

Department of Environmental Conservation
Division of Spill Prevention & Response



18 AAC Chapter 75 – Article 4 Oil Discharge Prevention
and Contingency Plans and Nontank Vessel Plans

Proposed Regulation Revisions

May 5, 2015

Bill Walker
Governor

Larry Hartig
Commissioner

Public Comment period ends
July 6, 2015, 5:00 p.m.

Please see public notice for
details about how to comment

Background and changes addressed

This packet is being proposed to update the language in selected sections of the regulations within Title 18 Chapter 75, Articles 4 and 9. The focus is to update the application and review procedures and public notice and plan review timelines for all regulated operations. The goal is to make the procedures clear and understandable, to modernize the regulations to incorporate the use of the most current technologies for documents and communications, and to provide consistency between related regulations.

Understanding the changes

Reading and understanding state regulations can be confusing. To assist you in understanding this draft, please note that state regulations are laid out in the following manner:

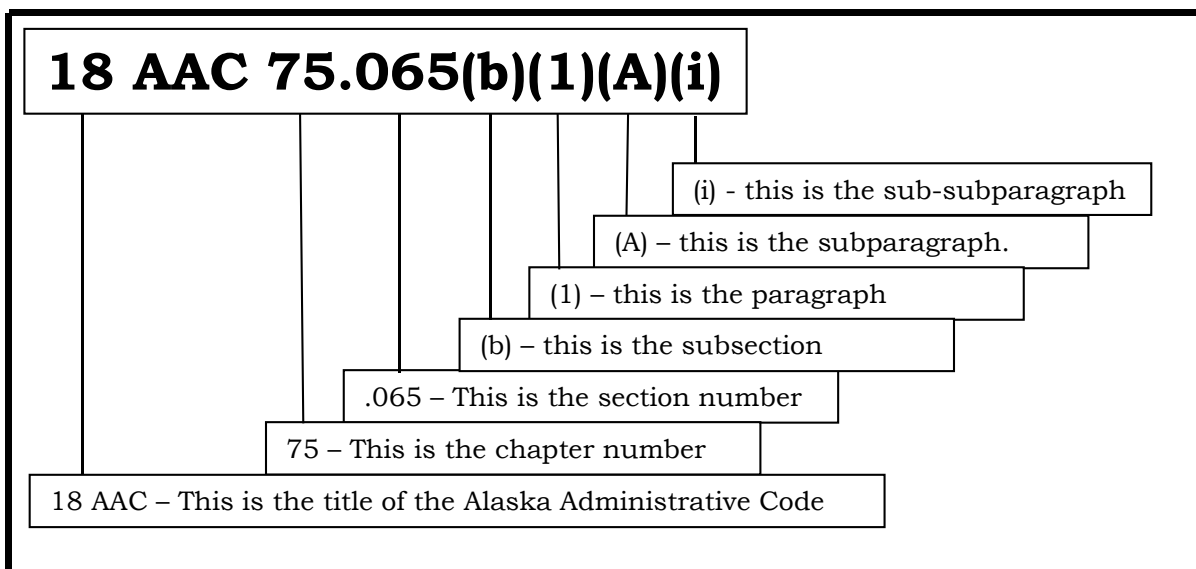


Figure 1. Alaska Regulatory Numbering System

In the following text, the proposed changes follow the formatting requirements of the “Drafting Manual for Administrative Regulations,” 20th Edition, August 2013, as promulgated by the State of Alaska Department of Law. The draft changes are indicated as follows:

Lead-in text explains the changes to the text that follows.

[CAPITALIZED TEXT IN BRACKETS] indicates current regulatory text proposed to be deleted.

Bolded and underlined indicates proposed new text that amends the regulation. When an entire section or subsection is new, it is only indicated by the lead in line.

[...] indicates unchanged chunks of regulatory text.

For comparison purposes, a complete copy of the current 18 AAC 75 regulations can be found online at: <http://dec.alaska.gov/commish/regulations/index.htm>

18 AAC 75.400 is amended to read:

18 AAC 75.400. Applicability. (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. A person who is subject to AS 46.04.055(f) must file an application for approval of a nontank vessel plan as required under 18 AAC 75.400 – **18 AAC 75.421** [18 AAC 75.420] and meet the applicable requirements of 18 AAC 75.426 – 18 AAC 75.496. The application must be made

(1) for an oil terminal facility **that has an effective storage capacity of 5,000 barrels or more of crude oil or 10,000 barrels or more of noncrude oil as provided in AS 46.04.050(a)**, by the owner or operator of the facility;

(2) for a [TANK] vessel [, OIL BARGE, OR ANY OTHER VESSEL TRANSPORTING LIQUID BULK OIL CARGO,] by

(A) the charterer, if the vessel [OR BARGE] is chartered by demise;

(B) the operator of the vessel;

(C) the owner of the vessel [OR BARGE], if the agents or employees of the owner retain control and responsibility for the operation of the vessel [OR BARGE]; or

(D) in any other case, the person with primary operational control;

(3) for an exploration or production facility, whether mobile or fixed, by the lease holder or the operator;

(4) for a pipeline , by the lease holder or the operator; **or**

(5) repealed __/__/____; [FOR A NONTANK VESSEL, BY

(A) THE CHARTERER, IF THE NONTANK VESSEL IS
CHARTERED BY DEMISE;

(B) THE OPERATOR;

(C) THE OWNER, IF THE AGENTS OR EMPLOYEES OF THE
OWNER RETAIN CONTROL AND RESPONSIBILITY FOR THE OPERATION OF THE
NONTANK VESSEL; OR

(D) IN ANY OTHER CASE, THE PERSON WITH PRIMARY
OPERATIONAL CONTROL; OR]

(6) for a railroad tank car, by the railroad transporting the railroad tank car.

(b) If it determines that an exemption will be protective of human health, safety, and welfare, and of the environment, the department will exempt from the requirements of AS 46.04.030(c) and AS 46.04.055(f), a vessel that is conducting, or is available only for conducting, an oil discharge response operation. A person seeking an exemption under this subsection must apply on a form supplied by the department. The department will approve or deny the request for an exemption within 10 working days after it receives an application. In an emergency response to an actual discharge, a person seeking an exemption may make a verbal request, and the department will, in its discretion, issue a verbal approval. The department will confirm a verbal approval in writing, stating the period during which the approval is valid.

