



Alaska Department of Environmental Conservation
DIVISION OF SPILL PREVENTION AND RESPONSE
Prevention, Preparedness, and Response Program

OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN
BASIS OF DECISION

June 28, 2023

Plan Title: Delta Western Haines Oil Discharge Prevention and Contingency Plan

Plan #: 22-CP-1022

Plan Holder: Delta Western, LLC

Basis of Decision Prepared by: Chris Salazar

Findings

This document presents the final findings that support the decision of the Alaska Department of Environmental Conservation (department) regarding the plan renewal application package for the Delta Western Haines Oil Discharge Prevention and Contingency Plan (plan).

Findings are provided to assist the interested public and participating reviewers in understanding the department's analysis of selected priority issues addressed as part of the decision process. In developing the findings, the department reviewed all public, agency and plan holder comments. This document is intended to respond to the most substantive issues raised by commenting parties. All department decisions must be supported by the regulations.

Proposed Activity

Delta Western, LLC is requesting approval of its plan to operate a tank farm with a capacity of 2,829,622 gallons of noncrude petroleum products.

Location

Delta Western, LLC conducts operations at 1180 Lutak Road, Haines, Alaska 99827.

Environmental Risk

A potential risk exists of oil spills entering the lands or waters of the state as a result of this operation.

Authority

Under AS 46.04.030, an owner or operator of a terminal facility must have an approved oil discharge prevention and contingency plan covering the facility. Through the plan review process, the department's objective is to ensure that the plan provides prevention and response measures that satisfy the state's regulatory requirements.

Review

The department received a plan renewal application package in accordance with AS 46.04.030 and 18 AAC 75.420. The application package was posted on the department website and notice of the availability of the package was distributed to the stakeholder listserv.

The department completed a review and analysis of the application package using the procedures outlined in 18 AAC 75.455 to ensure that the plan conforms to the applicable requirements and regulations. The major milestones during the review process were as follows:

Event/Action	Date
Application received	12/1/2022
Sufficient for review determination	12/5/2022
Start of comment period	12/16/2022
End of comment period	1/16/2023
1 st Request for additional information (RFAI) issued	3/7/2023
Response to 1 st RFAI received	4/24/2023
Start of comment period for additional information	5/12/2023
End of comment period for additional information	5/22/2023
Application package determined complete	5/25/2023
Department's decision	6/28/2023

Comments

Comments and requests for additional information were received from the State of Alaska's Department of Fish & Game, Department of Natural Resources, and Southeast Alaska Petroleum Response Organization (SEAPRO). The comments and requests that met the department's statutory and regulatory requirements were included with the department's own comments in an RFAI to Delta Western LLC. The following is a discussion of the major issues that were addressed in the RFAI process:

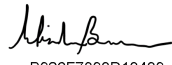
1. Updated addresses, email, and phone numbers for Alaska Department of Natural Resources and Department of Fish and Game.
2. Removed Federal Response Plan language throughout the plan.
3. Addition of ADNR's jurisdiction on tideland and permitting to the plan.
4. Updated Response Planning Standard amounts due to the inclusion of facility oil piping capacity.
5. Updated oil recovery and storage device locations and availability.
6. Updated response contractors blanket purchase agreement to Memorandum Of Understanding (MOU) throughout.
7. Updated local marine and terrestrial wildlife to include moose, river otter, lynx, coyote, wolf, wolverine, and Chinook salmon.
8. Updated historical/archaeological sites to be included with Cultural Resources for consistency.

Decision

The department does not make its decision to approve or disapprove a plan based solely on plan holder verification of every element in the plan. Rather, the department's decision is based upon the reasonableness of assertions and evidence that certain essential resources and practices are securely in place. The department and plan holder complete many follow-up field tasks to verify contingency plan commitments. Field tasks include but are not limited to: planned and unannounced inspections; planned and unannounced oil spill response drills; regular evaluation of field equipment and equipment deployment exercises; and verification of equipment maintenance and training

records. The department may require any of the above to occur and may evaluate similar activities initiated by the plan holder.

Based on the above information and applicable statutes and regulations, it is the decision of the department to approve the Delta Western Haines Oil Discharge Prevention and Contingency Plan.

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Melinda Brunner
Program Manager