

From: [Council](#)
To: [Barbara Brenner](#); [Barry Buchanan](#); [Rud Browne](#); [Satpal Sidhu](#); [Timothy Ballew](#); [Todd Donovan](#); [Tyler Byrd](#)
Cc: [Matt Aamot](#); [Becky Boxx](#); [Mark Personius](#); [Dana Brown-Davis](#); [Jill Nixon](#); [Kristi Felbinger](#); [Marina Engels](#); [NaDean Hanson](#)
Subject: FW: AB2018-077B for introduction (Cherry Point Moratorium)
Date: Wednesday, July 25, 2018 8:01:33 AM

From: Eddy Ury [mailto:eddyu@re-sources.org]
Sent: Tuesday, July 24, 2018 6:38 PM
To: Todd Donovan; Tyler Byrd; Timothy Ballew; Barry Buchanan; Barbara Brenner; Satpal Sidhu; Rud Browne; Council
Cc: Becky Boxx
Subject: AB2018-077B for introduction (Cherry Point Moratorium)

Honorable Councilmembers,

Regarding the item for introduction this evening, AB2018-077B, *Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point.*

This will be the
fif

th instance of the moratorium's extension for an additional six months, after the first emergency interim ordinance was passed in August 2016. This time, I request that you consider some adjustments to the language and introduce a revised version of the ordinance on August 8th, with a public hearing and vote at the next council meeting on September 11
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Unless I am mistaken:
the effective date of the current moratorium is
March 13th and thus is in effect until September
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th.

I
am suggesting
that you strike the terms: "fossil fuels not to be processed or consumed at Cherry Point" and "excluding those that are the byproduct of refinery processes in the Cherry Point UGA; and condensate," as well as the repeated term "unrefined" from the interim ordinance.

It has been repeatedly stated
falsely in past council meetings
that the moratorium has restricted the refineries ability to ship out propane and butane (LPG), which are produced at the refinery. Clearly the language only restricts
upgrades for

LPG
to be
shipped
in bulk from other locations, not
LPG
produced at
Cherry Point

As representatives from the BP Cherry Point Refinery have confirmed repeatedly before council, the moratorium places no restrictions on their ability to expand capacity to process petroleum products and increase storage and shipment of refined products. Indeed, since the Moratorium was first imposed two years ago, BP Cherry Point has been permitted for two significant expansions: a "renewable diesel" upgrade (that may have also assisted the facility in processing increasing quantities of heavier, higher-sulfur crude oil and synthetic oil from bitumen), and a replacement coker heater that increases refining capacity by up to 4% or 9,000 bbl/day.

Many in our communities are glad to see
the county
making progress
in drafting an ordinance

with important improvements
to our inadequate permitting process,
as thousands of public comments to date have urged for. As we are moving closer
to introduction of an ordinance this Fall,
it would be prudent to put a temporary hold on all new developments in the
Cherry Point UGA until a new ordinance is adopted which can ensure proper
review of cumulative impacts for piecemeal upgrades, with appropriate conditions
to protect public safety and the unique ecological functions of the shorelines in
the Cherry Point Aquatic Reserve.

Existing industries should of course be
permitted
to continue to make upgrades and expand in ways that do not increase harmful
pollution and hazards to people and ecosystems in the jurisdiction of Whatcom
County.

I would be obliged to hear some discussion of this matter at council meeting this evening when the item is motioned for introduction. As always, thank you for your consideration of my comments and for your important work in service of our communities.

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Eddy Ury
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