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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: October 8, 2020

RE: Filed Permanent Regulations: Department of Environmental Conservation
Department of Environmental Conservation Regulation re: Oil and Other Hazardous
Substances Pollution Control: Noncrude Vessels (18 AAC 75)

Attorney General File:	2018200612
Regulation Filed:	10/8/2020
Effective Date:	11/7/2020
Print:	236, January 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached 44 pages of regulations, dealing with noncrude vessel streamlined plans under 18 AAC 75 (Oil and Other Hazardous Substances Pollution Control), 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. 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 the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: June 29, 2020



Jason W. Brune, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on October 8, 2020, at 3:12 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

April Simpson
for

Kevin Meyer, Lieutenant Governor

Effective: November 7, 2020.

Register: 236, January 2021.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



Kevin Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

18 AAC 75.005 is amended to read:

18 AAC 75.005. Responsibility. The owner or operator of a tank vessel, oil barge, pipeline, oil terminal, railroad tank car, exploration facility, or production facility subject to the requirements of AS 46.04.030 or AS 46.04.055(j) is responsible for meeting the applicable requirements of this chapter and for preventing the discharge of oil into waters or onto land of the state except as otherwise provided in (b) of this section.

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18 AAC 75.005 is amended by adding a new subsection to read:

(b) A noncrude oil tank vessel or barge that has a storage capacity of less than 500 barrels and an approved streamlined plan ^{under 18 AAC 75.456} is exempt from the requirements of ~~(a) of this section~~ and 18 AAC 75.007 – 18 AAC 75.085. (Eff. 5/14/92, Register 122; am 12/14/2002, Register 164; am 12/30/2006, Register 180; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.055
AS 46.03.740 AS 46.04.050 AS 46.04.070

18 AAC 75.320(a)(5) is amended to read:

(5) containment, exclusion, and lightering equipment is not deployed and operational as specified in an applicable oil discharge prevention and contingency plan ^{u.c.} approved under AS 46.04.030 ^{u.c.} ~~a railroad tank car plan approved under 46.04.055~~, or a streamlined [NONTANK VESSEL] plan ^{u.c.} approved under ~~18 AAC 75.456~~ [AS 46.04.055]; (Eff. 1/22/99, Register 149; am 11/27/2002, Register 164; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.03.745 AS 46.04.070
AS 46.03.050 AS 46.03.822 AS 46.08.140

AS 46.03.710 AS 46.04.020 AS 46.09.020

AS 46.03.740 AS 46.04.030
AS 46.04.055

((Publishers move AS 46.04.055 to top of column before AS 46.04.070))

The introductory language of

^ 18 AAC 75.400(a) is amended to read:

(a) A person who is subject to AS 46.04.030 or AS 46.04.055(j) must file an application for approval of an oil discharge prevention and contingency plan as required under 18 AAC 75.400 - 18 AAC 75.420 and meet the applicable requirements of 18 AAC 75.425 - 18 AAC

75.495. Notwithstanding this requirement, a person who is subject to AS 46.04.030 and operates a noncrude oil tank vessel or

barge that has a storage capacity of less than 500 barrels may file an application for

approval of a streamlined plan under 18 AAC 75.400 - 18 AAC 75.421 ^{on or after January} ~~60 days after~~

6, 2021 ^{the applicant} ~~effective date of regulation~~ and must meet the applicable requirements of 18 AAC 75.426 -

18 AAC 75.496. A person who is subject to AS 46.04.055(f) must file an application for

approval of a streamlined [NONTANK VESSEL] plan as required under 18 AAC 75.400 -

18 AAC 75.421 and meet the applicable requirements of 18 AAC 75.426 - 18 AAC 75.496. The

application must be made

...

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

5/26/2004, Register 170; am 4/16/2016, Register 218; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.04.050 AS 46.04.070

AS 46.04.030 AS 46.04.055

18 AAC 75.405(c) is amended to read:

(c) Pre-application notification and consultation is not required for a [NONTANK VESSEL] streamlined **plan** application submitted under 18 AAC 75.421. (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; am 11/7/2020, Register 236)

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

The heading of 18 AAC 75.421 is ^{changed} ~~amended~~ to read:

18 AAC 75.421. Procedures to apply for [NONTANK VESSEL] streamlined oil discharge prevention and contingency plans.

18 AAC 75.421(a) is amended to read:

(a) An application for approval of a new [NONTANK VESSEL] streamlined oil discharge prevention and contingency plan must be made on an application form supplied by the department.

18 AAC 75.421(b) is amended to read:

(b) An application for approval of an amendment to a [NONTANK VESSEL] streamlined [OIL DISCHARGE PREVENTION AND CONTINGENCY] plan must be submitted using an application form supplied by the department and approved by the department before a change to the plan may take effect.

18 AAC 75.421(c) is amended to read:

(c) An application for approval of a new [NONTANK VESSEL] streamlined plan, an amendment to a previously approved streamlined plan, or a reinstatement of a suspended **nontank vessel** streamlined plan must be submitted to the department for review and approval not later than five working days before a vessel covered in the plan enters waters of the state.

18 AAC 75.421(e) is amended to read:

(e) A plan holder may voluntarily [SUSPEND OR] terminate an approved streamlined plan **or suspend a nontank vessel streamlined plan** by submitting a [NONTANK VESSEL] streamlined plan notification form supplied by the department. The department will provide acknowledgement of the plan holder's suspension or termination not later than five working days after receiving the notification.

18 AAC 75.421(f) is amended to read:

(f) A terminated or expired streamlined plan cannot be reinstated. Before a vessel can enter state waters after a streamlined plan has been terminated or expired, an application for a **new** [NONTANK VESSEL] streamlined plan must be submitted under (a) of this section. (Eff.

4/16/2016, Register 218; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

The heading of 18 AAC 75.426 is ~~amended~~ ^{changed} to read:

18 AAC 75.426. Streamlined [NONTANK VESSEL STREAMLINED] plan contents.

The introductory language of 18 AAC 75.426 is amended to read:

A [NONTANK VESSEL] streamlined plan application must contain the following information:

~~#~~
...

18 AAC 75.426(9) is repealed and readopted to read:

(9) for each covered

(A) nontank vessel, the maximum fuel capacity, in barrels, and the volume used to calculate the response planning standard under 18 AAC 75.441 for each vessel; if the volume used to calculate the vessel's response planning standard is less than the maximum fuel capacity of the vessel, the vessel operator must certify that the volume used to calculate the vessel's response planning standard under 18 AAC 75.441 is the maximum volume of fuel carried by the vessel in state waters;

(B) noncrude oil tank vessel or barge that has a storage capacity of less than 500 barrels, the storage capacity, in barrels, and the volume used to calculate the response planning standard under 18 AAC 75.440 for each vessel;

18 AAC 75.426(11) is amended to read:

(11) except for a plan using a response planning facilitator who is providing the response services described in 18 AAC 75.428(a)(2), the name and telephone number, any electronic mail address, and any facsimile number of each contracted **streamlined plan** [NONTANK VESSEL] cleanup contractor and [NONTANK VESSEL] incident management

team;

18 AAC 75.426(12)(A) is amended to read:

(A) for each region of operation identified in the plan, the applicant has a contract with, or is a member of, at least one **streamlined plan** [NONTANK VESSEL] cleanup contractor for that region of operation;

18 AAC 75.426(12)(B) is amended to read:

(B) each **streamlined plan** [NONTANK VESSEL] cleanup contractor identified in the statement is registered under 18 AAC 75.500 - 18 AAC 75.580 for the appropriate [VESSEL FUEL] classification under 18 AAC 75.561(b)(1), Table F, and region of operation identified in the plan; and

