EARTHJUSTICE
BECAUSE THE EARTH NEEDS A GOOD LAWYER

April 21, 2022

Shirley Schultz, AICP
Principal Planner
747 Market Street, Room 345
Tacoma, WA 98402

BY EMAIL TO: shirley.schultz@cityoftacoma.org

RE: Public Comment on Proposed Permit and MDNS for LU21-0125

Dear Ms. Schultz:

Earthjustice opposes the City of Tacoma's proposed issuance of a Mitigated Determination of Non-Significance and Critical Land Use Development permit for Bridge Industrial's project to build one of the largest warehouse complexes in the world in a residential neighborhood that is already overburdened by air pollution and other environmental harms. The project cries out for a full environmental impact statement (EIS), and, as explained below, Washington's State Environmental Policy Act requires a full EIS.

I. BACKGROUND AND SUMMARY

Bridge Industrial is proposing to turn 147.5 acres of presently undeveloped land—a significant portion of which is wetland—in a residential neighborhood in South Tacoma into a massive 2.5 million square foot concrete warehouse facility with 20 acres of truck courts and parking spaces for 1,436 vehicles. As proposed, 75% of the currently uncovered space would be converted into impervious surfaces.

The proposed warehouse facility would be one of the largest warehouses facilities in the world.[1] For the purpose of comparison, Amazon's JFK8 Fulfillment Center—the Amazon warehouse in Staten Island that has been in the news in recent years after worked sued over the working conditions and later unionized—is approximately one-third the size of the proposed Bridge Industrial Tacoma site, at 855,000 square feet.[2]

[1] *See*, *e.g.*, Damotech, *Top 11 Largest Warehouses in North America* (Apr. 6, 2022), https://www.damotech.com/blog/top-10-largest-warehouses-in-north-america; Avanta, *Top 20 Largest Warehouses in the World*, https://www.avantauk.com/top-14-largest-warehouses-in-the-world/ (last visited Apr. 20, 2022).

[2] *See*, *e.g.*, Andria Cheng, *Amazon's Robot-Filled New York Fulfillment Center Gives Rivals Another Reason to Worry* (Forbes, Dec. 10, 2018), https://www.forbes.com/sites/andriacheng/2018/12/10/amazons-first-new-york-fulfillment-center-should-give-rival-retailers-another-cause-for-worry/ (noting that, at 855,000 square feet,

Bridge Industrial estimates that the complex would generate almost 5,000 new daily vehicle trips every weekday—an inaccurate estimate that, as we explain below (*see* Section III), likely reflects **less than half** of the actual daily trips that this project would generate. An estimated 28% of the increased traffic due to the project would be truck traffic, with peak traffic volumes at rush hour through already overcrowded streets.

The emissions from the diesel truck traffic generated by this project would cause significant air pollution and climate impacts that the project developers have not attempted to quantify or study, let alone mitigate.

It would also have foreseeable impacts on water. Introducing thousands of new vehicles into an area containing protected wetlands, a stream, and a critical aquifer is likely to introduce toxic chemicals from tires into these areas through stormwater runoff. In addition, replacing the site's existing permeable, water-absorbing surfaces with impervious concrete will substantially alter stormwater management, impeding recharge of the City's aquifer and increasing the load on the area's stormwater system.

And the project will burden the site's neighbors with increased noise, heat, and light pollution.

Importantly, these burdens would fall on a largely low-income and BIPOC South Tacoma community that is already overburdened by environmental harms. The historically massive warehouse facility would be mere blocks from large apartment buildings, health centers, restaurants, stores, schools, and daycares.

Allowing the project to move forward would undermine environmental justice by amplifying well into the future the cumulative environmental harms that South Tacoma is already exposed to.

Issuing a Mitigated Determination of Non-Significance and skipping a full environmental impact statement would also undermine environmental justice by preventing the community from having access to accurate, comprehensive information about all of the project's significant environmental impacts.

This proposal is crying out for a full environmental impact study. The City's proposal to issue a Critical Land Use Development Permit and Mitigated Determination of Non-Significance, allowing Bridge Industrial to forego conducting an EIS, is inconsistent with law and would exacerbate the inequality and injustice that the City should be aiming to fix.

Below, we address the legal standard under SEPA (Section II), Bridge Industrial's flawed traffic study (Section III), the project's air impacts (Section IV), the project's climate impacts (Section V), the project's water impacts (Section VI), and the project's impacts on neighbors' quality of life, including noise, heat, light, and aesthetics (Section VII), and the project's significant impacts on environmental justice (Section VIII), and conclude that SEPA prohibits the City from issuing a mitigated determination of nonsignificance; a full environmental impact statement is required (Section IX).

JFK8 on Staten Island is 20% smaller than Amazon's traditional fulfillment centers and employs more than 2,700 full-time employees).

II. LEGAL STANDARD UNDER SEPA

Washington's State Environmental Policy Act (SEPA) is intended to disclose significant adverse impacts that could arise from government action. SEPA requires an environmental impact study for any action that has "probable significant, adverse environmental impact." RCW 43.21C.031(1). A proposed development is "significant" when there is a reasonable likelihood of more than a moderate adverse impact on environmental quality. WAC 197-11-794. Adverse impacts must be reasonably likely to occur, but certainty is not required. *City of Des Moines v. Puget Sound Reg'l Council,* 98 Wn. App. 23, 854 (1999).

For the purpose of making a significance determination, "environmental quality" encompasses impacts on air (including air quality and odor); climate and energy; traffic and public safety; water (including stormwater runoff, absorption, water quality, and sewer impacts); and noise and recreation, in addition to several other categories of considerations. *See* WAC 197-11-444.

In evaluating whether a project is reasonably likely to have more than moderate adverse environmental impacts, decisionmakers must look at all parts of the project proposal, and consider both short-term project impacts and the long-term effects for the lifetime of the project or longer. WAC 197-11-060(3)(b), (4)(c). They must consider both direct and indirect impacts, including the precedent that the project will set, and future actions that may become more likely as a result of the project. WAC 197-11-060(4)(d). They must consider not just local impacts, but global impacts. *See* RCW 43.21C.030(f) (agencies must "recognize the worldwide and long-range character of environmental problems").

A mitigated determination of non-significance (MDNS) is a permissible threshold determination under SEPA only if the proposed mitigation measures for the project reduce the project's impacts are sufficient to reduce the project's environmental impacts to insignificance. *See generally* WAC 197-11-350.

If the project "continues to have a probable significant adverse environmental impact"—as broadly defined under SEPA—"even with mitigation measures," then a full EIS is required. WAC 197-11-350(2).

III. BRIDGE INDUSTRIAL'S TRAFFIC IMPACT ANALYSIS IS FATALLY FLAWED AND DRAMATICALLY UNDERSTATES THE NUMBER OF VEHICLES THE PROJECT IS LIKELY TO GENERATE.

Bridge Industrial's estimate that its project will produce 4,980 new daily vehicle trips each weekday is far too low. Bridge Industrial's traffic impact analysis is built entirely—and explicitly—on a false premise about the nature of the future tenants: that this massive warehouse facility will not be used as an e-commerce fulfillment or distribution center. This premise is demonstrably false in light of the well-documented nationwide demand for e-commerce facilities that far outstrips the existing supply, the project's proximity to I-5 and the Port of Tacoma and design to accommodate use as a fulfillment or distribution center, and the fact that Bridge Industrial has been marketing the facility to e-commerce suppliers and has received expressions of interest from e-commerce tenants.

Ignoring these possible—and, indeed, likely—uses of the project site is fatal to Bridge Industrial's traffic analysis because large fulfillment and distribution centers generate much higher rates of traffic than the potential uses that Bridge Industrial considered in its traffic study.

As explained below, if Bridge Industrial's traffic analysis had properly considered the obvious potential use of the project site as an e-commerce fulfillment or distribution center, the estimated average daily trips at the site would **more than double**, potentially creating **more than 12,000 additional daily trips**, rather than the 4,980 that Bridge Industrial projected.

All of the other components of Bridge Industrial's traffic analysis—including the analysis of the project's impact on level of service—are built on its improperly low assumption about how many vehicles will be coming and going from the facility. In other words, the study simply does not reflect the most likely reality of building this facility.

Moreover, even with the inaccurate and overly low traffic estimate, Bridge Industrial's proposed mitigation measures do not adequately alleviate even the inappropriately low levels of increase traffic that Bridge Industrial assumed the project would generate.

Plainly, the City cannot issue an MDNS for a project based on an inaccurate traffic study that dramatically understates the likely project impacts and does not fully mitigate even the incorrectly low assumed traffic.

A. How Traffic Generation Estimates Are Created

The typical method for estimating the number of additional daily vehicle trips that will be generated by a new facility is to consult the average trip generation rates in the Trip Generation Manual published by the Institute of Transportation Engineers (ITE). *See* Exhibit A (ITE, Trip Generation Manual, 10th Ed., Sept. 2017).

ITE's Trip Generation Manual groups facilities by use type and provides data-supported estimates of the average number of additional vehicle trips that each type of land use is likely to create. For warehouse-type facilities, ITE provides a trip generation rate that reflects the average new daily trips likely to be generated per 1,000 square feet of gross floor area.

ITE's "high-cube warehouse" category describes the type of massive warehouse facility Bridge Industrial is proposing to build. The "high-cube warehouse" category came into existence to address the fact that ITE's traditional "warehousing" category (ITE code 150) for facilities that are "primarily devoted to the storage of materials" did not accurately reflect the significantly higher trip generation rates for the kinds of warehouse facilities used in e-commerce, where materials are often stored only briefly before distribution and are being accessed constantly throughout the day. *See* Exhibit B (ITE, *High-Cube Warehouse Vehicle Trip Generation Analysis*, Oct. 2016).

According to ITE, a "high-cube warehouse" is a building that that is used primarily for the storage or consolidation of manufactured goods prior to their distribution to retail locations or other warehouses. Exhibit A at 119, 129, 137, 143. HCWs typically have at least 200,000 gross square feet of floor area, have ceiling heights of 24 feet or more, and have a high level of on-site automation and logistics management to enable highly efficient processing of goods. *Id*.

ITE tracks four sub-categories of high-cube warehouses: high-cube transload and short-term storage warehouses, high-cube cold storage warehouse, high-cube fulfillment center warehouse, and high-cube parcel hub warehouse.

The largest of these high-cube warehouses studied by ITE were fulfillment centers, which ranged from 818,000 square feet to 1,466,000 square feet. *Id.* at 46–53. In contrast, the traditional warehousing facilities ITE studied were dramatically smaller in scale, ranging from 129,000 to 451,000 square feet, with between 43 and 51 employees reporting to the site each day on average. *Compare id.* at 129–36 (High-Cube Warehouse Fulfillment Center, ITE Code 155), *with id.* at 67–81 (Warehousing, ITE Code 150).

B. Bridge Industrial's Project Traffic Analysis Assumes the Site Will Not Be Used As a Fulfillment Center or Distribution Center.

