

# Kathleen Capson

My husband and I have read the information associated with this issue and agree with all points presented in our commentary. We would like to add that we live a few blocks from the railroad tracks in Blaine and that the action requested in the following text is critical. Making certain to protect the ecology of the shoreline is **CRITICAL TO THE SURVIVAL OF BLAINE'S OYSTER BEDS AND SEAFOOD INDUSTRY**. It is also **CRITICAL TO THE AQUATIC INDUSTRIES OF THE LUMMI NATION**. It is also **CRITICAL TO THE SURVIVAL OF OUR ENDANGERED ORCA POPULATION** and all marine life, is **CRITICAL TO HUMAN HEALTH AND SAFETY**, and is **CRITICAL TO WASHINGTON STATE'S ECONOMY**. Please act to restrict all oil transfer operations to daylight hours; to require all containment structures to withstand seismic forces; to require all oil transfer operations to be pre-boomed; to eliminate the Rate B loophole; and to take any and all additional actions to safeguard our shorelines, our health, and the health of Whatcom County's, and the State's economy.

A few years ago Blaine's fire chief resigned because he said that a rail accident (such as the one which just occurred in East Palestine, Ohio) **WILL** eventually occur on the tracks in Blaine, and that he had insufficient equipment to fight such an occurrence, and therefore he was compelled to save his professional reputation, resign as Blaine's fire chief, and move on to a different community. Which he did. We are pointing this out at this time to bring attention to the fact that regulations to prevent any problems with Whatcom County's and Washington's oil refining industry ultimately ensure the health and safety of everyone. Implementing not only the measures proposed here, but also a broad array of regulations and safeguards, will keep Whatcom County's refinery operations safe, will keep Whatcom County's and WA State's economy strong, will ensure a thriving maritime industry, will protect critical shoreline habitat, and will keep residents safe from problematic oil transfer operations, as well as rail disasters. This is the chief concern of my husband and myself as residents (since 1990) of Whatcom County and Washington State.

Thank you for leading a process to amend regulations associated with (a) facility oil handling standards, (b) vessel oil transfer advance notice and (c) containment requirements to **IMPLEMENT ESHB 1578**, thereby reducing threats to our shorelines, our maritime industry, human health and safety, and the state mandated protection of southern resident Orca whales by taking all necessary measures to oversee and improve the safety of oil transportation.

We unequivocally support: (1) requiring additional seismic protection measures and retrofits for oil storage tanks and transfer pipelines, (2) new decommissioning requirements for out of service oil storage tanks and oil transfer pipelines, (3) additional advance notice of oil transfers, and (4) disclosure of the type, origin and characteristics of the crude oil being transferred.

**IN ADDITION**, this rulemaking should also:

Require all new and existing containment structures (that prevent spilled oil from reaching the waters of the state) to **WITHSTAND SEISMIC FORCES** and,

Require all oil transfer operations to be **PRE-BOOMED** (when safe) and,

ELIMINATE THE RATE B LOOPHOLE that allows oil transfers at 500 gallons per minute or less to occur without pre-booming and,

RESTRICT ALL OIL TRANSFER OPERATIONS TO DAYLIGHT HOURS, particularly at times when it is not safe and effective to pre-boom.

Your efforts to IMPROVE ALL ASPECTES CONCERNING THE SAFETY OF ALL OIL TRANSPORTATION in Washington State are CRITICAL, especially for the Lummi Nation, Blaine's oyster beds, Blaine and Bellingham's seafood industry, the existance our our Orca population, the safety of all marine creatures and their habitat, the economy of our region, and many other aspects of this issue too numerous to mention here. Thank you for your service and for DOING THE RIGHT THING to safeguard our precious enviornment.

Kathleen and Zdenek Capson  
2/28/2023