18 AAC 75.426(12)(C) is amended to read:

(C) each contract or membership agreement with the **streamlined plan** [NONTANK VESSEL] cleanup contractor demonstrates that the [NONTANK VESSEL] cleanup contractor will respond on behalf of the applicant;

18 AAC 75.426(13)(A) is amended to read:

(A) for each region of operation identified in the plan, the applicant has a contract with at least one **streamlined plan** [NONTANK VESSEL] incident management team for that region of operation;

18 AAC 75.426(13)(B) is amended to read:

(B) each streamlined plan [NONTANK VESSEL] incident management team identified in the statement is registered under 18 AAC 75.500 - 18 AAC 75.580 for the appropriate [VESSEL FUEL] classification under 18 AAC 75.562(b), Table G, and region of operation identified in the plan; and

18 AAC 75.426(13)(C) is amended to read:

(C) each contract with the streamlined plan [NONTANK VESSEL] incident management team demonstrates that the [NONTANK VESSEL] incident management team will respond on behalf of the applicant;

(Eff. 11/27/2002, Register 164; am 12/13/2002, Register 164; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

The introductory language of

^ 18 AAC 75.428(a) is amended to read:

(a) A response planning facilitator registered under 18 AAC 75.500 - 18 AAC 75.580 may submit a [NONTANK VESSEL] streamlined plan under 18 AAC 75.421 on behalf of a plan holder. A response planning facilitator may

• • •
^

18 AAC 75.428(a)(1) is amended to read:

(1) act as an intermediary between the plan holder and one or more streamlined plan [NONTANK VESSEL] cleanup contractors and one or more streamlined plan [NONTANK VESSEL] incident management teams in order to facilitate the submission of a

[NONTANK VESSEL] streamlined plan under 18 AAC 75.421, including facilitation of the execution of a contract or membership agreement between the plan holder and each **streamlined plan** [NONTANK VESSEL] cleanup contractor and [NONTANK VESSEL] incident management team as described in 18 AAC 75.426(12) and (13); or

18 AAC 75.428(a)(2)(A) is amended to read:

(A) certify that the response planning facilitator has a contract with, or is a member of, one or more **streamlined plan** [NONTANK VESSEL] cleanup contractors and has a contract with one or more **streamlined plan** [NONTANK VESSEL] incident management teams registered under 18 AAC 75.500 - 18 AAC 75.580 in each region of operation and for the response planning standard appropriate to each vessel covered under the [NONTANK VESSEL] streamlined plan; and

18 AAC 75.428(a)(2)(B) is amended to read:

(B) contain a statement, signed by the response planning facilitator and each **streamlined plan** [NONTANK VESSEL] cleanup contractor and [NONTANK VESSEL] incident management team, that the **streamlined plan** [NONTANK VESSEL] cleanup contractor and [NONTANK VESSEL] incident management team will respond on behalf of a plan holder who enters into a contract with the response planning facilitator to meet the requirements of 18 AAC 75.400 - 18 AAC 75.496.

(Eff. 11/27/2002, Register 164; am 4/16/2016, Register 218; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75 is amended by adding a new section to read:

18 AAC 75.429. Equipment, training, personnel, and fuel transfer requirements for noncrude oil tank vessel or barge streamlined plans. (a) A noncrude oil tank vessel or barge that has an approved streamlined plan must maintain the following equipment on board:

(1) sorbent boom not less than six times the length of the vessel at least five inches in height, and equipment necessary to secure it;

(2) a vessel capable of deploying the sorbent boom required under (1) of this subsection;

(3) sorbent sweep not less than the length of the vessel; and

(4) 200 sorbent pads.

(b) At least two personnel trained in the deployment of the equipment listed in (a) of this section must be on board the vessel or an accompanying tug during transit or a transfer of oil.

(c) Trained personnel shall use the equipment listed in (a) of this section to immediately mitigate and minimize a discharge until the streamlined plan cleanup contractor identified in the plan arrives.

(d) Trained personnel shall be familiar with the vessel's fuel transfer procedures and take all appropriate measures to prevent spills or overfilling during a transfer of oil including the following fuel transfer procedures:

(1) ensure that each person involved in a transfer is capable of clearly communicating orders to stop a transfer at any time during the transfer;

(2) provide a positive means to stop a fuel transfer in the shortest possible time;

(3) provide containment, such as drip pans, under all connections along the transfer hose and systems;

(4) ensure that all valves in the transfer system have been checked, and that all manifolds not in use are blank flanged or capped before each transfer;

(5) inspect for damage or defects all piping and hoses used in the transfer before each transfer; and

(6) reduce loading rates at the beginning and end of a transfer. ←

(Eff. 11/7/2020, Register 234)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

The heading of 18 AAC 75.456 is ~~amended~~ ^{changed} to read:

18 AAC 75.456. Department decision on [NONTANK VESSEL] streamlined oil discharge prevention and contingency plans.

The introductory language of 18 AAC ^{75.456} ~~75.45~~(a) is amended to read:

(a) The department will make a decision on a [NONTANK VESSEL] streamlined oil discharge prevention and contingency plan or plan amendment not later than five working days after receipt of a complete application. The department will approve a [NONTANK VESSEL] streamlined plan application submitted under 18 AAC 75.421 if the plan meets the following requirements:

...

18 AAC 75.456(a)(2) is amended to read:

(2) any **streamlined plan** [NONTANK VESSEL] cleanup contractor identified under 18 AAC 75.426(11) is registered under 18 AAC 75.500 - 18 AAC 75.580 for the appropriate [VESSEL FUEL] classification and region of operation identified in the application;

18 AAC 75.456(a)(3) is amended to read:

(3) any streamlined plan [NONTANK VESSEL] incident management team identified under 18 AAC 75.426(11) is registered under 18 AAC 75.500 - 18 AAC 75.580 for the appropriate [VESSEL FUEL] classification and region of operation identified in the application;

18 AAC 75.456(a) is amended by adding a new paragraph to read:

(5) any noncrude oil tank vessel or barge meets the onboard equipment, training, and personnel requirements of 18 AAC 75.429.

((Publisher: replace period at end of 18 AAC 75.456(a)(4) with a semicolon))

The introductory language of 18 AAC 75.456(b) is amended to read:

(b) A streamlined [NONTANK VESSEL] plan is effective for

...

18 AAC 75.456(c) is amended to read:

(c) Streamlined [NONTANK VESSEL] plans are available for review as public records upon request to the department. (Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211; am 4/16/2016, Register 218; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.465(a)(1) is amended to read:

(1) the operator of the vessel, barge, or railroad tank car has produced for inspection by the facility owner or operator the original certificate or a true photocopy of the

original, approving the oil discharge prevention and contingency plan or streamlined [NONTANK VESSEL] plan for that operation; and

18 AAC 75.465(a)(2) is amended to read:

(2) the operator of the vessel, barge, or railroad tank car has certified, on a contingency plan verification log supplied by the department and maintained by the owner or operator of the oil terminal facility, that copies of the response action and prevention plan sections of the current approved oil discharge prevention and contingency plan, or the original certificate or a true photocopy of the original streamlined [NONTANK VESSEL] plan approval certificate, for that vessel or barge is on board the vessel or barge, or for a railroad tank car is available from the operator of the railroad tank car.