Bridge Industrial's trip generation analysis uses ITE's average trip generation rates, but assumes an ill-fitting kind of land use with a lower trip generation rate, applying ITE's rates for an "industrial park" rather than for a "high-cube parcel hub warehouse" or "high-cube fulfilment center warehouse."

ITE's "industrial park" land use category (ITE code 130) describes a site that "contains a number of industrial or related facilities," and is "characterized by a mix of manufacturing, service, and warehouse facilities[.]" Exhibit A at 20. The industrial park facilities that ITE studied ranged from 321,000 to 776,000 square feet, with between 745 and 1,020 employees reporting each day on average. *Id*. at 20–38.

Bridge Industrial falsely claims that its application of trip generation rates for the "industrial park" category "has the potential to overestimate traffic impacts, and should be considered conservative" because ITE's trip generation rate for an industrial park is higher than for a traditional warehouse. Bridge Industrial, Updated Transportation Impact Analysis, Dec. 10, 2021, at 1.

But using the traditional warehousing category would have made no sense; Bridge Industrial's facility is more than 5 times as large as the largest traditional warehousing facility ITE studied traditional warehousing category and almost 20 times as large as the smallest facility. *See* Exhibit A at 21–35 (Warehousing, ITE Code 150, with facilities ranging from 129,000 to 451,000 square feet). And Bridge Industrial's facility will have 1,436 parking spaces—parking nearly 30 times as many employees as the largest traditional warehouse facility, which had only 51 employees. *Compare* SEPA Checklist § 14(c) (1,436 parking spaces), *with* Exhibit A at 77–81 (Warehousing, ITE Code 150, with facilities serving between 43 and 51 employees on average).

In reality, the traffic study *underestimates* traffic impacts in light of the fact that it does not consider any of the high-cube warehouse types of land use, and does not reflect the traffic impacts that would result if the site were used as a high-cube warehouse fulfillment center or parcel hub. Bridge Industrial's traffic analysis expressly disclaims its applicability to such uses: "In the event that future tenants of the Bridge Point Tacoma site could generate more peak hour

trips than industrial park (i.e. High-Cube Fulfillment Center Parcel Hub or other land use types), additional traffic analysis may be necessary." *Id.*

Critically, the average daily trips per 1,000 square feet for a high-cube fulfillment center warehouse (ITE code 155) and a high-cube parcel hub warehouse (ITE code 156) are more than twice the average for industrial parks. In other words, if Bridge Industrial had studied how a 2.5 million square foot parcel hub or fulfillment center would impact traffic, the projected additional vehicle trips would be substantially higher.

Applying the ITE daily trip rates for fulfillment centers and parcel hub warehouses, the traffic study would have estimated that the project would produce **11,453** additional vehicle trips each weekday if the site is used as a distribution center (or "parcel hub"), or **12,088** additional vehicle trips each weekday if the site is used as a fulfillment center.

	Average daily trips per 1,000 square feet gross floor area	New weekday daily trips for Bridge Industrial facility
Warehousing (ITE code 150)	1.74	2,571
Industrial Park (ITE code 130)	3.37	4,980
High-Cube Fulfillment Center Warehouse (ITE code 155)	8.18	12,088
High-Cube Parcel Hub Warehouse (ITE code 156)	7.75	11,453

See Exhibit A.

This failure to analyze the most likely uses of the property leave a gaping hole in Bridge Industrial's application. Tacoma cannot issue a Mitigated Determination of Nonsignificance or issue a permit for the project without a reliable traffic analysis.

C. The Site Is Highly Likely to Be Used As a Fulfillment or Distribution Center.

Bridge Industrial's traffic report unquestionably should have analyzed the impact of the center being used as a parcel hub or fulfillment center.

First, use for e-commerce fulfillment and distribution is by far the most likely use case for a massive industrial facility opening in 2024 along a highway. While many parts of the economy suffered during COVID-19, e-commerce soared, creating sky-high, record-breaking demand for warehouses to be used for fulfillment and distribution centers (DC) that far outstrips the available supply.[3] Indeed, Bridge Industrial's own promotional materials highlight the likelihood that this

[3] *E.g.*, Karen E. Thuermer, *Record-Breaking Demand for Warehouse and DC Development*, Logistics Management, Feb. 8, 2021,

trend will continue. Exhibit C (Bridge Industrial, *Will the Industrial Boom Continue? At Least Throughout 2022, Expectedly*, Apr. 5, 2022, https://bridgeindustrial.com/media/article/will-the-industrial-boom-continue-at-least-throughout-2022-expectedly/).

Second, the physical characteristics of the proposed Bridge Industrial project are far more consistent with ITE's definition of a "high-cube parcel hub warehouse" or "high-cube fulfilment center warehouse" than its definition of an "industrial park," which Bridge Industrial relied on. The proposed facility would create 2.5 million square feet of gross floor area, in buildings 49 feet tall, with parking spaces for 1,436 vehicles. This is dramatically larger than the "industrial park" facilities ITE studied, which ranged from 321,000 to 776,000 square feet, with 745 to 1,020 employees reporting each day on average. *Id*. at 20–38. It not only passes the threshold for a "high-cube" warehouse (which are typically at least 200,000 square feet and with ceiling heights of at least 24 feet), it would even be bigger than every high-cube warehouse ITE studied, the largest of which was 1,466,000 square feet. *Id.* at 130. In fact, it would be one of the largest warehouses on Earth.[4]

Third, Bridge Industrial and its representatives have been marketing the site to e-commerce enterprises engaged in distribution and fulfillment. Bridge Industrial touts the site's suitability for these uses in promotional materials:

> As more e-commerce, technology, and logistics users flock to the Pacific Northwest—and the Greater Seattle region in particular—Bridge is excited to bring such a strategically located development of this scale to market. The proximity of this site to so many key transit options, such as the Port of Tacoma and I-5, make it ideal for a variety of users meeting the ever-increasing demand for last-mile and next-day delivery.

Exhibit D (Bridge Industrial Press Release, *Bridge Industrial Acquires 2.5 Million SF Seattle Site for Future 'Bridge Point Tacoma 2MM,'* Sept. 29, 2021, https://bridgeindustrial.com/media/press-release/bridge-industrial-acquires-development-sites-for-bridge-point-tacoma-125-bridge-point-tacoma-210/). Similarly, the promotional flyer for the project emphasizes the site's location "just minutes from Interstate 5 and the Port of Tacoma." Exhibit E (Kidder Mathews, *Bridge Point Tacoma 2MM*, https://www.bridgepointtacoma2mm.com/downloads/Bridge-Point-Tacoma-2MM-Flyer.pdf).

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https://www.logisticsmgmt.com/article/record_breaking_demand_for_warehouse_and_dc_development; *see also*, *e.g.*, Ana Monteiro, *Covid E-Commerce Boom Sees U.S. Retailers Hunt for Warehouses*, Bloomberg, Jan. 11, 2022, https://www.bloomberg.com/news/newsletters/2022-01-11/supply-chain-latest-covid-e-commerce-boom-sees-warehouse-demand-soar ("Such is demand for logistics centers that prices for industrial space outgained offices and apartments for most of 2021").

[4] *See*, *e.g.*, Damotech, *Top 11 Largest Warehouses in North America* (Apr. 6, 2022), https://www.damotech.com/blog/top-10-largest-warehouses-in-north-america; Avanta, *Top 20 Largest Warehouses in the World*, https://www.avantauk.com/top-14-largest-warehouses-in-the-world/ (last visited Apr. 20, 2022).

Fourth, the proposed facility has reportedly already piqued interest among e-commerce firms engaged in distribution operations. In September 2021, a broker with Kidder Mathews representing Bridge Industrial told a reporter that "[t]here has already been interest from some large distribution tenants looking to pre-lease the space[.]" Exhibit F (Shawna De La Rosa, *Bridge Industrial snags 150-acre Tacoma vacant site for $158M*, Puget Sound Business Journal, Sept. 29, 2021, https://www.bizjournals.com/seattle/news/2021/09/28/bridge-development-partners-snags-tacoma-industria.html).

As ITE has pointed out, "Although the tenant or its planned operations are often unknown at the time of site development review, for the purpose of estimating vehicle trip generation, it may be as important to know the tenant as much as other facility factors." Exhibit B at 1.

Bridge Industrial's failure to study the traffic impacts of the site's highly likely use as a distribution or fulfillment center is fatal to the analysis. The incorrect trip generation estimates render the rest of the traffic analysis unreliable. This reason alone is sufficient grounds for the City to require a full EIS.

D. Bridge Industrial's Proposed Mitigation Would Not Reduce the Project's Traffic Impacts to Non-Significance.

Because Bridge Industrial's traffic study relies on inappropriately low trip generation rates—less than half what they should be—Bridge Industrial's proposed mitigation is necessarily flawed because it does not address the full scale of the impacts.

But even if Bridge Industrial's trip generation rates were reliable (which they are not), the mitigation proposed would still be inadequate to justify the City issuing an MDNS.

The proposed mitigation would require the City to invest substantial resources to facilitate the redesign of the surrounding infrastructure in ways that would not serve other City residents well. And even after a substantial infrastructure overhaul, these measures would fail to ameliorate all of the harmful traffic impacts from the projects.

The traffic study proposes that the City create a future road—the North Access road—to connect the project site to S. 35th St., and add a traffic signal, roadway channelization, sidewalks, and bicycle facilities at that intersection, as well as redesigning the intersections along S. 35th St. at S. Union Ave. and at S. Tacoma Way to better accommodate truck traffic from the project site through measures like rechannelization, curb radius widening, a shared use path, utility pole relocation, and signal modifications.

It also proposes a future extension of S. Madison St. to connect the project site to S. 56th St. and installing features to make it "as undesirable as possible" for trucks to use S. 56th St. to access I-5, including speed bumps, weight limits, and signage.

Importantly, the traffic study acknowledges that these proposals are unlikely to be enough to mitigate the impacts on traffic at 56th St., noting that securing tenants of the project site with "a less intensive land use with a lower trip generation" than the already inappropriately

conservative "industrial park" category Bridge Industrial's traffic study relied on would prevent some of the projected loss of service forecast at this intersection, and recommends a "future analysis" of this intersection "after the project opening and buildout to better assess traffic volumes based on the future tenant(s)." Bridge Industrial, Updated Transportation Impact Analysis, Dec. 10, 2021, at 2.

The City cannot make a Mitigated Determination of Non-Significance based on Bridge Industrial's promise to analyze the full traffic impacts of its project some time in the future. The goal of SEPA is to analyze and understand a project's impacts before it is approved. An applicant's promise to later study a project's impacts is not appropriate mitigation under SEPA, and cannot justify the issuance of Mitigated Determination of Non-Significance. Without an accurate traffic study and mitigation measures that reflect the project's true traffic impacts and reduce those impacts to non-significance, the City must deny the requested permit and MDNS.

IV. INTRODUCING THOUSANDS OF DIESEL TRUCKS INTO A RESIDENTIAL NEIGHBORHOOD WOULD CAUSE SIGNIFICANT ADVERSE IMPACTS TO AIR QUALITY AND PUBLIC HEALTH.