(c) The owner or operator of an oil terminal facility that is subject to the requirements of AS 46.04.030 and 18 AAC 75.400 - 18 AAC 75.495 may apply for an exemption to those requirements upon proof to the department that the effective storage capacity of the facility has been permanently reduced below the amounts set out in AS 46.04.050. For purposes of reducing effective storage capacity, tanks and associated piping must be emptied and rendered

unusable to the department's satisfaction. Tanks **removed from** [TAKEN OUT OF] service must be clearly **marked in accordance with 18 AAC 75.065(o).** [POSTED WITH A PLACARD PROHIBITING REFILLING OF THE TANK WITHOUT DEPARTMENT APPROVAL.] Before reactivation of a tank that has been disabled for the purposes of an exemption under this subsection, the owner or operator must notify the department and, if necessary, must file a new application for approval of an oil discharge prevention and contingency plan. **For the purpose of changes to the storage capacity of a tank, any change must be made in a permanent manner.** The department will conduct inspections as necessary to ensure compliance with this subsection.

(d) The department may accept a single plan from an operator to address multiple facilities based on similarities in operations, **receiving environments,** logistical consideration, or other factors indicating to the satisfaction of the department that a single plan is appropriate given the commonality of operations.

18 AAC 75.400 is amended by adding new subsections to read:

(e) The requirements of this section do not apply to a nontank vessel operating in the waters of the state if the nontank vessel is entering waters of the state under circumstances determined by the department to be necessary under AS 46.04.055(e). A person shall notify the department as soon as the person is aware of circumstances warranting a nontank vessel to enter state waters without an approved plan.

(f) A natural gas production or natural gas terminal facility as defined at AS 46.04.050(b) is not required to submit an oil discharge prevention and contingency plan application.

(g) An exploration facility meeting the natural gas exploration facility exemption provisions of AS 46.04.050(c) is not required to submit an oil discharge prevention and contingency plan application.

(h) An oil discharge prevention and contingency plan is required for

(1) an oil terminal facility, except for a vessel operating as an oil terminal facility, until

(A) the department finds that storage tanks are removed from service in accordance with 18 AAC 75.065(o); or

(B) the effective storage capacity of the facility has been permanently reduced as set out in 18 AAC 75.400(c);

(2) a pipeline, while the pipeline

(A) is connected to a production facility or oil terminal facility; or

(B) contains oil;

(3) an exploration or production facility until the Alaska Oil and Gas Conservation Commission determines that all wells have been properly plugged as required by 20 AAC 25.112 and abandoned as required by 20 AAC 25.105; and

(4) a vessel while in the waters of the state. (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 __/__/__, Register ____)

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 is amended to read:

18 AAC 75.405. Pre-application notification and consultation. (a) At least 60 days before submitting an application for approval of a new oil discharge prevention and contingency plan or a nontank vessel equivalent plan under 18 AAC 75.410 or for renewal of approval under 18 AAC 75.420, the applicant must notify the department **in writing** of its intent to submit an application. **An electronic mail or facsimile transmission delivered to the appropriate department office will be considered written notice for purposes of this subsection.**

The department will determine the number of copies of the plan that the applicant will be required to submit to the department. **The department will specify if the submitted copies will be electronic, paper, or both for submittals after {date 6 months after effective date of regulation}.** **For electronic copies, the format will be defined by the department and shall be searchable.**

(b) The applicant, **on or before** {date 6 months after effective date of regulation}, **will** [MAY] consult with the department to ensure that the application meets the requirements of 18 AAC 75.410, [AND] to discuss the contents of the proposed plan, **and to discuss the review process under 18 AAC 75.455.**

(c) Pre-application notification and consultation is not required for a nontank vessel streamlined application submitted under **18 AAC 75.421** [18 AAC 75.410(d)]. (Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am _/_/__, Register __)

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

18 AAC 75.410 is amended to read:

18 AAC 75.410. Application procedures. (a) An application for approval of an oil discharge prevention and contingency plan or a nontank vessel equivalent plan must include a completed application for approval, on a form supplied by the department, and the number of copies of the plan determined under 18 AAC 75.405(a). **The application must be submitted at least 120 days prior to the proposed start of operation for submittals after** {date 6 months after effective date of regulation}. **The department will specify if the submitted copies will be electronic, paper, or both for submittals after** {date 6 months after effective date of regulation}. **For electronic copies, the format will be defined by the department and shall be searchable. Upon determination that the plan is sufficient for review,** the department **will** [MAY] require the submission **and distribution** of additional copies of the plan **to the parties described in 18 AAC 75.455(b)(1). A copy of the plan will be posted on the department's Internet website on or before** {date 6 months after effective date of regulation}. [AND WILL NOTIFY THE APPLICANT OF THE NEED FOR ADDITIONAL COPIES WITHIN 10 DAYS AFTER THE PLAN IS SUBMITTED. IN ADDITION, THE APPLICANT MUST PROVIDE COPIES OF THE PLAN, UPON REQUEST, TO RESOURCE AGENCIES, AFFECTED COASTAL RESOURCE DISTRICTS AND REGIONAL CITIZENS' ADVISORY COUNCILS, AND OTHER PERSONS AS DIRECTED BY THE DEPARTMENT UNDER 18 AAC.75.455].

(b) An application under (a) of this section must include

- (1) the applicant's **legal** name, address, and telephone number;
- (2) the name, location, and type of facility or operation covered by the plan;

(3) for a vessel, the vessel's name, official number, and country of registry, the name and address of the owner, and the name and address of the operator;

(4) for a railroad tank car, the name of the railroad covered by the plan;

(5) the scheduled date for the operations covered by the plan to begin; and

(6) any other information required on the application form that is applicable to the facility or operation.

(c) The department will review an application submitted under (a) of this section using the procedures set out at 18 AAC 75.455 and will issue its decision under 18 AAC 75.460(a).

