

MILLENNIUM BULK TERMINALS – LONGVIEW (MBT-LONGVIEW) COMMENTS ON COWLITZ COUNTY PROPOSED PERMIT CONDITIONS

Cowlitz Staff Recommended Measure	MBT-Longview Comment or Proposed Measure
<p>Staff recommends Shoreline Substantial Development Permit be approved subject to the following conditions:</p>	
<p>1. Construction shall proceed consistent with the plans, specifications and supporting documents submitted to this department with, and in support of, the application for the Shoreline Substantial Development and Conditional Use permits. Any proposed changes or modifications to these plans, specifications and documents, including those required by other agencies, shall require additional regulatory review and approval by the Director of Cowlitz County Building and Planning prior to implementation.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>2. Construction and operation of the Project shall comply with all Cowlitz County, Washington State, and Federal permit conditions.</p>	<p>Construction and operation of the Project Applicant shall obtain and comply with all applicable Cowlitz County, Washington State, and Federal rules, regulations and permit conditions</p>
<p>3. The permittee shall provide a copy of this permit, conditions of approval, and drawings to all contractors performing any of the authorized work.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>4. Construction waterward of the OHWM shall be tied to the schedule and conditions of other federal and state agencies, provided such conditions are consistent with and pertinent to the SMA and SMP goals, policies and regulations. Pursuant to this condition, the applicant shall provide the Director of Cowlitz County Building and Planning with copies of all local, state and federal permits associated with the project.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>5. The Applicant will provide to Cowlitz County and the Washington State Department of Ecology an annual report of compliance with mitigation requirements of an issued permit. Mitigation compliance reports will be part of the public record.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>6. Wetland and aquatic mitigation shall be implemented</p>	<p>MBT-Longview agrees with the measure as recommended</p>

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<p>according to the "Conceptual Mitigation Plan" prepared by Grette Associates dated May 25, 2017, or as amended, assuming such amendment is mutually agreed upon by all agencies with jurisdiction and the Applicant.</p>	
<p>7. The Off-Channel Slough Mitigation Site shall be preserved and protected in perpetuity. The Mitigation Site shall be monitored for a 10-year period following project construction. Year 0 will be defined as the first growing season after planting. The Site shall be monitored once during the growing season of each monitoring year. Monitoring reports shall be submitted to Cowlitz County, WDFW, WDOE, and the Corps by March 31 of the year following each monitored year.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>8. The offsite wetland mitigation site shall be preserved and protected in perpetuity by recording a conservation easement or some other means. The Mitigation Site shall be monitored for a 10-year period following project construction unless terminated earlier by consensus of the permitting agencies and the Applicant. Year 0 will be defined as the first growing season after planting. The Site shall be monitored once during the growing season of each monitoring year. Monitoring reports shall be submitted to Cowlitz County, WDFW, WDOE, and the Corps by March 31 of the year following each monitored year.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>9. Stormwater and erosion control must be provided in accordance with the applicable Chapters of Title 16 of the Cowlitz County Code. Additionally, the applicant is responsible for compliance with all other applicable local, state and federal stormwater and erosion control permitting requirements.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>10. Any spills, soil or debris accidentally entering the water during construction shall be immediately removed by approved methods. All project work in the related construction zone shall cease immediately until cleanup of such spills is completed. If a spill does occur, or if an oil sheen or</p>	<p>MBT-Longview agrees with the measure as recommended</p>

