

Lovel Pratt

Attached please find comments from Friends of the San Juans, Washington Conservation Action, San Juan Islanders for Safe Shipping, RE Sources, Friends of the Earth, and Washington Physicians for Social Responsibility.

**Friends of the San Juans • Washington Conservation Action
San Juan Islanders for Safe Shipping • RE Sources • Friends of the Earth
Washington Physicians for Social Responsibility**

April 19, 2025

Max Gordon
Ecology Spill Prevention, Preparedness and Response Program
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Sent via email: max.gordon@ecy.wa.gov and the public comment portal:
https://sppr.ecology.commentinput.com/?id=b3Ff9p8SY&utm_medium=email&utm_source=govdelivery

RE: BP Cherry Point Refinery Five-Year Oil Spill Contingency Plan Update

Dear Max Gordon,

Thank you for considering these comments on the BP Cherry Point Refinery's five-year update to its oil spill contingency plan (BP c-plan). The undersigned represent six organizations that work in Washington State on environmental and public health and safety issues. Our work includes protecting the Salish Sea marine ecosystem and the health and safety of Washington State communities from the accident and oil spill risks and impacts associated with oil transportation and refinery operations.

The undersigned are concerned that the BP c-plan fails to adequately address and plan for all the risks that the BP Cherry Point Refinery poses to the marine ecosystem and the health and safety of Washington State communities.

Non-Floating Oils Response

The BP Cherry Point Refinery handles crude oil, which is included in [WAC 173-182-324](#) Planning standards for spills of oils that, depending on their chemical properties, environmental factors (weathering), and method of discharge, may submerge or sink. It is concerning that Ecology's Facility Contingency Plan Review Checklist had to be revised to acknowledge that WAC 173-182-324 is applicable to the BP c-plan. Appendix F: Claims Plan does not list the applicable products; however, Appendix E: Summary of Product Characteristics identifies that crude oil and coker feedstocks are treated as non-floating oils per WAC 173-182-324.

In addition to the BP c-plan's references to WAC 173-182-324 and the Northwest Area Contingency Plan Section 9412, please ensure that the BP c-plan adequately describes the

response tactics for non-floating oil including initial assessment, surveillance, containment, and recovery.

BP Cherry Point Refinery Geographic Area of Interest

Figure 1.9-1 Cherry Point Refinery Geographic Area of Interest includes an area that extends beyond Whatcom County. However, the c-plan does not address all the potentially impacted areas, as documented in the Oil Spill Response Scenarios/Trajectories.

For example, section 3.1.6 Equipment Staging Area/Boat Launch Facilities identifies locations that “may also serve to provide ready access to pre-determined environmentally, culturally or economically sensitive areas (referred to as Geographic Response Plans – GRP’s – detailed in the Northwest Area Contingency Plan - NWACP).” However, the BP c-plan doesn’t include any staging areas or boat launch facilities outside of Whatcom County. Please ensure that the BP c-plan includes all the equipment staging and boat launch facilities needed to implement all the GRPs in the geographic area of interest.

The BP c-plan relies on GRPs for the identification of water column and benthic resources that would be at risk from sinking oils. Section 3.4.2 San Juan Islands and North Puget Sound Geographic Response Plans provides a direct link to the North Puget Sound GRPs, but not the San Juan Islands GRPs and perhaps additional GRPs in Skagit County. Please ensure that all GRPs in the geographic area of interest are included and directly referenced in the BP c-plan.

Community Air Monitoring and Evacuations

Oil spills and refinery operations present serious public health risks, both acute and long-term. Exposure to substances such as volatile organic compounds (VOCs), and benzene can lead to respiratory distress, neurological effects, and increased cancer risk. In addition, communities near the BP Cherry Point Refinery face cumulative health impacts from chronic emissions and potential spill-related contamination of air and water. Despite these risks, the BP c-plan provides insufficient planning for public health protections — particularly in the areas of community air monitoring, health communications, and coordination with local health agencies.

The BP c-plan only references the Whatcom County Sheriff’s Department Division of Emergency Management for implementing evacuations. We urge Ecology to require the BP c-plan to fully integrate health safeguards, including real-time exposure monitoring and clearly defined evacuation and health response protocols, for all affected communities. Please ensure that the c-plan includes all the emergency management services needed to conduct Community Air Monitoring and evacuations throughout the geographic area of interest.

Shoreline Response

Please confirm that Attachment 3.5-1 Shoreline Countermeasures Matrix is consistent with the Shoreline Cleanup Assessment Techniques (SCAT) process, as detailed in the Shoreline Cleanup Assessment Manual included as Section 9421 of the Northwest Area Contingency Plan.

Wildlife Response

Note that WRSP (wildlife response service provider) is missing from the BP c-plan's List of Acronyms.

The BP c-plan does not adequately document the required wildlife response equipment and personnel through contracted access to an approved WRSP, especially the vessels, equipment, and personnel needed to conduct whale reconnaissance, monitoring, and deterrence. It is insufficient to only reference the "list of individuals and organizations capable of conducting whale reconnaissance and deterrence is available in the Wildlife Contact List in the NWACP ICS Tool Kit at oilspills101.wa.gov and NWACP Section 9312."

The BP c-plan states, "Southern Resident killer whales are listed as endangered both by the state and the federal government. Minimizing any impacts from an oil spill is an extremely high priority." This concurs with the Southern Resident Killer Whales (*Orcinus orca*) 5-Year Review: "Their small population size and social structure also put them at risk for a catastrophic event, such as an oil spill, that could affect the entire population."¹

If the protection of Southern Resident killer whales is indeed "an extremely high priority" for the BP Cherry Point Refinery, the BP c-plan should include contracts that provide the vessels, equipment, and personnel needed to conduct whale reconnaissance, monitoring, and deterrence in the entire geographic area of interest. Please ensure that the BP c-plan is updated to include all wildlife response resources.

Thank you for your attention to these comments.

Sincerely,

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¹ National Marine Fisheries Service. *Southern Resident Killer Whales (Orcinus orca) 5-Year Review: Summary and Evaluation*. (National Marine Fisheries Service West Coast Region, Seattle, 2021). Page 4. <https://media.fisheries.noaa.gov/2022-01/srkw-5-year-review-2021.pdf>.