18 AAC 75.410(d) and 18 AAC 75.410(e) are repealed:

(d) Repealed __/__/____. [A COMPLETE APPLICATION FOR A NONTANK VESSEL STREAMLINED PLAN APPROVAL MUST BE ON A FORM SUPPLIED BY THE DEPARTMENT AND MUST CONTAIN THE INFORMATION DESCRIBED IN 18 AAC 75.426.]

(e) Repealed __/__/____. [THE DEPARTMENT WILL REVIEW AN APPLICATION SUBMITTED UNDER (d) OF THIS SECTION AND ISSUE A DECISION USING THE PROCEDURES SET OUT AT 18 AAC 75.456.]

18 AAC 75.410 is amended by adding a new subsection to read:

(f) A plan application must be signed as follows:

(1) in the case of a corporation, by a principal executive officer of at least the level of vice president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation;

(2) in the case of a partnership, by a general partner;

(3) in the case of a sole proprietorship, by the proprietor;

(4) in the case of a municipal, state, federal, or other public facility,

by either a principal executive officer, ranking elected official, or other duly authorized employee;

(5) in the case of a joint venture, by the operator;

(6) in the case of a limited liability company, by a member;

(7) by an agent who has been delegated that authority in writing to the department by the responsible party under (f)(1) - (5) of this section.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 12/14/2002, Register 164; am 4/8/2012, Register 202; am __/__/____, Register ____)

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 75.414. Application for owner or operator change. (a) A change in the owner, operator, or name of the owner or operator of a facility or operation requires an application for approval be submitted on a form supplied by the department. The application will be reviewed:

(1) when there is a change in the owner or operator, or name of the owner or operator of a facility or operation of an approved plan covering multiple facilities, and there are no changes to the facilities included in the plan, the application will be reviewed as an amendment under the provisions of 18 AAC 75.415.

(2) when one facility of a multiple-facility plan approved by the department is transferred to a new owner or operator, the new owner or operator of the facility must apply for approval of a new plan under the provisions of 18 AAC 75.410. (Eff. __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.415 is amended to read:

18 AAC 75.415. Application for plan amendment. (a) **Before** [SUBJECT TO (b) OF THIS SECTION, BEFORE] a change to a plan that has been approved under **18 AAC 75.460(a)** [18 AAC 75.400 – 18 AAC 75.496] may take effect, the plan holder must obtain approval from the department for an amendment to the plan, **unless it is a routine plan update under (b) of this section.** An application for approval of an amendment must be submitted on a form supplied by the department. [FOR PLANS APPROVED UNDER 18 AAC 75.460(a),] **The** [THE] application must be accompanied by the number of [AMENDED PLANS OR] plan **amendment copies as directed by the department. The department will specify if the submitted copies will be electronic, paper, or both for submittals after {date 6 months after effective date of regulation}.** **For electronic copies, the format will be defined by the department and shall be searchable.** [AMENDMENTS DETERMINED UNDER 18 AAC 75.405(a)]. **All proposed additions, revisions, and deletions must be identified in the amendment copies for submittals on or before {date 6 months after effective date of regulation}.** The department will **consider** [USE] the **following factors to determine whether the** procedures set out at 18 AAC 75.455 **will be used** to review a plan amendment [; UNLESS THE PLAN AMENDMENT IS A ROUTINE PLAN UPDATE UNDER (b) OF THIS

SECTION, ADDS A VESSEL UNDER (C) OF THIS SECTION OR OTHERWISE DOES NOT DIMINISH THE PLAN HOLDER'S ABILITY TO RESPOND TO AN OIL DISCHARGE.]

(1) an increase to the response planning standard volume or a change to the response planning standard scenario location;

(2) a change to the season of operations that would affect the response scenarios;

(3) the operations occur in a new physical location outside of the current plan boundaries; or

(4) any substantive changes to the prevention or response capabilities or other substantive changes that require public review. In this subsection, substantive means that more resources or training are needed, different resources or training are needed, or resources or training for response or prevention are reduced.

(b) **Notification of a** [A] routine plan update must be submitted **on a form supplied by** [TO] the department. **The notification must be accompanied by the updated information.** **All proposed additions, revisions, and deletions must be identified in the amendment copies for submittals on or before** {date 6 months after effective date of regulation}. [AND, FOR] **For** plans approved under 18 AAC 75.460(a), **the updated information must be provided** to the **department, the Department of Natural Resources, the Department of Fish and Game, regional citizens' advisory councils, and other persons designated by the department** [APPLICABLE RESOURCE AGENCIES,] within five days after the date the proposed change occurs. Routine plan updates include

(1) a deletion **from** [TO] the list of vessels operating under the approved plan **if the deleted vessel is not included in the Response Action Plan under 18 AAC 75.425(e)(1);**

and

(2) a revision to the list of names, addresses, or telephone numbers of spill command and response personnel.[: AND]

(3) repealed __/__/____ [A REVISION TO A TRAINING PROCEDURE OR COURSE WORK REQUIREMENT THAT DOES NOT REDUCE THE AMOUNT OR QUALITY OF TRAINING REQUIRED BY THIS CHAPTER].

(c) An application for approval of a plan amendment to allow the addition of a vessel to operate under an approved **oil barge or tank vessel** oil discharge prevention and contingency plan must include the information required by 18 AAC 75.425(e)(1)(H) and 18 AAC 75.425(e)(3)(A)(iii), (vi), (viii), and (x). A plan amendment for the addition of **an oil barge or tank vessel** [A VESSEL] must be submitted at least five **working** days before the vessel operates in state waters. **The department will use the factors in (a) of this section to determine if the procedures set out at 18 AAC 75.455 will be used to review a plan amendment. If the department determines that the proposed plan amendment will not be reviewed under 18 AAC 75.455, the** [THE] department will review the **amendment** [APPLICATION] and issue a written decision within five **working** days after receiving a proposed plan amendment under this subsection [IF THE DEPARTMENT DETERMINES THAT THE ADDITION OF A VESSEL WILL NOT DIMINISH THE PLAN HOLDER'S ABILITY TO RESPOND TO AN OIL DISCHARGE. A PLAN AMENDMENT UNDER THIS SUBSECTION THAT MIGHT DIMINISH THE PLAN HOLDER'S ABILITY TO RESPOND TO AN OIL DISCHARGE WILL BE REVIEWED UNDER 18 AAC 75.455].

