



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental Conservation

DIVISION OF SPILL PREVENTION AND RESPONSE
Prevention, Preparedness, and Response Program

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May 5, 2020

Subject: Intention to Repeal 'Aboveground Storage Tanks; Class 2 Facilities' regulations
(18 AAC 75.835 – 18 AAC 75.849)

Dear Class 2 facility representatives and spill prevention partners:

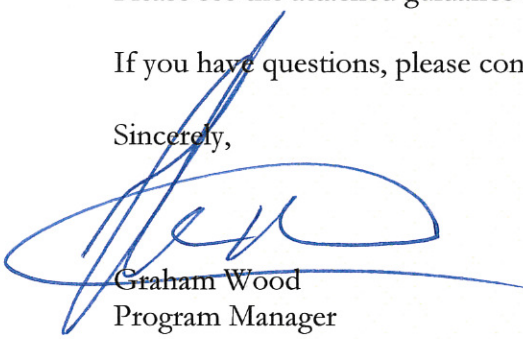
The State of Alaska's approved Fiscal Year 2021 budget eliminates the staff positions responsible for the Class 2 facility program effective July 1, 2020. The intent of the Class 2 facility initiative was to create a statewide inventory of aboveground storage tank facilities not required to have a Department approved Oil Discharge Prevention and Contingency Plan and to conduct focused outreach and training coordination with registered Class 2 facilities to reduce spills.

With no resources to continue the work of the program, the Department intends to repeal regulations relevant to Class 2 facility registration. And effective immediately the Department will no longer accept Class 2 facility registrations or notifications required under 18 AAC 75.840.

Please see the attached guidance document (PPRP 2020-01) for additional information.

If you have questions, please contact Sarah Moore via dec.spar.class2@alaska.gov or 907-465-5239.

Sincerely,



Graham Wood
Program Manager



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

Guidance No. PPRP 2020-01

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May 5, 2020

Intention to Repeal 18 AAC 75.835 – 18 AAC 75.849

- Purpose:** The purpose of this Guidance is to communicate the future of the Class 2 facility regulations implemented by the Alaska Department of Environmental Conservation (department), including the department's expectations for registration and notification of Class 2 facilities effective immediately.
- Applicability:** This Guidance is for all Class 2 facility owners and operators and for all SPAR/PPRP staff who may receive questions about the current and future status of Class 2 facility regulations.
- Background:** Effective June 24, 2017, Department regulations at 18 AAC 75.835 – 18 AAC 75.849 required the owner or operator of a Class 2 facility to register with the department and provide notifications within 30 days of specific facility alterations. Class 2 facilities are defined as nonresidential, onshore facilities with aboveground tanks 1,000 gallons or greater with a total capacity greater than 1,000 and less than 420,000 gallons of noncrude oil.
- The intent of the Class 2 facility initiative was to create a statewide inventory of aboveground storage tank facilities not required to have a Department approved Oil Discharge Prevention and Contingency Plan. The Department conducted focused outreach and training as well as resource coordination with registered Class 2 facilities with the intent to reduce spills.
- The approved Fiscal Year 2021 budget eliminates the staff positions responsible for the Class 2 facility program effective July 1, 2020.
- Discussion:** The Department has received inquiries about whether Class 2 facility owners and operators should continue to register their facilities and continue to notify the Department when specific alterations are made to their tanks over 1,000 gallons. Governmental partners have asked about the future of Class 2 facility information collected since 2017.
- As of July 1, 2020, the Class 2 facility program will be discontinued. There are no resources to maintain the Class 2 facility database that houses the inventory of registered Class 2 facility aboveground storage tanks. The inventory includes information that can benefit other government partners in on-going efforts to identify education and technical assistance needs for the purpose of reducing spills from smaller tank farms in communities throughout Alaska. The collected data is also valuable to governmental partners responsible for spill response preparedness and planning efforts.



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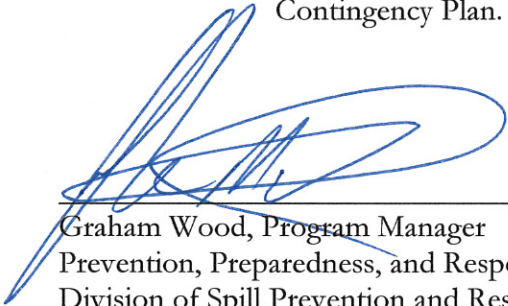
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Action: As early as July 1, 2020, the Department intends to seek repeal of 18 AAC 75.835 – 18 AAC 75.849.

Effective immediately the Department will no longer accept Class 2 facility registrations or notifications required under 18 AAC 75.840.

Class 2 facility information gathered to date will be saved and shared with relevant governmental partners to continue the effort to reduce spills from smaller tank farms not required to have an approved Oil Discharge Prevention and Contingency Plan.



Graham Wood, Program Manager
Prevention, Preparedness, and Response
Division of Spill Prevention and Response

5/5/2020

Date