The introductory language of

^ 18 AAC 75.465(f) is amended to read:

(f) A [NONTANK] vessel that has [REQUIRED TO HAVE] a streamlined plan ^{u.c.} [under AS 46.04.030 or ^{u.c.} [AND] 46.04.055 and] approved under 18 AAC 75.456(a) must have the original or true photocopy of the following on board the vessel and available for inspection when operating in state waters:

...
^

18 AAC 75.465(f)(1) is amended to read:

(1) the approved [NONTANK VESSEL] streamlined plan;
(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 12/14/2002, Register 164; am 4/16/2016, Register 218; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.04.050 AS 46.04.070
AS 46.04.030 AS 46.04.055 AS 46.04.900

18 AAC 75.475(a) is amended to read:

(a) All spill response and other equipment identified in the approved oil discharge prevention and contingency plan or streamlined [NONTANK VESSEL] plan to meet the response planning standards set out at 18 AAC 75.430 - 18 AAC 75.442 must be maintained in operational condition. Any equipment found not to be operating properly must be repaired or replaced immediately.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 12/30/2006, Register 180; am 9/4/2014, Register 211; am 11/1/2020, Register 236)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.485(a) is amended to read:

(a) The department may conduct announced and unannounced discharge exercises to ensure [ASSURE] that an oil discharge prevention and contingency plan or a streamlined plan for a noncrude oil tank vessel or barge [NONTANK VESSEL PLAN] is adequate in content and execution. Unless an exercise demonstrates, in the department's judgment, a plan holder's failure to implement the plan effectively in each 12-month period, the department will conduct

(1) not [NO] more than two exercises ^{u.c.} [will be required] ^{u.c.} for an oil discharge prevention and contingency plan ^{u.c.} [in each 12-month period], UNLESS AN EXERCISE DEMONSTRATES, IN THE DEPARTMENT'S JUDGMENT, A PLAN HOLDER'S FAILURE

TO IMPLEMENT THE PLAN EFFECTIVELY]

(2) not more than one exercise will be required for a noncrude oil tank vessel or barge with a streamlined plan in each ^{order} 12-month period to demonstrate the plan holder's ability to deploy the onboard spill response equipment.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 3/23/2017, Register 221; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

The introductory language of

^ 18 AAC 75.490(a) is amended to read:

(a) If a plan holder fails to comply with an approved oil discharge prevention and contingency plan or **streamlined** [NONTANK VESSEL] plan, demonstrates an inability to maintain continuous access to the quality or quantity of resources identified in the plan, fails to respond with those resources in the shortest possible time if a discharge occurs, or is in any other way subject to the terms of AS 46.04.030(f)(1) - (4) or AS 46.04.055, the department may

...

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

11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.03.750 AS 46.04.070
AS 46.03.740 AS 46.04.030 AS 46.04.890
AS 46.03.745 AS 46.04.055

The heading of 18 AAC 75.501 is ^{changed} amended to read:

18 AAC 75.501. Applicability with respect to streamlined plan [NONTANK VESSEL] cleanup contractors, [NONTANK VESSEL] incident management teams, and response planning facilitators.

The introductory language of 18 AAC 75.501(a) is amended to read:

(a) The department will not consider a person to be a streamlined plan [NONTANK VESSEL] cleanup contractor, [NONTANK VESSEL] incident management team, or response planning facilitator, or to be otherwise subject to the registration requirements of ~~AS 46.04.055~~, as applicable, ^{l.c.} AND ~~18 AAC 75.500 - 18 AAC 75.580~~, if the person

...

18 AAC 75.501(a)(1)(A) is amended to read:

(A) containing, controlling, or cleaning up an oil discharge under a contract or membership agreement to meet all or part of the requirements of ~~AS 46.04.055~~ ^{l.c.} AND ~~18 AAC 75.400 - 18 AAC 75.496~~; as applicable

18 AAC 75.501(a)(1)(B) is amended to read:

(B) providing incident management services for a spill under a contract to meet all or part of the requirements of ~~AS 46.04.055~~ ^{l.c.} AND ~~18 AAC 75.400 - 18 AAC 75.496~~; or as applicable

18 AAC 75.501(a)(1)(C) is amended to read:

(C) response plan facilitation to develop the response operations plan under 18 AAC 75.428 to meet all or part of the requirements of ~~[AS 46.04.055 AND]~~ ^{l.c.} as applicable 18 AAC 75.400 - 18 AAC 75.496; or

The introductory language of

^ 18 AAC 75.501(a)(2) is amended to read:

(2) is an approved oil discharge prevention and contingency plan holder or **streamlined** [NONTANK VESSEL] plan holder who provides to another plan holder resources or equipment to

...

18 AAC 75.501(b) is amended to read:

(b) A **streamlined plan** [NONTANK VESSEL] cleanup contractor **must be registered** [IS NOT REQUIRED TO REGISTER] under this chapter **if the** [UNLESS THAT] contractor is listed in a **streamlined** [NONTANK VESSEL] plan as providing containment, control, or cleanup actions under a contract or membership agreement to meet all or part of the requirements of [AS 46.04.055 AND] 18 AAC 75.400 - 18 AAC 75.496.

18 AAC 75.501(c) is amended to read:

(c) A **streamlined plan** [NONTANK VESSEL] incident management team **must be registered** [IS NOT REQUIRED TO REGISTER] under this chapter **if the** [UNLESS THAT] team is listed in a **streamlined** [NONTANK VESSEL] plan as providing incident management team services under a contract to meet all or part of the requirements of

[AS 46.04.055 AND] 18 AAC 75.400 - 18 AAC 75.496.

18 AAC 75.501(d) is amended to read:

(d) A response planning facilitator must be registered [IS NOT REQUIRED TO REGISTER] under this chapter if the [UNLESS THAT] facilitator is listed in a streamlined [NONTANK VESSEL] plan as providing response planning facilitation services under 18 AAC 75.428 to meet all or part of the requirements of [AS 46.04.055 AND] 18 AAC 75.400 - 18 AAC 75.496.

The introductory language of

^ 18 AAC 75.501(e) is amended to read:

(e) Nothing in this chapter prohibits a person from registering as more than one of the following, in order to provide more than one type of response action for streamlined plans [NONTANK VESSELS]:

...

18 AAC 75.501(e)(1) is amended to read:

(1) a streamlined plan [NONTANK VESSEL] cleanup contractor;

18 AAC 75.501(e)(2) is amended to read:

(2) a streamlined plan [NONTANK VESSEL] incident management team;

(Eff. 11/27/2002, Register 164; am 11/7/2020, Register 236)

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

18 AAC 75.521 is amended to read:

18 AAC 75.521. Application for streamlined plan [NONTANK VESSEL] cleanup contractor registration. (a) Streamlined plan [NONTANK VESSEL] cleanup contractor registration is effective for as long as the contractor is in compliance with the applicable requirements of this chapter.

(b) A person seeking registration as a streamlined plan [NONTANK VESSEL] cleanup contractor must submit an application to the department, on a form provided by the department[, TO THE NONTANK VESSEL CLEANUP CONTRACTOR REGISTRATION PROGRAM, DIVISION OF SPILL PREVENTION AND RESPONSE WITHIN THE DEPARTMENT]. ^{Am} ~~The~~ initial or amendment _{u.c.} application must be submitted at least 60 days before the start of operations. or change in or an amendment to an existing registration

(c) Repealed 9/4/2014. (Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211; am 11/7/2020, Register 236)

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

The editor's note for 18 AAC 75.521 is changed to read:

Editor's note: An application for registration as a streamlined plan [NONTANK VESSEL] cleanup contractor should be sent to the department by e-mail: dec.streamlinedcontractor@alaska.gov [NONTANK VESSEL CLEANUP CONTRACTOR REGISTRATION PROGRAM, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF SPILL PREVENTION AND RESPONSE, 555 CORDOVA STREET, ANCHORAGE, ALASKA 99501-2617].

