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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: March 26, 2021

RE: Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation regulations re: amounts of financial responsibility for oil or hazardous substance spill prevention and response (18 AAC 75.235; 18 AAC 75.270)

Attorney General File:	2020200093
Regulation Filed:	3/26/2021
Effective Date:	6/24/2021
Print:	238, July 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 3 pages of regulations, dealing with financial responsibility for oil spills 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.

We request that the effective date of the regulations be 90 days after they have been filed with the Lt Governor's Office. This would be the same time span as anticipated in the statute.

DATE: March 4, 2021

Jason W. Brune Digitally signed by Jason W. Brune
Date: 2021.03.04 09:38:11 -09'00'

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 March 26, 2021, at 11:38 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

Kevin Meyer

Kevin Meyer, Lieutenant Governor

Effective: June 24, 2021 *for*

Register: 238, July 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
LIEUTENANT GOVERNOR**

18 AAC 75.235(a) is amended to read:

(a) Each vessel or facility must be specifically covered by an approved form of financial responsibility. The dollar amounts of required financial responsibility set out in AS 46.04.040 or 46.04.055 are adjusted, based upon the percentage change between the reference base index and the semi-annual average Consumer Price Index for all Urban Alaska [URBAN] consumers [for Anchorage and the Matanuska-Susitna Borough] [IN THE ANCHORAGE METROPOLITAN AREA] for the second half of 2019 [2016], as reported by [BUREAU OF LABOR STATISTICS] the United States Department of Labor, Bureau of Labor Statistics. An applicant under 18 AAC 75.205 or 18 AAC 75.225 must demonstrate financial responsibility to respond in damages for claims covered by AS 46.04.040(i) in the following applicable minimum amount:

- (1) for a crude oil terminal facility, \$97,750,000 [\$93,550,000] per incident;
- (2) for a noncrude oil terminal facility, \$48.88 [\$46.78], per incident, for each barrel of total noncrude oil storage capacity at the terminal, or \$1,955,000 [\$1,871,000], whichever is greater, subject to a maximum of \$97,750,000 [\$93,550,000]; if the facility stores more noncrude oil than crude oil, the \$48.88 [\$46.78] per incident, per barrel requirement of this paragraph applies to each barrel of oil storage capacity at the facility;
- (3) for a tank vessel or barge carrying crude oil, \$586.50 [\$561.30], per incident, for each barrel of storage capacity or \$195,500,000 [\$187,100,000], whichever is greater;
- (4) for a tank vessel or barge carrying noncrude oil, \$195.50 [\$187.10], per incident, for each barrel of storage capacity or \$1,955,000 [\$1,871,000], whichever is greater, subject to a maximum of \$68,425,000 [\$65,485,000];
- (5) for a nontank vessel carrying predominantly nonpersistent product, \$195.50 [\$187.10] per incident, for each barrel of total oil storage capacity, persistent and nonpersistent product, on the vessel or \$1,955,000 [\$1,871,000], whichever is greater;

(6) for a nontank vessel carrying predominantly persistent product, **\$586.50** [\$561.30] per incident, for each barrel of total oil storage capacity, persistent product and nonpersistent product, on the vessel or **\$9,775,000** [\$9,355,000], whichever is greater;

(7) for a railroad tank car,

(A) **\$586.50** [\$561.30] per incident for each barrel of persistent product based on the maximum amount of persistent product storage capacity of any train on the railroad; and

(B) **\$195.50** [\$187.10] per incident for each barrel of nonpersistent product based on the maximum amount of nonpersistent product storage capacity of any train on the railroad or **\$1,955,000** [\$1,871,000], whichever is greater;

(8) for a pipeline, **\$97,750,000** [\$93,550,000] per incident;

(9) for an offshore exploration or production facility, **\$97,750,000** [\$93,550,000] per incident;

(10) for an onshore production facility that produces more than 10,000 barrels per day of oil, **\$39,100,000** [\$37,420,000] per incident;

(11) for an onshore production facility that produces more than 5,000, but not more than 10,000 barrels per day of oil, **\$19,550,000** [\$18,710,000] per incident;

(12) for an onshore production facility that produces more than 2,500, but not more than 5,000 barrels per day of oil, **\$9,775,000** [\$9,355,000] per incident;

(13) for an onshore production facility that produces 2,500 or fewer barrels per day of oil, **\$1,955,000** [\$1,871,000] per incident;

(14) for an onshore exploration facility, **\$1,955,000** [\$1,871,000] per incident.

