



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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March 28, 2022

Aaron Flett
NuStar Terminals Operations Partnership L.P.
5420 Northwest Fruit Valley Road
Vancouver, WA 98660



Your address
is in the
**Salmon-
Washougal**
watershed

Re: Revised NuStar Terminals AKART Report
NuStar Terminals Permit Modification Request
State Waste Discharge Permit Number ST 6255

Dear Aaron Flett:

The Department of Ecology (Ecology) received a NuStar Terminals AKART Report (All Known, Available, and Reasonable Methods of Prevention, Control and Treatment) on April 30, 2021. The AKART report was submitted as required by State Waste Discharge Permit No. 6255. After Ecology, Department of Health, and other local jurisdictions commented, a revised AKART report was resubmitted on January 10, 2022. NuStar requested that Ecology conditionally approve the AKART report. The Permit also requires the Engineering Report following the AKART analysis to be submitted by May 1, 2022, and the plans and specifications submitted by November 1, 2022.

Ecology reviewed the revised AKART report and determined that the report does not demonstrate the use of all known available and reasonable methods by NuStar to prevent and control the pollution of the waters of the state of Washington, RCW 90.48 section 010. In addition, significant details regarding each discharge alternatives are still lacking. Ecology is unable to approve or conditionally approve the AKART report at this time.

Ecology received a letter dated March 10, 2022 from Maul Foster Alongi (MFA), requesting an extension of the due dates for the Engineering Report and plans and specifications. MFA requests the due dates be extended by one-year, to May 1, 2023 and November 1, 2023 for the Engineering Report and the plans and specifications, respectively.

Ecology understands that the stormwater discharge alternatives discussed in the AKART report will be further evaluated in the Engineering Report with more needed details because they are closely related. Given the complexity of each discharge alternative, and the multiple

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jurisdictions each alternative involve, Ecology grants NuStar's request to extend the Engineering Report and plans and specifications deadlines. This will allow more time to develop a stormwater discharge option that is acceptable to Clark PUD, City of Vancouver, and DOH, provided that rigorous spill prevention, control, and countermeasure (SPCC) plan and Best Management Practices (BMPs) are in place. Ecology appreciates that NuStar (& their consultant MFA) engaged with all the stakeholders and regulatory agencies in this process and expects this effort continue so that measurable progress is made within a reasonable time frame.

Ecology will conduct a permit modification to extend the upcoming deadlines by one year, to require the Engineering Report to be submitted by May 1, 2023, and plans and specification by November 1, 2023.

Ecology advises that when evaluating stormwater discharge alternatives regarding treatment options, the applicable standards of the receiving waters (surface water or groundwater) must be accounted for and factored in.

If you have any questions please contact Jacek Anuszewski at jacek.anuszewski@ecy.wa.gov or (360) 407-6288.

Sincerely,



Andrew Kolosseus
Southwest Region Section Manager
Water Quality Program

cc: Public File: Columbia Business Center (WAR305175)
Jacek Anuszewski, Ecology
Steve Eberl, Ecology
Hans Qiu, Ecology