

AQAC MINUTES
November 1, 2016

Members/alternates present: Bert Chessin, Martin Twer, Sue Spanke, Don Anderson, Ronni Flannery, Dave Atkins, Don Anderson, Rachel Burmeister

Members/alternates absent: Bill Flanery, Guy Hanson, Kathy Tonnessen, Garon Smith, John Ottman, Russ Thomas

Staff: Sarah Coefield

Public: Gary Matson, Chic Fitts

1. **Bert Chessin called the meeting to order**
2. **Excused absences recognized** – Bill Flanery, Guy Hanson, Kathy Tonnessen, John Ottman, Russ Thomas, Garon Smith
3. **Agenda approved as amended.**
4. **October minutes were approved with corrections.**
5. **Public comment on non-agenda items**

Gary Matson said the Bonner Community Council held a public meeting to discuss a local waste water treatment plant option and he wanted to know if it would smell as bad as the Missoula Wastewater Treatment Plant (WWTP), or if that odor is now all due to neighboring Eko Compost.

Sarah Coefield told Gary that a wastewater treatment plant will have odors. While the Missoula WWTP has invested millions of dollars to decrease its odor emissions, there are still days where it creates strong odors. Prevailing odors are currently more common from Eko Compost, but both sites contribute to odor issues in Missoula.

Chic Fitts introduced himself to the group and said he wants to see what the Council does. He said he is considering applying for the alternate vacancy.

6. **Discussion and Potential Action Item: Response to proposed Longview coal export terminal draft environmental impact statement. Potential motion to form a subcommittee to draft a response letter for the Council to forward to Air Pollution Control Board**

Sarah Coefield provided the group with some background information as well as a draft document forwarded to her by Jan Hoem. In 2012, the Council forwarded a letter to the Board that was then sent to the Army Corps of Engineers requesting a programmatic environmental impact statement for proposed coal shipping terminals on the Pacific Coast. In May 2016, the Council forwarded a letter to the Board that they sent to Cowlitz County and the Washington State Department of Ecology commenting on the Washington State Environmental Policy Act (SEPA) Draft Environmental Impact Statement (DEIS) for the proposed Millennium Bulk Terminals-Longview (MBLT). The Army Corps of Engineers (Corps) recently released the National Environmental Policy Act (NEPA) DEIS. The public comment period ends November 29th, so if the Council wishes to forward comment on the NEPA DEIS, they will need to act quickly to prepare and

submit a letter to the Board by the November 17th Board meeting.

Bert Chessin said let's back up a bit and look at what we've done in the past. He said we have a letter to Cowlitz County and the Washington State Department of Ecology from May 19th that discusses three categories of coal train traffic impacts: air quality, rail safety and climate change.

Bert said that as for air quality, we have a particulate problem in Missoula, so any additional challenges to our air resource are always unwelcome. He said that with Missoula's heavy rail traffic already bisecting the town, there is concern about exposure to coal dust.

As for the second issue, Bert said, derailments happen. He said derailments, spilling of coal, and any other train accident has the potential for water and soil impacts. He said there are also a lot of at-grade crossings in Missoula that are a cause for concern.

Beth Berlin said crossings are a concern because they cut off access.

Bert said the more general concerns are about the future burning of the coal and its associated climate change impacts. He said those were our earlier comments. These issues are still relevant, and we need to keep the pressure up.

Sue Spanke said that 100 percent of the DEIS is within two miles of the proposed terminal. She said the area being reviewed is the plant itself and a short rail spur going into the plant. She said discussions about greenhouse gases (GHGs) are limited to the rail spur, the proposed plant and the trucks building the plant. She said discussions about rail-related issues are limited to the spur going into the plant, and the health discussion only looks at the spur and the river adjacent to the plant. She said the DEIS doesn't include upstream people or any impacts from burning the coal.

Sue said that because the plant is not viable without coal from Montana and Wyoming, and not viable without burning the coal somewhere else, the scope of the DEIS is not big enough.

Sue said the group should go section by section and say this failed to address 350 miles in either direction. She said our comments can't get too in depth because the Corps didn't even address the problems.

Beth asked about the Council's turnaround time to prepare a letter.

Sarah said she'd like to have the letter finished by the end of next week in order to give the Board time to read it.

Ronnie asked if MELT (Montana Elders for a Livable Tomorrow) is preparing a letter.

Gary Matson said no, but the Bonner-Milltown community council will forward a letter to the Missoula Board of County Commissioners to send as public comment on the NEPA

DEIS.

Gary asked if the DEIS discussed health impacts.

Sue said not really.

Gary said the DEIS mentioned dust, but not much else. He said the Bonner-Milltown community council will address priorities in their letter for the commissioners – specifically calling out the need for the DEIS to address health concerns and everything outside the immediate project area. He said the Corps is responsible for the port building and Washington State was responsible for what happens in Washington. He said no one is responsible for thinking about the entire area.

Dave Atkins asked if they made reference to any other analyses.

Sue said no.

Dave said, so they just blew it off, because it was not in the port.

Sue said they did reference that the coal comes from Montana and Wyoming, but they didn't discuss transport. She said there is a chart of jurisdictions and the DEIS said that in certain cases, people providing a fuel have to say what burning it would cause. However, they never referred to it.

Beth said the second paragraph in the letter from Jan says the DEIS scoping was developed based on public comments. Jan makes the point that we commented on the scoping and our comments were clearly ignored.

Dave said he doesn't see why they're ignoring the connected actions of transporting coal and burning it.

