

Mead Treadwell
Lieutenant Governor
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Anchorage, Alaska 99501
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OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA

MEMORANDUM

TO: Gary Mendivil, AAC Contact
Department of Environmental Conservation

FROM: Scott Meriwether
Special Assistant
907.465.3509

A handwritten signature in blue ink, appearing to be "SM", next to the name Scott Meriwether.

DATE: August 6, 2014

RE: Filed Permanent Regulations: Department of Environmental Conservation

Regulations re: oil and hazardous substance pollution control: 18 AAC 75.215; 18 AAC 75.225(a); 18 AAC 75.235(n)(3); 18 AAC 75.240(b); 18 AAC 75.300(a); 18 AAC 75.413; 18 AAC 75.425(c)(3); 18 AAC 75.443; 18 AAC 75.456(b); 18 AAC 75.459(a); 18 AAC 75.460(d); 18 AAC 75.475(b); 18 AAC 75.521(c); 18 AAC 75.522(c); 18 AAC

Attorney General File:	JU2014200070
Regulation Filed:	8/5/2014
Effective Date:	9/4/2014
Print:	211, October 2014

cc with enclosures: Linda Miller, Department of Law
Crystal Koeneman, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

JU2014200070

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached ten pages of regulations, dealing with 18 AAC 75 (Oil and Other Hazardous Substances Pollution Control) spill response plan amendments are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03 and AS 46.04 after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering the comments the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action, as required by AS 46.03.024.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the Lieutenant Governor as provided in AS 44.62.180.

DATE: July 17, 2014
Anchorage, Alaska


Larry Hartig, Commissioner

FILING CERTIFICATION

I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on 5 August, 2014, at 10:15am, I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


Mead Treadwell, Lieutenant Governor

Effective: September 4, 2014
Register: 21, October 2014

Register 211, October 2014

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18 AAC 75.215 is amended to read:

18 AAC 75.215. Applications submitted by facsimile or electronic mail. The department will accept an application by facsimile transmission or electronic mail. The completed original of the application must be submitted to the department by registered or certified mail or by courier and must be postmarked or dated by courier within two working days after it was sent by facsimile or electronic mail. (Eff. 5/14/92, Register 122; am 10/28/2000, Register 156; am 9 / 4 / 2014, Register 211)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.040

18 AAC 75.225(a) is amended to read:

(a) **An application** [APPLICATION] for renewal of department approval of proof of financial responsibility must be submitted to the department at least 30 days, but no earlier than 90 days, before the current approval of proof of financial responsibility expires, **except for a nontank vessel. For a nontank vessel, an application for renewal must be submitted at least 15 days before expiration.**

(Eff. 5/14/92, Register 122; am 9 / 4 / 2014, Register 211)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.040

18 AAC 75.235(n)(3) is amended to read:

(3) an exploration or production facility, until the department has been notified in

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writing by [THAT] the Alaska Oil and Gas Conservation Commission [FOUND] that all wells were properly plugged as required by 20 AAC 25.112 and abandoned [FOR PURPOSES OF THIS PARAGRAPH, "ABANDONED" MEANS THAT A WELL HAS BEEN PLUGGED] as required by 20 AAC 25.105; and

(Eff. 5/14/92, Register 122; am 11/26/94, Register 132; am 12/8/95, Register 136; am 10/1/99, Register 151; am 10/28/2000, Register 156; am 10/27/2002, Register 164; am 11/27/2002, Register 164; am 10/16/2005, Register 176; am 8/31/2008, Register 187; am 10/1/2011, Register 199; am 9 / 4 / 2014, Register 211)

Authority: AS 46.03.020 AS 46.04.045 AS 46.04.070
AS 46.04.040 AS 46.04.055

The introductory language of 18 AAC 75.240(b) is amended to read:

(b) The original certificate, or a copy of the original certificate, including a printed copy of a certificate sent by electronic mail or [INCLUDING] a facsimile copy, that is certified by the applicant to be a true copy of the original certificate, must be readily available for inspection

...

(Eff. 5/14/92, Register 122; am 10/28/2000, Register 156; am 11/27/2002, Register 164; am 9 / 4 / 2014, Register 211)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.040

The introductory language of 18 AAC 75.300(a) is amended to read:

(a) Subject to (b), (c), and (g) of this section, a person in charge of a facility or operation shall notify the department by telephone, and immediately afterwards send the department a written notice by facsimile, **electronic mail**, hand delivery, or first class mail, informing the department about a discharge or release of a hazardous substance at or from the facility or operation as follows:

...