The heading of 18 AAC 75.522 is ^{changed} ~~amended~~ to read:

18 AAC 75.522. Application for streamlined plan [NONTANK VESSEL] incident management team registration.

18 AAC 75.522(a) is amended to read:

(a) Streamlined plan [NONTANK VESSEL] ~~vessel~~ ^g incident management team registration is effective for as long as the contractor is in compliance with the applicable requirements of this chapter.

18 AAC 75.522(b) is amended to read:

(b) A person seeking registration as a streamlined plan [NONTANK VESSEL] incident management team must submit an application to the department, on a form provided by the department[, TO THE NONTANK VESSEL CLEANUP CONTRACTOR REGISTRATION PROGRAM, DIVISION OF SPILL PREVENTION AND RESPONSE WITHIN THE DEPARTMENT]. ^{AD} ~~The~~ initial or amendment ^{u.c.} application must be submitted at least 60 days before the start of operations. ^{or an amendment to an existing registration}

^{or change in}
(Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211; am 11/7/2020, Register 236)

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

The editor's note for 18 AAC 75.522 is changed to read:

Editor's note: An application for registration as a streamlined plan [NONTANK VESSEL] incident management team should be sent to the department by e-mail:

dec.streamlinedcontractor@alaska.gov [NONTANK VESSEL CLEANUP CONTRACTOR REGISTRATION PROGRAM, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF SPILL PREVENTION AND RESPONSE, 555 CORDOVA STREET, ANCHORAGE, ALASKA 99501-2617].

18 AAC 75.523(b) is amended to read:

(b) A person seeking registration as a response planning facilitator must submit an application to the department, on a form provided by the department[, TO THE NONTANK VESSEL CLEANUP CONTRACTOR REGISTRATION PROGRAM, DIVISION OF SPILL PREVENTION AND RESPONSE WITHIN THE DEPARTMENT]. ^{An} ~~[The]~~ initial or amendment ^{u.c.} application ^{or an amendment to an existing registration} must be submitted at least 60 days before the start of operations.

(Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211; am ^{or change in} 11/7/2020, Register 236)

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

The editor's note for 18 AAC 75.523 is changed to read:

Editor's note: An application for registration as a response planning facilitator should be sent to the department by e-mail: dec.streamlinedcontractor.cplan@alaska.gov [NONTANK VESSEL CLEANUP CONTRACTOR REGISTRATION PROGRAM, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF SPILL PREVENTION AND RESPONSE, 555 CORDOVA STREET, ANCHORAGE, ALASKA 99501-2617].

The heading of 18 AAC 75.531 is ~~amended~~ ^{changed} to read:

18 AAC 75.531. Registration application contents for streamlined plan [NONTANK VESSEL] cleanup contractors.

18 AAC 75.531(2) is amended to read:

(2) a current list of streamlined [NONTANK VESSEL] plans that rely on the contracted services of the applicant and [,]

(A) the number of nontank vessels covered by those plans, and the largest vessel response planning standard volume;

(B) the number of noncrude oil tank vessels and barges that have a storage capacity of less than 500 barrels covered by those plans, and the largest vessel response planning standard volume;

18 AAC 75.531(3) is amended to read:

(3) the [VESSEL FUEL] classification under 18 AAC 75.561(b)(1), Table F, for which application is made; the [VESSEL FUEL] classification must correspond to the response planning standard volume specified under (2) of this [SUB]section;

^{u.c.}
section

18 AAC 75.531(5) is amended to read:

(5) a current inventory of equipment, and description of personnel and other resources, demonstrating that the applicant meets or exceeds the requirements of 18 AAC 75.561 for each [VESSEL FUEL] classification for which application is made;

18 AAC 75.531(8)(B) is amended to read:

(B) notify the plan holder or response planning facilitator, as applicable, immediately if the contractor cannot carry out the services specified in the contract, membership agreement, or streamlined [NONTANK VESSEL] plan;

(Eff. 11/27/2002, Register 164; am 11/7/2020, Register 236)

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

The heading of 18 AAC 75.532 is ^{changed} ~~amended~~ to read:

18 AAC 75.532. Registration application contents for streamlined plan [NONTANK VESSEL] incident management teams.

18 AAC 75.532(2) is amended to read:

(2) a current list of streamlined [NONTANK VESSEL] plans that rely on the contracted services of the applicant and [, THE NUMBER OF VESSELS COVERED BY THOSE PLANS, AND THE LARGEST VESSEL RESPONSE PLANNING STANDARD VOLUME] U

(A) the number of nontank vessels covered by those plans, and the largest vessel response planning standard volume;

(B) the number of noncrude oil tank vessels and barges that have a storage capacity of less than 500 barrels covered by those plans, and the largest vessel response planning standard volume;

18 AAC 75.532(3) is amended to read:

(3) the [VESSEL FUEL] classification under 18 AAC 75.562(b), Table G, for which application is made; the [VESSEL FUEL] classification must correspond to the response planning standard volume specified under (2) of this section;

18 AAC 75.532(5) is amended to read:

(5) a list of identified personnel required by 18 AAC 75.562(b), Table G, for each [VESSEL FUEL] classification for which application is made; the list must

(A) provide the individual's name, emergency contact information, training, and experience;^{u.c.} [and]

(B) demonstrate that the applicant meets or exceeds the requirements of 18 AAC 75.562 for each [VESSEL FUEL] classification for which application is made; and

(C) be updated and submitted to the department when there are identified personnel changes;

18 AAC 75.532(8) is amended to read:

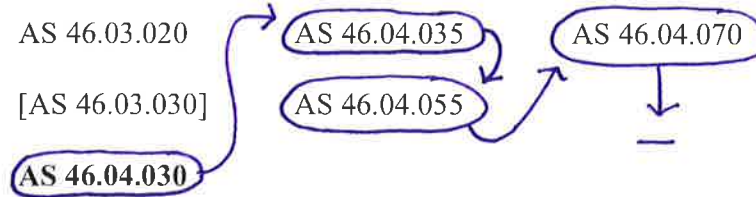
(8) a list of the sources of available personnel required by 18 AAC 75.562(b), Table G, for each [VESSEL FUEL] classification for which application is made; the list need not identify available personnel by name; however, the list must describe additional personnel resources available through contract or other means, and must describe the experience and training, location, and approximate timeframes for mobilization of those personnel resources, up to and including the maximum number of available personnel;

18 AAC 75.532(9)(B) is amended to read:

(B) notify the plan holder or response planning facilitator, as applicable, immediately if the contractor cannot carry out the services specified in the contract or **streamlined** [NONTANK VESSEL] plan;

(Eff. 11/27/2002, Register 164; am ~~11/7/2020~~, Register ~~230~~)

Authority: AS 46.03.020
[AS 46.03.030]



18 AAC 75.533(3) is amended to read:

(3) as applicable under 18 AAC 75.428(a)(2), a current list of **streamlined plan** [NONTANK VESSEL] cleanup contractors with which the applicant has a contract, or of which the applicant is a member, and a statement; signed by the response planning facilitator and each [NONTANK VESSEL] cleanup contractor, that the [NONTANK VESSEL] cleanup contractor will respond on behalf of a plan holder who enters into a contract or membership agreement with the response planning facilitator to meet the requirements of 18 AAC 75.400 - 18 AAC 75.496;

