

OIL SPILL PREVENTION AND RESPONSE: NOTICE OF PROPOSED UPDATES TO
THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION (ADEC)

BRIEF DESCRIPTION

ADEC proposes changes to selected sections of the regulations within Title 18 Chapter 75 to clarify the oil spill prevention and contingency planning and financial responsibility requirements.

ADEC proposes to adopt regulation changes in Title 75 of the Alaska Administrative Code, dealing with Oil and Other Hazardous Substances Pollution Control. The updates provide editorial update, correction, and specificity to existing regulations, including the following:

- (1) Amend 18 AAC 75.025 to clarify regulatory applicability to exploration and production facilities.
- (2) Amend 18 AAC 75.066 to clarify the spill containment system requirement for fill connections on shop-fabricated tanks and clarify prevention measure required for certain shop fabricated tanks.
- (3) Amend 18 AAC 75.080 to clarify corrosion protection requirements for piping.
- (4) Amend 18 AAC 75.205 to limit when a nontank vessel application can be submitted.
- (5) Amend 18 AAC 75 Article 4 throughout to remove the implementation deadline of October 16, 2016.
- (6) Amend 18 AAC 75.415 to insert a reference that had been inadvertently removed.
- (7) Amend 18 AAC 75.425 to clarify information required for oil storage tank plans, specify the loading or transfer information required to be included in the aboveground oil storage tank, correct a citation for the corrosion control system requirements of field-constructed aboveground oil storage tanks, and correct the term used for the buried metallic piping requirement.
- (8) Amend 18 AAC 75.438(c) and 75.440(b) to clarify information required on the volume of the cargo.
- (9) Amend 18 AAC 75.455(c)(3) to clarify the plan review process.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Clara Crosby, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage AK 99503, or by electronic mail at dec.cpr@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. The comments must be received no later than 5 p.m. on March 30, 2018.

You may submit written questions relevant to the proposed action to ADEC by sending in questions by electronic mail at dec.cpr@alaska.gov or by sending the questions to Clara Crosby, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage AK 99503. The written questions must be received by March 20, 2018 which is 10 days before the end of the public comment period. ADEC will aggregate its response to substantially similar questions and make the questions and response available at <http://dec.alaska.gov/spar/regulation-projects>. ADEC may, but is not required to, answer written questions received after the 10-day cut-off

date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than March 23, 2018 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Clara Crosby at the address or email above or by calling 907-269-5007.

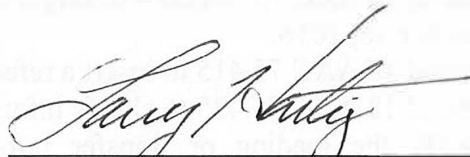
After the public comment period ends, ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments are public records and are subject to public inspection.

Statutory authority: AS 46.03.020; AS 46.04.070

Statutes being implemented, interpreted, or made specific: AS 46.04.030; AS 46.04.055

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: February 23, 2018



Larry Hartig, Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Environmental Conservation, Division of Spill Prevention and Response
2. General subject of regulation: Regulatory Housekeeping Updates
3. Citation of regulation (may be grouped): 18 AAC 75 Art. 1, 2, and 4
4. Department of Law file number, if any: JU2017200848
5. Reason for the proposed action:
 Compliance with federal law or action (identify): _____
 Compliance with new or changed state statute
 Compliance with federal or state court decision (identify): _____
 Development of program standards
 Other (identify): General housekeeping edits and clarifications
6. Appropriation/Allocation: Spill Prevention and Response Division/Prevention, Preparedness and Response Program
7. Estimated annual cost to comply with the proposed action to: Revision to 18 AAC 205 (b) (3) limits the time period when Non Tank Vessels (NTV) Financial Responsibility applications can be submitted. This proposed revision is estimated to save the Division of Spill Prevention and Response approximately 171 hours annually on application review for NTVs that do not traverse Alaskan waters. This workload reduction increases program efficiency.

A private person: No identifiable costs to comply.

Another state agency: No identifiable costs to comply.

A municipality: No identifiable costs to comply.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 18	Subsequent Years
Operating Cost	<u>\$ 0</u>	<u>\$ 0</u>
Capital Cost	<u>\$ 0</u>	<u>\$ 0</u>
1002 Federal receipts	<u>\$ 0</u>	<u>\$ 0</u>
1003 General fund match	<u>\$ 0</u>	<u>\$ 0</u>

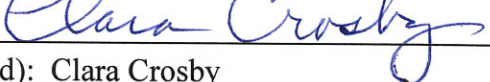
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Clara Crosby
Title: Environmental Program Specialist
Address: 555 Cordova St, Anchorage Alaska 99501
Telephone: (907) 269-5007
E-mail address: clara.crosby@alaska.gov

10. The origin of the proposed action:

Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify): _____

11. Date: February 23, 2018 Prepared by: 
Name (printed): Clara Crosby
Title (printed): Env. Program Specialist III
Telephone: (907) 269-5007