(d) An application for approval of a plan amendment to allow the addition of a vessel to operate under an approved nontank vessel equivalent plan must include all the information

required by 18 AAC 75.427 for that vessel. A plan amendment for the addition of a vessel must be submitted at least five working days before the vessel operates in state waters. The

department will use the factors in (a) of this section to determine if the procedures set out at 18 AAC 75.455 will be used to review a plan amendment. If the department determines that the proposed plan amendment will not be reviewed under 18 AAC 75.455, the [THE]

department will review the application and issue a written decision within five working days after receiving a proposed plan amendment under this subsection. [IF THE DEPARTMENT DETERMINES THAT THE ADDITION OF A VESSEL WILL NOT DIMINISH THE PLAN HOLDER'S ABILITY TO RESPOND TO AN OIL DISCHARGE. A PLAN AMENDMENT UNDER THIS SUBSECTION THAT MIGHT DIMINISH THE PLAN HOLDER'S ABILITY TO RESPOND TO AN OIL DISCHARGE WILL BE REVIEWED UNDER 18 AAC 75.455.]

(e) Repealed __/__/____. [AN APPLICATION FOR APPROVAL OF A PLAN AMENDMENT TO ALLOW THE ADDITION OF A VESSEL TO OPERATE UNDER AN APPROVED NONTANK VESSEL STREAMLINED PLAN MUST INCLUDE ALL OF THE INFORMATION REQUIRED BY 18 AAC 75.426 FOR THAT VESSEL. A PLAN AMENDMENT FOR THE ADDITION OF A VESSEL MUST BE SUBMITTED AT LEAST FIVE DAYS BEFORE THE VESSEL OPERATES IN STATE WATERS. THE DEPARTMENT WILL REVIEW THE APPLICATION AND ISSUE A WRITTEN DECISION WITHIN FIVE DAYS AFTER RECEIVING A PROPOSED PLAN AMENDMENT UNDER THIS SUBSECTION. A PLAN AMENDMENT FOR THE ADDITION OF A VESSEL WILL BE REVIEWED UNDER 18 AAC 75.456.]

(f) For plans approved under 18 AAC 75.460(a), if the department determines that a proposed plan amendment submitted under (a) [(b)] of this section will be reviewed under

18 AAC 75.455 [DIMINISH THE PLAN HOLDER'S ABILITY TO RESPOND TO AN OIL DISCHARGE], the department will notify the plan holder within 10 **working** days after receipt of the amendment [THAT THE AMENDMENT WILL BE REVIEWED UNDER 18 AAC 75.455]. If the department determines that a proposed plan amendment will not **be reviewed under 18 AAC 75.455** [DIMINISH THE PLAN HOLDER'S ABILITY TO RESPOND TO AN OIL DISCHARGE], the department will review the plan amendment and issue a written decision within 30 days after receipt of the proposed plan amendment.

(g) For a plan approved under 18 AAC 75.460(a), the plan holder shall **publish** [NOTIFY AND, UPON REQUEST, SEND A COPY OF] **any proposed plan amendment or update submitted under this section and provide copies to the department within 30 days.** **The department will specify if the submitted copies will be electronic, paper, or both for submittals after** {date 6 months after effective date of regulation}. **For electronic copies, the format will be defined by the department and shall be searchable. The department will send a notice by electronic mail to the Department of Natural Resources, the Department of Fish and Game** [RESOURCE AGENCIES], regional citizens' advisory councils, and other persons **designated** [AS DIRECTED] by the department [UNDER 18 AAC 75.455.] **to notify them that the document is available on the department's Internet website.**

18 AAC 75.415 is amended by adding the following new subsections to read:

(h) For a plan amendment approved under (f) of this section, the plan holder shall send a copy of the plan amendment to the Department of Natural Resources, the Department of Fish and Game, regional citizens' advisory councils, and other persons designated by the department. The department will specify if the submitted copies will be electronic, paper, or both for submittals

after {*date 6 months after effective date of regulation*}. For electronic copies, the format will be defined by the department and shall be searchable.

(i) The department may approve an amendment without following these procedures if the plan amendment adds a vessel under (c) or (d) of this section.

(Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 12/14/2002, Register 164; am 4/8/2012 Register 202; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.420 is amended to read:

18 AAC 75.420. Application for plan renewal. (a) A plan holder must apply for renewal of the department's plan approval, using a form supplied by the department. **For submittals after** {*date 6 months after effective date of regulation*}, **the application must be submitted at least 120 days, or the number of days stated in the plan approval letter under 18 AAC 75.460(a),** [SUFFICIENTLY] in advance of expiration of the plan to permit department review before the plan approval expires.

(b) Repealed __/__/____. [A CHANGE IN OWNERSHIP OF A FACILITY OR OPERATION REQUIRES AN APPLICATION FOR RENEWAL OF THE DEPARTMENT'S APPROVAL OF THE PLAN.]

(c) If no change will be made in the plan when it is renewed, a copy of the original plan need not accompany the application and may be incorporated by reference on the renewal application form **unless otherwise requested by the department**. In all other cases, **all proposed additions, revisions, and deletions must be identified in the amendment copies for submittals on or before** {*date 6 months after effective date of regulation*}. **The department**

may also request a summary of changes in a table format. The [THE] number of **copies of the renewal** [AMENDED] plan [OR PLAN AMENDMENTS] determined under 18 AAC 75.405(a) must accompany the application for renewal. **The department will specify if the submitted copies will be electronic, paper, or both for submittals after** {date 6 months after effective date of regulation}. **For electronic copies, the format will be defined by the department and shall be searchable.**

(d) Repealed __/__/____. [IF THE DEPARTMENT DETERMINES THAT THE CHANGE IN OWNERSHIP OF A FACILITY OR OPERATION WOULD NOT DIMINISH THE PLAN HOLDER'S ABILITY TO RESPOND TO AN OIL DISCHARGE, THE DEPARTMENT WILL REVIEW AND ISSUE A WRITTEN DECISION WITHIN 30 DAYS AFTER RECEIVING AN APPLICATION FOR RENEWAL.]

