

# STATE OF ALASKA

**DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF SPILL PREVENTION AND RESPONSE  
INDUSTRY PREPAREDNESS PROGRAM  
EXPLORATION PRODUCTION & REFINERIES**

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July 18, 2007

File Number 305.30  
(CPAI - NSX)

## **OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN APPROVAL**

Stephen W. Geddes  
CM&ER Project Coordinator  
ConocoPhillips Alaska, Inc.  
P.O Box 100360  
Anchorage, AK 99510-0360

Subject: **ConocoPhillips Alaska, Inc. (CPAI) North Slope Exploration Oil Discharge Prevention and Contingency Plan (plan). ADEC Plan Number 07-CP-5096. Plan Approval**

Dear Mr. Geddes:

The Alaska Department of Environmental Conservation (ADEC) has completed our review of your application for the above referenced Oil Discharge Prevention and Contingency Plan (plan). ADEC coordinated the State of Alaska's public review for compliance with 18 AAC 75, using the review procedures outlined in 18 AAC 75.455. Based on our review, ADEC has determined that your plan is consistent with the applicable requirements of the referenced statute/regulation and is hereby approved.

### **This approval applies to the following plan:**

**Plan Title:** ConocoPhillips Alaska, Inc. (CPAI) North Slope Exploration Oil Discharge Prevention and Contingency Plan (plan)

**Supporting Documents:** Alaska Clean Seas Technical Manual, dated March 2007, consisting of three volumes, as revised and updated

**Plan Holder:** ConocoPhillips Alaska, Inc.  
P.O Box 100360  
Anchorage, AK 99510-0360

**Covered Facilities:** The CPAI plan addresses all onshore exploration activities conducted on CPAI leases within the National Petroleum Reserve Alaska (NPR-A), the Colville River Unit, the Kuparuk River Unit and non-unitized lease holdings during the winter season on the North Slope. As project-specific updates are submitted, ADEC will review the amended applications with site-specific addenda to determine whether CPAI's plan is applicable and sufficient for the subject wells.

**PLAN APPROVAL:** Approval of the referenced plan is hereby granted, effective July 22, 2007. A certificate of approval stating that ADEC has approved the contingency plan is enclosed.

**This approval is subject to the following terms and conditions:**

**TERMS AND CONDITIONS**

The following items must be completed and/or received as specified to complete the plan in accordance with AS 46.04.030(e).

1. **Notice of Changed Relationship with Response Action Contractor.** Because the plan relies on the use of a response contractor for its implementation, CPAI must immediately notify us in writing of any change in the contractual relationship with the plan holder's response action contractor, and of any event including but not limited to any breach by either party to the response contract that may excuse a response contractor from performing, that indicates a response contractor may fail or refuse to perform, or that may otherwise affect the response, prevention, or preparedness capabilities described in the approved plan.

*This condition is reasonable and necessary because there are certain risks associated with allowing a plan holder to rely in part or total upon a response contractor instead of obtaining its own response capability. The risks arise, in part, because the certainty of the contractor's response is dependent upon the continuation of the legal relationship between the contractor and the plan holder. Given this risk, ADEC must be promptly informed of any change of the contractual relationship between the plan holder and the response contractor, and of any other event that may arguably excuse the response contractor from performing or that would otherwise affect the response, prevention, or preparedness capabilities described in the approved plan. ADEC may seek appropriate modifications to the plan or take other steps to ensure that the plan holder has continuous access to sufficient resources to protect the environment and to contain, cleanup, and mitigate potential oil spills. 18 AAC 75.425(e)(3)(H) and 18 AAC 75.445(i)*

2. **Blowout Contingency Plan.** A copy of the Blowout Contingency Plan (BCP) must be maintained at the active exploration drilling well facility and made available to ADEC upon request.

*This condition is necessary to ensure that the plan holder is prepared to control a potential well blowout. ADEC will review the blowout contingency plan when performing site inspections and/or in Anchorage. 18 AAC 75.425(e)(1)(I), 18 AAC.445(d)(2), and 18 AAC 75.480*

- 3. Wind Rose Diagram.** The wind rose diagram must be included in the final copy of the plan.

