Pleasant Highlands Neighborhood Association

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Attn: Terri Brooks
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Subject: Brush Prairie Asphalt Plant Draft EIS

To Whom It May Concern:

This is the Pleasant Highlands Neighborhood Association's letter of comment on the Draft Environmental Impact Statement (DEIS) for Lakeside Industries' proposed Hot Mix Asphalt (HMA) Plant in Brush Prairie. A number of our members have reviewed the DEIS and this letter consolidates those individual comments, which we urge you to take into consideration before accepting this DEIS or permitting the Asphalt Plant project to proceed. We believe we have identified a number of issues which must be addressed by Lakeside, some with potential County-wide impacts.

Executive Summary

The greatest impacts of the proposed Asphalt Plant will be increased air, water, noise and light pollution, along with a greatly degraded overall aesthetic to the village of Brush Prairie. The air pollution will be primarily through releases of volatile organic compounds (VOCs) from the hot mix asphalt production and loading process, multiple heavy truck diesel engine fumes, aggregate dust, and potentially recycled aggregate dust. Water pollution can occur through both surface run-off to nearby Salmon Creek and infiltration to the shallow aquifer beneath this County-recognized aquifer recharge zone. Noise and light pollution from machinery, vehicles, and lighting, including substantial audible noise from the pernicious OSHA-mandated reversal alarms on vehicles are also an issue.

This project should be rejected for this location even if we focus on just one of the more obnoxious and stressful routine impacts of this type of operation: the use of OSHA-mandated reversal alarms on vehicles, whose deliberately piercing sound carries for long distances. A related major area of concern is the statement in Section 2.5 alluding to 24 hour operations occurring to meet demands of off-hour road paving operations, a particularly egregious proposed liberty that we recommend Lakeside be denied.

A large amount of the material presented in the DEIS is boilerplate/out-of-date/off-location/ vague/non-existent data which makes it hard to get a clear and accurate picture of the impacts or lack there of resulting from an operating HMA Plant. Further more, since Lakeside paid for the DEIS, there is an implication that these represent deliberate tactics of obfuscation to enable approval which would otherwise stand a good chance of being denied.

Summing up, the DEIS as written is inadequate and incomplete, and should be rejected with comments: failing completely to address a number of obvious deleterious impacts to adjacent

and neighboring property and residences, and inappropriately and incompletely analyzing a number of others, specifically Environmental Noise and Transportation impacts. Some earlier work performed for Lakeside needs to be updated and incorporated into the DEIS, specifically the June 2000 Traffic Impact Analysis prepared by Hopper and Dennis for Lakeside, which was included in the pre-Draft EIS but is missing from the current DEIS.

The DEIS does not do an adequate job of ensuring that impacts of the Proposed Asphalt Plant on County infrastructure are properly mitigated, and that adjacent residential property values do not plummet due to the presence and operation of such a massively intrusive facility into the Brush Prairie neighborhood. There are a number of significant wider impact issues with regard to Water, Disaster Planning, and Monitoring (Air and Water Quality, and Environmental Noise), Transportation (Traffic Impact, Truck and Rail), Operator-funded County Liability Indemnification, and instituting a Neighboring Resident and Business Problem Resolution Process (including Neighborhood Watchdog involvement) which must be addressed and which require appropriate mitigation.

This plant belongs in the Port of Vancouver Gateway Project, where there would be minimal impacts on all fronts, and there is up to date rail access, excellent road access and current heavy industrial usage, including batch construction material production; not next door to or upwind of a residential neighborhood.

2.5 Proposed Hours of Operation in Overall Description of Proposed Action

While the proposed hours of standard operation, 7:00 Am to 4:00 PM Monday through Friday, with occasional operation till 7:00 PM are reasonable and not in and of themselves burdensome, the suggestion that later Nighttime operations could occur when business conditions warrant is unacceptable. Operation at night would inevitably result in substantial disruption of sleep patterns of residents directly adjacent to and near the Site due to intrusive noise, light, and fumes from the fleet of heavy diesel fueled trucks which would be starting up and continuously going in and out of the Plant Sites when people working day jobs are trying to sleep in their homes.

