

18 AAC 75.835 is repealed:

18 AAC 75.835. Applicability of Class 2 facility regulations. Repealed. (Eff.

6/24/2017, Register 222; repealed __/__/__, Register ____)

Repealed text:

[(a) ON OR AFTER AUGUST 23, 2017, THE OWNER OR OPERATOR OF A CLASS 2 FACILITY AS DEFINED IN 18 AAC 75.849 SHALL MEET THE REQUIREMENTS OF 18 AAC 75.835 - 18 AAC 75.849.

(b) AN ABOVEGROUND STORAGE TANK (AST) LOCATED AT A CLASS 2 FACILITY IS NOT SUBJECT TO THE REQUIREMENTS OF 18 AAC 75.835 - 18 AAC 75.849 IF THE AST

(1) IS USED AS A WASTEWATER TREATMENT WORKS OR WASTEWATER COLLECTION SYSTEM REGULATED UNDER 18 AAC 72 OR 18 AAC 83, INCLUDING OIL-WATER SEPARATORS;

(2) IS LOCATED AT THE FACILITY FOR 90 CONSECUTIVE DAYS OR LESS;

(3) CONTAINS LIQUEFIED PETROLEUM GAS OR LIQUEFIED NATURAL GAS;

(4) HAS A STORAGE CAPACITY OF LESS THAN 1,000 GALLONS;

(5) IS A VEHICLE, INCLUDING A TANK TRUCK OR RAILROAD TANK CAR, UNLESS IT CONTAINS OIL AND REMAINS AT THE FACILITY FOR MORE THAN 90 CONSECUTIVE DAYS; OR

(6) IS OIL-FILLED OPERATIONAL EQUIPMENT.]

18 AAC 75.840 is repealed:

18 AAC 75.840. Registration and notification requirements. Repealed. (Eff.

6/24/2017, Register 222; repealed __/__/__, Register ____)

[EDITOR'S NOTE: THE FORMS REFERENCED IN 18 AAC 75.840 ARE
AVAILABLE ON THE DEPARTMENT'S INTERNET WEBSITE.]

Repealed text:

[(a) AN OWNER OR OPERATOR OF A CLASS 2 FACILITY SHALL REGISTER THE FACILITY WITH THE DEPARTMENT USING THE PAPER OR ELECTRONIC FORM SUPPLIED BY THE DEPARTMENT NOT LATER THAN 30 DAYS AFTER THE FACILITY IS PLACED IN SERVICE. IF THE FACILITY WAS PLACED IN SERVICE BEFORE AUGUST 23, 2017, THE OWNER OR OPERATOR SHALL REGISTER THE FACILITY NOT LATER THAN SEPTEMBER 22, 2017.

(b) AN OWNER OR OPERATOR OF A CLASS 2 FACILITY SHALL NOTIFY THE DEPARTMENT USING THE PAPER OR ELECTRONIC FORM SUPPLIED BY THE DEPARTMENT NOT LATER THAN 30 DAYS AFTER

(1) AN AST IS PLACED IN SERVICE;

(2) AN AST IS PERMANENTLY CLOSED;

(3) THE FACILITY IS NO LONGER A CLASS 2 FACILITY AS DEFINED IN 18 AAC 75.849, BECAUSE OF A CHANGE IN STORAGE CAPACITY; OR

(4) THE OWNER, OPERATOR, OR NAME OF THE OWNER OR OPERATOR OF THE FACILITY CHANGES.]

18 AAC 75.849 is repealed:

18 AAC 75.849. Definitions for 18 AAC 75.835 - 18 AAC 75.849. Repealed. (Eff. 6/24/2017, Register 222; repealed __/__/__, Register ___)

[EDITOR'S NOTE: AS OF REGISTER 226 (JULY 2018), THE REGULATIONS ATTORNEY MADE A TECHNICAL CORRECTION UNDER AS 44.62.125(b)(6), to the DEFINITION OF "PERMANENTLY CLOSED" IN 18 AAC 75.849.]

Repealed text:

[IN 18 AAC 75.835 - 18 AAC 75.849, UNLESS THE CONTEXT REQUIRES OTHERWISE,

(1) "ABOVEGROUND STORAGE TANK" OR "AST" MEANS A CONTAINER THAT

(A) IS USED TO STORE NONCRUDE OIL, AND

(B) IS NOT AN UNDERGROUND STORAGE TANK AS DEFINED IN AS 46.03.450;

(2) "CLASS 2 FACILITY"

(A) MEANS AN ONSHORE FACILITY THAT STORES NONCRUDE OIL IN ASTS, HAS A STORAGE CAPACITY OF 1,000 GALLONS OR GREATER, AND IS NOT SUBJECT TO AS 46.04.030;

