

Millennium Bulk Terminal

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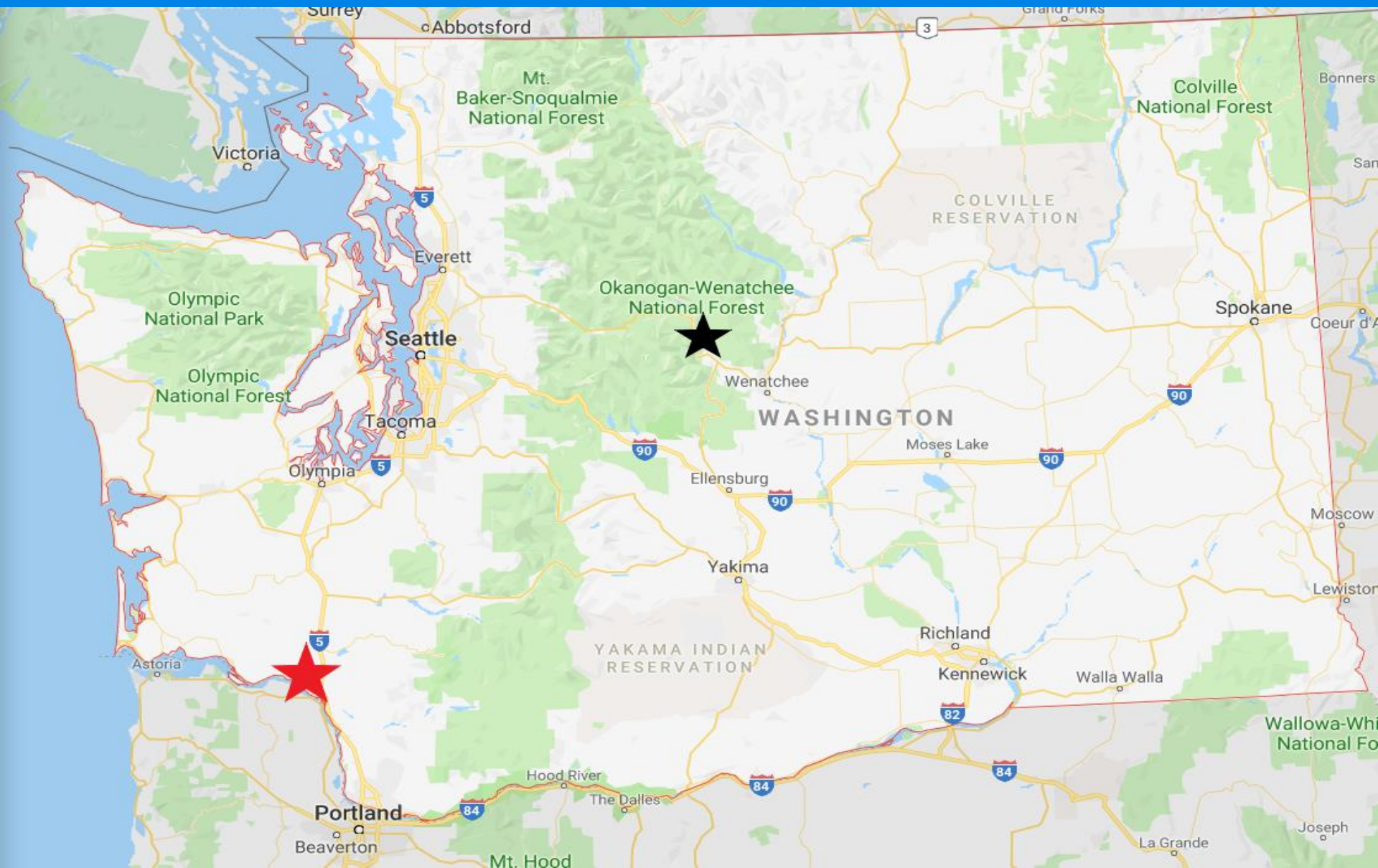
July 17, 2019



What I'll Cover

- Project Overview
- Process
- Environmental Impacts
- Permit Denial and Litigation
- Next Steps

