

**From:** [Council](#)  
**To:** [Ashley Ubil](#)  
**Cc:** [Matt Aamot](#)  
**Subject:** FW: Cherry Point Petrogas Export Terminal for butane and propane, supplemental application  
**Date:** Wednesday, June 05, 2019 9:40:37 AM  
**Attachments:** [OAC 1236a Petrogas Compr Eng Repl WKST Final.pdf](#)  
[OAC 1236a Petrogas Compr Eng Rep.pdf](#)

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**From:** WENDY HARRIS [mailto:w.harris2007@comcast.net]  
**Sent:** Friday, May 31, 2019 9:05 AM  
**To:** Barbara Brenner; Barry Buchanan; Todd Donovan; Tyler Byrd; Satpal Sidhu; Rud Browne; Carol Frazey; Council  
**Subject:** Cherry Point Petrogas Export Terminal for butane and propane, supplemental application

Dear Council:

Even when the reviewing agency is NWCAA and there are not withheld documents, there are still problems. There appears to be a strong agenda by the county administration and the NWCAA to allow expansion and growth at Cherry Point, so that information that should be alarming is just ignored by all parties. This will continue to be a problem at Cherry Point and we will continue to experience piecemeal growth. This is why we need regulations that prohibit in full any form of expansion or growth at Cherry Point.

I live directly downwind of BP and each day it becomes harder and harder for me to breathe. I believe that part of that is from increasing BP emissions and the idling trains. The Clean Air Act is supposed to protect the most vulnerable among us, but the NWCAA refuses to allow this so those who are weak, like myself, will be the first to die. The County's primary duty is public health and safety and supporting the growth of industries that threaten the health and safety of so many residents, our aquatic marine environment and fresh streams violate the council's primary obligation.

Please oppose any expansion or growth at Cherry Point as part of the comp. plan update. This is a public comment that is being submitted with regard to Cherry Point policy.

Sincerely,

Wendy Harris

----- Original Message -----

From: Wendy Harris <w.harris2007@comcast.net>

To: CrystalR@nwcleanairwa.gov

Cc: Erin.Hallenburg@erm.com, jack louws <jlouws@co.whatcom.wa.us>, "council, county" <council@co.whatcom.wa.us>, Hilary Franz <CPL@DNR.WA.GOV>, sepacenter@dnr.wa.gov, sepahelp@ecy.wa.gov

Date: October 1, 2017 at 7:49 AM

Subject: Cherry Point Petrogas Export Terminal for butane and propane, supplemental application

Thank you for sending me your final decision.

I believe there has been a misunderstanding on a few issues. First of all, the issue of propane vs. butane was not something I raised on my own. Petrogas attempted to justify the need for new and larger compressors, which were already alleged to be far more energy efficient, and thus not requiring more power from larger equipment, by claiming it was attempting to switch from shipping out butane to shipping out propane, which required storage in a refrigerator set at a lower temperature. You are correct that they previously shipped both forms of fuel and will likely continue to do so. I do not know why NWCAA allowed incorrect statements to be included in an application without correction, but I did not question that assertion. However to hear that NWCAA allows overpowered, oversized compressors to be used without consideration of current needs, concerns me. First, it was Petrogas that was asserting that larger compressors were needed to meet increased refrigeration demands, something that your agency failed to even consider as an issue.

This made the issue of excessive size and power relevant for consideration. Additionally, the goal of the Washington Clean Air Act is to reduce air quality pollution over time, and this cavalier policy would violate that goal.

And while I understand that NWCAA does not have jurisdiction over trains in transit, it is not really correct to assert that it has no jurisdiction at all. Does it not have jurisdiction over trains that are delivering or picking up goods from the Petrogas site at Cherry Point? Does not the SEPA checklist inquire into transportation impacts? Was this not determined to be an appropriate and connected SEPA issue with regard to the GPT for purposes of mitigation? This permit also involved expansion at the base of a terminal. NWCAA had an obligation to review the transportation impacts under SEPA, and I was aware of the increased train traffic from personal experience. It was error for NWCAA to refuse to address transportation issues when an applicant has clearly shown an interest in expanding operations, and which utilizes shipment by train, truck, pipeline and tanker. This is the type of piecemealing that SEPA was enacted to prevent.

