

**DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**



**18 AAC 75**

**Oil and Other Hazardous Substances  
Pollution Control**

**As amended through October 27, 2018**

**Bill Walker  
Governor**

**Larry Hartig  
Commissioner**

## **IMPORTANT NOTE TO READER**

THE REGULATIONS REPRODUCED HERE HAVE BEEN PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS A PUBLIC COURTESY. WHILE EVERY EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE REPRODUCED VERSION, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION CANNOT GUARANTEE ITS ABSOLUTE ACCURACY. PAPER COPIES OF THE REGULATIONS AS ORIGINALLY FILED BY THE LIEUTENANT GOVERNOR ARE AVAILABLE FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

THE REGULATIONS HAVE AN EFFECTIVE DATE OF OCTOBER 27, 2018, ARE IN REGISTER 228, AND WILL APPEAR IN OFFICIAL PUBLISHED FORM IN THE JANUARY 2019 SUPPLEMENT TO THE ALASKA ADMINISTRATIVE CODE.

**Article 4. Oil Discharge Prevention and Contingency Plans and Nontank Vessel Plans.****Section**

- 400. Applicability
- 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 (Repealed)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 (Repealed)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 nontank vessel streamlined oil discharge prevention and contingency plans
- 425. Oil discharge prevention and contingency plan contents
- 426. Nontank vessel streamlined plan contents
- 427. (Repealed)
- 428. Response planning facilitator
- 430. Response planning standards
- 432. Response planning standards for oil terminal facilities
- 433. Response planning standard for railroad tank cars
- 434. Response planning standards for exploration or production facilities
- 436. Response planning standards for crude oil pipelines
- 438. Response planning standards for crude oil tank vessels and barges
- 440. Response planning standards for noncrude oil tank vessels and barges
- 441. Response planning standards for nontank vessels
- 442. Response planning standards for multiple operations
- 443. (Repealed)
- 445. Approval criteria for oil discharge prevention and contingency plans
- 446. (Repealed)
- 447. Department examination of new technologies
- 455. Department review procedures for oil discharge prevention and contingency plans; new plans, plan renewals, and major plan amendments
- 456. Department decision on nontank vessel streamlined oil discharge prevention and contingency plans
- 457. Emergency modification of review process
- 459. Preissuance conference
- 460. Department decision on oil discharge prevention and contingency plans; new plans, plan renewals, and major plan amendments
- 465. Proof of approved plan
- 470. Transfers between plan holders
- 475. Notification of nonreadiness
- 480. Inspections
- 485. Discharge exercises
- 490. Failure to comply
- 495. Regional master discharge prevention and contingency plan boundaries
- 496. Regional response operations plan boundaries for nontank vessels

**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 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 a 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 vessel, by

(A) the charterer, if the vessel is chartered by demise;

(B) the operator of the vessel;

(C) the owner of the vessel, if the agents or employees of the owner retain control and responsibility for the operation of the vessel; 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) 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 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 an application form supplied by the department. The department will approve or deny the request for an exemption not later than 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 may 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 service must be clearly marked with the words "Out of Service" and the date taken out of service. A person seeking an exemption under this subsection must apply on an application form supplied by the department. The department will approve or deny the request for an exemption not later than 30 days after it receives an

application. Before reactivation of a tank that has been removed from service 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.

(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 in 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 the storage capacity of the facility has been permanently reduced as set out in (c) of this section;

(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 plugged as required under 20 AAC 25.112 and abandoned as required under 20 AAC 25.105; and

(4) a vessel while in the waters of the state.

(i) In this section, “receiving environment” means fresh or marine water, ice, or land outside of an impermeable secondary containment area. (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 4/16/2016, Register 218)

**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. Pre-application notification and consultation for oil discharge prevention and contingency plans; new plans and plan renewals.** (a) At least 60 days before submitting an application for approval of a new oil discharge prevention and contingency 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.

(b) The applicant must consult with the department not later than 30 days before submitting the application package to ensure that the application meets the requirements of 18 AAC 75.408 and the requirements of 18 AAC 75.410 or 18 AAC 75.420, 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. (Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/27/2018, Register 228)

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

**18 AAC 75.408. General procedures to apply for oil discharge and contingency plans.** (a) An application for approval of an oil discharge prevention and contingency plan must contain

(1) an application form supplied by the department containing

(A) the applicant's legal name, address, and telephone number;

(B) the name, location, and type of facility or operation covered by the plan;

(C) 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;

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

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

(F) any other information on the application form that is applicable to the facility or operation;

- (2) a copy of the plan or amendment to the plan as applicable; and
- (3) supporting documentation as requested by the department.

(b) The application form must be signed as follows:

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

(2) for a partnership, by a general partner;

(3) for a sole proprietorship, by the proprietor;

(4) for a municipal, state, federal, or other public facility, by either a principal executive officer, ranking elected official, or other authorized employee;

(5) for a joint venture, by the operator;

(6) for 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 (1) – (6) of this subsection.

(c) The initial application package, responses to requests for additional information, and final versions of the plan must comply with the following:

(1) the format must be electronic, paper, or both, as the department specifies;

(2) the department will specify the number of copies;

(3) the department will specify the electronic format to be used; the submittal must be electronically searchable;

(4) for new plans, plan renewals, and major amendments, the applicant must provide all copies 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;

(5) for minor amendments and routine updates, the applicant must

(A) provide all copies to the department;

(B) provide copies of the final version 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;

(6) an applicant must notify the Department of Natural Resources, the Department of Fish and Game, regional citizens' advisory councils, and other persons designated by the department when a proposed minor amendment is provided to the department; parties requesting a copy of the minor amendment shall submit the request to the applicant and the applicant shall provide a copy;

(7) all proposed additions, revisions, and deletions must be identified in the plan as applicable; the department may also request a summary of changes in a table format;

(8) for new plans, plan renewals, and major amendments, the department will post a copy of the proposed and final version of the application package on the department's website; for minor amendments and routine updates, the department will post a copy of the final version of the application package on the department's website. (Eff. 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/27/2018, Register 228)

**Authority:** AS 46.03.020 AS 46.04.055 AS 46.04.070  
AS 46.04.030

**Editor's note:** The application form referenced in 18 AAC 75.408 is available on the department's Internet website.

**18 AAC 75.410. Procedures to apply for oil discharge prevention and contingency plans; new plans.** (a) An application for approval of a new oil discharge prevention and contingency plan must be submitted in accordance with 18 AAC 75.408. An application must be submitted at least 180 days before the proposed start of operation.

(b) Repealed 4/16/2016.

(c) The department will review an application for a new plan using the procedures set out under 18 AAC 75.455 and will issue its decision under 18 AAC 75.460(a).

(d) Repealed 4/16/2016.

(e) Repealed 4/16/2016. (Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 4/8/2012, Register 202; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/27/2018, Register 228)

**Authority:** AS 46.03.020 AS 46.04.055 AS 46.04.070  
AS 46.04.030

**18 AAC 75.412. Transitional provisions for review of plans approved before May 14, 1992.** Repealed. (Eff. 5/14/92, Register 122; repealed 11/27/2002, Register 164)

**18 AAC 75.413. Transitional provisions for review and approval of nontank vessel plans.** Repealed. (Eff. 11/27/2002, Register 164; repealed 9/4/2014, Register 211)

**18 AAC 75.414. Procedures to apply for oil discharge prevention and contingency plans; owner or operator changes.** A change in the owner, operator, or name of the owner or operator of a facility or operation with an approved oil discharge prevention and contingency plan or a nontank vessel equivalent plan requires that the new owner or operator submit an application package as an amendment under 18 AAC 75.415. (Eff. 4/16/2016, Register 218; am 3/23/2017, Register 221)

**Authority.** AS 46.03.020                      AS 46.04.055                      AS 46.04.070  
AS 46.04.030

**18 AAC 75.415. Procedures to apply for oil discharge prevention and contingency plans; plan amendments.** (a) An application for approval of an amendment to an oil discharge prevention and contingency plan must be submitted in accordance with 18 AAC 75.408 and approved by the department, before a change to a plan may take effect, unless it is a routine plan update under (b) of this section. A plan amendment that incorporates one or more of the following will be reviewed as a major amendment:

(1) an increase to the response planning standard volume that exceeds the response capabilities of the plan holder documented in the plan;

(2) a change that affects the response scenarios, including a change to the

(A) scenario location;

(B) receiving environment as defined in 18 AAC 75.400(i); or

(C) season of operations;

(3) expansion of the operations to include one or more new physical locations outside of the current operational area of the plan;

(4) a change in the amount or quality of prevention, response resources, or training that reduces the existing level of prevention or response capabilities;

(5) a change that requires an increase in prevention, response resources, or training.

(b) A routine plan update must be submitted in accordance with 18 AAC 75.408 not later than five days after the date the proposed change occurs. Routine plan updates include

(1) a deletion from the list of vessels operating under the approved plan if the deleted vessel is not included as a response asset in the current 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;

(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 (3)(A)(iii), (v), (vi), (viii), and (x). A plan amendment for the addition of an oil barge or tank vessel must be submitted not later than five working days before the vessel operates in state waters. The department will review the amendment and issue a written decision not later than five working days after receiving a proposed plan amendment under this subsection unless the department determines that it is a major amendment under (a) of this section.

