

Department of Environmental Conservation
Division of Spill Prevention & Response



Oil Pollution Prevention Regulations
Public Notice Draft
February 1, 2006
Comments due by 5:00pm
March 3, 2006

Frank Murkowski
Governor

Kurt Fredriksson
Commissioner

18 AAC 75.007(a) is amended to read:

(a) Except where application of the requirements of **18 AAC 75.005 – 18 AAC 75.085** [18 AAC 75.005 - 18 AAC 75.090] would be preempted by federal law, those requirements apply to each facility or operation for which an approved oil discharge prevention and contingency plan is required under AS 46.04.030 **or AS 46.04.055(j)**.

18 AAC 75.007(c) is amended to read:

(c) If a requirement of **18 AAC 75.005 – 18 AAC 75.085** [18 AAC 75.005 - 18 AAC 75.090] and a corresponding requirement of federal law differ and application of the requirement of **18 AAC 75.005 – 18 AAC 75.085** [18 AAC 75.005 - 18 AAC 75.090] would not be preempted by federal law, the more stringent requirement applies.

18 AAC 75.007(d) is repealed:

(d) **Repealed.** ___/___/___

18 AAC 75.007(e) is amended to read:

(e) The owner or operator shall **have in place** [INSTITUTE] programs designed to ensure that each drill operator, each person who has navigational, towline, security, or maintenance duties, and any other person **directly** responsible for an activity that might result in a violation of this chapter is free of substance-abuse or medical **condition** [PROBLEM] that would impair that person's ability to do that person's job. **The requirements of this section may be met**

(1) for a railroad, by a program in accordance with 49 CFR Part 219, as amended through October 1, 2003 and adopted by reference;

(2) for a pipeline, by a program in accordance with 49 CFR Part 199, as amended through September 11, 2001 and adopted by reference; or

(3) for a vessel, by a program in accordance with 46 CFR Part 16, as amended through October 1, 2001 and adopted by reference.;

[FOR A RAILROAD, THE REQUIREMENTS OF THIS SUBSECTION ARE SATISFIED BY THE IMPLEMENTATION OF PROGRAMS THAT MEET THE REQUIREMENTS OF THE FEDERAL RAILROAD ADMINISTRATION FOR THE CONTROL OF ALCOHOL AND DRUG USE AND FOR MEDICAL MONITORING OF THE QUALIFICATIONS OF EMPLOYEES.]

18 AAC 75.007(g) and (h) are repealed:

(g) **Repealed.** __/__/____

(h) **Repealed.** __/__/____ (Eff. 5/14/92, Register 122; am 4/4/97, Register 142; am 12/14/2002, Register 164; am __/__/____, Register____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070
AS 46.04.055

18 AAC 75.015(a) is amended to read:

(a) The department may waive a requirements of **18 AAC 75.005 – 18 AAC 75.085** [18 AAC 75.005 – 75.090] if the owner or operator demonstrates to the department’s satisfaction that an equivalent level of protection will be achieved by using a technology or procedure other than the technology or procedure required by **18 AAC 75.005 – 18 AAC 75.085** [18 AAC 75.005 - 18 AAC 75.090]. (Eff. 5/14/92, Register 122; am 5/26/2004, Register 170; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC is amended by adding a new section to read:

18 AAC 75.020. Oil discharge prevention training & recordkeeping (a) The owner or operator shall have in place personnel training programs designed to ensure that all personnel with job duties directly involving inspection, maintenance, or operation of oil storage and transfer equipment regulated under 18 AAC 75.005 - 18 AAC 75.085 are appropriately and regularly trained regarding company and state oil pollution prevention measures that are applicable to each position’s duties.

(b) Personnel training programs shall include the following:

(1) a listing of each position with job duties listed under (a) and the training and level of knowledge appropriate to that position;

(2) a listing of any licenses, certifications, or other prerequisites needed to hold each position listed in (b)(1); and

(3) a listing of training objectives and the means of achieving them, including training subjects, training schedules, frequency, and type.

(c) Completion of training required by this subsection shall be verified by

(1) a statement, signed and dated by each participant, listing the course or program content;

(2) shipboard records verified by the vessel master; or

(3) computerized records verified by the owner or operator.

(d) The owner or operator shall maintain for the life of the facility or operation, a history of all known oil discharges over 55 gallons, including the source, cause, amount, and corrective action taken. Copies of records shall be provided to the department upon request.

(e) The owner or operator shall prepare and maintain records in retrievable form to document training, inspections, tests, maintenance, and repairs required by 18 AAC 75.005 - 18 AAC 75.085. Unless specified otherwise, records must be kept for at least five years and copies shall be provided to the department upon request. (Eff. __/__/____, Register ____)

Authority: AS 46.03.020

18 AAC 75.025(b) is amended to read:

(b) Unless it is technically unfeasible **or unsafe** to do so, an oil containment boom appropriate for local conditions must be deployed in an effective manner around an oil tank vessel or barge during the transfer of

(1) crude oil,

(2) persistent petroleum products, and

(3) oily ballast water.

[CRUDE OIL AND OTHER PERSISTENT PRODUCTS.]

18 AAC 75.025(g) is amended to read:

(g) The lowermost drain and all outlets of any tank car or tank truck must be **visually** examined for leakage before filling and before departure. All tank car or tank truck manifolds must be blank flanged or capped, and valves must be secured before leaving the transfer area.

18 AAC 75.025 is amended by adding new subsections to read:

(h) All aboveground transfer piping that is used to transfer oil to or from docks or vessels must be visually checked before and during each transfer or monthly, whichever is less frequent.

(i) For purposes of 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, oil tank vessel, or oil barge by means of pumping, gravity, or displacement.

(Eff. 5/14/92, Register 122; am 10/28/2000, Register 156; am 12/14/2002, Register 164; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070
AS 46.04.055

18 AAC 75.027(a) is amended to read:

(a) In addition to the applicable requirements of 18 AAC 75.007 - 18 AAC 75.025, a laden oil tank vessel must carry or have ready access to sufficient oil transfer equipment to facilitate lightering to and from other vessels. **The oil transfer equipment must be sufficient to lighter the volume of the largest cargo tank within 24 hours.**

18 AAC 75.027(d) is amended to read:

(d) The owner or operator shall ensure that measures are in place that allow the prompt detection of an oil discharge including measures such as visual lookouts, the sounding of all cargo tanks to check cargo and water levels in the tanks after an intentional or unintentional grounding, **collision, or allision**, and, where technically feasible, electronic leak detection systems. (Eff. 5/14/92, Register 122, am__/_/____, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.037(a) is amended to read:

(a) In addition to the applicable requirements of 18 AAC 75.007 - 18 AAC 75.025, a laden oil barge must carry or have ready access to sufficient oil transfer equipment to facilitate lightering to and from other vessels. **The oil transfer equipment must be sufficient to lighter the volume of the largest cargo tank within 24 hours.**

18 AAC 75.037(d) is amended to read:

(d) The owner or operator shall ensure that measures are in place that allow the prompt detection of an oil discharge, including visual inspections of the barge and the area around the barge, and the sounding of all cargo tanks to check cargo and water levels in the tanks after an intentional or unintentional grounding, **collision, or allision**. (Eff. 5/14/92, Register 122; am__/_/____, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.045(b) is amended to read:

(b) In state waters, a **marine structure used for drilling** [PREFABRICATED OFFSHORE PLATFORM THAT IS TOWED INTO PLACE AND BEGINS OPERATIONS AFTER THE EFFECTIVE DATE OF THIS SECTION] must be inspected for fatigue and structural integrity as required by 30 C.F.R. 250, Subpart I, as amended through **July 1, 2001** [July 1, 1991], the provisions of which are adopted by reference. The inspection must be conducted after [PLATFORM] installation **of the structure** and before drilling or production operations begin. The owner or operator shall submit to [THE SUPERVISOR OF THE APPROPRIATE REGIONAL OFFICE OF] the department a report of the inspection results and any corrective actions taken.