(Eff. 1/22/99, Register 149; am 1/30/2003, Register 165; am 9/4/2014, Register 211)

Authority:	AS 46.03.020	AS 46.03.745	AS 46.04.070
	AS 46.03.050	AS 46.03.755	AS 46.09.010
	AS 46.03.710	AS 46.04.020	AS 46.09.020
	AS 46.03.740		

18 AAC 75.413 is repealed:

18 AAC 75.413. Transitional provisions for review and approval of nontank vessel plans. Repealed. (Eff. 11/27/2002, Register 164; repealed 9/4/2014, Register 211)

18 AAC 75.425(c)(3) is amended to read:

(3) a statement, signed by **an individual** [A PERSON] with appropriate authority, committing the oil discharge prevention and response resources necessary to implement the plan.

(Eff. 5/14/92, Register 122; am 9/25/93, Register 127; am 3/28/96, Register 137; am 4/4/97,

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Register 142; am 12/14/2002, Register 164; am 5/26/2004, Register 170; am 12/30/2006,

Register 180; am 9/4/2014, Register 211)

Authority: AS 46.03.020 AS 46.04.035 AS 46.04.070

AS 46.04.030 AS 46.04.055

18 AAC 75.443 is repealed:

18 AAC 75.443. Prevention credits for nontank vessels. Repealed. (Eff. 11/27/2002, Register 164; repealed 9/4/2014, Register 211)

18 AAC 75.456(b) is amended to read:

(b) A nontank vessel plan is effective for

(1) five [THREE] years after the date the plan is approved by the department; or

(2) a time period shorter than five [THREE] years, as specified in the

department's approval letter [; OR

(3) FIVE YEARS, IF THE REQUIREMENTS OF 18 AAC 75.443(e) ARE

MET].

(Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070

AS 46.04.030

18 AAC 75.459(a) is amended to read:

(a) At any time before the department's decision under 18 AAC 75.460, the applicant

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may request a preissuance conference from the appropriate **department** [REGIONAL] office [OF THE DEPARTMENT]. The request may be **made** [MAKE] orally, and will be granted if the applicant demonstrates that holding a conference will materially aid the department in reaching its decision.

(Eff. 5/14/92, Register 122; am 9/4/2014, Register 211)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.460(d) is amended to read:

(d) An approval under this section is effective for

(1) **five** [THREE] years after the date it is issued; **or**

(2) a time period shorter than **five** [THREE] years, as specified in the

department's approval letter and certificate [; OR

(3) FIVE YEARS, IF THE REQUIREMENTS OF 18 AAC 75.443(e) ARE

MET]. (Eff. 5/14/92, Register 122; am 7/11/2002, Register 163; am 11/27/2002, Register 164;

am 9/4/2014, Register 211)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.475(b) is amended to read:

(b) Except for a transfer approved under 18 AAC 75.470, if a significant change occurs in, or is made to, any component of a plan that would diminish the plan holder's response

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capability, the plan holder shall, within 24 hours, notify the department in writing and provide a schedule for a prompt return to operational status. An electronic mail or [A] facsimile transmission delivered to the appropriate department [REGIONAL] office will be considered written notice for purposes of this subsection. If the department finds that, as a result of the change, the plan holder is no longer able to execute the plan, it will take appropriate action under 18 AAC 75.490.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 12/30/2006, Register 180; am 9/4/2014, Register 211)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.521(c) is repealed:

(c) Repealed 9/4/2014. (Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211)

Authority: AS 46.03.020 AS 46.04.035 AS 46.04.070
AS 46.04.030 AS 46.04.055

18 AAC 75.522(c) is repealed:

(c) Repealed 9/4/2014. (Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211)

Authority: AS 46.03.020 AS 46.04.035 AS 46.04.070
AS 46.04.030 AS 46.04.055

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18 AAC 75.523(c) is repealed:

(c) Repealed 9 / 4 / 2014. (Eff. 11/27/2002, Register 164; am 9 / 4 / 2014, Register 211.)

