

STATE OF ALASKA
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION



18 AAC 75

Oil and Other Hazardous Substances Pollution Control

Spring 2011

Sean Parnell
Governor

Larry Hartig
Commissioner

18 AAC 75.235(a) is amended to read:

(a) Each vessel or facility must be specifically covered by an approved form of financial responsibility. The dollar amounts of required financial responsibility set out in AS 46.04.040 or 46.04.055 are adjusted, based upon the percentage change between the reference base index and the semi-annual average Consumer Price Index for all urban consumers in the Anchorage metropolitan area for the second half of 2010 [2007], as reported by the United States Department of Labor, bureau of labor statistics. An applicant under 18 AAC 75.205 or 18 AAC 75.225 must demonstrate financial responsibility to respond in damages for claims covered by AS 46.04.040(i) in the following applicable minimum amount:

(1) for a crude oil terminal facility, \$83,600,000 [\$78,300,000] per incident;

(2) for a noncrude oil terminal facility, \$41.80 [\$39.15], per incident, for each barrel of total noncrude oil storage capacity at the terminal, or \$1,672,000 [\$1,566,000], whichever is greater, subject to a maximum of \$83,600,000 [\$78,300,000]; if the facility stores more noncrude oil than crude oil, the \$41.80 [\$39.15] per incident, per barrel requirement of this paragraph applies to each barrel of oil storage capacity at the facility;

(3) for a tank vessel or barge carrying crude oil, \$501.60 [\$469.80], per incident, for each barrel of storage capacity or \$167,200,000 [\$156,600,000] whichever is greater;

(4) for a tank vessel or barge carrying noncrude oil, \$167.20 [\$156.60], per incident, for each barrel of storage capacity or \$1,672,000 [\$1,566,000], whichever is greater, subject to a maximum of \$58,520,000 [\$54,810,000];

(5) for a nontank vessel carrying predominantly nonpersistent product, \$167.20 [\$156.60] per incident, for each barrel of total oil storage capacity, persistent and nonpersistent product, on the vessel or \$1,672,000 [\$1,566,000], whichever is greater;

(6) for a nontank vessel carrying predominantly persistent product, \$501.60

[\$469.80] per incident, for each barrel of total oil storage capacity, persistent product and nonpersistent product, on the vessel or **\$8,360,000** [\$7,830,000], whichever is greater;

(7) for a railroad tank car,

(A) **\$501.60** [\$469.80] per incident for each barrel of persistent product based on the maximum amount of persistent product storage capacity of any train on the railroad; and

(B) **\$167.20** [\$156.60] per incident for each barrel of nonpersistent product based on the maximum amount of nonpersistent product storage capacity of any train on the railroad or **\$1,672,000** [\$1,566,000], whichever is greater;

(8) for a pipeline, **\$83,600,000** [\$78,300,000] per incident;

(9) for an offshore exploration or production facility, **\$83,600,000** [\$78,300,000] per incident;

(10) for an onshore production facility that produces more than 10,000 barrels per day of oil, **\$33,440,000** [\$31,320,000] per incident;

(11) for an onshore production facility that produces more than 5,000, but not more than 10,000 barrels per day of oil, **\$16,720,000** [\$15,660,000] per incident;

(12) for an onshore production facility that produces more than 2,500, but not more than 5,000 barrels per day of oil, **\$8,360,000** [\$7,830,000] per incident;

(13) for an onshore production facility that produces 2,500 or fewer barrels per day of oil, **\$1,672,000** [\$1,566,000] per incident;

(14) for an onshore exploration facility, **\$1,672,000** [\$1,566,000] per incident.

(Eff. 5/14/92, Register 122; am 11/26/94, Register 132; am 12/8/95, Register 136; am 10/1/99, Register 151; am 10/28/2000, Register 156; am 10/27/2002, Register 164; am 11/27/2002, Register 164; am 10/16/2005, Register 176; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.04.045 AS 46.04.070

AS 46.04.040

AS 46.04.055

18 AAC 75.270(c) is amended to read:

(c) The department may approve a P&I club or insurance syndicate that does not agree to be subject to direct court action in this state or that does not agree to appoint an agent for service of process in this state if the requirements of AS 46.04.040(*I*) are met with respect to the amount of \$83,600,000 [\$78,300,000] or the amount required by 18 AAC 75.235(a), whichever is less.

(Eff. 5/14/92, Register 122; am 11/26/94, Register 132; am 10/1/99, Register 151; am

10/28/2000, Register 156; am 10/27/2002, Register 164; am 10/16/2005, Register 176; am

___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.04.045 AS 46.04.070

AS 46.04.040