*This condition is necessary to ensure that the oil trajectory shown in the deposition model accurately reflects the predominant wind directions. The wind rose must be included in the plan so that wind data information is readily available in support of the blowout scenarios. 18 AAC 75.425(e)(1)(I)*

- 4. Facility Diagram/Pad Layouts.** CPAI must provide layout drawings to all holders of the plan prior to exploration. The layout drawings, as appropriate, must include the relative positions of wells, piping, hazardous substance and/or fuel storage tank(s), testing tanks, site access, and pre-staged spill response equipment.

*This condition is reasonable and necessary to ensure that site-specific details of facility layout are available to guide responders in an emergency event or discharge of any size. 18 AAC 75.425(e)(1)(H)*

- 5. Actual Flow Rate and Response Planning Standard.** Once the flow rate of an exploration well has been tested, if that flow rate exceeds 5,500 barrels per day and the facility is to continue operations, CPAI must refer and adhere to the requirements specified in 18 AAC 75.434(d).

*This condition is reasonable and necessary to ensure the plan holder's ability to respond to a larger volume discharge than was originally planned for in accordance with 18 AAC 75.434.*

- 6. Seasonal Drilling Restrictions.** To reduce the risk of an oil discharge and to ensure the effectiveness of planned spill response methods prior to periods when the planned response methods are rendered ineffective by environmental limitations, all drilling operations into hydrocarbon bearing formations for the CPAI onshore exploration wells within 130 miles of infrastructure with ice road access must be completed by April 24<sup>th</sup>; for exploration wells within 130 miles of infrastructure without ice road access, drilling must be completed by April 21<sup>st</sup> of each drilling season that the plan approval is in effect.

*This condition is reasonable and necessary to reduce the risk of an oil discharge by using specific temporary measures during periods when planned spill response methods are rendered ineffective by environmental limitations, in accordance with 18 AAC 75.445(f). The plan accounts for a 21-day response time for drill sites with ice road access and 24 days for drill sites without, which includes both source control and cleanup. The drilling end date is based on the expected tundra closure date of May 15.*

- 7. Final Copy of the Plan.** Within 30 days of this letter, the plan holder must submit to ADEC updated versions of the approved plan, including all revisions instituted during the recent plan review. CPAI must send three complete plan copies to the ADEC office in Anchorage and one copy to the ADEC office in Fairbanks. In addition, you must send a complete updated version of the plan to each reviewer and any other controlled document holder of your plan.

- 8. Plan Amendments for Specific Drill Sites.** An application for amendment approval must be submitted annually for ADEC review in accordance with 18 AAC 75.415 and 18 AAC 75.455 prior to commencing drilling activities. CPAI must address site-specific details, as appropriate, including information regarding site access, equipment deployment considerations, environmentally sensitive areas, on-site personnel, phone numbers and radio communication channels, and any other site-specific information not already addressed in the plan.

*This condition is reasonable and necessary to ensure that CPAI operates in compliance with 46.04.030, 18 AAC 75 Article 4, and the approved plan.*

**EXPIRATION:** This approval **expires July 22, 2012**. After the approval expires, Alaska law prohibits operation of the facility until an approved plan is once again in effect.

**AMENDMENT:** Before any change to this plan may take effect, the plan holder must submit an Application for Amendment to the plan with any additional information needed to evaluate the proposed amendment. This is to ensure that changes to the plan do not diminish the plan holder's ability to respond to a discharge and to evaluate any additional environmental considerations that may need to be taken into account (18 AAC 75.415).

**RENEWAL:** To renew this approval, the plan holder must submit a completed renewal application and plan to ADEC no later than 180 days prior to the expiration of this approval. This is to ensure that the submitted plan is approved before the current plan in effect expires (18 AAC 75.420).