18 AAC 75.045(c) is amended to read:

(c) Closure valves for pipelines leaving marine structures [THE PLATFORM] must be located at a protected location that isolates the pipeline from the structure [PLATFORM] if a discharge or other emergency occurs and must function both manually and remotely as part of an emergency shutdown system.

18 AAC 75.045(d) is amended to read:

(d) The owner or operator of an exploration or production facility shall provide, at a minimum,

(1) containment and collection devices such as drip pans and curbs for offshore [DRILLING] exploration and production wells;

(2) wellhead sumps for [ONSHORE DRILLING] exploration and production wells located onshore or on artificial islands or ice islands; and

(3) for exploration and production wells drilled and completed after July 1, 2008 located onshore or on artificial islands or ice islands, wellhead sumps shall be designed and installed to be sufficiently impermeable.

18 AAC 75.045(e)-(g) are amended to read:

(e) A marine structure, other than an artificial island, used for oil [AN OFFSHORE] production [PLATFORM, INCLUDING A MOBILE OFFSHORE DRILLING UNIT,] must have a sufficiently impermeable deck with catch tanks or other devices adequate to contain, collect, and divert spilled oil. The catch tank must have adequate storage capacity to contain anticipated and accidental discharges of oil and high-liquid-level alarms that will immediately notify the operator if a high liquid level develops.

(f) Oil storage tanks, including bulk fuel tanks, must meet the applicable requirements of 18 AAC 75.065, 18 AAC 75.066, and 18 AAC 75.075.

(g) Piping associated with an exploration or production facility must meet the applicable requirements of 18 AAC 75.080 and 18 AAC 75.047. (Eff. 5/14/92, Register 122, am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.060
AS 46.04.070

18 AAC is amended by adding a new section to read:

18 AAC 75.047. Requirements for flow lines at production facilities (a) Applicability. Unless indicated otherwise within this section, all flow lines associated with a production facility must meet the requirements of this section by July 1, 2007.

(b) Design and construction standards. Unless a more stringent requirement is set forth in this section, the owner or operator shall ensure that the following procedures, codes, and standards, the provisions of which are adopted by reference, are used for flow lines initially placed in service after July 1, 2008:

(1) American Society of Mechanical Engineers (ASME) B31.4, *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, 2002 Edition,

(2) ASME B31.8 *Gas Transmission and Distribution Piping Systems*, 2003 Edition, or

(3) another appropriate nationally-recognized standard approved by the department.

(c) Operations and maintenance. The owner or operator shall ensure that the following procedures, codes, and standards, the provisions of which are adopted by reference, are used for the operations and maintenance of flow lines:

(1) corrosion control; flow lines shall be included in a corrosion monitoring and control program consistent with ASME B31.4, *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, 2002 Edition, Chapter VIII, that includes, at a minimum, the following items:

(A) external corrosion control of buried or submerged flow lines shall be consistent with National Association of Corrosion Engineers (NACE) International, *Standard Recommended Practice-Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, 2002, RP0169-2002, unless a more stringent requirement is set out in this section;

(B) external corrosion control of aboveground flow lines. Unless the operator demonstrates by test, investigation, or experience appropriate to the environment of the flow line segment, that the anticipated extent of corrosion will not affect the flow line's fitness for service, aboveground flow lines shall be protected from external corrosion

(i) by the application of a protective coating,

(ii) by the use of corrosion-resistant alloys, or

(iii) by another method approved by the department.

(C) internal corrosion control; Operators shall institute programs designed to minimize internal corrosion, including, as appropriate, one or more of the following:

(i) removal of foreign material by scraping or pigging;

- (ii) treatment of residual water or dehydration;
- (iii) injection of inhibitors, biocides, or other chemical agents;
- (iv) removal of dissolved gases by chemical or mechanical means;
- (v) gas blanketing;
- (vi) continuous internal coating or lining; or
- (vii) another method approved by the department;

(2) preventative Maintenance and Leak Detection; flow lines shall

(A) be included in a preventative maintenance program which meets the requirements of (d), or

(B) be provided with a leak detection system which meet the requirements of (e).

(d) Preventative Maintenance Program. Operators may meet the requirements of (c)(2) by having in place a preventative maintenance program that ensures the continued operational reliability of any flow line system component affecting quality, safety, and pollution prevention. For a preventative maintenance program, the owner or operator shall ensure that the following procedures, codes, and standards, the provisions of which are adopted by reference, are used:

(1) for submerged flow lines, inspection and maintenance consistent with ASME B31.4, *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, 2002 Edition, Chapters VII through IX;

(2) for buried flow lines, inspection and maintenance consistent with ASME B31.4, *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, 2002 Edition, Chapters VII and VIII;

(3) for aboveground flow lines

(A) an inspection program consistent with the requirements of American Petroleum Institute (API) *Piping Inspection Code, Inspection, Repair, Alteration, and Rerating of In-service Piping Systems*, API 570, Second Edition, October 1998, Addendum 1, February 2000, Addendum 2, December 2001, and Addendum 3, August 2003, and

(B) a maintenance program consistent with ASME B31.4, *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, 2002 Edition, Chapters VII and VIII;

(4) procedures to review proposed changes in operations to evaluate potential impacts on pipe integrity; and

(5) documentation to validate the effectiveness of the preventative maintenance program, including

(A) the procedures for carrying out the program in conformance with API 570, Second Edition, October 1998, Addendum 1, February 2000, Addendum 2, December 2001, and Addendum 3, August 2003 or ASME B31.4, 2002 Edition, as appropriate;

(B) dates of inspections and tests;

(C) inspections and test data evaluation including analysis, pipewall thickness measurements and remaining life calculations;

(D) internal audit procedures of the program, including descriptions of controls and corrections for non-conformities.

(e) Leak Detection. Operators may meet the requirements of (c)(2) by completely containing the entire circumference of the flow line and providing the interstitial space with a leak detection system approved by the department.

(f) Line Markers. Line markers shall be installed no later than July 1, 2007 and maintained over each onshore flow line at each road crossing and at one mile intervals along the remainder of the pipe to identify and, for buried pipe, properly locate each flow line.

(g) Flow lines removed from service for more than one year and not maintained in accordance with 18 AAC 75.047(c) must be free of accumulated oil and isolated from the system. The owner or operator shall notify the department when flow lines are removed from service in accordance with this paragraph.

(h) Aboveground flow lines must be supported consistent with the requirements of ASME B31.4, *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, 2002 Edition, Chapter II, Part 5, Subsection 421, adopted by reference. (Eff. __/__/__, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

Editor's Note: 1. The publications adopted by reference in 18 AAC 75.047 may be reviewed at the department's offices in Anchorage, Fairbanks or Juneau, or may be obtained directly from the appropriate publisher. The mailing address, telephone number, facsimile number, and website, if available, for each publisher are as follows:

American Society of Mechanical Engineers (ASME), 22 Law Drive, P.O. Box 2300, Fairfield, New Jersey 07007-2300; phone (800) 843-2763; fax (201) 882-1717; website: <http://www.asme.org/>;

National Association of Corrosion Engineers (NACE) International, 1440 South Creek Drive, Houston, Texas 77084-4906; phone (800) 797-6223; fax (281) 228-6300; website: <http://www.nace.org>;

American Petroleum Institute (API), 1220 L Street NW, Washington, DC 20005-4070; phone (202) 682-8000; fax (303) 397-2740; website: <http://www.api-ec.api.org>

18 AAC 75.055(c) and (d) are amended to read:

(c) If oil storage tanks are present at the crude oil transmission pipeline facility, the owner or operator shall meet the requirements of 18 AAC 75.065, **18 AAC 75.066**, and 18 AAC 75.075.

