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Clean Energy Coordination
Department of Ecology
P.O. Box 47709
Olympia, WA 98504-7709
For submission via Ecology's online comment portal:
https://ecology.commentinput.com/?id=W5M3PBcHV

Attn: Mark Daniel, Senior environmental planner

RE: Scoping Document for Programmatic Environmental Impact Statement on Battery Energy Storage System Facilities in Washington State (Publication No. 26-06-017)

Dear Department of Ecology:

This office represents Snoqualmie Valley for Responsible Energy (SVRE), a community organization organized and existing to address proposals for energy storage in the vicinity of the Snoqualmie Valley. Cascadia Ridge Resiliency LLC, owned by BlackRock subsidiary Jupiter Power, proposed a 130 MW battery energy storage system facility (BESS) adjacent to Snoqualmie Valley, to be operated under a tolling agreement with Puget Sound Energy (PSE). BlackRock's subsidiary stated its intention to seek certification of the project through the Energy Facility Site Evaluation Council (EFSEC).

In August 2026, the Department of Ecology (Ecology) issued a scoping document for preparation of a "Programmatic Environmental Impact Statement for Battery Energy Storage System Facilities in Washington State (Publication Number 26-06-017)" (Scoping Document), with a comment deadline of October 1, 2026. According to the Scoping Document, Ecology intends to issue a draft PEIS by June 30, 2027 and a final PEIS in 2028. SVRE asked me to provide comments on the scope of the proposed BESS PEIS.

SVRE requests that Ecology: identify the statutory authority under which it is preparing this PEIS and state whether RCW 43.21C.538 will govern its later use; conduct the

alternatives analysis required by RCW 43.21C.030(2)(e); state how BESS applications filed before the final PEIS issues will be treated; and expand the siting and impact analysis as described in Section 5 below, including identification of siting conditions under which the impacts of a BESS cannot be mitigated.

1. STATUTORY FRAMEWORK AND DEFINITION OF THE PROPOSAL.

The scope of this PEIS must be evaluated against the statute governing nonproject review of clean energy facilities. RCW 43.21C.535(1) directs Ecology to prepare nonproject environmental impact statements for enumerated categories of clean energy projects, "and colocated battery energy storage projects that may be included in such projects." Wash. Rev. Code § 43.21C.535(1) (2024). Subsection (2) states "[t]he scope of a nonproject environmental review shall be limited to the probable, significant adverse environmental impacts in geographic areas that are suitable for the applicable clean energy type." I*d.,* § 43.21C.535(2). The Scoping Document's statement that the PEIS will be limited to "geographic areas that are suitable for utility-scale lithium-ion BESS," Scoping Document at 20, tracks that language.

Stand-alone BESS facilities, however, are not among the categories enumerated in RCW 43.21C.535(1), which address green electrolytic and renewable hydrogen, utility-scale solar, and onshore utility-scale wind projects, together with battery storage co-located with those projects. Ecology should therefore identify the statutory authority under which it is preparing this PEIS. Since stand-alone BESS falls outside RCW 43.21C.535(1), the geographic limitation in subsection (2) does not bind Ecology, and the decision to confine the PEIS to lithium-ion technology in suitable geographic areas is a discretionary scoping choice subject to the SEPA Rules discussed below.

In addition, because stand-alone BESS are not identified in RCW 43.21C.535, RCW 43.21C.538 does not govern later use of this PEIS. Under that statute, project-level review of a covered clean energy project "must begin with review of the applicable nonproject environmental impact statement," and a lead agency may use the nonproject review unchanged if the project does not cause any probable significant adverse environmental impact not identified in the nonproject review. Wash. Rev. Code § 43.21C.538(2) (2024). If that framework does not apply, the impacts this PEIS analyzes are governed by the usual process under the SEPA Rules.