Per the traffic study DEIS, Earth berms are a key feature of the Site designs attempted mitigation of the visual blight the Plant brings to the neighborhood. As discussed in the 3.7 Aesthetics comments it provides only a partial visual mitigation, but nonetheless is a valuable mitigation design feature about which we have some qualms. The DEIS does not adequately describe the design or initial visual appearance of the earth berms, nor the maintenance program to which Lakeside must commit to ensure that they do not resemble thrown up dirt battlements after the Plant has been in operation for a few years. It could be pretty good looking or terribly cheesy. No design details, construction or esthetic standards, sample photographs of berms at other operating sites, nor engagement of neighboring residents in the design process are included in the proposed mitigation. It is also unclear how strong a commitment there is on Lakeside's part to the "proposed" perimeter buffering, nor what recourse neighbors will have if the proposed perimeter buffering zone fails to materialize or falls grossly short of neighborhood expectations.

Environmental Analysis: 3.1 Earth

The proposed 16 foot high earthen berms are one of the good aspects of the design, but in order to provide adequate sound buffering from objectionable operations, noise emissions from the Plant Site they need to be substantially more extensive than what is depicted in Figures 2-2 and 3.5-1 of the DEIS. Thick, dense earthen berms with substantial topside vegetation for enhanced esthetics, need to surround the Southern Plant Site as well as the Northern Site, to buffer objectionable line-of-sight noise emissions from the proposed machine shop. A sound study should be conducted, supplemented by ongoing independent third party Lakeside-funded sound level measurements after the Site is up and running, to ensure that the straight earth berm-lined ingress and egress paths to the North and South Sites do not objectionably channel the sound environment within the Site out into the general public street level environment outside the Site. If necessary, an earth berm-lined serpentine or labyrinthine path may need to be added to the design to prevent objectionable noise emissions

levels. It must be remembered that this is not, in spite of its Industrial zoning, a typical location for such a facility, and many things may be necessary and appropriate which go well beyond industry norms because of the proposed Plant's proximity to established residential neighborhoods and housing.

Environmental Analysis: 3.2 Air Quality

The proposed design as described in the DEIS appears to do a credible job of addressing control and removal of toxic and measurable contaminants from air flowing through the Plant, provided that all of the apparatus associated with that function is working as intended. However, the emissions and dispersion analysis needs to be extended to include emissions from the liquid asphalt cement tanks, which contrary to the DEIS statement that they will be infrequently filled, appear likely to be filled weekly, if not daily, when the Plant is in full production.

In a common theme throughout the DEIS, there is no consideration given to worst case conditions, probable conditions given imperfect equipment maintenance, or disaster planning for when serious faults occur. Furthermore there appear to be no provisions for ongoing continuous monitoring by a Lakeside-funded independent third party, to ensure that any potentially hazardous conditions are immediately detected and appropriate corrective action is taken. That is a curious oversight regarding treatment and containment of toxic and hazardous gaseous emissions. It may well be that appropriate disaster plans exist; but they are not in evidence in the DEIS. And if such plans exist, merely mentioning them will not suffice to alleviate legitimate neighborhood concerns as to their adequacy. Catastrophic failure or disaster plans, or at minimum an abstract and summary of the plans, needs to be included in the DEIS and to be subject to review by the community. Working with the local Neighborhood Association could be a vehicle for such review. Whatever review and/or community outreach processes are planned to be implemented by Lakeside and the County need to be spelled out in some detail in the DEIS.

Although mention is made in the noise analysis of the Asphalt delivery trucks, the Air Quality Analysis is grossly deficient in not addressing that potentially major source of pollution. The issue is diesel, and the amount of pollution belched into the air by each tandem truck and trailer as it hauls its 30 ton load of asphalt out of the plant. As discussed in detail herein in the environmental analysis; 3.7 Transportation Section, this is not a small plant and at maximum peak production 10-17 trucks per hour, 42-75 outgoing trips per day on average will be going out of the plant, 200 days a year with a similar number of Aggregate hauling trucks bringing Aggregate into the plant (for at least the first 4-7 years of operation, until aggregate can be transported to the site by train, when/if that day ever comes).

That much diesel smoke, given the right wind conditions, or lack of wind, could well pose more than a slight health hazard to local residents, particularly the elderly and retired residents of the mobile home community right next door to where an incredible amount of the toxic air pollutants will be produced in staggering quantities. An analysis of the threat and proposed mitigation measures is mandatory, and completely absent from the DEIS.

