effects from stargazers?

18. COMMERCIAL AND/OR RETAIL ANCILLARY USES

18.1 Please identify each and every Idaho-based commercial use proposed upon project completion, and projected over the next ten (10) years at the project site.

18.2 Please identify an anticipated customer and weekly/daily/hourly traffic count on Idaho roads associated with each commercial or ancillary use planned in the near-term and long-term use of the project site.

18.3 Please project estimates of revenue associated with all products produced at the proposed facility and equate that into an equivalent road and infrastructure use tax to be paid to adjacent Idaho local communities, Bonner County, Boundary County and the State of Idaho.

19. HOUSING & OVERNIGHT TOURIST ACCOMMODATIONS

19.1 Has the applicant studied the current housing stock and occupancy rates of adjacent communities? If so, how will a project workforce impact:

19.1.1 Local community housing needs, projected over the next ten years.

19.1.2 Local housing sales and rental rates, projected over the next ten years.

19.1.3 Local housing over-crowding and code enforcement conditions that might impact adjacent communities, projected over the next ten years.

19.1.4 Effects of the project on Bonner County, Idaho, property values and property taxes.

20. LOCAL ECONOMIC IMPACTS

20.1 What nationally accepted professional or scholarly data is the applicant using to evaluate the impact of a silicon smelter upon the tourism industry, natural resources and waterways in Idaho over the next ten years?

20.2 Will the workforce include both Idaho and Washington residents? Will that workforce be proportional between the states?

20.3 Does the applicant anticipate hiring a workforce from outside of the immediate community? If so, from what sources will the applicant recruit its workforce? Will Canadian workers be brought in as workforce for this Canadian company? If so, what ratio of US to Canadian workers should be expected?

21. LAW ENFORCEMENT, CRIME AND PUBLIC SAFETY

21.1 How will activity at the proposed site impact Idaho resources of local, county and state law enforcement resources, over a projected ten-year period?

21.2 What law enforcement and public safety plans have been developed for the proposed project that will be commensurate with Idaho area law enforcement and public safety needs projected over a ten-year period?

21.3 What cost mitigations is the applicant proposing to offset impacted and increased law enforcement and first responder personnel needs of Idaho agencies serving the proposed project?

22. ALTERNATIVE SITE ANALYSIS

22.1 Please identify by assessor parcel number and physical street address or location, each and all sites considered by the applicant, prior to selecting the subject site as the preferred site.

22.2 For each alternative site identified in Question 22.1 above, please describe the level of analysis conducted, and explain why the specific site was rejected, in preference for the proposed site of the applicant.

22.3 For each alternative site considered and discussed in Question 22.2 above, please identify the process and professionals that made determinations that have ultimately assessed the proposed site as the environmentally preferred site.

23. OTHER

23.1 Is the project in any way connected to the utility company Avista? Please provide all connections with personnel, owners, investors, or other.

23.2 Is the project in any way connected to the Canadian company HydroOne? Please provide all connections with personnel, owners, investors, or other.