INTRODUCTION

This is an informational document only. It is not an official copy of the regulations, and there may be errors or omissions.

HOW TO READ THIS DOCUMENT:

Highlighted text indicates where changes have been made.
[CURRENT REGULATORY TEXT THAT IS DELETED IS CAPITALIZED & IN BRACKETS]
New regulatory text is in bold & underlined
New sections or repealed and readopted sections are highlighted yellow

ARTICLE 1. OIL POLLUTION PREVENTION REQUIREMENTS

18 AAC 75.005 is amended to read:

18 AAC 75.005. Responsibility. The owner or operator of **a** [AN OIL] tank vessel, oil barge, pipeline, oil terminal, railroad tank car, exploration facility, or production facility subject to the requirements of AS 46.04.030 or AS 46.04.055(j) is responsible for meeting the applicable requirements of this chapter and for preventing the discharge of oil into waters or onto land of the state. (Eff. 5/14/92, Register 122; am 12/14/2002, Register 164; am ___/___/____, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.055
AS 46.03.740 AS 46.04.050 AS 46.04.070

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)**.

(b) A vessel, barge, pipeline, railroad tank car, or other facility subject to the applicable requirements of this chapter must be equipped and operated in accordance with this chapter and other state and federal law applicable to the prevention of an oil discharge. A railroad must be operated in compliance with applicable federal railroad safety regulations.

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18 AAC 75.007(d) is repealed:

(d) Repealed ___/___/____.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 **conditions** [PROBLEMS] that would impair that person's ability to do that person's job. **The requirements of this section may be met**

(1) for [FOR] a railroad, **by a program in accordance with 49 C.F.R. Part 219, revised as of October 1, 2005 and adopted by reference;**

(2) for a pipeline, by a program in accordance with 49 C.F.R. Part 199, revised as of October 1, 2005 and adopted by reference; or

(3) for a vessel, by a program in accordance with 46 C.F.R. Part 16, revised as of October 1, 2005 and adopted by reference [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].

(f) The owner or operator shall provide security measures and surveillance appropriate to each component of the operation to minimize the risk of vandalism, sabotage, and unauthorized entry

18 AAC 75.007(g) is repealed:

(g) Repealed ___/___/____.

18 AAC 75.007(h) is 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 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.015 is amended to read:

18 AAC 75.015. Waiver. The department may waive a requirements of **18 AAC 75.005 - 18 AAC 75.085** [18 AAC 75.005 - 18 AAC 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 75 is amended by adding a new section to read:

18 AAC 75.020. Oil discharge prevention training and 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 must include

(1) a listing of each position with job duties described in (a) of this section, 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 (1) of this subsection; 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 within the state, 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 in this chapter, 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 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.025(a) is amended to read:

(a) The owner or operator of an oil terminal facility, railroad, [OIL] 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(b) is amended to read:

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

(1) crude oil**;**

(2) [AND] other persistent **product; and**

(3) **oily ballast water** [PRODUCTS].

(c) Except for crude oil washing, tank cleaning operations may not be conducted during cargo offloading.

(d) The owner or operator shall ensure that each person involved in a transfer is capable of clearly communicating orders to stop a transfer at any time during the transfer.

(e) A positive means must be provided to stop a transfer in the shortest possible time consistent with the best commercially available technology.

(f) Before beginning a transfer to or from an area not protected by secondary containment, the owner or operator shall ensure that all valves in the transfer system have been checked to ensure that they are in the correct position, and that all manifolds not in use are blank flanged or capped. Where feasible, the owner or operator shall also inspect for damage or defects all piping and hoses used in the transfer before and at least once during each transfer.

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 (b) of this section, deployment of an oil containment boom is technically unfeasible if

(1) expected tidal currents and other local environmental conditions preclude the effective configuration and operation of the oil containment boom due to entrainment or splash over; or

(2) the physical facility layout precludes the effective configuration of the oil containment boom around the tank vessel or oil barge.

(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. (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 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.027(a) is amended to read:

18 AAC 75.027. Requirements for laden [OIL] tank vessels. (a) In addition to **meeting** 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.**

(b) The owner or operator shall ensure that each laden tank vessel has on board a person who is designated as an oil spill prevention and response officer and is responsible for training and drilling the crew on state and federal oil pollution prevention and response requirements.

(c) If the master is not fluent in English, a person fluent in English and in the master's language must be immediately available to the bridge of any laden tank vessel when underway in state waters.

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]

(1) visual lookouts**;**

(2) [,] 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

(3) [,] where technically feasible, electronic leak detection systems.

(e) A tank vessel under escort by another vessel must, at all times, be operated in a manner that permits the escort vessel to be available immediately to provide the intended assistance to the tank vessel.

(f) While in state waters, towing line must be made up and prepared for rapid deployment to a towing vessel. The tow line must be fitted to allow tow vessels commonly available in the area of operation to take the vessel in tow rapidly. For a vessel operating at the oil loading terminal at Valdez, the Prince William Sound towing package may be used instead of having lines made up, if the package permits rapid deployment to a towing vessel.

(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 **meeting** 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.**

(b) The owner or operator of a laden oil barge shall ensure that each barge or vessel towing a barge has on board a person who is designated as an oil spill prevention and response officer and is responsible for training and drilling the crew on state and federal oil pollution prevention and response requirements.

(c) If the master is not fluent in English, a person fluent in English and in the master's language must be immediately available to any vessel towing an oil laden barge.

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**.

(e) The owner or operator shall inspect towing equipment every two months and shall record the results of each inspection and any actions taken to resolve problems discovered during an inspection.

(f) The owner or operator shall provide an adequate means of recovering a barge that breaks free of its towing vessel. The recovery means must be capable of being used by other vessels if the towing vessel is lost or incapacitated.

(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. OPERATING REQUIREMENTS FOR EXPLORATION AND PRODUCTION FACILITIES.

(a) In addition to the applicable requirements of 18 AAC 75.007 - 18 AAC 75.025, the owner or operator of an exploration or production facility shall collect and store oil produced during a formation flow test or other drilling operation in a manner that prevents the oil from entering the land or waters of the state.

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. **Part** 250, Subpart I, **revised** as **of July 1, 2001 and** [AMENDED THROUGH 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 **exploration or production wells;** [DRILLING] and

(2) wellhead sumps for **exploration or production wells located** onshore **or on artificial islands or ice islands; for exploration or production wells drilled and completed after {*two years after effective date of regulations*} and located onshore or on artificial islands or ice islands, wellhead sumps shall be designed and installed to be sufficiently impermeable** [DRILLING].

18 AAC 75.045(e) is amended to read:

(e) **A marine structure used for oil** [AN OFFSHORE] production**, other than an artificial island** [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.

18 AAC 75.045(f) is amended to read:

(f) **Aboveground oil** [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.

18 AAC 75.045(g) is amended to read:

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

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

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

18 AAC 75.047. Requirements for flow lines at production facilities. (a) The requirements of this section apply to each flow line associated with a production facility.

(b) Unless the owner or operator must comply with a more stringent requirement set out in this section, the owner or operator shall ensure that the design and construction of each flow line placed in service after {*two years after effective date of regulations*} is consistent with one of the following standards:

(1) American Society of Mechanical Engineers, *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquid*s, 2002 Edition (ASME B31.4-2002), adopted by reference;

(2) American Society of Mechanical Engineers, *Gas Transmission and Distribution Piping Systems*, 2003 Edition (ASME B31.8-2003), adopted by reference;

(3) another equivalent and nationally recognized standard approved by the department.

(c) No later than {*one year after effective date of regulations*}, the owner or operator shall ensure that measures for controlling corrosion in flow lines are undertaken, including, at a minimum,

(1) a corrosion monitoring and control program consistent with Chapter VIII of *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids* (ASME B31.4-2002), adopted by reference in (b)(1) of this section;

(2) unless a more stringent requirement is set out in this section, external corrosion control of buried or submerged flow lines consistent with NACE International's *Standard Recommended Practice: Control of External Corrosion on Underground or Submerged Metallic Piping System*s, 2002 edition (NACE RP0169-2002), adopted by reference;

(3) external corrosion control of aboveground flow lines by the application of a protective coating, by the use of corrosion-resistant alloys, or by another method approved by the department, 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; and

(4) a program designed to minimize internal corrosion, including, as appropriate, one or more of the following:

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

(B) treatment of residual water or dehydration;

(C) injection of inhibitors, biocides, or other chemical agents;

(D) removal of dissolved gases by chemical or mechanical means;

(E) gas blanketing;

(F) continuous internal coating or lining;

(G) another method approved by the department.

