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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Gary Mendivil
Department of Environmental Conservation

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: September 27, 2018

RE: Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation update to regulations re: oil and other hazardous substance pollution control (18 AAC 75.025; 18 AAC 75.066; 18 AAC 75.080(m); 18 AAC 75.205(b)(3); 18 AAC 75.405 - 18 AAC 75.425; 18 AAC 75.438 - 18 AAC 75.460)

Attorney General File:	2017200848
Regulation Filed:	9/27/2018
Effective Date:	10/27/2018
Print:	228, January 2019

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached nine pages of regulations, updating oil spill prevention planning requirements, with minor housekeeping changes in 18 AAC 75 are 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 public comments, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. Public comments were received from three parties and responses were provided to those comments. In addition, 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 30 days after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

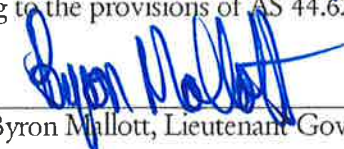
DATE: July 2, 2018



Larry Hartig, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on 9/27/18, 2018, at 1140 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: October 27, 2018.

Register: 228, January 2019.

18 AAC 75.025(a) is amended to read

(a) The owner or operator of an oil terminal facility, exploration facility, production facility, railroad, tank vessel, or oil barge shall take all appropriate measures to prevent spills or overfilling during a transfer of oil, including reduced loading rates at the beginning and end of a transfer.

18 AAC 75.025(j) is amended to read:

(j) In this section, "transfer" means any movement of oil [WITHIN AN OIL TERMINAL FACILITY OR BETWEEN AN OIL TERMINAL FACILITY AND A RAILROAD TANK CAR, TANK TRUCK TANK VESSEL, OR OIL BARGE] by means of pumping, gravity, or displacement

alone more

0.5" tab

(1) within an oil terminal facility; or

(2) between an oil terminal, exploration, or production facility and a railroad tank

car, tank truck, tank vessel, or oil barge. (Eff. 5/14/92, Register 122; am 10/28/2000, Register

if no bold or underline beneath previous

156; am 12/14/2002, Register 164; am 12/30/2006, Register 180; am 10/27/2018, Register 228)

Authority:

AS 46.03.020

AS 46.04.030

AS 46.04.070

AS 46.04.055

18 AAC 75.066(a) is amended by adding a new paragraph to read:

alone more

0.5" tab

(3) after {effective date of regulations} with a storage capacity greater than 50,000

gallons shall meet the requirements of 18 AAC 75.065.

18 AAC 75.066(d)(2) is amended to read:

one more 0.5" tab

(2) has, at each tank fill connection, a fixed [OVERFILL] spill containment system designed to prevent a discharge when a transfer hose or pipe is detached from the tank fill pipe or to divert that discharge into the secondary containment dike;

18 AAC 75.066(e)(2) is amended to read:

one more 0.5" tab

(2) at each tank fill connection with a fixed [OVERFILL] spill containment system designed to prevent a discharge when a transfer hose or pipe is detached from the tank fill pipe;

18 AAC 75.066(g)(2) is amended to read:

one more 0.5" tab

(2) [IF THE ^{TANK} ~~a tank~~ IS] placed in service after December 30, 2008[,] shall ^{equip} ~~be~~ [ENSURE THAT THE TANK IS] ^{EQUIPPED, AT} ~~equipped~~ [,] at each tank fill connection [,] with a fixed [OVERFILL] spill containment system designed to prevent a discharge when a transfer hose or pipe is detached from the tank fill pipe.

(Eff. 12/30/2006, Register 180; am 10/24/2018 Register 228)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.080(m) is amended to read:

Capitalize the "A"

(m) an [THE] owner or operator [OF ABOVEGROUND FACILITY OIL PIPING LOCATED OUTSIDE A SUFFICIENTLY IMPERMEABLE DECK ONBOARD A MARINE STRUCTURE OR AT A SOIL-TO-AIR INTERFACE] shall ensure that [THE] aboveground facility oil piping is protected against external corrosion through the application of a protective coating or by the use of corrosion-resistant materials for piping

(1) located outside a sufficiently impermeable deck onboard a marine

structure; or

(2) at a soil-to-air interface.

