

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The Department of Environmental Conservation proposes to adopt and amend regulations in Title 18 of the Alaska Administrative Code, dealing with Underground Storage Tanks ("USTs"). The regulations at 18 AAC 78 governing USTs are being amended by revising, repealing, and adding sections to incorporate the Energy Policy Act of 2005, Pub.L. No. 109-58, 119 Stat 594 (2005). The changes include:

- 18 AAC 78.005 is amended to expand the requirement of secondary containment for USTs within 1000 feet of a potable water source, community water system, or sole source aquifer;
- 18 AAC 78.008 is being added to establish requirements for UST operator training;
- 18 AAC 78.015 is being amended to clarify the requirements to temporarily close or temporarily take out of service a UST;
- 18 AAC 78.017 is amended to change the procedures for notifying the department when a UST fails inspection;
- 18 AAC 78.018 is added to clarify when it is prohibited to deliver fuel to a UST that lacks proper operations tags or has failed inspection;
- 18 AAC 78.018 is added to establish the procedures the department will take to notify UST owners and operators of delivery prohibition;
- 18 AAC 78.025 and 18 AAC 78.030 are amended to clarify that USTs must be certified for use with the product stored within the UST system;
- 18 AAC 78.055 is amended to clarify the meaning of routine maintenance of a UST; and
- 18 AAC 78.090 is amended to clarify assessment requirements for excavated soil for UST removal.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Bill Steele, ADEC/SPAR, 555 Cordova St., Anchorage, AK, 99501, or by email to Bill.Steele@alaska.gov. The comments must be received no later than 5:00 pm on Monday, October 31, 2011.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Deborah Pock at (907) 269-0291 no later than October 24, 2011 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Bill Steele, ADEC/SPAR, 555 Cordova St., Anchorage AK, 99501 or (907) 269-7886; or Larry Brinkerhoff, ADEC 555 Cordova St., Anchorage, AK, 99501 or (907) 269-3055; or go to <http://www.dec.state.ak.us/spar/ipp/tanks.htm>

After the public comment period ends, the Department of Environmental Conservation will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME**

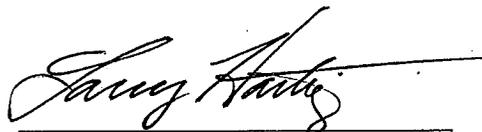
ALLOWED IF YOUR INTERESTS COULD BE AFFECTED. Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 46.03.020; AS 46.03.365; 46.03.405

Statutes Being Implemented, Interpreted, or Made Specific: AS 46.03.365; AS 46.03.375; AS 46.03.380; AS 46.03.395; AS 46.03.405

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

Dated: September 23, 2011

A handwritten signature in cursive script, appearing to read "Larry Hartig", written over a horizontal line.

Larry Hartig, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Underground Storage Tanks
3. Citation of regulation (may be grouped): 18 AAC 78
4. Reason for the proposed action:
 compliance with federal law
 compliance with new or changed state statute
 compliance with court order
 development of program standards
 other: (please list) _____
5. Appropriation/Allocation: None

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

	Initial Year FY <u>2012</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
Federal receipts	\$ <u>0</u>	\$ <u>0</u>
General fund match	\$ <u>0</u>	\$ <u>0</u>
General fund	\$ <u>0</u>	\$ <u>0</u>
General fund/ program receipts	\$ <u>0</u>	\$ <u>0</u>
General fund/ mental health	\$ <u>0</u>	\$ <u>0</u>
Other funds (specify)	\$ <u>0</u>	\$ <u>0</u>

7. The name of the contact person for the regulations:

Name Bill Steele
Title Environmental Program Manager I
Address 555 Cordova St.
Anchorage, AK 99501
Telephone (907) 269-7886
E-mail address Bill.steele@alaska.gov

8. The origin of the proposed action:

- staff of state agency
 federal government
 general public
 petition for regulation change
 other (please list) _____

9. Date: September 23, 2011

Prepared by:

Name (typed) William E. Steele
Title (typed) Environmental Program Manager I
Telephone: (907) 269-7886