(d) No later than {*one year after effective date of regulations*}, the operator shall

(1) completely contain the entire circumference of the flow line and provide the interstitial space with a leak detection system approved by the department; or

(2) have in place a preventative maintenance program that ensures the continued operational reliability of any flow line system component affecting quality, safety, and pollution prevention; the owner or operator shall ensure that the program,

(A) for submerged flow lines, is consistent with Chapters VII through IX of *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids* (ASME B31.4-2002), adopted by reference in (b)(1) of this section;

(B) for buried flow lines, is consistent with Chapters VII and VIII of *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids* (ASME B31.4-2002), adopted by reference in (b)(1) of this section;

(C) for aboveground flow lines, as appropriate, a program consistent with

(i) the requirements of the American Petroleum Institute's (API) *Piping Inspection Code: Inspection, Repair, Alteration, and Rerating of In-*

service Piping Systems, Second Edition, October 1998, Addendum 1, February 2000, Addendum 2, December 2001, and Addendum 3, August 2003 (API 570), adopted by reference excluding Section 8; and

(ii) Chapters VII and VIII of *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids* (ASME B31.4-2002), adopted by reference in (b)(1) of this section; and

(D) for all flow lines, procedures to review proposed changes in operations to evaluate potential impacts on pipe integrity.

(e) Line markers shall be installed no later than {*one year after effective date of regulations*} 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.

(f) On or after {*effective date of regulations*}, flow lines removed from service for more than one year and not maintained in accordance with (c) and (d) of this section 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 and when the actions required by this subsection are completed. For purposes of this subsection, a flow line removed from service is free of accumulated oil if

(1) in the case of a piggable pipe, a cleaning pig is run through the pipe;

(2) in the case of a pipe that is not piggable but that can be drained entirely of its contents by gravity, the pipe is completely drained of oil; or

(3) in all other cases, air is blown through the pipe or another method is used to flush or evacuate standing oil accumulated in low spots.

(g) Aboveground flow lines must be supported consistent with the requirements of Paragraph 421 of *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids* (ASME B31.4-2002), adopted by reference in (b)(1) of this section.

(h) The owner or operator shall verify compliance with the requirements of (c) and (d)(2) of this section by documentation, including

(1) for corrosion control measures under (c) of this section, documentation to validate the effectiveness of those measures, including

(A) dates and locations of inspections and tests;

(B) inspections and test data evaluation including analysis of

(i) weight loss coupons and electrical resistance probes; and

(ii) corrosion inspections;

(C) data and analysis of chemical optimization activities;

(D) analysis of corrosion trends that affect the fitness for service of the flow line; and

(E) a list and description of repair activities undertaken; and

(2) for a preventative maintenance program under (d)(2) of this section, documentation to validate the effectiveness of that program, including

(A) the procedures for program implementation under (d)(2) of this section;

(B) dates and locations of inspections and tests;

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

(D) internal audit procedures of the program, including descriptions of controls and corrections for identified defects.

(i) In this section,

(1) "buried" means covered or in contact with soil;

(2) "defects"

(A) means an imperfection listed in Paragraph 451.6.2 of *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids* (ASME B.31.4-2002), adopted by reference in (b)(1) of this section; and

(B) has the meaning given in Section 3.10 of *Piping Inspection Code: Inspection, Repair, Alteration, and Rerating of In-service Piping Systems* (API 570), adopted by reference in (d)(2) of this section;

(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 this section;

(4) "submerged" means located below the surface of waters of the state. (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 75.047 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; telephone (800) 843-2763; fax (201) 882-1717; website: http://www.asme.org/; NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906; telephone (800) 797-6223; fax (281) 228-6300; website: http://www.nace.org; American Petroleum Institute (API), 1220 L Street NW, Washington, DC 20005-4070; telephone (202) 682-8000; fax (303) 397-2740; website: http://www.api-ec.api.org.

18 AAC 75.055. LEAK DETECTION, MONITORING, AND OPERATING REQUIREMENTS FOR CRUDE OIL TRANSMISSION PIPELINES.

(a) A crude oil transmission pipeline must be equipped with a leak detection system capable of promptly detecting a leak, including

(1) if technically feasible, the continuous capability to detect a daily discharge equal to not more than one percent of daily throughput;

(2) flow verification through an accounting method, at least once every 24 hours; and

(3) for a remote pipeline not otherwise directly accessible, weekly aerial surveillance, unless precluded by safety or weather conditions.

(b) The owner or operator of a crude oil transmission pipeline shall ensure that the incoming flow of oil can be completely stopped within one hour after detection of a discharge.

18 AAC 75.055(c) is amended to read:

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

18 AAC 75.055(d) is amended to read:

(d) For **facility oil** piping connected to or associated with the main crude oil transmission pipeline the owner or operator shall meet the requirements of 18 AAC 75.080. (Eff. 5/14/92, Register 122; am ___/___/____, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.065 is repealed and readopted to read:

18 AAC 75.065. Field-constructed aboveground oil storage tank requirements. (a) Unless the owner or operator must comply with a more stringent requirement set out in this section, the owner or operator of an oil terminal, crude oil pipeline, exploration, or production facility shall maintain and inspect each field-constructed aboveground oil storage tank consistent with the requirements, as appropriate, of the American Petroleum Institute's (API)

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

(2) *Recommended Practice for Setting, Maintenance, Inspection, Operation, and Repair of Tanks in Production Service*, Fifth Edition, August 1997 (API RP 12R1), adopted by reference.

(b) Inspection intervals for a field-constructed aboveground oil storage tank

(1) may be reduced by the department

(A) for a field-constructed aboveground oil storage tank older than 30 years;

(B) for a field-constructed aboveground oil storage tank that is riveted or bolted;

(C) for a field-constructed aboveground oil storage tank with a demonstrated structural, corrosion, or foundation problem; or

(D) after a significant seismic event;

(2) may not be based upon similar service as specified in Section 6.4.2 of *Tank Inspection, Repair, Alteration, and Reconstruction* (API 653), adopted by reference in (a) of this section; and

(3) may be based upon risk-based inspection as specified in Section 6.4.3 of *Tank Inspection, Repair, Alteration, and Reconstruction* (API 653), adopted by reference in (a) of this section, if the risk-based inspection assessment is submitted to the department for approval; the assessment must include

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

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

(c) An onshore elevated field-constructed aboveground oil storage tank whose configuration allows external inspection of more than 50 percent of the tank bottom is not required to undergo an internal inspection if

(1) an external integrity inspection is substituted, and performed in accordance with *Tank Inspection, Repair, Alteration, and Reconstruction* (API 653), adopted by reference in (a) of this section, or *Recommended Practice for Setting, Maintenance, Inspection, Operation, and Repair of Tanks in Production Service* (API RP 12R1), adopted by reference in (a) of this section; and

(2) the external integrity inspection includes an inspection and a nondestructive integrity test of the tank, including the tank bottom.

(d) Records and documentation

(1) required by this section shall be maintained by the owner or operator, except as provided in (2) of this subsection, for the service life of the tank and shall be provided to the department for inspection and copying upon request;

(2) of inspections required as specified in Section 6.3.1 of *Tank Inspection, Repair, Alteration, and Reconstruction* (API 653), adopted by reference in (a) of this section, shall be maintained by the owner or operator for five years and shall be provided to the department for inspection and copying upon request.

(e) The owner or operator shall notify the department

(1) as soon as practical before a field-constructed aboveground oil storage tank undergoes major repair or major alteration, as defined in Section 12.3.1.2 of *Tank Inspection, Repair, Alteration, and Reconstruction* (API 653), adopted by reference in (a) of this section; and

(2) before a field-constructed aboveground oil storage tank is returned to service following major repair or major alteration, as defined in Section 12.3.1.2 of *Tank Inspection, Repair, Alteration, and Reconstruction* (API 653), adopted by reference in (a) of this section.

(f) A field-constructed aboveground oil storage tank served by an internal steam heating system 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) An internal lining system installed and used to control corrosion or to meet the requirements of (h) of this section must be installed in accordance with the American Petroleum Institute's (API)

(1) *Lining of Aboveground Petroleum Storage Tank Bottoms*, First Edition, 1991 (API RP 652), adopted by reference, for an internal lining system installed before {*two years after effective date of regulations*}; or

(2) *Linings of Aboveground Petroleum Storage Tank Bottoms*, Third Edition, October 2005 (API RP 652), adopted by reference, for an internal lining system installed on or after {*two years after effective date of regulations*}.

