

**2023 Oil Discharge Prevention and Contingency Plan Regulatory Update**


May 2023  
PWSRCAC Board meeting

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## Regulatory Update

**Topics covered:**

- Background/History
- 18 AAC 75
- 2019 Public Scoping
- 2021 Regulatory Update
- 2023 Final regulations




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## 18 AAC 75


DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION



18 AAC 75  
Oil and Other Hazardous Substances  
Pollution Control  
As amended through February 5, 2023

Mike Dunleavy  
Governor

<https://dec.alaska.gov/spar/regulations>



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## Regulatory Numbering System

**18 AAC 75.065(b)(1)(A)(i)**

(i) - this is the sub-subparagraph

(A) - this is the subparagraph.

(1) - this is the paragraph

(b) - this is the subsection

.065 - This is the section number

75 - This is the chapter number

18 AAC - This is the title of the Alaska Administrative Code

**Figure 1. Alaska Regulatory Numbering System**

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18 AAC 75

18 AAC 75.4XX

**Article 4. Oil Discharge Prevention and Contingency Plans**

400. Applicability

402. Delayed implementation dates

405. Pre-application notification and consultation for oil discharge prevention and contingency plans; new plans and plan renewals

408. General procedures to apply for oil discharge and contingency plans

410. Procedures to apply for oil discharge prevention and contingency plans; new plans

412. (Repealed)

413. (Repealed)

414. Procedures to apply for oil discharge prevention and contingency plans; owner and operator changes

415. Procedures to apply for oil discharge prevention and contingency plans; plan amendments

420. Procedures to apply for oil discharge prevention and contingency plans; plan renewals

421. Procedures to apply for streamlined oil discharge prevention and contingency plans

425. (Repealed)

426. Streamlined plan contents

427. (Repealed)

428. Response planning facilitator

429. Equipment, training, personnel, and fuel transfer requirements for noncrude oil tank vessel or barge streamlined plans

430. Response planning standards

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Regulatory Update Timeline

Date	Activity
October 2019	Public Notice issued – public scoping of 18 AAC 75 Article 4 and AS 46.04
March 2020	Public scoping comments due
November 2021	Public Notice issued – proposed changes to 18 AAC 75 Article 4
January 2022	Comments due to proposed changes to 18 AAC 75 Article 4
January 2023	Updated regulations issued by ADEC

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## 2019 Scoping Process

### Goals:

- Achieve efficiency
- Increase ADEC's transparency
- Clarification
- Reduce administrative burden
- Consolidate requirements where possible
- Improve application and review procedures
- *no compromise on environmental protection*



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## 2019 Scoping Process

**Comments:**

- **Approximately 130 comment letters submitted**
  - **Majority in favor of maintaining regulations**
  - ***No REDUCTION IN ENVIRONMENTAL PROTECTIONS***

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2021-22 Public Review	
<ul style="list-style-type: none"> <li>• <b>Proposed regulations issued</b></li> <li>• <b>60-day comment period</b></li> <li>• <b>Internal review</b></li> <li>• <b>Outreach to member entities</b></li> </ul>	<p><b>Members:</b></p> <ul style="list-style-type: none"> <li>Alaska State Chamber of Commerce</li> <li>Chugach Alaska Corporation</li> <li>City of Cordova</li> <li>City of Homer</li> <li>City of Kodiak</li> <li>City of Seldovia</li> <li>City of Seward</li> <li>City of Valdez</li> <li>City of Whittier</li> <li>Community of Chenega</li> <li>Community of Tatitlek</li> <li>Cordova District Fishermen United</li> <li>Kenai Peninsula Borough</li> <li>Kodiak Island Borough</li> <li>Kodiak Village Mayors Association</li> <li>Oil Spill Region Environmental Coalition</li> <li>Port Graham Corporation</li> <li>Prince William Sound Aquaculture Corporation</li> </ul>

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PWSRCAC Comments
<ul style="list-style-type: none"> <li>▪ <b>Increase minimum number of annual exercises</b></li> <li>▪ <b>Retain Best Available Technology conference</b></li> <li>▪ <b>Retain language on Regional Citizens Advisory Councils</b></li> <li>▪ <b>Require emergency towing arrangements that meet international standards</b></li> </ul>

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## 2023 Regulatory Changes

- ✓ **Combination of contingency plan contents and plan approval criteria**
- ✓ **Adoption of ARRT's Wildlife Protection Guidelines**
- ✓ **Entire plan subject to review when renewed**
- ✓ **Requirement for diagram of facility oil piping, including valves**
- ✓ **Public hearing details**