Authority: AS 46.03.020 AS 46.04.035 AS 46.04.070
AS 46.04.030 AS 46.04.055

18 AAC 75.551(a) is amended to read:

(a) **After** [EXCEPT AS PROVIDED IN 18 AAC 75.521(c), AFTER] receipt of an application for registration as a nontank vessel cleanup contractor under 18 AAC 75.521, the department will determine whether the application is complete. If the department finds that an application is incomplete, the applicant will be notified of the need for additional information within 10 working days after receipt of the application. The department will review each complete application and issue a decision within 30 days after the department determines that the application is complete.

(Eff. 11/27/2002, Register 164; am 9 / 4 / 2014, Register 211.)

Authority: AS 46.03.020 AS 46.04.035 AS 46.04.070
AS 46.04.030 AS 46.04.055

18 AAC 75.552(a) is amended to read:

(a) **After** [EXCEPT AS PROVIDED IN 18 AAC 75.522(c), AFTER] receipt of an application for registration as an incident management team under 18 AAC 75.522, the department will determine whether the application is complete. If the department finds that an

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application is incomplete, the applicant will be notified of the need for additional information within 10 working days after receipt of the application. The department will review each complete application and issue a decision within 30 days after the department determines that the application is complete.

(Eff. 11/27/2002, Register 164; am 9 / 4 / 2014, Register 211)

Authority: AS 46.03.020 AS 46.04.035 AS 46.04.070
AS 46.04.030 AS 46.04.055

18 AAC 75.553(a) is amended to read:

(a) **After** [EXCEPT AS PROVIDED IN 18 AAC 75.523(c), AFTER] receipt of an application for registration as a response planning facilitator under 18 AAC 75.523, the department will determine whether the application is complete. If the department finds that an application is incomplete, the applicant will be notified of the need for additional information within 10 working days after receipt of the application. The department will review each complete application and issue a decision within 30 days after the department determines that the application is complete.

(Eff. 11/27/2002, Register 164; am 9 / 4 / 2014, Register 211)

Authority: AS 46.03.020 AS 46.04.035 AS 46.04.070
AS 46.04.030 AS 46.04.055

18 AAC 75.561(a) is amended to read:

(a) **The** [SUBJECT TO THE TRANSITIONAL PROVISIONS OF 18 AAC 75.413(b) -

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(c), THE] minimum registration standards for nontank vessel cleanup contractors are set out in (b) - (f) of this section.

(Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211)

Authority: AS 46.03.020 AS 46.04.035 AS 46.04.070
AS 46.04.030 AS 46.04.055 [AS 46.04.055]

18 AAC 75.990(151)(A) is amended to read:

(A) United States Department of Homeland Security

[TRANSPORTATION], United States Coast Guard's *Incident Management Handbook*, COMDTPUB P3120.17A [P3120.17], as revised as of August 2006 [APRIL 11, 2001] and adopted by reference; and

18 AAC 75.990(151)(B) is amended to read:

(B) *Alaska Incident Management System Guide for Oil and Hazardous*

Substance Response, Revision 1, as revised as of November 2002 [JANUARY 2000] and adopted by reference;

(Eff. 5/14/92, Register 122; am 9/25/93, Register 127; am 4/4/97, Register 142; am 4/11/97, Register 142; am 1/22/99, Register 149; am 8/27/2000, Register 155; am 10/28/2000, Register 156; am 11/27/2002, Register 164; am 12/14/2002, Register 164; am 1/30/2003, Register 165; am 8/8/2003, Register 167; am 5/26/2004, Register 170; am 12/30/2006, Register 180; am 10/9/2008, Register 188; am 4/8/2012, Register 202; am 9/4/2014, Register 211)

Authority: AS 46.03.020 AS 46.03.755 AS 46.04.055

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AS 46.03.050

AS 46.03.822

AS 46.04.070

AS 46.03.710

AS 46.04.020

AS 46.08.140

AS 46.03.740

AS 46.04.030

AS 46.09.010

AS 46.03.745

AS 46.04.035

AS 46.09.020

MEMORANDUM


State of Alaska Department of Law

TO: Hon. Mead Treadwell
Lieutenant Governor

DATE: July 29, 2014

FILE NO.: JU2014200070

TELEPHONE NO.: 465-3600

FROM: Steven C. Weaver 
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section--Juneau

