



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

June 13, 2024

Phillips 66 Ferndale Refinery  
ATTN: Vivek Gopal  
3901 Unick Rd  
Ferndale, WA 98248

Re: Coastal Zone Management Federal Consistency Decision for Phillips 66 Dock  
Maintenance and Pile Replacement (Corps No. NWS-2015-1061), Strait of Georgia,  
Ferndale, Whatcom County, Washington

Dear Vivek Gopal:

On May 21<sup>st</sup>, 2024, the Department of Ecology (Ecology) received a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP) for the above project. However, at the time of this decision, the Phillips 66 Ferndale Refinery has not fully demonstrated consistency with the enforceable policies of the State Water Pollution Control Act. Thus, pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology conditionally concurs with Phillips 66 Ferndale Refinery's determination that the proposed work is consistent with Washington's CZMP.

**This concurrence is conditioned** that, in order to meet the enforceable policy of the Water Pollution Control Act (Chapter 90.48 RCW), Phillips 66 Ferndale Refinery follows the EPA Region 10 Best Management Practices for Piling Removal and Placement in Washington State, dated February 18, 2016, for all pile removal, handling, and disposal activities. This condition is necessary to demonstrate consistency with the regulations and water quality standards of the State Water Pollution Control Act.

The proposed work includes continuing an ongoing program of periodic inspection, maintenance, repair, and replacement activities, as follows:

- Pile Replacement – Piles would be replaced in-kind, except for deteriorated creosote wooden causeway piles which would be replaced with coated steel piles. Causeway replacement piles would be 20-inch diameter steel, installed using a vibratory pile

driver. The facility will install up to 121, 20-inch replacement piles, and intends to do so in one mobilization.

- Pile Repair and Pile/Pier Structure Corrosion Protection – New timber pile cap covers would typically be galvanized steel; some pile top repairs may be steel and/or wood. The new timber pile caps and pile tops would typically be treated with Chemonite or other (agency-approved) material. Steel piles would be protected from corrosion through cathodic protection and/or coatings. Concrete piles may occasionally require repairs utilizing a concrete repair system and/or jacket. Some of the existing piles that show signs of deterioration may be repaired using a protective wrapping system (Seashield, or equal), and/or steel sleeves.
- Structural Maintenance and Repair – Wooden causeway bracing, brackets, and roadway support beams would be repaired or replaced with Chemonite treated timber or other (agency-approved) material. Spalled and/or cracked concrete for the concrete structure, piles, and pile caps would be repaired with a specialty epoxy, concrete, or other comparable material. Repair of concrete piles would be done using forms, and secondary containment would be used to prevent any spillage into the water. Associated building and dock structures and components, such as siding, heating equipment, handrails, gangways, dolphins, and capstans, would be repaired or have parts replaced. Steel, concrete, and wood components of the boat launch would be repaired or replaced.
- Causeway Structural Maintenance and Repair – This scope of this work includes replacing the timber roadway with a concrete deck, and removing 677, 12-inch steel and wood piles and replacing them with 196 epoxy coated 20-inch steel piles. This began in 2019 at Bent 9.5. This work will continue toward Bent 124.5. For each new bent, 5 steel piles would be installed. Four steel pipe piles would be driven through an opening cut in the timber decking and inserted between the existing timber beams. The remaining pile would be driven through open areas adjacent to the pipeway. Concrete would be placed in the steel piles, extending to the mudline.
- Equipment Maintenance and Repair – This includes pumps, motors, generators, meters, valves, piping, transfer arms, surge protection vessels, cranes, and boom/davit. Typical maintenance activities include seal and bearing replacement, motor winding replacement, valve repacking or replacement, and lubrication. Any replacement activities would be limited to replacement with equipment that does not significantly change the overall structure of the dock or cause an appreciable change to the configuration of the dock appurtenances. The containment boom system and associated equipment such as fire monitors, fire suppression systems, access ladders, cables, clamps, weights, slides, cable supports, slings, and skiff equipment may also need maintenance, testing, and replacement. Cleaning of the sump/holding tank would be conducted using vacuum trucks to remove the contents for disposal.

- Pipeline Cleaning, Repair, Replacement, Corrosion Protection, and Pipe Supports – Piping systems and/or associated supports may require replacement or repair, such as hydro-blasting, painting, and replacement of piping and/or portions of pipelines with similar materials that require welding and cold-cutting. Secondary containment would be constructed beneath any areas where pipe penetrations (including hot taps) would be made to ensure that no materials or residual fluids are discharged into the water.
- Nearshore Facilities – These facilities include abutment erosion control, soil, gravel, roadway, berms, foundations, equipment shelters, structures, tanks, piping, pumps, electrical equipment, walkways, stairs, ladders, trailers, pipe supports, and containment areas and may need maintenance, repair, and replacement.

These activities would occur in the Strait of Georgia, waterward of 3901 Unick Road, Ferndale, Whatcom County, Washington.

Pursuant to 15 CFR §930.4, if the applicant fails to meet the above conditions, then Ecology and the Phillips 66 Ferndale Refinery will treat this Conditional Concurrence letter as an Objection. The Phillips 66 Ferndale Refinery shall immediately notify Ecology if the conditions are not acceptable. The Phillips 66 Ferndale Refinery has the opportunity to appeal Ecology's Conditional Concurrence/Objection to the Secretary of Commerce within 30 days from receipt of Ecology's Conditional Concurrence/Objection.

Should the proposed activity change significantly as to have different coastal effects, pursuant to 15 CFR §930.66, the Phillips 66 Ferndale Refinery must submit supplemental information to Ecology for review and approval.

If you have any questions regarding Ecology's decision, please contact Austin Schmalz at (425) 301-6989.

## **Your right to appeal**

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

## Filing an appeal

### Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

### Service on Ecology

#### Street Addresses:

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

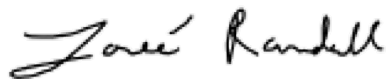
#### Mailing Addresses:

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

#### E-Mail Address:

[ecologyappeals@ecy.wa.gov](mailto:ecologyappeals@ecy.wa.gov)

Sincerely,



Loree' Randall on behalf of Joe Burcar, Section Manager  
Northwest Region Office  
Shorelands and Environmental Assistance Program

Sent via e-mail: [Vivek.Gopal@p66.com](mailto:Vivek.Gopal@p66.com)

E-cc: LeeAnn Simmons, U.S. Army Corps of Engineers  
Sarah Albright, U.S. Army Corps of Engineers  
Austin Schmalz, Ecology  
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