

**Department of Environmental Conservation
Division of Spill Prevention & Response**



18 AAC Chapter 75 – Oil and Other Hazardous
Substances Pollution Control
Proposed Regulation Revisions
February 23, 2018

Bill Walker
Governor
Larry Hartig
Commissioner

Public Comment period ends
March 30, 2018, 5:00 p.m.
Please see public notice for
details about how to comment

Background and changes addressed

This packet is being proposed to make changes to selected regulations under 18 AAC 75 Article 1, Oil Pollution Prevention Requirements; Article 2, Financial Responsibility for Oil Discharges; and Article 4 Oil Discharge Prevention and Contingency Plans and Nontank Vessel Plans. Most of the updates are considered housekeeping changes.

Understanding the changes

Reading and understanding state regulations can be confusing. To assist you in understanding this draft, please note that state regulations are laid out in the following manner:

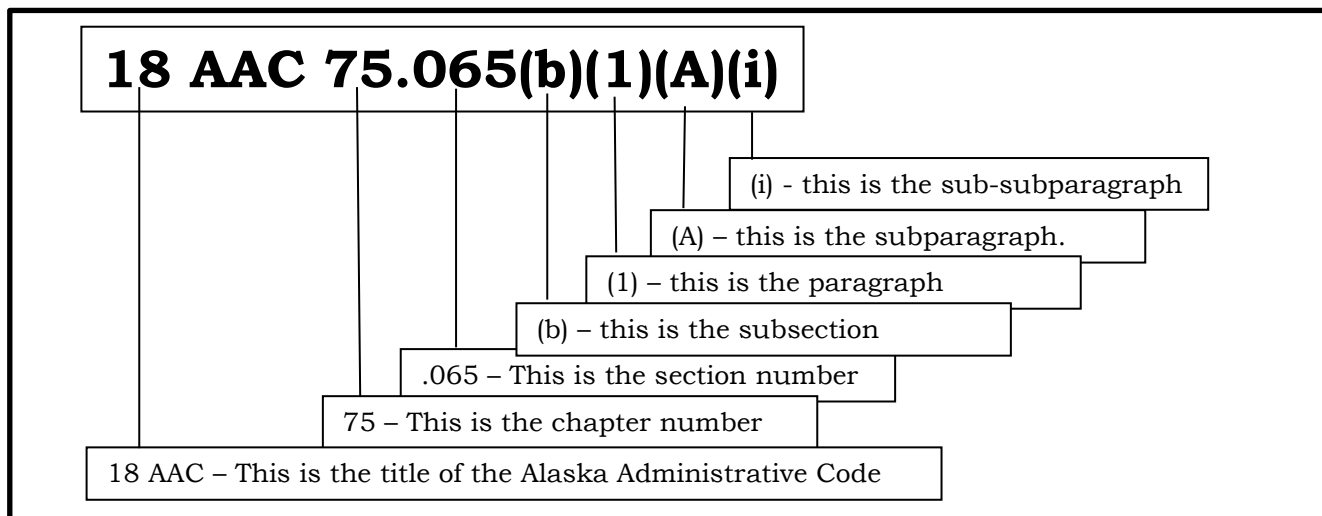


Figure 1. Alaska Regulatory Numbering System

In the following text, the proposed changes follow the formatting requirements of the “Drafting Manual for Administrative Regulations,” 20th Edition, August 2013, as promulgated by the State of Alaska Department of Law. The draft changes are indicated as follows:

Lead-in text explains the changes to the text that follows.

[CAPITALIZED TEXT IN BRACKETS] indicates current regulatory text proposed to be deleted.

Bolded and underlined indicates proposed new text that amends the regulation. When an entire section or subsection is new, it is only indicated by the lead in line.

[...] indicates unchanged chunks of regulatory text.

For comparison purposes, a complete copy of the current 18 AAC 75 regulations can be found online at: <http://dec.alaska.gov/commish/regulations/index.htm>

18 AAC 75.025(a) is amended to read

(a) The owner or operator of an oil terminal facility, **exploration facility, production facility**, railroad, tank vessel, or oil barge shall take all appropriate measures to prevent spills or overfilling during a transfer of oil, including reduced loading rates at the beginning and end of a transfer.