Independent of the statute, SEPA analysis begins with the identification of a "proposal." Wash. Admin. Code § 197-11-784 (2026). Agencies "shall make certain that the proposal that is the subject of environmental review is properly defined." *Id.,* § 197-11-060(3)(a). Subsection (3)(a)(iii) provides that "Agencies are encouraged to describe public or nonproject proposals in terms of objectives rather than preferred solutions." *Id.,* § 197-11-060(3)(a)(iii).

Instead of objectives, the Scoping Document focuses on a single type of facility: lithium-ion batteries to store energy. Scoping Document at 14-15. The Scoping Document further states "the scope of the PEIS will be limited to the potential significant adverse environmental impacts in geographic areas that are suitable for utility-scale lithium-ion BESS." *Id.* at 20 (emphasis added). If RCW 43.21C.535(2) does not govern this PEIS, that limitation is artificially restrictive. The BESS PEIS should address the overall objective inherent in BESS proposals: how to meet electricity load during periods of peak demand on the state's electrical system. This objective is only vaguely referenced at page 14 of the Scoping Document. The example in WAC 197-11-060(3)(a)(iii) to assist defining a "proposal" is particularly useful:

> A proposal could be described, for example, as "reducing flood damage and achieving better flood control by one or a combination of the following means: Building a new dam; maintenance dredging; use of shoreline and land use controls; purchase of floodprone areas; or relocation assistance."

As will be discussed herein, there are means of meeting peak electric loads other than BESS facilities.

A focus on objectives, rather than a specific means to meet an objective, is particularly important in review that is statewide in scope. Absent a statutory limitation, limiting scope at the outset of environmental review is inconsistent with SEPA.

2. TREATMENT OF APPLICATIONS FILED BEFORE THE FINAL PEIS.

The Scoping Document indicates the anticipated BESS PEIS would "tier" to individual projects and "would inform project-level environmental review and permitting." Scoping Document at 11. It also says proposed BESS facilities will need individual environmental review under SEPA using project- and site-specific information. *Id.* at 10. Individual BESS projects could be proposed by private companies and landowners, investor-owned utilities (such as PSE), public utility districts (e.g., Chelan County PUD), or municipalities (e.g., Seattle City Light). The PEIS should state expressly how applications filed or pending before issuance of the final PEIS will be treated, including whether RCW 43.21C.538 or WAC 197-11-443 permits a lead agency to rely on the draft or final PEIS for such applications, and whether state agencies and local governments may even accept applications for stand-alone BESS projects until the final PEIS on BESS is issued.

3. ALTERNATIVES ANALYSIS REQUIRED BY RCW 43.21C.030(2)(e).

The consideration of alternatives has been a key element of SEPA since its passage in 1971. RCW 43.21C.030(2)(e) directs state agencies, local governments and public corporations to "[s]tudy, develop, and describe appropriate alternatives to

recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." Wash. Rev. Code § 43.21C.030(2)(e) (2024). "[T]he subsection (2)(e) alternatives analysis is independent of the alternatives requirement under an EIS." *Wild Fish Conservancy v. Wash. Dep't of Fish & Wildlife*, 198 Wash. 2d 846, 862, 502 P.3d 359 (2022). Earlier this year, the Washington Court of Appeals applied that holding and rejected an agency's reliance on the definition of "reasonable alternatives" in WAC 197-11-786, explaining the definition relates to mitigation and is not the same as considering alternative uses of available resources under subsection (2)(e). *Ctr. for Sustainable Econ. v. Wash. State Dep't of Nat. Res.*, No. 86667-2-I, slip op. ¶¶ 47, 58 (Wash. Ct. App. Feb. 17, 2026). As Professor Settle has observed, "Open-minded, imaginative design and consideration of alternative courses of agency action is critical to SEPA's ultimate question - environmentally enlightened governmental decision making." Richard L. Settle, *The Washington State Environmental Policy Act: A Legal and Policy Analysis* (2018).

