

Jim Berry

1. 18 AAC 75.465 – Contingency Plan Verification Log - It is a waste of private and public resources for ADEC to require all terminals to complete and submit this form (log) to the department "during the first five days of the current month for the previous month's deliveries" (to/from tank vessels, barges) – specifically for those terminals where it is impossible to conduct marine transfers for most of the year due to ice or other limitations. Previous versions of the C-Plan Verification Log contained a provision whereby ADEC could provide an exception due to intermittent operations. That provision was removed from the current log. It should be reinstated.

2. AS 16.05.871-901 – Fish Habitat Prior Notification/Permit Approval – ADEC and ADF&G personnel recently interpreted the fish habitat regulations to require written approval prior to deployment of oil containment boom and/or recovery devices in anadromous waters. Very few terminals (or village fuel facilities) are aware of this requirement. Facilities are subject to civil penalties if response equipment is deployed without prior written approval. As written, the approval process could be lengthy. Consideration should be given to exempting emergency spill response from "uses" that require a permit, or a practical general permit should be developed promptly.

3. There is little consistency in the C-Plan review / reapproval process. Similar terminals in the same geographic region, whose C-Plans have been reapproved repeatedly, are subject to wildly different "Requests for Additional Information". The RFAI's appear to be based on personal whims of the designated C-Plan reviewer. To wit: 1) One terminal that is 1,500 feet inland, has a very small response planning standard, does not conduct secondary marine transfers, and has no modifications received over 130 RFAI's during a recent renewal. Many of the items requested were editorial and had no bearing on plan content. Other terminals located shoreside in the same region which frequently conduct marine transfers, have significant response planning volumes, and plant modifications were approved with minor RFAI's. 2) Some C-Plan reviewers have required the above referenced C-Plan Verification Log be retroactively completed and submitted for all months for prior years. Most C-Plan reviewers do not address the log, or they acknowledge it is not necessary for intermittent operations. 3) The Fish Habitat Permit Approval requirement has been addressed only recently in a few C-Plan reviews.