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<p>distressed or dying fish are observed in the project vicinity, the permittee shall immediately contact DOE at its Southwest Regional Spill Response Office, (360) 407-6300.</p> <p>11. The Applicant shall locate spill response kits throughout the project area during construction and operations. Spill response kits shall contain response equipment and personal protective equipment appropriate for hazardous materials that will be stored and used during construction and operations. Site personnel shall be trained in the storage, inventory, and deployment of items in the spill response kits. Spill response kits shall be checked a minimum of four times per year to ensure proper-functioning condition, and shall otherwise be maintained and replaced per manufacturer recommendations. Should a spill response kit be deployed, the Applicant shall notify the Director of Cowlitz County Building and Planning and Ecology immediately. The Applicant shall submit a map indicating the types and locations of spill response kits to the Director of Cowlitz County Building and Planning and Ecology for approval prior to beginning construction and operations.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>12. To limit the exposure of spilled coal to the terrestrial, aquatic, and built environments during coal handling, the Applicant shall develop a containment and cleanup plan. The plan shall be reviewed by the Director of Cowlitz County Building and Planning and Ecology and implemented prior to beginning export terminal operations. In the event of a coal spill in the aquatic environment by the Applicant during export terminal operations, action shall be taken based on the specific coal spill, and the Applicant shall develop a cleanup and monitoring plan consistent with the approved containment and cleanup plan. This plan must include water quality and sediment monitoring to determine the potential impact of the coal spill on the aquatic habitat and aquatic species. The Applicant shall develop the cleanup and monitoring plan in</p>	<p>MBT-Longview agrees with the measure as recommended</p>

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<p>coordination with the Director of Cowlitz County Building and Planning, Ecology, and the Corps. The cleanup and monitoring must be similar in scope to the monitoring completed for the Aquatic Impact Assessment (Borealis 2015) associated with a coal spill in British Columbia, Canada, in 2014.</p>	
<p>13. To ensure that threatened, endangered, or rare plants are not affected, the Applicant shall conduct rare plant surveys of the project area, including the ditches and stormwater conveyance features. Surveys for rare plants shall be performed for those rare plants that may occur in Cowlitz County, according to the Washington Natural Heritage Program. Surveys shall be performed prior to any Proposed Action-related ground disturbance and during the appropriate survey windows for each species. If such plant species are found, the Applicant must notify and consult with the Washington State Department of Natural Resources, and the U.S. Fish and Wildlife Service (if federally protected species are found). The Applicant shall work with the agencies to determine the appropriate conservation and mitigation measures should potential impacts on any rare plants be possible as a result of ground disturbing activities.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>14. To ensure that aquatic plants along the shoreline of the Columbia River are not affected, the Applicant shall conduct an aquatic plant survey along the shoreline of the project area prior to commencing in-water work associated with construction of Docks 2 and 3 and construction-related dredging, including all areas within the shallow water zone adjacent to the proposed docks. If areas of aquatic vegetation are found, the Applicant shall notify the Washington State Department of Natural Resources, Cowlitz County, and the U.S. Fish and Wildlife Service, and work with these agencies to develop appropriate conservation or mitigation measures before beginning any in-water work.</p>	<p>MBT-Longview agrees with the measure as recommended</p>