Finally, Your reliance on SEPA rules for use of existing documents is misplaced. SEPA documents do not have expiration dates.

However, after SEPA is completed, if a proposal is delayed so that new permits must be applied for, environmental review may be limited to verifying that there is no new information, regulatory changes, or changes to the proposal that would require additional review. (This is true even if the applicant has changed.) As long as there are no changes to be addressed, no additional paperwork is required and agencies may proceed with permit decisions [WAC 197-11-600]. In this case, the SEPA review for the older compressors were completed in 1993 and NWCAA accepted this review without any updates. Yet the supplemental application was prepared without consideration of the GMA and the SMA. I believe that constitutes a regulatory change. There was never consideration of impacts to critical areas, including habitat conservation areas (which must be evaluated on an ecosystem basis under changes in law from 2010.) And let us not forget that the Cherry Point Aquatic Reserve had not been established by DNR, which was obviously a significant game changer. It is also my understanding that the standards for allowable emissions has changed since 1993, which was another issue that NWCAA refused to review. As you will recall, it was Petrogas that labeled these compressors as obsolete and at the end of their useful life, and noted how polluting they were in relationship to updated equipment. Because there were

changes to be addressed with regard to the performance of the compressors and its air quality impacts, it was reversible error to provide Petrogas with what is essentially a special vesting right contrary to state law. I believe this is why the project was handled as a supplement more than 1.5 years after the original project application was submitted and why the new compressors have never been put in place and used as intended. This was a successful attempt to avoid holding the old compressors to the updated standards that would have been required of new compressors.

I am very disappointed in this "review" process and do not believe that the CAA act rules were upheld properly or considered the environmental impacts to vulnerable residents such as myself. It appeared to me that the conclusion the NWCAA reached was predetermined from the beginning. In particular, I am concerned that so much emphasis has been placed on developing a good working relationship with Cherry Point industry, while your agency does almost nothing to protect public health and safety. It is clear that the consultants and employees of Petrogas have a very familiar and comfortable relationship with NWCAA staff.

Your decision will result in an even greater numbers of idling of trains on the 2nd and 3rd

tracks, polluting local neighborhoods such as mine, which are located close to the Portal Way and Loomis Train South Swallow "station". It REEKS of diesel exhaust all night and in the morning, the smoke from the constantly running trains creates a field of haze and smog that is always visible from my backyard. This is not justice. Decisions like this have left me now struggling to breath while my lung function continues to decline. This is not how the CAA is supposed to work. How did Petrogas manage to get approved for this project in the first place without the public knowing anything? It is no secret that Petrogas had already been rejected by two other jurisdictions. And why was I not provided with a copy of the 1993 SEPA review when I originally asked for relevant documents for the supplemental application? I did not receive it until I made a specific request and obtained it the same day as the deadline for public comment. which left with insufficient time to fully incorporate the issues it raised in my comments.

Sincerely,  
Wendy Harris

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**From:** "Crystal Rau" <CrystalR@nwcleanairwa.gov>  
**To:** "Wendy" <w.harris2007@comcast.net>, "Erin Hallenburg" <Erin.Hallenburg@erm.com>  
**Sent:** Thursday, September 28, 2017 9:46:53 AM  
**Subject:** FW: Petrogas Permit #1236a

Please find attached the final OAC 1236a Worksheet with Response to Public Comments in Section N , towards the end and final determination for OAC 1236a. As discussed during the public hearing, these documents are being sent to all persons who submitted comments.

Thank you.

Crystal Rau

NWCAA

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**From:** Michele Eva Armstrong  
**Sent:** Thursday, September 28, 2017 9:27 AM  
**To:** Crystal Rau <CrystalR@nwcleanairwa.gov>  
**Subject:** Petrogas Permit #1236a

Good morning.

Please find attached a copy of the Petrogas OAC 1236a.

If you have any questions please do not hesitate to call.

Thank you

Michele

Michele Eva Armstrong  
Senior Administrative Assistant  
Sharepoint Lead

Northwest Clean Air Agency  
Direct 360-419-6833  
Main 360-428-1617



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