Of equal concern to the neighborhood as the potentially toxic emissions from the asphalt process, but evidently less-well controlled by industry standard technology, is the question of odors and their control. Whereas numerical analyses of particulate emissions, volatile organic compounds, and other toxic or hazardous gaseous emissions are given in considerable detail in the DEIS, with regard to Asphalt processing odor control, the DEIS merely lists a number of industry-standard air treatments Lakeside plans to use. (To be fair, this may be because we are dealing with trace amounts of airborne contaminants.) The human nose is remarkably sensitive, even being among the least sensitive noses in the animal kingdom. But the point is not to make it easy to operate a particular facility. The point is to not impact the lives of the operating Asphalt Plant's business and residential neighbors. Given the subjective nature of odor sensitivity, the DEIS needs to incorporate some means of responding to, arbitrating, and correcting neighborhood odor problems and complaints.

It is stated in the DEIS that, if necessary, Lakeside will equip the liquid asphalt cement tanks with a filtration system to control smoke, volatile organic compounds, and odors released from the tanks. Such filters should be part of the baseline design. Asphalt Plants are notorious for the odors they can and frequently do emit. Furthermore the specific chemical compounds associated with the odiferous emissions are among those implicated in a number of health problems, particularly among the elderly. People choose where they live for a variety of reasons. Those who are sensitive to petroleum product fumes, who can afford to do so, will frequently choose quite clean rural areas (like Brush Prairie has been) over city and certainly over industrial environments. Even when odorous emissions are not toxic, they can cause significant levels of stress in people who are sensitive to them, and almost no one likes to live someplace that quite literally stinks.

Getting back to the odor treatments described in the DEIS, no indication is given therein as to their efficacy or acceptability to different members of the population, nor what the sensitivity distribution is by age of the people tested. Some evidence must be provided showing that the proposed odor mitigation feature of the design work, and if their working is less than perfect, for what percentage of the population they have been proven to work before and under what circumstances.

Environmental Analysis: 3.3 Water

If the vaguely described measures of water treatment are put in place and maintained, the general operational impact to water quality will still be significantly greater than the manufacturing plant alternative. Because of contradictory statements in the water quality sections, the site-generated storm water will either infiltrate in total to the shallow aquifer, causing degradation there, or it will run off the site, and pollutants will be discharged into Salmon Creek, but we don't know which. Both are bad. In either case, due to the impervious surface increase, there will be a reduction of recharge ability to the shallow aquifer beneath the site. A statement on Page 12 of Section 3.0, Appendix D indicates that additional storm water quality mitigation measures are being considered to provide additional protection. No further description of those measures, and why they are needed is given in the DEIS, but a credible reason is anticipated-environmental increases in copper, lead and zinc levels.

While the DEIS at least partially addresses the problems of water run-off containment and treatment, there is a glaring hole in the DEIS regarding water. Throughout the DEIS, numerous mentions are made of substantial water usage at the Plant, to control dust during aggregate processing operations including wetting down the 40 foot tall aggregate material pile, to reduce odor and noxious fume emissions, to wet down driving surfaces to control dust during truck moving operations, to wash down the fleet of asphalt and aggregate hauling trucks, etc. It takes more than a little water to wash down a heavy tandem dump truck, and the local Lakeside fleet will consist of at least 10, possibly as many as 17 such trucks (scaling up the 6 trucks used for the earlier peak 300 ton per hour Orchards Asphalt Plant to the equivalent transport capacity for the planned 500 ton per hour Plant on Caples Road). The question that is not addressed is: where is all of that potable water supposed to come from and what effect will such a massive consumption of water have on their neighbors?

If it is Lakeside's intent to drill a well on the property and make use of underground aquifers beneath the property, such a massive depletion of that shared regional resource could quite possibly lower the local water table enough to cause a number of neighboring wells to go dry. If their intent is to draw that water from water company taps, application of the law of supply and demand suggests a substantial increase in local water rates, potentially impacting the lives of a great many residents of Clark County, including those at some remove from the Plant. Even in such a water rich locale as this, potable water is a limited if not scarce resource and doesn't come for free.

There is a problem with the treatment plan for run-off. As written, it is inadequate in that there is no continuous ongoing third party Lakeside-funded monitoring of groundwater quality or run-off into or towards (preferably the latter) Salmon Creek to detect and correct unexpected problems as they occur, not later after the fish are dead or the aquifer is seriously polluted. The design may be adequate if everything is working. The concern here is that the DEIS provides no visibility as to what the fall-back is when everything doesn't go

right, how quickly problems can be detected, and how quickly minor and major faults can be corrected. The upper aquifer is not very deep and in a region as tectonically active as Vancouver, earth movements providing relatively direct paths into the aquifer seem not unlikely over time. Similarly, leaks in containment ponds and facilities could occur without regular ongoing monitoring and testing, with disastrous consequences to an already threatened, sensitive, and ecologically unhealthy waterway.

