



**ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SPILL PREVENTION AND RESPONSE
PREVENTION, PREPAREDNESS, AND RESPONSE PROGRAM
GUIDANCE DOCUMENT**

Guidance No. PPRP 2018-02

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December 24, 2018

**Oil Discharge Prevention and Contingency Plans that Contain Procedures for
Decanting Operations**

Purpose:

To clarify how decanting procedures can be incorporated in an Oil Discharge Prevention and Contingency Plan (plan).

Applicability:

This guidance applies to all Prevention, Preparedness, and Response Program staff engaged in the review and approval of plans and owners and operators required to have an approved plan under Alaska Statute (AS) 46.04.030 and for railroad plans under AS 46.04.055. This guidance does not limit the State-on-Scene Coordinator's or Unified Command's decisions during a response.

Background:

Decanting is the process of draining off recovered water from portable tanks, internal tanks, collection wells or other storage containers to increase the available storage capacity for recovered oil and to expedite oil spill cleanup. It may be necessary if the available temporary storage capacity is insufficient to hold the total volume of recovered oil and oily wastes. During a response, decanting is most often thought of in the context of large spills to open water; however, it can also be necessary during land-based spill responses where oil is spilled into ponds or streams or when there are large volumes of water from snowmelt during spring thaw.

Under AS 46.04.030 and AS 46.04.055, a person may not operate a regulated facility, vessel, or a railroad tank car within the State without a plan that has been approved by the Alaska Department of Environmental Conservation (department).

18 AAC 75.430 – 18 AAC 75.442 address the discharge volumes and response times applicable to response planning for each class of regulated operation. These volumes and timeframes are collectively known as the response planning standard (RPS).

18 AAC 75.425(e)(1)(F) requires a plan to contain a response scenario which is a written description of a hypothetical spill incident and response that demonstrates a plan holder's ability to respond to a discharge of an RPS volume within the required timeframes using the resources described in the plan. The plan must clearly demonstrate the strategies and procedures to conduct and maintain an effective response.

18 AAC 75.425(e)(1)(F)(ix) and 18 AAC 75.445(d)(7) requires that the response strategies include procedures and capacity for the transfer and storage of recovered oil and oily wastes



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to keep up with skimming and recovery operations. 18 AAC 75.445(g)(6) additionally specifies that the capacity of the temporary storage system for recovered oil and oily waste must be appropriate and adequate for the total volume recovered within the RPS timeframes for cleanup. In 18 AAC 75.990(77) oily waste “means any material, including water, that has been contaminated by or mixed with petroleum in other than naturally occurring circumstances.”

In the event of an actual response, AS 46.03.050 and AS 46.04.020 give the department the authority to prevent and abate pollution and to approve the method of cleanup for a discharge, which includes the ability to approve decanting. If proposed, decanting procedures must be approved by the incident’s State On-Scene Coordinator (SOSC). Decanting will only be authorized when it is absolutely essential to the continuing recovery of oil and the SOSC has determined that the net environmental damage will be minimized through this practice.

Discussion:

There has been confusion among plan holders regarding inclusion of decanting in their plan. A plan may include decanting procedures however the inclusion of the procedures in an approved plan does not pre-authorize the use of decanting. In the case of an actual spill incident, decanting cannot be used unless approved by the SOSC. The SOSC is the only person authorized to approve the use of decanting and will make the decision at the time of an incident and on a case by case basis.

The State’s emergency authority to approve decanting does not relieve regulated operators of the contingency plan requirements of 18 AAC 75.425 relating to emergency storage capacity. Adequate storage must be demonstrated in the plan. The storage capacity for an RPS volume discharge may not be reduced by relying on decanting strategies that are in a plan. In rare instances, the department has evaluated and approved the use of decanting strategies to reduce storage capacity required based on scientific study and documented necessity. These instances are the minority and will not apply to most plan holders. Plan reviewers must document any variance from full storage capacity requirements for an RPS volume discharge in the basis of decision document.

Actions:

1. If decanting procedures are included in a plan, they must be based on the “Decanting Guidance” on the department’s Alaska Spill Response Permits Tool site under



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“Mechanical Response”: <http://dec.alaska.gov/spar/ppr/response-resources/permits-tool/>.

2. At the time of a spill incident, the responsible party must apply to the SOSC for a decanting authorization using the “UC Decanting Application/Authorization Form” found on the department’s Alaska Response Permits Tool site under “Mechanical Response”: <http://dec.alaska.gov/spar/ppr/response-resources/permits-tool/>.
3. Plans must indicate they have adequate storage without relying on decanting.
4. In those rare instances that the department has evaluated and approved the reduction in needed storage capacity, plan reviewers must document this information in the department’s basis of decision document.

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for

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Date

