



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

April 18, 2017

Ron Melin  
Cowlitz County  
207 Fourth Avenue North  
Kelso, WA 98626-4187

Re: Cowlitz County Permit SL 16-0975  
Port of Kalama and Northwest Innovation Works – Applicants  
Incomplete Shoreline Conditional Use Permit #1056

Dear Mr. Melin:

On March 20, 2017, the Department of Ecology (Ecology) received the Cowlitz County decision on the subject Shoreline Conditional Use Permit to construct and operate a marine facility to manufacture and export methanol at the Port of Kalama.

By law, Ecology must review all Conditional Use Permits for compliance with the following:

- The Shoreline Management Act (Chapter 90.58 RCW)
- Ecology's Conditional Use Permit approval criteria (Chapter 173-27-160 WAC)
- The Cowlitz County Local Shoreline Master Program.

After reviewing Conditional Use Permits for compliance, Ecology must decide whether to approve, approve with conditions, or disapprove them.

**Our Decision:**

We have determined the permit filing was incomplete and therefore cannot be evaluated by our department as a "complete submittal," as defined in Chapter 173-27-130 WAC. The following items are needed to complete it:

**1. Complete site plans**

The following items are required on site plans by WAC 173-27-180 (items already submitted are not listed below):

(9) A site development plan consisting of maps and elevation drawings, **drawn to an appropriate scale to depict clearly all required information**, photographs and text which shall include:

- (a) **The boundary of the parcel(s)** of land upon which the development is proposed.
- (b) **The ordinary high water mark** of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development



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where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

(f) **The dimensions and locations of all existing and proposed structures and improvements** including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

(k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

Although the November 2015 plan set (Figures 1-9) contains most of the required items, the plans do not reflect the changes discussed in the *Order Granting Petitions for Reconsideration*.

The document entitled *Applicant Northwest Innovation Works - Kalama, LLC's Post-Hearing Site Plan Submittal* describes the changes to the facility layout and includes a one-sheet site plan entitled "Potential Site Plan Revisions." The plan is dated January 31, 2017, and is part of Exhibit N-46 as referenced in the Order. The date of the plan is prior to that of the Order, which is dated March 8, 2017. It is also prior to the date of the *Findings of Fact, Conclusions of Law and Decision*, dated February 27, 2017. It is therefore unclear whether the plan reflects the final layout of the project as described in the Order.

In addition, the scale and quality of the plan are too small and low, respectively, for the reviewer to accurately discern the identity, dimensions, and exact locations of the required items. The site plan also lacks a delineation of the shoreline environment designations (SED). It is therefore not possible to discern from the plan which project components are proposed to be located in the Conservancy SED and the Urban SED.

Some of the project components on the plan are obscured by the 200-foot shoreline jurisdiction overlay, which is composed of black diagonal lines. Some project components that are apparently in shoreline jurisdiction are not labeled (e.g., a scalloped-edged rectangle around a circle that is within a rectangle labeled "bulk product storage"). Please ensure that all components are clear, visible, and labeled.

## 2. Applicant's shoreline narrative

While very detailed, the shoreline narrative is also dated prior to the site plan revisions (December 2015 and revised February 2016). It therefore does not contain the most-current information about where each project component will be located with respect to shoreline jurisdiction and the SED. We request that the shoreline narrative be revised to reflect the changes (preferably a red-line copy, showing changes).

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### 3. Greenhouse Gas Emissions

We are seeking clarification on the mass of greenhouse gasses that potentially could be released by the facility. In the FEIS and in the materials provided to the Southwest Clean Air Agency (SWCAA), NWIW establishes a self-imposed limit of 976,131 mt CO<sub>2</sub>e/year. Our review, consistent with Chapter 173-441 WAC and 40 CFR 98.243 (Subpart X), of the manufacturing process described in the FEIS and the draft Permit issued by SWCCA, finds an additional 232,136 mt CO<sub>2</sub>/yr that does not appear to be included in the calculations provided. Please provide information that clarifies total CO<sub>2</sub> emissions based on Subpart X. If this difference is correct, please describe how that will affect the limit on CO<sub>2</sub>e emissions and the draft approval from SWCAA.

The development described in this permit **MAY NOT LEGALLY BEGIN** until this permit has been completed and properly evaluated by Ecology.

#### What Happens Next?

According to WAC 173-27-130(5), this permit is void until the information identified above is received by Ecology. The list of items required for a complete permit filing is set forth in WAC 173-27-130(3).

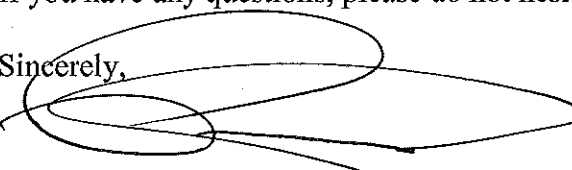
The minimum information required on permit site plans and vicinity maps is set forth in WAC 173-27-180.

Please send us the requested materials on or before May 19, 2017. If we do not receive the needed materials by this date, we must return this incomplete permit to you. Please send the requested materials to:

Rebecca Rothwell  
Department of Ecology Southwest Regional Office  
PO Box 47775  
Olympia, WA 98504-7775

If you have any questions, please do not hesitate to call me at (360) 407-7273.

Sincerely,



Perry J Lund, Unit Supervisor  
Southwest Regional Office  
Shorelands and Environmental Assistance Program

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By certified mail: 91 7199 9991 7036 9330 2900

e-cc: Tabitha Reeder, Port of Kalama  
Brian Carrico, BergerABAM  
Rebecca Rothwell, Ecology  
Paula Ehlers, Ecology  
Ben Blank, Ecology  
Emily Nelson, Assistant Attorney General