**REVOCAION, SUSPENSION OR MODIFICATION:** This approval is effective only while the plan holder is in "compliance with the plan" and with all of the terms and conditions described above. ADEC may, after notice and opportunity for a hearing, revoke, suspend or require the modification of an approved plan if the plan holder is not in compliance with it, or for any other reason stated in AS 46.04.030(f). In addition, Alaska law provides that a vessel or facility that is not in "compliance with the plan" may not operate (AS 46.04.030). ADEC may terminate approval prior to the expiration date if deficiencies are identified that would adversely affect spill prevention, response or preparedness capabilities.

**DUTY TO RESPOND:** Notwithstanding any other provisions or requirements of this contingency plan, a person causing or permitting the discharge of oil is required by law to immediately contain and cleanup the discharge regardless of the adequacy or inadequacy of a contingency plan (AS 46.04.020).

**NOTIFICATION OF NON-READINESS:** Within twenty-four (24) hours after any significant response equipment specified in the plan becomes non-operational or is removed from its designated storage location, the plan holder must notify ADEC in writing and provide a schedule for the equipment's substitution, repair, or return to service (18 AAC 75.475[b]).

**CIVIL AND CRIMINAL SANCTIONS:** Failure to comply with the plan may subject the plan holder to civil liability for damages and to civil and criminal penalties. Civil and criminal sanctions may also be imposed for any violation of AS 46.04, any regulation issued there under, or any violation of a lawful order of ADEC.

**INSPECTIONS, DRILLS, RIGHTS TO ACCESS, AND VERIFICATION OF EQUIPMENT, SUPPLIES AND PERSONNEL:** ADEC has the right to verify the ability of the plan holder to carry out the provisions of its contingency plan and access to inventories of equipment, supplies, and personnel through such means as inspections and discharge exercises, without prior notice to the plan holder. ADEC has the right to enter and inspect the covered vessel or facility in a safe manner at any reasonable time for these purposes and to otherwise ensure compliance with the plan and the terms and conditions (AS 46.04.030[e] and AS 46.04.060). The plan holder shall conduct exercises for the purpose of testing the adequacy of the contingency plan and its implementation (18 AAC 75.480 and 485).

**FAILURE TO PERFORM:** In granting approval of the plan, ADEC has determined that the plan, as represented to ADEC by the applicant in the plan and application for approval, satisfies the minimum planning standards and other requirements established by applicable statutes and regulations, taking as true all information provided by the applicant. ADEC does not warrant to the applicant, the plan holder, or any other person or entity: (1) the accuracy or validity of the information or assurances relied upon; (2) that the plan is or will be implemented; or (3) that even full compliance and implementation with the plan will result in complete containment, control, or cleanup of any given oil spill, including a spill specifically described in the planning standards.

The plan holder is encouraged to take any additional precautions and obtain any additional response capability it deems appropriate to further guard against the risk of oil spills and to enhance its ability to comply with its duty under AS 46.04.020(a) to immediately contain and clean up an oil discharge.

**COMPLIANCE WITH APPLICABLE LAWS:** If amendments to the approved plan are necessary to meet the requirements of any new laws or regulations, the plan holder must submit an application for amendment to ADEC at the above address. The plan holder must adhere to all applicable state statutes and regulations as they may be amended from time to time. This approval does not relieve the plan holder of the responsibility for securing other federal, state, or local approvals or permits, and the plan holder is still required to comply with all other applicable laws.

**INFORMAL REVIEW OR ADJUDICATORY HEARING:** Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185.

**Informal review requests** must be delivered to the Spill Prevention and Response Division Director, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, Alaska 99811-1800 within 15 days of the permit decision.

**Adjudicatory hearing requests** must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, PO Box 111800, Juneau, Alaska 99811-1800, within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived. Anyone who submits a request for an informal review or an adjudicatory hearing should also send a copy of the request to the undersigned.

If you have any questions please contact Lydia Miner at 269-7680 or Jennifer Henderson at 269-7541.