(d) Repealed 3/23/2017.

(e) Repealed 4/16/2016.

(f) If the department determines that a proposed plan amendment submitted under (a) of this section is a major amendment, the department will notify the plan holder not later than 10 working days after receipt of the amendment. If the department determines that a proposed plan amendment is a minor amendment, the department will notify the plan holder not later than 10 working days after receipt of the amendment and issue a written decision not later than 30 days after receipt of the proposed plan amendment.

(g) A major amendment will be reviewed under 18 AAC 75.455. A minor amendment will not be reviewed under 18 AAC 75.455.

(h) For a minor amendment approved under (f) of this section, the plan holder shall distribute copies in accordance with 18 AAC 75.408(c) not later than 30 days after approval. The department will notify parties identified in 18 AAC 75.408(c)(5) that the approved amended plan is available on the department's Internet website. (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 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/27/2018, Register 228)

**Authority:** AS 46.03.020                      AS 46.04.055                      AS 46.04.070  
AS 46.04.030

**18 AAC 75.420. Procedures to apply for oil discharge prevention and contingency plans; plan renewals.** (a) A plan holder must apply for renewal of the department's approval of an oil discharge prevention and contingency plan in accordance with 18 AAC 75.408. The application must be submitted at least 180 days, or the number of days stated in the plan approval letter under 18 AAC 75.460(a), in advance of expiration of the plan to allow sufficient time for department review before the plan approval expires.

(b) Repealed 4/16/2016.

(c) If no change will be made in the plan when it is renewed, a copy of the original plan need not be submitted and may be incorporated by reference on the application form unless otherwise requested by the department.

(d) Repealed 4/16/2016.

(e) An application for a plan renewal will be reviewed under the provisions of 18 AAC 75.455. (Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/27/2018, Register 228)

**Authority:** AS 46.03.020 AS 46.04.055 AS 46.04.070  
AS 46.04.030

**18 AAC 75.421. Procedures to apply for nontank vessel streamlined oil discharge prevention and contingency plans.** (a) An application for approval of a new nontank vessel streamlined oil discharge prevention and contingency plan must be made on an application form supplied by the department.

(b) An application for approval of an amendment to a nontank vessel streamlined oil discharge prevention and contingency plan must be submitted using an application form supplied by the department and approved by the department before a change to the plan may take effect.

(c) An application for approval of a new nontank vessel streamlined plan, an amendment to a previously approved streamlined plan, or a reinstatement of a suspended streamlined plan must be submitted to the department for review and approval not later than 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 streamlined plan approval, using an application form supplied by the department, not later than five working days in advance of the expiration of the plan.

(e) A plan holder may voluntarily suspend or terminate an approved streamlined plan by submitting a nontank vessel streamlined plan notification form supplied by the department. The department will provide acknowledgment of the plan holder's suspension or termination not later than five working days after receiving the notification.

(f) A terminated or expired streamlined plan cannot be reinstated. Before a vessel can enter state waters after a streamlined plan has been terminated or expired, an application for a nontank vessel streamlined plan must be submitted under (a) of this section. (Eff. 4/16/2016, Register 218)

**Authority.** AS 46.03.020 AS 46.04.055 AS 46.04.070  
AS 46.04.030

**18 AAC 75.425. Oil discharge prevention and contingency plan contents.** (a) An oil discharge prevention and contingency plan submitted for approval under 18 AAC 75.400 - 18 AAC 75.495 must be in a form that is usable as a working plan for oil discharge prevention, control, containment, cleanup, and disposal. A plan must contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of AS 46.04.030 and 18 AAC 75.400 - 18 AAC 75.495.

(b) The plan for a facility comprised of multiple operations as described at 18 AAC 75.442, must describe, for each category of operation at the facility, the appropriate response measures to meet the applicable portion of the response planning standard.

(c) The submitted plan must be accompanied by a cover page or promulgation letter that includes

(1) the name of the plan holder, and the covered vessel, barge, railroad, facility, or operation, followed by the words "Oil Discharge Prevention and Contingency Plan";

(2) the date of the plan; and

(3) a statement, signed by an individual with appropriate authority, committing the oil discharge prevention and response resources necessary to implement the plan.

(d) The plan must

(1) include the official plan title;

(2) consist of five parts and contain the information described in (e)(1) - (5) of this section;

(3) contain a complete table of contents and lists of any tables or figures, with corresponding page numbers; and

(4) be presented in the order shown in (e) of this section, or include a cross-reference table that directs the reader to the appropriate information.

(e) The information in the plan must include

(1) Part 1 - Response Action Plan: The response action plan must provide in sufficient detail to clearly guide responders in an emergency event, all information necessary to guide response to a discharge of any size, up to and including a discharge that is equal to the applicable response planning standard set out at 18 AAC 75.430 - 18 AAC 75.442; the response action plan must include the following information:

(A) Emergency action checklist - a short checklist of the immediate response and notification steps to be taken if an oil discharge occurs; it is recommended that this summary be duplicated on a wallet-size card, to be carried by the appropriate response personnel while on duty;

(B) Reporting and notification - a description of the immediate spill reporting actions to be taken at any hour of the day, including

(i) the title and telephone number of facility personnel responsible for making the notification; and

(ii) the telephone number of each appropriate government agency to be notified if a discharge occurs;

(C) Safety - based on applicable safety standards, a description of the steps necessary to develop an incident-specific safety plan for conducting a response;

(D) Communications - a description of field communications procedures, including, if applicable, assigned radio channels or frequencies and their intended use by response personnel;

(E) Deployment strategies - a description of proposed initial response actions that may be taken, including

(i) procedures for the transport of equipment, personnel, and other resources to the spill site, including plans for alternative methods in adverse weather conditions; and

(ii) if the operator is not the primary spill responder, procedures to notify and mobilize the response action contractor or other responder identified in the plan, including a description of the interim actions that the operator will perform until the responder identified in the plan initiates a full response to the discharge;

(F) Response scenario - a written description of a hypothetical spill incident and response that demonstrates a plan holder's ability to respond to a discharge of each applicable response planning standard volume within the required time frames using the resources described in the contingency plan, and that identifies the spill location, time of year, and time of day, the source and cause of the spill, the quantity and type of oil spilled, the relevant environmental conditions, including weather, sea state, and visibility, the spill trajectory, and the expected timeline for response actions, describing response actions to be taken; the response scenario must be usable as a general guide for a discharge of any size, must describe the discharge containment, control, and cleanup actions to be taken, which clearly demonstrate the strategies and procedures adopted to conduct and maintain an effective response, and if the response scenario is for an exploration or production facility, must also meet the applicable requirements of (I) of this paragraph; if required by the department, the plan holder must provide additional response strategies to account for variations in receiving environments and seasonal conditions; if the information required by this subparagraph is contained within a separate document developed by the plan holder or the plan holder's primary response action contractor identified in (3)(H) of this subsection, the plan holder may incorporate the information by reference upon obtaining the department's approval; response strategies must include

(i) procedures to stop the discharge at its source and prevent its further spread;

(ii) a description of methods to prevent or control a potential fire hazard;

(iii) repealed 5/26/2004;

(iv) procedures and methods for real-time surveillance and tracking of the discharged oil on open water and forecasting of its expected points of shoreline contact;

(v) for a stationary facility or operation, or a railroad, and, if requested by the department, for a vessel, a description of site-specific strategies for the protection of environmentally sensitive areas and areas of public concern identified under (3)(J) of this subsection, including, for a land-based facility or railroad, protection of groundwater and public water supplies; if identification of those areas and site-specific strategies for protection of those areas are in an applicable subarea contingency plan, the plan holder may incorporate that information by reference;

(vi) a description of the actions to be taken to contain and control the spilled oil, including, as applicable, boom deployment strategies, construction of temporary berms, and other methods;

(vii) a description of the actions to be taken to recover the contained or controlled oil using mechanical response options, including procedures and provisions for skimming, absorbing, or otherwise recovering the contained or controlled product from water or land;

(viii) procedures for lightering, transfer, and storage of oil from damaged tanks or from undamaged tanks that might be at risk of discharging additional oil;

(ix) procedures for transfer and storage of recovered oil and oily water, including methods for estimating the amount of recovered oil;

(x) procedures and locations for temporary storage and ultimate disposal of oil contaminated materials, oily wastes, and sanitary and solid wastes, including procedures for obtaining any required permits or authorizations for temporary storage or ultimate disposal;

(xi) procedures and methods for the protection, recovery, disposal, rehabilitation, and release of potentially affected wildlife, including: minimizing wildlife contamination through hazing or other means, when appropriate; the recovery of oiled carcasses to preclude secondary contamination of scavengers; and the capture, cleaning, rehabilitation, and release of oiled wildlife, when appropriate; and

(xii) if applicable, a description of procedures for the deployment of shoreline cleanup equipment and personnel, including cleanup and restoration methods and techniques to be used if the shoreline is impacted by the discharge;