(h) An owner or operator of an installation placed in service before May 14, 1992 shall

(1) equip each field-constructed aboveground oil storage tank 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 the American Petroleum Institute's (API) *Cathodic Protection of Aboveground Petroleum Storage Tanks*, First Edition, 1991 (API RP 651), adopted by reference;

(C) a thick film liner in accordance with *Linings of Aboveground Petroleum Storage Tank Bottoms*, First Edition, 1991 (API RP 652), adopted by reference in (g)(1) of this section;

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

(2) operate and maintain, after {*one year after effective date of regulations*}, the cathodic protection system on each field-constructed aboveground oil storage tank consistent with Section 11 of *Standard Recommended Practice: External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms* (NACE RP0193-2001), adopted by reference in (j) of this section; a corrosion expert or qualified cathodic protection tester shall perform a cathodic protection survey specified under that standard.

(i) The owner or operator of an installation placed in service on or after May 14, 1992 and before {*two years after effective date of regulations*} shall meet each of the following requirements:

(1) each field-constructed aboveground oil storage tank must be constructed and installed in compliance with

(A) the American Petroleum Institute's (API)

(i) *Welded Steel Tanks for Oil Storage*, Eighth Edition, 1988 (API 650), adopted by reference;

(ii) *Specification for Field Welded Tanks for Storage of Production Liquids*, Ninth Edition, 1989 (API Spec 12D), adopted by reference;

(iii) *Specification for Shop Welded Tanks for Storage of Production Liquids*, 10th Edition, 1989 (API Spec 12F), adopted by reference; or

(iv) *Specification for Fiberglass Reinforced Tanks*, First Edition, 1986 (API Spec 12P), adopted by reference; or

(B) another equivalent standard approved by the department;

(2) a field-constructed aboveground oil storage tank may not be of riveted or bolted construction;

(3) cathodic protection or another approved corrosion control system must be installed, to protect the bottom of each field-constructed aboveground oil storage tank from external corrosion where local soil conditions warrant; after {*one year after effective date of regulations*}, operation and maintenance of the cathodic protection system must be consistent with Section 11 of *External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms* (NACE RP0193-2001), adopted by reference in (j) of this section; a corrosion expert or qualified cathodic protection tester shall perform a cathodic protection survey specified under that standard;

(4) each field-constructed aboveground oil storage tank must be equipped with one or more of the following leak detection systems that an observer from outside the tank can use to detect leaks in the bottom of the tank:

(A) secondary catchment under the tank bottom with a leak detection sump;

(B) a sensitive gauging system;

(C) another leak detection system approved by the department.

(j) An owner or operator of an installation placed in service after {*two years after effective date of regulations*} shall meet each of the following requirements:

(1) each field-constructed aboveground oil storage tank must be constructed and installed in compliance with

(A) the American Petroleum Institute's (API) *Welded Steel Tanks for Oil*

Storage, 10th Edition, November 1998, Addendum 1, January 2000, Addendum 2, November 2001, and Addendum 3, September 2003 (API 650), adopted by reference;

(B) the American Petroleum Institute's (API) *Specification for Field Welded Tanks for Storage of Production Liquids*, 10th Edition, November 1994 (API Spec 12D), adopted by reference; or

(C) another equivalent standard approved by the department;

(2) a field-constructed aboveground oil storage tank may not be of riveted or bolted construction;

(3) a cathodic protection system or another approved corrosion control system shall be installed to protect the bottom of each field-constructed aboveground oil storage tank from external corrosion unless deemed not necessary by an evaluation conducted by a corrosion expert in accordance with Chapter 5 of the American Petroleum Institute's (API) *Cathodic Protection of Aboveground Petroleum Storage Tanks*, Second Edition , December, 1997 (API RP 651), adopted by reference; a cathodic protection system must be

(A) designed by a corrosion expert;

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

(C) installed, operated, and maintained in accordance with NACE International's *Standard Recommended Practice: External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms*, 2001 edition (NACE RP0193-2001), adopted by reference; a corrosion expert or qualified cathodic protection tester shall perform a cathodic protection survey specified under that standard; and

(4) each field-constructed aboveground oil storage tank must be equipped with

(A) a leak detection system that

(i) an observer from outside the tank can use to detect leaks in the bottom of the tank; and

(ii) is designed and installed in accordance with Appendix I of *Welded Steel Tanks for Oil Storage* (API 650), adopted by reference in (1) of this subsection; or

(B) another leak detection system approved by the department.

(k) In addition to meeting the applicable requirements of 18 AAC 75.025, and except as required in (1) of this subsection, the owner or operator of a field-constructed aboveground oil storage tank 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; an installation placed in service after {*two years after effective date of regulations*} must be in compliance with this paragraph, regardless of whether another means of preventing overfilling is provided;

(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, if the liquid level is closely monitored during a transfer;

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

(*l*) Overfill protection 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 overfill protection devices.

(m) An owner or operator who installs a cathodic protection system after {*two years after effective date of regulations*} on a field-constructed aboveground oil storage tank shall meet the applicable requirements of (j)(3) of this section.

(n) An owner or operator shall maintain the cathodic protection test lead wires on a field-constructed aboveground oil storage tank in a condition that enables electrical measurements to determine the effectiveness of a cathodic protection system.

(o) A field-constructed aboveground oil storage tank removed from service for more than one year must be free of accumulated oil, marked with the words "Out of Service" and the date taken out of service, secured in a manner to prevent unauthorized use, and either blank flanged or otherwise disconnected from facility piping. The owner or operator shall notify the department when a tank is removed from service and when the actions required by this subsection are completed. In this subsection, "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 this section. (Eff. 5/14/92, Register 122; am 5/26/2004, Register 170; am ___/___/____, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

Editor's Note: <u>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:</u> [THE API STANDARDS SET OUT IN THIS SECTION MAY BE REVIEWED AT ANY REGIONAL OFFICE OF THE DEPARTMENT OR MAY BE OBTAINED FROM THE] American Petroleum Institute **<u>(API)</u>**, 1220 L Street NW, Washington, **<u>DC 20005-4070; telephone (202) 682-8000; fax (303) 397-2740; website: http://www.api-ec.api.org; NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906; telephone (800) 797-6223; fax (281) 228-6300; website: http://www.nace.org</u>** [D.C. 20005].

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

18 AAC 75.066. Shop-fabricated aboveground oil storage tanks. (a) The owner or operator of a shop-fabricated aboveground oil storage tank placed in service

(1) on or before {*two years after effective date of regulations*} shall meet the requirements of (f) - (h) of this section;

(2) after {*two years after effective date of regulations*} shall meet the requirements of this section.

(b) Unless the owner or operator must comply with a more stringent requirement set out in this section, the owner or operator shall ensure that

(1) one of the following standards is used for the design and construction of each shop-fabricated aboveground oil storage tank:

(A) Underwriters Laboratories' (UL) *Steel Aboveground Tanks for Flammable and Combustible Liquids*, Eighth Edition, dated July 11, 2002 (UL 142), adopted by reference;

(B) Appendix J of the American Petroleum Institute's (API) *Welded Steel Tanks for Oil Storage*, 10th Edition, November 1998, Addendum 1, January 2000, Addendum 2, November 2001, and Addendum 3, September 2003 (API 650), adopted by reference;

(C) the American Petroleum Institute's (API) *Specification for Shop Welded Tanks for Storage of Production Liquids*, 11th Edition, November 1994 (API Spec 12F), adopted by reference;

(D) the Steel Tank Institute's (STI) *Standard for Aboveground Tanks with Integral Secondary Containment*, revised as of October 21, 2004 (STI F921-03), adopted by reference;

(E) Underwriters Laboratories' (UL) *Protected Aboveground Tanks for Flammable and Combustible Liquids*, Second Edition, revised as of December 1, 1999 (UL 2085), adopted by reference; or

(2) the design of a shop-fabricated aboveground oil storage tank is certified by a registered engineer, and approved by the department as equivalent to a design for which a standard listed in (1) of this subsection is used.

(c) The owner or operator of a vaulted shop-fabricated aboveground oil storage tank shall ensure that the tank has

(1) a discrete secondary containment vault system

(A) constructed of

(i) seamless, poured concrete that is sealed or lined;

(ii) welded carbon or stainless metal; or

(iii) other impermeable material; and

(B) able to contain 100 percent of the volume of the tank plus any necessary allowance for precipitation; and

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

(d) The owner or operator of a self-diked shop-fabricated aboveground oil storage tank shall ensure that the tank

(1) has access that allows visual inspection for corrosion or damage to the

(A) outer shell of the storage tank; and

(B) interior surfaces of the integral secondary containment dike;

(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;

(3) is equipped with a system for freeing water or spilled fuel from the integral dike and for regular maintenance in accordance with 18 AAC 75.075(c) and (d); and

(4) is equipped with an operating interstitial monitoring system that enables an observer from outside the tank to detect oil leaks from the tank bottom and water accumulation within the secondary containment area.

