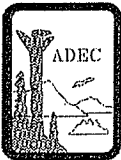


**ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SPILL PREVENTION AND RESPONSE
INDUSTRY PREPAREDNESS PROGRAM GUIDANCE**



Guidance No. IPP 2004-01

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Revised: August 5, 2004

**SECONDARY CONTAINMENT REQUIREMENTS AT TANK TRUCK AND RAIL CAR
LOADING AND UNLOADING AREAS**

Purpose: To designate locations and situations where secondary containment regulations are applicable to regulated oil industry operators.

Background: 18 AAC 75.075(g) requires all rail car and tank truck loading areas and permanent unloading areas at oil facilities regulated under AS 46.04.030 have secondary containment designed to contain the maximum capacity of any single compartment of the tank car or tank truck, be constructed of sufficiently impermeable material, be maintained free of conditions that might interfere with the containment system, and have warnings or barriers to prevent premature vehicle movement.

Oil is defined at AS 46.04.900 (12) to include oil in any form, including oil mixed with other wastes, such as water.

The applicability of this regulation to loading racks and truck and rail car loading areas is generally acknowledged and accepted. However, facility operators and plan reviewers have been uncertain whether this requirement also pertains to other less defined oil related operations at regulated facilities. This guidance is intended to clarify the requirements for those operations.

Applicability: This guidance is applicable to all owners and operators of regulated facilities (facilities required to have a state-approved Oil Discharge Prevention and Contingency Plan).

Action: 1. Owners and operators of oil terminal facilities, crude oil pipelines, and onshore exploration and production facilities regulated under AS 46.04.030 who transfer oil, as defined under AS 46.04.900 (12), with moveable bulk containers such as rail cars and tank trucks, and above ground storage tanks must do so within secondary containment systems in accordance with 18 AAC 75.075(g), except as follows:

(a) The requirements of 18 AAC 75.075(g) do not apply for temporary or infrequent use of tank truck or rail car transfer areas conducted strictly within the

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confines of a facility (see following discussion for definition of temporary or infrequent use). An operator must request a waiver from the Department for areas with infrequent use (18 AAC 75.015).

(b) Although it is encouraged and recommended, secondary containment systems and other provisions of 18 AAC 75.075(g) are not required for fueling operations, either from tanks to vehicles/equipment, or from tank trucks into vehicles/equipment, when the transferred oil is being used primarily as motor fuel, unless the vehicle/equipment is a tank, tank truck or rail car used for transporting the oil as bulk cargo. An operator must request a waiver from the Department for these areas (18 AAC 75.015).

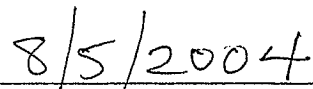
2. Transfer requirements under 18 AAC 75.025(f) and (g), pertaining to any oil transfers to or from areas not protected by secondary containment, apply under exceptions (a) and (b) above.

3. This guidance becomes effective immediately, upon signature and distribution.

4. This guidance does not exempt facilities from compliance with other applicable State or Federal regulations that address secondary containment or tank truck loading/unloading requirements.



Bill Hutmacher, IPP Manager



Date

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Discussion:

The requirement for secondary containment for tank car and tank truck loading and unloading areas was placed under 18 AAC 75.075, therefore, it is clear that the intent was that secondary containment for these areas was to apply only facilities or operations for which an approved oil discharge prevention and contingency plan is required under AS 46.04.030 (see 18 AAC 75.007(a)).

The basis for this regulation appears to originate from a similar requirement that can be found in the Federal regulations under 40 CFR 112.7(e)(4). This was verified through discussion with personnel who participated on HB 567 regulations workgroups who drafted the 18 AAC 75, Article 1, Prevention Regulations as they exist today. It appears that the intent was that rail and tank truck loading areas mean those areas used to transfer oil in bulk to or from vehicles or railroad cars for the purpose of transporting the oil within or off the facility.

It is not the intention of the regulations to require permanent secondary containment at areas with only **temporary or infrequent use**, which is defined for the purposes of this guidance as 1. "seasonal use" such as annual maintenance requirements, 2. "emergency use for a short period" such as response to an oil spill, 3. "short time use" such as 30-90 days to meet an unusual operational demand, but (if prior approval by ADEC is obtained) no more than 180 days and operational demand is not expected to recur the following year.

Review of the regulatory history of 18 AAC 75.075 (g) provides some clarification. Originally, the Department proposed that the regulation pertain to tank truck and rail car loading and unloading areas. One commenter during the public review period wrote that "these requirements should be limited to stationary fueling sites; they are inappropriate for mobile fueling operations at construction sites." Therefore, the Department changed the final regulation by adding the word "permanent" as a qualifier to the types of unloading areas that would be regulated.

This regulation applies, but is not limited, to loading/unloading areas where the following activities occur:

- transfers of oil to or from regulated storage tanks,
- transporting the oil as bulk cargo,
- routine transfer of oily water from a truck,
- the source where oil products are routinely loaded or unloaded,

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- where oil or oily water accumulations are intended to be transferred into tank trucks; in these instances, a temporary or portable secondary containment system can be used that meets the requirements of 18 AAC 75.075(g).

The regulation at 18 AAC 75.075 (g) does not apply to the following loading and unloading areas and activities:

- areas where tank trucks or tanks may periodically unload oil into vehicles or equipment for use as motor fuel,
- heating oil tanks,
- winter (temporary) exploration sites,
- spill incident responses or temporary operations that involve transfer of oil from tank trucks to other vehicles, field camp and office building, and heavy equipment, typically for fueling operations.

This policy does not preclude the Department from requiring other reasonable measures to prevent a discharge from polluting the lands or waters of the state, such as the use of drip pans under valves, hose connections, or the use of other temporary or permanent containment systems or devices.

In areas or situations where 18 AAC 75.075(g) is not strictly applicable, separate transfer regulations under 18 AAC 75.025 remain in effect, specifically 18 AAC 75.025(a), (f) and (g), pertaining to oil transfers to or from areas not protected by secondary containment.