

NOTICE OF PROPOSED CHANGES TO OIL POLLUTION PREVENTION
REQUIREMENTS
IN THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION (ADEC)

BRIEF DESCRIPTION

ADEC proposes to change regulations on prevention requirements for regulated aboveground oil storage tanks.

The ADEC proposes to adopt regulation changes at 18 AAC 75.065 and 18 AAC 75.066 to update references to incorporate current industry standards for the installation, operation, and maintenance of aboveground oil storage tanks including the following:

- (1) Amend 18 AAC 75.065(a)(1) and (2), (e)(1) and (2), and (i)(3); and 066(f)(1) and (2); and 990(178)(A) to update the referenced standard
- (2) Amend 18 AAC 75.065(g)(1) and (2), (j), and (m)(1); and 066(a)(2) regarding the effective date of the standard
- (3) Amend 18 AAC 75.065(g)(3), and (m)(2); and 066(a)(3) and 066(j) to add standards for newly installed or constructed tanks
- (4) Amend 18 AAC 75.065(b) to indicate when an internal inspection interval may be modified
- (5) Amend 18 AAC 75.065(b)(2) to address internal inspection intervals
- (6) Repeal 18 AAC 75.065(b)(3) to merge information with 18 AAC 75.065(b)(2)
- (7) Amend 18 AAC 75.065(d) to clarify records retention
- (8) Amend 18 AAC 75.065(d)(3) to specify information required to be submitted for extended inspection intervals
- (9) Amend 18 AAC 75.065(h)(2) to update the effective date and referenced standard
- (10) Repeal 18 AAC 75.065(i)(2) and (j)(2) to move the information to another section
- (11) Amend 18 AAC 75.065(j)(3)(B) to add an industry standard for a corrosion expert to follow
- (12) Amend 18 AAC 75.065(j)(3)(C) update the referenced standard and applicability
- (13) New 18 AAC 75.065(p) to consolidate requirements under 18 AAC 75.065 (i)(2) and (j)(2)
- (14) New 18 AAC 75.065(q) to provide standards for tanks placed in to service after a specified date
- (15) Amend 18 AAC 75.066(b) and (b)(1) to clarify the language
- (16) New 18 AAC 75.066(i) to clarify requirements for elevated tanks
- (17) Update 18 AAC 75.990(178)(A) industry standard version
- (18) New 18 AAC 75.066(k) clarifies requirements for tanks based on their storage capacity
- (19) Amend 18 AAC 75.065(1) (1 - 4) and 18 AAC 75.065(g) for minor corrections

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 electronically via our public notice site at <https://dec.alaska.gov/comment/>. The full contents of all submitted

comments are considered public records and will be posted online in full during the public comment period. If you are unable to submit comments via this site you may submit them to Seth Robinson, ADEC 610 University Ave, Fairbanks, AK 99709, or by electronic mail at dec.cpr@alaska.gov and they will be uploaded to the public comment site. The comments must be received no later than 11:59 p.m. on February 25, 2021.

You may submit written questions relevant to the proposed action to ADEC by sending in questions by electronic mail at dec.cpr@alaska.gov or by sending the questions to Seth Robinson at the email or address above. The written questions must be received by February 15, 2021 which is 10 days before the end of the public comment period. ADEC will aggregate its response to substantially similar questions and make the questions and response available at <http://dec.alaska.gov/spar/regulation-projects>. ADEC may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs an accommodation in order to participate in this process, please contact ADEC HR Manager Brian Blessington at (907) 269-6272 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than February 15, 2021 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Seth Robinson at the email or address above or by calling 907-451-2171.

After the public comment period ends, ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. 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 are public records and are subject to public inspection.

Statutory authority: AS 46.03.020; AS 46.04.030; AS 46.04.070

Statutes being implemented, interpreted, or made specific: AS 46.03.030

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

Date: 1/26/2021_____

/s/
Jason W. Brune, Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Environmental Conservation, Division of Spill Prevention and Response
2. General subject of regulation: Oil pollution prevention requirements
3. Citation of regulation (may be grouped): 18 AAC 75.065 and .066
4. Department of Law file number, if any: 2019200275
5. Reason for the proposed action:

☐ Compliance with federal law or action (identify): _____
☐ Compliance with new or changed state statute
☐ Compliance with federal or state court decision (identify): _____
☐ Development of program standards
☒ Other (identify): Update referenced industry standards
6. Appropriation/Allocation: Spill Prevention and Response/Prevention, Preparedness and Response Program
7. Estimated annual cost to comply with the proposed action to:

A private person: There is no additional cost for the majority of Oil Discharge and Contingency plan holders. There is a potential one-time compliance cost of \$80-\$2,492 for plan holders that would need to purchase copies of the updated industry standards, this cost would vary dependent on how many and which set(s) of standards are needed. It is already best practice to have copies of current industry standards on file. There is also a potential for a cost savings in the form of saved time, as plan holders will no longer have to request the waiver under 18 AAC 75.015 in order to use a current industry standard that is not codified in regulation. This is estimated to save two hours of time for the plan holder/contractor and five hours of time for the department for each avoided waiver request and review.

Another state agency: The Alaska Department of Transportation's airport and pipeline facility plans, are all currently operated by private companies, so the agency itself is not expected to be directly impacted.

A municipality: A municipality or city entity with an oil terminal or pipeline facility with an Oil Discharge and Contingency plan may be affected as described above under "private person".

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

	Initial Year FY <u>21</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Seth Robinson
Title: Environmental Program Specialist
Address: 610 University Ave, Fairbanks, AK 99709
Telephone: (907) 451-2171
E-mail address: Seth.Robinson@alaska.gov

10. The origin of the proposed action:

__X__ Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify): _____

11. Date: 1/19/2021 Prepared by: /s/ _____

Name: Seth Robinson
Title: Environmental Program Specialist
Telephone: (907) 451-2171