WILDLIFE PROTECTION  
GUIDELINES  
FOR OIL SPILL RESPONSE IN ALASKA



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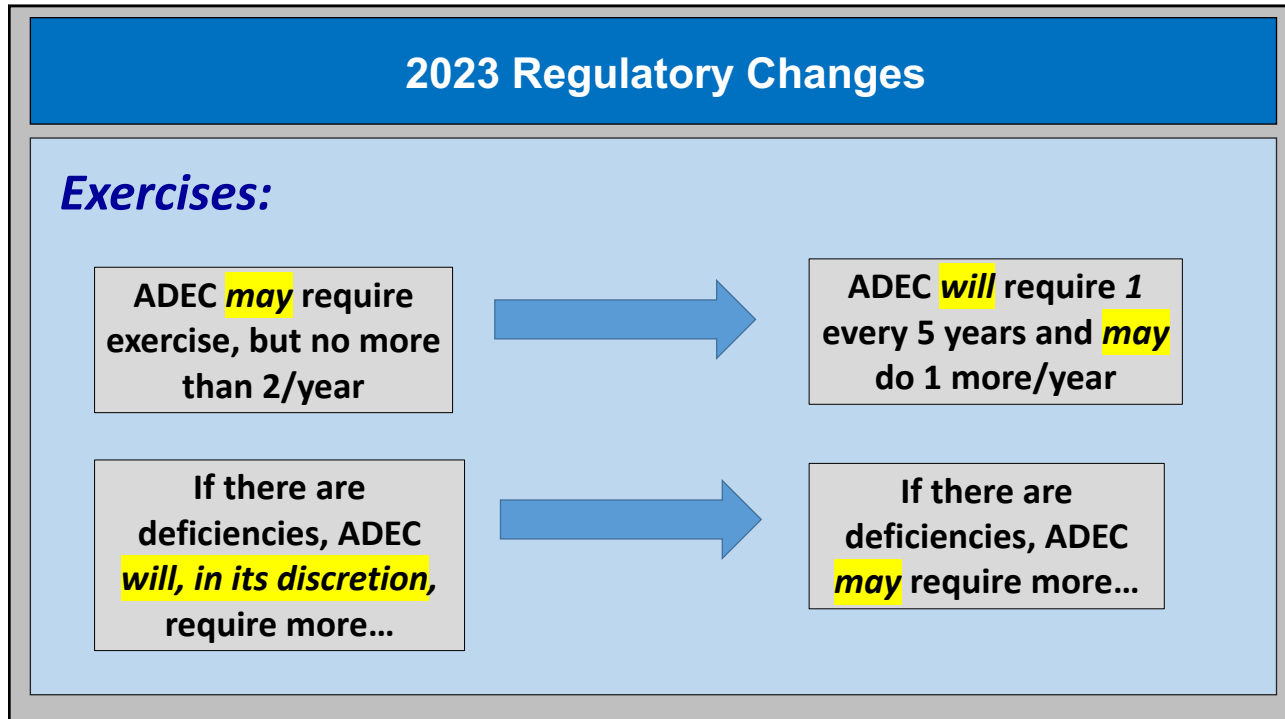
## 2023 Regulatory Changes

- **PWS tow package replaced**
- **Addition of transition provision from old to new regulations**
- **Real-world conditions when calculating recovery rates**
- **Inclusion of decanting procedures**



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## 2023 Regulatory Changes

***Removal of Regional Citizens Advisory Councils as named reviewers***

- ❖ No longer recognized in state regulations
- ❖ Changes to notification methods



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## Regulatory Update Page

# OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN REGULATIONS UPDATE

Division of Spill Prevention and Response  
**PREVENTION PREPAREDNESS AND RESPONSE**

Search DEC

FORMS AND APPLICATIONS MANUALS AND GUIDANCE REGULATIONS STATUTES SPILL RESPONSES

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### OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN REGULATIONS UPDATE

The Alaska Department of Environmental Conservation (ADEC) is happy to announce that on January 6, 2023 the Lieutenant Governor's office filed revisions to 18 AAC 75, Article 4. These regulations are effective on February 5, 2023. To ensure a smooth transition, the update includes a new section that establishes a delayed implementation timeline for certain new requirements (see 18 AAC 75.402). The department appreciates the industry and public stakeholders that provided input during the 2019 – 2020 Public Scoping phase and on the proposed regulation revisions during the Public Comment period in 2021 – 2022. Below, you will find links to the filed regulation package and the department's Article 4 Public Comment Response Summary for your use. Subscribe to the plans notifications listserv: [dec.odpcp.notify](mailto:dec.odpcp.notify)

The listserv management system will send you an email confirming that you wish to subscribe; you must follow up on the actions requested in the email within three days for the subscription to take effect.

IMPLEMENTATION TOOLS AND RESOURCES 2023

Project Background: In November 2021, the Alaska Department of Environmental Conservation (ADEC) solicited public comments on proposed changes to regulations on Oil Discharge Prevention and Contingency Plans and Streamlined Plans that certain vessels, railroads, pipelines, and oil terminal facilities must obtain to lawfully operate in the state. Based on input received from public scoping in 2019 and 2020, the department proposed regulation changes for contingency plans to streamline and clarify regulations, reorganize the content and approval requirements for all five parts of the plan, and to align with the requirements in the Drafting Manual for Administrative Regulations.

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## Regulatory Update Page

# OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN REGULATIONS UPDATE

*Website:*  
<https://dec.alaska.gov/spar/regulation-projects/oil-discharge-prevention-contingency-plan-update/>

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## 2023 Regulatory Changes

### *Summary:*

- Two public comment periods
- Oil spill regulations updated
- RCACs removed as named reviewers
- Requires one operations-based exercise during five-year cycle and not more than one operations-based exercise per year

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## Regulatory Update



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