Sincerely,



Betty Schorr  
Program Manager

**Attachment:** Summary of Basis for Department Decision

**Enclosure:** Certificate of Approval, Number 07 CER-022

**cc w/o enclosure:**

cc: Jennifer Henderson, EPR, Anchorage  
Lydia Miner, ADEC, EPR, Anchorage  
Ed Meggert, ADEC, PERP, Fairbanks  
Carol Fries, ADNR, Anchorage  
Todd Nichols, ADFG, Fairbanks  
Jack Winters/Mac McLean, ADNR, Fairbanks  
Carl Lautenberger, USEPA, Anchorage  
Pam Miller, Northern Alaska Environmental Center  
Susan Harvey, Harvey Consulting  
Ben Greene, ADNR OPMP  
Gordon Brower, North Slope Borough  
Donna Wixon, BLM

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

**CONOCOPHILLIPS ALASKA, INC. (CPAI)  
NORTH SLOPE EXPLORATION  
OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN**

**Summary of Basis for Decision  
Renewal Application Approval**

**July 18, 2007**

Pursuant to 18 AAC 75.460(b)(1), the following is a summary of the basis for the Alaska Department of Environmental Conservation (ADEC) decision to approve the ConocoPhillips Alaska, Inc. (CPAI) North Slope Exploration Oil Discharge Prevention and Contingency Plan (plan). Our approval includes referenced portions of the Alaska Clean Seas (ACS) Technical Manual, dated March 2007, consisting of three volumes, as revised and updated.

The plan was submitted on February 28, 2007 and the 30-day public review began on March 8, 2007. Comments and requests for additional information were received from the Alaska Department of Fish and Game (ADF&G) on March 8, 2007 and the Alaska Department of Natural Resources (ADNR) on April 2, 2007. We incorporated and addressed those comments as appropriate in our May 16, 2007 letter. We received CPAI's response letter and revisions on June 12, 2007. We determined that the plan was complete and met the applicable requirements of AS 46.04.030 and 18 AAC 75 as described in our June 15, 2007 letter. The public review period restarted June 20 and ended June 29, 2007. Comments were received from the North Slope Borough (NSB) on June 29, 2007 and are addressed in this document.

This document summarizes key points and discusses issues raised during ADEC's review of the CPAI plan application.

**Plan Summary**

CPAI plans to conduct a regional, multi-year onshore oil and gas exploration drilling program during the winter months on the North Slope. CPAI addresses all onshore exploration activities conducted on CPAI leases within the National Petroleum Reserve Alaska (NPR-A), the Colville River Unit, the Kuparuk River Unit and non-unitized lease holdings during the winter season on the North Slope. As project-specific updates are submitted, ADEC will review the amended applications with site-specific addenda to determine whether CPAI's North Slope Exploration Program Oil Discharge Prevention and Contingency Plan is applicable and sufficient for the subject wells.

**Response Planning Standard (RPS)**

CPAI's exploration plan involves exploration drilling without historical formation data. As such, the response planning standard volume for this activity is established under the provisions of 18

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AAC 75.434(b) as 16,500 barrels plus an additional 5,500 barrels for each of 12 days beyond 72 hours, or 82,500 barrels. If the actual flow rate of a well exceeds 5,500 barrels per day and the facility is to continue operations, CPAI must submit a plan amendment under AAC 75.415 addressing the increased response planning standard within 30 days.

**Response Scenarios and Strategies**

Pursuant to 18 AAC 75.425(e)(1)(F), the plan must contain a description of the discharge containment, control, and cleanup actions to be taken, which clearly demonstrates the strategies and procedures to conduct and maintain an effective response, presented in the form of a response scenario to a discharge of the RPS volume.

Based on our review, the three response scenarios provide a logical plan of action with tactics, equipment, and personnel requirements identified in the ACS Technical Manual or maintained on site sufficient to demonstrate a response to a discharge equal to the response planning standard for a potential well blowout, in addition to smaller, more probable spills. Scenarios and strategies also adequately describe activities to respond to a spill from a storage tank and a tanker truck during winter with snow/ice road access. The RPS scenarios for a well blowout and a storage tank rupture do not depict oil entering open water.

**North Slope Industry Guidance Planning Assumptions**

The planning assumptions previously contained in the Alaskan Clean Seas Technical Manual have not been used in this plan.

**Public Review Comments**

Comments from the North Slope Borough are addressed in this document.

**Key Issues**

Generally, the plan as initially submitted was well-developed and included useful supporting information regarding spill prevention and response; however, additional information and/or clarification was requested.