(e) The owner or operator of a double-walled shop-fabricated aboveground oil storage tank shall ensure that the tank is equipped

(1) with an operating interstitial monitoring system that enable an observer from outside the tank to detect oil leaks and water accumulation;

(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; and

(3) with a system for freeing water or spilled fuel from the interstitial space and for regular maintenance in accordance with 18 AAC 75.075(c) and (d).

(f) Unless the owner or operator must comply with a more stringent requirement set out in this section, the owner or operator of an oil terminal facility, crude oil pipeline, exploration facility, or production facility shall ensure that one of the following standards is used for the maintenance and inspection of each shop-fabricated aboveground oil storage tank:

(1) the Steel Tank Institute's (STI) *Standard for the Inspection of Aboveground Storage Tanks*, Third Edition, July 2005 (STI SP001), adopted by reference;

(2) the American Petroleum Institute's (API) *Tank Inspection, Repair, Alteration, and Reconstruction*, Third Edition, December 2001, and Addendum 1, September 2003 (API 653), adopted by reference;

(3) another equivalent standard approved by the department.

(g) In addition to meeting the applicable requirements of 18 AAC 75.025, the owner or operator of a shop-fabricated aboveground oil storage tank

(1) shall ensure that the tank is equipped with 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, if the liquid level is closely monitored during a transfer;

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

(2) if the tank is placed in service after {*two years after effective date of regulations*}, shall 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.

(h) The owner or operator of a shop-fabricated aboveground oil storage tank shall ensure that each discharge prevention device for the tank is 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 overfill 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; telephone (708) 272-8800; fax (708) 272-8129; website: http://www.ul.com; Steel Tank Institute (STI), 570 Oakwood Road, Lake Zurich, Illinois 60062; telephone (708) 438-8265, extension 4331; fax (708) 438-8766; website: http://www.steeltank.com; American Petroleum Institute (API), 1220 L Street NW, Washington, DC 20005-4070; telephone (202) 682-8000; fax (303) 397-2740; website: http://www.api-ec.api.org.

18 AAC 75.075(a) is amended to read:

18 AAC 75.075. Secondary containment requirements for aboveground oil storage [AND SURGE] tanks. (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; **and**

(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

[(3) CHECKING FOR THE PRESENCE OF OIL LEAKS OR SPILLS

(A) DAILY AT A MANNED FACILITY; OR

(B) EACH TIME THE FACILITY IS VISITED, BUT AT LEAST MONTHLY, AT AN UNMANNED FACILITY].

18 AAC 75.075(b) is amended to read:

(b) In locations where physically feasible, **aboveground oil storage tank areas at an** offshore **exploration or** 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) **A secondary** [SECONDARY] containment **system** [SYSTEMS] must be maintained free of debris**, vegetation, excessive accumulated water,** or other materials or conditions 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 areas during routine operations, and, unless precluded by safety concerns or weather conditions, 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 **for five years** a written record of each drainage operation **and whether a sheen was present or not. A discharge of water to land is subject to a cleanup plan approved under 18 AAC 75.360, a corrective action plan approval under 18 AAC 78.260, or** [. IF NO

SHEEN IS PRESENT, WATER ACCUMULATED MAY BE DISCHARGED WITHOUT] a [STATE] wastewater **discharge** permit **issued** under 18 AAC 72. **If the discharge of water from a secondary containment area is to surface waters or wetlands, either a permit under 18 AAC 72, a permit under 18 AAC 83, or a certified NPDES permit under 18 AAC 15.120 may be required.** [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 NOTICE THE OPERATOR IF THE DEVICE FAILS.]

The lead-in language of 18 AAC 75.075(e) is amended to read:

(e) **An** [A NEW] installation **placed in service on or 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 **may** [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) **The owner or operator of rail** [RAIL] tank car and tank truck loading areas and permanent unloading areas must **ensure that those loading and unloading areas**

(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) **are** [BE] paved, surfaced, or lined with sufficiently impermeable materials;

(3) **are** [BE] maintained free of debris**, vegetation, excess accumulated water,** or other materials or conditions 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;

18 AAC 75.075(g) is amended by adding a new paragraph to read:

(5) are 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 those tanks are equipped with catchments that positively hold any fuel overflow due to tank overfill or divert it into a integral secondary containment area.

(i) In this section, "failsafe" means designed so that the equipment defaults to a closed 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) The owner or operator of an oil terminal, crude oil transmission pipeline, exploration facility, or production facility shall ensure that all facility oil piping associated with that facility meets the requirements of this section.

(b) The owner or operator shall maintain metallic facility oil piping containing oil in accordance with a corrosion control program.

(c) Unless the owner or operator must comply with a more stringent requirement set out in this section, the owner or operator shall ensure that facility oil piping placed in service after {*two years after effective date of regulations*} is designed and constructed in accordance with one of the following standards, as appropriate:

(1) American Society of Mechanical Engineers, *Process Piping*, 2005 Edition (ASME B31.3-2004), adopted by reference;

(2) American Society of Mechanical Engineers, *Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, 2002 Edition (ASME B31.4-2002), adopted by reference;

(3) American Society of Mechanical Engineers, *Gas Transmission and Distribution Piping Systems*, 2003 Edition (ASME B31.8-2003), adopted by reference;

(4) another equivalent standard approved by the department.

(d) The owner or operator shall ensure that buried metallic facility oil piping placed in service between May 14, 1992 and {*two years after effective date of regulations*} is protected from corrosion by installing protective coating and cathodic protection appropriate for local soil conditions, and is of all welded construction with no clamped, threaded, or similar connections

for lines larger than a one inch nominal pipe size.

(e) The owner or operator shall ensure that buried facility oil piping placed in service after {*two years after effective date of regulations*}

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

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

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

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

(f) The owner or operator shall ensure that, after {*two years after effective date of regulations*}, cathodic protection systems installed on facility oil piping are

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

(2) designed by a corrosion expert; and

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

(g) The owner or operator shall ensure that, if a piping segment of a buried facility oil piping installation is exposed for any reason, the segment is carefully examined for damaged coating or corroded piping in accordance with Section 9.2.6 of *Piping Inspection Code: Inspection, Repair, Alteration, and Rerating of In-service Piping Systems* (API 570), adopted by reference in (j) of this section. If active corrosion is found during that examination,

(1) the owner or operator shall implement actions for control of future corrosion; and

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

(h) An owner or operator of a buried facility oil piping installation of metallic construction without cathodic protection shall ensure that the piping

(1) is electrically inspected by a corrosion expert for active corrosion at least once every three years, but with intervals between inspection not exceeding 39 months; and

(2) in areas in which active corrosion is found, is cathodically protected in accordance with (d) or (f) of this section, as appropriate.

(i) The owner or operator shall ensure that aboveground facility oil piping is supported consistent with the requirements of Paragraph 321 of *Process Piping* (ASME B31.3-2004), adopted by reference in (c) of this section.

(j) After {*one year after effective date of regulations*}, unless the owner or operator must comply with a more stringent requirement set out in this section, the owner or operator shall

ensure that all facility oil piping is maintained and inspected under

(1) a program developed in accordance with the requirements of the American Petroleum Institute's (API) *Piping Inspection Code: Inspection, Repair, Alteration, and Rerating of In-service Piping Systems*, Second Edition, October 1998, Addendum 1, February 2000, Addendum 2, December 2001, and Addendum 3, August 2003 (API 570), adopted by reference; or

(2) another equivalent program approved by the department.

(k) Unless the owner or operator must comply with a more stringent requirement set out in this section, the operation and maintenance of a cathodic protection system on facility oil piping must

(1) be consistent with Section 10 of *Standard Recommended Practice: Control of External Corrosion on Underground or Submerged Metallic Piping System*s (NACE RP0169-2002), adopted by reference in (f) of this section;

(2) include a cathodic protection survey by a corrosion expert or qualified cathodic protection tester; and

(3) include maintenance of test lead wires, in a condition that enables electrical measurements to be taken to determine the effectiveness of a cathodic protection system.

(*l*) The owner or operator of aboveground facility oil piping, other than piping specified in (m) of this section, shall ensure that the piping is protected from atmospheric corrosion by the application of a protective coating or by the use of corrosion-resistant material unless the owner or 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 inspection under a program developed under (j) of this section.

(m) The owner or operator of aboveground facility oil piping located outside a sufficiently impermeable deck onboard a marine structure or at a soil-to-air interface shall ensure that the piping is protected against external corrosion through the application of a protective coating or by the use of corrosion-resistant materials.

(n) The owner or operator of aboveground facility oil piping and valves shall ensure that the piping and valves are

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

(2) appropriately protected from damage by vehicles.

