

From: [Gavin Carscallen](#)
To: [Chalfant, Jeff](#); [Eddy Ury](#); [Mark Personius](#); [Matt Aamot](#); [Ashley Ubil](#); [PDS Planning Commission](#)
Cc: [Brady, Pamela](#); [Verburg, James E](#); [Brown, Brad J](#); [Johnson, Tim](#); [Strang, Erin T](#); [Holli Johnson](#); [Andrew Gamble](#)
Subject: RE: Joint code revisions proposal
Date: Tuesday, August 04, 2020 10:46:04 AM
Attachments: [image001.png](#)
[image002.png](#)

Dear all,

Petrogas would like to echo BP and P66's support for the joint code revisions proposal, submitted by Eddy Uri yesterday, August 3, 2020. We appreciated the collaborative process and Mr. Uri's diligence and hard work in seeing the task through to completion.

Please note that Petrogas' support for this proposal is not a waiver of any rights, and Petrogas specifically reserves all rights, regarding any challenges to any adoption by the Planning Commission and/or the Whatcom County Council of any proposed code revisions.

If there is anything else required, please do not hesitate to contact the Petrogas team. Otherwise, we look forward to seeing you at the upcoming hearing.

Sincerely,

Gavin Carscallen

Petrogas *Energy Corp.*

3900 - 205 5th Ave S.W., Calgary, AB T2P 2V7

D. (403) 296-1667 C. (403) 891-4390

From: Chalfant, Jeff [mailto:Jeff.Chalfant@bp.com]

Sent: August 3, 2020 10:22 PM

To: Eddy Ury <eddyu@re-sources.org>; Mark Personius <MPersoni@co.whatcom.wa.us>; Matt Aamot <MAamot@co.whatcom.wa.us>; Ashley Ubil <AUbil@co.whatcom.wa.us>; pds_planning_commission@whatcomcounty.us

Cc: Brady, Pamela <Pamela.Brady@bp.com>; Verburg, James E <James.Verburg@bp.com>; Brown, Brad J <Brad.J.Brown@p66.com>; Johnson, Tim <tim.d.johnson@p66.com>; Strang, Erin T <Erin.T.Strang@p66.com>; Holli Johnson <hjohnson@wspa.org>; Gavin Carscallen <GCarscallen@petrogascorp.com>; Andrew Gamble <ARGamble@petrogascorp.com>

Subject: Re: Joint code revisions proposal

Good Evening Planning Commissioners and Director Personius:

BP also supports the joint code revisions proposal, dated August 3, 2020, as submitted by Eddy in the note below. Thank you again for this opportunity to provide input in to this important process and many thanks to Eddy for his role in facilitating this collaborative effort. We look forward to participating in the upcoming Planning Commission hearing. Please let us know if you have any questions or concerns in the meantime.

Kind Regards,

Jeff

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From: Johnson, Tim <tim.d.johnson@p66.com>

Sent: Monday, August 3, 2020 5:08:06 PM

To: Eddy Ury <eddyu@re-sources.org>; Mark Personius <MPersoni@co.whatcom.wa.us>; Matt Aamot <MAamot@co.whatcom.wa.us>; Ashley Ubil <AUbil@co.whatcom.wa.us>; pds_planning_commission@whatcomcounty.us <pds_planning_commission@whatcomcounty.us>

Cc: Brady, Pamela <Pamela.Brady@bp.com>; Chalfant, Jeff <Jeff.Chalfant@bp.com>; Verburg, James E <James.Verburg@bp.com>; Brown, Brad J <Brad.J.Brown@p66.com>; Strang, Erin T <Erin.T.Strang@p66.com>; Holli Johnson <hjohnson@wspa.org>; GCarscallen@petrogascorp.com <GCarscallen@petrogascorp.com>; Andrew Gamble <Argamble@petrogascorp.com>

Subject: RE: [EXTERNAL]Joint code revisions proposal

Good afternoon all – Phillips 66 supports the joint code revisions proposal, dated August 3, 2020, as submitted by Eddy in the note below.