Environmental Analysis: 3.4 Plants & Animals - Fisheries

Unique to this type of industrial operation, and under certain conditions, copper, lead and zinc levels could fall into the toxic-to-fish range. The DEIS makes no mention of the impact of a total failure of the tank(s) holding the liquid asphalt or a major spill during transfer of the liquid asphalt to the holding tank(s). Statements are made that best management practices (BMPs) for spill containment will be followed, but such practices generally refer to small incidental spills, not large (50+ gallons) spills. One fish species that exists in the vicinity of the site, in Salmon Creek , is Federally listed as threatened: Winter Steelhead. No mention is made of impacts to other animals and plants – which may be a simple omission.

A statement on page 15 of section 3.3, appendix D indicates that "... the potential for ***significant*** adverse effects to listed fish species, their habitat, or prey species is ***small*** for the proposed action". So by Lakeside's own admission there will be impacts, and given the present precarious condition of Salmon Creek, any net degradation should not be allowed.

Environmental Analysis: 3.5 Noise

There are two primary problems with the Environmental Noise Analysis in the DEIS. First and most significantly is the exclusive use of average values of noise levels as the acceptance criteria for noise emissions by the proposed Plant. Time averaged values at best address only part of the problem. The human ear responds quite strongly to short duration or impulse noise and an evaluation of Peak noise levels is required to adequately address concerns with noise disturbing local residences. Quite intense brief duration noises for times on the order of seconds, with loudness levels on the order of that produced by jet engines a few hundred feet distant or nearby police whistles, can be shown mathematically to not exceed the time average limits discussed in the EIS (as shown in the attached Excel Spreadsheet, Asphalt Plant DEIS Analysis.xls), but would certainly be more than noticeable to nearby residents, particularly at night. As per the analysis in the Spread sheet, short duration noises on the order of 1-2 seconds in duration at the sound level equivalent of a rock band performance during the day and at 300 feet from DC-10 aircraft at night would be allowed, per the standard against which Lakeside proposes that the Asphalt Plant noise emission levels be compared. That might suffice for an industrial district. It is wholly inadequate for a residential neighborhood, regardless of the source.

The second problem with the analysis methodology is that the assumptions made in the Noise Analysis were all best-case assumptions, with all of the noise prevention techniques described in the DEIS working as planned (diesel engines perfectly tuned and idling for no more than 4 minutes [at start up, in cold weather?]), with no consideration given to worst-case or even likely failure modes.

As with the water treatment issue, a continuous, ongoinog, independent third party Lakeside-funded monitoring of sound levels at the property line at selected points on the top of the earthen berms or fences needs to be included, with Neighborhood Association involvement in resolving disputes and complaints by neighbors. There needs also to be meaningful penalties in the event disputes cannot be equitably resolved or arbitrated.

Environmental Analysis: 3.6 Land Use Patterns

To an extent, permitting an Asphalt Plant to be built and operated in Brush Prairie is a camel's nose in the tent or a domino effect problem. Or an exercise in practical applications of Gresham's law. Once the nose gets in the tent, the rest of the beast follows, in this case other industrial land uses which are equally well suited as

neighbors to established residential neighborhoods or small businesses, multiplying over time and pushing out residents from cherished homes and commercial enterprises from their established locations, when they quite rightly decide that being located next to an operating Asphalt Plant is a less than life-enriching experience..

As can be seen in the GIS Zoning Map for this area (see the figure in the attached Spreadsheet), the neighboring land uses near the site of the proposed Asphalt Plant are not industrial, with the exception of the proposed Asphalt Plant site itself. Building and operating an Asphalt Plant on the proposed site, would result in permanent changes in the surrounding land use patterns, although how quickly the changes would come is only speculation, but likely in no more than 5-10 years. that will produce some Jobs, perhaps even family wage jobs, but fewer than if the lands along Caples Road and NE 151st St. were developed as an Office Campus or Business Park.

Environmental Analysis: 3.7 Aesthetics

The proposed Asphalt Plant includes a 70 foot tall Asphalt Plant Mixing Tower and a 45 foot tall aggregate conveyor belt above a 40 foot tall periodically-renewed pile of aggregate materials. Assuming a line-of-sight commencing at a height of five feet above the base of an earthen berm and the roadway, application of simple trigonometry to the distances in the Site Plan shown in Figure 2-2 reveals that Tower and the overhead conveyor and any lights on either structure will be clearly visible above the top of the berm.