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<p>15. To ensure that disturbed native vegetation is restored, after construction the Applicant shall replant vegetated areas that were temporarily disturbed during construction with native vegetation suitable for site conditions post-construction. The Applicant shall monitor replanted vegetation annually for 5 years and must ensure the survival of 80% of all replanted vegetation. The Applicant shall submit annual monitoring reports to the Director of Cowlitz County Building and Planning.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>16. To mitigate permanent removal of vegetation from project construction, the Applicant shall develop and implement a revegetation plan for the project area. This plan must be approved by the Director of Cowlitz County Building and Planning prior to implementation and must be consistent with the Cowlitz County Critical Areas Ordinance (CCC 19.15).</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>17. To limit further invasion and colonization of noxious weeds on disturbed land, the Applicant shall monitor for noxious weeds during construction and operations and remove noxious weeds that invade new areas of the site. The Applicant shall coordinate with the Cowlitz County Noxious Weed Control Board if Class A and B noxious weeds are detected.</p>	<p>To limit further invasion and colonization of noxious weeds on disturbed land, the Applicant shall monitor for noxious weeds during construction and operations and remove noxious weeds that invade new areas of the site. The Applicant shall coordinate with the Cowlitz County Noxious Weed Control Board if Class A and B noxious weeds are detected.</p>
<p>18. To allow for adequate planning to address Proposed Action-related trains contributing to segments exceeding capacity on main line routes in Washington State, the Applicant shall notify BNSF and UP before each identified operational stage (Stage 1a, Stage 1b, and Stage 2) begins that will change average daily rail traffic on main line routes in Washington State. The Applicant shall prepare a report that documents the notification of BNSF and UP and tracks changes to average daily rail traffic. The report must be submitted to BNSF, UP, Washington State Department of Transportation, Utilities Transportation Commission, and the Director of Cowlitz County Building and Planning at least 6 months before the change in average daily rail traffic.</p>	<p>To allow for adequate planning to address Proposed Action-related trains contributing to segments exceeding capacity on main line routes in Washington State, the Applicant shall notify BNSF and UP before each identified operational stage (Stage 1a, Stage 1b, and Stage 2) begins that will change average daily rail traffic on main line routes in Washington State. The Applicant shall prepare a report that documents the notification of BNSF and UP and tracks changes to average daily rail traffic. The report must be submitted to BNSF, UP, Washington State Department of Transportation, Utilities Transportation Commission, and the Director of Cowlitz County Building and Planning at least 6 months before the change in average daily rail traffic, and at least 18 months before initial construction.</p>

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<p>19. To address vehicle delay impacts at grade crossings on the Reynolds Lead and BNSF Spur, the Applicant shall notify the Director of Cowlitz County Building and Planning, City of Longview, Cowlitz Fire District, City of Rainier (Oregon), Port of Longview, and Cowlitz-Wahkiakum Council of Governments before each identified operational stage (Stage 1a, Stage 1b, and Stage 2) that will change average daily rail traffic on the Reynolds Lead and BNSF Spur. The Applicant shall prepare a memorandum to document the changes to average daily rail traffic. The memorandum must be submitted to these agencies at least 6 months before the change in average daily rail traffic.</p>	<p>To address vehicle delay impacts at grade crossings on the Reynolds Lead and BNSF Spur, the Applicant shall notify the Director of Cowlitz County Building and Planning, City of Longview, Cowlitz Fire District, City of Rainier (Oregon), Port of Longview, and Cowlitz-Wahkiakum Council of Governments before each identified operational stage (Stage 1a, Stage 1b, and Stage 2) that will change average daily rail traffic on the Reynolds Lead and BNSF Spur. The Applicant shall prepare a memorandum to document the changes to average daily rail traffic. The memorandum must be submitted to these agencies at least 6 months before the change in average daily rail traffic, and at least 18 months before initial construction.</p>
<p>20. Beginning in 2018, the Applicant shall attend at least one Lower Columbia River Harbor Safety Committee meeting per year before beginning operations and every year during operations. The Applicant shall provide notification of attendance to the Director of Cowlitz County Building and Planning.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>21. Bunkering operations at Docks 2 and 3 shall be prohibited, unless reviewed and approved by the Director of Cowlitz County Building and Planning and Ecology via subsequent shoreline permit application.</p>	<p>Bunkering operations at Docks 2 and 3 shall be prohibited, unless reviewed and approved by the Director of Cowlitz County Building and Planning and Ecology via subsequent shoreline permit application. No bunkering of coal vessels shall occur at Millennium (including Docks 1, 2 and 3).</p>
<p>22. In order to minimize the impact of light or glare on adjacent properties or the Columbia River, the Applicant shall:</p> <ul style="list-style-type: none"> • Use directional lighting with full box cut-off fixtures, or equivalent, and use motion- or user-controlled light systems, where practicable and feasible. • Use neutral colors to blend with or complement surrounding environment for non-safety-related structures and equipment, and use nonreflecting materials and finishes, where practicable and feasible. 	<p>MBT-Longview agrees with the measure as recommended</p>
<p>23. Where noise levels are concerned, operation of the terminal</p>	<p>MBT-Longview agrees with the measure as recommended</p>