.18 AAC 75.533(4) is amended to read:

(4) as applicable under 18 AAC 75.428(a)(2), a current list of each **streamlined plan** [NONTANK VESSEL] incident management team with which the applicant has a contract, and a statement, signed by the response planning facilitator and each [NONTANK VESSEL] incident management team, that the [NONTANK VESSEL] incident management team will respond on behalf of a plan holder who enters into a contract with the response planning

facilitator to meet the requirements of 18 AAC 75.400 - 18 AAC 75.496;

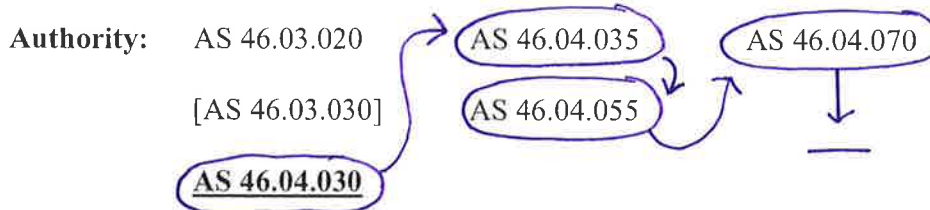
18 AAC 75.533(5) is amended to read:

(5) as applicable under 18 AAC 75.428(a)(2), a current list of each **streamlined** [NONTANK VESSEL] plan in which the applicant is identified as the contracted response planning facilitator **and** [.]

(A) the number of **nontank** vessels covered by each of those plans, each region of operation of each vessel covered by each plan, and the largest vessel response planning standard volume for each plan;

(B) **the number of noncrude oil tank vessels and barges that have a storage capacity of less than 500 barrels covered by each of those plans, each region of operation of each vessel covered by each plan, and the largest vessel response planning standard volume for each plan;**

(Eff. 11/27/2002, Register 164; am 11/7/2020, Register 236)



18 AAC 75.540(b) is amended to read:

(b) The department will charge a \$500 fee for registration of **streamlined plan** [NONTANK VESSEL] cleanup contractors under 18 AAC 75.531.

18 AAC 75.540(c) is amended to read:

(c) The department will charge a \$500 fee for registration of **streamlined plan** [NONTANK VESSEL] incident management teams under 18 AAC 75.532.

(Eff. 9/25/93, Register 127; am 11/27/2002, Register 164; am 11/7/2020, Register 236)

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

The heading of 18 AAC 75.551 is ^{changed} amended to read:

18 AAC 75.551. Application review procedures for streamlined plan [NONTANK VESSEL] cleanup contractors.

18 AAC 75.551(a) is amended to read:

(a) After receipt of an application for registration as a **streamlined plan** [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 ^{u.c.} [within] 30 days after the department determines that the application is complete. Not later than

18 AAC 75.551(b) is amended to read:

(b) The department will approve an application for a **streamlined plan** [NONTANK VESSEL] cleanup contractor registration **for the classification for which the application is**

made if the applicant meets the application requirements of 18 AAC 75.521 and 18 AAC 75.531 and the minimum registration standards of 18 AAC 75.561.

18 AAC 75.551(c) is amended to read:

(c) After completing the review, the department will notify the applicant that the application for registration has been approved or denied. If the application is approved, the department will include a registration certificate describing the conditions of approval, and listing the [VESSEL FUEL] classifications identified in 18 AAC 75.531(3)[18 AAC 75.531(a)(3)] and regions of operation identified in 18 AAC 75.531(4)[18 AAC 75.531(a)(4)] for which the applicant is registered. If the application is denied, the department will explain the basis for the denial and include a list of corrective actions that would be required for the applicant to obtain approval of registration.

(Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211; am 11/5/2017, Register 224; am 11/7/2020, Register 236)

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

The heading of 18 AAC 75.552 is ^{changed} ~~amended~~ to read:

18 AAC 75.552. Application review procedures for streamlined plan [NONTANK VESSEL] incident management teams.

18 AAC 75.552(b) is amended to read:

(b) The department will approve an application for streamlined plan [NONTANK]

incident management team registration if the applicant meets the application requirements of 18 AAC 75.522 and 18 AAC 75.532 and the minimum registration standards of 18 AAC 75.562. 18 AAC 75.552(c) is amended to read:

(c) After completing the review, the department will notify the applicant that the application for registration has been approved or denied. If the application is approved, the department will include a registration certificate describing the conditions of approval, and listing the [VESSEL FUEL] classifications identified in 18 AAC 75.532(3)[18 AAC 75.532(a)(3)] and regions of operation identified in 18 AAC 75.532(4)[18 AAC 75.532(a)(4)] for which the applicant is registered. If the application is denied, the department will explain the basis for the denial and include a list of corrective actions that would be required for the applicant to obtain approval of registration.

(Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211; am 11/5/2017, Register 224; am 11/7/2020, Register 236)

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

The heading of 18 AAC 75.561 is ^{changed}~~amended~~ to read:

18 AAC 75.561. Minimum registration standards for streamlined plan [NONTANK VESSEL] cleanup contractors.

18 AAC 75.561(a) is amended to read:

(a) The minimum registration standards for streamlined plan [NONTANK VESSEL] cleanup contractors are set out in (b) - (f) of this section.

18 AAC 75.561(b)(1) is amended to read:

(1) at a minimum, response equipment must meet the requirements set out in

Table F of this paragraph **for the classification for which the applicant is approved;**

Table F for 18 AAC 75.561(b)(1) is amended to read:

**TABLE F. MINIMUM REGISTRATION STANDARDS FOR STREAMLINED PLAN
[NONTANK VESSEL] CLEANUP CONTRACTORS¹**

Classification A: Maximum Individual <u>Nontank</u> Vessel Fuel Capacity Or Fuel Volume To Be Carried, As Identified Under 18 AAC 75.441, Up To And Including 15,000 Barrels	
Required Equipment Type	Minimum Equipment Requirement
boom ²	3,000 feet or 3 times the length of the largest vessel, whichever is greater
skimmer ³	2 or more skimmers, 900 barrels a day total
cleaning kit ⁴	2 kits
storage capacity ⁵	900 barrels of oil plus all associated water
personnel ⁶	8 individuals
workboats ⁷	4 workboats
hazing kit ⁸	2 kits
radios ⁹	5 radios
Classification B: Maximum Individual <u>Nontank</u> Vessel Fuel Capacity Or Fuel Volume To Be Carried, As Identified Under 18 AAC 75.441, Greater Than 15,000 Barrels, Up To And Including 30,000 Barrels	