The subsection (2)(e) duty applies where a proposal involves a competition over the use of a resource in which selecting one use will preclude others, and that competition is actively in dispute. *Wild Fish Conservancy*, 198 Wash. 2d at 864-65. The siting of stand-alone BESS near load, on land that could otherwise remain in forest, wetland buffer, residential, or recreational use, presents that competition, and it is actively disputed in communities across the State.

Contrary to the directive to consider alternative courses of action, the Scoping Document limits consideration to only lithium-ion BESS proposals. Scoping Document at 11. Regarding alternatives, the Scoping Document says: "As required by SEPA, the PEIS will include a No Action Alternative" but excludes consideration of other possible alternatives. However, an EIS must consider reasonable alternatives: "Reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation." Wash. Admin. Code § 197-11-440(5)(b) (2026). Subsection (5)(b)(ii) provides that "The 'no-action' alternative shall be evaluated and compared to other alternatives." *Id.,* § 197-11-440(5)(b)(ii). Environmental review is limited to the "no-action" alternative only under limited circumstances:

> (d) When a proposal is for a private project on a specific site, the lead agency shall be required to evaluate only the no action alternative plus other reasonable alternatives for achieving the proposal's objective on the same site.

Wash. Admin. Code § 197-11-440(5)(d) (2026).

Because the BESS PEIS "scoping phase looks statewide" and because "BESS projects could potentially occur on private, city, county, state, federal or Tribal lands," Scoping Document at 21, the limitation in subsection (5)(d) does not apply. Although

WAC 197-11-440(5)(b)(i) and WAC 197-11-442 afford a lead agency flexibility in defining alternatives for a nonproject proposal, neither provision limits the independent duty imposed by RCW 43.21C.030(2)(e). Limiting the alternatives in the BESS PEIS to a no-action alternative is inconsistent with SEPA.

4. REASONABLE ALTERNATIVES TO BESS MUST BE CONSIDERED.

As described above, Ecology is required to have an open-minded review of available alternatives. "EISs shall serve as the means of assessing the environmental impact of proposed agency action, rather than justifying decisions already made." Wash. Admin. Code § 197-11-402(10) (2026). The Scoping Document limits the scope of the forthcoming PEIS to a single type of facility.

The PEIS must provide an accurate assessment of the limitations of BESS within the range of other available alternatives. Most large-scale battery storage systems in operation have a maximum discharge duration of four hours, which limits their use to short-term events. Dep't of Mkt. Monitoring, Cal. Indep. Sys. Operator, *2024 Special Report on Battery Storage 3* (May 29, 2025), https://www.caiso.com/documents/2024-special-report-on-battery-storage-may-29-2025.pdf. Recharging is also constrained during the events that matter most. The North American Electric Reliability Corporation (NERC) has found that "little time to recharge can be expected during extreme winter weather," and has cautioned system operators to anticipate that some extreme winter events will deplete battery resources when they are needed. N. Am. Elec. Reliability Corp., *2025-2026 Winter Reliability Assessment 9* (Nov. 2025), https://www.nerc.com/globalassets/our-work/assessments/nerc_wra_2025.pdf.

During the peak events that drive reliability risk, the generating resources that would otherwise supply charging energy are themselves committed to serving load. NERC's first-level energy emergency alert (EEA 1) is defined by the condition in which all available generation resources are committed to meet firm load, firm transactions, and reserve commitments. *Id.* at 12 tbl.4. During the multi-day January 2024 Northwest cold snap, thermal units were generating at maximum output while hydropower and imports flexed to follow load, and Energy and Environmental Economics, Inc. (E3), in a study sponsored in part by PSE, concluded that "[s]hort-duration energy storage cannot charge during most energy-constrained events." Energy & Env't Econ., Inc., *Resource Adequacy and the Energy Transition in the Pacific Northwest: Phase 1 Results* 2, 17, 19 (Sept. 22, 2025) (presentation to the Washington Utilities and Transportation Commission, Docket UE-210096). NERC likewise projects that, under extreme winter conditions, resources in the WECC-Northwest assessment area would fall below demand, with a reserve margin of negative 8.5 percent. N. Am. Elec. Reliability Corp., *supra*, at 11 tbl.3. The PEIS must also assess the duration of these extreme hot or cold events. E3 found that many modeled loss-of-load events in the region exceed 50 hours

and some exceed 100 hours, Energy & Env't Econ., Inc., *supra*, at 11, well beyond the discharge capacity of BESS and the availability of excess energy to allow for recharge.