Tim Johnson
Director, Public & Government Affairs

O: 360.384.8368 | M: 360.420.0252
Ferndale Refinery | 3901 Unick Road | Ferndale, WA 98248
Phillips66.com



From: Eddy Ury <eddyu@re-sources.org>

Sent: Monday, August 3, 2020 4:52 PM

To: Mark Personius <MPersoni@co.whatcom.wa.us>; Matt Aamot <MAamot@co.whatcom.wa.us>; Ashley Ubil <AUbil@co.whatcom.wa.us>; pds_planning_commission@whatcomcounty.us

Cc: Brady, Pamela <Pamela.Brady@bp.com>; Jeff.Chalfant@bp.com; James.Verburg@bp.com; Brown, Brad J <Brad.J.Brown@p66.com>; Johnson, Tim <tim.d.johnson@p66.com>; Strang, Erin T <Erin.T.Strang@p66.com>; Holli Johnson <hjohnson@wspa.org>; GCarscallen@petrogascorp.com; Andrew Gamble <Argamble@petrogascorp.com>

Subject: [EXTERNAL]Joint code revisions proposal

Good afternoon Planning Commissioners and Planning Director Personius et al,

Since the July 9th work session, I have engaged in a series of discussions with industrial stakeholders and agreed to jointly submit suggested revisions to the draft Cherry Point Amendments. The attached document shows a proposal supported by RE Sources, bp, Phillips 66, and Petrogas as of today, August 3rd 2020. The proposal includes edits to three sections of code to be modified in concert with the intention of removing conditional use permit requirements from storage tanks while ensuring that the use of new facilities as such for transshipment **purposes** is prohibited except under certain circumstances.

As requested by Commissioners on July 9th, stakeholders discussed the definition and interpretation of 'Value Added Processing.' However, after vetting the intended meaning and functionality of the code, the team determined that it was unnecessary to include the term under WCC 20.68.153. We agreed the changes as recommended below would be more functional and easier for PDS staff to interpret while meeting the intent of the original CUP applicability clauses.

We will provide additional comments to further explain our reasoning for supporting these changes, and may suggest additional revisions jointly or separately at a later date. We look forward to participating at the upcoming virtual public hearing on August 13th.

Best Regards,

--

Eddy Ury

Climate & Energy Policy Manager

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Confidential

Revisions to the Planning Commission's July 10th draft of Cherry Point Amendments proposed jointly by RE Sources, bp, Phillips 66, and Petrogas:

Conditional Uses

WCC 20.68.153

.153 Expansion of existing legal **Fossil Fuel Refineries** or expansion of existing legal **Fossil Fuel Transshipment Facilities**. For purposes of this section, an expansion is any **Fossil Fuel Refinery** and/or **Fossil Fuel Transshipment Facility** development (including otherwise permitted or accessory uses), vested after the effective date of this ordinance that meets **either any one** of the following thresholds:

- A. Cumulatively increases its maximum atmospheric crude distillation capacity of fossil fuels by more than 10,000 barrels (or 420,000 gallons) per day based upon an evaluation of physical equipment limitations conducted by a licensed professional engineer; or
- B. Cumulatively increases the maximum transshipment capacity of the facility by more than 10,000 barrels (or 420,000 gallons) per day.
- ~~C. Cumulatively increases the maximum transshipment capacity of unrefined fossil fuels from the facility by more than 10,000 barrels (or 420,000 gallons) per day; or~~
- ~~D. Cumulatively increases fossil fuel storage tank capacity of the facility by more than 200,000 barrels (or 8,400,000 gallons) for the transshipment of fossil fuels outside of Whatcom County without value added processing.~~

If a conditional use permit is obtained, the baseline for determining the cumulative increases is reset.

Prohibited Uses

WCC 20.68.205 New Fossil Fuel Transshipment Facilities; ~~including bulk storage or transfer facilities for fossil fuels~~ **provided that, facilities accessory to existing Fossil Fuel Refineries and existing Fossil Fuel Transshipment Facilities that may be used for the following are not prohibited: (i) inter-refinery shipments, (ii) transferring petroleum products during emergency scenarios where contingencies require petroleum products to be moved, and (iii) necessary petroleum product transfers during turn-arounds or maintenance periods.**

Definitions

20.97.160.3 Fossil ~~or Renewable Fuel~~ Transshipment Facilities.

“Fossil ~~or Renewable~~ Fuel Transshipment Facility” is a facility engaging **primarily** in the process of off-loading ~~of fossil fuels or renewable fuel materials, refined or unrefined, refinery feedstocks, products or by products,~~ from one transportation **method (such as a ship, truck, or railcar) facility** and loading it onto another transportation **method facility** for the purposes of transporting **the fossil fuel such products** into ~~and~~ out of Whatcom County. ~~Examples of transportation facilities include ship, truck, or freight car. Fossil fuel transshipment facilities may also include pump and compressor stations and associated facilities.~~ This definition **shall include bulk storage or transfer facilities for the shipment of crude oil without refining or consuming within the Cherry Point Industrial District and shall exclude** Small Fossil or Renewable Storage and Distribution Facilities.