

From: [Wendy Harris](#)
To: [Council](#); [PDS](#); [Jack Louws](#)
Subject: County regulation over Cherry Point Air Quality
Date: Wednesday, April 25, 2018 5:17:44 AM

This evening you were provided with inaccurate information regarding your authority over air pollution matters. The spokesperson for BP was concerned that this was a matter the council was even considering, suggesting that it best be left to DOE and NWCAA.

What you were not told is that the Clean Air Act specifically provides authority for the county to regulate air pollution, notwithstanding the authority of other state and regional authorities. I have attached the relevant provision below. You are specifically authorized to impose more protective rules for public health and safety. If the public is to be protected in any way, you are going to have to use this authority, rather than the self-serving advice of a oil company that earns billions of dollars in profits each year, while creating untold ecological damage and accidents that have, on a national scale, resulted in worker deaths. Nor can you rely on the actions of the NWCAA or DOE to protect the public.

I am a confused as to why BP would have concerns about the county regulating air quality. It is not in the proposed resolution. I have clearly been sending letters advocating this, but do not see it reflected in any results, so where would BP's concerns originate from? Are my letters being forwarded to BP or other industries? If so, could you please confirm this and the process by which it is occurring?

RCW 70.94.230

Rules of authority supersede local rules, regulations, etc.—
Exceptions.

The rules and regulations hereafter adopted by an authority under the provisions of this chapter shall supersede the existing rules, regulations, resolutions and ordinances of any of the component bodies included within said authority in all matters relating to the control and enforcement of air pollution as contemplated by this chapter:

PROVIDED, HOWEVER, That existing rules, regulations, resolutions and ordinances shall remain in effect until such rules, regulations, resolutions and ordinances are superseded as provided in this section:

PROVIDED FURTHER, That nothing herein shall be construed to supersede any local county, or city ordinance or resolution, or any provision of the statutory or common law pertaining to nuisance; nor to affect any aspect of employer-employee relationship relating to conditions in a place of work, including without limitation, statutes, rules or regulations governing industrial health and safety standards or performance standards incorporated in zoning ordinances or resolutions of the component bodies where

such standards relating to air pollution control or air quality containing requirements not less stringent than those of the authority.

Sincerely,

Wendy Harris