(d) For piping connected to or associated with the main crude oil transmission pipeline the owner or operator shall meet the **applicable** requirements of 18 AAC 75.080 **and 18 AAC 75.047**.

18 AAC 75.055 is amended by adding new subsections to read:

(e) The owner or operator of a crude oil transmission pipeline employing a computational pipeline monitoring (CPM) system for leak detection shall install, test, inspect and maintain the CPM system in accordance with recommended practices and schedules in API Publication 1130, Second Edition, November 2002, *Computational Pipeline Monitoring for Liquid Pipelines*, adopted by reference, including, at a minimum:

(1) initial system testing to verify design performance and establish baseline for interval testing;

(2) testing every five years or more frequently following significant changes to the CPM application or to the crude oil transmission pipeline configuration to confirm system effectiveness; and

(3) incorporation of CPM training into the operator's prevention training program required under 18 AAC 75.020(a).

(f) Documentation and record-keeping. The owner or operator of the crude oil transmission pipeline shall maintain testing and inspection records related to the leak detection system as recommended in API Publication 1130, Second Edition, November 2002, *Computational Pipeline Monitoring for Liquid Pipelines*, adopted by reference, including at a minimum:

(1) documentation of the test purpose, test parameters, and methodology for the initial system tests and for re-tests;

(2) maintain detailed records for three test intervals in accordance with API 1130, Second Edition, November 2002, Section 6.2.6, including analysis of the results of the tests and any recommended modifications and corrective actions taken as a result of testing;

(3) documentation of leak detection system operation during any actual crude oil leak for the life of the leak detection system; and

(4) copies of records and documentation required by this paragraph shall be provided to the department upon request.

(g) For purposes of this section, “daily throughput” means the average volume amount of crude oil flowing through a crude oil transmission pipeline segment during the previous calendar year divided by the number of days in that year. (Eff. 5/14/92, Register 122, am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

Editor’s Note: The publications adopted by reference in 18 AAC 75.055 may be reviewed at the department’s offices in Anchorage, Fairbanks, or Juneau, or may be obtained directly from the appropriate publisher. The mailing address, telephone number, facsimile number, and website, if available, for each publisher are as follows:

American Petroleum Institute (API), 1220 L Street NW, Washington, DC 20005-4070; phone (202) 682-8000; fax (303) 397-2740; website: <http://www.api-ec.api.org>

18 AAC 75.065(a) is amended to read:

18 AAC 75.065. Aboveground field-constructed oil storage tank requirements (a) The owner or operator of an oil terminal, crude oil pipeline, exploration, or production facility shall maintain and inspect **aboveground field-constructed** oil storage and surge tanks consistent with the requirements of API Standard 653, **Tank Inspection, Repair, Alteration, and Reconstruction, Third** [FIRST] Edition, **December 2001, and Addendum 1, September 2003** [1991, AND SUPPLEMENT 1, JANUARY 1992], adopted by reference, or API Recommended Practice 12R1, **Recommended Practice for Setting, Maintenance, Inspection, Operation and Repair of Tanks in Production Service, Fifth** [FOURTH] Edition, **August 1997** [1991] adopted by reference, as appropriate, unless a more stringent requirement is set out in this section.
Inspection intervals for aboveground oil storage and surge tanks

(1) may, at the discretion of the department, be reduced

(A) for aboveground oil storage tanks older than 30 years;

(B) for riveted or bolted aboveground oil storage tanks;

(C) for aboveground oil storage tanks with demonstrated structural, corrosion, or foundation problems; or

(D) after a significant seismic event;

(2) shall not be based upon similar service as specified in Section 6.4.2 of API Standard 653, Third Edition, December 2001, and Addendum 1, September 2003, adopted by reference;

(3) based upon risk-based inspection as specified in Section 6.4.3 of API Standard 653, Third Edition, December 2001, and Addendum 1, September 2003,

adopted by reference, shall be submitted to the department for approval and must include

(A) a quantitative risk assessment conducted in accordance with American Petroleum Institute (API) Recommended Practice 580, Risk-Based Inspection, First Edition, May 2002, adopted by reference, and signed by a registered engineer; and

(B) an inspection schedule with inspection intervals not to exceed 30 years.

18 AAC 75.065(b) is repealed:

(b) **Repealed.** __/__/____

18 AAC 75.065(c) is amended to read:

(c) An **onshore** elevated [OR A PORTABLE] **aboveground oil storage** tank **whose configuration allows external inspection of more than 50% of the tank bottom** is not required to undergo an internal inspection if an external integrity inspection, performed in accordance with API Standard 653, **Third** [FIRST] Edition, **December 2001** [1991], and **Addendum 1, September 2003** [SUPPLEMENT 1, JANUARY 1992] **adopted by reference**, or API RP 12R1, **Fifth Edition, August 1997** [FOURTH EDITION, 1991] **adopted by reference**, is substituted and that inspection includes **an** [A THOROUGH] inspection and a nondestructive integrity test of the **aboveground oil storage** tank, including the tank bottom.

18 AAC 75.065(d) is amended to read:

(d) **Records and documentation required by this section shall be maintained** [A RECORD OF INSPECTION RESULTS AND CORRECTIVE ACTIONS TAKEN AFTER 5/14/92 MUST BE KEPT] for the service life of the **aboveground oil storage** tank and must be **provided** [AVAILABLE] to the department for inspection and copying upon request **with the exception of inspections required as specified in API 653, Subsection 6.3.1, Third Edition, December 2001, and Addendum 1, September 2003, adopted by reference, which shall be maintained for five years.**

18 AAC 75.065(e), (f) and (g) are amended to read:

(e) The owner or operator shall notify the department [IF AN OIL STORAGE TANK]

(1) as soon as practical before a field-constructed aboveground oil storage tank undergoes major repair or major alteration, as defined in API Standard 653, **Third [FIRST] Edition, December 2001** [1991], and **Addendum 1, September 2003, Section 12.3.1.2** [SUPPLEMENT 1, JANUARY 1992, SECTION 10.3.1.2], **adopted by reference; and**

(2) before a field-constructed aboveground oil storage tank is returned to service.

(f) **Aboveground oil** [OIL] storage tanks served by internal steam heating systems must be designed to control leakage through defective heating coils. Condensate lines must be monitored, passed through an oil separating device, or passed through a retention system.

