



## **Memorandum**

DATE: January 19, 2022  
TO: Satpal Sidhu, County Executive  
FROM: Mark Personius, Director  
RE: Cascadia Law Group, PLLC Contract Amendment

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Enclosed is the contract amendment between Cascadia Law Group, PLLC and Whatcom County for your review and signature.

### **Background & Purpose**

Whatcom County was recently notified by the Northwest Clean Air Agency (NWCAA) that PetroGas West, LLC substantially increased throughput of butane and propane shipments at the Ferndale Terminal in Cherry Point starting in 2015 and continuing up to the present day that resulted in substantial increases in volatile organic compound (VOC) emissions as well as rail and vessel traffic. Northwest Clean Air has indicated that those operational changes may not have been properly disclosed to the County and NWCAA as part of the permitting process in 2016 for which Whatcom County was the SEPA lead agency. Whatcom County subsequently retained Cascadia Law Group, PLLC, as outside legal counsel with expertise to help determine the appropriate regulatory compliance path going forward. The County has engaged with AltaGas (the majority owner of PetroGas) to request additional information and PDS will review the 2016 SEPA threshold determination we issued for compliance with SEPA procedures to determine whether additional regulatory action is necessary. Cascadia's assistance is needed during this process to address compliance issues and potential litigation.

### **Funding Amount & Source**

Adequate funds will be available in the Council budget for these services if the Council approves the supplemental budget ordinance that will be heard prior to the consideration of this contract amendment.

### **Differences from Previous Contract**

This amendment increases the maximum compensation to Cascadia Law Group by \$60,000.

Please contact Mark Personius (X5950) if you have any questions or concerns regarding the terms of this agreement.

### **Attachments**

- Contract Information Sheet
- Contract