(G) nonmechanical response options - if applicable, a description of actions to be taken to obtain the necessary permits and approvals to initiate dispersant application, in situ burning, or other nonmechanical response options, the basis for determining the conditions or circumstances under which these options will be used, and how the nonmechanical response options will be implemented, including a description of all required equipment and personnel; and

(H) facility, railroad, or vessel diagram - a plan diagram of the facility, vessel, or operation for reference in conducting emergency response operations, with locations of response equipment and other features pertinent to the response plan clearly marked, including surrounding topography, roads, air transportation and other transportation access, location and bathymetry of adjacent water bodies, mooring areas, oil transfer locations, pipelines, control stations, drip pans and drainage of drip pans, and a representation of the distance and gradients to surface water for an operation located on land, by topographic map, aerial photographs, or other means; for a railroad tank car or locomotive, a diagram must be included for each distinct type of railroad tank car or locomotive showing locations of fuel and lubrication systems and oil storage tanks, piping, and valves;

(I) response scenario for an exploration or production facility – if the facility is an exploration or production facility, a response scenario that, in addition to complying with (F) of this paragraph, includes as part of the response strategies a summary of planned methods, equipment, logistics, and time frames proposed to be employed to control a well blowout within 15 days; the plan holder shall certify that the plan holder maintains a separate blowout contingency plan; the blowout contingency plan is not part of an application required under 18 AAC 75.410 - 18 AAC 75.420, but must be made available to the department for inspection upon request under 18 AAC 75.480; a plan holder may use for development of a response scenario the July 1997 S.L. Ross oil deposition model for surface oil well blowouts, or another oil deposition model approved by the department for surface oil well blowouts; if required by the department to account for variations in seasonal conditions, a plan holder must provide a response scenario for a discharge of the applicable response planning standard volume under typical summer environmental conditions and typical winter environmental conditions; if the information required by this subparagraph is contained within a separate document developed by the plan holder or the plan holder's primary response action contractor identified in (3)(H) of this subsection, the plan holder may incorporate the information by reference upon obtaining the department's approval; for purposes of this subparagraph,

(i) "predominant wind directions" means those directions that occur greater than 10 percent of the time indicated;

(ii) "typical summer environmental conditions" means the average wind speeds and predominant wind directions as depicted by a wind rose, temperature, sea state, and other climatic and environmental conditions occurring during the period of May through October, based on National Weather Service data or local weather records of a duration sufficient to determine a reasonable average;

(iii) "typical winter environmental conditions" means the average wind speeds and predominant wind directions as depicted by a wind rose, temperature, sea state, and other climatic and environmental conditions occurring during the period of November through April, based on National Weather Service data or local weather records of a duration sufficient to determine a reasonable average;

(iv) "wind rose" means a polar coordinate plot designed to show the distribution of wind directions and speeds at a given location over a considerable period of time, with the distance from the origin proportional to the

probability of the wind direction being at the given angle, measured in 16 cardinal compass points, and the disposition of the wind speeds indicated for each direction;

(2) Part 2 - Prevention Plan: The prevention plan must include a detailed description of all oil discharge prevention measures and policies employed at the facility, vessel, or operation, with reference to the specific oil discharge risks involved. The prevention plan must describe how the applicant meets all the applicable requirements of 18 AAC 75.005-18 AAC 75.085. The prevention plan may be submitted as a separate volume, and must include, at a minimum, the following information:

(A) discharge prevention programs - a description and schedule of regular oil discharge prevention, inspection, and maintenance programs in place at the facility or operation, including

(i) oil discharge prevention training programs required by 18 AAC 75.020(a);

(ii) substance abuse and medical monitoring programs required by 18 AAC 75.007(e);

(iii) security and surveillance programs required by 18 AAC 75.007(f).

(B) discharge history - a history of all known oil discharges greater than 55 gallons that have occurred at the facility within the state; the history must include

(i) the source, cause, amount of each discharge;

(ii) corrective action taken;

(iii) an analysis of the relationship, if any, between the frequency, cause, and size of the discharges; and

(iv) a description of actions to be taken to prevent or mitigate similar discharges in the future;

(C) potential discharge analysis - an analysis of potential oil discharges, including size, frequency, cause, duration, and location, and a description of actions taken to prevent a potential discharge;

(D) specific conditions - a description of

(i) any conditions specific to the facility or operation that might increase the risk of a discharge, including physical or navigation hazards, traffic patterns, and other site-specific factors; and

(ii) any measures that have been taken to reduce the risk of a discharge attributable to these conditions, including a summary of operating procedures designed to mitigate the risk of a discharge;

(E) discharge detection - a description of the existing and proposed means of discharge detection, including surveillance schedules, leak detection, observation wells, monitoring systems, and spill-detection instrumentation; if electronic or mechanical instrumentation is employed, detailed specifications, including threshold detection, sensitivities, and limitations of equipment must be provided;

(F) waivers - for an operation subject to a waiver, alternate compliance schedule, or existing condition of plan approval under 18 AAC 75.005 - 18 AAC 75.085 or 18 AAC 75.400 – 18 AAC 75.496, documentation of

(i) each waiver, alternate compliance schedule, or existing condition of plan approval; and

(ii) the approval of each waiver, alternate compliance schedule, or existing condition of plan approval;

(3) Part 3 - Supplemental Information: The supplemental information section must provide background and verification information, including

(A) facility description and operational overview - a general description of the oil storage, transfer, exploration, or production activities of the operation, including

(i) the number, type, and oil storage capacity of each container covered under the plan and its installation date, design, construction, and general condition;

(ii) the type and amount of oil stored in each container;

(iii) for vessels, a general chart showing routes normally used for the transportation of oil products within state waters, and the frequency of use for each route;

(iv) for a railroad, a map showing the location of each main line, siding, and yard area;

(v) for vessels, plans or diagrams that identify cargo, bunker, and ballast tanks, all tank capacities, cargo piping, ballast piping, winches, emergency towing equipment, power plants, manifold pipe size, containment structures and equipment, and a description of the method of containing a discharge from fuel oil tank vent overflow and fill pipes;

(vi) a general description of the procedures for the loading or transfer of oil from or to a pipeline, facility, tank vessel, oil barge, railroad tank car, or storage tank;

(vii) for a production facility, a description of the flow and gathering lines and processing facilities;

(viii) for vessels, a description of the methods for retention and disposal of oily wastes and bilge slops;

(ix) for a railroad, a description of railroad tank cars and locomotives normally in service, including type, number and capacity, general piping diagrams, location of valves, and tank volumes; and

(x) any other information required by the department to evaluate the response capability of a vessel, including verifying that the vessel is in compliance with the applicable stability requirements as set out in 46 C.F.R. 109.227, as amended through September 11, 1992;

(B) receiving environment - for a land-based facility or operation:

(i) the potential routes of travel of oil discharged from the facility or operation to open water in the form of a drainage diagram or map, showing gradients and potential containment sites and features, including identification and explanation of all measures that will be taken to prevent a discharge from entering open water; and

(ii) based on the information in (i) of this subparagraph, an estimate of what percentage of the applicable response planning standard volume set out at 18 AAC 75.430 - 18 AAC 75.436, or 18 AAC 75.442 for the facility or operation will reach open water;

(C) command system - a description of the command system to be used in response to a discharge, including the title, address, telephone number, and affiliation by company, agency, or local government of each person, including a person identified in (1)(B) of this subsection, who by law or through employment, contract, or cooperative agreement, is responsible for responding to a discharge, and each person's functional role in the command system; this list must include command, fiscal, operations, planning, and logistics lead personnel; the command system must be compatible with the state's response structure outlined in the state master plan prepared under AS 46.04.200;

(D) realistic maximum response operating limitations - a description of the realistic maximum response operating limitations that might be encountered at the facility or operation and, based on environmental and safety considerations, an analysis of the frequency and duration, expressed as a percentage of time, of limitations that would render mechanical response methods ineffective; the realistic maximum response operating limitations for a response must be defined, with a description of any additional specific temporary prevention or response measures that will be taken to reduce the environmental consequences of a discharge, including nonmechanical response options, during those periods when environmental conditions exceed this maximum; environmental conditions to be considered in this analysis must include

(i) weather, including wind, visibility, precipitation and temperature;

(ii) sea states, tides, and currents;

(iii) ice and debris presence;

(iv) hours of daylight; and

(v) other known environmental conditions that might influence the efficiency of the response equipment or the overall effectiveness of a response effort;

(E) logistical support - identification of aircraft, vessels, and other means that may be used to transport equipment and personnel during a discharge response, including information on ownership and availability of identified means of transportation;

(F) response equipment - a complete list of contracted or other oil discharge containment, control, cleanup, storage, transfer, lightering, and related response equipment to meet the applicable response planning standard, and to protect environmentally sensitive areas and areas of public concern that are identified in (J) of this paragraph and that may be reasonably expected to suffer an impact from a spill of the response planning standard volume as described in the response strategies developed under (1)(F) and (1)(I) of this subsection, the list must include

(i) the location, inventory, and ownership of the equipment;

(ii) the time frame for delivery and startup of response equipment and trained personnel located outside the facility's primary region of operation;

(iii) the manufacturer's rated capacities, limitations, and operational characteristics for each item of oil recovery equipment, including any nonmechanical response techniques;