(B) DOES NOT INCLUDE A RESIDENTIAL STRUCTURE WITH AN AST USED SOLELY TO STORE HEATING OIL FOR CONSUMPTIVE USE ON THE PREMISES;

(3) "DWELLING UNIT"

(A) MEANS REAL OR PERSONAL PROPERTY INHABITED AS A PRIMARY OR SECONDARY RESIDENCE;

(B) INCLUDES AN INDIVIDUAL UNIT WITHIN A MULTIPLE RESIDENTIAL STRUCTURE;

(4) "OIL-FILLED OPERATIONAL EQUIPMENT"

(A) MEANS EQUIPMENT THAT INCLUDES AN OIL STORAGE CONTAINER OR MULTIPLE CONTAINERS IN WHICH THE OIL IS PRESENT SOLELY TO SUPPORT THE FUNCTION OF THE APPARATUS OR THE DEVICE;

(B) INCLUDES HYDRAULIC SYSTEMS, LUBRICATING SYSTEMS, MACHINING COOLANT SYSTEMS, AND TRANSFORMERS;

(C) DOES NOT INCLUDE OIL-FILLED MANUFACTURING EQUIPMENT, SUCH AS FLOW-THROUGH PROCESS CONTAINERS;

(5) "PERMANENTLY CLOSED" MEANS

(A) ALL LIQUID AND SLUDGE HAS BEEN REMOVED FROM THE AST;

(B) ALL CONNECTING LINES AND PIPING HAVE BEEN DISCONNECTED FROM THE AST AND BLANKED OFF;

(C) ALL VALVES, EXCEPT VENTILATION VALVES, HAVE BEEN CLOSED AND LOCKED; AND

(D) CONSPICUOUS SIGNS HAVE BEEN POSTED ON THE AST STATING THAT IT IS PERMANENTLY CLOSED AND NOTING THE DATE OF CLOSURE;

(6) "PLACED IN SERVICE" MEANS

(A) FOR AN AST, AT THE START OF OPERATIONAL USE AFTER INITIAL CONSTRUCTION, INSTALLATION OR REACTIVATION FROM BEING PERMANENTLY CLOSED;

(B) FOR A CLASS 2 FACILITY, AT THE START OF OPERATIONAL USE OF A FACILITY AFTER

(i) INITIAL CONSTRUCTION; OR

(ii) AN AST IS PLACED IN SERVICE OR PERMANENTLY CLOSED THAT CHANGES THE FACILITIES STORAGE CAPACITY CAUSING THE FACILITY TO BECOME A CLASS 2 FACILITY AS DEFINED IN THIS SECTION;

(7) "RESIDENTIAL STRUCTURE"

(A) MEANS A STRUCTURE USED AS A DWELLING UNIT;

(B) DOES NOT INCLUDE

(i) A STRUCTURE WITH BOTH RESIDENTIAL AND NONRESIDENTIAL USES AND A COMMON AST TO STORE HEATING OIL;

(ii) TRANSIENT LODGING;

(iii) A RESIDENTIAL SCHOOL OR RESIDENCE HALL;

(iv) A STATE OR LOCAL CORRECTIONAL FACILITY;

(v) A NURSING HOME;

(vi) A HOSPITAL; OR

(vii) A PLACE CONSTRUCTED PRIMARILY FOR
RECREATIONAL ACTIVITIES;

(8) “STORAGE CAPACITY”

(A) FOR AN AST, MEANS THE FULL PHYSICAL VOLUME OF THE
TANK;

(B) FOR A CLASS 2 FACILITY,

(i) MEANS THE AGGREGATE STORAGE CAPACITY OF
THE ASTS SUBJECT TO THE REQUIREMENTS OF 18 AAC 75.835 –
18 AAC 75.849;

(ii) DOES NOT INCLUDE THE AGGREGATE STORAGE
CAPACITY OF ASTS THAT HAVE BEEN PERMANENTLY CLOSED;

(9) “TRANSIENT LODGING”

(A) MEANS A ROOM OR SUITE OF ROOMS

(i) THAT IS OCCUPIED NOT AS A PRIMARY OR
SECONDARY RESIDENCE BY PERSONS FOR PERIODS OF LESS THAN
30 CONSECUTIVE DAYS; OR

(ii) THAT IS OCCUPIED NOT AS A PRIMARY OR
SECONDARY RESIDENCE AND THAT HAS SERVICES NORMALLY
OFFERED BY HOTELS, INCLUDING HOUSEKEEPING SERVICES, A
FRONT DESK, OR TELEPHONE SWITCHBOARD, REGARDLESS OF THE
LENGTH OF OCCUPANCY OF A PERSON;

(B) INCLUDES HOTELS, MOTELS, HOSTELS, EMPLOYER-
PROVIDED HOUSING; AND RESORTS.]