

OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN REQUIREMENTS NOTICE
OF PROPOSED CHANGES IN THE REGULATIONS OF ALASKA DEPARTMENT OF
ENVIRONMENTAL CONSERVATION (ADEC)

BRIEF DESCRIPTION

The ADEC proposes to change regulations in 18 AAC 75 dealing with application and contingency plan requirements for noncrude oil tank vessels and barges.

The ADEC proposes to change regulations in 18 AAC 75 of the Alaska Administrative Code dealing with application and contingency plan requirements for noncrude oil tank vessels and barges (NC TV/B) that have a storage capacity less than 500 barrels. The changes include the following:

- (1) Amend 18 AAC 75.005 to allow NC TV/B with a storage capacity less than 500 barrels to operate under a streamlined plan.
- (2) Amend 18 AAC 75.400 to allow a NC TV/B with a storage capacity of less than 500 barrels to apply for a streamlined plan.
- (3) Amend 18 AAC 75.421 to clarify that only a nontank vessel streamlined plan can be suspended.
- (4) Amend 18 AAC 75.426 to clarify that the response planning standard calculation is different for NC TV/Bs and Nontank Vessels.
- (5) Add a new section 18 AAC 75.429 to add requirements for NC TV/B streamlined plans.
- (6) Amend 18 AAC 75.456 to require that NC TV/B streamlined plans meet the requirements of 18 AAC 75.429.
- (7) Amend 18 AAC 75.501 to clarify registration requirements for cleanup contractors, incident management teams, and response planning facilitators.
- (8) Amend 18 AAC 75.521, 522, and 523 to clarify that language applies to initial and amendment applications, as well as changing the application submission address.
- (9) Amend 18 AAC 75.531, 532, and 533 to provide application content requirements for Nontank Vessels and NC TV/Bs.
- (10) Amend 18 AAC 75.532(a)(5) to require updates when there are changes to identified personnel.
- (11) Amend 18 AAC 75.551 and 561 to clarify classifications for cleanup contractors.
- (12) Amend 18 AAC 75.561 to add Classification D to Table F for NC TV/Bs with a streamlined plan. Edited notes to exempt Classification D from persistent product equipment.
- (13) Amend 18 AAC 75.561, 562, and 563 to clarify annual reporting requirements for cleanup contractors, incident management teams, and response planning facilitators.
- (14) Amend 18 AAC 75.562 to clarify standards for NC TV/Bs.
- (15) Amend 18 AAC 75.485(a) to give the department authority to conduct exercises on NC TV/Bs with streamlined plans.
- (16) Amend 18 AAC 75.990 to address a definition for NC TV/Bs

- (17) Amend 18 AAC 75.990 to clarify the region of operations for nontank vessels and NC TV/Bs are different.
- (18) Housekeeping edits throughout the chapter to reflect the above changes, revise and clarify language, correct typographical errors and correct cross-references and citations.

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 to Galen Heffern, Alaska Department of Environmental Conservation, PO Box 111800, Juneau, AK 99811-1800, or by electronic mail at dec.cpr@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. The comments must be received no later than 5 p.m. on November 15, 2018.

You may submit written questions relevant to the proposed action to ADEC by sending in questions by electronic mail at dec.cpr@alaska.gov or by sending the questions to Galen Heffern, Alaska Department of Environmental Conservation, PO Box 111800, Juneau, AK 99811-1800. The written questions must be received by November 5, 2018 which is 10 days before the end of the public comment period. The Alaska Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and response available at <http://dec.alaska.gov/spar/regulation-projects>. The Alaska Department of Environmental Conservation 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 Theresa Zimmerman at (907) 465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than November 8, 2018 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 and by contacting Galen Heffern at the address or email above or by calling 907-465-5346.

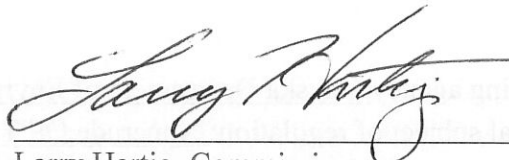
After the public comment period ends, the Alaska Department of Environmental Conservation will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments are public records and are subject to public inspection.

Statutory authority: AS 46.03.020; AS 46.04.045; AS 46.04.070

Statutes being implemented, interpreted, or made specific: AS 46.04.040; AS 46.04.055;

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

Date: October 8, 2018



Larry Hartig, Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: Noncrude Oil Tank Vessels and Barges
3. Citation of regulation (may be grouped): 18 AAC 75
4. Department of Law file number, if any: 2018200612

5. Reason for the proposed action:

() Compliance with federal law or action (identify): _____
() Compliance with new or changed state statute
() Compliance with federal or state court decision (identify): _____
(X) Development of program standards
() Other (identify): _____

6. Appropriation/Allocation: Spill Prevention and Response, Prevention Preparedness & Response

7. Estimated annual cost to comply with the proposed action to:

A private person: No identifiable additional costs to comply. Noncrude Tank Vessels and Oil Barges (NC TV/B) with a storage capacity of less than 500 barrels (21,000 gallons), a group of small operators primarily consisting of privately owned tank vessels that carry small quantities of fuel to remote lodges, would be provided with the option of a streamlined plan. The proposed streamlined plan option still requires specific equipment and training. In general, the development and requirements of a streamlined plan are not as extensive as the current Oil Discharge Prevention and Contingency Plan option. NC TV/Bs with a storage capacity of less than 500 barrels may experience an incremental compliance cost savings on the development of contingency plans. This cost savings is estimated to be \$1,000-\$2,000 per plan. The actual savings will vary across NC TV/B plans. Current NC TV/B plan holders will not be required to apply for a streamlined plan, so there would be no additional cost associated with the new streamlined plan option.

Another state agency: No identifiable additional costs to comply.

A municipality: No identifiable additional costs to comply.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2019	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Galen Heffern
 Title: Environmental Program Specialist
 Address: P.O. Box 111800; Juneau, AK 99811-1800
 Telephone: (907) 465-5346
 E-mail address: galen.heffern@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: 10/8/18 Prepared by: 
 [signature]

Name (printed): Galen Heffern
 Title (printed): Environmental Program Specialist
 Telephone: (907) 465-5346