(g) [IF AN INTERNAL] **Internal lining systems** [SYSTEM IS] **installed after July 1, 2008 and** used to control corrosion or to meet the requirements of (i) of this section [,IT] must be installed in accordance with API **Recommended Practice 652, Lining of Aboveground Petroleum Storage Tank Bottoms, Third Edition, October 2005** [STANDARD 652, FIRST EDITION, 1991], **adopted by reference.**

18 AAC 75.065(h) and (i) are amended to read:

(h) **An** [A NEW] installation **placed in service between May 14, 1992 and July 1, 2008** must meet the following requirements:

(1) **aboveground oil storage** tanks must be constructed and installed in compliance with API Standard 650, **Welded Steel Tanks for Oil Storage**, 1988 edition, **adopted by reference**, API **Specification** [STANDARD] 12, D, **Specification for Field Welded Tanks for Storage of Production Liquids**, (Ninth Edition, 1989), **adopted by reference**, F, **Specification for Shop Welded Tanks for Storage of Production Liquids** (Tenth Edition, 1989), **adopted by reference**, and P, **Specification for Fiberglass Reinforced Tanks**, (First Edition, 1986), **adopted by reference**, or another standard approved by the department;

(2) **aboveground** oil storage tanks may not be of riveted or bolted construction;

(3) cathodic protection or another approved corrosion control system must be installed, to protect the tank bottom from external corrosion where local soil conditions warrant; [AND]

(4) each **aboveground oil storage** tank must be equipped with a leak detection system that an observer from outside the tank can use to detect leaks in the bottom of the

tank, such as secondary catchment under the tank bottom with a leak detection sump, a sensitive gauging system, or other leak detection system approved by the department; **and** [.]

(5) after July 1, 2007, the operation and maintenance of the cathodic protection system must be consistent with Section 11 of National Association of Corrosion Engineers (NACE) International, *External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms*, RP0193-2001, adopted by reference, and the cathodic protection survey must be performed by a qualified/certified cathodic protection tester or corrosion expert.

(i) An [EXISTING] installation **placed in service before May 14, 1992** is subject to the following:

(1) each **aboveground oil storage** tank must be equipped with **one or more of the following**:

(A) a leak detection system that an observer from outside the tank can use to detect leaks in the bottom of the tank, such as secondary catchment under the tank bottom with a leak detection sump, a sensitive gauging system, or another leak detection system approved by the department;

(B) cathodic protection in accordance with API **Recommended Practice** [STANDARD] 651, ***Cathodic Protection of Aboveground Petroleum Storage Tanks***, First Edition, 1991, **adopted by reference**;

(C) a thick film liner in accordance with API **Recommended Practice** [STANDARD] 652, ***Lining of Aboveground Petroleum Storage Tank Bottoms***, First Edition, 1991, **adopted by reference**; or

(D) another leak detection or spill prevention system approved by the department; and

(2) Repealed. 5/26/2004;

(3) after July 1, 2007, the operation and maintenance of the cathodic protection system must be consistent with Section 11 of National Association of Corrosion Engineers (NACE) International, *External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms*, RP0193-2001, adopted by reference, and the cathodic protection survey must be performed by a qualified/certified cathodic protection tester or corrosion expert.

18 AAC 75.065(j) is amended to read:

(j) In addition to the applicable requirements of 18 AAC 75.025, the owner or operator shall ensure that one or more of the following means of preventing overfilling is provided:

(1) high liquid level alarms with signals that sound and display in a manner immediately recognizable by personnel conducting a transfer;

(2) high liquid level automatic pump shutoff devices set to stop flow at a predetermined tank content level;

(3) a means of immediately determining the liquid level of each bulk storage tank, provided that the liquid level is closely monitored during a transfer; or

(4) a system approved by the department which will immediately **notify** [NOTICE] the operator of high liquid levels.

18 AAC 75.065 is amended by adding new subsections to read:

(1) An installation placed in service after July 1, 2008 must meet the following requirements:

(1) aboveground oil storage tanks must be constructed and installed in compliance with

(A) API Standard 650, *Welded Steel Tanks for Oil Storage*, November 1998 Edition, Addendum 1, January 2000, adopted by reference, Addendum 2, November 2001, adopted by reference, Addendum 3, September 2003, adopted by reference;

(B) API Specification 12D, *Specification for Field Welded Tanks for Storage of Product Liquids*, Tenth Edition, November 1994, adopted by reference; or

(C) another standard approved by the department;

(2) oil storage tanks may not be of riveted or bolted construction;

(3) cathodic protection systems shall be in accordance with NACE Standard RP0193-2001, adopted by reference, or another approved corrosion control system and shall be installed to protect the tank bottom from external corrosion unless deemed not necessary by an evaluation conducted by a corrosion expert in accordance with API Recommended Practice 651, *Cathodic Protection of Aboveground Petroleum Storage Tanks*, Second Edition, December, 1997, Chapter 5, adopted by reference;

(4) cathodic protection systems shall be

(A) designed by a corrosion expert;

(B) installed under the supervision of a corrosion expert; and

(C) surveyed by a qualified/certified cathodic protection tester or corrosion expert;

(5) each aboveground oil storage tank must be equipped with a leak detection system that an observer from outside the tank can use to detect leaks in the bottom of the tank in accordance with API 650, *Welded Steel Tanks for Oil Storage*, Appendix I, adopted by reference, or another leak detection system approved by the department;

(6) each aboveground oil storage tank shall be equipped with overflow prevention devices meeting the requirements of paragraphs (j)(1) and (j)(2).

(m) Cathodic protection systems installed after July 1, 2008 shall meet the applicable requirements of paragraph (l)(3)-(4) of this section. (Eff. 5/14/92, Register 122; am __/__/__, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

Editor's Note: The publications adopted by reference in 18 AAC 75.065 may be reviewed at the department's offices in Anchorage, Fairbanks, or Juneau, or may be obtained directly from the appropriate publisher. The mailing address, telephone number, facsimile number, and website, if available, for each publisher are as follows:

American Petroleum Institute (API), 1220 L Street NW, Washington, DC 20005-4070; phone (202) 682-8000; fax (303) 397-2740; website: <http://www.api-ec.api.org>

National Association of Corrosion Engineers (NACE) International, 1440 South Creek Drive, Houston, Texas 77084-4906; phone (800) 797-6223; fax (281) 228-6300; website: <http://www.nace.org>;

18 AAC 75 is amended by adding a new section to read:

18 AAC 75.066. Aboveground shop-fabricated oil storage tanks (a) Applicability. All aboveground shop-fabricated oil storage tanks in service after July 1, 2008 shall meet the requirements of this section.

(b) Design and Construction. Unless a more stringent requirement is set out in this section, the owner or operator shall ensure that the following procedures, codes, and standards, the provisions of which are adopted by reference, are used for the design and construction of aboveground shop-fabricated oil storage tanks:

(1) Underwriters Laboratories (UL) Standard 142, *Steel Aboveground Tanks for Flammable and Combustible Liquids*, Eighth Edition, July 2002;

(2) American Petroleum Institute (API) Standard 650, *Welded Steel Tanks for Oil Storage*, November 1998 Edition, Addendum 1, January 2000, Addendum 2, November 2001, Addendum 3, September 2003, Appendix J;

(3) API Specification 12F, *Specification for Shop Welded Tanks for Storage of Production Liquids*, Eleventh Edition, November 1994;

(4) Steel Tank Institute (STI) F911-93, *Standard for Diked Aboveground Storage Tanks*;

(5) STI F921-03, *Standard for Aboveground Tanks with Integral Secondary Containment*;

(6) American Society of Mechanical Engineers (ASME) B96.1, *Welded Aluminum-Alloy Storage Tanks*, 1999 Edition;

(7) UL Standard 2085, *Protected Aboveground Tanks for Flammable and Combustible Liquids*, 1997 Edition; or

(8) another standard certified by a registered engineer and approved by the department.

