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Clean Energy Coordination
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Re: Scoping Document for Battery Energy Storage Systems (BESS) Programmatic Environmental Impact Statement

To Whom it May Concern:

This letter is submitted on behalf of the City of Snoqualmie, in response to the Department of Ecology's request for public comment on the Scoping Document for Battery Energy Storage Systems (BESS) Programmatic Environmental Impact Statement, published in August, 2026 (Publication 26-06-017). I appreciate the opportunity to comment and bring the significant concerns of the broader Snoqualmie community to the Department of Ecology's attention. The comments are organized under the topics indicated below.

1. Proposal That Is the Subject of Proposed EIS.

The Scoping Document uses some terms not defined in Ecology's Model SEPA Rules, codified in ch. 197-11 WAC, and incorrectly uses others, to describe the proposal being analyzed. The Scoping Document is erroneous in this respect, and the errors must be corrected to ensure that the resulting environmental review is appropriately scoped and prepared.

For example, the Scoping Document refers to the proposed EIS as a "Programmatic EIS." "Programmatic" is not defined in the SEPA Rules; the correct terms are "nonproject EIS" and "project EIS." See WAC 197-11-774 (definition of "nonproject"); 197-11-784 (definition of "proposal"); 197-11-440 – 443 (describing required contents of an EIS, an EIS on a nonproject proposal, and required contents of EIS prepared after nonproject EIS).

The Scoping Document also states that the EIS will not be a project-specific EIS. Scoping Document at 10 ("a PEIS is not a review of a specific project."); at 11 ("PEIS will consider potential significant impacts from general types of utility-scale lithium-ion BESS facilities; it is not site-specific or for a specific project."). The Scoping Document instead claims that it "is a

type of nonproject environmental review used for planning under the State Environmental Policy Act (SEPA)," and that it "is a planning document. . . ." Scoping Document at 9, 20. These statements are incorrect.

The Scoping Document is not proposing that the EIS analyze a "Nonproject action," which *is* a term defined in the SEPA Rules. That term refers to "actions which are different or broader than a single site specific project, such as *plans, policies, and programs (WAC 197-11-704)*." WAC 197-11-774. The "plans, policies and programs" that constitute a "nonproject action" include adoption or amendment of legislation, ordinances, rules, or regulations," "adoption or amendment of comprehensive land use plans or zoning ordinances," and the "adoption of any policy, plan, or program that will govern the development of a series of connected actions." WAC 197-11-704(2)(b). The Scoping Document does not propose to analyze a "policy, plan or program." Had the Legislature conducted SEPA analysis on the Clean Energy Transformation Act, it might have prepared a nonproject EIS prior to adopting that proposed legislation Had PSE conducted SEPA environmental review of its Request for Proposals to construct a series of BESS facilities, the RFP *might* have have been considered a "nonproject action," and environmental review of it *might* have involved a nonporoject EIS. The Scoping Document does not pertain to "nonproject action," as that term is defined in Ecology's SEPA Rules.

Instead, the Scoping Document proposes to analyze a specific project, in the form of a generic, *project-specific* BESS facility, albeit one whose particular site and configuration are not known -- or, at least, are not disclosed in the Scoping Document. Scoping Document at 20 ("PEIS will focus on stand-alone, utility-scale, lithium-ion BESS, the most likely to be proposed as projects over the next several years."). In other words, the Scoping Document is addressing construction and operation of a particular physical facility – a stand-alone BESS – that is a project-specific proposal.

The Scoping Document's erroneous reliance on the undefined term "Programmatic EIS," and its incorrect description of the "proposal" to be analyzed, are **not academic** errors, but has consequences for identification and analysis of alternatives (see below).

The Scoping Document also incorrectly refers to "tiering," another term not defined in the SEPA Rules. Scoping Document at 11 ("SEPA analyses for proposed BESS projects would tier to the PEIS. "Tiering" means when a broad nonproject evaluation is later used for a project."). The Scoping Document appears to be referring to "phased review," which "means the coverage of general matters in broader environmental documents, with subsequent narrower documents concentrating solely on the issues specific to the later analysis (WAC 197-11-060(5))." WAC 197-11-776. The Scoping Document appears to be attempting to come within WAC 197-11-060(5)(c)'s reference to the appropriate use of phased review to progress from broader,

nonproject environmental review to project-specific or site-specific review. But as noted above, there is no nonproject action for the Scoping Document or EIS to analyze.

It is important that the DEIS and FEIS correctly define the proposal that is the subject of their environmental review, so that the alternatives can be correctly identified and defined, and so that the environmental review includes the appropriate level of detail and impacts analysis. WAC 197-11-060(3) requires that "Agencies shall make certain that the proposal that is the subject of environmental review is properly defined."

2. <u>Alternatives</u>.