SUBJECT: Regulations re: oil and
hazardous substance pollution
control (18 AAC 75.215;
18 AAC 75.225(a); 18 AAC
75.235(n)(3); 18 AAC 75.240(b);
18 AAC 75.300(a); 18 AAC
75.413; 18 AAC 75.425(c)(3);
18 AAC 75.443; 18 AAC
75.456(b); 18 AAC 75.459(a);
18 AAC 75.460(d); 18 AAC
75.475(b); 18 AAC 75.521(c);
18 AAC 75.522(c); 18 AAC
75.523(c); 18 AAC 75.551(a);
18 AAC 75.552(a); 18 AAC
75.553(a); 18 AAC 75.561(a);
18 AAC 75.990(151))

We have reviewed the attached regulations from the Department of Environmental Conservation. I have reviewed this project under a specific delegation dated July 29, 2014 from the Regulations Attorney. A duplicate of this memorandum is being furnished to Commissioner Hartig, along with a copy of the regulations.

The Department of Law has reviewed the attached regulations against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum and the attached duplicate memorandum dated July 29, 2014 constitute the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The regulation changes were adopted by the Department of Environmental Conservation after the close of the public comment period. The regulations update provisions related to oil and hazardous substance pollution control.

Hon. Mead Treadwell, Lieutenant Governor
Our file: JU2014200070

July 29, 2014
Page 2

The adoption order for the regulations states that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: Hon. Larry Hartig, Commissioner
Department of Environmental Conservation

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Larry Hartig
Commissioner

DATE: July 29, 2014

Department of Environmental Conservation FILE NO.: JU2014200070

TELEPHONE NO.: 465-3600

FROM: Steven C. Weaver 
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section--Juneau

SUBJECT: Regulations re: oil and
hazardous substance pollution
control (18 AAC 75.215;
18 AAC 75.225(a); 18 AAC
75.235(n)(3); 18 AAC 75.240(b);
18 AAC 75.300(a); 18 AAC
75.413; 18 AAC 75.425(c)(3);
18 AAC 75.443; 18 AAC
75.456(b); 18 AAC 75.459(a);
18 AAC 75.460(d); 18 AAC
75.475(b); 18 AAC 75.521(c);
18 AAC 75.522(c); 18 AAC
75.523(c); 18 AAC 75.551(a);
18 AAC 75.552(a); 18 AAC
75.553(a); 18 AAC 75.561(a);
18 AAC 75.990(151))

Under AS 44.62.060, we have reviewed the attached regulations changes by the Department of Environmental Conservation, and approve the changes for filing by the lieutenant governor. I have reviewed this project under a specific delegation dated July 29, 2014 from the Regulations Attorney. A duplicate original of this memorandum is being furnished to the lieutenant governor, along with the 10 pages of regulations and the related documents.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulation changes.

The January 27, 2014 public notice and the July 17, 2014 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Kristin Ryan, Director
Division of Spill Prevention and Response
Department of Environmental Conservation

Clare Pavia
Division of Spill Prevention and Response
Department of Environmental Conservation

Breck C. Tostevin
Sr. Assistant Attorney General
Environmental Section--Anchorage

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Mead Treadwell
Lieutenant Governor

DATE: July 29, 2014

FILE NO.: JU2014200070

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
& Regulations Attorney
Legislation/Regulations Section—Juneau

SUBJECT: Specific delegation of authority regarding regulations review on Department of Environmental Conservation regulations re: oil and hazardous substance pollution control (18 AAC 75.215; 18 AAC 75.225(a); 18 AAC 75.235(n)(3); 18 AAC 75.240(b); 18 AAC 75.300(a); 18 AAC 75.413; 18 AAC 75.425(c)(3); 18 AAC 75.443; 18 AAC 75.456(b); 18 AAC 75.459(a); 18 AAC 75.460(d); 18 AAC 75.475(b); 18 AAC 75.521(c); 18 AAC 75.522(c); 18 AAC 75.523(c); 18 AAC 75.551(a); 18 AAC 75.552(a); 18 AAC 75.553(a); 18 AAC 75.561(a); 18 AAC 75.990(151))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SRP:SCW

cc w/enc:

Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General &
Assistant Regulations Attorney
Legislation/Regulations Section—Juneau

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation proposes to change regulations dealing with Oil and Other Hazardous Substances Pollution Control. This includes revisions to update the regulations to incorporate current communications technology such as electronic mail, repeal outdated regulations, update references and provide consistency between related regulations.