(c) Vaulted aboveground oil storage tanks shall

(1) be designed and constructed consistent with a nationally recognized standard or by a registered professional engineer;

(2) have discrete secondary containment vault systems constructed of seamless, poured and sealed or lined concrete, welded carbon or stainless metal, or other impermeable material as defined in 18 AAC 75.990(51) able to contain 100% of the volume of the tank plus any necessary allowance for precipitation; and

(3) have sufficient personnel access to allow full physical inspection of all sides of the tank.

(d) Self-diked aboveground oil storage tanks shall

(1) be designed and constructed in accordance with a recognized national standard approved by the department;

(2) have access that allows visual inspection for corrosion control or damage to the outer shell of the storage tank and the inner surface of the integral secondary containment area to facilitate non-destructive testing in accordance with 18 AAC 75.066(c);

(3) have catchments that positively hold any fuel overflow due to tank overflow or divert it into the diked tank integral secondary containment area;

(4) be equipped with systems for freeing water or spilled fuel from the integral dike and for regular maintenance in accordance with 18 AAC 75.075(c) and (d);

(5) be equipped with integral dikes with leak detection in accordance with 18 AAC 75.075(h) for tanks placed in service after July 1, 2008 or 18 AAC 75.075(i) for tanks placed in service prior to that date; and

(e) Double-walled aboveground oil storage tanks shall

(1) be designed and constructed in accordance with a recognized national standard approved by the department;

(2) be equipped with operating interstitial monitoring systems to detect oil leaks and water accumulation;

(3) be equipped with overfill protection in accordance with 18 AAC 75.066(e);

(4) be equipped with systems for freeing water or spilled fuel from the interstitial space and regular maintenance in accordance with 18 AAC 75.075(c); and

(f) Inspection. Unless a more stringent requirement is set forth in this section, the owner or operator of an oil terminal, crude oil pipeline, exploration, or production facility shall ensure that the following procedures, codes, and standards, the provisions of which are adopted by reference, are used for the maintenance and inspection of aboveground shop-fabricated oil storage tanks:

(1) Steel Tank Institute (STI) Standard SP001, *Standard for the Inspection of Aboveground Storage Tanks*, 3rd Edition, July 2005;

(2) API Standard 653, *Tank Inspection, Repair, Alteration, and Reconstruction*, Third Edition, December 2001, and Addendum 1, September 2003; or

(3) another equivalent inspection standard approved by the department.

(g) In addition to the applicable requirements of 18 AAC 75.025, aboveground shop-fabricated oil storage tanks placed in service after July 1, 2008 shall be equipped with

(1) one or more of the following means of preventing discharges:

(A) high liquid level alarms with signals that sound and display in a manner immediately recognizable by personnel conducting a transfer;

(B) high liquid level automatic pump shutoff devices set to stop flow at a predetermined tank content level;

(C) a means of immediately determining the liquid level of each bulk storage tank, provided that the liquid level is closely monitored during a transfer; or

(D) a system approved by the department which will immediately notify the operator of high liquid levels; and

(2) fixed overflow spill containment systems at each tank fill connection designed to prevent a discharge when a transfer hose or pipe is detached from the tank fill pipe.

(h) Discharge prevention devices must be tested before each transfer operation or monthly, whichever is less frequent. If monthly testing would necessitate interrupting the operation of a system subject to continuous flow, the owner or operator may substitute monthly inspection and annual testing for the monthly testing of overflow protection devices.

(Eff. __/__/__, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

Editor's Note: The publications adopted by reference in 18 AAC 75.066 may be reviewed at the department's offices in Anchorage, Fairbanks, or Juneau, or may be obtained directly from the appropriate publisher. The mailing address, telephone number, facsimile number, and website, if available, for each publisher are as follows:

Underwriters Laboratories, Inc. (UL), Standards Department, 333 Pfingsten Road, Northbrook, Illinois 60062; phone (708) 272-8800; fax (708) 272-8129; website: <http://www.ul.com>

Steel Tank Institute (STI), 570 Oakwood Road, Lake Zurich, Illinois 60062; phone (708) 438-8265, extension 4331; fax (708) 438-8766; website: <http://www.steel tank.com>

American Petroleum Institute (API), 1220 L Street NW, Washington, DC 20005-4070; phone (202) 682-8000; fax (303) 397-2740; website: <http://www.api-ec.api.org>

18 AAC 75.075(a) is amended to read:

(a) Onshore **aboveground** oil storage tanks must be located within a secondary containment area that has the capacity to hold the volume of the largest tank within the containment area, plus enough additional capacity to allow for local precipitation. Minimum secondary containment system requirements include

(1) berms, dikes, or retaining walls that are constructed to prevent the release of spilled oil from within the containment area;

(2) with the exception of the area under a tank, components constructed of, or lined with, materials that are

(A) adequately resistant to damage by the products stored to maintain sufficient impermeability;

(B) resistant to damage from prevailing weather conditions;

(C) sufficiently impermeable; **and**

(D) resistant to operational damage. [, AND]

(3) **Repealed.** __/__/____

18 AAC 75.075(b) is amended to read:

(b) In locations where physically feasible, offshore **exploration and production facility** [PLATFORM] oil storage tank areas must incorporate a secondary containment method to prevent oil spills from entering the water.

18 AAC 75.075(c) is amended to read:

(c) Secondary containment systems must be maintained free of debris, **vegetation**, or other materials or conditions, **including excessive accumulated water**, that might interfere with the effectiveness of the system [INCLUDING EXCESSIVE ACCUMULATED RAINWATER]. **Facility personnel shall visually check for the presence of oil leaks or spills within secondary containment during routine operations, and shall conduct documented weekly inspections of secondary containment areas, including checking for**

(1) debris and vegetation,

(2) proper alignment and operation of drain valves,

(3) visible signs of oil leaks or spills, and

(4) defects or failures of the secondary containment system.

18 AAC 75.075(d) is amended to read:

(d) Drainage of water accumulations from secondary containment areas that discharge directly to the land or waters of the state must be controlled by locally operated, positive close failsafe valves or other positive means to prevent a discharge. Valves must be kept closed and locked when not in use. The owner or operator shall inspect accumulated water before discharging it from a secondary containment area to ensure that no oil will be discharged and shall keep a written record of each drainage operation **and whether a sheen was present or not.** If no sheen is present, water accumulated may be discharged without a state wastewater permit under 18 AAC 72. Oil-contaminated water accumulations may be discharged from secondary containment without a state wastewater permit under 18 AAC 72 if the receiving environment is not a sensitive receiving environment and if it is treated through an oil/water separating device that reduces the total concentration of hydrocarbons [TO BELOW 15 PPM]. The oil separating device must be equipped with effluent monitors and alarms that **notify** [NOTICE] the operator if the device fails.

18 AAC 75.075(e) is amended to read:

(e) **An** [A NEW] installation **placed in service after May 14, 1992** is subject to the following:

- (1) impermeable liners or double bottoms that are chemically resistant to damage by the product being stored in the tank must be installed under all tanks, except for tanks containing viscous products exceeding 400 SUS (Saybolt Universal System) at storage temperatures; and
- (2) drains and other penetrations through secondary containment areas must be minimized consistent with facility operational requirements.

18 AAC 75.075(f) is amended to read:

(f) At an [EXISTING] installation **placed in service before May 14, 1992**, in the event of a known or suspected discharge, the department will, in its discretion, require installation of monitoring wells to detect oil or other hazardous substances in the groundwater if the local geology and groundwater conditions allow installation of monitoring wells, and if monitoring wells will not substantially increase the risk of contaminating groundwater.

