

Tom McCormick

Comment 1:

Appendix C of Alon Asphalt Company's Spill Prevention, Control, and Countermeasures Plan (Alon's SPCC Plan) is a table entitled, "Schedule of Tanks" (see the copy uploaded with my comments). Alon Asphalt Company ("Alon") updated the Schedule of Tanks on 08-10-2023. Please require Alon to add a column to the Schedule of Tanks to report the current volume of product held in each tank.

Comment 2:

The Prevention Plan ADDENDUM to Alon's SPCC Plan is the document posted on the Department of Ecology's website that the public is invited to comment on. Alon's Prevention Plan ADDENDUM is dated 10-18-2023, and has 107 pages (in PDF format). Alon's Prevention Plan ADDENDUM fails to include the updated Schedule of Tanks found in Appendix C of Alon's SPCC Plan. Please insert Appendix C, as updated 08-10-2023 and to be revised per Comment 1 above, into Alon's Prevention Plan ADDENDUM.

Comment 3:

Background:

Appendix 6 of Alon's Prevention Plan Addendum is entitled, "Tank 61 & T 62 Secondary Storage Tank Containment Plan." Its opening sentence states that, "The Terminal Flood Map measurement study indicates that earthen containment berms east of tanks 61 & 62 would not hold the entire tank shell contents of the largest tank in the area (Tank 62) if a catastrophic tank failure occurs."

In an August 4, 2023, letter from the Department of Ecology's Brian Kirk, Prevention Section Manager in the Spill Prevention, Preparedness, and Response Program, to Mark Thomas, Alon's Environmental Manager, it states that, "The secondary containment system for tanks 61 and 62 cannot hold the entire capacity of either tank. Within 30 days of the date of this letter, provide a written plan to address this. Options could include changing the capacity of each secondary containment system to hold the entire capacity of those two tanks, physically changing the shell capacity of tanks 61 and 62, or decommissioning tanks 61 and 62 per WAC 173-180-910(1)(b). Update your Prevention Plan to incorporate the changes you will make (WAC 173-180-320(4))."

By letter dated Sept. 22, 2023, Alon responded as follows (a copy of the letter is included in Appendix 6 of Alon's Prevention Plan Addendum, at PDF pages 106-107):

"[R]elating to the secondary containment system for tanks 61 and 62, Alon has made a preliminary determination that it will modify the existing berms to hold the entire capacity of tanks 61 and 62, one of the options provided in your August 4 letter. However, it will not be possible to complete the berm modification by October 4. We plan to engage a third-party engineering firm to provide the design for the berm modifications, material, specifications, and other important details to ensure the solution is robust and compliant. This process is currently underway, and we believe it is likely we

can retain an engineering firm and have an initial design iteration for the berm modification created by the end of the year.

"Following the completion of the engineering work, we will select a contractor with ample experience to successfully complete the berm modification work based on the approved final design. Although we believe it is likely we can have a berm modification design completed and retain a contractor by March, given the rapidly approaching rainy season, we do not believe it is likely that we would be able to complete construction to modify the berm before 6/30/2024.

"Our proposed project milestones and schedule are:

- * Complete bid process and retain an engineering contractor by 11/03/2023.
- * Create and review initial berm modification design iterations. If the design is not accepted, continue with the development of a second and/or third option until approval is achieved.
11/03/2023 - 1/31/2023.
- * Finalize the berm modification design and issue RFP for construction based on best option from the engineering study by 2/1/2024.
- * Complete bid process and retain construction contractor by 3/31/[2024].
- * Start berm modification construction as soon as feasible as rainy season permits.
- * Complete berm modification construction by 6/30/2024.

"Including a small contingency for schedule delay to accomplish these tasks and complete the berm modification, we request that Ecology extend the Conditional Approval until 7/30/2024.

"We note that our decision to modify the berms is preliminary, and we may revise our plan to pivot to one of the other options provided in your August 4 letter, depending on responses from contractors regarding availability of materials and price."

Objection:

Currently, the noncompliant berm around tanks 61 & 62 is capable of containing only 2,742 barrels of oil (see the table in Appendix 6 of Alon's Prevention Plan Addendum, entitled, "Earthen Berm Release Volume Calculation," at PDF page 103). According to the Schedule of Tanks in Appendix C of Alon's SPCC Plan, the tank volume of tank 61 is 126,464 barrels, and the tank volume of tank 62 is 129,100 barrels (a total of 255,564 barrels for the two tanks). Alon proposes to modify the existing berms to hold the entire capacity of tanks 61 and 62 (see Alon's Sept. 22, 2023, letter).

Alon's proposed berm modification would increase the capacity of the berms around tanks 61 & 62 from 2,742 barrels to 255,564 barrels. The proposed berm modification is a big project that presumably will require local governmental approval. Depending on the berm modification design, Snohomish County might require permits such as a Land Disturbing Activity Permit; a Shoreline Management Substantial Development Permit; a Building Permit; etc.