(iv) each vessel designated for oil recovery operations, including skimming vessels and platforms and vessels designated to tow and deploy boom;

(v) information on additional vessels available from other sources for oil recovery operations, including, if applicable, procedures for inventorying, training personnel, and equipping vessels;

(vi) pumping, transfer and temporary storage, and lightering equipment for transferring oil from damaged or undamaged tanks; and

(vii) the procedures for storage, maintenance, and inspection of spill response equipment under the immediate control of the operator when not in use, including procedures for periodic testing and maintenance of response equipment;

(G) nonmechanical response information - if a nonmechanical option such as dispersant use or in situ burning is proposed as a response option, the plan must include

(i) a description of the specific mechanisms in place to assess the environmental consequences of the nonmechanical response option and to provide continuous monitoring of its environmental effects;

(ii) a complete inventory of nonmechanical response equipment and supplies, including the type and toxicity of each dispersant, with procedures for storage, maintenance, and deployment;

(iii) identification of all necessary approvals, and a completed application for department approval for open burning if in situ burning is a proposed response option;

(iv) identification of all permits, approvals, or authorizations for use of nonmechanical response options and the timeline for obtaining them; and

(v) a plan for protecting environmentally sensitive areas identified in (J) of this paragraph, areas of public concern identified in (J) of this paragraph, and the public from any adverse effects of the nonmechanical response option;

(H) oil spill primary response action contractor information - if a plan holder proposes to use the services of an oil spill primary response action contractor to meet a requirement of AS 46.04.030 or 18 AAC 75.400 - 18 AAC 75.495, the contractor must be registered under 18 AAC 75.500 - 18 AAC 75.580; the plan holder shall include a correct and complete list of each primary response action contractor, with name, address, telephone number, and affiliation by company, the response contractor information described in 18 AAC 75.445(i), and a description of the response equipment and services provided; the use of an oil spill primary response action contractor does not relieve the plan holder of its responsibility to provide the information required by this subsection and to meet all other applicable requirements of 18 AAC 75.400 - 18 AAC 75.495;

(I) training - a detailed description of the training programs for discharge response personnel;

(J) protection of environmentally sensitive areas and areas of public concern - for a stationary facility or operation, or a railroad, and, if required by the department, for a vessel, identification of environmentally sensitive areas and areas of public concern that may suffer an impact from a spill of the applicable response planning standard volume; if identification of those areas and site-specific strategies for protection of those areas are in an applicable subarea contingency plan, the plan holder may incorporate that information by reference; whether prepared separately or incorporated by reference, the identification of and planned protection measures for those areas must be based on mapped predictions of discharge movement, spreading, and probable points of contact, based on expected local, seasonal, meteorologic, and oceanographic or topographic conditions; and, for each probable point of contact, must include a description of each environmentally sensitive area and each area of public concern, including

- (i) the effect of seasonal conditions on the sensitivity of each area;
  - (ii) a discussion of the toxicity effects and persistence of the discharge, based on type of product; and
  - (iii) an identification of which areas will be given priority attention if a discharge occurs;
- (K) additional information - other information necessary to provide background for or verification of the plan contents; and
- (L) bibliography - a list of data and information sources used to determine the information contained in the plan; and
- (4) Part 4 -- Best Available Technology Review: Unless application of a state requirement would be preempted by federal law, the plan must provide for the use of best available technology consistent with the applicable criteria in 18 AAC 75.445(k). In addition, the plan must
- (A) identify technologies applicable to the applicant's operation that are not subject to response planning or performance standards specified in 18 AAC 75.445(k)(1) and (2); these technologies include, at a minimum,
    - (i) for all contingency plans, communications described under (1)(D) of this subsection; source control procedures to stop the discharge at its source and prevent its further spread described under (1)(F)(i) of this subsection; trajectory analyses and forecasts described under (1)(F)(iv) of this subsection; and wildlife capture, treatment, and release procedures and methods described under (1)(F)(xi) of this subsection;
    - (ii) for a terminal, a crude oil transmission pipeline, or an exploration and production contingency plan: an approved corrosion control system if required by 18 AAC 75.065(i)(3) or (j)(3); a leak detection system for each tank if required by 18 AAC 75.065(i)(4) or (j)(4); any other prevention or control system approved by the department under 18 AAC 75.065(h)(1)(D); a means of immediately determining the liquid level of bulk storage tanks as specified in 18 AAC 75.065(k)(3) and (4) or in 18 AAC 75.066(g)(1)(C) and (D); a corrosion control program for metallic piping containing oil as required by 18 AAC 75.080(b); protective coating and cathodic protection if required by 18 AAC 75.080(d), (l), or (m)(1) or (2); and cathodic protection surveys required by 18 AAC 75.080(k)(2);
    - (iii) for a tank vessel contingency plan: measures to assure prompt detection of an oil discharge as required by 18 AAC 75.027(d); operation of a tank vessel under escort in a manner that permits an escort vessel to be available immediately to provide the intended assistance to the tank vessel as required by 18 AAC 75.027(e); tow lines as required by 18 AAC 75.027(f); and escort vessels;

(iv) for a crude oil transmission pipeline contingency plan: leak detection, monitoring, and operating requirements for crude oil pipelines that include prompt leak detection as required by 18 AAC 75.055(a);

(v) for a barge contingency plan: measures to assure prompt detection of an oil discharge as required by 18 AAC 75.037(d) and means to recover a barge that breaks free of its towing vessel as required by 18 AAC 75.037(f); and

(vi) for a railroad tank car contingency plan, measures to assure prompt detection of a tank car leak, spill prevention and containment devices for locomotive fueling systems, spill collection and recovery devices at locomotive fueling and tank car filling locations, track-mounted railroad tank car defect detector systems, and avalanche detection and mitigation systems;

(B) for each applicable technology under (A) of this paragraph, identify all available technologies and include a written analysis of each technology, using the applicable criteria in 18 AAC 75.445(k)(3); and

(C) include a written justification that the technology proposed to be used is the best available for the applicant's operation.

(5) Part 5 – Response Planning Standard: A calculation of the applicable response planning standards set out in 18 AAC 75.430 - 18 AAC 75.440 and 18 AAC 75.442, including a detailed basis for the calculation of reductions, if any, to be applied to the response planning standards.

(f) For purposes of this section and 18 AAC 75.445, "technology" means equipment, supplies, other resources, and related practices. (Eff. 5/14/92, Register 122; am 9/25/93, Register 127; am 3/28/96, Register 137; am 4/4/97, Register 142; am 12/14/2002, Register 164; am 5/26/2004, Register 170; am 12/30/2006, Register 180; am 9/4/2014, Register 211; am 3/23/2017, Register; am 10/27/2018, Register 228)

**Authority:** AS 46.03.020                      AS 46.04.035                      AS 46.04.070  
AS 46.04.030                      AS 46.04.055

**18 AAC 75.426. Nontank vessel streamlined plan contents.** A nontank vessel streamlined plan application must contain the following information:

- (1) the name, address, and telephone number of the plan holder;
- (2) for each covered vessel, the
  - (A) vessel's name, official number, and country of registry;
  - (B) name and address of the owner; and
  - (C) name and address of the operator;

(3) the application date and the first scheduled date of entry into waters of the state;

(4) the name, telephone number, title, electronic mail address, and facsimile number of each qualified individual for the plan holder;

(5) a description of the immediate spill reporting actions to be taken at any hour of the day, including

(A) the title and telephone number, any electronic mail address, and any facsimile number of personnel responsible for making notifications; and

(B) the telephone number of each appropriate government agency to be notified if a discharge occurs;

(6) the length overall, maximum beam, gross tonnage, and type and configuration of each covered vessel;

(7) a description or diagram of each covered vessel for reference in conducting emergency response operations; each diagram must clearly mark the location of any feature pertinent to the response, including

(A) the location, size, and storage capacity of each oil storage tank;

(B) the type of oil carried in each tank; and

(C) any other information that a responder may need to know in an emergency;

(8) the name, location, and telephone number of an emergency contact for gaining access to detailed plans for each vessel showing the

(A) location of personnel quarters and each emergency exit;

(B) location of all fuel piping locations, including valve locations and identification;

(C) the location and size of each tank, tank valve, overflow pipe, and tank access point;

(D) the location of each internal or portable pump on board;

(E) the location of each emergency shutdown switch; and

(F) other detailed information pertinent to emergency response operations;

(9) the maximum fuel capacity, in barrels, of each covered vessel and the volume used to calculate the response planning standard under 18 AAC 75.441 for each vessel; if the volume used to calculate the vessel's response planning standard is less than the maximum fuel capacity of the vessel, the vessel operator must certify that the volume used to calculate the vessel's response planning standard under 18 AAC 75.441 is the maximum volume of fuel carried by the vessel in state waters;

(10) each region of operation for each covered vessel;

(11) except for a plan using a response planning facilitator who is providing the response services described in 18 AAC 75.428(a)(2), the name and telephone number, any electronic mail address, and any facsimile number of each contracted nontank vessel cleanup contractor and nontank vessel incident management team;

