

NOTICE OF PROPOSED CHANGES ON ABOVEGROUND STORAGE TANKS  
REGULATIONS FOR CLASS 2 FACILITIES IN THE OIL AND OTHER HAZARDOUS  
SUBSTANCES POLLUTION CONTROL REGULATIONS OF THE ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The Alaska Department of Environmental Conservation (ADEC) proposes to repeal the regulations for Class 2 aboveground storage tank facilities.

The ADEC proposes to repeal regulations in 18 AAC 75 dealing with Class 2 facilities – facilities that store noncrude oil in aboveground storage tanks and have storage capacities of 1,000 gallons or greater but less than 420,000 gallons. These regulations have not been enforced since May 5, 2020 due to budget constraints. The purpose of the repeal includes the following:

- (1) Repealing 18 AAC 75.835, 840, and 849 is part of the department’s plan to remove regulations that are not specifically required by statute. Class 2 facilities are exempt from oversight under AS 46.04.050, and statutes do not require the department to oversee aboveground storage tanks at Class 2 facilities.
- (2) 18 AAC 75.835, 840, and 849 establish the requirement to register aboveground storage tanks for Class 2 facilities. The aboveground storage tanks at these facilities will no longer be registered or tracked.

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/>. If you are unable to submit comments via this site you may submit them by mail to Rebecca Spiegel, ADEC, 555 Cordova Street, Anchorage, AK 99502 or in person to Rebecca Spiegel, ADEC, 555 Cordova Street, in Anchorage, or by electronic mail at [dec.cpr@alaska.gov](mailto:dec.cpr@alaska.gov) and they will be uploaded to the public comment site. The full contents of all submitted comments are considered public records and will posted online in full during the public comment period. These comments must be received no later than 11:59 p.m. on July 24, 2023.

You may submit written questions relevant to the proposed action to ADEC by sending in questions by electronic mail at [dec.cpr@alaska.gov](mailto:dec.cpr@alaska.gov) or by sending the questions by mail to Rebecca Spiegel, at the physical address above. The written questions must be received by July 14, 2023, 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 <https://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 a special accommodation in order to participate in this process, please contact Meg Kohler at [megan.kohler@alaska.gov](mailto:megan.kohler@alaska.gov) or (907) 269-4198 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than July 24, 2023 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 at <https://aws.state.ak.us/OnlinePublicNotices/> and by contacting Rebecca Spiegel at the email or physical address above or by calling 907-269-7543.

After the public comment period ends, ADEC will either repeal the regulation as proposed or other

provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation repeal may be different from that of the proposed regulation repeal. **You should comment during the time allowed if your interests could be affected.** Written comments received are public records and will be posted online.

**Statutory authority:** AS 46.03.020; AS 46.04.070

**Statutes being implemented, interpreted, or made specific:** AS 46.03.020; AS 46.04.070

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

Date: June 22, 2023

/s/  
Jason W. Brune, Commissioner