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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Gary Mendivil, Department of Environmental Conservation

**FROM:** April Simpson, Office of the Lieutenant Governor 465.4081 

**DATE:** September 18, 2023

**RE:** Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation regulations re: Division of Spill Prevention and Response - Repeal of Class 2 Aboveground Storage Tank Regulations (18 AAC 75)

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Attorney General File:	2022200046
Regulation Filed:	9/18/2023
Effective Date:	10/18/2023
Print:	248, January 2024

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis  
Rebecca Spiegel, Environmental Program Specialist



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Law**

CIVIL DIVISION

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Juneau, Alaska 99811  
Main: 907.465.3600  
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September 14, 2023

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: *18 AAC 75: Division of Spill Prevention and Response - Repeal of Class 2  
Aboveground Storage Tank Regulations*  
Our file: 2022200046

Dear Lieutenant Governor Dahlstrom:

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 letter 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 repeal obsolete provisions concerning Class 2 aboveground storage tanks.

The June 22, 2023, public notice and the September 14, 2023, adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**  
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Rebecca C. Polizzotto  
Date: 2023.09.14  
15:43:59 -08'00'

Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

RCP/scw

CC w/enclosure: Gary Mendivil, Regulations Contact  
Department of Environmental Conservation

Rebecca Spiegel, Regulations Contact  
Department of Environmental Conservation

Cody Doig, Assistant Attorney General  
Department of Law

Steven C. Weaver, Assistant Attorney General  
Department of Law

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached 1 page of regulations, dealing with Class 2 aboveground storage tanks 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 30 days after they have been filed with the Lt Governor's Office.

DATE: September 14, 2023

Emma  
Pokon

Digitally signed by  
Emma Pokon  
Date: 2023.09.14  
08:10:54 -08'00'

Emma Pokon, Acting Commissioner  
Department of Environmental Conservation

*April Simpson for*

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on September 18, 2023, at 2:17 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

*Nancy Dahlstrom*

Nancy Dahlstrom, Lieutenant Governor

Effective: October 18, 2023.

Register: 24th, January 2024.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, 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:**

**April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

Register 248, January 2024

ENVIRONMENTAL CONSERVATION

18 AAC 75.835 is repealed:

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

6/24/2017, Register 222; repealed 10 / 18 / 2023, Register 248)

18 AAC 75.840 is repealed:

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

6/24/2017, Register 222; repealed 10 / 18 / 2023, Register 248)

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

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 10 / 18 / 2023, Register 248)

[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.]