(12) except for a plan using a response planning facilitator who is providing the response services described in 18 AAC 75.428(a)(2), a statement certifying that

(A) for each region of operation identified in the plan, the applicant has a contract with, or is a member of, at least one nontank vessel cleanup contractor for that region of operation;

(B) each nontank vessel cleanup contractor identified in the statement is registered under 18 AAC 75.500 - 18 AAC 75.580 for the appropriate vessel fuel classification under 18 AAC 75.561(b)(1), Table F, and region of operation identified in the plan; and

(C) each contract or membership agreement with the nontank vessel cleanup contractor demonstrates that the nontank vessel cleanup contractor will respond on behalf of the applicant;

(13) except for a plan using a response planning facilitator who is providing the response services described in 18 AAC 75.428(a)(2), a statement certifying that

(A) for each region of operation identified in the plan, the applicant has a contract with at least one nontank vessel incident management team for that region of operation;

(B) each nontank vessel incident management team identified in the statement is registered under 18 AAC 75.500 - 18 AAC 75.580 for the appropriate vessel fuel classification under 18 AAC 75.562(b), Table G, and region of operation identified in the plan; and

(C) each contract with the nontank vessel incident management team demonstrates that the nontank vessel incident management team will respond on behalf of the applicant;

(14) for a plan submitted by a response planning facilitator, the name, telephone number, and title, any electronic mail address, and any facsimile number of that response planning facilitator, and the role of the response planning facilitator as described in 18 AAC 75.428(a)(1) or (2);

(15) for a plan using a response planning facilitator who is providing the response services described in 18 AAC 75.428(a)(2), a statement certifying that the

(A) applicant has a contract with the response planning facilitator to provide oil spill response services to the applicant to meet the applicable requirements of 18 AAC 75.400 – 18 AAC 75.496 for each region of operation identified in the plan and the appropriate vessel fuel classification under 18 AAC 75.561(b)(1), Table F and 18 AAC 75.562(b), Table G; and

(B) contract under (A) of this paragraph demonstrates that the response planning facilitator will respond on behalf of the applicant;

(16) a statement certifying that each vessel complies with applicable federal and international maritime requirements;

(17) a statement, signed by an individual with the authority described in the statement, committing the resources necessary to implement the plan, and certifying the contents of the application; the statement must read as follows: “I certify, under penalty of unsworn falsification in violation of AS 11.56.210, that I am the applicant, a principal of the applicant, an authorized agent for the applicant, or an official of the applicant; that I have authority to sign this application and commit the resources necessary to implement the plan on behalf of the applicant; and that I have examined this application in its entirety and to the best of my knowledge, information, and belief, find it to be true, correct and complete.” (Eff. 11/27/2002, Register 164; am 12/13/2002, Register 164)

**Authority:** AS 46.03.020                      AS 46.04.055                      AS 46.04.070  
AS 46.04.030

**Editor’s note:** As of Register 221 (April 2017), the regulations attorney made technical corrections under AS 44.62.125(b)(6), to 18 AAC 75.426, changing cross-referenced table headers from “Table G” to “Table F” and from “Table H” to “Table G”, to reflect the agency’s repeal of 18 AAC 75.446, including former Table F, as part of amendments that took effect March 23, 2017, Register 221.

**18 AAC 75.427. Nontank vessel equivalent plan contents.** Repealed (Eff. 11/27/2002, Register 164; repealed 3/23/2017, Register 221)

**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 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, 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 form 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). (Eff. 11/27/2002, Register 164; am 4/16/2016, Register 218)

**Authority:** AS 46.03.020                      AS 46.04.055                      AS 46.04.070  
AS 46.04.030

**18 AAC 75.430. Response planning standards.** (a) Notwithstanding the response planning standards set out in 18 AAC 75.430 - 18 AAC 75.442, the plan must demonstrate the general procedures to clean up a discharge of any size, including the greatest possible discharge that could occur, subject to the provisions of AS 46.04.020 and AS 46.09.020.

(b) Except for the requirements of 18 AAC 75.438(b)(1) and (2), 18 AAC 75.440, and 18 AAC 75.441, the department will consider and provide modifications to the response planning standards set out in 18 AAC 75.430 - 18 AAC 75.442 for a prevention measure that is in addition to those listed in 18 AAC 75.432 - 18 AAC 75.438, if the plan holder demonstrates to the department's satisfaction that the proposed measure reduces the potential size or risk of a discharge.

(c) If more than one prevention measure is used to modify the response planning standard, each subsequent reduction will be applied separately to the response planning standard value that results from application of the previous modification. However, in no case will the department reduce the response planning standard below an amount equal to

(1) 15 percent of the response planning standard applicable to a crude or noncrude oil terminal facility, an exploration or production facility, or a crude oil pipeline as determined under 18 AAC 75.432(b) or (c), 18 AAC 75.434, or 18 AAC 75.436(b), respectively; or

(2) 30 percent of the response planning standard for a crude oil tank vessel or barge as determined by 18 AAC 75.438(c).

(d) The department will, in its discretion, revoke or reduce a prevention credit set out in 18 AAC 75.432 - 18 AAC 75.438 if the department finds that the plan holder has failed to execute or has not effectively implemented the prevention measure used to determine that credit.

(e) Liquefied petroleum gas is exempt from the requirements of 18 AAC 75.430 - 18 AAC 75.442. (Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 5/26/2004, Register 170)

**Authority:** AS 46.03.020                      AS 46.04.055                      AS 46.04.070  
AS 46.04.030

**18 AAC 75.432. Response planning standards for oil terminal facilities.** (a) For a crude or noncrude oil terminal facility, the plan holder shall maintain or have available under contract within the plan holder's region of operation or another approved location, sufficient oil discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to

(1) contain or control and clean up within 72 hours that portion of the response planning standard volume that enters open water; and

(2) contain or control within 72 hours, and clean up within the shortest possible time consistent with minimizing damage to the environment, that portion of the response planning standard volume that enters a receiving environment other than open water.

(b) The response planning standard volume for a crude or noncrude oil terminal facility is equal to the capacity of the largest oil storage tank at the facility covered by the plan, unless there are specific natural or man-made conditions outside the facility which could place the facility at an increased risk of an oil discharge affecting one or more storage tanks.

(c) For an increased risk described in (b) of this section, the response planning standard volume is equal to the capacity of all of the potentially affected oil storage tanks at the facility. The plan must set out the basis for selecting the storage tanks and the volume of oil planned for in the response.

(d) The department will, in its discretion, reduce the requirements of (b) of this section, by a percentage up to that shown, for each of the following prevention measures in place at the facility:

(1) alcohol and drug testing of key personnel: 5 percent;

(2) an operations training program with a professional organization or federal certification or licensing of program participants: 5 percent;

(3) on-line leak detection systems for tanks and piping: 5 percent;

(4) a sufficiently impermeable secondary containment area with a dike capable of holding the contents of the largest tank, or all potentially affected tanks in the case of increased risk, and precipitation: 60 percent;

(5) for secondary containment as described in (4) of this subsection, designed with the following enhancements, an additional allowance for

(A) cathodic protection: 10 percent;

(B) fail-safe valve piping systems: 15 percent; or

(C) impervious containment area extending under the full area of each storage tank or double bottoms with leak detection: 25 percent; and

(6) containment outside the secondary containment area: 10 percent.  
(Eff. 5/14/92, Register 122)

**Authority:** AS 46.03.020 AS 46.04.030 AS 46.04.070

**18 AAC 75.433. Response planning standards for railroad tank cars.** For a railroad tank car, the plan holder shall maintain, or have available under contract within the plan holder's region of operation or another approved location, sufficient oil discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to

(1) contain and control 15 percent of the maximum oil capacity of the train within 48 hours after a spill; and

(2) clean up the discharge within the shortest possible time consistent with minimizing damage to the environment. (Eff. 12/14/2002, Register 164)

**Authority:** AS 46.03.020 AS 46.04.030 AS 46.04.070  
AS 46.04.055

**18 AAC 75.434. Response planning standards for exploration or production facilities.** (a) For an exploration or production facility, the plan holder shall maintain or have available under contract within the plan holder's region of operation or another approved location, sufficient oil discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to

(1) contain or control and clean up within 72 hours that portion of the response planning standard volume that enters open water; and

(2) contain or control within 72 hours, and clean up within the shortest possible time consistent with minimizing damage to the environment, that portion of the response planning standard volume that enters a receiving environment other than open water.

(b) The response planning standard for an exploration facility is

(1) 16,500 barrels, unless relevant well data, exploration data, and other supporting technical documentation provided to the department and to the Alaska Oil and Gas Conservation Commission demonstrates to the satisfaction of the department that a lower response planning standard volume is appropriate; and

(2) an additional 5,500 barrels for each of 12 days beyond 72 hours, unless relevant well data, exploration data, and other supporting technical documentation provided to the department and to the Alaska Oil and Gas Conservation Commission demonstrates to the satisfaction of the department that a lower response planning standard volume is appropriate.

(c) Repealed 5/26/2004.

