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PROJECTS OF STATEWIDE SIGNIFICANCE

1. REQUIREMENTS FOR PROJECT OF STATEWIDE SIGNIFICANCE

The Newport smelter project has been designated a "Project of Statewide Significance." As such, it benefits from an expedited regulatory process identified in RCW 43.157.020. The process for this designation is regulated under requirements of Washington Chapter 43.157 RCW Projects of Statewide Significance. Implementation of this Department of Commerce process requires implementation of specific requirements, which should be known, transparent, and available to the public. Posting this already completed compliance information on the Ecology website for the project, would help the public understand prior actions and ongoing actions and responsibilities for implementing an accelerated process. It needs to be identified how this project will benefit the state as a whole (43.157.005). The project needs to provide a net environmental benefit (43.157.010 (5) (a) (ii)).

"The applicant must submit an application to the department for designation as a project of statewide significance to the department of commerce;..." (43.157.010 (5) (b) (ii)). The designation of statewide significance has been approved per 43.157.010 (5) (a) (iii)(J).

43.157.010 (5) (a) (iii)(J)(IV) requires "The project will provide a net environmental benefit as evidenced by plans for design and construction under green building standards or for the creation of renewable energy technology or components or under other environmental criteria established by the director in consultation with the director of the department of ecology.

A project may be qualified under this subsection (5)(b)(iii)(J) only after consultation on the availability of staff resources of the office of regulatory assistance.

43.157.020 (4) requires the participation of local officials on the team as required under RCW 43.157.030 (2)(b).

43.157.030 Project facilitator or coordinator. The Project facilitator or coordinator from the Department of Commerce Office of Regulatory Assistance

(1) The department of commerce shall:

(a) Develop an application for designation of development projects as projects of statewide significance. The application must be accompanied by a letter of approval from the legislative authority of any jurisdiction that will have the proposed project of statewide significance within its boundaries. No designation of a project as a project of statewide significance shall be made without such letter of approval. The letter of approval must state that the jurisdiction joins in the request for the designation of the project as one of statewide significance and has or will hire the professional staff that will be required to expedite the processes necessary to the completion of a project of statewide significance. The development project proponents may provide the funding necessary for the jurisdiction to hire the professional staff that will be required to so expedite. ...

... (3) The office of regulatory assistance shall assign a project facilitator or coordinator to each project of statewide significance to:

(a) Assist in the scoping and coordinating functions provided for in chapter 43.42 RCW;

(b) Assemble a team of state and local government and private officials to help meet the planning, permitting, and development needs of each project, which team shall include those responsible for planning, permitting and licensing, infrastructure development, workforce development services including higher education, transportation services, and the provision of utilities; and ...

The Department of Commerce should evidence transparency relative to the specific compliance requirements for implementing RCW 43.157. These documented aspects should be posted on the Ecology web site for the accessibility for impacted residents and local agencies. Impacted residents and agencies have a need to know who locally is representing them, as well as the Department of Commerce points of contact that are working with the Washington Department of Ecology.

The Projects of Statewide Significance was a major decision point in the regulatory, political, and environmental process and directly relates to interstate Federal Environmental Protection Agency requirements.

Corrective Action- Ecology should post the company's application to the Department of Commerce on the Ecology project web site.

Corrective Action- Ecology should post the plans for design and construction under green building standards submitted as part of the application to the Department of Commerce.

Corrective Action- Ecology should identify on the project web site all of the Department of Commerce, Department of Ecology, and local "team members." [Local residents and agencies have a need to know who is representing them.]

Corrective Action- Ecology should identify any "team members" that may be both the local officials and employed by the company.

Corrective Action- Ecology should identify who is the required Department of Commerce facilitator or coordinator.

Corrective Action- Ecology should post all letters of approval as required in RCW 43.157.030(1)(a) for legislative and jurisdictional authority.

Corrective Action- Professional staffing, as required, should be identified and posted.

Corrective Action- Ecology should post on the web site the names of individuals fulfilling the following staffing requirements: infrastructure development, workforce development services including higher education, transportation services, and the provision of utilities.

2. The project area is located immediately against the eastern state line with Idaho. The project design illustrates that the plant stack is located about 1200 feet west of the Idaho state line. Thus far, a wind rose for Newport and for adjacent communities has not been posted to illustrate the potential contaminate impact areas. If we assume that the predominate wind direction is from the south and west, most air contaminant releases will be discharged into Idaho and other downwind states and Native American Nations, rather than into Washington.

Corrective Action- The Department of Commerce should provide to the Ecology website how there is a net environmental benefit to downwind states as well as to residents of Washington, when considering the discharge of air contaminants. The Department of Ecology should document the net environmental benefit, wherein out-of-state downwind regions are considered.

Corrective Action- The Department of Commerce should identify and document if and how the net environmental benefits addressed solely the State of Washington or if downwind states were included in the cost benefit analysis. This determination should be posted on the Ecology website to support screening criteria for environmental evaluation.