(o) The owner or operator of facility oil piping that is removed from service for more than one year shall ensure that the facility oil piping is 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 either blank flanged or otherwise isolated from the system. The owner or operator shall notify the department when facility oil piping is removed from service and when the actions required by this subsection are completed.

(p) In this section,

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

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

(3) "protective coating" means a durable external coating that is applied to piping and that

(A) isolates the external surface of the piping from the environment;

(B) has sufficient adhesion to effectively resist underfilm migration of moisture;

(C) is sufficiently ductile to resist cracking in the range of temperatures encountered during bending, handling, installation, and operation;

(D) has sufficient strength and adhesion, or is otherwise protected, to resist mechanical damage;

(E) resists degradation throughout the range of temperatures encountered during storage, shipping, construction, and operation; and

(F) is compatible with the cathodic protection system in use on the piping;

(4) "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 (j) of this section;

(5) "submerged" means located below the surface of waters of the state. (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; telephone (800) 843-2763; fax (201) 882-1717; website: http://www.asme.org/; NACE International, 1440 South Creek Drive, Houston, Texas 77084-4906; telephone (800) 797-6223; fax (281) 228-6300; website: http://www.nace.org; American Petroleum Institute (API), 1220 L Street NW, Washington, DC 20005-4070; telephone (202) 682-8000; fax (303) 397-2740; website: http://www.api-ec.api.org.

18 AAC 75.085. REQUIREMENTS FOR RAILROAD TANK CARS AND OPERATIONS BY RAIL.

In addition to the applicable requirements of 18 AAC 75.007 – 18 AAC 75.025, the owner or operator of a railroad tank car shall ensure that

(1) the tank car meets all applicable federal specifications;

(2) the operation and transport of railroad tank cars by railroad, at a minimum, meet all applicable federal operating and transport criteria and practices;

(3) if the tank car is subject to the federal inspection and maintenance reporting requirements of 49 C.F.R. 180.501 – 180.519, the required reports are available for review by the department upon request;

(4) the transporting railroad maintains avalanche detection and mitigation systems designed to address local avalanche hazards to the safe transportation of railroad tank cars; and

(5) the transporting railroad maintains an appropriate system of track-mounted detectors designed to detect defects on railroad tank cars during transit.

(Eff. 12/14/2002, Register 164)

Authority: AS 46.03.020 AS 46.04.030 AS 46.03.070
AS 46.04.055

18 AAC 75.090 is repealed:

18 AAC 75.090. Recommended practices. Repealed. (Eff. 5/14/92, Register 122; repealed ___/___/____, Register ____)

ARTICLE 4. OIL DISCHARGE PREVENTION AND CONTINGENCY PLANS AND NONTANK VESSEL PLANS

18 AAC 75.425. OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN CONTENTS.

(a) An oil discharge prevention and contingency plan submitted for approval under 18 AAC 75.400 – 18 AAC 75.495 must be in a form that is usable as a working plan for oil discharge prevention, control, containment, cleanup, and disposal. A plan must contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of AS 46.04.030 and 18 AAC 75.400 - 18 AAC 75.495.

(b) The plan for a facility comprised of multiple operations as described at 18 AAC 75.442, must describe, for each category of operation at the facility, the appropriate response measures to meet the applicable portion of the response planning standard.

(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

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

(3) a statement, signed by a person with appropriate authority, committing the **oil discharge prevention and response** resources necessary to implement the plan.

(d) The plan must

(1) include the official plan title;

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

(2) consist of **five** [FOUR] parts and contain the information described in **(e)(1) - (5)** [(e)(1) - (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.

(e) The information in the plan must include

(1) PART 1 - RESPONSE ACTION PLAN: The response action plan must provide in sufficient detail to clearly guide responders in an emergency event, all information necessary to guide response to a discharge of any size, up to and including a discharge that is equal to the applicable response planning standard set out at 18 AAC 75.430 - 18 AAC 75.442; the response action plan must include the following information:

(A) Emergency action checklist - a short checklist of the immediate response and notification steps to be taken if an oil discharge occurs; it is recommended that this summary be duplicated on a wallet-size card, to be carried by the appropriate response personnel while on duty;

(B) Reporting and notification - a description of the immediate spill reporting actions to be taken at any hour of the day, including

(i) the title and telephone number of facility personnel responsible for making the notification; and

(ii) the telephone number of each appropriate government agency to be notified if a discharge occurs;

(C) Safety - based on applicable safety standards, a description of the steps necessary to develop an incident-specific safety plan for conducting a response;

(D) Communications - a description of field communications procedures, including, if applicable, assigned radio channels or frequencies and their intended use by response personnel;

(E) Deployment strategies - a description of proposed initial response actions that may be taken, including

(i) procedures for the transport of equipment, personnel, and other resources to the spill site, including plans for alternative methods in adverse weather conditions; and

(ii) if the operator is not the primary spill responder, procedures to notify and mobilize the response action contractor or other responder identified in the plan, including a description of the interim actions that the operator will perform until the responder identified in the plan initiates a full response to the discharge;

(F) Response scenario - a written description of a hypothetical spill incident and response that demonstrates a plan holder's ability to respond to a discharge of each applicable response planning standard volume within the required time frames using the resources described in the contingency plan, and that identifies the spill location, time of year, and time of day, the source and cause of the spill, the quantity and type of oil spilled, the relevant environmental conditions, including weather, sea state, and visibility, the spill trajectory, and the expected timeline for response actions, describing response actions to be taken; the response scenario must be usable as a general guide for a discharge of any size, must describe the discharge containment, control, and cleanup actions to be taken, which clearly demonstrate the strategies and procedures adopted to conduct and maintain an effective response, and if the response scenario is for an explanation or production facility, must also meet the applicable requirements of (I) of this paragraph; if required by the department, the plan holder must provide additional response strategies to account for variations in receiving environments and seasonal conditions; if the information required by this subparagraph is contained within a separate

document developed by the plan holder or the plan holder's primary response action contractor identified in (3)(H) of this subsection, the plan holder may incorporate the information by reference upon obtaining the department's approval; response strategies must include

(i) procedures to stop the discharge at its source and prevent its further spread;

(ii) a description of methods to prevent or control a potential fire hazard;

(iii) repealed 5/26/2004;

(iv) procedures and methods for real-time surveillance and tracking of the discharged oil on open water and forecasting of its expected points of shoreline contact;

(v) for a stationary facility or operation, or a railroad, and, if requested by the department, for a vessel, a description of site-specific strategies for the protection of environmentally sensitive areas and areas of public concern identified under (3)(J) of this subsection, including, for a land-based facility or railroad, protection of groundwater and public water supplies; if identification of those areas and site-specific strategies for protection of those areas are in an applicable subarea contingency plan, the plan holder may incorporate that information by reference;

(vi) a description of the actions to be taken to contain and control the spilled oil, including, as applicable, boom deployment strategies, construction of temporary berms, and other methods;

(vii) a description of the actions to be taken to recover the contained or controlled oil using mechanical response options, including procedures and provisions for skimming, absorbing, or otherwise recovering the contained or controlled product from water or land;

(viii) procedures for lightering, transfer, and storage of oil from damaged tanks or from undamaged tanks that might be at risk of discharging additional oil;

(ix) procedures for transfer and storage of recovered oil and oily water, including methods for estimating the amount of recovered oil;

(x) procedures and locations for temporary storage and ultimate disposal of oil contaminated materials, oily wastes, and sanitary and solid wastes, including procedures for obtaining any required permits or authorizations for temporary storage or ultimate disposal;

(xi) procedures and methods for the protection, recovery, disposal, rehabilitation, and release of potentially affected wildlife, including: minimizing wildlife contamination through hazing or other means, when appropriate; the

recovery of oiled carcasses to preclude secondary contamination of scavengers; and the capture, cleaning, rehabilitation, and release of oiled wildlife, when appropriate; and

(xii) if applicable, a description of procedures for the deployment of shoreline cleanup equipment and personnel, including cleanup and restoration methods and techniques to be used if the shoreline is impacted by the discharge;

(G) nonmechanical response options - if applicable, a description of actions to be taken to obtain the necessary permits and approvals to initiate dispersant application, in situ burning, or other nonmechanical response options, the basis for determining the conditions or circumstances under which these options will be used, and how the nonmechanical response options will be implemented, including a description of all required equipment and personnel; and

(H) facility, railroad, or vessel diagram - a plan diagram of the facility, vessel, or operation for reference in conducting emergency response operations, with locations of response equipment and other features pertinent to the response plan clearly marked, including surrounding topography, roads, air transportation and other transportation access, location and bathymetry of adjacent water bodies, mooring areas, oil transfer locations, pipelines, control stations, drip pans and drainage of drip pans, and a representation of the distance and gradients to surface water for an operation located on land, by topographic map, aerial photographs, or other means; for a railroad tank car or locomotive, a diagram must be included for each distinct type of railroad tank car or locomotive showing locations of fuel and lubrication systems and oil storage tanks, piping, and valves;