"Do not bold or underline the period"

(Eff. 5/14/92, Register 122; am 12/30/2006, Register 180; am 3/23/2017, Register 221; am 10/21/2018, Register 228)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

The introductory language of 18 AAC 75.205(b)(3) is amended to read:

(3) for a nontank vessel, the completed and signed application must be received by the department at least 15 days, **but no earlier than 90 days**, before operations are proposed to begin; the department will accept an application received less than 15 days before operations are proposed to begin and expedite the review of the application, if the

• • •
(Eff. 5/14/92, Register 122; am 10/28/2000, Register 156; am 11/27/2002, Register 164; am 3/23/2017, Register 221; am 10/21/2018, Register 228)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.040

18 AAC 75.405(b) is amended to read:

(b) [FOR AN APPLICATION SUBMITTED AFTER OCTOBER 16, 2016, THE] The
applicant must consult with the department not later than 30 days before submitting the application package to ensure that the application meets the requirements of 18 AAC 75.408 and the requirements of 18 AAC 75.410 or 18 AAC 75.420 to discuss the contents of the proposed plan, and to discuss the review process under 18 AAC 75.455.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 4/16/2016, Register 218; am

3/23/2017, Register 221; am 10/27/2018, Register 228)

Authority: AS 46.03.020 AS 46.04.050 AS 46.04.070
AS 46.04.030 AS 46.04.055

18 AAC 75.408(c)(1) is amended to read:

(1) [FOR SUBMITTALS AFTER OCTOBER 16, 2016,] the format must be electronic, paper, or both, as the department specifies;

18 AAC 75.408(c)(3) is amended to read:

(3) [FOR SUBMITTALS AFTER OCTOBER 16, 2016,] the department will specify the electronic format to be used; the submittal must be electronically searchable;

18 AAC 75.408(c)(7) is amended to read:

(7) [FOR SUBMITTALS AFTER OCTOBER 16, 2016,] all proposed additions, revisions, and deletions must be identified in the plan as applicable; the department may also request a summary of changes in a table format;

18 AAC 75.408(c)(8) is amended to read:

(8) [AFTER OCTOBER 16, 2016,] for new plans, plan renewals, and major amendments, the department will post a copy of the proposed and final version of the application package on the department's website; for minor amendments and routine updates, the department will post a copy of the final version of the application package on the department's website.

(Eff. 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/27/2018, Register 228)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.410(a) is amended to read:

(a) An application for approval of a new oil discharge prevention and contingency plan must be submitted in accordance with 18 AAC 75.408. ^y[FOR SUBMITTALS AFTER OCTOBER 16, 2016, AN] An application must be submitted at least 180 days before the proposed start of operation.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 4/8/2012, Register 202; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/21/2018, Register 228)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.415(c) is amended to read:

(c) An application for approval of a plan amendment to allow the addition of a vessel to operate under an approved oil barge or tank vessel oil discharge prevention and contingency plan must include the information required by 18 AAC 75.425(e)(1)(H) and (3)(A)(iii), (v), (vi), (viii) ^uand (x). A plan amendment for the addition of an oil barge or tank vessel must be submitted not later than five working days before the vessel operates in state waters. The department will review the amendment and issue a written decision not later than five working days after receiving a proposed plan amendment under this subsection unless the department determines that it is a major amendment under (a) of this section.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 12/14/2002, Register 164; am

4/8/2012, Register 202; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am
10/27/2018, Register 228)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
 AS 46.04.030

18 AAC 75.420(a) is amended to read:

(a) A plan holder must apply for renewal of the department's approval of an oil discharge prevention and contingency plan in accordance with 18 AAC 75.408. ^y [FOR SUBMITTALS AFTER OCTOBER 16, 2016, THE] The application must be submitted at least 180 days, or the number of days stated in the plan approval letter under 18 AAC 75.460(a), in advance of expiration of the plan to allow sufficient time for [PERMIT] department review before the plan approval expires.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/27/2018, Register 228)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
 AS 46.04.030

18 AAC 75.425(e)(4)(A)(ii) is amended to read:

18 AAC 75.065(i)(3)
or (j)(3) [18 AAC
75.065(h)(2),
(i)(3), OR (j)(3)];

(ii) for a terminal, a crude oil transmission pipeline, or an exploration and production contingency plan: [CATHODIC PROTECTION OR ANOTHER] an approved corrosion control system other than cathodic protection if required by ~~18 AAC 75.065 [(h)(2), (i)(3) or (j)(3)]~~; a leak detection system for each tank if required by 18 AAC 75.065(i)(4) or (j)(4); any other