(d) If the actual flow rate of a well at an exploration facility exceeds 5,500 barrels per day, and the facility is to continue operations, the department will increase the response planning standard volume determined under (b) of this section for subsequent exploration wells drilled at that facility to a response planning standard volume taking into account the actual well flow rate of that well. The plan holder must submit a plan amendment under 18 AAC 75.415 addressing the increased response planning standard volume within 30 days after the department notifies the plan holder of the department's determination under this section. The department will review the plan amendment under 18 AAC 75.455.

(e) The response planning standard for a production facility is

(1) three times the annual average daily oil production volume for the maximum producing well at the facility; and

(2) for a production facility with wells without assisted lift, an additional volume equal to the annual average daily oil production volume for the maximum producing well at the facility for each of 12 days beyond 72 hours.

(f) The department may consult with the Alaska Oil and Gas Conservation Commission and other agencies as necessary to

(1) verify the production data submitted under (d) of this section; and

(2) determine, under (b) of this section, a lower response planning standard for exploration facilities.

(g) If an operator proposes the planned voluntary ignition of a well blowout, the operator shall submit data, analyses, and supporting documentation that indicates to the satisfaction of the department that any discharged oil would have an American Petroleum Institute (API) gravity of 35 or greater, a gas-oil ratio in excess of 2,000, and an anticipated combustion efficiency of at least 90 percent, that well ignition would not exceed national ambient air quality standards set

under 42 U.S.C. 7409 (Clean Air Act), and that well ignition will be protective of human health, safety, and welfare, and of the environment. The department will adjust the response planning standard determined under (b) - (e) of this section based on the submitted data. The department may consult with the Alaska Oil and Gas Conservation Commission and other agencies in evaluating the data provided by the operator under this subsection.

(h) If exploration and production facilities are covered under a single plan accepted under 18 AAC 75.400(d), the department will consider the largest of the response planning standards determined under (b) - (e) of this section to be the response planning standard for that plan.

(i) The department will protect from public disclosure any data, analyses, or supporting documentation that is required under this section and held confidential by the department or another state agency under applicable constitutional law, statutes, and common law doctrines that protect trade secrets within the meaning of AS 45.50.940 and other commercially sensitive, confidential, and proprietary information. If disclosure of that information is required in an adjudicatory hearing under 18 AAC 15.185 - 18 AAC 15.340, the hearing officer shall limit and condition disclosure to the extent necessary to comport with applicable constitutional, statutory, and common law doctrines that protect trade secrets within the meaning of AS 45.50.940 and other commercially sensitive, confidential, and proprietary information. In limiting or conditioning disclosure under this subsection, the hearing officer shall or department will, as necessary

(1) review confidential information in-camera; and

(2) redact department decisions to protect confidential information.

(j) The department may reduce the requirements of (b) - (e) of this section, up to the limits set out in 18 AAC 75.430(c)(1), for prevention measures in place at the facility beyond those measures imposed by the Alaska Oil and Gas Conservation Commission or another agency. (Eff. 5/14/92, Register 122; am 5/26/2004, Register 170)

**Authority:** AS 46.03.020                      AS 46.04.030                      AS 46.04.070

**18 AAC 75.436. Response planning standards for crude oil pipelines.** (a) For a crude oil pipeline facility, the plan holder shall maintain or have available under contract within the plan holder's region of operation or another approved location, sufficient oil discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to

(1) contain or control and clean up within 72 hours that portion of the response planning standard volume that enters open water; and

(2) contain or control within 72 hours, and clean up within the shortest possible time consistent with minimizing damage to the environment, that portion of the response planning standard volume that enters a receiving environment other than open water.

(b) The response planning standard volume for a crude oil pipeline facility is the amount of oil which equals the length of the pipeline between pumping or receiving stations or valves (Lpl), minus the hydraulic characteristics of the pipeline due to terrain profile (Hpl), times the capacity of the pipeline in barrels per lineal measure (Cpl), plus the flow rate of the pipeline in

barrels per time period (FRpl), multiplied by the estimated time to detect a spill event (TDpl), plus the time to shut down the pipeline pump or system (TSDpl). Written as a formula, the response planning standard is  $(Lpl - Hpl) * Cpl + FRpl * (TDpl + TSDpl)$ .

(c) The department will, in its discretion, reduce the requirements of (b) of this section, by a percentage up to that shown, for each of the following prevention measures in place at the facility:

(1) alcohol and drug testing of key personnel: 5 percent;

(2) an operations training program with a professional organization or federal certification or licensing of program participants: 5 percent;

(3) on-line leak detection systems: 5 percent;

(4) corrosion control using

(A) ultrasonic thickness meters: 15 percent;

(B) instrumented in-line cleaning and diagnostic equipment ("smart pigs"): 15 percent; or

(C) a method described in (A) or (B) of this paragraph, coupled with cathodic-profile inspection at least triennially: 30 percent; and

(5) underwater pipeline cathodic- and burial-profile inspection: 5 percent.  
(Eff. 5/14/92, Register 122)

**Authority:** AS 46.03.020                      AS 46.04.070                      AS 46.04.030

**18 AAC 75.438. Response planning standards for crude oil tank vessels and barges.**

(a) For a crude oil tank vessel or barge, the plan holder shall maintain or have available under contract within its region of operation, sufficient discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to

(1) contain or control and clean up within 72 hours that portion of the response planning standard volume set out in (b) of this section that enters open water; and

(2) contain or control within 72 hours, and clean up within the shortest possible time consistent with minimizing damage to the environment, that portion of the response planning standard volume set out in (b) of this section that enters a receiving environment other than open water.

(b) For purposes of the requirements of (a) of this section, the response planning standard volume for a crude oil tank vessel or barge is

(1) 50,000 barrels, if the tank vessel or barge has a cargo volume of less than 500,000 barrels; and

(2) 300,000 barrels, if the tank vessel or barge has a cargo volume of 500,000 barrels or more.

(c) In addition to the requirements of (a) of this section, for all crude oil tank vessels and barges, the plan holder shall plan to have deployed and operating within 72 hours, from within or outside its region of operation, sufficient oil discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to contain and control, and clean up at least 60 percent of the total cargo volume of the tank vessel or barge.

(d) The department will, in its discretion, reduce the requirements of (c) of this section, by a percentage up to that shown, for each of the following prevention measures in place for the vessel or barge:

(1) hydrostatic loading: 20 percent;

(2) double hulls and bottoms: 30 percent;

(3) double bottoms: 25 percent; and

(4) emergency-response vessels and procedures described as follows:

(A) vessel escort during entire vessel transit in port area;

(B) escort vessels capable of

(i) providing steering and propulsion assistance with the ability to attach towing cables in a timely fashion under the weather conditions of transit; and

(ii) exerting sufficient force to change or maintain the escorted vessel's course;

(C) limits on the escorted vessel's speed in order to match escort vessel's ability to render assistance; and

(D) escort vessels have on-board oil discharge response equipment: 11 percent.

(e) A crude oil tank vessel or barge that has been exempted under 18 AAC 75.400(b) is exempt from the requirements of this section. (Eff. 5/14/92, Register 122; am 10/27/2018, Register 228)

**Authority:** AS 46.03.020                      AS 46.04.030                      AS 46.04.070

**18 AAC 75.440. Response planning standards for noncrude oil tank vessels and barges.** (a) For a noncrude oil tank vessel or barge, the plan holder shall maintain or have available under contract within the plan holder's region of operation or another approved location, sufficient oil discharge containment, storage, transfer, and cleanup equipment, personnel, and other resources to

(1) contain or control within 48 hours, and to clean up within the shortest possible time, that portion of the response planning standard volume that enters open water; and

(2) contain or control, and clean up within the shortest possible time consistent with minimizing damage to the environment, that portion of the response planning standard volume that enters a receiving environment other than open water.

(b) The response planning standard volume for a noncrude oil tank vessel or barge is equal to 15 percent of the total cargo volume of the oil tank vessel or barge. (Eff. 5/14/92, Register 122; am 10/27/2018, Register 228)

**Authority:** AS 46.03.020 AS 46.04.030 AS 46.04.070

**18 AAC 75.441. Response planning standards for nontank vessels.** (a) For a nontank vessel, the plan holder shall maintain or have available under contract or membership agreement within the plan holder's region of operation, sufficient oil discharge containment and control equipment and shall maintain or have available under contract or membership agreement within the plan holder's region of operation or capable of arriving in the region of operation within 24 hours, sufficient storage, transfer, and cleanup equipment, personnel, and other resources to contain and control 15 percent of the maximum oil capacity of the nontank vessel within 48 hours. The plan holder must clean up the discharge within the shortest possible time consistent with minimizing damage to the environment.

(b) For purposes of AS 46.04.055(c)(1) and this section, "maximum oil capacity" means the

(1) total fuel tankage of the nontank vessel; or

(2) demonstrated actual maximum fuel volume that the vessel will carry in state waters, as certified by the vessel owner or operator. (Eff. 11/27/2002, Register 164)

**Authority:** AS 46.03.020 AS 46.04.055 AS 46.04.070  
AS 46.04.030

**Editor's note:** As of Register 170 (July 2004), the regulations attorney made a technical revision under AS 44.62.125(b)(6) to 18 AAC 75.441(a).