(I) response scenario for an exploration or production facility – if the facility is an exploration or production facility, a response scenario that, in addition to complying with (F) of this paragraph, includes as part of the response strategies a summary of planned methods, equipment, logistics, and time frames proposed to be employed to control a well blowout within 15 days; the plan holder shall certify that the plan holder maintains a separate blowout contingency plan; the blowout contingency plan is not part of an application required under 18 AAC 75.410 - 18 AAC 75.420, but must be made available to the department for inspection upon request under 18 AAC 75.480; a plan holder may use for development of a response scenario the July 1997 S.L. Ross oil deposition model for surface oil well blowouts, or another oil deposition model approved by the department for surface oil well blowouts; if required by the department to account for variations in seasonal conditions, a plan holder must provide a response scenario for a discharge of the applicable response planning standard volume under typical summer environmental conditions and typical winter environmental conditions; if the information required by this subparagraph is contained within a separate document developed by the plan holder or the plan holder's primary response action contractor identified in (3)(H) of this subsection, the plan holder may incorporate the information by reference upon obtaining the department's approval; for purposes of this subparagraph,

(i) "predominant wind directions" means those directions that occur greater than 10 percent of the time indicated;

(ii) "typical summer environmental conditions" means the average wind speeds and predominant wind directions as depicted by a wind rose, temperature, sea state, and other climactic and environmental conditions occurring during the period of May through October, based on National Weather Service data or local weather records of a duration sufficient to determine a reasonable average;

(iii) "typical winter environmental conditions" means the average wind speeds and predominant wind directions as depicted by a wind rose, temperature, sea state, and other climactic and environmental conditions occurring during the period of November through April, based on National Weather Service data or local weather records of a duration sufficient to determine a reasonable average;

(iv) "wind rose" means a polar coordinate plot designed to show the distribution of wind directions and speeds at a given location over a considerable period of time, with the distance from the origin proportional to the probability of the wind direction being at the given angle, measured in 16 cardinal compass points, and the disposition of the wind speeds indicated for each direction;

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

(2) Part 2 - Prevention Plan: **The** [UNDER THE PROVISIONS OF 18 AAC 75.005 - 18 AAC 75.090, 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); and

(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 **within the state; the history must include**

(i) the source, cause, and amount of each discharge;

(ii) corrective actions taken;

(iii) [WITH] an analysis of the relationship, if any, between **the** [THEIR] frequency, cause, and size **of the discharges;** [,] and

(iv) 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

(i) any conditions specific to the facility or operation that might increase the risk of a discharge, including physical or navigation hazards, traffic patterns, **and** [OR] other site-specific factors**;** [,] and

(ii) 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;

(F) **waivers -** [A DETAILED BASIS FOR THE CALCULATION OF EXCEPTIONS, IF ANY, TO BE APPLIED TO THE RESPONSE PLANNING STANDARDS SET OUT IN 18 AAC 75.430 - 18 AAC 75.438; AND

(G)] 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** [EXITING] condition of plan approval; and

(ii) the approval of each waiver, alternate compliance schedule, or existing condition of plan approval;

(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;

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

(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;

(vii) for a production facility, a description of the flow and gathering lines and processing facilities;

(viii) for vessels, a description of the methods for retention and disposal of oily wastes and bilge slops;

(ix) for a railroad, a description of railroad tank cars and locomotives normally in service, including type, number and capacity, general piping diagrams, location of valves, and tank volumes; and

(x) any other information required by the department to evaluate the response capability of a vessel, including an approved loading manual that meets the requirements of 46 C.F.R. 45.105, as amended through October 1, 1990;

(B) Receiving environment - for a land-based facility or operation:

(i) the potential routes of travel of oil discharged from the facility or operation to open water in the form of a drainage diagram or map, showing gradients and potential containment sites and features, including identification and explanation of all measures that will be taken to prevent a discharge from entering open water; and

(ii) based on the information in (i) of this subparagraph, an estimate of what percentage of the applicable response planning standard volume set out at 18 AAC 75.430 - 18 AAC 75.436, or 18 AAC 75.442 for the facility or operation will reach open water;

(C) Command system - a description of the command system to be used in response to a discharge, including the title, address, telephone number, and affiliation by company, agency, or local government of each person, including a person identified in (1)(B) of this subsection, who by law or through employment, contract, or cooperative agreement, is responsible for responding to a discharge, and each person's functional role in the command system; this list must include command, fiscal, operations, planning, and logistics lead personnel; the command system must be compatible with the state's response structure outlined in the state master plan prepared under AS 46.04.200;

(D) Realistic maximum response operating limitations - a description of the realistic maximum response operating limitations that might be encountered at the facility or operation and, based on environmental and safety considerations, an analysis of the frequency and duration, expressed as a percentage of time, of limitations that would render mechanical response methods ineffective; the realistic maximum response operating limitations for a response must be defined, with a description of any additional specific temporary prevention or response measures that will be taken to reduce the environmental consequences of a discharge, including nonmechanical response options, during those periods when environmental conditions exceed this maximum; environmental conditions to be considered in this analysis must include

(i) weather, including wind, visibility, precipitation and temperature;

(ii) sea states, tides, and currents;

(iii) ice and debris presence;

(iv) hours of daylight; and

(v) other known environmental conditions that might influence the efficiency of the response equipment or the overall effectiveness of a response effort;

(E) Logistical support - identification of aircraft, vessels, and other means that may be used to transport equipment and personnel during a discharge response, including information on ownership and availability of identified means of transportation;

(F) Response equipment - a complete list of contracted or other oil discharge containment, control, cleanup, storage, transfer, lightering, and related response equipment to meet the applicable response planning standard, and to protect environmentally sensitive areas and areas of public concern that are identified in (J) of this paragraph and that may be reasonable expected to suffer an impact from a spill of the response planning standard volume as described in the response strategies developed under (1)(F) and (1)(I) of this subsection, the list must include

(i) the location, inventory, and ownership of the equipment;

(ii) the time frame for delivery and startup of response equipment and trained personnel located outside the facility's primary region of operation;

(iii) the manufacturer's rated capacities, limitations, and operational characteristics for each item of oil recovery equipment, including any nonmechanical response techniques;

(iv) each vessel designated for oil recovery operations, including skimming vessels and platforms and vessels designated to tow and deploy boom;

(v) information on additional vessels available from other sources for oil recovery operations, including, if applicable, procedures for inventorying, training personnel, and equipping vessels;

(vi) pumping, transfer and temporary storage, and lightering equipment for transferring oil from damaged or undamaged tanks; and

(vii) the procedures for storage, maintenance, and inspection of spill response equipment under the immediate control of the operator when not in use, including procedures for periodic testing and maintenance of response equipment;

(G) Nonmechanical response information -if a nonmechanical option such as dispersant use or in situ burning is proposed as a response option, the plan must include

(i) a description of the specific mechanisms in place to assess the environmental consequences of the nonmechanical response option and to provide continuous monitoring of its environmental effects;

(ii) a complete inventory of nonmechanical response equipment and supplies, including the type and toxicity of each dispersant, with procedures for storage, maintenance, and deployment;

(iii) identification of all necessary approvals, and a completed application for department approval for open burning if in situ burning is a proposed response option;

(iv) identification of all permits, approvals, or authorizations for use of nonmechanical response options and the timeline for obtaining them; and

(v) a plan for protecting environmentally sensitive areas identified in (J) of this paragraph, areas of public concern identified in (J) of this paragraph, and the public from any adverse effects of the nonmechanical response option;

(H) oil spill primary response action contractor information - if a plan holder proposes to use the services of an oil spill primary response action contractor to meet a requirement of AS 46.04.030 or 18 AAC 75.400 - 18 AAC 75.495, the contractor must be registered under 18 AAC 75.500 - 18 AAC 75.580; the plan holder shall include a correct and complete list of each primary response action contractor, with name, address, telephone number, and affiliation by company, the response contractor information described in 18 AAC 75.445(i), and a description of the response equipment and services provided; the use of an oil spill primary response action contractor does not relieve the plan holder of its responsibility to provide the information required by this subsection and to meet all other applicable requirements of 18 AAC 75.400 - 18 AAC 75.495;

(I) Training - a detailed description of the training programs for discharge response personnel;