(e) [EXCEPT AS PROVIDED IN (d) OF THIS SECTION,] **An** [AN] application for renewal will be reviewed under the provisions of 18 AAC 75.455 [OR 18 AAC 75.456, AS APPLICABLE].

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

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 75.421. Nontank vessel streamlined plan application procedures. (a) An application for approval of a nontank vessel streamlined oil discharge prevention and contingency plan must be made on a form supplied by the department.

(b) Before a change to a nontank vessel streamlined plan approved under 18 AAC 75.400 – 18 AAC 75.496 may take effect, the plan holder must obtain approval from the

department for an amendment to the plan. An application for approval of an amendment must be submitted on a form supplied by the department.

(c) An application for approval of a nontank vessel streamlined plan or amendment to a previously approved plan must be submitted to the department for review and approval at least five working days before a vessel covered in the plan enters waters of the state.

(d) A plan holder must apply for renewal of the department's plan approval, using a nontank vessel streamlined plan application form supplied by the department, at least five working days in advance of expiration of the plan.

(e) A plan holder may voluntarily suspend or terminate an approved plan by submitting a nontank vessel streamlined plan notification form provided by the department. The department will provide acknowledgement of the plan holder's suspension or termination within five working days after receiving the notification.

(f) A plan holder may apply for reinstatement of a suspended plan by submitting an application to the department on a nontank vessel streamlined plan application form supplied by the department at least five working days before a vessel covered in the plan enters waters of the state.

(g) A terminated or expired plan cannot be reinstated. Before a vessel can enter state waters after a plan has been terminated or expired, an application for a nontank vessel streamlined plan must be submitted under (a) above. (Eff. __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.428 is amended to read:

18 AAC 75.428. Response planning facilitator. (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** [18 AAC 75.410(d)] on behalf of a plan holder. A response planning facilitator may

(1) act as an intermediary between the plan holder and one or more nontank vessel cleanup contractors and one or more nontank vessel incident management teams in order to facilitate the submission of a nontank vessel streamlined plan under **18 AAC 75.421** [18 AAC 75.410(d)], including facilitation of the execution of a contract or membership agreement between the plan holder and each nontank vessel cleanup contractor and nontank vessel incident management team as described in 18 AAC 75.426(12) and (13); or

(2) enter into a contract with the plan holder to meet the requirements of 18 AAC 75.400 – 18 AAC 75.496; the response planning facilitator's registration application under 18 AAC 75.553 must

(A) certify that the response planning facilitator has a contract with, or is a member of, one or more nontank vessel cleanup contractors and has a contract with one or more 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

(B) contain a statement, signed by the response planning facilitator and each nontank vessel cleanup contractor and nontank vessel incident management team, that the 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.

(b) A response planning facilitator may sign a streamlined plan application as an authorized agent on behalf of the plan holder. An application signed by a response planning facilitator has the full force and effect of an application signed by the plan holder as described in **18 AAC 75.400(a)(2)** [18 AAC 75.400(a)(5)(A) – (D)]. (Eff. 11/27/2002, Register 164, am ___/___/____, Register ___)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.455 is repealed and readopted to read:

18 AAC 75.455. Department review procedures for oil discharge prevention and contingency plans and nontank vessel equivalent plans. (a) Within seven working days after receipt of an oil discharge prevention and contingency plan application and plan or a nontank vessel equivalent plan application and plan, the department will determine if the application is complete and the plan is sufficient for review. If the application is not complete or the plan is not sufficient for review, the department will notify the applicant in writing.

(b) When the department determines that an application is complete and the plan is sufficient for review, the department will notify the applicant in writing and

(1) direct the applicant to provide copies of the application and the plan, to the Department of Natural Resources, the Department of Fish and Game, regional citizens' advisory councils, and other persons designated by the department. The department will determine the number of copies of the plan that the applicant must provide. The department will specify if the submitted copies will be electronic, paper, or both for submittals after {*date 6 months after effective date of regulation*}. For electronic copies, the format will be defined by the department

and shall be searchable. It is the applicant's responsibility to provide a copy of the application and plan, if directed by the department, following a request to the department by other persons for a copy;

(2) write a notice setting a 30-day public comment period and send it to the Department of Natural Resources, the Department of Fish and Game, regional citizens' advisory councils, and other persons who have made a written request to the department for information regarding the submission subject to review under this section. The department will accept comments on the plan and requests for additional information necessary to make a determination that the plan is complete until the end of the 30-day comment period; and

(3) direct the applicant to publish a one-time notice provided by the department of the 30-day public comment period of the plan in one or more publications, in the manner described in 18 AAC 15.050(b), stating the deadline for comments established under (2) of this subsection. The applicant is responsible for paying the cost of the notice under this paragraph. The notice will state that a copy of the application and plan are available for review at specific offices of the department and other locations as determined by the department.

(c) if the department determines that additional information is required to evaluate the plan,

(1) it will convey to the applicant in writing that a request for additional information will be transmitted as soon as possible after the end of the public comment period;

(2) the applicant shall send responses to all requests for additional information to the department. The department will specify if the submitted copies will be electronic, paper, or both for submittals after *{date 6 months after effective date of regulation}*. For electronic copies, the format will be defined by the department and shall be searchable. All proposed additions,

revisions, and deletions must be identified in the plan for submittals on or before {*date 6 months after effective date of regulation*};

(3) the department will verify that all requests for additional information have been addressed; if the applicant has not addressed all requests, the department will send subsequent requests for additional information until the original requests have been answered;

(4) when the department has verified all requests have been addressed, the applicant shall send copies, of any additional information requested to the department and to the parties described in (b)(1) of this section. The department will specify if the submitted copies will be electronic, paper, or both for submittals after {*date 6 months after effective date of regulation*}. For electronic copies, the format will be defined by the department and shall be searchable. All proposed additions, revisions, and deletions must be identified in the plan for submittals on or before {*date 6 months after effective date of regulation*}; and

(5) the department may set a deadline for the submittal of additional information.

