



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Environmental  
Conservation

DIVISION OF SPILL PREVENTION & RESPONSE  
INDUSTRY PREPAREDNESS PROGRAM

555 Cordova Street  
Anchorage, Alaska 99501  
Phone: (907) 257-3064  
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May 9, 2013

File No. 304.20

Joseph P. Robertson  
Regulatory Affairs Director  
Alyeska Pipeline Service Company  
P. O. Box 196660  
Anchorage, AK 99519-6660

Subject: **Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan, ADEC Plan No. 08-CP-4049. Short Term Approval Extension.**

Dear Mr. Robertson:

The Alaska Department of Environmental Conservation (department) is in the process of reviewing the renewal Oil Discharge Prevention and Contingency Plan (plan) and application for Alyeska Pipeline Service Company's (Alyeska's) Valdez Marine Terminal (VMT) plan, dated October 15, 2012 and amended January 8, 2013, January 18, 2013, and February 8, 2013. The public review period was suspended on March 29, 2013, and the first part of the request for additional information was sent to Alyeska on May 1, 2013.

The current VMT plan approved on May 9, 2008, as amended on July 16, 2008, February 24, 2010, June 13, 2011, July 13, 2012, and expires on May 9, 2013. On May 8, 2013, Alyeska requested an extension of the current plan approval. The department has determined that extending our final review process by an additional seven months will provide needed time to complete a thorough and coordinated review of the plan application. Therefore, we are extending the approval of the current VMT plan until December 9, 2013.

The department has determined that Alyeska is substantially in compliance with their current plan. Therefore the department has determined that a short-term approval is appropriate until the plan renewal process is complete and a final decision is issued on the renewal application.

This short term approval applies to the following plan:

Plan Name and Dates:

**Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan, dated May 9, 2008, as amended on July 16, 2008, February 24, 2010, June 13, 2011, and July 13, 2012**

**Plan Holder:** Alyeska Pipeline Service Company  
P. O. Box 196660  
Anchorage, AK 99519

**Facility:** Valdez Marine Terminal,  
P. O. Box 300, Valdez, AK 99686

**PLAN APPROVAL:** An approval for the referenced plan is hereby granted, effective May 9, 2013. This approval supersedes the approval letter and certificate dated May 9, 2008 for this facility.

A certificate of approval stating that the department has approved the plan is enclosed. This approval is subject to the following terms and conditions:

**EXPIRATION:** This approval expires December 9, 2013. After the approval expires, facility operations are prohibited by Alaska law until an approved plan is once again in effect.

**REVOCATION, SUSPENSION, OR MODIFICATION:** This approval is effective only while the plan holder is "in compliance with the plan" and with all of the terms described in this letter. The department may, after notice and opportunity for a hearing, revoke, suspend, or require the modification of an approved plan if the plan holder is not in compliance with it, or for any other reason stated in AS 46.04.030(f). In addition, Alaska law provides that a vessel or facility that is not "in compliance with the plan" may not operate (AS 46.04.030). The department may terminate approval prior to the expiration date if deficiencies are identified that would adversely affect spill prevention, response, or preparedness capabilities.

**DUTY TO RESPOND:** Notwithstanding any other provisions or requirements of this, a person causing or permitting the discharge of oil is required by law to immediately contain and cleanup the discharge regardless of the adequacy or inadequacy of a plan (AS 46.04.020).

**NOTIFICATION OF NON-READINESS:** Within twenty four (24) hours after any significant response equipment specified in the plan becomes non-operational or is removed from its designated storage location, the plan holder must notify the department in writing and provide a schedule for equipment substitution, repair, or return to service (18 AAC 75.475(b)).

**NOTICE OF CHANGED RELATIONSHIP WITH RESPONSE CONTRACTOR:** Because the plan relies on the use of response contractor(s) for its implementation, the plan holder must immediately notify the department in writing of any change in the contractual relationship with the plan holder's response contractor(s), and of any event including but not limited to any breach by either party to the response contract that may excuse a response contractor from performing, that indicates a response contractor may fail or refuse to perform, or that may otherwise affect the response, prevention, or preparedness capabilities described in the approved plan.

**CIVIL AND CRIMINAL SANCTIONS:** Failure to comply with the plan may subject the plan holder to civil liability for damages and to civil and criminal penalties. Civil and criminal sanctions may also be imposed for any violation of AS 46.04, any regulation issued thereunder, or any violation of a lawful order of the department.

