



# Kootenai Tribe of Idaho

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December 12, 2017

Governor Jay Inslee  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504-0002

RE: Kootenai Tribe of Idaho (KTOI) Concerns regarding HiTest Smelter

Dear Governor Inslee:

The purpose of this letter is to request that the Department of Ecology makes its air quality permitting and SEPA decisions on the basis of accurate data and in a manner that is responsive to tribal sovereign concerns.

Although SEPA requires consideration of impacts in other jurisdictions, WAC 197-11-060(4)(b), does not prescribe specific guidelines for evaluating those impacts. We would like to see further discussion of how these impacts will be evaluated in regards to tribal lands within the Class 1 and Class 2 impact area analysis.

We are concerned with the lack of onsite meteorological data for the Newport area, without this site specific data any extrapolation of impacts to outlying areas will be flawed. The entire NW Washington and North Idaho Tribal areas are defined as complex terrain and general modelling of meteorology will not be adequate to define the impacts of the plants emissions.

The applicants proposed methodology is inappropriate given the weight of the sovereign interests involved and the regulatory prohibition on the use of prognostic data where collecting adequately representative site-specific data is neither cost prohibitive nor infeasible, 40 C.F.R. Pt. 51, App. W, § 8.4.5.1.

It is unclear whether the smelter's contribution to Regional Haze will be analyzed in the air quality permitting process or SEPA. We urge you to consolidate that analysis with the air quality modeling consistent with WAC 197-11-640. We are sure it would be of interest to the department to know how the plants emissions will impact the glide path analysis to which the state is committed.

We have further concern that there have been no technical documents shared regarding the plant operation and layout, especially residual byproduct production and disposal, railroad unloading location and trucking impacts of raw material.

According to the applicant this smelter will generate 320,000 tons of greenhouse gases, 760 tons of sulfur dioxide, and 700 tons of nitrogen oxides per year. According to HiTest, there is no control technology available to limit these emissions. To accept this technological limitation would be a striking concession from what you recently described as the "most innovative culture in world history."

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary".

Gary Aitken Jr.  
Tribal Chairman  
Kootenai Tribe of Idaho

Cc; Grant Pfeifer, Director, Eastern Regional Office Washington State Department of Ecology  
4601 N Monroe, Spokane, WA 99205-1295