18 AAC 75.075(g) is amended to read:

- (g) Rail tank car and tank truck loading areas and permanent unloading areas must
- (1) have a secondary containment system designed to contain the maximum capacity of any single compartment of the tank car or tank truck, including containment curbing and a trenching system or drains with drainage to a collection tank or device designed to handle a discharge;
 - (2) be paved, surfaced, or lined with sufficiently impermeable materials;
 - (3) be maintained free of debris, **vegetation**, or other materials or conditions, **including excessive accumulated water**, that might interfere with the effectiveness of the system[, INCLUDING EXCESSIVE ACCUMULATED RAINWATER AND];
 - (4) have warning lights, warning signs, or a physical barrier system to prevent premature vehicular movement;[.] **and**
 - (5) be visually inspected before any transfer operation or at least monthly.**

18 AAC 75.075 is amended by adding new subsections to read:

(h) Shop-fabricated aboveground oil storage tanks of a vaulted, self-diked, or double-walled design meeting the requirements of 18 AAC 75.066(c), (d), or (e) are not required to be placed within bermed, lined, secondary containment areas if they are equipped with catchments that positively hold any fuel overflow due to tank overflow or divert it into a integral secondary containment area.

(i) In this section, “failsafe” means designed such that the equipment defaults to a safe condition in the event of an equipment failure. (Eff. 5/14/92, Register 122, am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.080 is repealed and readopted, to read:

18 AAC 75.080. Requirements for Facility Oil Piping (a) Applicability. All facility oil piping associated with an oil terminal, crude oil transmission pipeline, exploration, or production facility must meet the requirements of this section.

(b) Corrosion Control. Metallic facility oil piping containing oil must be maintained in accordance with a corrosion control program.

(c) Design and Construction. Facility oil piping placed in service after July 1, 2008 shall be designed and constructed in accordance with American Society of Mechanical Engineers Code for Pressure Piping, ASME B31.3, *Process Piping*, 2004 Edition, adopted by reference, B31.4, *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, 2002 Edition, adopted by reference, ASME B31.8, *Gas Transmission and Distribution Piping Systems*, 2003 Edition, adopted by reference, or another standard approved by the department, as appropriate, unless a more stringent requirement is set out in this section.

(d) Buried metallic facility oil piping placed in service between May 14, 1992 and July 1, 2008, must be protected from corrosion by installing protective wrapping or coating and cathodic protection appropriate for local soil conditions and must be of all welded construction with no clamped, threaded, or similar connections for lines larger than a one inch nominal pipe size.

(e) Buried facility oil piping placed in service after July 1, 2008 must be

(1) of all welded construction with no clamped, threaded, or similar connections for lines larger than one inch nominal pipe size; and

(2) unless constructed of a corrosion-resistant material approved by the department,

(A) protected from corrosion by installing protective wrapping or coating;
and

(B) cathodically protected in accordance with (f) of this section.

(f) Cathodic protection systems installed after July 1, 2008, must be

(1) consistent with National Association of Corrosion Engineers (NACE) International, *Standard Recommended Practice-Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, 2002, RP0169-2002, adopted by reference;

(2) designed by a corrosion expert; and

(3) installed under the supervision of a corrosion expert;

(g) All buried facility oil piping installations

(1) must, if a piping segment is exposed for any reason, be carefully examined for damaged coating or corroded piping in accordance with Section 9.2.6 of American Petroleum Institute (API) *Piping Inspection Code, Inspection, Repair, Alteration, and Rerating of In-service Piping Systems*, API 570, Second Edition, October 1998, adopted by reference, Addendum 1, February 2000, adopted by reference, Addendum 2, December 2001, adopted by reference, and Addendum 3, August 2003, adopted by reference, and,

(A) if active corrosion is found, actions for control of future corrosion must be implemented; and

(B) significant repairs or replacements must meet the requirements of (c) and (e) of this section; and

(2) of metallic construction without cathodic protection

(A) must be electrically inspected by a corrosion expert for active corrosion at least once every 3 calendar years, but with intervals not exceeding 39 months; and

(B) in areas in which active corrosion is found, must be cathodically protected in accordance with (d) or (f) of this subsection, as appropriate;

(h) Aboveground facility oil piping shall be supported consistent with the requirements of ASME B31.3, *Process Piping*, 2004 Edition, Subsection 321.

(i) After July 1, 2007, all facility oil piping must be maintained and inspected under a program developed in accordance with the requirements of API *Piping Inspection Code, Inspection, Repair, Alteration, and Rerating of In-service Piping Systems*, API 570, Second Edition, October 1998, adopted by reference, Addendum 1, February 2000, adopted by reference, Addendum 2, December 2001, adopted by reference, and Addendum 3, August 2003, adopted by reference, or another program approved by the department unless a more stringent requirement is set out in this section.

(j) The operation and maintenance of a cathodic protection system must be consistent with Section 10 of NACE International, *Standard Recommended Practice-Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, 2002, RP0169-2002, adopted by reference, unless a more stringent requirement is set out in this section;

(1) A cathodic protection survey must be performed by a qualified/certified cathodic protection tester or a corrosion expert; and

(2) test lead wires must be maintained in a condition that enables electrical measurements to determine the effectiveness of a cathodic protection system;

(k) Aboveground facility oil piping located outside a sufficiently impermeable deck onboard a marine structure or at a soil-to-air interface must be protected against external corrosion by the application of a protective coating or by the use of corrosion-resistant materials.

(l) Aboveground facility oil piping not specified by (k) must be protected from atmospheric corrosion by the application of a protective coating or by the use of corrosion-resistant material unless the operator demonstrates by test, investigation, or experience appropriate to the environment of the piping segment that the anticipated extent of corrosion will

(1) only be a light surface oxide; or

(2) not affect the safe operation of the piping before the next scheduled API 570 inspection;

(m) Aboveground piping and valves must be

(1) visually checked for leaks or damage during routine operations or at least monthly, and

(2) appropriately protected from damage by vehicles.

(n) Facility oil piping removed from service for more than one year must be free of accumulated oil, identified as to origin, marked on the exterior with the words "Out of Service" and the date taken out of service, secured in a manner to prevent unauthorized use, and blank flanged or otherwise isolated from the system. The owner or operator shall notify the department when piping is removed from service in accordance with this paragraph.

(o) In this section,

(1) "active corrosion" means continuing corrosion which, unless controlled, could result in a spill;

(2) "buried" means covered or in contact with soil

(3) "removed from service" means not in regular use for the service intended and not included in a regular maintenance and inspection program in accordance with (i) of this section. (Eff. 5/14/92, Register 122, am __/__/__, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

Editor's Note: The publications adopted by reference in 18 AAC 75.080 may be reviewed at the department's offices in Anchorage, Fairbanks, or Juneau, or may be obtained directly from the appropriate publisher. The mailing address, telephone number, facsimile number, and website, if available, for each publisher are as follows:

American Society of Mechanical Engineers (ASME), 22 Law Drive, P.O. Box 2300, Fairfield, New Jersey 07007-2300; phone (800) 843-2763; fax (201) 882-1717; website: <http://www.asme.org/>;

National Association of Corrosion Engineers (NACE) International, 1440 South Creek Drive, Houston, Texas 77084-4906; phone (800) 797-6223; fax (281) 228-6300; website: <http://www.nace.org>;

American Petroleum Institute (API), 1220 L Street NW, Washington, DC 20005-4070; phone (202) 682-8000; fax (303) 397-2740; website: <http://www.api-ec.api.org>

18 AAC 75.090. Recommended practices:

Repealed. ___/___/___ (Eff. 5/14/92, Register 122; repealed ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.425(c) is amended to read:

(c) The submitted plan must be accompanied by a cover page or promulgation letter that includes

- (1) the name of the plan holder, and the covered vessel, barge, railroad, facility, or operation, followed by the words "Oil Discharge Prevention and Contingency Plan";
- (2) the date of the plan; and
- (3) a statement, signed by a person with appropriate authority, committing the **oil discharge prevention and response** resources necessary to implement the plan.