A. Bridge Industrial's Proposed Warehouse Would Generate Thousands of Diesel Truck Trips.

Bridge Industrial's proposed project would cause significant air pollution impacts by introducing thousands of diesel trucks trips into the residential neighborhoods that abut the facility—neighborhoods that already experiences some of the worst diesel pollution in the state.

Even if Bridge Industrial's traffic analysis were accurate (which, as explained in Section III, is not the case), the project would introduce at least 4,980 new weekday daily vehicle trips—which represents approximately 17% of the *total* truck traffic servicing the Port of Seattle—onto residential streets of South Tacoma. Bridge Industrial's traffic study estimates that truck trips will "account for about 28 percent of the total new weekday daily trips, and 12 percent of the total new weekday AM and PM peak hour trips."[5] Thus, even according to Bridge Industrial's inappropriately low estimates, the project would generate approximately 1,394 new truck trips per day (28% of 4,980).

Putting this number of truck trips in perspective, the entire Port of Seattle including cargo and cruise terminals generates 8,000 truck trips per day.[6] Thus, according to Bridge Industrial's own estimates, the project would generate 17% of the total number of trucks servicing *all terminals* at the Port of Seattle.

Further, as explained above in Section III, in reality, the project would likely generate **more than double** the number of additional vehicle trips estimated in Bridge Industrial's Traffic Report.

[5] Bridge Industrial, Updated Transportation Impact Analysis, Dec. 10, 2021, at 1.
[6] Port of Seattle, Freight by the Numbers, Mar. 2018, https://www.portseattle.org/sites/default/files/2018-03/Viaduct_Folio_20090921.pdf (average 8,000 truck trips per day at Port of Seattle).

This could mean that the equivalent of more than 30% of the total freight volume servicing the Port of Seattle would travel through residential streets in the City of Tacoma.

The vast majority of trucks use diesel powered engines—75% of all trucks in America, and up to 97% of the heaviest classes.[7] These heavy-duty diesel vehicles are the largest source of diesel exhaust in the state.[8]

The project proposal does not provide any information regarding the types of trucks that Bridge Industrial or its tenants would attract or whether Bridge Industrial would require its tenants to electrify their fleets as a condition of tenancy. But Bridge Industrial advertises the availability of almost 1,000 parking spots for heavy duty trucks carrying trailers.[9] Since 97% of heavy-duty vehicles operate on diesel, it is safe to assume that the vast majority of trucks operating at the project site will emit diesel emissions.

Worse, a significant portion of the trucks traveling to and from the warehouse facility would likely consist of drayage trucks—which are amongst the dirtiest diesel trucks on the road. As discussed above (Section III), Bridge Industrial is marketing its site to businesses moving freight shipped through the Port of Tacoma.[10] Short-haul drayage trucks play a central role in the rapidly-growing e-commerce and goods movement industry, often shuttling containers between the port and local warehouses. [11] But drivers of these trucks have been frequently exploited and underpaid, with the result that drayage trucks are often amongst the oldest and highest emitting diesel trucks that remain on the road.[12]

B. Diesel Emissions from Trucks Servicing the Tacoma Warehouse Would Deteriorate Air Quality in Adjacent Neighborhoods and the City of Tacoma.

Diesel emissions from heavy-duty vehicles and trucks are a major source of air pollution. When diesel fuel is burned, it emits several criteria pollutants known to have serious consequences for the health of both humans and the environment. In particular, pollution from diesel exhaust includes carbon monoxide (CO), particulate matter (PM), nitrogen oxides (NO_x), hydrocarbons

[7] *See Trucking*, Diesel Tech. Forum, https://www.dieselforum.org/about-clean-diesel/trucking.
[8] Wash. Dep't. Ecology, Reducing Diesel Emissions (2021) https://ecology.wa.gov/Air-Climate/Air-quality/Vehicle-emissions/Diesel-emissions.
[9] Exhibit E (promotional flyer advertising "891 TRAILER PARKING").
[10] *See* Exhibit D; Exhibit E.
[11] *E.g.*, Tushar Khurana, *A Duwamish Valley Truck Electrification Program Looks to Reduce Air Pollution*, South Seattle Emerald, Feb. 21, 2022, https://southseattleemerald.com/2022/02/21/a-duwamish-valley-truck-electrification-program-looks-to-reduce-air-pollution/.
[12] *See id.*; *see also* Trucking Info, Port of Seattle Takes 200 Dirty Trucks Off the Roads, July 2, 2010, https://www.truckinginfo.com/104673/port-of-seattle-takes-200-dirty-trucks-off-the-roads.

(HC), as well as other hazardous air pollutants (HAPs) and air toxics.[13] Heavy duty vehicles are one of the single largest sources of NO_x emissions, particulate matter, and ozone.[14]

Emissions from the movement of goods, including trucking and shipping, deteriorates air quality in the City of Tacoma because of its close proximity to goods movement pollution from the Port of Tacoma, the I-5 highway corridor, and industrial activity in and near the Port.

1. Diesel Emissions can be Deadly.

Emissions from diesel exhaust can have disastrous effects on the human respiratory, cardiovascular, and immune systems.[15] Diesel particulate matter and NOx emissions can harm respiratory function—causing asthma and asthmatic attacks,[16] inflammation in the lungs, and decreased lung functionality.[17] These air toxins also harm the heart—causing alterations in blood pressure and heart rate,[18] heart disease,[19] and can lead to plaque instability.[20] Diesel particulate matter and NOx can also increase the prevalence and severity of allergic reactions to environmental conditions.[21] Further, diesel pollution can aggravate health harms for people with pre-existing asthmatic conditions and otherwise compromised pulmonary systems.[22]

Diesel exhaust can cause cancer. According to the CDC and NIOSH, up to 65% of diesel PM is made up of a group of organic compounds that includes several known carcinogens.[23]

Diesel engines also emit large quantities NOx, a criteria pollutant regulated under the Clean Air Act because of its harmful health effects.[24] In California, medium- and heavy-duty trucks create 35% of the state's NOx emissions.[25]

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[13] U.S. Envt'l Prot. Agency, *About Diesel Fuels*, Mar. 1, 2021, https://www.epa.gov/diesel-fuel-standards/about-diesel-fuels.
[14] Union of Concerned Scientists, *How to Eliminate Pollution from Heavy-Duty Vehicles*, Feb. 11, 2022, https://www.ucsusa.org/resources/heavy-duty-vehicles-and-nox.
[15] A. Sydbom et al., *Health Effects of Diesel Exhaust Emissions*, 17 Eur. Respiratory J. 733 (2001), https://erj.ersjournals.com/content/erj/17/4/733.full.pdf.
[16] *Id*. at 741.
[17] *Id*.
[18] Simon Wilson et al., *Effects of Diesel Exhaust on Cardiovascular Function and Oxidative Stress*, 28 Antioxidants & Redox Signaling 819, 826 (2018), https://pubmed.ncbi.nlm.nih.gov/28540736/.
[19] *Id*.
[20] *Id*. at 827.
[21] *Id*.
[22] Sydbom, *Health Effects* at 741.
[23] CDC, Carcinogenic Effects of Exposure to Diesel Exhaust (Aug. 1988), https://www.cdc.gov/niosh/docs/88-116/default.html.
[24] U.S. Envt'l Prot. Agency, *Criteria Air Pollutants*, https://www.epa.gov/criteria-air-pollutants.
[25] Cal. Air Res. Bd., Staff Report: Initial Statement of Reasons, Proposed Advanced Clean Truck Rule, at ES-1 (Oct. 22, 2019), https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/act2019/isor.pdf.

NOx irritates airways in the human respiratory system, and chronic exposure can contribute to the development of asthma.[26] NOx also reacts with chemicals in the air to form ground level ozone and particulate matter.[27] One study found that in a single year, high levels of NO_x emissions from diesel engines contributed to 10,000 premature deaths across Europe.[28] The study concluded that compliance with stricter vehicle emissions standards could have avoided at least half of those deaths.[29]

Chronic exposure to diesel is more deadly that short-term or acute exposure. Every 10 micrograms per cubic meter increase in the concentration of diesel exhaust over an extended period of time is associated with an 11% increase in cardiovascular mortality.[30]

Creating a new massive warehousing complex will significantly aggravate air pollution impacts to adjacent residences. A home's indoor air quality is directly related to the home's proximity to roads and traffic, and in particular, proximity to roads with diesel emissions.[31] Individuals living near busy roads and highways have a higher risk of exposure to air pollution than individuals living near less trafficked roads.[32]

Also of great concern, diesel pollution is the primary contributor to cancer risk. In a 2010 study, the Puget Sound Clean Air Agency found that "diesel is still the largest contributor to potential cancer risk throughout Puget Sound."[33]

Importantly, PSCAA found that the City of Tacoma had one of the highest risks of cancer in the State of Washington—270 potential cancers per million—and diesel pollution was the primary risk factor.[34] Since the time of that study, truck traffic and diesel pollution has only increased.

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[26] U.S. Envt'l Prot. Agency, *Basic Information About NO_2*, https://www.epa.gov/no2-pollution/basic-information-about-no2#Effects.
[27] *Id*.
[28] J. E. Jonson et al., *Impact of Excess NO_x Emissions from Diesel Cars on Air Quality, Public Health and Eutrophication in Europe*, 12 Envtl. Res. Letters 1, 9 (2017), https://doi.org/10.1088/1748-9326/aa8850.
[29] *Id*.
[30] Wilson, *Cardiovascular Function* at 821.
[31] Shaodan Huang et al., *Road Proximity Influences Indoor Exposures to Ambient Fine Particle Mass and Components*, 243 Envtl. Pollution 978, 978, 981 (2018), https://pubmed.ncbi.nlm.nih.gov/30248605/.
[32] *Id*. at 985.
[33] Puget Sound Clean Air Agency, *Tacoma and Seattle Area Air Toxics Evaluation*, at 8 (2010), https://pscleanair.gov/DocumentCenter/View/2361/Tacoma-and-Seattle-Area-Air-Toxics-Evaluation-Full-ReportPDF?bidId=.
[34] Cal. Air Res. Bd., Staff Report: Initial Statement of Reasons, Proposed Advanced Clean Truck Rule, at ES-1 (Oct. 22, 2019), https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/act2019/isor.pdf.

2. *Exposure to Diesel Emissions can Cause Increased Vulnerability to COVID-19.*

Chronic exposure to diesel emissions increases a community's vulnerability to serious illness and death from diseases like COVID-19. The CDC found that individuals with certain pre-existing health conditions are more vulnerable to severe illness and death from COVID-19. These health conditions include cancer, serious heart conditions such as coronary artery disease, asthma, pulmonary hypertension and other pulmonary diseases, high blood pressure, and weakened immune systems.[35] As discussed above, chronic exposure to diesel exhaust can cause many of these health conditions, making a person more vulnerable to harm from COVID-19.