18 AAC 75.025(j) is amended to read:

(j) In this section, “transfer” means any movement of oil [WITHIN AN OIL TERMINAL FACILITY OR BETWEEN AN OIL TERMINAL FACILITY AND A RAILROAD TANK CAR, TANK TRUCK TANK VESSEL, OR OIL BARGE] by means of pumping, gravity, or displacement

(1) within an oil terminal facility; or

(2) between an oil terminal, exploration, or production facility and a railroad tank car, tank truck, tank vessel, or oil barge. (Eff. 5/14/92, Register 122; am 10/28/2000, Register 156; am 12/14/2002, Register 164; am 12/30/2006, Register 180; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070
AS 46.04.055

18 AAC 75.066(d)(2) is amended to read:

(2) has, at each tank fill connection, a fixed [OVERFILL] spill containment system designed to prevent a discharge when a transfer hose or pipe is detached from the tank fill pipe or to divert that discharge into the secondary containment dike;

18 AAC 75.066(e)(2) is amended to read:

(2) at each tank fill connection with a fixed [OVERFILL] spill containment system designed to prevent a discharge when a transfer hose or pipe is detached from the tank fill pipe;

18 AAC 75.066(g)(2) is amended to read:

(2) [IF THE] **a** tank placed in service after December 30, 2008[,] shall **be** [ENSURE THAT THE TANK IS] equipped [,] at each tank fill connection [,] with a fixed [OVERFILL] spill containment system designed to prevent a discharge when a transfer hose or pipe is detached from the tank fill pipe.

18 AAC 75.066 is amended by adding a new subsection to read:

(i) a shop-fabricated tank with a storage capacity greater than 50,000 gallons that is placed in service after {implementation date} shall meet the requirements of 18 AAC 75.065.

(Eff. 12/30/2006, Register 180; am __/__/____ Register_____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.080(m) is amended to read:

(m) **an** [THE] owner or operator [OF ABOVEGROUND FACILITY OIL PIPING LOCATED OUTSIDE A SUFFICIENTLY IMPERMEABLE DECK ONBOARD A MARINE STRUCTURE] shall ensure that [THE] **aboveground facility oil** piping is protected against external corrosion through the application of a protective coating or by the use of corrosion-resistant materials **for piping**

(1) located outside a sufficiently impermeable deck onboard a marine structure or;

(2) at a soil-to-air interface.

(Eff. 5/14/92, Register 122; am 12/30/2006, Register 180; am 3/23/2017, Register 221; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.205(b)(3) is amended to read:

(3) for a nontank vessel, the completed and signed application must be received by the department **not later than** [AT LEAST] 15 days, **or earlier than 90 days,** before operations are proposed to begin; the department will accept an application received less than 15 days before operations are proposed to begin and expedite the review of the application, if the
...

(Eff. 5/14/92, Register 122; am 10/28/2000, Register 156; am 11/27/2002, Register 164; am 3/23/2017, Register 221, am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.040

18 AAC 75.405(b) is amended to read:

(b) [FOR AN APPLICATION SUBMITTED AFTER OCTOBER 16, 2016,] The applicant must consult with the department not later than 30 days before submitting the application package to ensure that the application meets the requirements of 18 AAC 75.408 and the requirements of 18 AAC 75.410 or 18 AAC 75.420 to discuss the contents of the proposed

plan, and to discuss the review process under 18 AAC 75.455.

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(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.050 AS 46.04.070
AS 46.04.030 AS 46.04.055

18 AAC 75.408(c)(1) is amended to read:

(1) [FOR SUBMITTALS AFTER OCTOBER 16, 2016,] the format must be electronic, paper, or both, as the department specifies;

18 AAC 75.408(c)(3) is amended to read:

(3) [FOR SUBMITTALS AFTER OCTOBER 16, 2016,] the department will specify the electronic format to be used; the submittal must be electronically searchable;

18 AAC 75.408(c)(7) is amended to read:

(7) [FOR SUBMITTALS AFTER OCTOBER 16, 2016,] all proposed additions, revisions, and deletions must be identified in the plan as applicable; the department may also request a summary of changes in a table format;

18 AAC 75.408(c)(8) is amended to read:

(8) [AFTER OCTOBER 16, 2016,] for new plans, plan renewals, and major amendments, the department will post a copy of the proposed and final version of the application

package on the department's website; for minor amendments and routine updates, the department will post a copy of the final version of the application package on the department's website.

(Eff. 4/16/2016, Register 218; am 3/23/2017, Register 221; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.410(a) is amended to read:

(a) An application for approval of a new oil discharge prevention and contingency plan must be submitted in accordance with 18 AAC 75.408. [FOR SUBMITTALS AFTER OCTOBER 16, 2016, AN] An application must be submitted at least 180 days before the proposed start of operation.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 4/8/2012, Register 202; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.03.030

18 AAC 75.415(c) is amended to read:

(c) An application for approval of a plan amendment to allow the addition of a vessel to operate under an approved oil barge or tank vessel oil discharge prevention and contingency plan must include the information required by 18 AAC 75.425(e)(1)(H) and (3)(A)(iii), (v), (vi), (viii) and (x). A plan amendment for the addition of an oil barge or tank vessel must be submitted not later than five working days before the vessel operates in state waters. The department will review the amendment and issue a written decision not later than five working days after

receiving a proposed plan amendment under this subsection unless the department determines that it is a major amendment under (a) of this section.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 12/14/2002, Register 164; am 4/8/2012, Register 202; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am ___/___/____, Register ___)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.420(a) is amended to read:

(a) A plan holder must apply for renewal of the department's approval of an oil discharge prevention and contingency plan in accordance with 18 AAC 75.408. [FOR SUBMITTALS AFTER OCTOBER 16, 2016, THE] **The** application must be submitted at least 180 days, or the number of days stated in the plan approval letter under 18 AAC 75.460(a), in advance of expiration of the plan to **allow sufficient time for** [PERMIT] department review before the plan approval expires.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am ___/___/____, Register ___)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.425(e)(3)(A) is amended to read:

(A) facility description and operational overview - a general description of the oil storage, transfer, exploration, or production [ACTIVITIES OF THE] operations, including

(i) **for each oil storage tank with a storage capacity of greater than 10,000 gallons,** the [NUMBER,] type, [AND] oil storage capacity, [OF EACH CONTAINER COVERED UNDER THE PLAN AND ITS] installation date, design, construction, and [GENERAL CONDITION;] **the product type stored;**

(ii) **for each oil storage tank with a storage capacity of 1,000 gallons and greater but less than or equal to 10,000 gallons, the location, storage capacity, and the product type stored;** [THE TYPE AND AMOUNT OF OIL STORED IN EACH CONTAINER;]

...

18 AAC 75.425(e)(3)(A)(vi) is amended to read:

(vi) a general description of the procedures for the loading or transfer of oil from or to a pipeline, facility, tank vessel, oil barge railroad tank car, or **oil** storage tank **with a storage capacity of 1,000 gallons and greater;**

18 AAC 75.425(e)(4)(A)(ii) is amended to read:

(ii) for a terminal, a crude oil transmission pipeline, or an exploration and production contingency plan: [CATHODIC PROTECTION OR ANOTHER] **an** approved corrosion control system **other than cathodic**

protection if required by 18 AAC 75.065[(h)(2),] (i)(3) or (j)(3); a leak detection system for each tank if required by 18 AAC 75.065(i)(4) or (j)(4); any other prevention or control system approved by the department under 18 AAC 75.065(h)(1)(D); a means of immediately determining the liquid level of bulk storage tanks as specified in 18 AAC 75.065(k)(3) and (4) or in 18 AAC 75.066(g)(1)(C) and (D); **corrosion control program** [MAINTENANCE PRACTICES] for **buried** metallic piping containing oil as required by 18 AAC 75.080(b); protective coating and cathodic protection if required by 18 AAC 75.080(d), (k)(1), (l), [OR] (m)**(1) or (m)(2)**; and cathodic protection surveys required by 18 AAC 75.080(k)(2);

(Eff. 5/14/92, Register 122; am 9/25/93, Register 127; am 3/28/96, Register 137; am 4/4/97, Register 142; am 12/14/2002, Register 164; am 5/26/2004, Register 170; am 12/30/2006, Register 180; am 9/4/2014, Register 211; am 3/23/2017, Register 221; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.035 AS 46.04.070
AS 46.04.030 AS 46.04.055

18 AAC 75.438(c) is amended to read:

(c) In addition to the requirements of (a) of this section, for all crude oil tank vessels and barges, the plan holder shall plan to have deployed and operating within 72 hours, from within or outside its region of operation, sufficient oil discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to contain and control, and clean up at least 60 percent of the total cargo **volume** [CAPACITY] of the tank vessel or barge.

(Eff. 5/14/92, Register 122; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.440(b) is amended to read:

(b) The response planning standard volume for a noncrude oil tank vessel or barge is equal to 15 percent of the total cargo **volume** [CAPACITY]of the oil tank vessel or barge. (Eff. 5/14/92, Register 122; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.455(b)(5)(D) is amended to read:

(D) [AFTER OCTOBER 16, 2016,] a statement that the package is available on the department’s Internet website.

18 AAC 75.455(c)(3) is amended to read:

(3) if the applicant has not provided the information requested or if the applicant’s responses to requests for additional information cause the department to identify the need for additional information [NEEDED TO FIND THE APPLICATION PACKAGE IS COMPLETE], the department will send subsequent requests for additional information until the department determines that the **applicant has supplied the necessary information in response to the** requests [HAVE BEEN ANSWERED AND THE APPLICATION PACKAGE IS COMPLETE]; and

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 4/8/2012, Register 202; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.460(b)(3) is amended to read:

(3) a statement that the plan holder will provide copies of the approved plan in accordance with 18 AAC 75.408 not later than 30 days after approval; [FOR SUBMITTALS AFTER OCTOBER 16, 2016,] the department will send a notice by electronic mail to the parties specified in 18 AAC 75.408(c)(4) that the document is available on the department's Internet website.

(Eff. 5/14/92, Register 122; am 7/11/2002, Register 163; am 11/27/2002, Register 164; am 9/4/2014, Register 211; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.03.030