Cindy Wills

A battery thermal-runaway event must not be evaluated solely as a fire-code or emergency-response matter when the credible consequences of that event may affect SEPA environmental elements.

The PEIS should clearly distinguish fire-code compliance from environmental review. Compliance with the International Fire Code, NFPA 855, UL 9540, UL 9540A, or approval by a local fire authority does not by itself evaluate probable impacts to air quality, soils, surface water, groundwater, critical aquifer recharge areas, wetlands, fish and wildlife, neighboring communities, transportation, evacuation routes, or public services.

Ecology should specifically address the risk that project-level lead agencies may characterize thermal-runaway consequences primarily as fire-safety matters and defer analysis of their environmental effects to later Hazard Mitigation Analyses, Emergency Response Plans, fire permits, building permits, or construction-stage review.

Where those consequences are reasonably foreseeable and relevant to determining whether a proposal may have significant adverse environmental impacts, the environmental analysis should occur early enough to inform the SEPA threshold determination and any discretionary land-use approval. Later fire-code or building-code review should supplement, not substitute for, the environmental review required under SEPA.

The PEIS should therefore provide clear guidance identifying which consequences of credible BESS failure scenarios must be addressed during SEPA review, even when separate fire, building, or emergency-response regulations also apply.

An environmental consequence does not cease to be a SEPA consequence merely because its initiating event is regulated by the fire code