**INSPECTIONS, DRILLS, RIGHTS TO ACCESS AND VERIFICATION OF EQUIPMENT, SUPPLIES AND PERSONNEL:** The department has the right to verify the ability of the plan holder to carry out the provisions of its plan and access to inventories of equipment, supplies, and personnel through such means as inspections and discharge exercises, without prior notice to the plan holder. The department has the right to enter and inspect the covered vessel or facility in a safe manner at any reasonable time for these purposes and to otherwise ensure compliance with the plan and the terms and conditions (AS 46.04.030(e) and AS 46.04.060). The plan holder shall conduct exercises for the purpose of testing the adequacy of the plan and its implementation (18 AAC 75.480 and 485).

**FAILURE TO PERFORM:** In granting approval of the plan, the department has determined that the plan, as represented to it by the applicant in the plan and application for approval, satisfies the minimum planning standards and other requirements established by applicable statutes and regulations, taking as true all information provided by the applicant. The department does not warrant to the applicant, the plan holder, or any other person or entity: (1) the accuracy or validity of the information or assurances relied upon; (2) that the plan is or will be implemented; or (3) that even full compliance and implementation with the plan will result in complete containment, control, or clean-up of any given oil spill, including a spill specifically described in the planning standards. The plan holder is encouraged to take any additional precautions and obtain any additional response capability it deems appropriate to further guard against the risk of oil spills and to enhance its ability to comply with its duty under AS 46.04.020(a) to immediately contain and clean up an oil discharge.

**COMPLIANCE WITH APPLICABLE LAWS:** If amendments to the approved plan are necessary to meet the requirements of any new laws or regulations, the plan holder must submit an application for amendment to the department at the above address. The plan holder must adhere to all applicable state statutes and regulations as they may be amended from time to time. This approval does not relieve the plan holder of the responsibility for securing other federal, state, or local approvals or permits, and the plan holder is still required to comply with all other applicable laws.

**INFORMAL REVIEW OR ADJUDICATORY HEARING:** Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185.

Informal review requests must be delivered to the Spill Prevention and Response Division Director, 410 Willoughby Avenue, Suite 303, Juneau, AK 99801, within 15 days of the permit decision.

Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, AK 99801, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived. Anyone who submits a request for an informal review or an adjudicatory hearing should also send a copy of the request to the undersigned.

If you have any questions, please contact Elizabeth Stergiou at (907) 269-6426 or via email at [Elizabeth.Stergiou@alaska.gov](mailto:Elizabeth.Stergiou@alaska.gov).

Sincerely,



Betty Schön  
Program Manager

Enclosure: Certificate of Approval Number: 08CER-019.1

Electronic cc w/o enclosure:

Scott Hicks, APSC  
Joe Freitag, APSC  
Deborah White, APSC  
Judy McCormick, APSC  
Lori Burroughs, APSC  
Mike Wrabetz, BLM  
Bonnie Friedman, BLM  
Alyssa Sterrett, BLM  
Ron Dunton, BLM  
Matt Carr, EPA  
Mike Thompson, SPCO  
Jennifer Lindberg, ADEC  
Elizabeth Stergiou, ADEC  
Rebecca Spiegel, ADEC  
John Kotula, ADEC  
Sharry Miller, ADEC  
Ron Doyel, ADEC  
Steve Russell, ADEC  
DNR Cplan Review Coordinator (Samantha Carroll), ADNR  
Lee McKinley, ADF&G  
Bradley Dunker, ADF&G  
John Madden, DHS&EM  
CDR Benjamin Hawkins, USCG  
Melanie Barber, USDOT/PHMSA, Washington, D.C.  
Dennis Hinnah, USDOT/PHMSA  
Mark Swanson, PWS RCAC  
Linda Swiss, PWS RCAC  
Don Moore, City of Cordova  
John Hozey, City of Valdez  
Thomas Bolen, City of Whittier  
David Totemoff, Village of Tatitlek  
Pete Kompkoff, Village of Chenega  
Tom Lakosh



**ALASKA DEPARTMENT  
of  
Environmental Conservation  
Certificate of Approval  
for**

**Oil Discharge Prevention and Contingency Plan**



Certificate Number: 08CER-019.1

Plan Number: 08-CP-4049

Name of Plan:

Alpeka Pipeline Service Company, Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan

Covered Facilities:

Valdez Marine Terminal

Address:

P. O. Box 300, Valdez, AK 99686

Anchorage Telephone:

(907) 787-8777

Fax: (907) 586-4402

Valdez Telephone:

(907) 834-6480

Fax: (907) 834-6448

Region of Operation (18 AAC 75.495): Prince William Sound

Effective Date of Approval: May 10, 2013

Expiration Date: December 9, 2013

This approval is subject to the terms and conditions of the applicable Alaska Department of Environmental Conservation Contingency Plan approval letter and continuing compliance with the requirements of AS 46.04 and 18 AAC 75.

  
Betty Schorr, Approving Authority  
Program Manager, Industry Preparedness Program  
Date: 05-09-2013