(J) protection of environmentally sensitive areas and areas of public concern - for a stationary facility or operation, or a railroad, and, if required by the department, for a vessel, identification of environmentally sensitive areas and areas of public concern that may suffer an impact from a spill of the applicable response planning standard volume; if identification of those areas and site-specific strategies for protection of those areas are in an applicable subarea contingency plan, the plan holder may incorporate that information by reference; whether prepared separately or incorporated by reference, the identification of and planned protection measures for those areas must be based on mapped predictions of discharge movement, spreading, and probable points of contact, based on expected local, seasonal, meteorologic, and oceanographic or topographic conditions; and, for each probable point of contact, must include a description of each environmentally sensitive area and each area of public concern, including

(i) the effect of seasonal conditions on the sensitivity of each area;

(ii) a discussion of the toxicity effects and persistence of the discharge, based on type of product; and

(iii) an identification of which areas will be given priority attention if a discharge occurs;

(K) Additional information - other information necessary to provide background for or verification of the plan contents; and

(L) Bibliography - a list of data and information sources used to determine the information contained in the plan; and

(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 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,

(i) for all contingency plans, communications described under (1)(D) of this subsection; source control procedures to stop the discharge at its source and prevent its further spread described under (1)(F)(i) of this subsection; trajectory analyses and forecasts described under (1)(F)(iv) of this subsection; and wildlife capture, treatment, and release procedures and methods described under (1)(F)(xi) of this subsection;

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 approved corrosion control system if required by **18 AAC 75.065(h)(2), (i)(3), or (j)(3)** [18 AAC 75.065(h)(3)]; a leak detection system for each tank if required by **18 AAC 75.065(i)(4) or (j)(4)** [18 AAC 75.065(h)(4)]; any other prevention or

control system approved by the department under **18 AAC 75.065(h)(1)(D)** [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(k)(3) and (4) or in 18 AAC 75.066(g)(1)(C) and (D)** [18 AAC 75.065(j)(3) AND (4)]; 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), (k)(1), (*l*), or (m)** [18 AAC 75.080(b)(1)(A)]; and corrosion surveys required by **18 AAC 75.080(k)(2)** [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);

(v) for a barge contingency plan: measures to assure prompt detection of an oil discharge as required by 18 AAC 75.037(d) and means to recover a barge that breaks free of its towing vessel as required by 18 AAC 75.037(f); and

(vi) for a railroad tank car contingency plan, measures to assure prompt detection of a tank car leak, spill prevention and containment devices for locomotive fueling systems, spill collection and recovery devices at locomotive fueling and tank car filling locations, track-mounted railroad tank car defect detector systems, and avalanche detection and mitigation systems;

(B) for each applicable technology under (A) of this paragraph, identify all available technologies and include a written analysis of each technology, using the applicable criteria in 18 AAC 75.445(k)(3); and

(C) include a written justification that the technology proposed to be used is the best available for the applicant's operation.

(f) For purposes of this section and 18 AAC 75.445, "technology" means equipment, supplies, other resources, and related practices.

(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 5/24/2; am 5/26/2004, Register 170)

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

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. APPROVAL CRITERIA FOR OIL DISCHARGE PREVENTION AND CONTINGENCY PLANS.

(a) The department will use the criteria set out in this section to review an oil discharge prevention and contingency plan submitted under 18 AAC 75.425.

(b) General response procedures. The plan must identify the maximum possible discharge that could occur at the facility or operation, and the general procedures to be followed in responding to a discharge of that magnitude, including the identification of resources in addition to those maintained by the plan holder or available under contract to meet the applicable response planning standard for that facility or operation.

(c) Deployment strategies. The plan must demonstrate that the identified personnel and equipment are sufficient to meet the applicable response planning standard and can be deployed and operating within the time specified under 18 AAC 75.430 - 18 AAC 75.442. The plan must state what conditions were assumed and must take into account the realistic maximum response operating limitation and their effects on response capability and the deployment of resources. Plans using contractual resources must demonstrate that the transition and substitution of equipment and resources will occur without interruption of response or cleanup.

(d) Response strategies. The response strategies must take into account the type of product discharged and must demonstrate that

(1) procedures are in place to stop the discharge at its source within the shortest possible time;

(2) for an exploration or production facility, a summary of planned methods, equipment, logistics, and time frames in place that provide for the control of a well blowout within 15 days; the plan holder shall certify that the plan holder has a blowout contingency plan and shall make the blowout contingency plan available to the department for inspection upon request under 18 AAC 75.480; the department may consult with the Alaska Oil and Gas Conservation Commission, the Department of Natural Resources, or other agencies to determine the adequacy of the planned methods, equipment, logistics, and time frames for the control of a well blowout;

(3) procedures and equipment are sufficient to monitor and track the discharge in order to ensure proper allocation and deployment of response personnel and equipment;

(4) sufficient oil discharge response equipment, personnel, and other resources are maintained and available for the specific purpose of preventing discharged oil from entering an environmentally sensitive area or an area of public concern that would likely be impacted if a discharge occurs, and that this equipment and personnel will be deployed and maintained on a time schedule that will protect those areas before oil reaches them according to the predicted oil trajectories for an oil discharge of the volumes established under 18 AAC 75.430 - 18 AAC 75.442; areas identified in the plan must include areas added by the department as a condition of plan approval;

(5) plan strategies are sufficient to meet the applicable response planning standard established under 18 AAC 75.430 - 18 AAC 75.442 for containment, control, recovery, transfer, storage, and cleanup within the specified time and under environmental conditions that might reasonably be expected to occur at the discharge site;

(6) there is access to sufficient lightering equipment and personnel to transfer all oil from damaged tanks and from undamaged tanks if the risk of an additional discharge is present; the plan must provide for commencement and completion of lightering within the shortest possible time, consistent with ensuring the safety of personnel; and

(7) adequate temporary storage and removal capacity for recovered oil and oily wastes will be available at or near the site of the spill to keep up with the skimming and recovery operations and to meet the applicable planning standard established under 18 AAC 75.430 - 18 AAC 75.442 for control, containment, and cleanup; plans for temporary storage and ultimate disposal must include the specific actions to be taken to obtain all necessary permits and approvals.

(e) Receiving environment. For an onshore facility or operation, the applicant must determine and clearly demonstrate that, based on an analysis of the facility or operation, resources identified in the plan are sufficient to clean up that portion of a discharge of the applicable planning standard volume that might realistically be expected to reach open water within the applicable time limit set out in 18 AAC 75.430 - 18 AAC 75.442.

(f) Realistic maximum response operating limitations. In designing a spill response, severe weather and environmental limitations that might be reasonably expected to occur during a discharge event must be identified. The plan must use realistic efficiency rates for the specified response methods to account for the reduction of control or removal rates under those severe weather or other environmental limitations that might reasonably be expected to occur. The department may require the plan holder to take specific temporary prevention or response measures until environmental conditions improve to reduce the risk or magnitude of an oil discharge during periods when planned mechanical spill response options are rendered ineffective by environmental limitations. Plans that propose the use of nonmechanical response options under 18 AAC 75.425(e)(3)(D) must meet the requirements of 18 AAC 75.425(e)(1)(G), 18 AAC 75.425(e)(3)(G), and (h) of this section.

(g) Response equipment. Response equipment identified in the plan must meet the following conditions:

(1) the applicant must have ready access to enough equipment to meet the applicable response planning standards established under 18 AAC 75.430 - 18 AAC 75.442 using mechanical methods of oil control, containment, and cleanup;

(2) identified equipment must reflect the best available technology at the time the plan is submitted or renewed;

(3) types and amounts of boom, boom connectors, and anchorage devices must be of the appropriate design for the particular oil product, type of environment, and environmental conditions experienced at the facility or operation; the boom must be of sufficient length to mount an effective response to the volume of discharged oil established under 18 AAC 75.430 - 18 AAC 75.442 for each type of facility or operation;

(4) vessels used to deploy and tow boom must be of a number, size, and power adequate to deploy the types and amounts of boom addressed in (3) of this subsection and must be capable of operating in the manner and at the speeds necessary for the effective use of boom;

(5) the number and size of skimmers and pumps to be used must be appropriate and adequate for recovery of the response planning standard volume of the type of oil discharged within the response planning standard time frame for cleanup established under 18 AAC 75.430 - 18 AAC 75.442, using an effective oil recovery capacity of 20 percent of the equipment manufacturer's rated throughput capacity over a 24-hour period, unless an analysis demonstrates to the satisfaction of the department that another effective daily oil recovery capacity is appropriate; equipment types must be compatible with each other as necessary to ensure an efficient response;

(6) the capacity of the temporary storage system for recovered oil and oil wastes must be appropriate and adequate for the total volume recovered within the response planning standard time frames for cleanup established under 18 AAC 75.430 – 18 AAC 75.442.