*add the
lowercase "l")*

18 AAC 75.080(d), (l),
or (m)(1) or (2)
[18 AAC 75.080(d),
(k)(1), (l), or (m)];

prevention or control system approved by the department under

18 AAC 75.065(h)(1)(D); a means of immediately determining the liquid level of bulk storage tanks as specified in 18 AAC 75.065(k)(3) and (4) or in

18 AAC 75.066(g)(1)(C) and (D); **a corrosion control program**

[MAINTENANCE PRACTICES] for metallic piping containing oil as required

by 18 AAC 75.080(b); protective coating and cathodic protection if required by

~~18 AAC 75.080(d), [(k)(1),] (l), or (m)(1) or (m)(2);~~ and cathodic protection

surveys required by 18 AAC 75.080(k)(2);

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

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; am 3/23/2017, Register 221; am 10/27/2018, Register

228)

Authority: AS 46.03.020 AS 46.04.035 AS 46.04.070

AS 46.04.030 AS 46.04.055

18 AAC 75.438(c) is amended to read:

(c) In addition to the requirements of (a) of this section, for all crude oil tank vessels and barges, the plan holder shall plan to have deployed and operating within 72 hours, from within or outside its region of operation, sufficient oil discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to contain and control, and clean up at least 60 percent of the total cargo **volume** [CAPACITY] of the tank vessel or barge.

(Eff. 5/14/92, Register 122; am 10/27/2018, Register 228)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.440(b) is amended to read:

(b) The response planning standard volume for a noncrude oil tank vessel or barge is equal to 15 percent of the total cargo **volume** [CAPACITY] of the oil tank vessel or barge. (Eff. 5/14/92, Register 122; am 10/27/2018, Register 228)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.455(b)(5)(D) is amended to read:

(D) [AFTER OCTOBER 16, 2016,] a statement that the package is available on the department's Internet website.

18 AAC 75.455(c)(3) is amended to read:

(3) if the applicant has not provided the information requested or if the applicant's responses to requests for additional information cause the department to identify **the need for** additional information [NEEDED TO FIND THE APPLICATION PACKAGE IS COMPLETE], the department will send subsequent requests for additional information until the department determines that the **applicant has supplied the necessary information in response to the** requests [HAVE BEEN ANSWERED AND THE APPLICATION PACKAGE IS COMPLETE]; and

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 4/8/2012, Register 202; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/27/2018, Register 228)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.460(b)(3) is amended to read:

(3) a statement that the plan holder will provide copies of the approved plan in accordance with 18 AAC 75.408 not later than 30 days after approval; [FOR SUBMITTALS AFTER OCTOBER 16, 2016,] the department will send a notice by electronic mail to the parties specified in 18 AAC 75.408(c)(4) that the document is available on the department's Internet website.

(Eff. 5/14/92, Register 122; am 7/11/2002, Register 163; am 11/27/2002, Register 164; am 9/4/2014, Register 211; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/23/2018, Register 228)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

MEMORANDUM

State of Alaska Department of Law


To: The Honorable Byron Mallott
Lieutenant Governor

Date: September 25, 2018

File No.: 2017200848

Thru:

Tel. No.: 465-3600

From: Steven C. Weaver 
Senior Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Environmental
Conservation update to regulations
re: oil and other hazardous substance
pollution control (18 AAC 75.025;
18 AAC 75.066; 18 AAC 75.080(m);
18 AAC 75.205(b)(3); 18 AAC
75.405 - 18 AAC 75.425; 18 AAC
75.438 - 18 AAC 75.460)

The Department of Law has reviewed the attached regulations of the Department of Environmental Conservation against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. I have reviewed this project under a specific delegation dated September 25, 2018 from the Regulations Attorney. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Environmental Conservation after the close of the public comment period. The regulations update provisions relating to oil and other hazardous substance pollution control.