The Alaska Department of Environmental Conservation proposes to adopt regulation changes in Title 75 of the Alaska Administrative Code, dealing with Oil and Other Hazardous Substances Pollution Control, including the following:

- (1) amend 18 AAC 75.215 to allow for the submittal of applications by electronic mail.
- (2) amend 18 AAC 75.225(a) to allow nontank vessel renewal applications to be submitted 15 days before the expiration.
- (3) amend 18 AAC 75.235(n)(3) to update the citation references for plugged and abandoned wells.
- (4) amend 18 AAC 75.240(b) to allow for the use of electronically mailed certificates.
- (5) amend 18 AAC 75.300(a) to allow for the use of electronic mail.
- (6) repeal 18 AAC 75.413, because the 2002 transition deadlines have passed.
- (7) repeal 18 AAC 75.443, credits for nontank vessel plans because they are no longer necessary to extend the approval period from three years to five because prevention plans are now valid for five years.
- (8) amend 18 AAC 75.456(b) and 460(d) to update the effective period for plan approvals from three years to five.
- (9) repeal 18 AAC 75.456(b)(3) and 460(d)(3), which refer to 18 AAC 75.443 which is being repealed.
- (10) amend 18 AAC 75.459(a) to indicate that department offices are no longer referred to as regional offices.
- (11) amend 18 AAC 75.475(b) to allow notifications to be provided by electronic mail and to indicate that department offices are no longer referred to as regional offices.
- (12) repeal 18 AAC 75.521(c), 522(c), and 523(c) because the 2002 transition deadlines have passed.
- (13) amend 18 AAC 75.990(151)(A) and (B) to correct outdated references.

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: Clare Pavia, Department of Environmental Conservation, PO Box 111800, Juneau, AK 99801-1800, and 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 February 26, 2014.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 ten days prior to the final comment deadline to ensure that any necessary accommodations can be provided. For a copy of the proposed regulation changes, contact Clare Pavia dec.cpr@alaska.gov, or go to <http://dec.alaska.gov/commish/regulations/index.htm>.

After the public comment period ends, the 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 received are public records and are subject to public inspection.

Statutory Authority: AS 46.03.020; AS 46.04.055; and AS 46.04.070,

Statutes Being Implemented, Interpreted, or Made Specific: AS 04.030, AS 46.04.035
AS 46.04.040; and AS 46.04.055;

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

DATE: January 23, 2014


Larry Hartig, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation, Division of Spill Prevention and Response
2. General subject of regulation: Oil and Other Hazardous Substances Pollution Control
3. Citation of regulation: 18 AAC 75
4. Department of Law file number, if any _____
5. Reason for the proposed action: To modernize the regulations to incorporate current technology such as electronic mail, repeal regulations that are outdated, and provide consistency between related regulations.
6. Appropriation/Allocation: 0
7. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2014	Subsequent Years
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$ 0
1004 General fund	\$ 0	\$ 0
1005 General fund/ program	\$ 0	\$ 0
1037 General fund/ mental health	\$ 0	\$ 0
Other	\$ 0	\$ 0

8. The name of the contact person for the regulations:

Name Clare Pavia
Title Financial Responsibility and Prevention Initiatives Unit Lead
Address PO Box 111800, Juneau, AK 99801-1800,
Telephone 907-465-5283
E-mail address dec.cpr@alaska.gov

9. The origin of the proposed action: staff of state agency

10. Date: JAN 24, 2014 Prepared by: Clare Pavia
[signature]
Name (printed) Clare Pavia
Title (printed) Env. Program Specialist
Telephone: 907-465-5283

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION

I, Clare Pavia, Environmental Program Specialist IV, of the Department of Environmental Conservation, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to Title 75 of the Alaska Administrative Code, dealing with Oil and Other Hazardous Substances Pollution Control, has been given by being

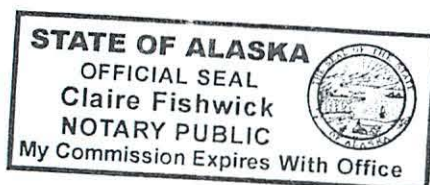
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Resources Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

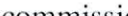
As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: March 10, 2014
JUNEAU