(d) If the applicant's responses to requests for additional information cause the department to identify additional information needed to find the plan complete, the procedures outlined in (c)(1) - (5) of this section will be repeated until the department determines the plan is complete.

(e) Upon receipt by the department of all additional information requested under (c) and (d) of this section, the department will provide to the parties described in (b)(1) of this section notice of a minimum 10-day public comment period for the additional information.

(f) The department will make a determination as to whether a plan is complete within seven working days of the end of the public comment period established in (e) of this section, or

if no additional information was requested under (c) of this section, within seven working days after the end of the comment period established under (b)(2) of this section.

(g) Notwithstanding the review procedures set out in this section, if, at any time after receipt of an application and plan, and after consultation with the Department of Natural Resources, the Department of Fish and Game, and regional citizens' advisory councils, the department determines that all information necessary to evaluate the plan has been received, the department will, in its discretion, find the plan complete. The department will notify the applicant when the plan is complete. However, no decision will be made under this subsection until after the comment deadline established under (b)(2) or (c) of this section.

(h) The department will, if it determines good cause exists, hold a public hearing on an application and plan in the manner provided under 18 AAC 15.060.

(i) Following the comment deadline established under (b)(2) or (c) of this section, and within 65 days after the department determines that an application and plan are complete, the department will approve, approve with conditions, or disapprove a plan. For a plan approved under this section, the plan holder shall send copies of the plan to the Department of Natural Resources, the Department of Fish and Game, regional citizens' advisory councils, and other persons designated by the department. The department will specify if the submitted copies will be electronic, paper, or both for submittals after {*date 6 months after effective date of regulation*}. For electronic copies, the format will be defined by the department and shall be searchable.

(j) To assist the department in its review of oil discharge prevention and contingency plans and nontank vessel equivalent plans under this chapter, the department will enter into an annual agreement with the Department of Natural Resources and the Department of Fish and

Game to provide expertise regarding protection of fish and game, state land, areas of public concern, and environmentally sensitive areas.

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

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070

AS 46.04.030

NOTE: 18 AAC 75.455 Repealed text:

[(a) WITHIN SEVEN WORKING DAYS AFTER RECEIPT OF AN OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN APPLICATION AND PLAN OR A NONTANK VESSEL EQUIVALENT PLAN APPLICATION AND PLAN, THE DEPARTMENT WILL DETERMINE IF THE APPLICATION AND PLAN ARE SUFFICIENT FOR PUBLIC REVIEW. IF THE APPLICATION OR PLAN IS NOT SUFFICIENT FOR PUBLIC REVIEW, THE DEPARTMENT WILL REQUEST THE NECESSARY ADDITIONAL INFORMATION FROM THE APPLICANT.

(b) WHEN THE DEPARTMENT DETERMINES THAT AN APPLICATION AND PLAN ARE SUFFICIENT FOR PUBLIC REVIEW, THE DEPARTMENT WILL

(1) SEND A NOTICE SETTING A 30-DAY COMMENT PERIOD TO THE DEPARTMENT OF NATURAL RESOURCES, THE DEPARTMENT OF FISH AND GAME, AFFECTED COASTAL DISTRICTS AND REGIONAL CITIZENS ADVISORY COUNCILS, AND OTHER PERSONS WHO HAVE MADE A WRITTEN REQUEST FOR INFORMATION REGARDING SUBMISSIONS SUBJECT TO REVIEW UNDER THIS SECTION;

(2) DIRECT THE APPLICANT TO PROVIDE A COPY OF THE APPLICATION AND THE PLAN TO THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF FISH AND GAME, AFFECTED COASTAL DISTRICTS AND REGIONAL CITIZENS ADVISORY COUNCILS, AND OTHER PERSONS DESIGNATED BY THE DEPARTMENT;

(3) SET A DATE, WITHIN THE 18TH TO 25TH DAY OF THE 30-DAY COMMENT PERIOD, BY WHICH THE DEPARTMENT WILL CONVEY TO THE APPLICANT ANY REQUEST FROM THE DEPARTMENT OR A PERSON REVIEWING THE APPLICATION THAT THE DEPARTMENT FINDS NECESSARY TO MAKE A DETERMINATION THAT THE APPLICATION OR PLAN IS COMPLETE; AND

(4) PUBLISH ONE 30-DAY NOTICE OF THE APPLICATION, IN THE MANNER DESCRIBED IN 18 AAC 15.050(B), STATING THE DEADLINE FOR COMMENTS ESTABLISHED UNDER (1) OF THIS SUBSECTION AND THE DATE

ESTABLISHED UNDER (3) OF THIS SUBSECTION FOR CONVEYING REQUESTS FOR ADDITIONAL INFORMATION; THE APPLICANT IS RESPONSIBLE FOR PAYING THE COST OF THE NOTICE UNDER THIS PARAGRAPH.

(c) THE NOTICE PUBLISHED UNDER (b) OF THIS SECTION WILL STATE THAT A COPY OF THE APPLICATION AND PLAN ARE AVAILABLE FOR REVIEW AT THE DISTRICT AND REGIONAL OFFICES OF THE DEPARTMENT NEAREST TO THE AFFECTED AREA OF THE STATE. IT IS THE APPLICANT'S RESPONSIBILITY TO PROVIDE A COPY OF THE APPLICATION AND PLAN IF THE DEPARTMENT RECEIVES A REQUEST FOR A COPY.

(d) IF, BY THE DATE SET UNDER (b)(3) OF THIS SECTION, THE DEPARTMENT DETERMINES THAT ADDITIONAL INFORMATION IS NECESSARY TO EVALUATE THE APPLICATION OR PLAN, THE DEPARTMENT WILL

(1) NOTIFY THE APPLICANT OF THE INFORMATION NEEDED; AND

(2) EXTEND THE 30-DAY COMMENT PERIOD ESTABLISHED UNDER (b)(1) OF THIS SECTION UNTIL THE INFORMATION IS RECEIVED, PLUS 10 DAYS.