Further, there is scientific evidence to support the notion that "efforts to lower traffic emissions and ambient air pollution may be an important component of reducing population-level risk of COVID-19 case fatality and mortality."[36] A recent study's authors reached this conclusion after observing that exposure to excess levels of NO_2 increased the risk of death due to COVID-19.[37] Another study revealed that increasing particulate matter by 1 ug/m^3 is associated with an 11% increase in mortality from COVID-19.[38]

C. Bridge Industrial Failed to Analyze or Mitigate the Air Impacts of Its Project.

The sections of Bridge Industrial's SEPA checklist addressing air impacts focus on dust the project will generate during construction. Bridge Industrial acknowledged the impact on air of dust during construction and the risk that the project will exposing workers and neighbors to a risk of inhaling particulate matter, arsenic, copper, lead, zinc, cPAHs, and PCBs during grading operations.[39]

But Bridge Industrial prepared *no* analysis of the air pollution caused by introducing thousands of diesel truck trips into already over-burdened residential neighborhoods. It did not identify the pollutants contained in diesel emissions, let alone analyze the type and estimated age of the trucks that would travel to and from the facility or attempt to quantify the total emissions that all the additional truck trips would generate in residential neighborhoods. With respect to air impacts from traffic, the SEPA Checklist simply states that "[e]missions from vehicular traffic to and from the site would be present upon project completion."[40]

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[35] CDC, People with Certain Medical Conditions, May 13, 2021, https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html,
[36] Donghai Liang et al., *Urban Air Pollution May Enhance COVID-19 Case Fatality and Mortality Rates in the United States*, 1 Innovation 1, 5 (Nov. 25, 2020), https://doi.org/10.1016/j.xinn.2020.100047.
[37] *Id*.
[38] X. Wu et al., *Air Pollution and COVID-19 Mortality in the United States: Strengths and Limitations of an Ecological Regression Analysis*, 6 Sci. Advances 1 (Nov. 4, 2020), https://doi.org/10.1126/sciadv.abd4049.
[39] SEPA Checklist at §§ 2(a), 7(a).
[40] SEPA Checklist at § 2(a), (b).

Rather, Bridge Industrial inverted the SEPA standard and evaluated the impact of air pollution ***on the project***, stating that "[e]missions from vehicular traffic on area roadways would be present but ***would not be anticipated to affect the project***."[41]

Suffice to say that the City's two-sentence analysis of air pollution from vehicle emissions falls very far short of the rigorous review of environmental impacts required by SEPA—as well as SEPA's fundamental purpose to disclose the potentially significant impacts of government action.

As explained above (*see* Section II), SEPA requires consideration of all of the ***indirect*** impacts of a project and the long-term impacts, not just the short-term direct impacts. Bridge Industrial's own traffic study documented the presence of thousands of diesel vehicles that will transit to and from the facility, but then failed to analyze the obvious and significant impact of those vehicles on air quality. Given the size of the facility and the number of additional vehicle trips it is likely to generate, the project could well cause or contribute to an exceedance of one or more National Ambient Air Quality Standards.

Because Bridge Industrial never even attempted to analyze the impact of the project's indirect impacts on air quality, let alone mitigate those significant impacts, the City cannot issue an MDNS for the project.

The City should—and must—require a full environmental impact study in order to analyze the project's impact on air quality in South Tacoma.

A full study of the air impacts of the proposal is also warranted in light of the fact that the community where the project would be sited is already overburdened by air pollution. And with the COVID-19 still far from over, Tacoma should take advantage of this opportunity to examine and reduce environmentally driven COVID-19 vulnerabilities.

V. THE CITY CANNOT ISSUE A MITIGATED DETERMINATION OF NONSIGNIFICANCE WITHOUT ANY ANALYIS OF THE PROJECT'S CLIMATE IMPACTS.

A. Climate Change Is An Existential Threat.

There is an overwhelming, global scientific consensus that greenhouse gas ("GHG") emissions must be radically reduced over the next few decades to avoid a climate catastrophe.[42] Washington state—much like the rest of the world—faces serious disruption from a changing climate including an increase in air pollution-related illness and death; declining water supply; an increase in tree die-off and forest mortality because of increasing wildfires, insect outbreaks, and

[41] SEPA Checklist § 2(b).

[42] *See* Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2022: Mitigation of Climate Change—Summary for Policymakers*, https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf.

tree diseases; the loss of coastal lands due to sea level rise; an increase in ocean temperature and acidity; increased death and disease in fish like salmon, steelhead, and trout because of warmer water temperatures and altered flow regimes; and damaged and failed field crops and fruit harvests because of higher temperatures and less water available for irrigation.[43]

To meet the demands of this crisis, the nations of the world in 2015 committed to limiting the increase in global temperatures to 1.5 degrees above preindustrial levels.[44] The Intergovernmental Panel on Climate Change ("IPCC") determined that global carbon dioxide emissions must reach zero by about the year 2050 in order to meet this goal.[45] Between 2020 and 2040, global emissions from fossil fuel combustion would need to decline by more than 75%, requiring deep cuts every year.[46] Recently, the IPCC again sounded the alarm about the "gap" between the Paris goals and still-growing GHGs emissions, declaring that emissions need to drop 7.6% every year, starting in 2020, to have a reasonable chance of meeting the Paris goals.[47]

To ensure Washington State does its part to address the climate crisis, the legislature committed the state to significantly reducing its GHG emissions, setting a target of reducing Washington's overall emissions of greenhouses gases in the state to 1990 levels by 2020, to 45% below 1990 levels by 2030, to 70% below 1990 levels by 2040, and to 95% below 1990 levels by 2050. RCW 70A.45.020(1)(a).

B. Bridge Industrial's Proposed Project Would Undermine Washington's Ability to Meet Our Climate Goals.

Curbing on-road gasoline and diesel emissions is necessary to achieve Washington's climate goals. The transportation sector is the largest contributor of greenhouse gas emissions in Washington, and accounts for *close to half* of the state's greenhouse gas ("GHG") emissions.[48] Transportation-sector emissions are the principal factor causing an increase in total statewide GHG emissions.[49] On-road emissions from gasoline and diesel account for 30.8% of Washington's total GHG emissions, with diesel vehicles contributing 8.7% of the total state-wide GHG emissions.[50]

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[43] Wash. Dep't of Ecology, *Concise Explanatory Statement, Clean Air Rule* (Sept. 2016) at 3, https://fortress.wa.gov/ecy/publications/documents/1602014.pdf (listing "Reasons for Adopting the Rule").
[44] UN Climate Change, The Paris Agreement (2015), https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement.
[45] Intergovernmental Panel on Climate Change (IPCC), *Global Warming of 1.5°C*, https://www.ipcc.ch/sr15/.
[46] *Id.*
[47] *E.g.*, Somini Sengupta, *'Bleak' U.N. Report on a Planet in Peril Looms Over New Climate Talks*, New York Times, Nov. 26, 2019, https://www.nytimes.com/2019/11/26/climate/greenhouse-gas-emissions-carbon.html.
[48] Wash. Dep't Ecology, *Washington State Greenhouse Gas Emissions Inventory: 1990–2018* (2021), https://apps.ecology.wa.gov/publications/documents/2002020.pdf.
[49] *Id.*
[50] *Id.*

The Bridge Industrial project would have a significant and adverse impact on global climate because it would place thousands of trucks on the road that burn diesel fuel, contributing to substantially increased emissions of greenhouse gases. While Bridge Industrial estimates that the project would create nearly 5,000 additional vehicle trips each day, the project is actually likely to create more than 12,000 additional daily vehicle trips. (See Section III).

Increasing GHG emissions from mobile sources—a direct impact of this project that Bridge Industrial admits will occur—at a time when Washington seeks to dramatically and quickly reduce statewide emissions undermines Washington's ability to meet its GHG reduction targets. That constitutes a significant impact on climate.

The proposed project would also create new gas infrastructure at a time when Washington needs to be transitioning away from fossil fuels towards clean energy sources. Bridge Industrial's plans note that its buildings will have natural gas hookups, which increase the GHG impacts associated with on-site energy use.

Remarkably, Bridge Industrial has not proposed any climate mitigation measures. Its mitigation plans do not include building infrastructure for electric vehicles, installing solar panels on rooftops, or any other measures to reduce GHG emissions from the anticipated thousands of vehicles that will operate onsite or energy consumed at the facility.

C. The City Must Require a Full Environmental Impact Statement to Assess and Mitigate the Project's Climate Impacts.

An important way that local governments can act to reduce Washington's GHG emissions is through their disclosures under SEPA regarding the climate impacts of a proposed project.

Climate is explicitly listed in SEPA regulations as an environmental consideration, and action agencies must disclose any impact that the proposed action would have on climate change.[51] Consideration of the climate impacts of a project must include looking not only at the project's direct greenhouse gas emissions, but also at GHGs caused indirectly by the project, in both the short- and long-term. WAC 197-11-060(3)(b), (4)(c). And it must also include examination of growth that a project might cause, and future actions that become more likely as a result of the project. WAC 197-11-060(4)(d). "Implicit in the statue is the requirement that the decision makers consider more than what might be the narrow, limited environmental impact of the immediate pending action. The agency cannot close its eyes to the ultimate probable environmental consequences of its current action."[52]

[51] WAC 197-11-444(1)(b)(iii) (listing "climate" among elements of environment to be considered in SEPA).
[52] *Cheney v. City of Mountlake Terrace*, 87 Wn.2d 338, 344 (1976).

For projects involving the transportation or use of fossil fuels like coal, oil, or gas, SEPA's requirement to consider the project's full climate impacts includes considering the lifecycle impacts of producing, transporting, and using such fuels.[53]

Washington administrative courts have vacated decisions by agencies, where they failed to properly justify their determination that the project would not significantly contribute to global climate change. In 2017, the Shorelines Hearings Board rejected an EIS for failing to justify its finding that a fossil fuel project would not have "significant" GHG emissions. *Columbia Riverkeeper v. Cowlitz Cty*., 2017 WL 10573749 (SHB 2017). Just last year, the Washington Court of Appeals vacated a decision by the Department of Ecology to issues permits without first disclosing the impacts the permit could have on global climate, as SEPA requires. The Court held the following:

> [A SEPA lead agency] maintains a responsibility to consider the impacts of climate change under SEPA to the extent that it must interpret its rules and statutes consistently with SEPA's mandates. *See Puget Soundkeeper Alliance*, 189 Wash. App at 148, 356 P.3d 753. We have explained that [the SEPA lead agency] has a particular obligation under SEPA to act in accord with SEPA's policies by ensuring that it does not "condon[e] violations of its own standards" in issuing waste discharge permits. *Id.*
> Here, insofar as the above discussion shows that [the SEPA lead agency] did not act consistently with its implementing regulations under the CWA and WPCA, it also failed to act in accord with SEPA's underlying policies. *See id*. Accordingly, the PCHB's decision was contrary to law when it dismissed this issue on summary judgment because climate change must be considered to some extent. *Id*.

Washington State Dairy Fed'n v. State, 18 Wash. App. 2d 259, 309 (Ct. App. 2021).