The Mixing Tower top is visible at distances ranging from 20-100 feet from the various berms around the edges of the sight, with the upper half of the Tower visible at above the berms at distances from 60-300 feet from the berms. (See attached Spreadsheet for calculations and pictures of typical Washington area Asphalt Plant Mixing Towers.) The overhead conveyor top is visible at distances ranging from 75-150 feet from the berms, with the upper 25 feet of the overhead conveyor and the upper 20 feet of the Aggregate materials pile visible from 250-500 feet from the berms.

To minimize visual impact from the portion of the Mixing Tower, gantry, aggregate pile, and taller Plant buildings visible above the earthen berms, it is important that any lights on the overhead conveyor gantry and buildings be directed downward, and (ideally) constructed with shrouds meeting International Dark Sky Association Standards to minimize light flare to the sides, consistent with aviation safety standards. Such lights will provide sufficient illumination for operations up to 7:00 PM, and for security and any infrequent non-production activities which may occur after 7:00 PM.

As discussed earlier under Earth Analysis, the condition and maintenance of the buffer zones and earthen berms and the vegetation in those areas will be crucial to the visual impression the Plant will convey. Although no formal Architectural Review process exists currently in the County, the local Neighborhood Association and in particular its newly formed Asphalt Plant Watchdog Committee, is more than interested in participating in reviews of that part of the Plant aesthetics impact mitigation design and any Lakeside corporate or industry standards being applied to same. Providing pictures showing what other Lakeside Asphalt Plants, and even other operator's Plants whose design elements are planned to be incorporated into the buffer zone and berm designs for this plant, should be included in the DEIS and serve as a vehicle for the aforementioned architectural review process.

Environmental Analysis: 3.8 Transportation

The DEIS states that because importation of aggregate is planned to be provided by train, no Traffic Analysis was deemed necessary by the County and Lakeside. That is unacceptable for several reasons. The train delivery system will not be functional during Phase 1 development of the Plant, which is planned to last for some 4-7 years or longer. During that time, when the Plant is expected to be operating at full rated capacity, aggregate importation will of necessity be by truck, with a substantial number of truck trips per day in and out of the Plant. Due to inconsistencies in the numbers presented in the DEIS, its Appendices and the earlier pre-Draft EIS Traffic Impact Analysis prepared for Lakeside by Hopper & Dennis, it is difficult to accurately

assess the additional Traffic impacts of Asphalt Importation by Truck, but a good first order estimate is that the number required will double over the estimates in the earlier pre-draft EIS Traffic Impact analysis.

Figuring as the Traffic Safety Analysis in the DEIS did that during Asphalt loading and production the Plant can produce 500 tons peak per hour of Asphalt, and that the truck and trailer combinations which Lakeside uses (see photos in attached Spreadsheet) have a 30 ton capacity, then 17 asphalt delivery trips per hour would be generated (compared to the 10 trips per hour that were generated by the old 300 ton per hour Orchard Asphalt Plant when it was last in operation), with 17 trips back in again to pick up new loads of asphalt throughout the day. Doubling those numbers to account for the aggregate delivery trucks, and you would have 64 tandem dump truck trips per peak hour at the Site, carrying 30 tons into / out of the Plant site. To that one would need to add a periodic Asphalt cement delivery trip and a liquid natural gas delivery for the burners, but how often that is required cannot be determined from the information at hand.

Compared to the traffic normally in evidence on Caples Road and the other roads in the Brush Prairie vicinity, that would generate an immense amount of wear on the roadways designed, by the principle of parsimonious design, to accommodate substantially lighter loads and not all of them concentrating daily on the same short section of road into and out of the Asphalt plant. Those numbers represent an upper bound on the level of peak rush hour heavy truck traffic which could be generated by the Asphalt Plant. Somewhat lower peak traffic impact volumes and daily totals can be estimated using the Plant capacity production numbers which are a bit inconsistent with those used in the pre-Draft Traffic Impact Analysis and the current Traffic Accident Safety Analysis in the DEIS. Furthermore, if the upper bound numbers are real, a significant traffic management and traffic flow timing problem can be anticipated, even with half the trucks coming into or out of the Plant at each of the two Plant access driveways. That would still be better than one truck every two minutes during that peak hour going into and out of the plant. Assuming the prohibition on roadside parking described in the DEIS is adhered to, it would appear there will be unavoidable overflow into the neighboring residential streets as the trucks "circle the apron until they can park at the gate".