Required Equipment Type	Minimum Equipment Requirement
boom ²	3,000 feet or 3 times the length of the largest vessel, whichever is greater
skimmer ³	2 or more skimmers, 1,800 barrels a day total
cleaning kit ⁴	2 kits
storage capacity ⁵	1,800 barrels of oil plus all associated water
personnel ⁶	8 individuals
workboats ⁷	4 workboats
hazing kit ⁸	2 kits
radios ⁹	5 radios
Classification C: Maximum Individual <u>Nontank</u> Vessel Fuel Capacity Or Fuel Volume To Be Carried, As Identified Under 18 AAC 75.441, Greater Than 30,000 Barrels	
Required Equipment Type	Minimum Equipment Requirement
boom ²	3,000 feet or 3 times the length of the largest vessel, whichever is greater
skimmer ³	2 or more skimmers, 2,700 barrels a day total, or 1/5 of the response planning standard oil volume of the largest vessel, whichever is greatest
cleaning kit ⁴	2 kits
storage capacity ⁵	2,700 barrels of oil plus all associated water, or 1/5 of the response planning standard oil volume of the largest vessel plus all associated water, whichever is greatest

personnel ⁶	10 individuals
workboats ⁷	4 workboats
hazing kit ⁸	2 kits
radios ⁹	5 radios
<u>Classification D: A Noncrude Oil Tank Vessel Or Barge That Has A Storage Capacity Less Than 500 Barrels</u>	
<u>Required Equipment</u>	
<u>Type</u>	<u>Minimum Equipment Requirement</u>
<u>boom²</u>	<u>500 feet or three times the length of the largest vessel, whichever is greater</u>
<u>skimmer³</u>	<u>At least one oleophilic skimmer, 37.5 barrels a day total</u>
<u>cleaning kit⁴</u>	<u>1 kit</u>
<u>storage capacity⁵</u>	<u>75 barrels of oil, plus 300 barrels of water</u>
<u>personnel⁶</u>	<u>8 individuals</u>
<u>workboats⁷</u>	<u>2 workboats</u>
<u>hazing kit⁸</u>	<u>2 kits</u>
<u>radios⁹</u>	<u>5 radios</u>

Note 4b to Table F in 18 AAC 75.561(b)(1) is amended to read:

- b. **for Classifications A, B, and C**, 2,500 feet of viscous, sweep, or similar material for recovery of persistent product;

18 AAC 75.561(c) is amended to read:

(c) The **streamlined plan** [NONTANK VESSEL] cleanup contractor must demonstrate the ability to mobilize and deploy sufficient equipment to allow the commencement of containment, control, and cleanup activities in the region of operation within the shortest possible time, and the ability to deliver all equipment identified in Table F in (b)(1) of this section to the region of operation within 24 hours after notification of an incident.

18 AAC 75.561(d) is amended to read:

(d) **Streamlined plan** [NONTANK VESSEL] cleanup contractor personnel must be trained and kept current in the specifics of equipment mobilization, deployment, and operation. Proof of training must be maintained for three years and made available to the department upon request.

18 AAC 75.561(e)(4) is amended to read:

(4) maintaining a working knowledge of all applicable oil pollution statutes and regulations and pertinent provisions of each **streamlined** [NONTANK VESSEL] plan in which that contractor is listed;

18 AAC 75.561(f) is amended to read:

(f) No later than January 31 of each year, a **streamlined plan** [NONTANK VESSEL] cleanup contractor registered under this chapter shall provide to the department a complete list of **plans for which that contractor has agreed in writing to be listed as a streamlined plan cleanup contractor for**

(1) [EACH] nontank vessels; and [VESSEL PLAN IN WHICH THAT CONTRACTOR HAS AGREED IN WRITING TO BE LISTED AS A NONTANK VESSEL CLEANUP CONTRACTOR]

(2) noncrude oil tank vessels or barges that have a storage capacity less than 500 barrels. (Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211; am 11/7/2020 Register 236)

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

The heading of 18 AAC 75.562 is ^{changed} ~~amended~~ to read:

18 AAC 75.562. Minimum registration standards for streamlined plan [NONTANK VESSEL] incident management teams.

18 AAC 75.562(a) is amended to read:

(a) The minimum registration standards for streamlined plan [NONTANK VESSEL] incident management teams are set out in (b) - (i) of this section.

18 AAC 75.562(b) is amended to read:

(b) The streamlined plan [NONTANK VESSEL] incident management team shall, at a minimum, meet the registration requirements set out in Table G of this subsection.

Table G for 18 AAC 75.562(b) is amended to read:

TABLE G. MINIMUM PERSONNEL REQUIREMENTS FOR <u>STREAMLINED</u>		
<u>PLAN</u> [NONTANK VESSEL] INCIDENT MANAGEMENT TEAMS		
Classification	Personnel Requirements	
	Identified Personnel¹	Available Personnel²
Classification A: Maximum individual <u>nontank</u> vessel fuel capacity, or fuel volume to be carried, as identified under 18 AAC 75.441, up to and including 30,000 barrels	10 ¹² individuals, in the following capacities: 1 incident commander, and 1 alternate; <u>1 deputy incident commander, and 1 alternate;</u> 1 planning section chief, and 1 alternate; 1 operations section chief, and 1 alternate; 1 logistics section chief, and 1 alternate; 1 finance section chief, and 1 alternate	10 additional responders
Classification B: Maximum individual <u>nontank</u> vessel fuel capacity, or fuel volume to be carried, as identified under 18 AAC 75.441, greater than 30,000	10 ¹² individuals, in the following capacities: 1 incident commander, and 1 alternate; <u>1 deputy incident commander, and 1 alternate;</u> 1 planning section chief, and 1 alternate; 1 operations section chief, and 1 alternate; 1 logistics section chief, and 1 alternate; 1 finance section chief, and 1 alternate	15 additional responders

barrels		
<u>Classification C:</u>	<u>6 individuals, in the following capacities:</u>	<u>5 additional</u>
<u>Noncrude oil tank</u>	<u>1 incident commander;</u>	<u>responders</u>
<u>vessel or oil barge</u>	<u>1 deputy incident commander;</u>	
<u>that has a storage</u>	<u>1 planning section chief;</u>	
<u>capacity less than</u>	<u>1 operations section chief;</u>	
<u>500 barrels</u>	<u>1 logistics section chief;</u>	
	<u>1 finance section chief</u>	

The introductory language of

^ 18 AAC 75.562(c) is amended to read:

(c) The **streamlined plan** [NONTANK VESSEL] incident management team shall demonstrate the ability to mobilize and position the personnel required in Table G in (b) of this section according to the following schedule:

as applicable

(5) personnel identified in Classification C of Table G are subject to the requirements of this subsection, except that alternates are not required.

...

18 AAC 75.562(c) is amended by adding a new paragraph to read: ↑

18 AAC 75.562(e)(4) is amended to read:

(4) familiarity with the oil discharge prevention and contingency plans or **streamlined** [NONTANK VESSEL] plans for which services are to be provided;

18 AAC 75.562(g) is amended to read:

(g) The **streamlined plan** [NONTANK VESSEL] incident management team must be capable of establishing and equipping an incident command post appropriate to the needs of an incident response and capable of facilitating the effective organization and direction of response activities.

18 AAC 75.562(h)(4) is amended to read:

(4) maintaining a working knowledge of all applicable oil pollution statutes and regulations and pertinent provisions of each **streamlined** [NONTANK VESSEL] plan in which that contractor is listed;

18 AAC 75.562(i) is amended to read:

^{Not} (i) ^{u.c.} [No] later than January 31 of each year, a **streamlined plan** [NONTANK VESSEL] incident management team registered under this chapter shall provide to the department a complete list of **streamlined** [NONTANK VESSEL] plans in which that contractor has agreed in writing to be listed as a **streamlined plan** [NONTANK VESSEL] incident management team **for**

(1) nontank vessels; and

(2) noncrude oil tank vessels and barges that have a storage capacity of less

than 500 barrels. (Eff. 11/27/2002, Register 164; am 12/13/2002, Register 164; am 3/23/2017, Register 221; am 11/9/2020, Register 236)

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

18 AAC 75.563(a) is amended to read:

(a) As applicable under 18 AAC 75.428(a)(2), a response planning facilitator shall maintain contracts with or membership in the **streamlined plan** [NONTANK VESSEL] cleanup contractors and [NONTANK VESSEL] incident management teams identified in 18 AAC 75.533(3) - (5).