Bridge Industrial's application materials contain no analysis of the project's impact on GHG emissions. Bridge Industrial has not evaluated the extent to which the project will increases GHGs emissions from mobile sources or from energy used on site, or the lifecycle impacts of increasing demand for fossil fuels.

Issuing a Mitigated Determination of Nonsigificance without first analyzing the climate impacts of the project would violate SEPA. A full EIS is especially warranted here, when the climate impacts of the project are likely significant.

VI. THE PROJECT WILL HAVE SIGNIFICANT IMPACTS ON WATER.

The potentially devastating impacts of building the proposed facility include significant consequences for the waters running through the site—including critical protected wetlands, a stream where ESA-protected species may be present, and a vital aquifer—and for local stormwater management. Because Bridge Industrial's application materials do not adequately examine or address these impacts, a full EIS is necessary.

[53] *Columbia Riverkeeper v. Cowlitz Cty.*, 2017 WL 10573749, at *7-10 (SHB Sept. 15, 2017) (EIS for methanol project invalid for failing to consider lifecycle GHG emissions).

A. The Warehouse Will Introduce Toxic Tire Chemicals Into the Waters Running Through the Project Site.

Introducing many thousands of new vehicles per day into the area (*see* Section III on traffic impacts) will not only significantly worsen air quality and increase greenhouse gas emissions at a time when Tacoma should be working to reduce both, but it will also introduce toxic fish-killing chemicals from tires into Tacoma's waters.

Tire manufacturers use a chemical called 6PPD to protect rubber elastomers in tires from ground-level ozone (to which vehicle emissions contribute). 6PPD-quinone is a transformation product of 6PPD that is 100 times more toxic than its parent, 6PPD.[54] When it rains, stormwater flows over roads and carries road chemicals into nearby waterways. For decades, scientists have known that something in urban streams was killing coho salmon in the Pacific Northwest, and long suspected that the source was something washing off nearby roads. But only recently did scientists identify 6PPD-quinone as the cause of this well documented fish death in watersheds in urban areas.[55] While scientists have identified 6PPD-quinone as a direct cause of mortality in coho salmon, the extent of the tire chemical's adverse impact on other fish and aquatic wildlife is still being studied.[56]

The threat of introducing toxic tire chemicals into waterways is especially high for the Bridge Industrial project because it is sited on critical wetlands, a stream crosses the project site, and an important aquifer sits below the area. According to the SEPA Checklist, steelhead trout and chinook salmon—both species listed for protection under the Endangered Species Act[57]—have the potential to be present in the project vicinity. SEPA Checklist § 5(b).

Bridge Industrial's application does not discuss the potential impacts from 6PPD or even mention the threat from tire chemicals generally. In light of Bridge Industrial's failure to even addressing this threat, the City cannot conclude that Bridge Industrial's proposed mitigation would reduce the project's impacts to insignificance. The City should require a full EIS to examine this potential impact and study possible mitigation.

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[54] *See generally* Zhenyu Tian, et al., *A Ubiquitous Tire Rubber-Derived Chemical Induces Acute Mortality in Coho Salmon, 371 Science 185 (Jan. 2021)*, https://www.science.org/doi/10.1126/science.abd6951.

[55] Erik Stokstad, *Common tire chemical implicated in mysterious deaths of at-risk salmon*, Science, Dec. 3, 2020, https://www.science.org/content/article/common-tire-chemical-implicated-mysterious-deaths-risk-salmon.

[56] *E.g.*, National Park Service, *Scientists Discover Silent Threats to Pacific Coast Salmon Populations*, Jan. 2021, https://www.nps.gov/articles/000/scientists-discover-silent-threats-to-pacific-coast-salmon-populations.htm.

[57] *E.g.*, NOAA Fisheries, Coho Salmon (Protected), https://www.fisheries.noaa.gov/species/coho-salmon-protected; NOAA Fisheries, Steelhead Trout, https://www.fisheries.noaa.gov/species/steelhead-trout.

B. The Project Will Undermine Stormwater Management.

The project will also dramatically change what happens to stormwater on the project site's 147.5 acres, with a myriad of environmental impacts. Replacing the existing uncovered site with 75% impervious concrete surfaces means that stormwater at the site that previously was mostly absorbed by soil, native plants, wetlands, and a stream would be diverted to run off somewhere else.

One significant consequence of this change is that there will be an inevitable increase in stormwater flowing into the municipal stormwater system.

There is scientific consensus that climate change has caused, and will continue to cause, intensification of heavy precipitation, including rainfall.[58] With more rainwater accumulating more quickly, existing stormwater systems may not be able to handle the level of water introduced during increasingly extreme weather events.

Although the proposed stormwater mitigation plan involves creating a "modular wetland system, or approved equivalent"[59]—which appears to refer to small clumps of native plants—to absorb some of the water and above-ground detention basins[60] to collect other water, there is no indication that Bridge Industrial's proposed stormwater mitigation is adequate to address the increased storm intensity expected in the future due to climate change. Indeed, because the Stormwater Site Plan contains only a cursory narrative, it is hard to tell what forecast the plan was based on.

The City should be moving towards low-impact development for stormwater management. The City's own website identifies protecting native vegetation and minimizing impervious surfaces as key principles of low-impact development.[61] But Bridge Industrial's proposed project undermines both of these goals, doubly exacerbating the area's ability to manage stormwater.

The project site is located in a 100-year floodplain. Replacing open land that helps absorb stormwater with impervious surfaces will lead predictably to stormwater system backups and

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[58] Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2022: Impacts, Adaptation and Vulnerability—Summary for Policymakers*, https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf.

[59] Stormwater Site Plan § 4.3; *see also* SEPA Checklist § 3(b)(1).

[60] Stormwater Site Plan BNSF Tacoma (Dec. 10, 2021) § 4.3; Soundview Consultants, Conceptual Mitigation Plan, BNSF Tacoma, Revised Dec. 2021, at § 1.1.2(2) ("stormwater infiltration will be utilized to the extent feasible to minimize the size of the above-ground stormwater pond."); SEPA Checklist § 3(c)(1) (The majority of the runoff will be routed to infiltration facilities with a portion of the runoff routed to a detention pond prior to release to the natural discharge point.").

[61] City of Tacoma, Green Stormwater Infrastructure (GSI), https://www.cityoftacoma.org/government/city_departments/environmentalservices/surface_water/green_stormwater_infrastructure__gsi_.

floods, with the project site's neighbors bearing the potentially devastating burden of these events.

Another significant consequence of this change is that it will likely impede the recharge of the South Tacoma Aquifer on which the project site sits. As the City is no doubt aware, groundwater from the South Tacoma Aquifer typically supplies about 5% of Tacoma's water in the summer, but could supply up to 40% of Tacoma's drinking water.[62]

Bridge Industrial is proposing to build over an aquifer recharge area, where groundwater is currently able to seep into the South Tacoma Aquifer because of the lack of a confining layer. *See* Exhibit G (City of Tacoma, Aquifer Recharge Map, http://cms.cityoftacoma.org/Planning/Shoreline/Maps/10_Aquifer.pdf); City of Tacoma, Aquifer Recharge Areas (Pierce County), https://geohub.cityoftacoma.org/datasets/tacoma::aquifer-recharge-areas-pierce-county/about.

Although, according to Bridge Industrial, "a portion" of stormwater from the site will be discharged to the ground via a modular wetland system,[63] impairment of aquifer recharge is a significant environmental impact that should be fully studied through a full EIS.

Protecting the aquifer is essential. While it is important now, its importance will grow as climate change causes increasingly long periods of extreme heat and drought.[64]

VII. THE PROPOSED PROJECT WILL IMPAIR QUALITY OF LIFE FOR THE SITE'S NEIGHBORS.

In addition to the proposed project's harmful impacts on traffic, air quality, climate, and water and wetlands, the project will impair quality of life for current residents and future neighbors of the massive proposed warehouse.

Under SEPA, a determination of "significance" must include consideration of a project's impacts on the built environment, including noise and environmental health, WAC 197-11-444(2)(a), and on light and glare, aesthetics, and recreation, WAC 197-11-444(2)(b).

A. Noise

The vehicle and truck traffic generated by the huge warehouse complex will not only emit harmful air pollution that threaten residents' health and and greenhouse gases that jeopardize the

[62] Tacoma-Pierce County Health Department, *South Tacoma Groundwater Protection District*, https://www.tpchd.org/healthy-places/waste-management/business-pollution-prevention/south-tacoma-groundwater-protection-district.
[63] SEPA Checklist § 3(b)(1).
[64] Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2022: Impacts, Adaptation and Vulnerability—Summary for Policymakers*, https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf.

future of everyone on Earth, it will also significantly increase noise in the area. At the public meeting on the proposal, several residents expressed concerns about the increased noise at an already loud part of town. One blind resident noted that traffic noise was already so bad that he could not hear his guide trying to talk to him.

Under SEPA, the City must consider the project's potential to exposure neighbors to loud sounds of loading and unloading on site and from the vehicle traffic to and from the site, not just in the short-term, but for the entire life of the site.

Noise is an important environmental consideration not only because it makes life less pleasant, but because it also carries significant health impacts. Prolonged exposure to noise pollution can cause hearing impairment, stress, high blood pressure, anxiety, depression, and many other health problems.[65]

Bridge Industrial has not meaningfully examined the project's noise impacts. As with its air quality analysis, Bridge Industrial again misapplies the SEPA standard, acknowledging that "[o]n a long-term basis, noise from vehicular traffic to and from the site would be present daily," but then analyzing the effect of noise from traffic *on the project*, rather than the project's impact on noise levels.[66]

Bridge Industrial also failed to propose measures to mitigate all of the increased noise that will be created by the project. The only proposal to reduce noise on a long-term basis that the SEPA checklist mentions is that "[u]pon project completion, the use of perimeter landscaping will help to contain noise to within the site." SEPA Checklist at § 7(b)(3). Bridge Industrial's conceptual mitigation report addresses the developers' proposals as to how to reduce the site's noise impacts on species in the wetlands,[67] but does not address the site's noise impacts on humans.

Tacoma should order a full EIS that attempts to quantify the noise impacts of the project.

B. Impacts from Replacement of Plants with Concrete

Currently, the 146-acre project site is permeable, covered largely in wetlands and plants. The project proposal involves paving over 75% of this area with impervious surfaces.

Adding hundreds of acres of cement to a previously uncovered area will have several predictable impacts on the built environment and quality of life for the project site's neighbors. It could create or exacerbate a "heat desert" in the area, it could create light pollution and impair the amount of darkness in the area, and it is less appealing aesthetically.

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[65] *See* U.S. Envt'l Prot. Agency, Clean Air Act Title IV – Noise Pollution, https://www.epa.gov/clean-air-act-overview/clean-air-act-title-iv-noise-pollution; CDC, Too Loud! For Too Long!, https://www.cdc.gov/vitalsigns/hearingloss/index.html.

[66] *See* SEPA Checklist § 7(b) ("Noise from traffic on area roads and from the adjacent rail lines would be present **but would not be anticipated to affect the proposal."**)

[67] Soundview Consultants, Conceptual Mitigation Plan, BNSF Tacoma, Revised Dec. 2021, at 2 ("Place activity that generates noise away from the wetland").