Sue said Jan's letter is great. She said she's not sure if summarizing the issues or going section by section is better.

Ronni Flannery asked if we could incorporate our previous comments by reference.

Sarah said Jan had concerns because the NEPA and SEPA DEIS documents are not directly comparable. However, the council could build off the framework of the first letter.

Bert said that since Jan did the heavy lifting, it looks like we have the pieces necessary to build a letter. He asked what staff will need.

Sarah said will need the Council's comments and citations, preferably in writing, by the end of the week. She said she would pull together the input to make a comprehensive whole.

Sue asked if it makes sense to remind the Corps where the coal is coming from.

Bert asked if there's anything that will get the Corps' attention, anything they're looking for?

Beth said we're saying we've submitted these comments in the past and would expect the Corps would address them in the EIS. It's about the scope.

Dave said they've failed to address the connected actions.

Sue said it's cumulative, but because they only look at a small area, they minimize all of the project's potential impacts to the water, air, etc.

Dave said that because they failed to analyze connected actions, they also failed to address cumulative actions.

Sue said they don't address GHG at all from loading and burning the coal.

Don Anderson said that looking at this, it almost looks like at the very beginning they don't look at GHG from China burning the coal because China will just get the coal from somewhere else. He said putting a lot of emphasis on GHG probably won't get their attention.

Don said the fact they've left out transportation is our strongest point. He said it would be impactful if we had real numbers, such as the number of people who live within a short distance of the tracks, etc. He said those are the people who will suffer from extra trains. He said we should try to take what is most impactful from the SEPA letter and make it stronger.

Beth said her concern with not addressing climate change is that she thinks they have a wrongful attitude to start with.

Don said it's not that we shouldn't address climate change, it's that it's not our strongest argument. He said transportation of the coal is what will impact us the most, especially people living along the rail line.

Sue said that when the DEIS talks about the impacts of being delayed by trains, in the area they look at, trains are traveling at 45 mph, so the "average" delay is 55 seconds. She said their delay estimate for emergency vehicles is not appropriate.

Don said in some ways the DEIS sounds like they're saying "let's sell them our coal, because they're going to burn coal anyway." He said China's use of coal has gone up more than anywhere else in the world.

Beth pointed out that there was a memorandum of understanding (MOU) between Cowlitz County and the Washington DOE. She asked if the NEPA DEIS scope was so narrow because the SEPA DEIS covered a larger area.

The group discussed who may actually have veto power over the project.

Gary said he think the Corps can approve the port and the state not approve the permit, and the project would be effectively stopped. He said the question of if the Corps is looking at the SEPA DEIS as a good one.

Chic Fitts said it would seem that the Corps has said we have a proposal for a shipping port to collect coal – they define the project and say, ‘so we’re going to look at the building plans.’ Chic said that’s not an environmental impact statement; it’s more a building permit thing.

Chic said the group should remind the Corps that they define the project as starting at the coal pit and going to international waters. They can’t build a dam in the lower Mississippi and not consider impacts on upstream communities. This isn’t different. Wedge that door open and say you have to address these things.

Bert said we should open our statement by saying the EIS cannot take a narrow focus of only the terminal – it must look at the entire picture of the coal pit to open waters.

Don said in Section 3.5.1 the Corps outlines its jurisdiction and why it’s involved. They are a regulatory agency in charge of the port facility as part of the navigable waters of the U.S. They’d say you’re not navigable, so it’s not jurisdictional.

Beth said she thinks that may be why there’s an MOU.

Gary said the state of Washington is expecting a final EIS in 2017.

Don said that with oil trains coming through California, there were a lot of jurisdictions with rail lines coming through them. He said the one thing that stopped the whole thing was that the city denied the facility permit to pump oil out of the rail cars. He said for a while they had a permit from Sacramento County to pull oil out at the switch yard and truck it into town, but then they found out the permit was not appropriate for how it was being used.

Sue asked if there was a point in commenting on the DEIS.

Don said he doesn’t know if it’s worth our time.

Beth said she don’t think it will hurt. She said we need to make sure they’re considering other environmental impact statements. If they’re not considering them, then how does this come together?

Bert suggested copying Washington State or Cowlitz County so they know what we’re saying.

Ronni said she’s sure some of it is covered by regulations. It’s a matter of looking around to see what’s been addressed.

Beth said it's hard. How do we cover our bases in a week?

Martin Twer asked what our colleagues in Spokane and Billings are doing.

Sarah said she wasn't sure.

Gary said the DEIS was done under NEPA and public comment is requested. We're given a process, and saying we won't participate because it won't make a difference is probably the not the best way to use the process.

The group decided to work on a letter by sending their comments to Sarah. Sarah will draft a letter based on their input and the Council will reconvene next week to vote on the letter.

7. Staff report

Sarah Coefield gave the staff report. The oxyfuels professional services agreement with the contractor has been finalized. The only outdoor burning allowed this month is prescribed wildland burning. She has been working on some outdoor burning enforcement cases for illegal burns. The Montana Department of Environmental Quality's air quality meteorologist set Sarah up with a modeling tool that provides a good look at atmospheric conditions. This will be helpful for making outdoor burning decisions. Ben has been working on industry stuff and illegal stove enforcement.

8. Public comment

None.

9. Select AQAC representative for next Air Board meeting update

Bert Chessin and Beth Berlin will give the update at the next Air Board meeting.

10. Announcements, other business

The next meeting will be Wednesday, November 9th.

11. Adjourn