Because the Scoping Document incorrectly states that the EIS itself will be "a planning document," it concludes that an appropriate "No Action Alternative" would be the absence of the "PEIS" where "city, county, and state agencies would continue to conduct environmental review and permitting for BESS facilities under existing state and local laws on a project-by-project basis. . . ." This is incorrect. The Scoping Document acknowledges that, even *with* preparation of the PEIS, "Proposed BESS facilities will need individual environmental review under SEPA using project- and site-specific information." The "No Action" alternative cannot be the same as alternatives following preparation of the PEIS. Instead, because the proposed PEIS is analyzing a project-specific action – construction and operation of a stand-alone, utility-scale BESS – the "No Action Alternative" must involve the operation of the energy grid *without BESS*. Simply put, where the proposed action is a "stand-alone, utility-scale, lithium-ion BESS," "**no action**" can only mean "**no BESS**," for purposes of environmental analysis and comparison of alternatives.

Per WAC 197-11-440(4), the EIS must describe and present the proposal and alternative courses of action. "Reasonable alternative" is defined in WAC 197-11-440(5) "to include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation," including the "no action" alternative. See also WAC 197-11-440(6) (EIS for proposal for private project on a specific site must evaluate "no action alternative plus other reasonable alternatives for achieving the proposal's objective. . . ."). The EIS must "[d]evote sufficiently detailed analysis to each reasonable alternative to permit a comparative evaluation of the alternatives including the proposed action." Alternative sites should also be evaluated under WAC 197-11-44096) because at present, the Scoping Document does not indicate that any specific locations for a stand-alone BESS facility have been considered in existing Ecology planning documents. In selecting alternative sites for study, the EIS should consider sites with different distances (both horizontal and vertical) from residences and commercial uses.

WAC 197-11-440(5) permits an EIS to focus analysis on a "preferred alternative." The Scoping Document appears to indicate that lithium ion battery chemistry is a part of BESS preferred alternative. Therefore, any alternative discussed in the EIS should include one or more alternatives to lithium-ion battery chemistry, *e.g.*, lithium iron phosphate (LFP) and/or sodium ion (SIB or Na-ion). Alternatives should also include different assumed site configurations and minimum battery container spacing. Aside from SEPA Rule requirements, the reason that alternative battery chemistry and BESS facility layouts need to be analyzed in the PEIS is that the different chemistries have differing energy densities, which in turn makes them differentially-susceptible to overheating, fire and explosion. Container contents, spacing and availability of automatic fire suppression systems also directly affect the likelihood of thermal propagation and thermal runaway. In order for the PEIS to adequately discuss impacts and make comparisons among alternatives, as required by WAC 197-11-440(5)(c)(iv), the PEIS must analyze one or more alternatives utilizing a battery chemistry other than lithium-ion, and utilize a different site plan and assumed container spacing that studied for the lithium ion preferred alternative.

Regarding appropriate sites, the Scoping Document at pages 20-11 states that the PEIS' scope "will be limited to the potential significant adverse environmental impacts in geographic areas that are suitable for utility-scale lithium-ion BESS," including "factors for likely development and proximity to existing infrastructure." The Scoping Document also invites input "on assumptions to identify the geographic scope of study used for the PEIS analysis." In this respect, the EIS should include one alternative site in an urban geographic area, with close proximity to electric utility substation or other power generation source, along with nearby residences, commercial businesses and other populated uses; it should also include an alternative site in an unpopulated or sparsely populated area with significant horizontal and vertical distance from residences, commercial businesses and other populated uses. Other considerations for geographic areas suitable for study should include geographic areas with greater and lesser wildfire risk, and areas with greater and lesser annual precipitation and history of drought.

3. <u>Elements of the Environment</u>.

The Scoping Document at page 21 generally identifies the appropriate elements of the environment for inclusion in the EIS. Because the PEIS is analyzing a "project action" and not a nonproject action, its analysis of significant, adverse environmental impacts is required to discuss "the principal features of the environment that would be affected, or created, by the alternatives including the proposal under consideration," including "significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to human health or the environment, such as storage, handling, or disposal of toxic or hazardous material." WAC 197-11-440(6)(c). The analysis must also include "Significant impacts on both the natural environment and the built environment," including "impacts upon and the quality of

the physical surroundings, whether they are in wild, rural, or urban areas." WAC 197-11-440(6)(e). The EIS must include discussion of "the cost of and effects on public services, such as utilities, roads, fire, and police protection, that may result from a proposal," as well as "significant environmental impacts upon land and shoreline use, which includes housing, physical blight, and significant impacts of projected population on environmental resources." *Id.*

Given these requirements, and given that this EIS is not for a "nonproject action," it is critical that EIS analysis contain sufficient detail and analysis to address the significant adverse environmental impacts, particularly impacts arising from potential battery failures and fires. This is not a situation where the EIS may offer only generalized, non-specific discussion, on the grounds that it is for "nonproject action" where less detailed information is typically available. BESS facility impacts, including impacts from battery failures, are not "rare," as prior Ecology programmatic EISes have asserted, but regular and periodic. News reports of the most recent battery fire, involving a BESS attached to a metropolitan water district solar farm in La Verne, California, are attached. Given that a BESS facility is a "project action," and given the number of BESS failure events over the last five years, detailed information concerning impacts is readily available, and those impacts must be analyzed in detail in the EIS.