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<p>shall be in accordance with the provisions of WAC Chapter 173-60</p> <p>24. Pursuant to condition 23 above, and if agreed to by the property owner(s), the Applicant shall monitor noise levels at the two residences nearest the project area to detect possible noise impacts from the CET during construction and operations. If the property owners are not agreeable, noise monitoring shall be done at the residential property line. Noise shall be monitored during construction and until at least 6 months after initiation of operations. The Applicant must submit monthly noise reports to the Director of Cowlitz County Building and Planning. If the monitoring identifies a noise impact due to coal export terminal operations, the Applicant shall reduce the noise exposure by implementing appropriate noise attenuation methods.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>25. To address moderate and severe noise impacts along the Reynolds Lead due to rail traffic, (e.g. horn blowing) before beginning full operations, the Applicant shall coordinate with the Director of Cowlitz County Building and Planning, the City of Longview, Longview Switching Company, and the affected community to inform interested parties on the Federal Railroad Administration process to implement a Quiet Zone that will include the 3rd Avenue and California Avenue crossings. Public outreach on the Quiet Zone process must include low-income and minority populations. The Applicant shall assist interested parties in the preparation and submission of the Federal Railroad Administration. If the Quiet Zone is approved, the Applicant shall fund the Quiet Zone improvements, which could include electronics, barricades, and crossing gates.</p>	<p>To address moderate and severe noise impacts along the Reynolds Lead due to rail traffic, (e.g. horn blowing) before beginning full operations, the Applicant shall coordinate with the Director of Cowlitz County Building and Planning, the City of Longview, Longview Switching Company, and the affected community to inform interested parties on the Federal Railroad Administration process to implement a Quiet Zone that will include the 3rd Avenue and California Avenue crossings. Public outreach on the Quiet Zone process must include low-income and minority populations. The Applicant shall assist interested parties in the preparation and submission of the Quiet Zone application to the Federal Railroad Administration. If the Quiet Zone is approved, the Applicant shall fund the Quiet Zone improvements to the crossings, which could include electronics, barricades, and crossing gates.</p>
<p>26. If a Quiet Zone for the Reynolds Lead is not implemented, the Applicant shall fund a sound reduction study to identify ways to mitigate the moderate and severe impacts from train noise from Proposed Action-related trains along the Reynolds</p>	<p>MBT-Longview agrees with the measure as recommended</p>

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<p>Lead. The study methods shall be discussed with the Director of Cowlitz County Building and Planning and the Washington State Department of Health for approval.</p>	
<p>27. To address coal dust emissions, the Applicant shall monitor coal dust during operation of the Proposed Action at locations approved by the Southwest Clean Air Agency. The method for measuring coal dust concentration and deposition must be defined by the Southwest Clean Air Agency. If coal dust levels exceed nuisance levels, as determined by the Southwest Clean Air Agency, the Applicant shall take further action to reduce coal dust emissions. The Applicant shall conduct monthly reviews of the concentration and deposition data and maintain a record of data for at least 5 years after full operations, unless otherwise determined by the Southwest Clean Air Agency. If measured concentrations exceed PM air quality standards, the Applicant must report this information to the Director of Cowlitz County Building and Planning, the Southwest Clean Air Agency, and Ecology. The Applicant shall gather 1 year of fence line data on PM2.5 and PM10 prior to beginning operations and maintain the data as a reference. This data must be reported to the Director of Cowlitz County Building and Planning, the Southwest Clean Air Agency, and Ecology.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>28. To address coal dust emissions, the Applicant shall meet with the Southwest Clean Air Agency prior to the start of operations to design and implement a coal dust awareness and investigation system for community members in Cowlitz County. The system must be available in both English and Spanish to better receive complaints or concerns, investigate, respond, resolve, and report findings to the complainant and Southwest Clean Air Agency. The system shall be available during operation of the CET. The Applicant will operate the system or provide funding for Southwest Clean Air Agency to operate the system. A report must be submitted annually to</p>	<p>MBT-Longview agrees with the measure as recommended</p>