If as stated in the DEIS (Table 2-1) the maximum average daily Plant production is 1250 tons, and the maximum daily production capacity is 2250 tons (both of which numbers are consistent with the stated planned 200 operating days per year and the annual average and capacity production levels in Table 2-1), then it is clear that the Plant cannot sustain asphalt production at the peak 500 ton per hour rate, 8 hours per day, since doing so would require a 4000 ton daily capacity and probably more trucks than Lakeside has in the Vancouver area. From this we can conclude that the plant produces asphalt in 500 ton batches, after which the mixing chamber must be refilled and a new batch remixed, a process which evidently can be done only 2-3 times per day. Using the average daily production of 1250 tons per day, for an 8 hour day and 30 ton loads, we get 5 asphalt delivery trips per hour and 5 return trips, which after doubling to account for Aggregate deliveries, gives a not insignificant 20 peak rush hour trips per hour. When the Plant is operating at capacity, producing 2250 tons of asphalt per hour, the Plant will be capable of generating 9 asphalt delivery trips, and 9 return trips, which with the Aggregate delivery trips yields 36 peak rush hour trips per hour, the value used in the earlier Traffic Impact Analysis. For the two Plant site driveways, that still gives us 1 truck every 4 minutes, which looks like rather tight timing from a traffic flow management standpoint.

Looking now at the total number of heavy truck trips into and out of the site, it appears that the Asphalt Plant will generate between 160 and 300 trips per day, 200 days per year. That is a lot of miles on roads probably not designed or constructed to support such heavy concentrated loads. If as is to be anticipated, this level of heavy truck traffic damages or forces more frequent maintenance of the local roads, then that would appear to be a local impact of the Plant on the County for which mitigation is required. At a minimum it appears essential that the Traffic Impact Analysis be reworked to include a more realistic estimate on the number of daily aggregate hauling trips required, including an analysis of the peak Plant egress problem which appears inevitable before the train is available for aggregate importation.

After the train is available for Aggregate importation, another potential South County-wide impact not addressed in the DEIS comes into play. That is the impact on daily roadway traffic due to blockage by long

freight trains hauling aggregate on tracks at the same elevation (ground level) as the roads they cross. At capacity, 2025 tons per hour of aggregate will be required (asphalt being approx. 90% aggregate by weight), 16,200 tons per day, 81,000 tons per week. With railroad hopper car capacity at around 100 tons, that is a total of 810 carloads of aggregate each week. which is 5 trains, each somewhat in excess of a mile long. With no side rails on which the aggregate cars can be sidelined until unloaded, the amount of traffic jams one can anticipate would appear to be a function of the rate (hourly, daily, or weekly) at which the aggregate is planned to be delivered, a subject on which the DEIS is mute.

Liability Insurance and Indemnification

This brings us to the last area where the DEIS is deficient in addressing mitigatable quantifiable impacts to the County, and that is the area of liability insurance and in particular the cost of the multimillion dollar policy necessary to ensure that Clark County taxpayers do not take a financial bath in the event something goes disastrously wrong and Lakeside files for Bankruptcy. Given the time of year this review is taking place and the recent news from California, one very obvious concern is wildfire, ignited by spilled asphalt in a rollover crash. Given the number of truck trips per year, the temperature of the hot asphalt in the trucks (200-300°F) and its tendency to burst into flames or ignite something that does burst into flames when spilled on a roadway, and the density of dry brittle roadside vegetation we have in Summer, the wrong wind conditions combined with an asphalt truck spill could be catastrophic. Being a smaller area and a nominally wet climate, we do not have the fire-fighting resources of California and even a relatively small blaze in the Brush Prairie area could get seriously ugly before it was done.

Like the Amphitheater, this is an area where County liability needs to be included under the Plant Operator's liability policy, probably for something on the order of 30-100 million dollars. Whether the DEIS is the appropriate vehicle for discussions and planning of that nature, we do not know, but we would be very nervous having a facility of this type operating without providing a reasonable level of County indemnification. Most of the residents of Clark County and in particular in the vicinity of Brush Prairie do not get any economic benefit from an Asphalt Plant operating there and it is not fair that they should have to risk bearing the burden of paying for clean-up and rebuilding after a foreseeable Asphalt Plant-related disaster.

Very truly yours,

William Moyer
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Patricia Price
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Enc: Asphalt Plant DEIS Analyses.xls