1. ADEC requested a more detailed summary of the response strategy for well blowout control and more detail regarding Initiated Surface Control Measures (Figure 1-4A).

**CPAI Response**

*CPAI maintains a blowout contingency plan as part of their Drilling and Wells Emergency Management Plan (EMP). The EMP describes in detail the responsibilities, equipment, and operations necessary to implement well and blowout control. It is available on all drill rigs and to ADEC upon request. Text has been added to Section 1.6.3 to identify the EMP as the guiding document regarding the logistics for blowout control.*

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2. 18 AAC 75.425(e)(1)(I) states that a plan holder may use the 1997 S.L. Ross oil deposition model or another deposition model approved by ADEC for developing a response scenario for a well blowout. The purpose of the deposition model is to provide a realistic trajectory footprint for that volume. Plans approved since the 2004 regulation revisions have provided blowout scenarios that include a wind rose to verify that the oil trajectory shown in the deposition model accurately reflects the predominant wind directions. ADEC requested that CPAI include a wind rose.

CPAI Response

*CPAI has submitted the wind rose diagram to ADEC in the RFAI response. The wind data has been summarized in the text of the plan.*

3. New/revised prevention regulations (18 AAC 75, Articles 1 and 4): CPAI revised Part 2 and added Part 5 of the plan to comply with revised regulations promulgated December 30, 2006. During our review, ADEC noted various regulatory references in the plan that still needed to be updated.

CPAI Response

*CPAI plan has been updated to include the appropriate references to regulations promulgated December 31, 2006.*

4. ADEC required that CPAI add a major storage tank scenario under 18 AAC 75.425(e)(1)(F) using the RPS volume requested in Section 5 as required by 18 AAC 75.432. The plan must identify the maximum possible discharge that could occur at the facility or operation. In Appendix B CPAI shows proposed tank capacities of up to 21,000 gallons are available for North Slope exploration.

CPAI Response

*The plan has been updated to include a scenario depicting a tank rupture during the winter season. The RPS calculation for the tank scenario is included in Part 5 of the plan.*

**North Slope Borough Public Comments - June 29, 2007**

1. During the comment period the NSB stated that the communications system will need to be able to maintain communication even in the event of a power failure, and will need to be capable of communicating with all Primary Response Action Contractors (PRACS), agencies, the Emergency Operations Center, and all field operations on a consistent and reliable basis. The NSB would also like CPAI to verify there is reliable cellular phone or satellite phone coverage at the proposed project sites and for CPAI to describe the number of phone and fax lines that will be established at each location that could be used for communication during a spill.

ADEC Response

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*CPAI has adequately described and addressed the communication plan and has met the 18 AAC 75.425(e)(1)(D) regulatory requirements. CPAI does reference the ACS Tactic L-5 for a detailed explanation of the oil spill communications. CPAI will provide more detail on the specific information such as phone and fax lines and phone numbers in the annual project-specific permit application packages submitted to ADEC.*

2. The NSB would like CPAI to provide the number of personnel and other resources that will be located at the exploration sites and the qualifications of the initial response personnel to carry out source control, safety actions, initial response actions, and deploy the pre-staged equipment.

ADEC Response

*CPAI will provide more detail on the specific information in the annual project-specific permit application packages submitted to ADEC.*

3. The NSB does not feel like CPAI has addressed the methods that will be used to rapidly move well control equipment to a spill location, nor have they given a time for the equipment to arrive.

ADEC Response

*CPAI has stated in the introduction that spill response will be conducted using aircraft and Rolligon support, and initial mobilization and deployment time from Deadhorse is included in each scenario. Section 1.6.3 Blowout Control/Relief Well Plan states, "Specialized personnel and the equipment needed for well control are available on the North Slope through mutual aid agreement and can be mobilized within 24 to 48 hours of notification." CPAI will provide more detail on the specific information in the annual project-specific permit application packages submitted to ADEC.*

4. The NSB has requested the plan provide information on CPAI's contracts with a well control expert, and the methods that will be used to expedite their personnel and equipment to the exploration site in the event of a blowout.