Instead of approving this project without a full EIS, the City should require Bridge Industrial to actually study all of these environmental impacts that are covered under SEPA.

1. *Heat*

Although Bridge Industrial' application did not analyze the project's impacts on temperature at all, any project that replaces so many acres of uncovered land with concrete could increase temperatures in the area. In an urban area, cutting down plants and paving over a huge expanse of wetland area with concrete could create a heat desert. As the EPA has explained:

> Heat islands are urbanized areas that experience higher temperatures than outlying areas. Structures such as buildings, roads, and other infrastructure absorb and re-emit the sun's heat more than natural landscapes such as forests and water bodies. Urban areas, where these structures are highly concentrated and greenery is limited, become "islands" of higher temperatures relative to outlying areas. Daytime temperatures in urban areas are about 1–7°F higher than temperatures in outlying areas and nighttime temperatures are about 2-5°F higher.

U.S. Envt'l Prot. Agency, Heat Island Effect, https://www.epa.gov/heatislands.

Climate change is already creating record-high temperatures that threaten lives. The City should not greenlight a project that could exacerbate the heating of an environmental justice community without even a full environmental impact study.

2. *Light and Aesthetics*

If the City approves Bridge Industrial's project, the area that is now covered in wetlands, plants, and open space will be replaced by a concrete island with 49-foot buildings, and surrounded by parking lot lighting.

Bridge Industrial acknowledges that views from adjacent properties "would be altered[.]" SEPA Checklist § 10(b). Regarding the impact of lighting from the project site, Bridge Industrial writes: "Building glass will be non-glare and parking lot lighting will be shielded and directed inward. The use of perimeter landscaping will contain much of the light to within the site." SEPA Checklist § 11(d).

While the light pollution from the project site and aesthetically unpleasing views may affect a smaller number of people than the proposal's impacts on traffic, air quality, and climate, for the people who are affected, these impacts are of tremendous significance. Some of the site's neighbors have already submitted testimony explaining why Bridge Industrial's proposed mitigation will not adequately address these impacts.

VIII. THE PROPOSED PROJECT WILL EXACERBATE ENVIRONMENTAL INJUSTICE IN SOUTH TACOMA.

Bridge Industrial's proposed massive warehouse facility would not only have significant environmental impacts, but would inflict those negative impacts on a community that is already disproportionately burdened by environmental harms. Bridge Industrial's proposal is not only harmful to the environment, it is also inequitable.

The City of Tacoma can and should keep environmental justice principles in mind as it reviews Bridge Industrial's proposal. The application materials obscure the project's full impacts and are silent as to who will bear the brunt of these impacts. Requiring a full EIS for Bridge Industrial's proposal would advance environmental justice by providing greater transparency about all of the environmental impacts of the project, allowing for more community engagement in land use decisions, and would reveal that the project will significantly impair environmental quality and health outcomes.

In contrast, issuing a mitigated determination of non-significance to allow the warehouse project to move forward without a full environmental impact statement would undermine environmental justice by preventing the community from getting access to information about the true scope of the project's environmental impacts to inform their engagement in the permitting process and by deepening inequality.

A. Environmental Injustice Principles

While there are many definitions of environmental justice, the Washington Environmental Justice Task Force developed a definition of environmental justice that it recommended be used by government agencies in Washington to ensure their decisions and actions promote environmental justice. Exhibit H (Wash. Environmental Justice Task Force, Recommendations for Prioritizing EJ in Washington State Government (Fall 2020)). The proposed definition of environmental justice is:

> The fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. This includes using an intersectional lens to address disproportionate environmental and health impacts by prioritizing highly impacted populations, equitably distributing resources and benefits, and eliminating harm.

Id. at 36. Three key environmental justice principles articulated by the Task Force are that government actions and decisions should be transparent, should be based on meaningful community engagement, and should achieve the highest attainable environmental quality and health outcomes for all people. *Id.* at 37.

But environmental injustice is rampant in Tacoma and throughout Washington State. The newly passed HEAL Act acknowledges that in Washington, "people of color and low-income people continue to be disproportionately exposed to environmental harms in their communities." RCW 70A.02.005(2).

Decisions by land use agencies have been a major contributor to this inequality. A central theme identified in community conversations about environmental justice in Washington is that unjust land use policies have caused people in Black, Indigenous, and People of Color communities live in close proximity to pollution and disadvantaged them in accessing the resources necessary to eliminate health disparities. Front and Centered Coalition, Community Report on Environmental Justice (2021), https://frontandcentered.org/wp-content/uploads/2021/01/Front-and-Centered-Community-Conversations-Report-2021.pdf.[68]

B. The Proposed Project Will Disproportionately Impact an Environmental Justice Community, Increasing the Cumulative Harms to Which South Tacoma Is Already Exposed.

Throughout Washington, port cities, including Everett, Seattle, Kent, and Tacoma, experience the worst diesel particulate matter ("PM") pollution in the state.[69]

The Washington Environmental Health Disparities Map, which uses GIS to overlay population data with environmental pollution indicators, shows that, diesel emissions are concentrated in communities with a higher percentage of people of color.[70]

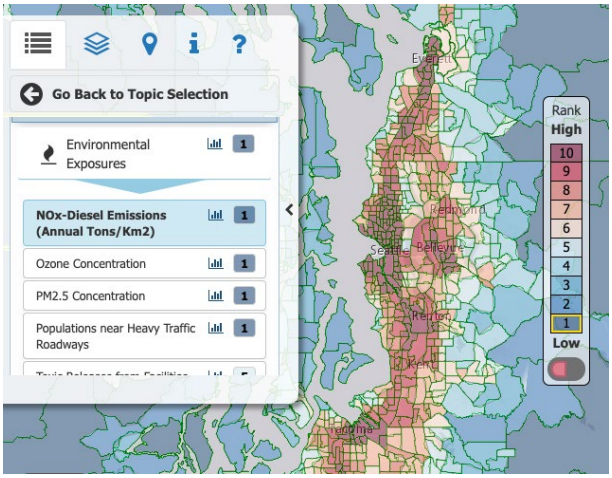

Figure A: NOx-Diesel Concentrations

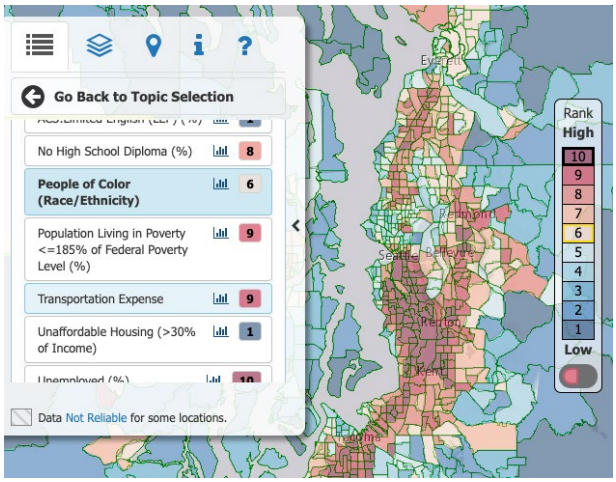

Figure B: Demographic data

In Tacoma, there is also a strong correlation between areas with high concentrations of people of color and warehouse location.

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[68] Front and Centered is a diverse and powerful coalition of communities of color-led groups across Washington State, whose missions and work come together at the intersection of equity, environmental and climate justice. Front and Centered, About Us, https://frontandcentered.org/about-us/.

[69] Wash. State Dep't Health, Washington Environmental Health Disparities Map, https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN/InformationbyLocation/WashingtonEnvironmentalHealthDisparitiesMap.

[70] *Id.*

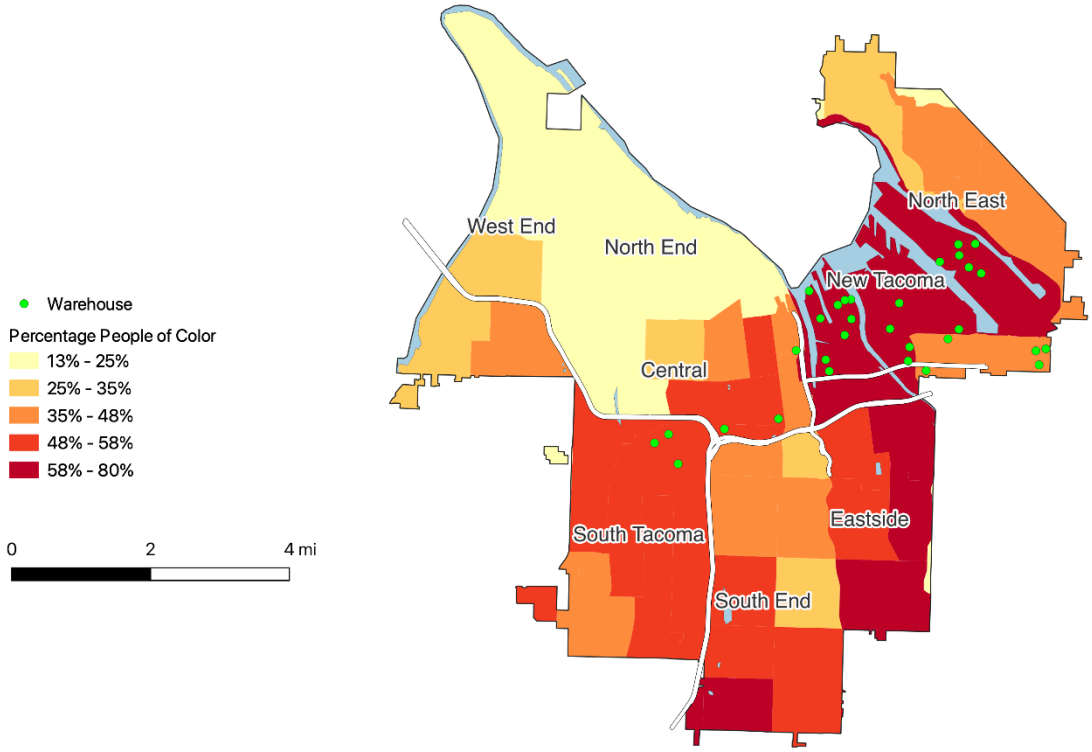

Figure C: Environmental Defense Fund (EDF), Proximity Mapping[71]

In many ways, Bridge Industrial's proposal to site a 2.5 million square foot warehouse facility in a residential neighborhood in a port community that is already disproportionately burdened with environmental harms—without undergoing a full environmental impact statement—is a perfect example of what environmental injustice looks like.

The project's impacts touch on several of the EPA's national environmental justice priorities, including air quality, goods movement, climate change, and hazardous waste sites. *See* U.S. Envt'l Prot. Agency, EJ 2020: National EJ Challenges, https://www.epa.gov/environmentaljustice/ej-2020-national-ej-challenges.

The particular residential neighborhood in Tacoma where proposed Bridge Industrial has proposed to build its massive warehouse is comprised largely of low-income families and Black, Indigenous, and People of Color communities, and is disproportionately exposed to environmental harms and health disparities.