(Eff. 5/14/92, Register 122; am 11/26/94, Register 132; am 12/8/95, Register 136; am 10/1/99,

Register 151; am 10/28/2000, Register 156; am 10/27/2002, Register 164; am 11/27/2002,

Register 164; am 10/16/2005, Register 176; am 8/31/2008, Register 187; am 10/1/2011, Register

199; am 9/4/2014, Register 211; add'l am 10/1/2014, Register 211; am 10/1/2017, Register 223;

am 11/7/2017, Register 224; am ~~10/1/2020~~, Register 6/24/2021, Register 238)

Authority: AS 46.03.020

AS 46.04.045

AS 46.04.070

AS 46.04.040

AS 46.04.055

AS 46.04.890

(A)
18 AC 75.270(c) is amended to read:

AC Publisher: Please note that the draft sets out the reference to AS 46.04.040(2) correctly, with only the "l" in italics. Please correct the error in the print AAC.))

(c) The department may approve a P&I club or insurance syndicate that does not agree to be subject to direct court action in this state or that does not agree to appoint an agent for service of process in this state if the requirements of AS 46.04.040(*l*) are met with respect to the amount of \$97,750,000 [\$93,550,000] or the amount required by 18 AAC 75.235(a), whichever is less.

(Eff. 5/14/92, Register 122; am 11/26/94, Register 132; am 10/1/99, Register 151; am

10/28/2000, Register 156; am 10/27/2002, Register 164; am 10/16/2005, Register 176; am

8/31/2008, Register 187; am 10/1/2011, Register 199; am 10/1/2014, Register 211; am

10/1/2017, Register 223; am ~~10/1/2020~~, Register 6/24/2021, Register 238)

Authority: AS 46.03.020

AS 46.04.045

AS 46.04.070

AS 46.04.040

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: March 25, 2021

File No.: 2020200093

Thru:

Tel. No.: 465-3600

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

Re: Department of Environmental
Conservation regulations re: amounts
of financial responsibility for oil or
hazardous substance spill prevention
and response (18 AAC 75.235;
18 AAC 75.270)

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 these regulations under a delegation of authority dated March 23, 2020 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.

In accordance with AS 46.04.045(d), the regulations announce the adjustment of dollar amounts of financial responsibility required for oil or hazardous substance spill prevention and response. Adjustment of those dollar amounts is tied to the percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for all urban consumers for the Anchorage metropolitan area. *See* AS 46.04.045. For the 2019 data that the Department of Environmental Conservation uses for the current regulations, the federal Bureau of Labor Statistics now calculates the CPI change for all Urban Alaska consumers; the Bureau of Labor Statistics groups Anchorage and the Matanuska-Susitna Borough within the "Urban Alaska" category. The Department of Environmental Conservation regulations reflect this change, and the underlying statutes allow for the possibility. *See* AS 46.04.045.

Ordinarily, the adjustments occur every third year after January 1990, the year of the reference base index. *See* AS 46.04.045(a) and (b). But in response to the COVID-19 pandemic, the governor temporarily suspended the application of AS 46.04.045. Though the governor's order of suspension has expired, the three-year clock for adjustment of the dollar amounts has been thrown off, for this period only. To return the regulatory cycle to the three-year clock required under AS 46.04.045, the next time that the Department of Environmental Conservation would adjust the dollar amounts would be two years, rather than three years, from the filing date of these regulations.

Nonetheless, to expedite the adjustment to the dollar amounts, the agency requests that these overdue regulations be filed as soon as possible. Please note that the regulations have a special effective date to occur 90 days after filing. The special effective date allows the agency time to reach out to affected persons. We note that the regulated community consists of sophisticated entities for whom the regulations will not be a surprise.

The March 4, 2020 public notice, the March 9, 2020 supplemental public notice, and the March 4, 2021 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 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 w/enc: Hon. Jason Brune, Commissioner
Department of Environmental Conservation

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Emma Pokon, Deputy Commissioner
Department of Environmental Conservation

Clare Pavia, Regulations Specialist
Division of Spill Prevention and Response
Department of Environmental Conservation

Nathaniel Haynes, Assistant Attorney General
Environmental Section

OIL SPILL FINANCIAL RESPONSIBILITY: NOTICE OF PROPOSED CHANGES TO THE
REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
(ADEC)

BRIEF DESCRIPTION

ADEC proposes to amend the regulations for proof of financial responsibility that must be provided to ADEC by persons who operate certain oil facilities and vessels.