For example, the Scoping Document identifies "Water resources" as one of the elements for study. The "Water Resources" chapter needs to consider potential impacts to the following aspects:

- Analysis of potential water supply need (quantity, flow rate (gallons per minute) and duration) for BESS fire suppression needs, including:

i. water needed for cooling application to surrounding battery containers and structures, to avoid thermal runaway; and

ii. water for fire suppression on adjacent timber, vegetation and structures near or adjacent to a BESS site.

- Availability and sufficiency of water rights to meet water supply needs;
- Availability and sufficiency of water distribution and storage systems, including availability of piping, pump station(s), hydrants and storage tanks
- Legal availability of above systems;
- Water quality Impacts to water bodies (rivers, streams, wetlands) and aquatic life from runoff from fire suppression, including potential water contamination from battery fire constituents;
- Water quantity impacts to water bodies (rivers, streams, wetlands) and aquatic life from runoff from fire suppression.

Similarly, the elements analyzing impacts to air quality, and environmental health and safety, must include quantitative analysis of the following:

- Chemical constituents released during a battery fire, based on facility's battery chemistry (Li vs. LFP vs. SIB) ;
- Quantity of each chemical released, per hour of fire duration;
- Plume dispersion, including horizontal distance under modeled weather conditions; and
- Potential health impacts to residences and commercial businesses at modeled distances.

The foregoing examples are illustrative, but not exhaustive. Similar levels of detailed analysis are required for all of the elements of the environment noted in the Scoping Document, including without limitation noise and vibration, land use, and public services and utilities.

4. <u>Mitigation Measures</u>.

The EIS must include a description of mitigation measures meeting the requirements of WAC 197-11-440(6). Mitigation measures should include specific measures that state or local governments and communities may take to reduce the likelihood of significant adverse impacts from battery failures / fires, including without limitation:

a. Specifying battery chemistry with lower risk of failure / fire;

b. Limiting the number / density of batteries per storage container;

c. Mandating increased minimum horizontal separation between battery containers to lower the risk of thermal runaway;

d. Mandating automated, remote: (i) fire detection; (ii) alarm and notification; and (iii) fire and explosion suppression mechanisms in battery storage containers;

e. Mandating compliance with updated versions of applicable uniform codes (including without limitation NFPA 855, UL 9540 and UL 9540A) in effect at the time of a BESS facility permit application, regardless of whether the uniform code has been adopted as part of the Washington State Building Code or Fire Code;

f. Mandating applicant payment of costs for local fire safety personnel training and response costs for BESS-related fire / explosion incidents, with such training to occur prior to BESS facility energization and periodically throughout facility lifespan;

g. Requiring applicant-paid insurance in sufficient amounts to cover potential property damage, personal injuries, business interruption and evacuation / relocation costs, for any BESS-related explosion, fire or other incident; and

h. Requiring preparation of and compliance with a commission/decommissioning plan that includes financial security, with periodic and increasing financial payments during facility operation, to ensure adequacy of financial security for fire / emergency response costs, as well as for decommission at end of facility lifespan.

5. <u>Expanded Scoping</u>

Ecology should utilize expanded scoping, and hire experts and conduct appropriate field investigations to provide a basis for the detailed analysis described above. Ecology is authorized to do so under WAC 197-11-410(1)(c) and (4). Ecology should retain qualified experts in preparation of battery fire plume dispersion analysis, fire and emergency response plans, and firefighting response to BESS fire incidents, rather than relying upon electrical power industry data and reports, or electric car battery fire responses, as Ecology did in the 2025 PEIS prepared for industrial-scale solar facilities that include BESS. *See, e.g.*, Environmental Health and Safety Technical Report, June 2025 at 50-52. Per WAC 197-11-410(f), Ecology should also coordinate with other entities with expertise, such as the National Fire Prevention Association (NFPA), the Washington Fire Chiefs Association, the National Association of Emergency and Fire Officials, and Underwriters Laboratories.

6. **Conclusion.**

I appreciate Ecology's involvement in this process, and willingness to take on the important task of analyzing environmental impacts from BESS facilities. I recognize and appreciate the significant allocation of resources this requires. I also urge Ecology to prepare the appropriately detailed, comprehensive project-level analysis, and not to hide the difficult impacts raised by these facilities under the guise of a "nonproject action," which an industrial-scale, stand-alone BESS facility is not.

Thank you in advance for your consideration of the above.

Sincerely,



James Mayhew, Mayor

CC: Snoqualmie City Council