



Citizens for a Healthy Bay

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April 25, 2019
Kenneth Esplin
Washington State Dept. of Ecology
PO Box 47775
Olympia, WA 98504-7600
kenneth.esplin@ecy.wa.gov

Re: Comments on NuStar Energy Tacoma Spill Prevention, Control and Countermeasures Plan

Dear Mr. Esplin,

Thank you for providing the opportunity to review and comment on the NuStar Energy Tacoma Spill Prevention, Control and Countermeasures Plan (Plan).

Citizens for a Healthy Bay (CHB) is a 29-year-old organization whose mission is to represent and engage people in the cleanup, restoration, and protection of Commencement Bay, its surrounding waters and natural habitat. We are a 501(c)3 nonprofit providing practical, solutions-based environmental leadership in the Puget Sound area. We work side-by-side with residents, businesses, and government to prevent and mitigate pollution and to make our community healthier and more vibrant.

Staff and expert members of CHB's Policy and Technical Advisory Committee have reviewed the Plan and related regulations. Our comments are outlined below.

Background

The NuStar Energy Tacoma facility is located at end of the Thea Foss Waterway, bordered by the Middle Waterway to the east and Commencement Bay to the north. NuStar has a storage capacity of 377,000 barrels and stores gasoline, diesel, jet fuel, ethanol, and other fuel oils. The facility has the potential to release oil to Commencement Bay, the Puyallup River, other water bodies, to soil and to the air. There is a real threat to already stressed salmon runs and marine mammals, public health, and a threat to the entire tideflat. As such, this spill prevention plan is critical to preventing releases, and when they occur, stopping them as quickly as possible. Our comments are directed at individual improvements needed for this plan, but in addition, we expect a plan that is easily accessible and usable in the case of a release of any kind. Consequently, we feel there is significant room for continued improvement.

Plan References to Outside Documents

There are multiple instances in this Plan that refer to outside documents for spill prevention protocols or other information required by WAC 173-180. Abridging the Plan in this way forces the reader to locate and read another document, creating a barrier to public access and reducing opportunity for public review and scrutiny, while placing extra burden on maintenance and inspection personnel to locate these documents. This burden increases the chances of delayed or neglected maintenance and inspection, creating more opportunities for leaks and spills. The following is a list of Plan items that refer the reader to an outside document, which CHB requests be added to the Plan directly:

1. Hazard Evaluation and Risk Analysis only available in the Washington Combined Plan (p. C-7) – this information is required under WAC 173-180-630(15);
2. Discharge response procedures only available in the Washington Combined Plan (p. C-8), and;
3. Inspection schedule and Maintenance Index (P. C-12).

Inspections, Tests, and Records

This section (p. C-12) of the Plan is missing information needed for thorough, timely inspections, which consequently increases NuStar's risk of an oil leak or spill. CHB notes the following excerpts from the Plan, and requests they be improved as follows:

- Bullet Point 3 states, "Inspections are performed in accordance with written procedures detailed on each inspection sheet." Assuming Figure C-12 is the inspection sheet, CHB requests that it be referenced in this section. Additionally, this sheet makes no mention of internal corrosion checks, as required under WAC 173-180-630(11.a.iii). CHB requests a protocol for checking internal piping corrosion be added to the Plan.
- Bullet Point 6 states, "When measurements or tank conditions are found to be out of API 653 specifications, the necessary repair work will be completed prior to returning the tank to operational service." As stated, this section of the Plan is not in compliance with WAC 173-180-630(11.a.iv) which requires a description of "damage criteria for equipment repair or replacement." CHB requests detailed damage criteria be added to the Plan directly.
- The Plan does not currently meet the standards outlined in WAC 173-180-630(11.a.ii), which requires a description of "Integrity testing of storage tanks and pipelines, including but not limited to frequency; pressures used (including ratio of test pressure to maximum operating pressure, and duration of pressurization); means of identifying that a leak has occurred; and measures to reduce spill risk if test material is product." Currently, none of this information is included in the Plan – CHB requests a thorough description of these integrity testing measures be added.
- Bullet Point 16 states, "Inspection and testing records are made part of this plan, but kept at the office of the terminal manager." As such, the Plan is out-of-compliance with WAC 173-180-630(11.b) which reads, "The plan must include a current index of maintenance and inspection records of the storage and transfer facilities and related equipment." CHB requests these maintenance and inspection records be added to the Plan.

We hope these comments are useful in preparing an improved plan. This plan is not yet one that CHB believes will be adequate in preventing and responding to spills. Please contact me if there are questions regarding my comments. Thank you for the opportunity to provide feedback on the NuStar Energy Tacoma Spill Prevention, Control and Countermeasures Plan.

Sincerely,



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