The February 27, 2018 public notice, the April 3, 2018 supplemental public notice, and the July 2, 2018 adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We note that new 18 AAC 75.066(a)(3) contains a placeholder tied to the effective date of the regulations. When the regulations are filed, and the effective date thus known, please replace the placeholder with the actual effective date, e.g., if the regulations were filed October 1, 2018, the placeholder would be replaced with "October 31, 2018". *See* AS 44.62.180.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc: Honorable Larry Hartig, Commissioner
Department of Environmental Conservation

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

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

Clara Crosby
Division of Spill Prevention and Response
Department of Environmental Conservation

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

April Simpson, Notary Administrator
Office of the Lieutenant Governor

Jennifer L. Schorr, Assistant Attorney General
Environmental Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: September 25, 2018

FILE NO.: 2017200848

TELEPHONE NO.: (907) 465-3600

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

SUBJECT: Specific delegation of authority
regarding regulations review on
update to Department of
Environmental Conservation
regulations re: oil and other
hazardous substance pollution
control (18 AAC 75.025; 18 AAC
75.066; 18 AAC 75.080(m);
18 AAC 75.205(b)(3); 18 AAC
75.405 - 18 AAC 75.425;
18 AAC 75.438 - 18 AAC
75.460)

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.

SCW

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

April Simpson, Notary Administrator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

OIL SPILL PREVENTION AND RESPONSE: NOTICE OF PROPOSED UPDATES TO
THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION (ADEC)

BRIEF DESCRIPTION

ADEC proposes changes to selected sections of the regulations within Title 18 Chapter 75 to clarify the oil spill prevention and contingency planning and financial responsibility requirements.

ADEC proposes to adopt regulation changes in Title 75 of the Alaska Administrative Code, dealing with Oil and Other Hazardous Substances Pollution Control. The updates provide editorial update, correction, and specificity to existing regulations, including the following:

- (1) Amend 18 AAC 75.025 to clarify regulatory applicability to exploration and production facilities.
- (2) Amend 18 AAC 75.066 to clarify the spill containment system requirement for fill connections on shop-fabricated tanks and clarify prevention measure required for certain shop fabricated tanks.
- (3) Amend 18 AAC 75.080 to clarify corrosion protection requirements for piping.
- (4) Amend 18 AAC 75.205 to limit when a nontank vessel application can be submitted.
- (5) Amend 18 AAC 75 Article 4 throughout to remove the implementation deadline of October 16, 2016.
- (6) Amend 18 AAC 75.415 to insert a reference that had been inadvertently removed.
- (7) Amend 18 AAC 75.425 to clarify information required for oil storage tank plans, specify the loading or transfer information required to be included in the aboveground oil storage tank, correct a citation for the corrosion control system requirements of field-constructed aboveground oil storage tanks, and correct the term used for the buried metallic piping requirement.
- (8) Amend 18 AAC 75.438(c) and 75.440(b) to clarify information required on the volume of the cargo.
- (9) Amend 18 AAC 75.455(c)(3) to clarify the plan review process.

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 Clara Crosby, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage AK 99503, 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 March 30, 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 Clara Crosby, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage AK 99503. The written questions must be received by March 20, 2018 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 <http://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 Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than March 23, 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 Clara Crosby at the address or email above or by calling 907-269-5007.

After the public comment period ends, ADEC 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 46.04.070

Statutes being implemented, interpreted, or made specific: AS 46.04.030; AS 46.04.055

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

Date: February 23, 2018



Larry Hartig, Commissioner

ADDITIONAL REGULATION 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: Regulatory Housekeeping Updates
3. Citation of regulation (may be grouped): 18 AAC 75 Art. 1, 2, and 4
4. Department of Law file number, if any: JU2017200848
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): _____
☐ Development of program standards
☒ Other (identify): General housekeeping edits and clarifications
6. Appropriation/Allocation: Spill Prevention and Response Division/Prevention, Preparedness and Response Program
7. Estimated annual cost to comply with the proposed action to: Revision to 18 AAC 205 (b) (3) limits the time period when Non Tank Vessels (NTV) Financial Responsibility applications can be submitted. This proposed revision is estimated to save the Division of Spill Prevention and Response approximately 171 hours annually on application review for NTVs that do not traverse Alaskan waters. This workload reduction increases program efficiency.

A private person: No identifiable costs to comply.

Another state agency: No identifiable costs to comply.

A municipality: No identifiable costs to comply.