Clare Pavia

SUBSCRIBED AND SWORN TO before me this 10th day of March, 2014




Notary Public in and for the
State of Alaska
My commission expires: with office

FIRST JUDICIAL DISTRICT

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

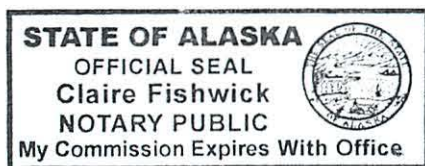
I, Clare Pavia, Environmental Program Specialist IV, for the Department of Environmental Conservation, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Environmental Conservation has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Environmental Conservation regulations on changes to Title 75 of the Alaska Administrative Code, dealing with Oil and Other Hazardous Substances Pollution Control.

Date: March 10, 2014
JUNEAU

Clare Pavia, EPS IV

SUBSCRIBED AND SWORN TO before me this 10th day of March, 2014



Ch. J. J. J.
Notary Public in and for the
State of Alaska
My commission expires: with office

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#877619
\$388.46

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath
deposes and says that he is
a representative of the
Anchorage Daily News, a
daily newspaper. That said
newspaper has been approved
by the Third Judicial Court,
Anchorage, Alaska, and it now
and has been published in the
English language continually as a
daily newspaper in Anchorage,
Alaska, and it is now and during
all said time was printed in an
office maintained at the aforesaid
place of publication of said
newspaper. That the annexed is
a copy of an advertisement as it
was published in regular issues
(and not in supplemental form)
of said newspaper on

January 27, 2014

and that such newspaper was
regularly distributed to its
subscribers during all of said
period. That the full amount of
the fee charged for the foregoing
publication is not in excess of
the rate charged private individuals.

Signed

Subscribed and sworn to before

me this 27 day of Feb

20

Notary Public in and for
The State of Alaska
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The Alaska Department of Environmental Conservation proposes to adopt regulation changes in Title 75 of the Alaska Administrative Code, dealing with Oil and Other Hazardous Substances Pollution Control, including the following:

- (1) amend 18 AAC 75.215 to allow for the submittal of applications by electronic mail.
- (2) amend 18 AAC 75.225(a) to allow nontank vessel renewal applications to be submitted 15 days before the expiration.
- (3) amend 18 AAC 75.235(n)(3) to update the citation references for plugged and abandoned wells.
- (4) amend 18 AAC 75.240(b) to allow for the use of electronically mailed certificates.
- (5) amend 18 AAC 75.300(a) to allow for the use of electronic mail.
- (6) repeal 18 AAC 75.413, because the 2002 transition deadlines have passed.
- (7) repeal 18 AAC 75.443, credits for nontank vessel plans because they are no longer necessary to extend the approval period from three years to five because prevention plans are now valid for five years.
- (8) amend 18 AAC 75.456(b) and 460(d) to update the effective period for plan approvals from three years to five.
- (9) repeal 18 AAC 75.456(b)(3) and 460(d)(3), which refer to 18 AAC 75.443 which is being repealed.
- (10) amend 18 AAC 75.459(a) to indicate that department offices are no longer referred to as regional offices.
- (11) amend 18 AAC 75.475(b) to allow notifications to be provided by electronic mail and to indicate that department offices are no longer referred to as regional offices.
- (12) repeal 18 AAC 75.521(c), 522(c), and 523(c) because the 2002 transition deadlines have passed.
- (13) amend 18 AAC 75.990(151)(A) and (B) to correct outdated references.

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: Clare Pavia, Department of Environmental Conservation, PO Box 111800, Juneau, AK 99801-1800, and 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 February 26, 2014.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 ten days prior to the final comment deadline to ensure that any necessary accommodations can be provided. For a copy of the proposed regulation changes, contact Clare Pavia dec.cpr@alaska.gov, or go to <http://dec.alaska.gov/commish/regulations/index.htm>.

After the public comment period ends, the 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 received are public records and are subject to public inspection.

Statutory Authority: AS 46.03.020; AS 46.04.055; and AS 46.04.070,

Statutes Being Implemented, Interpreted, or Made Specific: AS 04.030, AS 46.04.035, AS 46.04.040; and AS 46.04.055;

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

DATE: January 23, 2014

/s/
Larry Hartig, Commissioner

Published: January 27, 2014