Location of Site



Millennium Bulk Terminal-Longview Project Snapshot

16
Trains per Day
(8 loaded & 8 empty)

125
Rail Cars per Train
(1.3 miles long)

75
Acres of Coal Stockpiles

190
Acre Project Area

Dock 3

Dock 2

2

New Docks with
Shiploading Equipment

840 Vessels per Year

44 Million
Metric Tons of Coal
Export per Year



Lamberts Point Coal Terminal, VA



Coal Ship

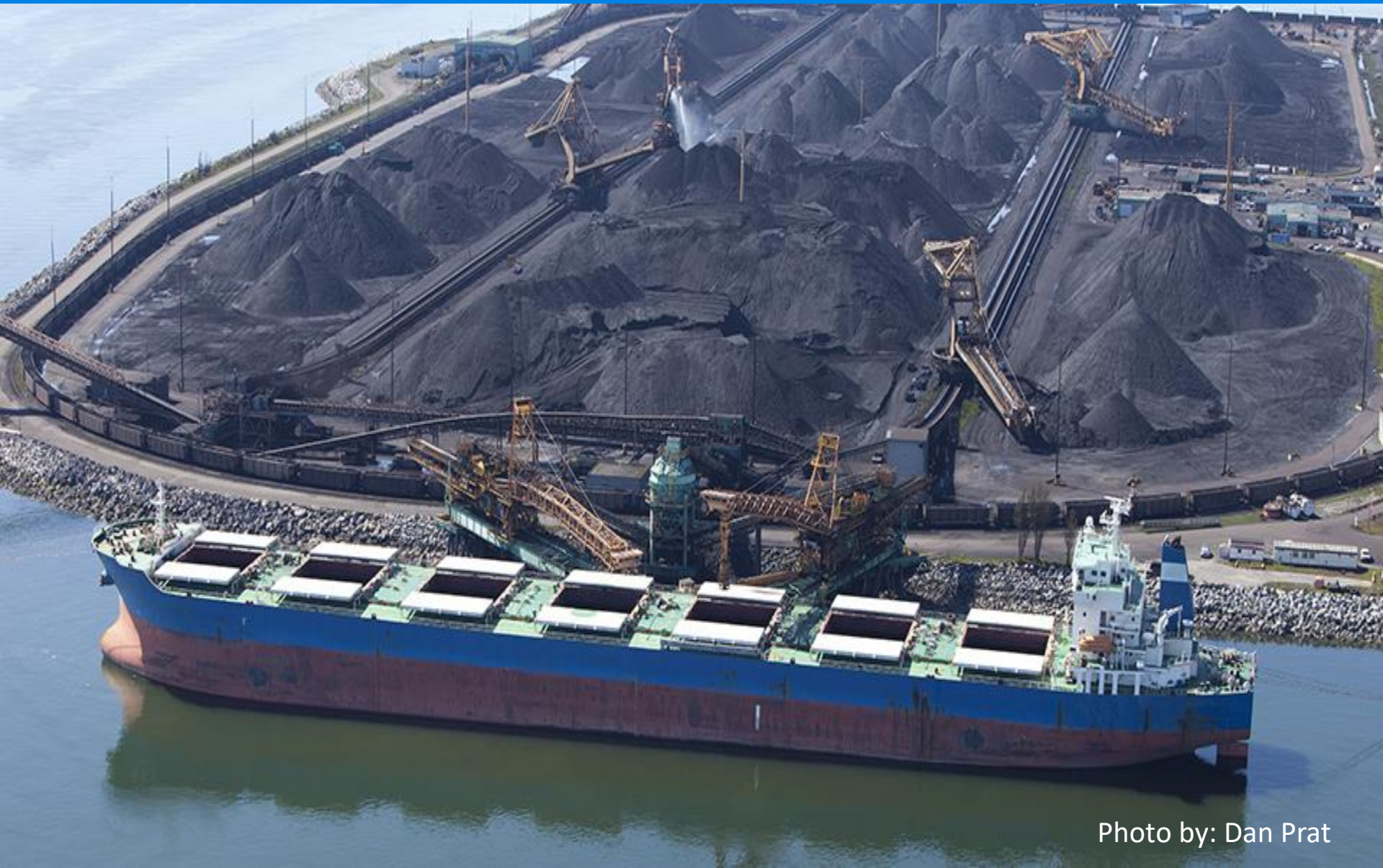


Photo by: Dan Prat

Our Authority

- **Protect, preserve and enhance** Washington's environment for current and future generations
- RCW 90.48 – Water Pollution Control
- Delegated Authority for both Federal and State decisions