(h) Nonmechanical response information. Plans which propose the use of dispersants, in situ burning, or other nonmechanical response techniques during periods when environmental conditions or other factors limit the use of mechanical spill response methods must demonstrate their efficiency and effectiveness and must include a full assessment of potential environmental consequences, provisions for continuous monitoring and real-time assessment of environmental effects, and full compliance with all applicable approval requirements. If in situ burning is proposed as a response technique, a completed application for approval by the department must be included.

(i) Oil Spill Primary Response Action Contractor Information. If a plan holder proposes to use the services of an oil spill primary response action contractor to meet a requirement of AS 46.04.030 or 18 AAC 75.432 - 18 AAC 75.442, the contractor must be registered under 18 AAC 75.500 - 18 AAC 75.580. The plan holder shall include a correct and complete list of each primary response action contractor, with name, address, telephone number, and affiliation by company, and, for each response action contract, a statement signed by the plan holder and the primary response action contractor attesting to the department that the contract

(1) clearly specifies that the contractor is obligated to

(A) provide the response services and equipment listed for that contractor in the contingency plan;

(B) respond if a discharge occurs;

(C) notify the plan holder immediately if the contractor cannot carry out the response actions specified in the contract or the contingency plan;

(D) give written notice at least 30 days before terminating its contract with the plan holder;

(E) respond to a department-conducted discharge exercise required of the plan holder; and

(F) continuously maintain in a state of readiness, in accordance with industry standards, the equipment and other spill response resources to be provided by the contractor under the contingency plan; and

(2) contains the provisions required under AS 46.04.030(r), if the contract is between the plan holder for a tank vessel or oil barge carrying crude oil that has been transported by the Trans Alaska Pipeline System and a primary response action contractor who is the common operating agent for the holders and lessees of the right-of-way agreement for the Trans Alaska Pipeline System.

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 **that** training is maintained for five years and is made available to the department upon request.

(k) Best Available Technology Review. For purposes of 18 AAC 75.425(e)(4), the department will review a plan and make a best available technology determination using the following criteria, as applicable:

(1) technology used for oil discharge containment, storage, transfer, and cleanup to satisfy a response planning standard in 18 AAC 75.430 - 18 AAC 75.442 will be considered best available technology if the technology of the applicant's oil discharge response system as a whole is appropriate and reliable for the intended use as well as the magnitude of the applicable response planning standard;

(2) technology that complies with the performance standards of 18 AAC 75.005 - 18 AAC 75.080 and that is not subject to a best available technology review under 18 AAC 75.425(e)(4)(A), will be considered best available technology;

(3) technology identified under 18 AAC 75.425(e)(4)(A) will be evaluated using the following criteria, if applicable:

(A) whether each technology is the best in use in other similar situations and is available for use by the applicant;

(B) whether each technology is transferable to the applicant's operations;

(C) whether there is a reasonable expectation each technology will provide increased spill prevention or other environmental benefits;

(D) the cost to the applicant of achieving best available technology, including consideration of that cost relative to the remaining years of service of the technology in use by the applicant;

(E) the age and condition of the technology in use by the applicant;

(F) whether each technology is compatible with existing operations and technologies in use by the applicant;

(G) the practical feasibility of each technology in terms of engineering and other operational aspects; and

(H) whether other environmental impacts of each technology, such as air, land, water pollution, and energy requirements, offset any anticipated environmental benefits.

(l) If the department's determination under (k) of this section is that a technology proposed for use by the applicant is not the best available technology, the department will provide a written finding explaining its decision.

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 must 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 46.03.020 AS 46.04.030 AS 46.04.055
AS 46.04.020 AS 46.04.035 AS 46.04.070

18 AAC 75.475. NOTIFICATION OF NONREADINESS.

(a) All spill response and other equipment identified in the approved oil discharge prevention and contingency plan or nontank vessel plan to meet the response planning standards set out at 18 AAC 75.430 - 18 AAC 75.442 must be maintained in operational condition. Any equipment found not to be operating properly must be repaired or replaced immediately.

(b) Except for a transfer approved under 18 AAC 75.470, if a significant change occurs in, or is made to, any component of a plan that would diminish the plan holder's response capability, the plan holder shall, within 24 hours, notify the department in writing and provide a schedule for a prompt return to operational status. A facsimile delivered to the appropriate regional office will be considered written notice for purposes of this subsection. If the department finds that, as a result of the change, the plan holder is no longer able to execute the plan, it will take appropriate action under 18 AAC 75.490.

(c) Notwithstanding (a) and (b) of this section, removal or inactivation of any major response item for maintenance or repair must be approved by the department before removal or inactivation. A request under this subsection must be submitted at least 10 days before the scheduled action or as soon as possible for an unanticipated repair. The request must state what substitute or temporary measures will be taken to provide equivalent response capability, reduce the time out of service, or otherwise ensure that equivalent response capability is maintained.

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, one or more of the following systems, and if, as a result of that change, the system no longer meets the applicable performance requirements:

(1) a leak detection system required by 18 AAC 75.047(e);

(2) a leak detection system required by 18 AAC 75.055(a);

(3) a secondary containment system required by 18 AAC 75.075. (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

ARTICLE 9. GENERAL PROVISIONS

18 AAC 75.990. DEFINITIONS.

Unless the context indicates otherwise, in this chapter

18 AAC 75.990(39) is repealed:

(39) repealed ___/___/____;

18 AAC 75.990(68) is repealed:

(68) repealed ___/___/____;

18 AAC 75.990(75) is repealed:

(75) repealed ___/___/____;

18 AAC 75.990(113) is repealed:

(113) repealed ___/___/____;

18 AAC 75.990(134) is amended to read:

(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;

18 AAC 75.990 is amended by adding new paragraphs to read:

(165) "aboveground 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; with the exception of a field-constructed underground storage tank, "aboveground oil storage tank" does not include a process pressure vessel or underground storage tank within the meaning of AS 46.03.450;

(166) "allision" means when a vessel comes into contact with a fixed object, including piers, rocks, platforms or other objects, whether manmade or naturally occurring, with sufficient force to incur damage to the vessel;

(167) "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;

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

(169) "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;

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

(171) "facility oil piping" means piping and associated fittings, including all valves, elbows, joints, flanges, pumps, and flexible connectors, originating from or terminating at

(A) an aboveground 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 area or within a loading rack containment area; or

(B) an exploration or production well, up to the

(i) choke or valve interconnection with a flow line; or

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

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

(173) "flow line"

(A) means piping and associated fittings, including all valves, elbows, joints, flanges, pumps, and flexible connectors,

(i) containing liquid oil;

(ii) located at a production facility; and

(iii) 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

(B) includes all piping between interconnections, including multi-phase

lines and process piping, except

(i) facility oil piping; and

(ii) transmission pipelines;

(174) "installation" means an aboveground oil storage tank and associated operational appurtenances, including secondary containment systems, integral piping, overfill protection devices, and associated leak detection equipment;

(175) "marine structure" means an assembly permanently or temporarily attached to the seabed; "marine structure" includes mobile offshore drilling units, prefabricated offshore platforms, and artificial islands;

(176) "permanent unloading areas" means unloading areas routinely used for transfer operations; "permanent unloading areas" does not include areas used for short-term emergency response, seasonal usage, or short-term temporary usage to meet unusual operational demands;

(177) "pipe" or "piping" means any hollow cylinder or tube used to convey oil;

(178) "placed in service" means commencement of operational use, either after initial construction or installation or

(A) for field-constructed aboveground oil storage tanks, after the date of return to service after reconstruction as defined by the American Petroleum Institute's (API) *Tank Inspection, Repair, Alteration, and Reconstruction*, Third Edition, December 2001 and Addendum 1, September 2003 (API 653), adopted by reference, or after the date of return to service after being removed from service in accordance with18 AAC 75.065(o); or

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

(C) for flow lines, after the date of return to service after being removed from service in accordance with 18 AAC 75.047(f);

(179) "qualified cathodic protection tester" means a person who is accredited or certified as being qualified as, at a minimum, a CP1-CP Tester by NACE International;

(180) "self-diked shop-fabricated aboveground oil storage tank" means a shop-fabricated aboveground oil storage tank with integral secondary containment of a minimum capacity of at least 100 percent of the capacity of the tank;

(181) "shop-fabricated aboveground oil storage tank" means an aboveground oil storage tank that is constructed at a tank manufacturer's plant and transported to a facility for installation;

(182) "vaulted shop-fabricated aboveground oil storage tank" means a shop-fabricated aboveground 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 American Petroleum Institute (API), 1220 L Street NW, Washington, DC 20005-4070; telephone (202) 682-8000; fax (303) 397-2740; website: http://www.api-ec.api.org.