

**Friends of the San Juans • Friends of the Earth
Washington Conservation Action • RE Sources
Evergreen Islands • San Juan Islanders for Safe Shipping**

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Sent via email: sabrina.floudaras@ecy.wa.gov and the public comment portal:
<https://sppr.ecology.commentinput.com/?id=53dZYKjEJ>

RE: Phillips 66 Ferndale Refinery Five-Year Oil Spill Contingency Plan Update

Dear Sabrina Floudaras,

Thank you for considering these comments on the Phillips 66 Ferndale Refinery's five-year update to its oil spill contingency plan (Phillips 66 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 Phillips 66 c-plan fails to adequately address and plan for all the risks that the Phillips 66 Ferndale Refinery poses to the marine ecosystem and the health and safety of Washington State communities.

**Phillips 66 Integrated Contingency Plan Ferndale Refinery – Annex A
Planning Distance**

The identified environmentally sensitive areas and communities that require oil spill response planning and protection in the Phillips 66 c-plan is woefully inadequate.

Section 4.1 Vulnerability Analysis (page A4-4) “addresses the potential effects to human health, property, and the environment of an oil spill, and has been prepared to discuss vulnerability of the following thirteen (13) sensitive areas that exist within the planning distance.”

The planning distance is defined in section 2.11.7 Planning Distance Calculations which states (on page A1-86) that the Phillips 66 Ferndale Refinery

is not required to conduct planning distance calculations due to its proximity to the Sound, and classification in accordance with 40 CFR 112 Attachment C-III Section 1.3. The immediate impact area is clear without performing calculations. The environmentally sensitive areas identified on the Refinery Overview map in this section and as identified in the NWACP will still be planned and protected for as appropriate.

The Refinery Overview map and the spill scenarios for its worst case discharge of 659,222 barrels show an impacted area that is far less than the neighboring BP Cherry Point Refinery's Geographic Area of Interest. This is especially concerning given that the BP refinery's worst case discharge is 498,438 barrels, significantly less than the Phillips 66 refinery's worst case discharge of 659,222 barrels.

The Refinery Overview map is inadequate for identifying environmentally sensitive areas and for identifying communities that would potentially be impacted by a Phillips 66 Ferndale Refinery oil spill.

We urge Ecology to require the Phillips 66 c-plan to revise the Refinery Overview map and the environmentally sensitive areas and communities that require oil spill response planning and protection.

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 Phillips 66 Ferndale Refinery face cumulative health impacts from chronic emissions and potential spill-related contamination of air and water as shown in the Washington Department of Health's [Environmental Health Disparities Map in the Toxic Releases from Facilities \(RSEI Model\) map layer](#). Areas directly north and south of the Phillips 66 Ferndale Refinery have a high rank of seven on a scale of 10-1. Just south of the facility lies the Lummi Tribal Nation and Reservation. Despite these risks, the Phillips 66 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 Phillips 66 c-plan includes detailed evacuation plans for refinery employees. However, section II.12.10.3 Community Air Monitoring, includes an inadequate geographic area for community air monitoring, stating:

Community air monitoring may be conducted when nearby areas outside the work area(s) include residential and/or commercial buildings, roads and highways, or other locations that may house or occasionally be frequented by people or other sensitive receptors.

As identified above, the Phillips 66 c-plan includes a woefully inadequate planning distance, which also contributes to the lack of preparedness for Community Air Monitoring.

We urge Ecology to require the Phillips 66 c-plan to fully integrate health safeguards, including real-time exposure monitoring and clearly defined evacuation and health response protocols, for all potentially affected communities. Please ensure that the c-plan includes all the emergency management services needed to conduct Community Air Monitoring and evacuations throughout the region where Phillips 66 oil spill impacts could occur.

Over-Water Oil Transfer Operations

The Phillips 66 c-plan states (on page A4-141):

Most spills within the oil transfer and storage areas within the refinery will be contained by the various secondary containment and stormwater runoff collection systems installed at the refinery.

The Phillips 66 c-plan does not address pre-booming of over-water oil transfers per WAC [173-180-221](#). In the previous 5-year period from April 1, 2020, through March 31, 2025, according to the Advance Notice of Transfer (ANT) data, there were 764 transfers at the Phillips 66 Ferndale Refinery dock, excluding transfers of gasoline or gasoline-range material that should not be pre-boomed (specifically this list of products from Ecology: gasoline, aviation gasoline, ethanol, and nonene).

The majority of these over-water oil transfers in the previous 5 years, 541 transfers totaling 1,021,926,232 gallons, were pre-boomed. However, 223 transfers (29% of total transfers) totaling 477,898,344 gallons (32% of total volume) were not pre-boomed.

We urge Ecology to conduct an on-water exercise during conditions in which the Phillips 66 Ferndale Refinery claims it to be neither safe nor effective to pre-boom, to ensure that the alternative strategies to pre-booming are found to be sufficient for an effective oil spill response.

Phillips 66 Wildlife Response Plan – Annex B

Wildlife Response Contacts, Marine Mammal Monitoring and Deterrence

Note that Lynne Barre is no longer at NOAA. Please confirm that Patrick Kirby at IOSA will provide marine mammal monitoring and deterrence.

Southern Resident Killer Whale Reconnaissance, Monitoring, and Deterrence

Section 3.4 on Southern Resident killer whale reconnaissance, monitoring, and deterrence states that “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.” However, this section of the Phillips 66 c-plan

does not adequately document the required wildlife response equipment and personnel through contracted access to an approved WRSP (Wildlife Response Service Provider) and/or PRC (Primary Response Contractor), especially the vessels, equipment, and personnel needed to conduct whale reconnaissance, monitoring, and deterrence. It is insufficient for this section of the Phillips 66 c-plan to only reference the requirements in WAC [173-182-540](#) (2) b-d and the guidance in the Northwest Wildlife Response Plan.

If the protection of Southern Resident killer whales and if “Minimizing any impacts from an oil spill is an extremely high priority” for the Phillips 66 Ferndale Refinery, the Phillips 66 c-plan should include contracts that provide the vessels, equipment, and personnel needed to conduct whale reconnaissance, monitoring, and deterrence. Please ensure that the Phillips 66 c-plan is updated to include all wildlife response resources.

Ferndale Refinery Shoreline Oil Spill Response Plan – Annex C

WAC [173-182-522](#) Planning standards for shoreline cleanup is not fully addressed in the Phillips 66 c-plan, and in particular:

(3) The plan shall describe how the plan holder will obtain additional resources necessary to support fourteen additional days of shoreline cleanup. The description should include vendor names, contact information, resources, and approximate time frames for resources to arrive at a staging area.

Given this as well as the deficiencies in the Phillips 66 c-plan’s identified environmentally sensitive areas and communities that require oil spill response planning and protection, we ask Ecology to ensure that the shoreline oil spill response resources identified are sufficient for all potentially affected shorelines in a worst case discharge spill.

Thank you for your attention to these comments. We look forward to your responses.

Sincerely,

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