Navigating the Process

- Start with Joint Aquatic Resources Permit Application (JARPA)
- Two main CWA permits
 - 401 WQ Certification
 - 404 and Section 10 Federal Permits
- Determination of Significance starts State and Federal Environmental Policy Act (SEPA/NEPA)



Ecology and County Co-Lead EIS



Significant Adverse Impacts

1. Diesel emissions from trains
2. Noise – train horns close to residences.
3. Vehicle traffic – blockages from passing trains.
4. Rail safety – 22% increase in rail accidents.
5. Rail congestion – some segments over capacity.
6. Vessel safety – 2.8 vessel incidents per year.
7. Tribal resources – impacts on fish survival and access.
8. Cultural resources – destruction of historic district.
9. Impacts on minority and low income neighborhoods.

Permits Denied

- Ecology denied 401 water quality Certification with prejudice
- Cowlitz County Hearings Examiner denied local shoreline permit
- DNR denied sublease and authorization to construct



SEPA Substantive Authority

- Any state action may be conditioned or denied.
- Supplemental to all other authority.

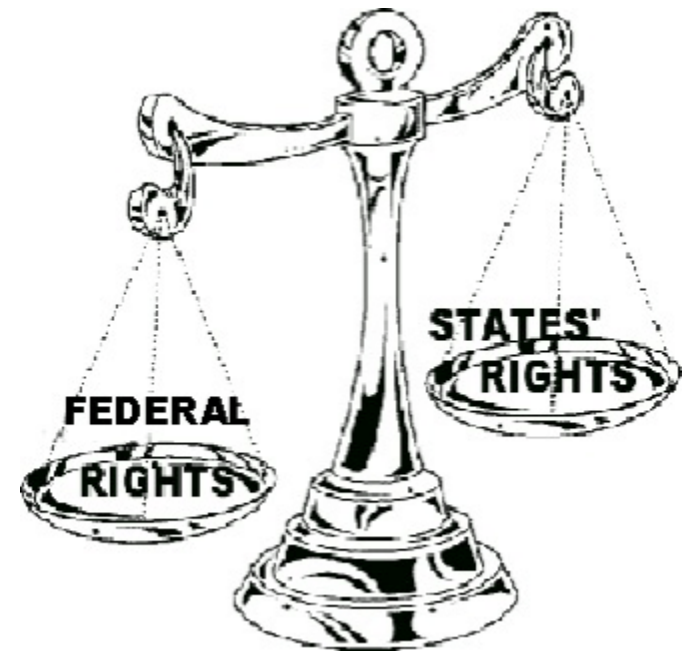
Millennium Bulk Terminals-Longview v. Ecology and others

- 401 denial – dismissed by PCHB – on appeal
- Shoreline denial – dismissed – now pending appeal
- DNR lease denial – overturned, now on appeal



Section 401 proposed changes

- Executive Order 13868
- Proposed legislation
- EPA Guidance for Federal Agencies
- EPA rulemaking



Next Steps: Defending our Decision

- Continue to defend against appeals
- Federal law supersedes WQ permit – some dismissed but rest will go to trial.
- Public Records Act and Administrative Procedures Act claims pending



A person with long hair, wearing a red life vest and a dark long-sleeved shirt, is seen from behind, sitting in a red kayak on a calm body of water. The kayak is positioned in the lower-left foreground. The water is still, reflecting the light. In the background, a large, snow-capped mountain rises against a hazy sky. The mountain's peak is partially obscured by a layer of clouds. The overall scene is peaceful and scenic, suggesting a quiet outdoor activity like kayaking or canoeing.

Questions ?