Please require Alon to modify its berm modification proposal to specify and discuss all permits that will be required, and to present a realistic timetable for securing those permits. Securing local governmental approval (permits) is a critical path element. The Department of Ecology should not accept, approve, or even conditionally approve, Alon's berm modification proposal until Alon

revises its proposal to specify and discuss all permits that will be required, and to present a realistic timetable for securing those permits.

Note regarding nonconforming use:

Alon's proposed berm modification is not required. It is merely one of several options available to bring its facility into compliance with the WAC's secondary containment rules. Another option, as specified in Brian Kirk's August 4, 2023, letter, is to decommission tanks 61 & 62.

Alon proposes to modify the berms providing secondary containment around tanks 61 & 62, instead of decommissioning the tanks, presumably so that it could then fill tanks 61 & 62 to their maximums (126,464 barrels for tank 61, and 129,100 barrels for tank 62), and re-start its commercial oil operations that have been discontinued since June 2020.

I maintain that Snohomish County Code 30.67.450(5) prohibits Alon from re-starting its commercial oil operations (a nonconforming use). Under SCC 30.67.450(5), if a nonconforming use is discontinued for 12 months, then the owner's or operator's nonconforming use rights expire, and the nonconforming use cannot be re-started, regardless whether the owner or operator intended to abandon the nonconforming use.

I mention the nonconforming use issue because it may impact whether Alon can secure all required permits to accomplish its proposed berm modification. If it becomes apparent that Alon is unable to secure all required permits, then the Department of Ecology must reject Alon's proposed berm modification. Alon could then decommission the tanks to bring the facility into compliance with the WAC's secondary containment rules.

Appendix C

Schedule of Tanks

TABLE 1
Schedule of Tanks
Richmond Beach Asphalt Plant

Secondary Containment Area	Location of Tanks	Tank ID.	Tank Volume (BBLs) at SFH	Tank Volume (Gallons) at SFH	Tank Diameter (Feet)	Tank Height (Feet)	Content	Year Built
Terminal Tank Farm	1C	1	47,216	1,983,072	115	30	Out of Service	1912
Terminal Tank Farm	1A	2	52,159	2,190,678	115	30	Out of Service	1912
Terminal Tank Farm	1B	3	52,331	2,197,902	115	30	Out of Service	1912
Process Area	Process Area	4	240	10,065	10	18	Out of Service	1981
Process Area	Process Area	6	482	20,244			Diesel	2004
Terminal Tank Farm	1A	7	13,821	580,482	60	30	Out of Service	1915
Terminal Tank Farm	1H	10	29,852	1,253,784	95.5	33.5	Out of Service	1916
Terminal Tank Farm	1L	11	39,359	1,653,078	95.5	33	Heavy Fuel Oil	1916
Process Area	Process Area	13	423	17,766	10.5	30	Out of Service	1985
Process Area	Process Area	20	393	16,506			Out of Service	
North Tank Farm	North Tank Farm	21	2,265	95,130	20	42	Out of Service	1949
Terminal Tank Farm	1A	37	3,517	147,714	30	30	Out of Service	1916
Terminal Tank Farm	1A	38	4,798	201,516	32	35	Out of Service	1917
Terminal Tank Farm	1A	40	28,461	1,195,362	90	30	Waste Water	1930
Terminal Tank Farm	1A	41	50,782	2,132,844	114	30	Asphalt	1930
Terminal Tank Farm	1I	42	47,675	2,002,350	114.5	30.5	Out of Service	1930
Terminal Tank Farm	1E	44	34,070	1,430,940	95.5	30.5	Out of Service	1930
Terminal Tank Farm	1L	45	33,319	1,399,398	95.5	30.5	Heavy Fuel Oil	1930
Terminal Tank Farm	1J	51	18,270	767,340	56	42	Waste Water	1959
Terminal Tank Farm	1A	52	11,607	487,494	45	41.5	Out of Service	1932
Terminal Tank Farm	1G	53	27,528	1,156,176	95.5	30	Out of Service	1932
Tank 54 Area	Tank 54 Area	54	1,678	70,504	20	30	Out of Service	
Terminal Tank Farm	1G	55	29,896	1,255,632	80	42.5	Out of Service	1934
Terminal Tank Farm	1A	57	6,064	254,688	40	30	Out of Service	1936
Terminal Tank Farm	1G	59	18,353	770,826	60	46	Out of Service	1938
Terminal Tank Farm	1F	61	126,464	5,311,488	144	46.25	Heavy Fuel Oil	1941
Terminal Tank Farm	1F	62	129,100	5,422,200	144	46.25	Heavy Fuel Oil	1941
Terminal Tank Farm	1B	63	2,027	85,134	25	30	Out of Service	1947
Terminal Tank Farm	1K	67	30,592	1,284,864	74	42	Out of Service	1938
Terminal Tank Farm	1K	68	29,168	1,225,056	74	42	Out of Service	1948