(e) IF THE DEPARTMENT DETERMINES THAT ADDITIONAL INFORMATION IS NECESSARY UNDER (D) OF THIS SECTION AND REQUESTS THE INFORMATION FROM THE APPLICANT, THE APPLICANT SHALL SEND A COPY OF ANY ADDITIONAL INFORMATION REQUESTED TO THE DEPARTMENT AND TO THE DEPARTMENT OF NATURAL RESOURCES, THE DEPARTMENT OF FISH AND GAME, AFFECTED COASTAL DISTRICTS AND REGIONAL CITIZENS ADVISORY COUNCILS, AND OTHER PERSONS DESIGNATED BY THE DEPARTMENT;

(f) UPON RECEIPT BY THE DEPARTMENT OF THE ADDITIONAL INFORMATION REQUESTED UNDER (d) OF THIS SECTION, THE DEPARTMENT WILL PROVIDE TO THE PARTIES DESCRIBED IN (e) OF THIS SECTION NOTICE OF (1) RECEIPT OF THE INFORMATION AND (2) THE FINAL COMMENT DEADLINE, AS EXTENDED.

(g) THE DEPARTMENT WILL MAKE A DETERMINATION AS TO WHETHER AN APPLICATION AND PLAN ARE COMPLETE WITHIN SEVEN DAYS AFTER THE RECEIPT OF ANY ADDITIONAL INFORMATION UNDER (E) OF THIS SECTION OR, IF NO ADDITIONAL INFORMATION WAS REQUESTED UNDER (d) OF THIS SECTION, WITHIN TWO DAYS AFTER THE END OF THE 30-DAY COMMENT PERIOD ESTABLISHED UNDER (b)(1) OF THIS SECTION.

(h) NOTWITHSTANDING THE REVIEW PROCEDURES SET OUT IN THIS SECTION, IF, AT ANY TIME AFTER RECEIPT OF AN APPLICATION AND PLAN, AND AFTER CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES, THE DEPARTMENT OF FISH AND GAME, AND AFFECTED COASTAL DISTRICTS AND REGIONAL CITIZENS ADVISORY COUNCILS, THE DEPARTMENT DETERMINES

THAT ALL INFORMATION NECESSARY TO EVALUATE THE APPLICATION AND PLAN HAS BEEN RECEIVED, THE DEPARTMENT WILL, IN ITS DISCRETION, FIND THE APPLICATION AND PLAN COMPLETE. HOWEVER, NO DECISION WILL BE MADE UNDER (i) OF THIS SECTION UNTIL AFTER THE COMMENT DEADLINE ESTABLISHED UNDER (B)(1) OF THIS SECTION.

(i) FOLLOWING THE COMMENT DEADLINE ESTABLISHED UNDER (B)(1) OF THIS SECTION, INCLUDING ANY EXTENSION UNDER (d)(2) OF THIS SECTION, AND WITHIN 65 DAYS AFTER THE DEPARTMENT DETERMINES THAT AN APPLICATION AND PLAN ARE COMPLETE, THE DEPARTMENT WILL APPROVE, APPROVE WITH CONDITIONS, OR DISAPPROVE A PLAN.

(j) THE DEPARTMENT WILL, IF IT DETERMINES GOOD CAUSE EXISTS, HOLD A PUBLIC HEARING ON AN APPLICATION AND PLAN IN THE MANNER PROVIDED UNDER 18 AAC 15.060.

(k) TO ASSIST THE DEPARTMENT IN ITS REVIEW OF OIL DISCHARGE PREVENTION AND CONTINGENCY PLANS AND NONTANK VESSEL EQUIVALENT PLANS UNDER THIS CHAPTER, THE DEPARTMENT WILL ENTER INTO AN ANNUAL AGREEMENT WITH THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF FISH AND GAME TO PROVIDE EXPERTISE REGARDING PROTECTION OF FISH AND GAME, STATE LAND, AREAS OF PUBLIC CONCERN, AND ENVIRONMENTALLY SENSITIVE AREAS.]

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070

AS 46.04.030

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

18 AAC 75.456. Department decision on nontank vessel streamlined plans. (a) The department will make a decision on a nontank vessel streamlined plan or plan amendment within 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** [18 AAC 75.410(d)] if the plan meets the following requirements:

...

(Eff. 11/27/2002, Register 164, am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.457 is amended to read:

18 AAC 75.457. Emergency modification of review process. If, due to an emergency as described in AS 26.23 or AS 46.04.080 or other applicable law, an applicant needs an expedited review, or if the commissioner or the commissioner's designee finds that an expedited review is necessary for the preservation of the public peace, health, safety, or general welfare, the commissioner or the commissioner's designee will, **at** [IN] that person's discretion, and consistent with the requirements of AS 46.04.030(j) [THAT A COPY OF THE APPLICANT'S PLAN BE PROVIDED TO THE DEPARTMENT OF FISH AND GAME AND THE DEPARTMENT OF NATURAL RESOURCES,] modify the review process established in 18 AAC 75.455 as necessary to meet the emergency. Any modifications in the review process made under this section will be made in writing by the commissioner or the commissioner's designee based upon clear and convincing evidence of a need for the modification. (Eff. 5/14/92, Register 122; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.030 AS 46.04.070

18 AAC 75.460 is amended to read:

18 AAC 75.460. Department decision on oil discharge prevention and contingency plans and nontank vessel equivalent plans. (a) After considering the information, analyses, and commitments contained in a complete application for an oil discharge prevention and

contingency plan approval and [TIMELY] comments **received by the close of the public comment period set out in** 18 AAC 75.455, the department will approve, approve with conditions, or disapprove an oil discharge prevention and contingency plan or a nontank vessel equivalent plan.

