

March 16, 2020

Alaska Department of Environmental Conservation

Submitted electronically at:
<http://alaskadec.commentinput.com>

Re: Input on Current Spill Prevention and Response Regulations/Statutes: 18 AAC 75, Article 4

Alaska Department of Environmental Conservation Staff,

As a result of the Alaska Department of Environmental Conservation's (ADEC's) request seeking input on the current spill prevention and response regulations/statutes contained in 18 AAC 75, Article 4 and in Alaska Statute 46.04, Northern Oilfield Solutions, LLC (Northern) has reviewed the above-referenced regulations/statute and would like to offer the following comments.

Comment 1: Outdated practices

There are a number of outdated practices that are no longer relevant and add little to no value in 18 AAC 75, Article 4.

Northern recommends removing the following from the regulations in their entirety:

- 18 AAC 75.405
- 18 AAC 75.408(c) – duty to provide paper copies

Northern also recommends that the following regulations need to be substantially revised to more accurately reflect current day practices and allow plan holders to reference, not regurgitate well-accepted practices and references:

- 18 AAC 75.408
- 18 AAC 75.425

Comment 2: Timelines

The timelines for plan renewals and new plans are prohibitive to responding to business opportunities, especially for companies like ours which have a limited operational season. Additionally, the requirement to submit routine updates within 5 days is overly burdensome.

Northern recommends that ADEC evaluate their review procedures and adopt a timelier approval process similar to what the federal agencies are able to implement (i.e., submit new plans or planned amendments 60 days prior to operation/implementation). Additionally, Northern recommends ADEC set realistic timeline for implementing administrative and grammatical changes, which do not require agency approval. Notification of these changes within 30 days seems reasonable.

Comment 3: Scenarios

The spill response scenario requirements identified in this and other sections of the 18 AAC 75 require information that is typically extends to activities that would not be performed by plan holder personnel, but rather contracted response companies. It is burdensome to write and review an artificially constructed responses to deal with highly improbable and by definition "hypothetical" scenarios.



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Northern recommends that ADEC revise this and related sections to reflect what the plan holder would do in a response and when they would turn it over to a third-party contractor. ADEC requires plan holders to have a contract with a State-approved Primary Response Action Contractor (PRAC). It should be part of the vetting process for the State to confirm these contractors can perform. The scenarios should really be at the PRAC level, not the plan holder.

Comment 4: Discharge exercises

ADEC's mix of regulations related to discharges and guidance document are an inefficient way to meet ADEC's objective of confirming that each CPLAN is adequate in content and execution. Additionally, it is overly burdensome to expect a plan holder to demonstrate their abilities through an announced or unannounced exercise up to twice a year. This would be both costly and a disruption to operations, which at certain times of the year (i.e., winter on the slope), could have significant negative impacts to a major source of the State's overall revenue.

Northern strongly recommends that ADEC completely revise this section of the regulation to recognize NPREP and other means of documenting response capabilities (i.e., actual responses to real-life spill situations or unannounced exercises by Federal agencies) and do away with their Oil Spill Response Exercise Guidance document in its entirety. Additionally, the language regarding ADEC's ability to conduct exercises up to twice a year should be revised to once per plan cycle (i.e., once every five years).

If you have any questions on the comments/questions provided, please feel free to contact me at via e-mail or phone.

Respectfully,

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