18 AAC 75.563(b)(2) is amended to read:

(2) maintaining a working knowledge of all applicable oil pollution statutes and regulations and pertinent provisions of each **streamlined** [NONTANK VESSEL] plan in which the response planning facilitator is listed;

18 AAC 75.563(c) is amended to read:

Not (c) ^{u.c.} [No] later than January 31 of each year, a response planning facilitator registered under this chapter shall provide to the department a complete list of **streamlined** [NONTANK VESSEL] plans in which that contractor has agreed in writing to be listed as a response planning facilitator, and shall identify on that list the role of the response planning facilitator with regard to each plan as described in 18 AAC 75.428(a)(1) or (2) **for**

(1) nontank vessels; and

(2) noncrude oil tank vessels and barges that have a storage capacity of less

than 500 barrels. (Eff. 11/27/2002, Register 164; am 11/7/2020, Register 236)

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

The heading of 18 AAC 75.565 is ^{changed} amended to read:

18 AAC 75.565. Discharge exercises for streamlined plan [NONTANK VESSEL] contractors and [NONTANK VESSEL] incident management teams.

(a)
18 AAC 75.565 is amended to read:

(a) The department may conduct announced and unannounced discharge exercises to **ensure** [ASSURE] that a **streamlined plan** [NONTANK VESSEL] cleanup contractor or [A NONTANK VESSEL] incident management team is adequately prepared to act in the event of a spill. No more than two exercises will be required for a **streamlined plan** [NONTANK VESSEL] cleanup contractor in each 12-month period. The department will consider other required discharge exercises conducted by the **streamlined plan** [NONTANK VESSEL] cleanup contractor in meeting this requirement. No more than two discharge exercises will be required for a **streamlined plan** [NONTANK VESSEL] incident management team in each 12-month period.

18 AAC 75.565(b) is amended to read:

(b) The performance of a **streamlined plan** [NONTANK VESSEL] cleanup contractor or [A NONTANK VESSEL] incident management team during a discharge exercise will be considered inadequate if the **streamlined plan** [NONTANK VESSEL] cleanup contractor or [NONTANK VESSEL] incident management team does not respond in a manner consistent with the minimum registration standards of 18 AAC 75.561 and 18 AAC 75.562, as applicable.

The introductory language of 18 AAC 75.565(c) is amended to read:

(c) If the performance of a **streamlined plan** [NONTANK VESSEL] cleanup contractor or [A NONTANK VESSEL] incident management team during a discharge exercise is considered inadequate under (b) in this section, the department may

• • •

18 AAC 75.565(d) is amended to read:

(d) The department will consider a regularly scheduled training exercise initiated by a **streamlined plan** [NONTANK VESSEL] cleanup contractor or [NONTANK VESSEL] incident management team as a discharge exercise if the department monitors, evaluates, or participates in the exercise and concurs that it is equivalent to a discharge exercise conducted by the department. A **streamlined plan** [NONTANK VESSEL] cleanup contractor or [NONTANK VESSEL] incident management team shall notify the department in advance of the exercise and shall provide an opportunity for a department representative to be present and participate.

18 AAC 75.565(e) is amended to read:

(e) The department will conduct announced or unannounced discharge exercises appropriate to the current status of operations of the **streamlined plan** [NONTANK VESSEL] cleanup contractor or [NONTANK VESSEL] incident management team and the participation of the **streamlined plan** [NONTANK VESSEL] cleanup contractor or [NONTANK VESSEL] incident management team in other discharge exercises or response actions. (Eff. 11/27/2002, Register 164; am 11/7/2020, Register 236)

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

The introductory language of 18 AAC 75.570(a) is amended to read:

(a) If the department determines that an oil spill primary response action contractor, **streamlined plan** [NONTANK VESSEL] cleanup contractor, [NONTANK VESSEL] incident management team, or response planning facilitator has failed to meet or maintain a minimum

registration standard identified in 18 AAC 75.560 - 18 AAC 75.570, the department may revoke, suspend, or modify the

...

18 AAC 75.570(a)(2) is amended to read:

(2) department's approval of the oil discharge prevention and contingency plan in which that contractor is listed as an oil spill primary response action contractor or the **streamlined** [NONTANK VESSEL] plan in which that contractor is listed as a **streamlined plan** [NONTANK VESSEL] cleanup contractor, **streamlined plan** [NONTANK VESSEL] incident management team, or response planning facilitator.

(Eff. 9/25/93, Register 127; am 7/11/2002, Register 163; am 11/27/2002, Register 164; am 11/5/2017, Register 224; am 11/7/2020, Register 236)

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

18 AAC 75.580 is amended to read:

18 AAC 75.580 Voluntary Termination of Registration. Unless the department has taken action under 18 AAC 75.570 for failure to comply, a registered oil spill primary response action contractor, **streamlined plan** [NONTANK VESSEL] cleanup contractor, ^{streamlined plan} [NONTANK VESSEL] incident management team, or response planning facilitator may ask the department to terminate registration and to remove that contractor's name from the list required by AS 46.04.035(e). A request under this section must be in writing and must be sent to all affected plan holders by certified mail. After the receipt of proof that all affected plan holders have been notified, the request must be submitted to the department with the certificate of registration and

proof that all affected plan holders were notified. A request under this section becomes effective on the 30th day after the department receives it as provided in 18 AAC 75.445(i)(1)(D), 18 AAC 75.531(8)(C), 18 AAC 75.532(9)(C), and 18 AAC 75.533(6)(C), as applicable. (Eff. 3/28/96, Register 137; am 11/27/2002, Register 164; am 3/23/2017, Register 221; am 11/9/2020, Register 236)

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

18 AAC 75.990(90) is amended to read:

(90) "plan holder" means an applicant who has received department approval for an oil discharge prevention and contingency plan or **streamlined** [NONTANK VESSEL] plan and who is responsible for compliance with the plan as approved;

18 AAC 75.990(107) is amended to read:

(107) "response planning standard" means a planning standard against which the department evaluates the adequacy of an oil discharge prevention and contingency plan or **streamlined** [NONTANK VESSEL] plan as described in 18 AAC 75.400 - 18 AAC 75.496; "response planning standard" does not mean a cleanup level that a plan holder is required to achieve under 18 AAC 75.300 - 18 AAC 75.396;

18 AAC 75.990(114)(E) is amended to read:

(E) any factor that significantly alters or reduces the ability of the plan holder to respond according to the provisions of the approved contingency plan or

streamlined [NONTANK VESSEL] plan;

18 AAC 75.990(152) is amended to read:

(152) "**streamlined plan** [NONTANK VESSEL] cleanup contractor" means an oil spill primary response action contractor who is, or intends to be, obligated under contract or membership agreement to provide resources or equipment to contain, control, and perform cleanup of an oil discharge under **a streamlined** [AN APPROVED NONTANK VESSEL] plan **approved** [ISSUED] under **18 AAC 75.456** [AS 46.04.055];

18 AAC 75.990(153) is amended to read:

(153) "**streamlined plan** [NONTANK VESSEL] incident management team" means an oil spill primary response action contractor who is, or intends to be, obligated under contract to provide incident management services under **a streamlined** [AN APPROVED NONTANK VESSEL] plan **approved** [ISSUED] under **18 AAC 75.456** [AS 46.04.055];

18 AAC 75.990(154) is repealed:

(154) repealed 11/7/2020;

18 AAC 75.990(156) is amended to read:

(156) "region of operation" means, with respect to

(A) an oil discharge prevention and contingency plan other than a **streamlined plan for a** nontank vessel [PLAN], a region established under 18 AAC 75.495; and