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

	Initial Year FY 18	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	\$ 0	\$ 0
1005 General fund/ program	\$ 0	\$ 0
Other (identify)	\$ 0	\$ 0

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

Name: Clara Crosby
Title: Environmental Program Specialist
Address: 555 Cordova St, Anchorage Alaska 99501
Telephone: (907) 269-5007
E-mail address: clara.crosby@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: February 23, 2018 Prepared by: 
Name (printed): Clara Crosby
Title (printed): Env. Program Specialist III
Telephone: (907) 269-5007

270239
0001417309
\$403.40

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath deposes and
says that he/she 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

February 27, 2018

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 27th day of February, 2018



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

2/23/2019
Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

OIL SPILL PREVENTION AND RESPONSE: NOTICE OF PROPOSED UPDATES TO THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (ADEC)

ADEC proposes to adopt regulation changes in Title 75 of the Alaska Administrative Code, dealing with Oil and Other Hazardous Substances Pollution Control. The updates provide editorial update, correction, and specificity to existing regulations, including the following:

- (1) Amend 18 AAC 75.025 to clarify regulatory applicability to exploration and production facilities.
- (2) Amend 18 AAC 75.066 to clarify the spill containment system requirement for fill connections on shop-fabricated tanks and clarify prevention measure required for certain shop fabricated tanks.
- (3) Amend 18 AAC 75.080 to clarify corrosion protection requirements for piping.
- (4) Amend 18 AAC 75.205 to limit when a nontank vessel application can be submitted.
- (5) Amend 18 AAC 75 Article 4 throughout to remove the implementation deadline of October 16, 2016.
- (6) Amend 18 AAC 75.415 to insert a reference that had been inadvertently removed.
- (7) Amend 18 AAC 75.425 to clarify information required for oil storage tank plans, specify the loading or transfer information required to be included in the aboveground oil storage tank, correct a citation for the corrosion control system requirements of field-constructed aboveground oil storage tanks, and correct the term used for the buried metallic piping requirement.
- (8) Amend 18 AAC 75.438(c) and 75.440(b) to clarify information required on the volume of the cargo.
- (9) Amend 18 AAC 75.455(c)(3) to clarify the plan review process. 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 Clara Crosby, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage AK 99501, 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 March 30, 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 Clara Crosby, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage AK 99501. The written questions must be received by March 20, 2018 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 <http://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 Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than March 23, 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 Clara Crosby at the address or email above or by calling 907-269-5007.

After the public comment period ends, ADEC 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 46.04.070

Statutes being implemented, interpreted, or made specific: AS 46.04.030; AS 46.04.055

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

Date: February 23, 2018

/s/
Larry Hartig, Commissioner

Published: February 27, 2018

**SUPPLEMENTAL NOTICE OF PROPOSED UPDATES TO
THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION (ADEC)**

BRIEF DESCRIPTION

ADEC proposes changes to selected sections of the regulations within Title 18 Chapter 75 to clarify the oil spill prevention and contingency planning and financial responsibility requirements.

ADEC proposes to adopt regulation changes in Title 18 Chapter 75 of the Alaska Administrative Code, dealing with Oil and Other Hazardous Substances Pollution Control. The updates provide editorial update, correction, and specificity to existing regulations, including the following:

- (1) Amend 18 AAC 75.025 to clarify regulatory applicability to exploration and production facilities.
- (2) Amend 18 AAC 75.066 to clarify the spill containment system requirement for fill connections on shop-fabricated tanks and clarify prevention measure required for certain shop fabricated tanks.
- (3) Amend 18 AAC 75.080 to clarify corrosion protection requirements for piping.
- (4) Amend 18 AAC 75.205 to limit when a nontank vessel application can be submitted.
- (5) Amend 18 AAC 75 Article 4 throughout to remove the implementation deadline of October 16, 2016.
- (6) Amend 18 AAC 75.415 to insert a reference that had been inadvertently removed.
- (7) Amend 18 AAC 75.425 to clarify information required for oil storage tank plans, specify the loading or transfer information required to be included in the aboveground oil storage tank, correct a citation for the corrosion control system requirements of field-constructed aboveground oil storage tanks, and correct the term used for the buried metallic piping requirement.
- (8) Amend 18 AAC 75.438(c) and 75.440(b) to clarify information required on the volume of the cargo.
- (9) Amend 18 AAC 75.455(c)(3) to clarify the plan review process.