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<p>the Director of Cowlitz County Building and Planning, the Southwest Clean Air Agency and the City of Longview and posted on Southwest Clean Air Agency website.</p>	
<p>29. To address coal dust emissions, the Applicant shall not receive coal trains unless surfactant has been applied at the BNSF surfactant facility in Pasco, Washington for BNSF trains traveling through Pasco. For trains that will not have surfactant applied at the BNSF surfactant facility in Pasco, before beginning operations, the Applicant shall work with rail companies to implement advanced technology for application of surfactants along the rail routes for CET-related trains. Any proposed non-surfactant emission control measures will require additional environmental review.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>30. To address statewide public interests and concern of coal dust emissions, the Applicant shall attend at least one Columbia River Gorge Commission public meeting per year and be available to present information on coal dust emissions and rail traffic related to the Proposed Action and discuss concerns.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>31. To reduce greenhouse gas emissions from construction equipment, the Applicant shall provide a fuel efficiency training program to locomotive, vessel, and construction equipment operators.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>32. To reduce emissions from vessel and locomotive idling in the project area, the Applicant shall implement an anti-idling policy.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>33. The Applicant shall evaluate the use of electric cars for company cars, incentivize the use of electric vehicles by providing charging stations, and develop an incentive program for carpooling.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>34. Representatives from Cowlitz County Building and Planning shall be allowed to inspect the authorized activity at any time deemed necessary to ensure that the project is being, or has been, accomplished in accordance with the terms and</p>	<p>MBT-Longview agrees with the measure as recommended</p>

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<p>conditions of this permit.</p> <p>35. The permittee shall maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. Current best practices shall be incorporated for the safe and efficient operation and maintenance of the facility. The permittee shall notify the Director of Cowlitz County Building and Planning immediately should the authorized activity cease or be abandoned. Such action may require restoration of the area.</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>36. The applicant shall comply with Construction and Operation Regulations in the Cowlitz County Shoreline Master Program (attached to permit).</p>	<p>MBT-Longview agrees with the measure as recommended</p>
<p>37. GHG – no County recommendation</p>	<p>To address the potential direct impacts of greenhouse gas emissions from the Proposed Action, the Applicant will prepare a greenhouse gas mitigation plan (Plan) that mitigates for 100% of the annual greenhouse gas emissions identified as Scope 1 emissions. The Plan will also document measures by other entities to regulate and mitigate for Scope 2 and Scope 3 emissions. The Plan will be consistent with the International Organization for Standardization (ISO), ISO 14064-1:2006. The ISO specifies principles and requirements for qualification and reporting of GHG emissions and removals which are consistent with the World Resources Institute and World Business Council on Sustainable Development Greenhouse Gas Protocol. The ISO and Greenhouse Gas Protocol set the global standard for how to inventory and report greenhouse gas emissions. Baseline emissions addressed in the Plan are defined in the 2015 U.S. and International Energy Policy scenario in the FEIS. The Plan must be approved by the Director of Cowlitz County Department of Building and Planning. The Plan must be implemented prior to the start of full operations. The mitigation measures under the control of MBT-Longview described in the Plan may include a range of mitigation options. The measures must achieve emission reductions that are real, permanent,</p>

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	<p>enforceable, verifiable and additional. Eligible mitigation measures may include but are not limited to funding per Washington Energy Facility Site Evaluation Council (EFSEC) policy; purchases and/or permanent protection of conservation lands or wetlands offering critical habitat, carbon storage, or ecosystem values and benefits; funding for purchases of government-recognized carbon offsets on carbon markets; research supporting development of carbon sequestration technologies or renewable technology development. Mitigation payments shall be based on annual throughput for the prior year, payable within three months after the end of each year.</p>