

**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

In the Matter of:)	CASE NO. 15-001
Application No. 2013-01)	
)	A NOTICE OF PARTY PARTICIPATION
TESORO SAVAGE, LLC)	AND A PETITION TO INTERVENE -
)	CITY OF WASHOUGAL
VANCOUVER ENERGY)	
DISTRIBUTION TERMINAL)	
_____)	

COMES NOW, the City of Washougal, Washington, a municipal corporation and files this petition to intervene in the agency adjudication for the Tesoro Savage-LLC Vancouver Energy Distribution Terminal. The petition is pursuant to RCW 34.05.443, RCW 80.50.090 and WAC 463-30-091.

I. Identification of the Petitioner:

The petitioner herein is the City of Washougal, Washington, a municipal corporation authorized and existing under the laws of the State of Washington located in Clark County (herein after "City"). Washougal is a city organized under the general laws of the State of Washington with a Mayor-Council form of government.

II. Washougal has Serious Safety and Traffic Concerns EFSEC Must Consider and Mitigate

The project site lies less than twenty miles to the west of the City. Washougal is at the eastern end of a continuous urban area along the Columbia River composed of the cities of Vancouver, Camas, and Washougal that includes the project site on the west end. The City's primary concern will be the increase in train traffic carrying volatile Bakken crude through the City as well as an increase in train traffic generally.

Attached hereto, marked as Exhibit "A" and by this reference incorporated herein is a resolution adopted by the City Council of the City of Washougal, Washington on February 9, 2014 expressing concerns of the City related to the Southwest Washington oil terminal proposal.

1. Necessity of a Gap Analysis

Specifically, the City emphasizes this recital in the Resolution:

“EFSEC has ordered a gap analysis that studies the gaps in safety protection in the City of Vancouver as a result of increased oil train traffic but his gap analysis will not include the City of Washougal and other communities at this time”.

No on to this point has asked for a study of the safety equipment and training needed to bring the Camas-Washougal Fire Department to a level where it could respond to a serious derailment incident. It is evident that establishing the Tesoro-Savage facility will result in more trains carrying Bakken crude through Washougal.

Recently it was reported in the press that a U.S. Department of Transportation study concluded that there will likely be ten train derailments per year involving Bakken crude oil.¹ Washougal has approximately four to five miles of tracks running through the city in high-density urban areas. The chances are significant that a derailment could happen in Washougal with devastating consequences.

The failure to order a gap analysis for Washougal puts the city at greater risk.

2. Necessity of an Incident Response Plan for Washougal

The Burlington Norther Sante Fe (BSNF) has rail lines bisecting the City of Washougal running east/west through and past neighborhoods, schools, commercial areas, the City’s municipal water supply and its historic downtown. In the event a derailment occurs in Washougal, a plan needs to be in place for responding to potential explosions and spills.

Explosions will threaten the lives and property of Washougal residents. A property explosion could impact the entire downtown area of the City, including wiping out the fire and police station along with City Hall. Such a horrific eventuality, if it cannot be avoided, should at least be planned for.

The failure to prepare an incident response plan in the event of a derailment in Washougal put the City at a greater risk.

3. Necessity for Mitigation

If EFSEC determines to recommend approval of the Tesoro Savage facility in these proceedings, the impacts on Washougal must be mitigated. These come in two general areas: mitigation of safety risks and mitigation of traffic impacts. In both cases, the primary mitigation will be the elimination

¹ (AP: “Fuel-hauling trains could derail at 10 a year”
<http://m.apnews.com/ap/db-289563/contentdetail.htm?contentguid=A5fMH1y1>

of at-grade crossings and replacement with grade-separated crossings. To the City's knowledge, the elimination of such crossings in Washougal have not been specifically brought to EFSEC's attention in these proceedings.

a. Danger Mitigation

No party before EFSEC will be as knowledgeable or concerned about the specific risk of danger to Washougal and how to mitigate such danger as will its city government. As one example, the City has only one grade-separated crossing. A spill or explosion that shuts down that crossing could block emergency equipment from responding to an incident. Elimination of a at-grade crossing and replaced by one or two grade-separated crossings would help to mitigate this risk.

b. Traffic Mitigation

Any significant increase in long, slow trains (whether oil trains or other trains) will cut off the vast majority of Washougal citizens who live on the north side of the tracks, including the Washougal Fired Station, Police Station and access to State Route 14, which is the primary access into the City. As an example, the intersection at Evergreen and 32nd in Washougal is the busiest intersection in the City and located less than 150 feet from the at-grade crossing on 32nd. Near that intersection to the east is rail siding. Slow moving trains or trains accelerating from a stop will close that intersection for a significant period.

III. Washougal's Ability to Protect its Interest in Safety Risks, Traffic Impacts, and their Mitigation will be Impaired or Impeded if this Petition to Intervene is Not Granted.

The other parties in this case have not sought a gap analysis for the City even though one has been ordered for Vancouver. The other parties in this case have not sought an incident response plan for Washougal. No other party can be relied on to make such requests.

No other party will advocate for mitigation of the impacts of additional train traffic in Washougal. It is doubtful another party has brought to EFSEC's attention the unique geographic and physical setting of Washougal with the BNSF line running through. No other party is going to bring the need for mitigation of the dangers and increased traffic in Washougal more than its city government and representatives.

The failure to order an incident response plan or gap analysis has already occurred. Clearly, without Washougal before EFSEC more protections and mitigations may be denied to the City.

I declare under oath that the foregoing is true and correct.

Dated this 26th day of FEBRUARY, 2015.