(B) a **streamlined plan for a** nontank vessel [PLAN], a region established under 18 AAC 75.496;

18 AAC 75.990(158) is amended to read:

(158) "response planning facilitator" means an oil spill primary response action contractor who provides services as described in 18 AAC 75.428 to the holder of **a streamlined**[AN APPROVED] ~~[NONTANK VESSEL]~~ plan **approved** [ISSUED] under **18 AAC 75.456** [AS 46.04.055];

18 AAC 75.990(159) is amended to read:

(159) "streamlined plan" means **an oil discharge prevention and contingency** [A NONTANK VESSEL] plan submitted under 18 AAC 75.421 and meeting the requirements of 18 AAC 75.426 and 18 AAC 75.456, **covering a** [AS APPLICABLE]

(A) nontank vessel; or

(B) noncrude oil tank vessel or barge that has a storage capacity of less than 500 barrels;

(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; am 6/17/2015, Register 214; am 4/16/2016, Register 218; am 11/6/2016, Register 220; am 3/23/2017, Register 221; am 7/1/2017, Register 222; am ²⁹9/28/2018, Register 227; am 11/7/2020 Register 256)

Register 236 January ²⁰²¹ ~~2020~~

ENVIRONMENTAL CONSERVATION

Authority:	AS 46.03.020	AS 46.03.755	AS 46.04.055
	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: The Honorable Kevin Meyer
Lieutenant Governor

Date: October 2, 2020

File No.: 2018200612

Tel. No.: 465-3600

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

Re: Department of Environmental
Conservation Regulation re: 18 AAC
75: Oil and Other Hazardous
Substances Pollution Control:
Noncrude Vessels

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. 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 concern noncrude oil tank vessels and barges that have a storage capacity less than 500 barrels to apply for and operate under a streamlined oil discharge prevention and contingency plan.

The amendment to 18 AAC 75.400(a), on page 2, has an effective date of 60 days after the effective date of the regulation; please fill in the effective date (60 days after the effective date of the regulation) where indicated.

The October 11, 2018, public notice and the May 9, 2019, 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.

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.

SRP:sjw

Hon. Kevin Meyer, Lieutenant Governor
2018200612; 18 AAC 75; Oil and Other Hazardous Substances

October 2, 2020

cc: Honorable Jason Brune, Commissioner
Department of Environmental Conservation

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Denise Koch, Division Director
Division of Sill Prevention and Response, Department of Environmental
Conservation

Nathan Haynes, Assistant Attorney General
Department of Law

Notice of Proposed Changes in the Regulations dealing with Oil Discharge Prevention and Contingency Plan Requirements for Noncrude Oil Tank Vessels and Barges

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

/s/

Larry Hartig, Commissioner

Attachments, History, Details

Attachments

Additional Regulations Notice Information - SPAR Noncrude Vessel Amendments.pdf
 SPAR Noncrude Vessel Amendments FAQ.pdf
 SPAR Noncrude Vessel Amendments Public Notice Version.pdf

Revision History

Created 10/8/2018 4:20:20 PM by cfishwick
 Modified 10/9/2018 10:21:21 AM by cfishwick
 Modified 10/9/2018 3:53:27 PM by cfishwick

Details

Department:	Environmental Conservation
Category:	Regulations
Sub-Category:	Notice of Proposed Regulations
Location(s):	Statewide
Project/Regulation #:	
Publish Date:	10/9/2018
Archive Date:	11/16/2018
Events/Deadlines:	Comments Due 11/15/2018 5:00pm

OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN REQUIREMENTS:
SUPPLEMENTAL 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. **This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PUBLIC COMMENT PERIOD that was issued on October 8, 2018.** This supplemental notice is providing an additional comment period because more than a year has elapsed since the original public notice.

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 Laura Noland, 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. All public comments will be considered and posted on the DEC website. The comments must be received no later than 5 p.m. on January 23, 2020.

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 Laura Noland, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501. The written questions must be received by January 13, 2020 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 Kate Orozco at (907) 465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than January 23, 2020 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 Laura Noland at the address or email above or by calling 907-334-5986.

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 46.04.30; AS 46.04.070

Statutes being implemented, interpreted, or made specific: AS 46.04.030; AS 46.04.040; AS

46.04.055

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

Date: January 6, 2020

A handwritten signature in black ink, appearing to read "Jason W. Brune", written in a cursive style.

Jason W. Brune, 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): _____
- 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

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270171
555 CORDOVA STREET, 2ND FLOOR, ANCHORAGE, AK 99501

Order #: W0012975

Cost: \$532.9

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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

01/08/2020

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 8th day of January 2020.

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

MY COMMISSION EXPIRES

7/14/2020

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (ADEC)

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.
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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 Laura Noland, 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. All public comments will be considered and posted on the DEC website. The comments must be received no later than 5 p.m. on January 23, 2020.

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 Laura Noland, Alaska Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501. The written questions must be received by January 13, 2020 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.

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A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Laura Noland at the address or email above or by calling 907-334-5986.

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 46.04.30; AS 46.04.070

Statutes being implemented, interpreted, or made specific: AS 46.04.030; AS 46.04.040; AS 46.04.055

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

Date: January 6, 2020
By: /s/ Jason W. Brune,
Commissioner

Published: Jan. 8, 2020

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

BRIEF DESCRIPTION

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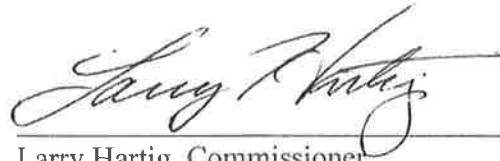
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Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: October 8, 2018

A handwritten signature in cursive script, appearing to read "Larry Hartig", is written over a horizontal line.

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): _____
- 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

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Galen Heffern, Environmental Program Specialist, of 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 to allow noncrude oil tank vessels and barges that have a storage capacity less than 500 barrels to apply for and operate under a streamlined oil discharge prevention and contingency plan has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

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 (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

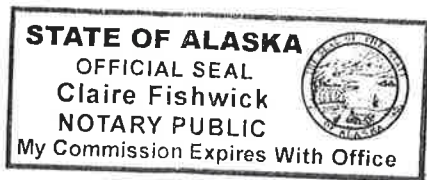
Date: 12/5/18



Galen Heffern, Environmental Program Specialist

Subscribed and sworn to before me at Tuneau on
12/5/18

(date)





Notary Public in and for the State of Alaska

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Laura J. Noland, Environmental Program Specialist III, of the Department of Environmental Conservation, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 18 AAC 75 of the Alaska Administrative Code for application and contingency plan requirements to allow for a streamlined application regulation for noncrude oil tank vessels and barges that have a storage capacity less than 500 barrels, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

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 (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: April 29, 2020

Laura J. Noland Digitally signed by Laura J. Noland
Date: 2020.04.29 15:49:37 -08'00'

Laura J. Noland,
Environmental Program Specialist III
State of Alaska
City and Municipality of Anchorage

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Laura J. Noland, Environmental Program Specialist, III for the Department of Environmental Conservation, under penalty of perjury, 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 on 18 AAC 75, for application and contingency plan requirements to allow for a streamlined application regulations for noncrude oil tank vessels and barges that have a storage capacity less than 500 barrels.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: April 29, 2020

Laura J. Noland

Digitally signed by Laura J.
Noland
Date: 2020.04.29 16:05:45 -08'00'

Laura J. Noland,
Environmental Program Specialist III
State of Alaska
City and Municipality of Anchorage