AS 46.04.045 requires the dollar amounts to be reviewed and adjusted every three years. The increase for this adjustment is 4.5%.

ADEC proposes to adopt regulation changes at 18 AAC 75.235 and 18 AAC 75.270 to adjust the dollar amounts of proof of financial responsibility in accordance with changes to the Urban Alaska Consumer Price Index (CPI) for the second half of 2019. The CPI was published in January 2020 and these increased dollar amounts correspond with the updated Urban Alaska CPI.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Clare Pavia, 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 April 6, 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 Clare Pavia, Alaska Department of Environmental Conservation, PO Box 111800, Juneau, AK 99811-1800. The written questions must be received by March 27, 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 March 27, 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 Clare Pavia at the address or email above or by calling 907-465-5283.

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 received are public records and

will be posted online.

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: April 4, 2020

A handwritten signature in black ink, appearing to read "Jason W. Brune", with a long horizontal flourish extending to the right.

Jason W. Brune, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Proof of Financial Responsibility Requirements
3. Citation of regulation (may be grouped): 18 AAC 75.235 and 18 AAC 75.270
4. Department of Law file number, if any: 2020200093
5. Reason for the proposed action:
 - () compliance with federal law
 - () compliance with new or changed state statute
 - () compliance with court order
 - () development of program standards
 - (x) other: (please list) statutory requirement in AS 46.04.045
6. Appropriation/Allocation: Prevention, Preparedness and Response Program
7. Estimated annual cost to comply with the proposed action to:
 - a. Private Persons: No identifiable additional compliance costs.
 - b. Another state agency: None
 - c. Municipalities: No identifiable additional compliance costs.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>2021</u>	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 regulations:

Name Clare Pavia
Title Environmental Program Specialist
Address P.O. Box 111800
Juneau, AK 99811-1800
Telephone (907) 465-5283
E-mail address dec.cpr@alaska.gov

10. The origin of the proposed action:

x staff of state agency
_____ federal government
_____ general public
_____ petition for regulation change
_____ other (please list) _____

11. Date: March 3, 2020

Prepared by: Clare Pavia
Name (typed) Clare Pavia
Title (typed) Environmental Program Specialist IV
Telephone: (907) 465-5283

OIL SPILL FINANCIAL RESPONSIBILITY: SUPPLEMENTAL NOTICE OF PROPOSED
CHANGES TO THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION (ADEC)

BRIEF DESCRIPTION

ADEC proposes to amend the regulations for proof of financial responsibility that must be provided to ADEC by persons who operate certain oil facilities and vessels. AS 46.04.045 requires the dollar amounts to be reviewed and adjusted every three years. The increase for this adjustment is 4.5%. **This is a SUPPLEMENTAL NOTICE. The reason for this supplemental public notice is to add days to the comment period.**

ADEC proposes to adopt regulation changes at 18 AAC 75.235 and 18 AAC 75.270 to adjust the dollar amounts of proof of financial responsibility in accordance with changes to the Urban Alaska Consumer Price Index (CPI) for the second half of 2019. The CPI was published in January 2020 and these increased dollar amounts correspond with the updated Urban Alaska CPI.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Clare Pavia, 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 April 9, 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 Clare Pavia, Alaska Department of Environmental Conservation, PO Box 111800, Juneau, AK 99811-1800. The written questions must be received by March 30, 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 March 30, 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 Clare Pavia at the address or email above or by calling 907-465-5283.

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 received are public records and will be posted online.

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: March 6, 2020

A handwritten signature in black ink, appearing to read "Jason W. Brune", written over a horizontal line.

Jason W. Brune, Commissioner

Notice of Proposed Changes in the Regulations dealing with Oil Spill Financial Responsibility

ADEC proposes to amend the regulations for proof of financial responsibility that must be provided to ADEC by persons who operate certain oil facilities and vessels. AS 46.04.045 requires the dollar amounts to be reviewed and adjusted every three years. The increase for this adjustment is 4.5%.