ADEC Response

*18 AAC 75.445(i) requires a Statement of Contractual Terms (SOCT) affirming services of a Primary Response Action Contractor (PRAC). Contractors that provide ancillary services, such as hotel or flight services, security, or well control and capping services are not required to be registered as a PRAC, nor is a SOCT required. Well control and capping services are ancillary services not specifically intended for oil spill containment, control, or cleanup. ACS, a registered PRAC, is the PRAC listed in this plan. Section 1.6.3 adequately describes how well control experts and resources (primarily Boots & Coats) would be employed if needed by CPAI.*

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5. The NSB commented that during winter months the plan should provide a date for when the drilling rigs have to be removed, to ensure that there is adequate time from the last day of drilling to clean up an oil spill prior to spring break-up, and a starting date when drilling can commence.

ADEC Response

*ADEC addresses seasonal drilling restrictions as part of the terms and conditions in CPAI's plan approval letter as follows:*

*To reduce the risk of an oil discharge and to ensure the effectiveness of planned spill response methods prior to periods when the planned response methods are rendered ineffective by environmental limitations, all drilling operations into hydrocarbon bearing formations for the CPAI onshore exploration wells must be completed by April 21st for drill sites without ice road access and April 24th for drill sites with ice road access each drilling season that the plan approval is in effect.*

*This condition is reasonable and necessary to reduce the risk of an oil discharge by using specific temporary measures during periods when planned spill response methods are rendered ineffective by environmental limitations, in accordance with 18 AAC 75.445(f). The plan accounts for a 21-day response time for drill sites with ice road access and 24 days for drill sites without, which includes both source control and cleanup. The drilling end date is based on the expected tundra closure date of May 15.*

6. The NSB Planning Department and the NSB Wildlife Department request a meeting with ADEC and CPAI to review the sensitive areas proposed for protection. They propose a meeting to compare the proposed list of areas as identified in the plan and referenced in the ACS Technical Manual with the information contained in the NSB Geographic Information System and Wildlife Department records to determine if all the correct locations have been identified and if they have been properly prioritized. Once the locations and prioritization are approved, then they would like to review the oil spill equipment that should be pre-deployed to expedite response, and geographic response strategies which will protect these sites during an oil spill to ensure there are sufficient resources in the plan.

CPAI Response

*CPAI is committed to the protection of environmentally sensitive areas and areas of public concern. Prior to the commencement of drilling activities, CPAI surveys and/or reviews previously collected data on all potential drill sites. The plan has been updated to include additional details concerning procedures for the protection of environmentally sensitive areas and agency notification during spill response.*

ADEC Response

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*CPAI will provide more detail on the specific information in the annual project-specific permit application packages submitted to ADEC. ADEC will provide the NSB the collected data on all potential drill sites prior to drilling for review and at that time the NSB can schedule a meeting with ADEC and CPAI.*

7. The NSB would like CPAI to revise both the prevention training and oil spill response training program sections to comply with the new state regulations and to meet the standard of quality required in other regions of the state. The NSB would like a list of all personnel required to meet the RPS and a description of the type and frequency of training and certifications that must be held for each position.

ADEC Response

*CPAI has provided adequate information on the prevention training and oil spill response training in compliance with the newly promulgated December 31, 2006 regulations. CPAI will provide more detail on the specific information in the annual project-specific permit application packages submitted to ADEC.*

8. The NSB would like ADEC to ensure that secondary containment is installed for all storage tanks and meets the state's volume threshold for required containment.

ADEC Response

*CPAI has provided adequate information and meets state regulation 18 AAC 75.075 in Part 2, Section 2.1.9.*

9. The NSB requests a copy of the final spill plan be distributed to NSB representatives as follows:
  1. Gordon Brower, North Slope Planning Department, Barrow
  2. Gordon Matumeak, North Slope Planning Department, Nuiqsut
  3. Harvey Consulting, LLC (NSB Consultant)
  4. City of Nuiqsut
  5. Kuupik Corporation

ADEC Response

*ADEC will verify that the final plan is distributed to these NSB representatives.*