This is a SUPPLEMENTAL NOTICE to the notice of proposed changes issued February 23, 2018 concerning the proposed regulation revision contained in the Department of Law file number JU2017200848. This SUPPLEMENTAL NOTICE is being issued to extend the public comment period to provide additional time for comments.

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 Clara Crosby, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage AK 99503, 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 April 20, 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 Clara Crosby, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage AK 99503. The written questions must be received 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 <http://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 Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than April 10, 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 Clara Crosby at the address or email above or by calling 907-269-5007.

After the public comment period ends, ADEC 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 46.04.070

Statutes being implemented, interpreted, or made specific: AS 46.04.030; AS 46.04.055

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

Date: March 30, 2018



Larry Hartig, Commissioner

AFFIDAVIT OF PUBLICATION

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STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she 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

April 03, 2018

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

Joleesa Stepetin

Subscribed and sworn to before me
this 3rd day of April, 2018

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

SUPPLEMENTAL NOTICE OF PROPOSED UPDATES TO THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (ADEC)

ADEC proposes to adopt regulation changes in Title 18 Chapter 75 of the Alaska Administrative Code, dealing with Oil and Other Hazardous Substances Pollution Control. The updates provide editorial update, correction, and specificity to existing regulations, including the following:

- (1) Amend 18 AAC 75.025 to clarify regulatory applicability to exploration and production facilities.
- (2) Amend 18 AAC 75.066 to clarify the spill containment system requirement for fill connections on shop-fabricated tanks and clarify prevention measure required for certain shop fabricated tanks.
- (3) Amend 18 AAC 75.080 to clarify corrosion protection requirements for piping.
- (4) Amend 18 AAC 75.205 to limit when a nontank vessel application can be submitted.
- (5) Amend 18 AAC 75 Article 4 throughout to remove the implementation deadline of October 16, 2016.
- (6) Amend 18 AAC 75.415 to insert a reference that had been inadvertently removed.
- (7) Amend 18 AAC 75.425 to clarify information required for oil storage tank plans, specify the loading or transfer information required to be included in the aboveground oil storage tank, correct a citation for the corrosion control system requirements of field-constructed aboveground oil storage tanks, and correct the term used for the buried metallic piping requirement.
- (8) Amend 18 AAC 75.438(c) and 75.440(b) to clarify information required on the volume of the cargo.
- (9) Amend 18 AAC 75.455(c)(3) to clarify the plan review process.

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A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Clara Crosby at the address or email above or by calling 907-269-5007.

After the public comment period ends, ADEC will either adopt the

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AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION


I, Clara S. Crosby, Environmental Program Specialist III, 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 18 AAC 75 providing editorial updates, corrections, and specificity to oil spill prevention and contingency planning and financial responsibility regulations, has been given by being

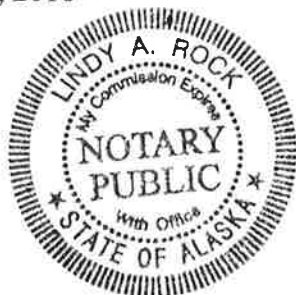
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of 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 regulation, 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.

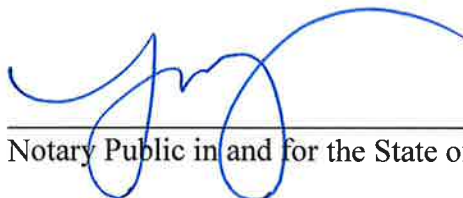
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the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

Date: 5.14.2018
May 14, 2018


Clara Spring Crosby, EPS III

Subscribed and sworn to before me at Anchorage, AK on
May 14, 2018
May 14, 2018



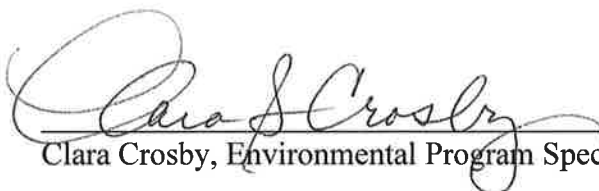

Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT


I, Clara Spring Crosby, Environmental Program Specialist III 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's regulation at 18 AAC 75.

Date: 5.14.2018


Clara Crosby, Environmental Program Specialist

Subscribed and sworn to before me at Anchorage, AK on
May 14, 2018
May 14, 2018


Notary Public in and for the State of Alaska