The census block group containing the project site has more people of color than 80-95% of the rest of Washington State.

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[71] *See* Aileen Nowlan, Environmental Defense Fund (EDF), *New mapping tool could help communities, policymakers, prioritize clean transportation solutions.* Oct. 14, 2021, https://blogs.edf.org/energyexchange/2021/10/14/new-mapping-tool-could-help-communities-policymakers-prioritize-clean-transportation-solutions/.

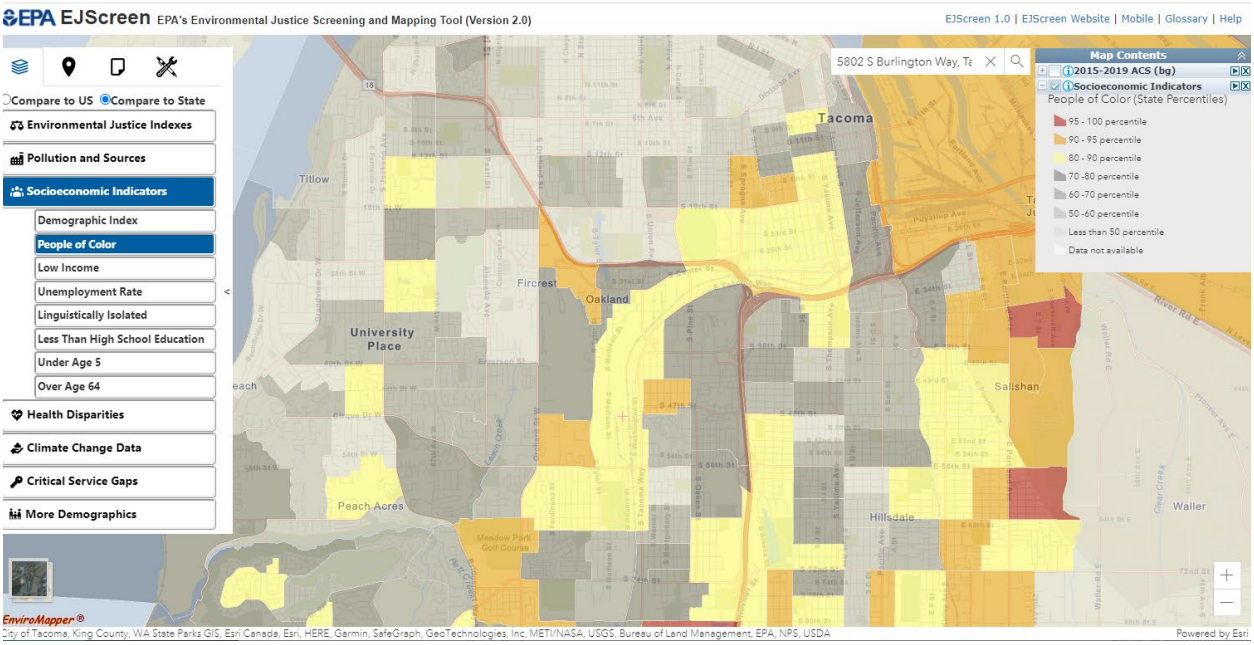

Figure D: U.S. Envt'l Prot. Agency, EJScreen 2.0, https://ejscreen.epa.gov/mapper/ ("People of Color" Socioeconomic Indicator).

The people living near the project site already have a greater risk of cancer due to exposure to air toxics than 90-95% of people in Washington State.

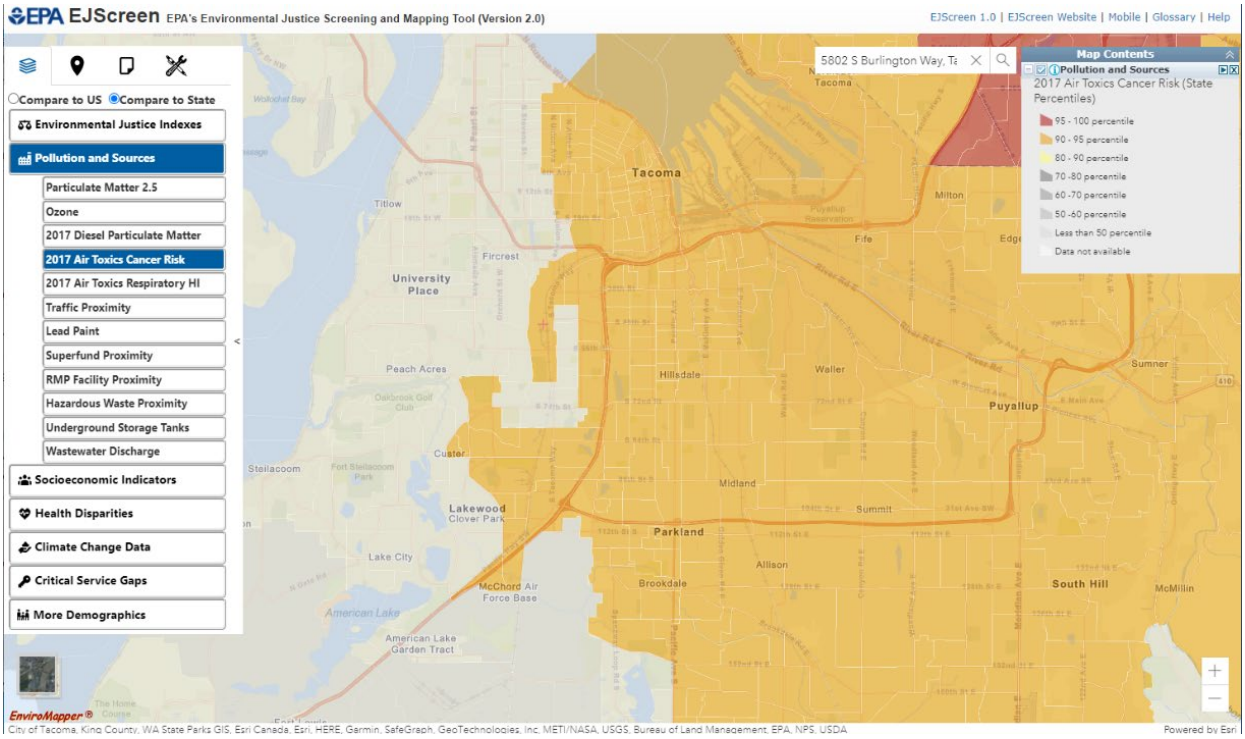

Figure E: U.S. Envt'l Prot. Agency, EJScreen 2.0, https://ejscreen.epa.gov/mapper/ ("2017 Air Toxics Cancer Risk" category of Pollution and Sources).

The census tract containing the project site has a lower life expectancy than 95-100% of the rest of Washington State.

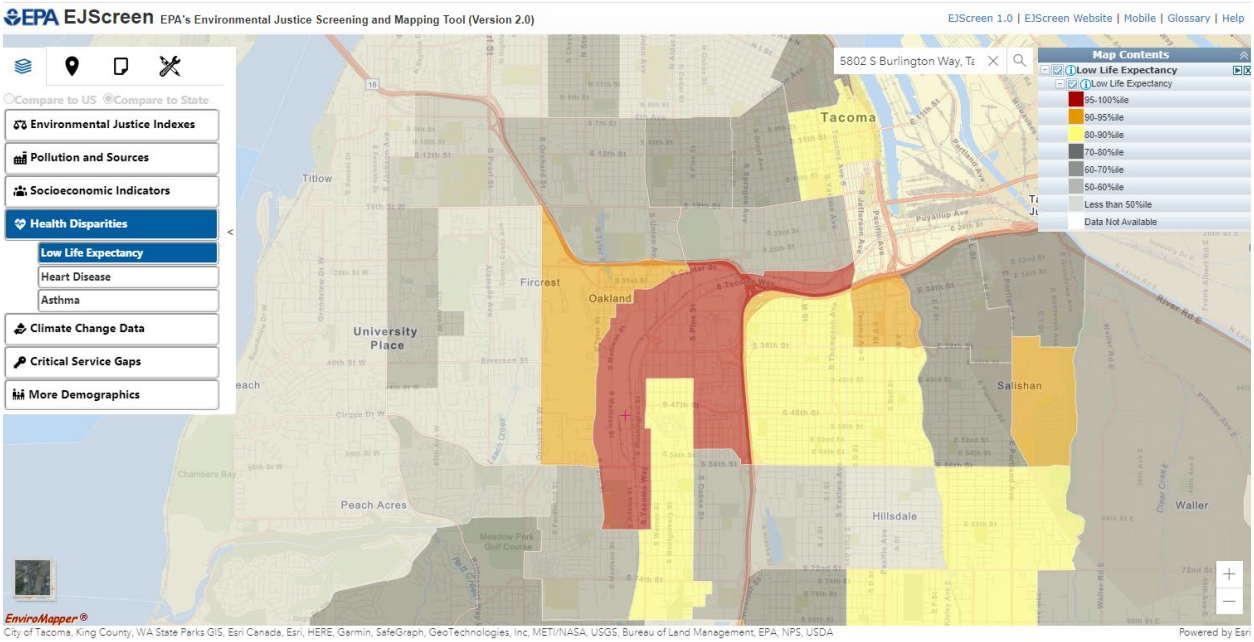

Figure F: U.S. Envt'l Prot. Agency, EJScreen 2.0, https://ejscreen.epa.gov/mapper/ ("Low Life Expectancy" under Health Disparities).

The City of Tacoma's Equity Map[72] paints an even clearer picture of how environmental justice has affected the community. Entering the address of the proposed Bridge Industrial site into the Tacoma Equity Map returns an Equity Index rating of "LOW" and an Environmental Health Index rating of "LOW.

[72] City of Tacoma, Tacoma Equity Map, https://tacomaequitymap.caimaps.info (information for address S. Burlington Way, Tacoma, WA 98409).