**18 AAC 75.442. Response planning standards for multiple operations.** For a facility having more than one category of operation that requires an approved oil discharge prevention and contingency plan, the plan holder must plan to respond to a discharge of the applicable response planning standard volume for each separate category of operation at the facility as established under 18 AAC 75.430 - 18 AAC 75.440. (Eff. 5/14/92, Register 122)

**Authority:** AS 46.03.020 AS 46.04.030 AS 46.04.070

**18 AAC 75.443. Prevention credits for nontank vessels.** Repealed. (Eff. 11/27/2002, Register 164; repealed 9/4/2014, Register 211)

**18 AAC 75.445. Approval criteria for oil discharge prevention and contingency plans.** (a) The department will use the criteria set out in this section to review an oil discharge prevention and contingency plan submitted under 18 AAC 75.425.

(b) General response procedures. The plan must identify the maximum possible discharge that could occur at the facility or operation, and the general procedures to be followed in responding to a discharge of that magnitude, including the identification of resources in addition to those maintained by the plan holder or available under contract to meet the applicable response planning standard for that facility or operation.

(c) Deployment strategies. The plan must demonstrate that the identified personnel and equipment are sufficient to meet the applicable response planning standard and can be deployed and operating within the time specified under 18 AAC 75.430 - 18 AAC 75.442. The plan must state what conditions were assumed and must take into account the realistic maximum response operating limitation and their effects on response capability and the deployment of resources. Plans using contractual resources must demonstrate that the transition and substitution of equipment and resources will occur without interruption of response or cleanup.

(d) Response strategies. The response strategies must take into account the type of product discharged and must demonstrate that

(1) procedures are in place to stop the discharge at its source within the shortest possible time;

(2) for an exploration or production facility, a summary of planned methods, equipment, logistics, and time frames in place that provide for the control of a well blowout within 15 days; the plan holder shall certify that the plan holder has a blowout contingency plan and shall make the blowout contingency plan available to the department for inspection upon request under 18 AAC 75.480; the department may consult with the Alaska Oil and Gas Conservation Commission, the Department of Natural Resources, or other agencies to determine the adequacy of the planned methods, equipment, logistics, and time frames for the control of a well blowout;

(3) procedures and equipment are sufficient to monitor and track the discharge in order to ensure proper allocation and deployment of response personnel and equipment;

(4) sufficient oil discharge response equipment, personnel, and other resources are maintained and available for the specific purpose of preventing discharged oil from entering an environmentally sensitive area or an area of public concern that would likely be impacted if a discharge occurs, and that this equipment and personnel will be deployed and maintained on a time schedule that will protect those areas before oil reaches them according to the predicted oil trajectories for an oil discharge of the volumes established under 18 AAC 75.430 - 18 AAC 75.442; areas identified in the plan must include areas added by the department as a condition of plan approval;

(5) plan strategies are sufficient to meet the applicable response planning standard established under 18 AAC 75.430 - 18 AAC 75.442 for containment, control, recovery, transfer, storage, and cleanup within the specified time and under environmental conditions that might reasonably be expected to occur at the discharge site;

(6) there is access to sufficient lightering equipment and personnel to transfer all oil from damaged tanks and from undamaged tanks if the risk of an additional discharge is present; the plan must provide for commencement and completion of lightering within the shortest possible time, consistent with ensuring the safety of personnel; and

(7) adequate temporary storage and removal capacity for recovered oil and oily wastes will be available at or near the site of the spill to keep up with the skimming and recovery operations and to meet the applicable planning standard established under 18 AAC 75.430 - 18 AAC 75.442 for control, containment, and cleanup; plans for temporary storage and ultimate disposal must include the specific actions to be taken to obtain all necessary permits and approvals.

(e) Receiving environment. For an onshore facility or operation, the applicant must determine and clearly demonstrate that, based on an analysis of the facility or operation, resources identified in the plan are sufficient to clean up that portion of a discharge of the applicable planning standard volume that might realistically be expected to reach open water within the applicable time limit set out in 18 AAC 75.430 - 18 AAC 75.442.

(f) Realistic maximum response operating limitations. In designing a spill response, severe weather and environmental limitations that might be reasonably expected to occur during a discharge event must be identified. The plan must use realistic efficiency rates for the specified response methods to account for the reduction of control or removal rates under those severe weather or other environmental limitations that might reasonably be expected to occur. The department may require the plan holder to take specific temporary prevention or response measures until environmental conditions improve to reduce the risk or magnitude of an oil discharge during periods when planned mechanical spill response options are rendered ineffective by environmental limitations. Plans that propose the use of nonmechanical response options under 18 AAC 75.425(e)(3)(D) must meet the requirements of 18 AAC 75.425(e)(1)(G), 18 AAC 75.425(e)(3)(G), and (h) of this section.

(g) Response equipment. Response equipment identified in the plan must meet the following conditions:

(1) the applicant must have ready access to enough equipment to meet the applicable response planning standards established under 18 AAC 75.430 - 18 AAC 75.442 using mechanical methods of oil control, containment, and cleanup;

(2) identified equipment must reflect the best available technology at the time the plan is submitted or renewed;

(3) types and amounts of boom, boom connectors, and anchorage devices must be of the appropriate design for the particular oil product, type of environment, and environmental conditions experienced at the facility or operation; the boom must be of sufficient length to mount an effective response to the volume of discharged oil established under 18 AAC 75.430 - 18 AAC 75.442 for each type of facility or operation;

(4) vessels used to deploy and tow boom must be of a number, size, and power adequate to deploy the types and amounts of boom addressed in (3) of this subsection and must be capable of operating in the manner and at the speeds necessary for the effective use of boom;

(5) the number and size of skimmers and pumps to be used must be appropriate and adequate for recovery of the response planning standard volume of the type of oil discharged within the response planning standard time frame for cleanup established under 18 AAC 75.430 - 18 AAC 75.442, using an effective oil recovery capacity of 20 percent of the equipment manufacturer's rated throughput capacity over a 24-hour period, unless an analysis demonstrates to the satisfaction of the department that another effective daily oil recovery capacity is appropriate; equipment types must be compatible with each other as necessary to ensure an efficient response;

(6) the capacity of the temporary storage system for recovered oil and oil wastes must be appropriate and adequate for the total volume recovered within the response planning standard time frames for cleanup established under 18 AAC 75.430 – 18 AAC 75.442.

(h) Nonmechanical response information. Plans which propose the use of dispersants, in situ burning, or other nonmechanical response techniques during periods when environmental conditions or other factors limit the use of mechanical spill response methods must demonstrate their efficiency and effectiveness and must include a full assessment of potential environmental consequences, provisions for continuous monitoring and real-time assessment of environmental effects, and full compliance with all applicable approval requirements. If in situ burning is proposed as a response technique, a completed application for approval by the department must be included.

(i) Oil Spill Primary Response Action Contractor Information. If a plan holder proposes to use the services of an oil spill primary response action contractor to meet a requirement of AS 46.04.030 or 18 AAC 75.432 - 18 AAC 75.442, the contractor must be registered under 18 AAC 75.500 - 18 AAC 75.580. The plan holder shall include a correct and complete list of each primary response action contractor, with name, address, telephone number, and affiliation by company, and, for each response action contract, a statement signed by the plan holder and the primary response action contractor attesting to the department that the contract

(1) clearly specifies that the contractor is obligated to

(A) provide the response services and equipment listed for that contractor in the contingency plan;

(B) respond if a discharge occurs;

(C) notify the plan holder immediately if the contractor cannot carry out the response actions specified in the contract or the contingency plan;

(D) give written notice at least 30 days before terminating its contract with the plan holder;

(E) respond to a department-conducted discharge exercise required of the plan holder; and

(F) continuously maintain in a state of readiness, in accordance with industry standards, the equipment and other spill response resources to be provided by the contractor under the contingency plan; and

(2) contains the provisions required under AS 46.04.030(q), if the contract is between the plan holder for a tank vessel or oil barge carrying crude oil that has been transported by the Trans Alaska Pipeline System and a primary response action contractor who is the common operating agent for the holders and lessees of the right-of-way agreement for the Trans Alaska Pipeline System.

(j) Training. In addition to maintaining continuous compliance with other applicable state and federal training requirements, the plan holder shall demonstrate that

(1) designated oil spill response personnel are trained and kept current in the specifics of plan implementation, including deployment of containment boom, operation of skimmers and lightering equipment, and organization and mobilization of personnel and resources;

(2) personnel are trained and kept current in methods of preventing oil discharges as required by 18 AAC 75.020; and

(3) proof of that training is maintained for five years and is made available to the department upon request.