(b) A decision issued under (a) of this section will include

(1) the written approval, if it is the department's determination that an oil discharge prevention and contingency plan approval should be issued; the department will provide a summary of the basis for its decision to approve a plan in a case in which public comment adverse to the application has been received;

(2) a brief summary of the basis for the department's decision if the decision is to disapprove a plan or to subject a plan to conditions specific to the activity; and

(3) a statement that, if aggrieved by the department's decision, the applicant or any person who submitted [TIMELY] comments on the application under 18 AAC 75.455 **by the close of the public comment period set out in 18 AAC 75.455** may request an adjudicatory hearing by submitting the information required under 18 AAC 15.200(a)(1) - (5), and that any hearing requested under this subsection will be subject to the procedures set out **under** [AT] 18 AAC 15.195 - 18 AAC 15.340 **or an informal review by the Division Director in accordance with 18 AAC 15.185.**

(4) the department will direct the plan holder to publish the approved plan and provide it to the department in the format(s) specified by the department within 30 days for submittals after {date 6 months after effective date of regulation}. **The department will specify if the submitted copies will be electronic, paper, or both for submittals after {date 6 months after effective date of regulation}.** **For electronic copies, the format will be**

defined by the department and shall be searchable. The department will send a notice by electronic mail to the Department of Natural Resources, the Department of Fish and Game, regional citizens' advisory councils, and other persons designated by the department to notify them that the document is available on the department's Internet website for submittals after {date 6 months after effective date of regulation}.

(c) The department's decision will be served on the applicant and each person who submitted [TIMELY] comments on the application under 18 AAC 75.455 **by the close of the public comment period set out in 18 AAC 75.455.** The applicant and any person who submitted [TIMELY] comments on the application under 18 AAC 75.455 **by the close of the public comment period set out in 18 AAC 75.455** may request an adjudicatory hearing **in accordance with 18 AAC 15.195 – 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Spill Prevention and Response Division Director, by mail, electronic mail, or facsimile to 555 Cordova Street, Anchorage, Alaska 99501-2617, within 15 days of the department's decision. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801. The adjudicatory hearing request deadlines are set out in 18 AAC 15.200. If a hearing is not requested within 30 days, the right to appeal is waived.** [WITHIN 30 DAYS AFTER SERVICE OF THE DEPARTMENT'S DECISION. THE HEARING WILL BE CONDUCTED IN ACCORDANCE WITH PROCEDURES SET OUT AT 18 AAC 15.195 - 18 AAC 15.340.]

(d) An approval under this section is effective for

(1) five years after the date it is issued;

(2) a time period shorter than five years, as specified in the department's approval letter and certificate.

(3) repealed 9/4/2014;

(Eff. 5/14/92, Register 122; am 7/11/2002, Register 163; am 11/27/2002, Register 164; am 9/4/2014, Register 211; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.04.055 AS 46.04.070
AS 46.04.030

18 AAC 75.465 is amended to read:

18 AAC 75.465. Proof of approved plan. (a) The owner or operator of an oil terminal facility may not cause or permit the transfer of oil to or from a vessel, barge, or railroad tank car unless

(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 nontank vessel plan for that operation; and

(2) the operator of the vessel, barge, or railroad tank car has certified, on a certification log form supplied by the department and maintained by the owner or operator of the oil terminal facility, that **copies** [A COPY] of the response action **and prevention** plan **sections** [SECTION] of the current approved oil discharge prevention and contingency plan, or the original certificate or a true photocopy of the original 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.**

(b) The owner or operator of an oil terminal facility shall certify on the certification log form that the operator of the vessel or barge has complied with (a)(1) and (a)(2) of this section. The facility owner or operator shall maintain the log on a monthly basis and shall submit the log for the previous month to the department within the first five days of the following month.

Submission [SERVICE] is effective upon personal delivery, [OR TRANSMITTAL BY] facsimile **transmission, electronic mail transmission,** or on the date of mailing by certified mail to the department. The department will retain copies of all log forms received under this subsection for three years after receipt.

(c) On the first working day after the operator of a vessel or railroad tank car fails to comply with the requirements of (a)(1) or (2) of this section, the oil terminal facility owner or operator shall report that failure to the department by telephone, **electronic mail,** or facsimile **transmission.**

(d) Verification and entry on the certification log form referred to under (b) of this section is required for each separate loading or unloading operation of a vessel at an oil terminal facility.

18 AAC 75.465 is amended by adding new subsections to read:

(e) Any tank vessel, oil barge, or railroad tank car required to have a plan under AS 46.04.030 and AS 46.04.055 and approved under 18 AAC 75.460(a) must have the original or true photocopy of the following on board the tank vessel or oil barge and available for inspection when operating in state waters, or for a railroad tank car, available from the operator of the railroad tank car:

(1) copies of the response action and prevention plan sections of the current approved oil discharge prevention and contingency plan;

(2) the approval letter and certificate of approval issued by the department; and

(3) any additional department approval letters issued after initial plan approval is granted.

(f) A nontank vessel required to have a plan under AS 46.04.030 and AS 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:

(1) the approved nontank vessel streamlined plan;

(2) the approval letter and certificate of approval issued by the department; and

(3) any additional department approval letters issued after initial plan approval is granted. (Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 12/14/2002, Register 164; am __/__/__, Register ____)

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 75.990(81) is amended to read:

(81) “owner or operator” means the owner or operator of a facility or operation that is subject to the requirements of AS 46.04.030, 46.04.040, **46.04.055**, or this chapter;

18 AAC 75.990(137) is amended to read:

(137) “vessel” has the meaning given in AS 46.04.900; [AND]

18 AAC 75.990(159) is amended to read:

(159) “streamlined plan” means a nontank vessel plan submitted under **18 AAC 75.421** [18 AAC 75.410(d)] and meeting the requirements of 18 AAC 75.426 and 18 AAC 75.456, as applicable;

18 AAC 75.990 is amended by adding new definitions:

(xx) “sufficient for review” means that the application and plan contain the necessary information to address each applicable provision of 18 AAC 75.410, 18 AAC 75.425, and 18 AAC 75.427.

(xx) “application and plan are complete” means all requests for additional information have been provided by the applicant to the department’s satisfaction, including all information necessary to review and evaluate the application and plan using criteria established at 18 AAC 75.445 for oil discharge prevention and contingency plans and established at 18 AAC 75.446 for nontank vessel equivalent plans.

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