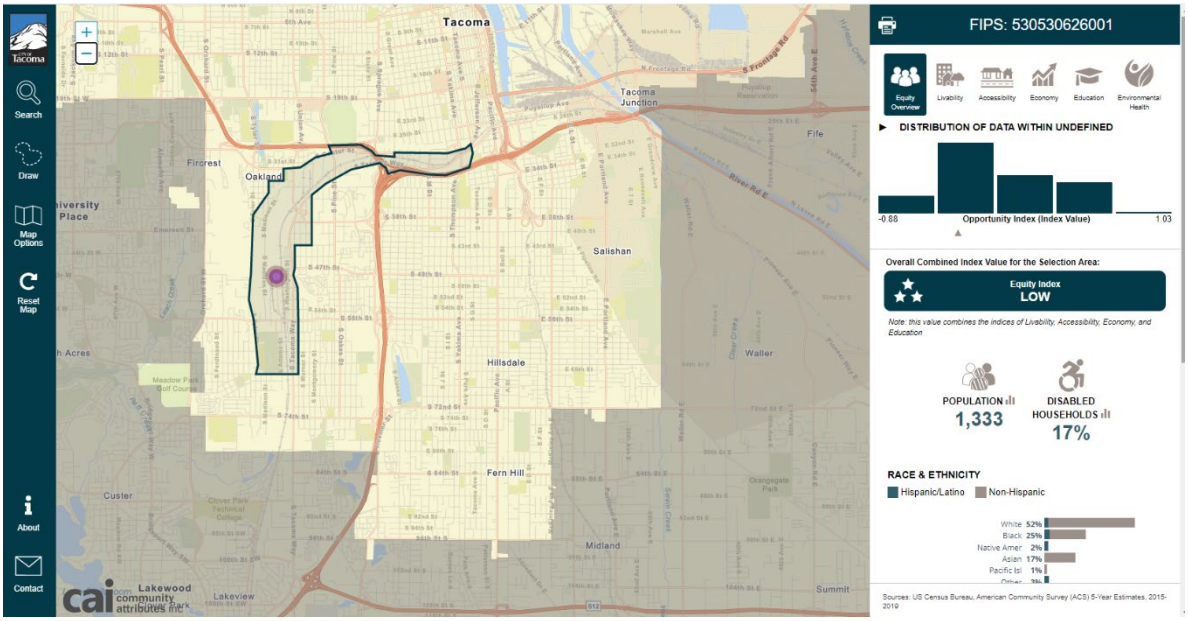

Figure G: City of Tacoma, Tacoma Equity Map, https://tacomaequitymap.caimaps.info (Equity Index for address S. Burlington Way, Tacoma, WA 98409)

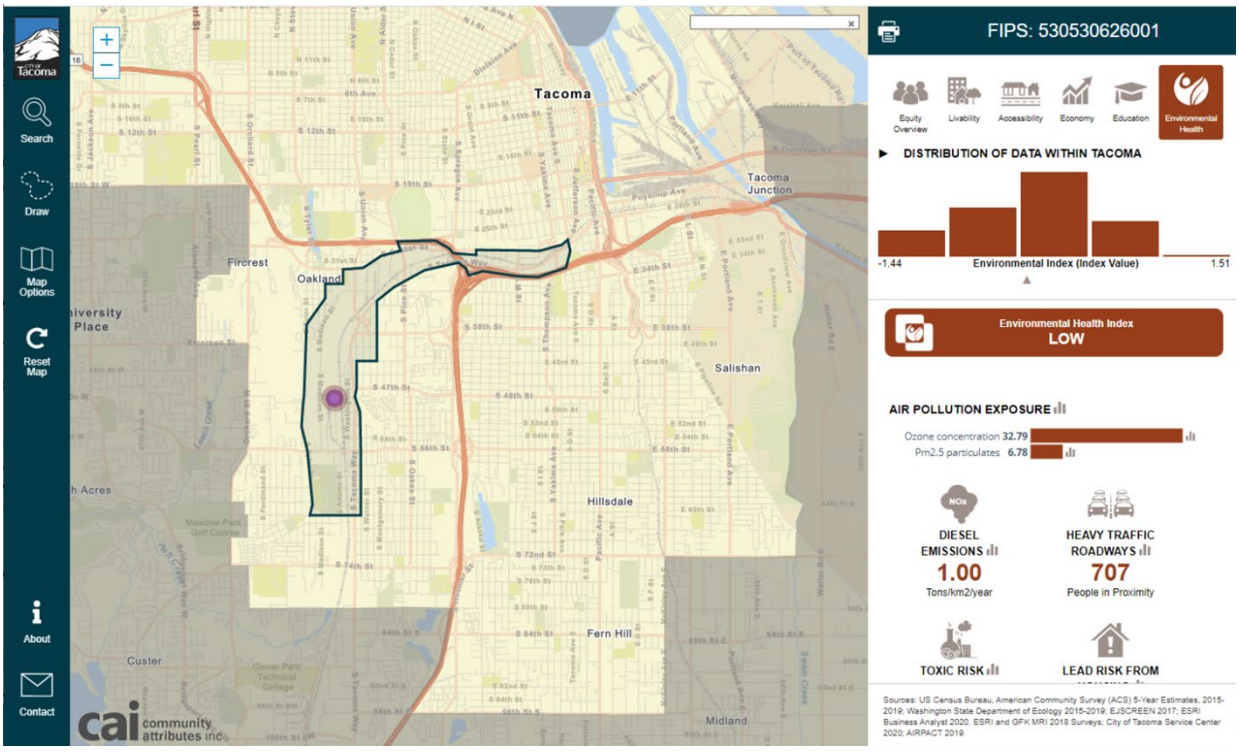

Figure H: City of Tacoma, Tacoma Equity Map, https://tacomaequitymap.caimaps.info (Environmental Health Index for address S. Burlington Way, Tacoma, WA 98409)

The Tacoma Equity Map ranks the livability of the area surrounding the project site as "VERY LOW."

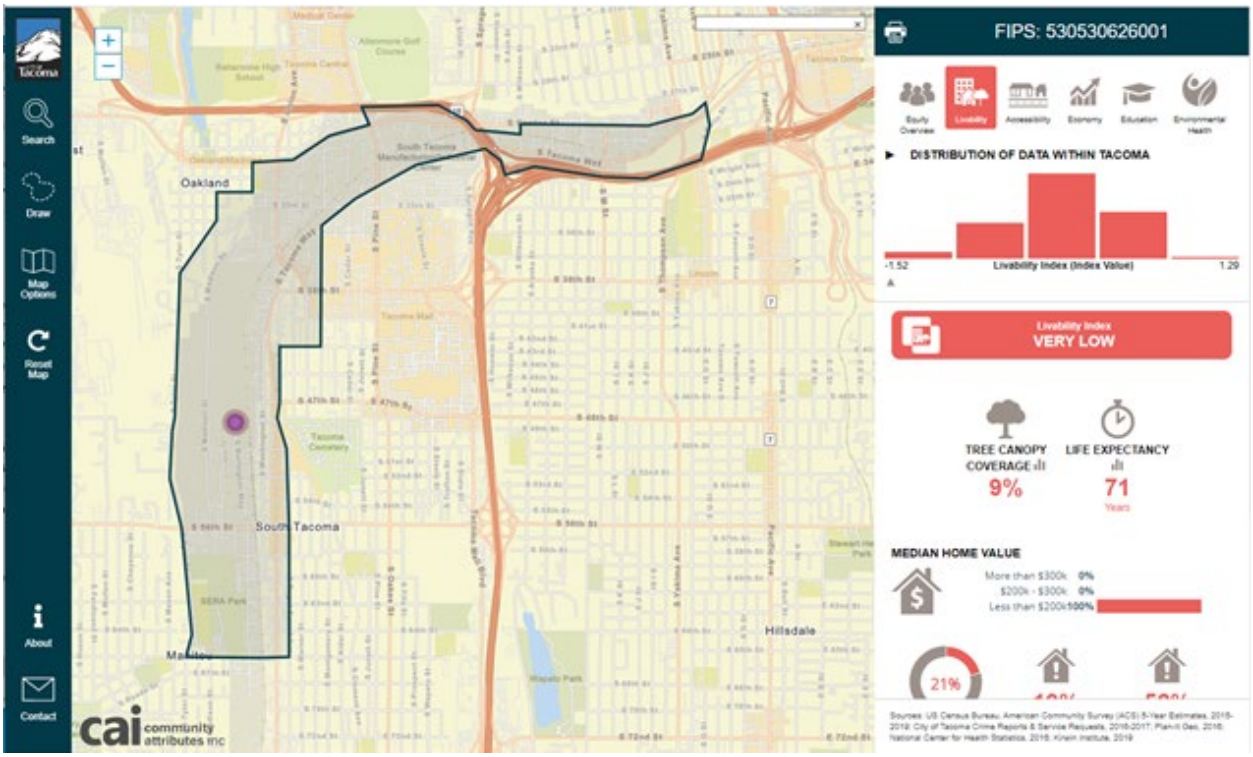

Figure 1: City of Tacoma, Tacoma Equity Map, https://tacomaequitymap.caimaps.info (Livability Index for address S. Burlington Way, Tacoma, WA 98409)

The very site where Bridge Industrial plans to build the massive warehouse has been historically so thoroughly contaminated with industrial pollution that it was declared a "Superfund" site.

C. Forgoing a Full Environmental Impact Statement Would Undermine Transparency and Prevent Meaningful Community Engagement.

Issuing an MDNS for this project rather than requiring a full EIS would not only violate SEPA, it would also deprive the residents of South Tacoma of the information necessary for the public to understand the full environmental impacts of the project.

Public comment periods alone are not enough to create meaningful community engagement. An opportunity to comment on a proposed project without access to information about the project's full impacts is not a "meaningful" form of engagement.

Requiring a full EIS would create greater transparency about the potential impact of a decision by the City to approve the proposed project by arming members of the public with a more comprehensive study of the environmental impacts of the proposed facility.

Requiring an EIS would also create opportunities for greater public input into the City's decision about whether to permit the proposed facility. Requiring Bridge Industrial to prepare an EIS would open up additional public comment periods, hopefully allowing for input from more impacted community members. And suspending all permitting decisions until a full EIS is

completed would allow stakeholders more time to review the project proposal, study the likely impacts, and prepare comments.

Creating the conditions necessary for meaningful public engagement is especially important in environmental justice communities. Overburdened communities and vulnerable populations have higher barriers to engagement in public planning processes.[73]

To make meaningful community engagement possible, the City of Tacoma should require a full EIS. It should also work with community-based organizations in South Tacoma to conduct additional community outreach and to develop easy-to-understand materials explaining the proposed project.

And, most importantly, the City should take community concerns seriously. In order for community engagement into the City's permit decision to be meaningful, the City has to be receptive to the community's feedback and willing to shift course in response to feedback.

IX. CONCLUSION

The consequences of greenlighting one of the world's biggest warehouse facilities will be profound and long-lasting. When all of the project's environmental harms are considered together, there can be no doubt that Bridge Industrial's proposed warehouse project has a "probable significant, adverse environmental impact."

Issuing an MDNS and permit for this project instead of requiring a full EIS would violate Washington's State Environmental Policy Act. It would also undermine environmental justice by cutting off an opportunity for impacted community members to meaningfully engage in the City's land use decisions, and would result in cumulative harms being imposed on a community that has already disproportionately suffered many other environmental harms.

In light of Bridge Industrial's failure to adequately analyze the project's significant environmental impacts or mitigate them, the City of Tacoma must make the determination that a full EIS is required, and suspend all permitting until this project is given closer scrutiny by the public, state and local decisionmakers, and other stakeholders through a complete EIS.

Sincerely,

Earthjustice

Molly Tack-Hooper, *Supervising Senior Attorney, Northwest Regional Office*
Jaimini Parekh, *Clean Energy Attorney, Northwest Regional Office*

[73] *See*, *e.g.*, Exhibit H (Wash. Environmental Justice Task Force, Recommendations for Prioritizing EJ in Washington State Government (Fall 2020)) at 64–68 (Key Recommendations for Addressing Structural Barriers to Community Engagement).