18 AAC 75.425(d) is amended to read:

- (d) The plan must
- (1) include the official plan title;
 - (2) consist of the **five** [FOUR] parts and contain the information described in **(e)(1)-(e)(5)** [(e)(1)-(e)(4)] of this section;
 - (3) contain a complete table of contents and lists of any tables or figures, with corresponding page numbers; and
 - (4) be presented in the order shown in (e) of this section, or include a cross-reference table that directs the reader to the appropriate information.

18 AAC 75.425(e)(2) is amended to read:

(2) Part 2 - Prevention Plan: [UNDER THE PROVISIONS OF 18 AAC 75.005 - 18 AAC 75.090, THE] **The** prevention plan must include a detailed description of all oil discharge prevention measures and policies employed at the facility, vessel, or operation, with reference to the **specific oil discharge** risks involved. **The prevention plan must describe how the applicant meets all the applicable requirements of 18 AAC 75.005 – 18 AAC 75.085.** The prevention plan may be submitted as a separate volume, and must include, at a minimum, the following information:

(A) **Discharge prevention programs** – a description and schedule of regular **oil discharge** [POLLUTION] prevention, inspection, and maintenance programs in place at the facility or operation, **including**

(i) oil discharge prevention training programs required by 18 AAC 75.020(a);

(ii) substance abuse and medical monitoring programs required by 18 AAC 75.007(e);

(iii) security and surveillance programs required by 18 AAC 75.007(f);

(B) **Discharge history** – a history of all known **oil** discharges greater than 55 gallons that have occurred at the facility, **including the source, cause, amount, and corrective actions taken,** with an analysis of the relationship, if any, between their frequency, cause, and size, and a description of actions to be taken to prevent or mitigate similar discharges in the future;

(C) **Potential discharge analysis** – an analysis of potential oil discharges, including size, frequency, cause, duration, and location, and a description of actions taken to prevent a potential discharge;

(D) **Specific conditions** - a description of any conditions specific to the facility or operation that might increase the risk of a discharge, including physical or navigation hazards, traffic patterns, or other site-specific factors, and any measures that have been taken to reduce the risk of a discharge attributable to these conditions, **including a summary of operating procedures designed to mitigate the risk of a discharge;**

(E) **Discharge Detection** - a description of the existing and proposed means of discharge detection, including surveillance schedules, leak detection, observation wells, monitoring systems, and spill-detection instrumentation; if electronic or mechanical instrumentation is employed, detailed specifications, including threshold detection, sensitivities, and limitations of equipment must be provided;

18 AAC 75.425(e)(2)(F) is repealed, with the text relocated to a new subparagraph
18 AAC 75.425(e)(5):

(F) Repealed. ___/___/____

18 AAC 75.425(e)(2)(G) is amended to read:

(G) **Waivers** - For an operation subject to a waiver, alternate compliance schedule, or existing condition of plan approval under **18 AAC 75.005 – 18 AAC 75.085** [18 AAC 75.005 –18 AAC 75.090] or 18 AAC 75.400 - 18 AAC 75.496, documentation of

(i) each waiver, alternate compliance schedule, or existing condition of plan approval; and

• • •

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

(3) Part 3 - Supplemental Information: The supplemental information section must provide background and verification information, including

(A) facility description and operational overview - a general description of the oil storage, transfer, exploration, or production activities of the operation, including

(i) the number, type, and oil storage capacity of each container covered under the plan and its installation date, design, construction, and general condition;

(ii) the type and amount of oil stored in each container;

(iii) for vessels, a general chart showing routes normally used for the transportation of oil products within state waters, and the frequency of use for each route;

(iv) for a railroad, a map showing the location of each main line, siding, and yard area;

(v) for vessels, plans or diagrams that identify cargo, bunker, and ballast tanks, all tank capacities, cargo piping, ballast piping, winches, emergency towing equipment, power plants, manifold pipe size, containment structures and equipment, and a description of the method of containing a discharge from fuel oil tank vent overflow and fill pipes;

(vi) a **general** description of the [NORMAL] procedures for the loading or transfer of oil from or to a pipeline, facility, tank vessel, oil barge, railroad tank car, or storage tank;

...

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

(4) Part 4 - Best Available Technology Review: Unless application of a state requirement would be preempted by federal law, the plan must provide for the use of the best available technology consistent with the applicable criteria in 18 AAC 75.445(k). In addition, the plan must

(A) identify technologies applicable to the applicant's operation that are not subject to response planning or performance standards specified in 18 AAC 75.445(k) (1) and (2); these technologies include, at a minimum,

...

(ii) for a terminal, a crude oil transmission pipeline, or an exploration and production contingency plan: cathodic protection or another approved corrosion control system if required by 18 AAC 75.065(h)(3) **or (5), 18 AAC 75.065(i)(3), 18 AAC 75.065(l)(3) or (4)**; a leak detection system for each tank if required by 18 AAC 75.065(h)(4) **or 18 AAC 75.065(l)(5)**; any other prevention or control system approved by the department under 18 AAC 75.065(i)(1)(D); a means of immediately determining the liquid level of bulk storage tanks as specified in 18 AAC 75.065(j)(3) and (4) **or 18 AAC 75.066(g)(1)(C) and (D)**; maintenance practices for buried **metallic** [STEEL] piping containing oil as required by 18 AAC 75.080(b); protective wrapping or coating and cathodic protection if required by **18 AAC 75.080(d)** [18 AAC 75.080(b)(1)(A)] **or (j)(1) or 18 AAC 75.047(c)(1)(B)**; and corrosion surveys required by **18 AAC 75.080(j)(1)** [18 AAC 75.080(b) (2)(A)];

(iii) for a tank vessel contingency plan: measures to assure prompt detection of an oil discharge as required by 18 AAC 75.027(d); operation of a tank vessel under escort in a manner that permits an escort vessel to be available immediately to provide the intended assistance to the tank

vessel as required by 18 AAC 75.027(e); tow lines as required by 18 AAC 75.027(f); and escort vessels;

(iv) for a crude oil transmission pipeline contingency plan: leak detection, monitoring, and operating requirements for crude oil pipelines that include prompt leak detection as required by 18 AAC 75.055(a) **and (e)** ;

18 AAC 75.425(e) is amended by adding a new paragraph to read:

(5) Part 5 - Response Planning Standard: A calculation of the applicable response planning standards set out in 18 AAC 75.430 – 18 AAC 75.440 and 18 AAC 75.442, including a detailed basis for the calculation of reductions, if any, to be applied to the response planning standards. (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 __/__/__, Register ____)

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

18 AAC 75.445(j) is amended to read:

(j) **Training.** In addition to maintaining continuous compliance with other applicable state and federal training requirements, the plan holder shall demonstrate that

(1) designated oil spill response personnel are trained and kept current in the specifics of plan implementation, including deployment of containment boom, operation of skimmers and lightering equipment, and organization and mobilization of personnel and resources;

(2) personnel are trained and kept current in methods of preventing oil discharges as required by 18 AAC 75.020; and

(3) [THE PLAN HOLDER SHALL ENSURE THAT] proof of **such** training is maintained for **five** [THREE] years and is made available to the department upon request.