E3's final report, issued in April 2026, confirms these limitations. The final report states: "The region's biggest reliability challenge is a multi-day cold weather event that occurs during a low hydro year." Energy & Env't Econ., Inc., *Resource Adequacy and the Energy Transition in the Pacific Northwest: Final Report 10* (Apr. 2026), https://www.ethree.com/ra-pnw/. Such an event "occurs during the cold winter" at a time when "[d]emand spikes while wind & solar produce less." *Id.* The final report also states that "short-duration energy storage and demand response cannot respond for the required duration," *id.* at 18, and that "short-duration storage is ineffective at meeting multi-day reliability events caused by extreme cold weather and very low hydro conditions," *id.* at 29. The PEIS needs to address whether BESS provides firm, dispatchable capacity given its short discharge capacity and the likely unavailability of energy to recharge BESS during peak load events.

Moreover, the PEIS for BESS must consider other available options to address peak power demand, as full or partial substitutes for BESS facilities.

Demand management and demand response provide for the reduction of load through voluntary or mandatory methods during peak use periods.

For utilities considering BESS, the alternative of requiring power supply agreements that allow utilities to interrupt power to commercial or industrial customers during peak periods should be considered. This alternative would be particularly applicable to data centers and other large consumers of power.

Peak-time pricing, which increases the price of power during peak use periods, is a means to reduce peak loads as an alternative to battery storage.

Separately, as described above, the PEIS must consider whether BESS must be paired with firm dispatchable generation to contribute to reliability during multi-day events, because that pairing bears directly on the environmental footprint of a BESS-based strategy.

In addition, the PEIS should consider whether alternative generation methods described in the draft *9th Northwest Power Plan* from the Northwest Power and Conservation Council could provide resources to meet peak load instead of BESS.

These and other nonproject means to address peak load must be thoroughly discussed in the PEIS. As the sponsor of the PEIS is a state agency with general jurisdiction, Ecology has broad authority to consider holistic impacts of proposed projects: what is downstream of a proposed site, who lives next door, which herds,

flocks, packs, or predators migrate through, and which types of projects actually reduce environmental harms. Under RCW 43.21C.030(2)(e), that analysis is not confined to alternatives within Ecology's own regulatory jurisdiction.

5. COMPLETE AND THOROUGH ANALYSIS OF SITING AND IMPACTS OF BESS.

The Scoping Document identifies that Ecology has previously released analysis of impacts of BESS when collocated with utility scale wind and solar projects. However, there has been no comprehensive analysis of comparison of impacts between BESS collocated with generation and BESS sited near load. This comprehensive analysis should include not only a comparison of environmental impacts, but also alternate siting analysis, impact-determination thresholds, technical feasibility, and cost. This analysis will be particularly useful to private utilities such as Puget Sound Energy and Avista which have choices between location of BESS near generation facilities or near load in local communities. Such analysis should be used in the preparation of "Integrated Resource Plans" by utilities and the consideration by the Washington Utilities and Transportation Commission. Environmental analyses like this should continue to be conducted by experts following study data, as the legislature has required for pumped storage hydropower, least-conflict solar siting on the Columbia Plateau, and other energy initiatives.