Donald L. English
DONALD L. ENGLISH, Attorney for
The City of Washougal

VERIFICATION

STATE OR Washington)
)
County of Clark)

Donald L. English, being first duly sworn on oath, deposes and says:

I am the City Attorney for the Petitioner and am authorized to make this Verification on Petitioner's behalf. I have reviewed the foregoing Petition for Intervention, know the contents thereof, and believe the same to be true.

Donald L. English
DONALD L. ENGLISH, Attorney for the
City of Washougal

SUBSCRIBED AND SWORN TO before me this 26 day of February, 2015 by Donald L. English as City Attorney for the City of Washougal.

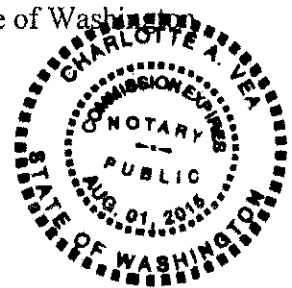
Charlotte A. Veal
NOTARY PUBLIC - State of Washington

City of Washougal

Donald L. English and Scott Russon
City Attorneys for the City of Washougal

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Vancouver, WA 98684

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3 **RESOLUTION NO. 1104**

4 **A RESOLUTION of the City Council of the City of Washougal expressing**
5 **concern to the Governor and the Energy Facilities Site Evaluation Council (EFSEC)**
6 **about oil export facility projects that increase the risk of catastrophic accidents and**
7 **increase train traffic; and authorizing intervention in the EFSEC approval process**
8 **for the Southwest Washington Oil Terminal proposal.**

9 **WHEREAS, the volume of crude oil shipped by rail has increased by 4000% in**
10 **the past five years with the impact being strongly felt in the City of Washougal; and**

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12 **WHEREAS, this increased oil train traffic jeopardizes public safety in the City of**
13 **Washougal from accidental spills or explosions; and**

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15 **WHEREAS, a proposal for a terminal in Southwest Washington to handle the**
16 **daily transportation of up to 360,000 barrels of Bakken crude oil by rail is currently**
17 **undergoing review by the Washington State Energy Site Evaluation Council (EFSEC);**
18 **and**

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20 **WHEREAS, the Southwest Washington proposal will be the largest such facility**
21 **in the United States and will significantly exacerbate the public safety risk and traffic**
22 **impacts of increasing rail traffic in and through Washougal; and**

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24 **WHEREAS, a gap analysis is being prepared that studies the gaps in safety**
25 **protection in the City of Vancouver as a result of increased oil train traffic but this gap**
26 **analysis will not include the City of Washougal and other communities at this time; and**

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28 **WHEREAS, Washougal and other affected communities should be considered in**
29 **the safety gap analysis; and**

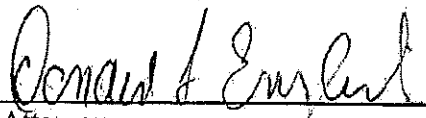
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31 **WHEREAS, funding should be provided to the City for the preparation of an**
32 **incident response plan for an incident involving an oil train accident in Washougal; and**

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34 **WHEREAS, because the City of Washougal has only one grade-separated**
35 **crossing, increased oil and other train traffic causes congestion in the City and cuts off**
36 **the city's public safety resources and downtown commercial areas from the majority of**
37 **city residents; and**

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39 **WHEREAS, assistance must be provided to establish additional grade-separated**
40 **crossings as mitigation for the increased train traffic resulting from the Southwest**
41 **Washington Terminal project and other projects; and**

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43 **WHEREAS, the EFSEC approval process provides for intervention in the**
44 **proceedings by interested parties such as the City of Washougal and such intervention**
45 **will make the impact on and need for mitigation in Washougal known; and**
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1 APPROVED AS TO FORM:

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4 _____
5 City Attorney
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Proof of Service

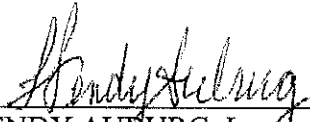
I, Wendy Auburg, hereby certify that on February 26, 2015, I served by email a copy of this document on all parties or their counsel of record on the date below as follows:

Tesoro Savage Petroleum Terminal LLC, Applicant	
<p>Kelly J. Flint Tesoro Savage Petroleum Terminal, LLC 110 Columbia Boulevard, Suite 108 & 110 Vancouver, WA 98660</p> <p>Email: kellyf@savageservices.com</p> <p>Phone: 801-944-6600</p>	<p>Jay Derr, Counsel Van Ness Feldman, LLP 719 Second Ave, Suite 1150 Seattle, WA 98104-1728</p> <p>Email: jpd@vnf.com</p> <p>Phone: 206-623-9372</p>
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<p>Brian Bonlender, Director Department of Commerce 1011 Plum Street SE Olympia, WA 98504-2525</p> <p>Email: brian.bonlender@commerce.wa.gov</p> <p>Phone: 360-725-4021</p>	<p>Maia D. Bellon, Director Department of Ecology 300 Desmond Drive Olympia, WA 98504-7600</p> <p>Email: maia.bellon@ecy.wa.gov</p> <p>Phone: 360-407-7001</p>
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Utilities and Transportation Commission	Department of Transportation
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Port of Vancouver	
Todd Coleman, Chief Executive Officer Port of Vancouver Board of Commissioners 3103 NW Lower River Rd Vancouver, WA 98660 Email: tcoleman@portvanusa.com Phone: 360-693-3611	

I certify under penalty of perjury under the law of the state of Washington that the foregoing is true

DATED this 26th day of February, 2015.


WENDY AUBURG, Legal Assistant