[DESIGNATED OIL SPILL RESPONSE PERSONNEL ARE TRAINED AND KEPT CURRENT IN THE SPECIFICS OF PLAN IMPLEMENTATION, INCLUDING DEPLOYMENT OF CONTAINMENT BOOM, OPERATION OF SKIMMERS AND LIGHTERING EQUIPMENT, AND ORGANIZATION AND MOBILIZATION OF PERSONNEL AND RESOURCES. THE PLAN HOLDER SHALL ENSURE THAT PROOF OF TRAINING IS MAINTAINED FOR THREE YEARS AND IS MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.]

18 AAC 75.445 is amended by adding new subsections to read:

(m) **Prevention Plan.** The prevention plan required by 18 AAC 75.425(e)(2) must describe all oil discharge prevention programs in place at the facility or operation. The plan shall demonstrate that the applicant meets all the applicable requirements of 18 AAC 75.005 - 18 AAC 75.085 and 18 AAC 75.425(e)(2).

(n) **Response Planning Standard.** The response planning standard required by 18 AAC 75.425(e)(5) must provide a mathematical calculation of the applicable response planning standards set out in 18 AAC 75.430 – 18 AAC 75.440 and 18 AAC 75.442, and include a detailed calculation and justification of any reductions to the response planning standard. (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 5/26/2004, Register 170; am __/__/____, Register ____)

Authority: AS 46.30.020 AS 46.04.030 AS 46.04.070
AS 46.04.020 AS 46.04.035

18 AAC 75.475 is amended by adding a new subsection to read:

(d) A plan holder shall notify the department in writing within 24 hours if a significant change occurs in, or is made to,

- (1) a leak detection system required by 18 AAC 75.047,
- (2) a leak detection system required by 18 AAC 75.055, or
- (3) a secondary containment system required by 18 AAC 75.075,

such that the system no longer meets the applicable performance requirements. (Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.990 is amended to read:

18 AAC 75.990. Definitions

...

(39) Repealed. __/__/____ ;

...

(68) Repealed. __/__/____ ;

...

(75) "oil storage tank," for the purposes of 18 AAC 75.065, **18 AAC 75.066**, and 18 AAC 75.075, means a container, including a storage and surge tank, that is used to store bulk quantities of oil and that has a capacity greater than 10,000 gallons; "oil storage tank" does not include a process pressure vessel or underground storage tank;

...

(134) "transmission pipeline" means a pipeline through which crude oil moves in transportation, including line pipe, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units; "transmission pipeline" does not include gathering lines, flow lines, or facility **oil** piping;

...

(165) "allision" means when a vessel comes into contact with a fixed object, including but not limited to piers, rocks, platforms or other objects, whether manmade or naturally occurring, with sufficient force to incur damage to the vessel;

(166) "cathodic protection" means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell through the application of either galvanic anodes or impressed current;

(167) "corrosion" means the deterioration of metal from the loss of positive charged metal ions from the metal surface into an electrolyte;

(168) "corrosion expert" means a person who

(A) by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired through a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried metal piping and metal tanks, and

(B) is accredited or certified as being qualified by NACE International as a corrosion specialist, cathodic protection specialist, or is a registered engineer with education and experience in corrosion control of buried metal piping systems and metal tanks;

(169) "double-walled aboveground oil storage tank" means an aboveground oil storage tank with a surrounding containment tank fully enclosing a sealed interstitial space of a capacity less than 100% of the storage tank capacity and preventing visual inspection of the inner tank;

(170) "facility oil piping" means piping and associated fittings, including all valves, elbows, joints, flanges, pumps, and flexible connectors,

(A) originating from or terminating at an oil storage tank regulated under 18 AAC 75.065 or 18 AAC 75.066 up to the:

(i) Union of the piping with a fuel dispensing system;

(ii) Marine header;

(iii) Fill cap or fill valve;

(iv) Forwarding pump used to transfer oil between facilities, between adjacent pump stations, or between a pressure pump station and a terminal or breakout tank; or

(v) First flange or connection within a tank truck loading, loading rack containment area; or

(B) originating from or terminating at an exploration or production well, up to the:

(i) Choke or valve interconnection with a flowline; or

(ii) First valve or flange inside a processing unit boundary;

(171) “field-constructed aboveground oil storage tank” means a welded metal aboveground oil storage tank erected on-site where it will be placed in service;

(172) “flowline” means piping and associated fittings, including all valves, elbows, joints, flanges, pumps, and flexible connectors, containing liquid oil located at a production facility that is installed or used for the purpose of transporting oil between a well pad or marine structure used for oil production and the interconnection point with a transmission pipeline and including all piping between interconnections, including multi-phase lines and process piping, except

(A) facility oil piping; and

(B) transmission pipelines;

(173) “installation” means oil storage and surge tanks and associated operational appurtenances, including secondary containment systems, integral piping, overfill protection devices, and associated leak detection equipment;

(174) “marine structure” includes any assembly permanently or temporarily attached to the seabed, and includes, by way of example, mobile offshore drilling units, prefabricated offshore platforms, and artificial islands;

(175) “permanent unloading areas” means unloading areas routinely used for transfer operations, excluding areas used for short-term emergency response, seasonal usage, or short-term temporary usage to meet unusual operational demands;

(176) “pipe” or “piping” means any hollow cylinder or tube used to convey oil;

(177) “placed in service” means the date of commencement of operational use, either

(A) after initial construction or installation, or

(B) for field-constructed oil storage tanks, after the date of return to service after reconstruction as defined by API Standard 653, *Tank Inspection, Repair, Alteration, and Reconstruction*, 3rd Edition, December 2001, adopted by reference, Addendum 1, September 2003, adopted by reference, or

(C) for facility oil piping, after the date of return to service after being removed from service in accordance with 18 AAC 75.080(e); or

(D) for flow lines, after the date of return to service after being removed from service in accordance with 18 AAC 75.047(g).

(178) “qualified cathodic protection tester” means a person who is accredited or certified as being qualified as, at a minimum, CP1-CP Tester by NACE international.

(179) “self-diked aboveground oil storage tank” means an aboveground oil storage tank with integral secondary containment of minimum capacity of at least 100% of the capacity of the tank.

(180) “shop-fabricated aboveground oil storage tank” means an oil storage tank that is constructed at a tank manufacturer’s plant and transported to a facility for installation.

(181) “vaulted aboveground oil storage tank” means an oil storage tank that is placed within a discrete secondary containment vault system at or below grade. (Eff. 5/14/92, Register 122; am 9/25/93, Register 127; am 4/4/97, Register 142; am 4/11/97, Register 142; am 1/22/99, Register 149; am 8/27/2000, Register 155; am 10/28/2000, Register 156; am 11/27/2002, Register 164; am 12/14/2002, Register 164; am 1/30/2003, Register 165; am 8/8/2003, Register 167; am 5/26/2004, Register 170; am __/__/__, Register ____)

Authority:	AS 46.03.020	AS 46.03.755	AS 46.04.055
	AS 46.03.050	AS 46.03.822	AS 46.04.070
	AS 46.03.710	AS 46.04.020	AS 46.08.140
	AS 46.03.740	AS 46.04.030	AS 46.09.010
	AS 46.03.745	AS 46.04.035	AS 46.09.020

Editor's Note: The publications adopted by reference in 18 AAC 75.990 may be reviewed at the department's offices in Anchorage, Fairbanks, or Juneau, or may be obtained directly from the appropriate publisher. The mailing address, telephone number, facsimile number, and website, if available, for each publisher are as follows:

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