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Terminal Tank Farm	1J	76	11,537	484,554	42.5	48	Out of Service	1959
North Tank Farm	North Tank Farm	77	15,728	660,576	70	30	Paving Asphalt	1912
North Tank Farm	North Tank Farm	79	7,625	320,250	45	30	Out of Service	1912
North Tank Farm	North Tank Farm	81	36,099	1,516,158	95.5	30	Out of Service	1950
North Tank Farm	North Tank Farm	82	52,177	2,191,434	115	30	Asphalt	1950
North Tank Farm	North Tank Farm	83	52,258	2,194,836	115	30	Out of Service	1950
North Tank Farm	North Tank Farm	85	43,049	1,808,058	90	42	Out of Service	1985
Process Area	Process Area	90	1,921	80,766	25	24	Asphalt	1950
Process Area	Process Area	91	1,918	80,682	25	24	Asphalt	1950
Process Area	Process Area	92	1,925	80,850	25	24	Asphalt	1950
Process Area	Process Area	93	1,924	80,808	25	24	Asphalt	1950
Process Area	Process Area	94	1,927	80,934	25	24	Asphalt	1950
Process Area	Process Area	95	1,945	81,690	25	24	Asphalt	1952
Process Area	Process Area	96	1,920	80,640	25	24	Out of Service	1952
Process Area	Process Area	97	1,921	80,682	25	24	Asphalt	1952
North Tank Farm	North Tank Farm	98	5,865	246,330	38	30	Asphalt	1955
Process Area	Process Area	99	998	41,916	8	25	Out of Service	1955
Process Area	Process Area	100	434	18,228	12	33	Asphalt	1956
Process Area	Process Area	101	434	18,228	12	33	Asphalt	1956
Process Area	Process Area	102	353	14,826	12	30	Out of Service	1956
Process Area	Process Area	105	502	21,084	15	18	Asphalt	1956
North Tank Farm	Tank 106 Area	106	1,768	74,256	24	24	Out of Service	1958
North Tank Farm	North Tank Farm	107	1,835	77,070	21	32	Out of Service	1958
North Tank Farm	North Tank Farm	108	939	39,438	15	32	Out of Service	1958
North Tank Farm	North Tank Farm	109	946	39,732	15	32	Out of Service	1958
North Tank Farm	North Tank Farm	110	945	39,690	15	32	Out of Service	1958
Process Area	Process Area	111	86	3,612	8	11	Out of Service	1958
Process Area	Process Area	112	86	3,612	8	11	Recovery Oil	1958
Process Area	Process Area	113	45	1,890	8	11	Out of Service	1958
Process Area	Process Area	114	45	1,890	8	11	Out of Service	1958

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Process Area	Process Area	115	995	41,790	18	24	Out of Service	1961
Process Area	Process Area	116	961	40,320	18	24	Asphalt	1961
Process Area	Process Area	117	502	21,084	15	18	Asphalt	1964
North Tank Farm	North Tank Farm	118	924	38,976	15	32	Asphalt	1971
North Tank Farm	Tank 106 Area	119	959	40,320	15	32	Out of Service	1971
North Tank Farm	North Tank Farm	120	2,061	86,562	22	32	Out of Service	1971
North Tank Farm	North Tank Farm	121	959	40,278	15	32	Out of Service	1971
North Tank Farm	North Tank Farm	123	5,098	214,116	20	42	Asphalt Emulsion	1930
Process Area	Process Area	200	2,742	115,164	22	42	Out of Service	1980
Process Area	Process Area	202	1,445	60,690	18	34	Asphalt	
Process Area	Process Area	203	1,444	60,648	18	34	Asphalt	
Process Area	Process Area	211	288	12,096	10.5	20	Out of Service	1974
Process Area	Process Area	212	257	10,794	10.5	20	Out of Service	1974
Process Area	Process Area	214	266	11,172	10.5	17.5	Out of Service	1975
Process Area	Process Area	215	441	18,533	10.5	30	Out of Service	
Process Area	Process Area	216	441	18,533	10.5	30	Out of Service	
Process Area	Process Area	218	141	5,921	10	12	Out of Service	1987
Process Area	Process Area	233	?	?	?	?	Out of Service	
Process Area	Process Area	300	60	2,520	6	15	Heat Transfer Oil	1969
Terminal Tank Farm	1D	105A	2,971	124,782	28	30	Recovery Oil	1963
Terminal Tank Farm	1D	106A	3,413	143,346	30	30	Out of Service	1963
Terminal Tank Farm	1D	107A	3,332	139,944	32	30	Out of Service	1963
Terminal Tank Farm	1D	108A	379	15,918	10.5	30	Out of Service	
Terminal Tank Farm	1J	77A	17,978	755,076	60	42	Out of Service	1949
Terminal Tank Farm	1J	99A	23,604	991,368	64	48	Out of Service	1959