ADEC proposes to adopt regulation changes at 18 AAC 75.235 and 18 AAC 75.270 to adjust the dollar amounts of proof of financial responsibility in accordance with changes to the Urban Alaska Consumer Price Index (CPI) for the second half of 2019. The CPI was published in January 2020 and these increased dollar amounts correspond with the updated Urban Alaska CPI.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Clare Pavia, 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 April 6, 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 Clare Pavia, Alaska Department of Environmental Conservation, PO Box 111800, Juneau, AK 99811-1800. The written questions must be received by March 27, 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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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: March 4, 2020

/s/

Jason W. Brune, Commissioner

[Attachments, History, Details](#)

Attachments

Details

Department:

Environmental Conservation

[Additional Regulations Information - SPAR Financial Responsibility Amendments.pdf](#)

[SPAR Financial Responsibility Amendments Public Notice Version.pdf](#)

Revision History

Created 3/5/2020 10:17:47 AM by cfishwick
Modified 3/5/2020 10:18:21 AM by cfishwick
Modified 3/5/2020 3:26:30 PM by cfishwick
Modified 3/5/2020 3:27:52 PM by cfishwick
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Category: Regulations
Sub-Category: Notice of Proposed Regulations
Location(s): Statewide
Project/Regulation #:

Publish Date: 3/9/2020
Archive Date: 4/7/2020

Events/Deadlines:

SUPPLEMENTAL NOTICE - Notice of Proposed Changes in the Regulations dealing with Financial Responsibility

BRIEF DESCRIPTION

ADEC proposes to amend the regulations for proof of financial responsibility that must be provided to ADEC by persons who operate certain oil facilities and vessels. AS 46.04.045 requires the dollar amounts to be reviewed and adjusted every three years. The increase for this adjustment is 4.5%. **This is a SUPPLEMENTAL NOTICE. The reason for this supplemental public notice is to add days to the comment period.**

ADEC proposes to adopt regulation changes at 18 AAC 75.235 and 18 AAC 75.270 to adjust the dollar amounts of proof of financial responsibility in accordance with changes to the Urban Alaska Consumer Price Index (CPI) for the second half of 2019. The CPI was published in January 2020 and these increased dollar amounts correspond with the updated Urban Alaska CPI.

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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: March 6, 2020

/s/

Jason W. Brune, Commissioner

[Attachments, History, Details](#)

Attachments

[Additional Regs Info Public Notice - SPAR Financial Responsibility Amendments.pdf](#)

[SPAR Financial Responsibility Amendments Public Notice Version.pdf](#)

Revision History

Created 3/9/2020 9:16:03 AM by cfishwick
Modified 3/9/2020 9:43:22 AM by cfishwick
Modified 3/9/2020 9:57:19 AM by cfishwick
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Details

Department: Environmental Conservation
Category: Regulations
Sub-Category: Notice of Proposed Regulations
Location(s): Statewide
Project/Regulation #:

Publish Date: 3/8/2020
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Events/Deadlines:

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 392349
555 CORDOVA ST, ANCHORAGE, AK 99501

Order #: W0013943

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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

03/09/2020

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 9th day of March 2020.

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

MY COMMISSION EXPIRES

7/14/2020

OIL SPILL FINANCIAL RESPONSIBILITY: SUPPLEMENTAL NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (ADEC)

ADEC proposes to adopt regulation changes at 18 AAC 75.235 and 18 AAC 75.270 to adjust the dollar amounts of proof of financial responsibility in accordance with changes to the Urban Alaska Consumer Price Index (CPI) for the second half of 2019. The CPI was published in January 2020 and these increased dollar amounts correspond with the updated Urban Alaska CPI.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Clare Pavia, 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 April 9, 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 Clare Pavia, Alaska Department of Environmental Conservation, PO Box 111800, Juneau, AK 99811-1800. The written questions must be received by March 30, 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 March 30, 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 Clare Pavia at the address or email above or by calling 907-465-5283.

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 received are public records and will be posted online.

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: March 6, 2020

By: /s/ Jason W. Brune,
Commissioner

Published: March 9, 2020

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Clare Pavia, Environmental Program Specialist IV, 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, dealing with the dollar amounts for proof of financial responsibility (FR) that must be provided to DEC by persons who operate certain oil facilities, 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 10, 2020

DocuSigned by:

Clare Pavia

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Clare Pavia, Environmental Program Specialist IV

State of Alaska
City and Borough of Juneau

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Clare Pavia, Environmental Program Specialist, IV 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, dealing with the dollar amounts for proof of financial responsibility (FR) that must be provided to DEC by persons who operate certain oil facilities.

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 10, 2020

DocuSigned by:

Clare Pavia

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Clare Pavia, Environmental Program Specialist, IV

State of Alaska

City and Borough of Juneau