SPAR Article 4 Response Plan Amendments
Frequently Asked Questions

Questions from the public have been gathered along with the department's responses. Substantially similar questions have been aggregated

1. When does removal of a vessel from an approved plan qualify as a routine update?
    a. If only the vessel operations are covered by the plan, the plan holder can apply for a routine update.
    b. If an operator proposes to remove a vessel with any spill response role, an amendment application and approval are required prior to the vessel's removal. For example, if a plan states that a non-petroleum cargo barge will provide temporary or interim storage for recovered liquids in the event of a discharge from another covered vessel, removal of that barge from the plan can only be accomplished by amending the plan prior to its removal.

2. Why is the department proposing to repeal the plan holder's ability to submit a revision to a training procedure or course work requirement as a routine update?
    a. Department staff need to evaluate the proposed revision to training descriptions based on the factors listed in the proposed 18 AAC 75.415(a)(1) – (4) to verify that there aren't substantive changes to prevention or response capabilities or other substantive changes that require public review.

3. What is the practical impact of the proposed public comment timeline revisions?
    a. Public comments and requests for additional information would be due 30 days after the start of the public comment period. If department staff determine that additional information is required to complete the review, only the additional proposed revisions will be open for public comment during this additional comment period.

4. Why do 18 AAC 75.415 and 18 AAC 75.420 require that proposed additions, revisions, and deletions be identified?
    a. Identifying the edits or changes in the plan will make the review more efficient for both the public and department staff.

5. Why were some of the references to days updated to working days?
    a. Specifying working days will allow adequate time for DEC staff to review the documents.

6. What is meant by "a plan submitted in a format specified by the department"?
    a. This would allow the department to change the electronic format as common document format technology and use change over time without having to amend the regulations.

Below are questions added on May 22, 2015

7. Will comments be accepted and considered for other sections of 18 AAC 75 Article 4 and 9 that are not included in this package?
    a. Selected parts of 18 AAC 75 Article 4 and 9 are currently out for public comment. Comments received for sections not covered in this regulatory package will not be considered.

8. Will the in-person workshops be teleconferenced?
    a. No, there will not be a teleconference component for the in-person workshops. There will be a teleconference on June 23, 2015 from 1:00 - 2:00 p.m. Please see our website for further details: Division of Spill Prevention and Response

Below are questions added on June 5, 2015

9. Is the sufficiency review timeframe adequate? Did the department consider lengthening it?
    a. A definition for sufficient for review is being proposed in 18 AAC 75.990 (xx).
    b. Lengthening the timeframe was not part of our proposed package. We would welcome your comments.

10. What is the Emergency Modification of Review Process? When would it be used? What emergency would qualify? Is there statutory authority for it?
    a. This is not a new regulation (18 AAC 75.457). The only proposed change is to modify a word for grammatical purposes and to delete language that a copy of the applicant's plan would be provided to the Department of Fish and Game and the Department of Natural Resources because that language is in statute.
    b. It has not been used frequently, if ever.
    c. Statutory authorities are listed below the regulation (AS 46.03.020, AS 46.04.030, AS 46.04.070)

11. Did the department consider adding regulations to provide for short term extensions of plan approvals?
    a. That was not part of our proposed package. We would welcome your comments.

12. Is there an obligation in these regulations for the department to provide Findings Documents for all plan approvals?
    a. See 18 AAC 75.460(b)(1). Regulations currently require that the department summarizes the "…basis for its decision to approve a plan in a case in which public comment adverse to the application has been received." This requirement is why some plan approval decisions are accompanied by either a brief summary of the basis for approval or a larger stand-alone document frequently called a "Findings Document."

13. Is there going to be a provision to make plans available on the department's website?

a. Yes. It is proposed that plans will be available on the department's website. See the proposed 18 AAC 75.460(b)(4). Any redacted information from a plan would not be publicly available.