Ecology should consider and possibly adopt the method of analysis in the Transmission Programmatic Environmental Impact Statement (EIS) recently prepared by EFSEC. In that PEIS, EFSEC provided statewide analysis of areas of impact from transmission which should be avoided. For example, that PEIS assessed "Impact Determination" for various elements of the environment, assessing the severity of the impact from negligible/low to high on such resources. For example, for recreation, impacts from transmission construction for various kinds of recreation uses were considered. See Transmission PEIS at 3.14-29. The Scoping Document takes a useful first step in that direction by determining that "State parks will be excluded from the geographic scope." Scoping Document at 21. The same rationale applies to city and county parks, and the PEIS should extend the exclusion to local or federal parks. The BESS PEIS should carefully consider impacts on all recreational resources and set levels of impact.

The PEIS should also address the elements that RCW 43.21C.535(3) requires for nonproject review of clean energy facilities, even though that statute does not govern this PEIS. The scope of such a review "must consider, as appropriate," direct, indirect, and cumulative impacts, including impacts to environmental justice and overburdened communities as defined in RCW 70A.02.010. Wash. Rev. Code § 43.21C.535(3)(a) (2024). Ecology must "further specify when probable, significant adverse environmental impacts cannot be mitigated." *Id.,* § 43.21C.535(3)(b). SVRE requests that the PEIS identify siting conditions under which the impacts of a

stand-alone BESS cannot be mitigated, including proximity to schools, child care facilities, hospitals, and residences; siting within floodplains and channel migration zones; and siting that depends on a sole evacuation route.

Ecology's 2025 studies of battery storage co-located with solar and wind facilities identified hazardous air-emission risks for emergency responders if a battery is damaged or fails as well as higher noise levels, increased wildfire danger, and limited access for fire response in remote locations. The PEIS should carry each of those findings forward and evaluate how they change when a stand-alone BESS is sited in a populated area, including the adequacy of water licensed to the site, and local fire district staffing and response capacity.

The PEIS should also address the stage at which a project may rely on it. An application that has not identified specific battery hardware and chemistry cannot be meaningfully evaluated for thermal runaway, off-gassing, or fire-suppression water impacts. The PEIS should state that a project may not use the PEIS unchanged unless the applicant has identified the specific hardware and chemistry to be installed.

Ecology should include in the PEIS proximity of a proposed BESS site to sensitive receptors as a scoped element: schools, daycares, residences, hospitals, and incarceration facilities. Recognizing that people are harmed by toxic emissions, such as plumes from BESS thermal runaway, the PEIS should establish the air dispersion methodology that project-level review must apply, including the frequency of pollution-trapping atmospheric conditions and gap winds at a proposed site.

Any PEIS issued by Ecology should consider impacts of a proposed BESS site on all downstream waters. Runoff of fire-fighting water from a BESS fire may carry contaminants to downstream waterways, and the PEIS should establish containment and treatment requirements for that water. To the extent thermal loading is at issue, the PEIS should evaluate consistency with the freshwater temperature criteria in WAC 173-201A-200(1)(c). The Washington State Salmon Recovery Funding Board awarded $21.5 million to restore salmon habitat in September, 2026 alone. See https://rco.wa.gov/state-board-funds-21-5-million-in-projects-to-restore-salmon-habitat/. "These grants are for projects to give salmon the clean, cold and plentiful water they need to survive," according to Salmon Recovery Funding Board chairperson Jeff Breckel. Ecology can take the holistic view of our waterways to protect these investments.

6. CONCLUSION.

Scoping is a critical element of the overall SEPA process. A robust scoping process leads to environmental impact statements that meet SEPA standards. SVRE respectfully requests that Ecology identify the statutory authority for this PEIS and

whether RCW 43.21C.538 will govern its use; conduct the alternatives analysis required by RCW 43.21C.030(2)(e); state how applications filed before the final PEIS will be treated; and expand the siting and impact analysis as described in Section 5, including identification of siting conditions under which impacts cannot be mitigated. This comment seeks to assist the drafters of the BESS PEIS to provide a thorough and technically compliant document.

Thank you for this opportunity to comment on this important process.

Sincerely,

J. Richard Aramburu

JRA:cc
cc: Clients