(k) Best Available Technology Review. For purposes of 18 AAC 75.425(e)(4), the department will review a plan and make a best available technology determination using the following criteria, as applicable:

(1) technology used for oil discharge containment, storage, transfer, and cleanup to satisfy a response planning standard in 18 AAC 75.430 - 18 AAC 75.442 will be considered best available technology if the technology of the applicant's oil discharge response system as a whole is appropriate and reliable for the intended use as well as the magnitude of the applicable response planning standard;

(2) technology that complies with the performance standards of 18 AAC 75.005 - 18 AAC 75.080 and that is not subject to a best available technology review under 18 AAC 75.425(e)(4)(A), will be considered best available technology;

(3) technology identified under 18 AAC 75.425(e)(4)(A) will be evaluated using the following criteria, if applicable:

(A) whether each technology is the best in use in other similar situations and is available for use by the applicant;

(B) whether each technology is transferable to the applicant's operations;

(C) whether there is a reasonable expectation each technology will provide increased spill prevention or other environmental benefits;

(D) the cost to the applicant of achieving best available technology, including consideration of that cost relative to the remaining years of service of the technology in use by the applicant;

(E) the age and condition of the technology in use by the applicant;

(F) whether each technology is compatible with existing operations and technologies in use by the applicant;

(G) the practical feasibility of each technology in terms of engineering and other operational aspects; and

(H) whether other environmental impacts of each technology, such as air, land, water pollution, and energy requirements, offset any anticipated environmental benefits.

(I) If the department's determination under (k) of this section is that a technology proposed for use by the applicant is not the best available technology, the department will provide a written finding explaining its decision.

(m) **Prevention Plan.** The prevention plan required by 18 AAC 75.425(e)(2) must describe all oil discharge prevention programs in place at the facility or operation. The plan must demonstrate that the applicant meets all applicable requirements of 18 AAC 75.005 - 18 AAC 75.085 and 18 AAC 75.425(e)(2).

(n) **Response Planning Standard.** The response planning standard required by 18 AAC 75.425(e)(5) must provide a mathematical calculation of the applicable response planning standards set out in 18 AAC 75.430 – 18 AAC 75.440 and 18 AAC 75.422, and include a detailed calculation and justification of any reductions to the response planning standard. (Eff. 5/14/92, Register 122; am 9/25/93, Register 127; am 3/28/96, Register 137; am 4/4/97, Register 142; am 5/26/2004, Register 170; am 12/30/2006, Register 180)

**Authority:** AS 46.03.020            AS 46.04.030            AS 46.04.070  
AS 46.04.020            AS 46.04.035

**Editor's note:** As of Register 164 (January 2003), the regulations attorney made a technical revision under AS 44.62.125(b)(6), adding an authority citation for 18 AAC 75.445. In 1995, the revisor of statutes under AS 04.05.031, relettered former AS 46.04.030(r) as AS 46.04.030(q), and relettered former AS 46.04.030(q) as AS 46.04.030(r). As of Register 207 (October 2013), and acting under AS 44.62.125(b)(6), the regulations attorney made a conforming technical revision to 18 AAC 75.445(i), so that the cross-reference to former AS 46.04.030(r) now refers to the relettered subsection, AS 46.04.030(q).

**18 AAC 75.446. Approval criteria for nontank vessel equivalent plans.** Repealed (Eff. 11/27/2002, Register 164; am 4/16/2016, Register 218; repealed 3/23/2017, Register 221)

**18 AAC 75.447. Department examination of new technologies.** (a) To assure that proven new technologies are considered for use in oil discharge prevention and contingency plans, the department will review and appraise technology applied at other locations in the United States and the world that represent alternatives to the technologies used by plan holders in their oil discharge prevention and contingency plans submitted to meet response planning

standards in 18 AAC 75.430 - 18 AAC 75.442 and the performance standards of 18 AAC 75.005 - 18 AAC 75.080. The department will conduct this review and appraisal by

(1) sponsoring a technology conference at least every five years and in cooperation with persons, organizations, and groups with interests and expertise in relevant technologies; this conference will provide interested parties with an opportunity to describe the status of existing technologies in use as well as technologies that may be considered superior to those in use at that time; and

(2) engaging in studies, inquiries, surveys, or analyses the department believes appropriate to the consideration of new technologies.

(b) After its review and appraisal under (a) of this section, the department will issue written findings identifying new technologies that the department considers represent proven technological breakthroughs in oil discharge containment, control, or cleanup equipment. In its findings, the department will

(1) provide an evaluation of the technologies applied at other locations based on the applicable criteria in 18 AAC 75.445(k)(3);

(2) identify the evidence that clearly and convincingly supports the determination that the equipment represents a proven technology breakthrough that could result in superior advances in the efficiency or effectiveness of oil spill response efforts; and

(3) identify specific operations, geographical locations, or physical environments where the technology could be applied.

(c) If a finding is issued under (b) of this section, the department will inform plan holders, primary response action contractors, and other interested persons of the department's findings, the availability of the new technology, and the opportunity to submit comment on the report to the department. (Eff. 4/4/97, Register 142)

**Authority:** AS 46.03.020                      AS 46.04.030                      AS 46.04.070

**18 AAC 75.455. Department review procedures for oil discharge prevention and contingency plans; new plans, plan renewals and major plan amendments.** (a) Not later than seven working days after receipt of an oil discharge prevention and contingency plan application package for a new plan, plan renewal or major amendment, the department will determine if the application package is sufficient for review. If the application package is not sufficient for review, the department will notify the applicant in writing.

(b) When the department determines that an application package is sufficient for review, the department will

(1) notify the applicant in writing;

(2) direct the applicant to provide copies of the application package to reviewers in accordance with 18 AAC 75.408(c);

(3) set the public comment period for a minimum of 30 days; if the department determines the package to be unusually large or complex, or determines a longer comment period to be in the public interest, the department will set the public comment period for a maximum of 45 days;

(4) send a letter to the applicant, the parties specified in 18 AAC 75.408(c)(4), and other persons who have made a written request for information regarding submissions subject to review under this section; in the letter the department will include

(A) information on the public comment period established under (3) of this subsection; and

(B) a statement that the department will accept comments on the plan and proposed requests for additional information until the end of the public comment period; and

(5) direct the applicant to publish a one-time notice provided by the department announcing the public comment period for the plan; the applicant is responsible for paying the cost of the notice under this paragraph; the applicant must publish the notice in one or more publications of general circulation in the area that would be affected by the operation; in the notice the department will include

(A) a statement that a person may submit comments or propose requests for additional information by providing them to the department before the published deadline;

(B) information on the nature and location of the plan;

(C) a statement that a copy of the application package is available for review at specific offices of the department and other locations as determined by the department; and

(D) a statement that the package is available on the department's Internet website.

(c) If the department determines that additional information is required to evaluate if the application package is complete,

(1) the department will notify the applicant in writing that a request for additional information will be transmitted; the department will transmit the request for additional information not later than 90 days after the end of the public comment period in (b) of this section; the department may set a deadline for the submittal of the additional information;

(2) the applicant must provide responses to the department's requests for additional information as required by 18 AAC 75.408(c)(1) – (4) and (7);

(3) if the applicant has not provided the information requested or if the applicant's responses to requests for additional information cause the department to identify the need for additional information, the department will send subsequent requests for additional information until the department determines that the applicant has supplied the necessary information in response to the requests; and

(4) when the department has verified all requests have been addressed, the applicant must provide copies of the responses to the requests for additional information in accordance with 18 AAC 75.408(c)(1) – (4) and (7).

(d) Upon receipt by the department of the additional information requested under (c) of this section, the department will provide notice to the parties described in 18 AAC 75.408(c)(4) of a minimum 10-day public comment period on the additional information. The comment period under this subsection is limited to the additional information submitted in response to the request for additional information.

(e) The department will make a determination as to whether an application package is complete not later than seven working days after the end of the public comment period established in (d) of this section, or if no additional information was requested under (c) of this section, not later than seven working days after the end of the comment period established under (b)(3) of this section. The department will notify the applicant when the application package is complete.

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

(g) Not later than 65 days after the department determines that an application package is complete under (e) of this section, the department will approve, approve with conditions, or disapprove a plan and issues a decision under 18 AAC 75.460.

(h) To assist the department in its review of oil discharge prevention and contingency 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 4/8/2012, Register 202; am 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/27/2018, Register 228)

**Authority:** AS 46.03.020                      AS 46.04.055                      AS 46.04.070  
AS 46.04.030

**18 AAC 75.456. Department decision on nontank vessel streamlined oil discharge prevention and contingency plans.** (a) The department will make a decision on a nontank vessel streamlined oil discharge prevention and contingency plan or plan amendment not later than 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 if the plan meets the following requirements:

(1) the information submitted conforms to the requirements of 18 AAC 75.426;

(2) any nontank vessel cleanup contractor identified under 18 AAC 75.426(11) is registered under 18 AAC 75.500 - 18 AAC 75.580 for the appropriate vessel fuel classification and region of operation identified in the application;

(3) any nontank vessel incident management team identified under 18 AAC 75.426(11) is registered under 18 AAC 75.500 - 18 AAC 75.580 for the appropriate vessel fuel classification and region of operation identified in the application;

(4) any response planning facilitator identified under 18 AAC 75.426(14) is registered under 18 AAC 75.500 - 18 AAC 75.580 to provide the appropriate response planning facilitation services identified in the application.

(b) A nontank vessel plan is effective for

(1) five years after the date the plan is approved by the department; or

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

(c) Nontank vessel plans are available for review as public records upon request to the department. (Eff. 11/27/2002, Register 164; am 9/4/2014, Register 211; am 4/16/2016, Register 218)

**Authority:** AS 46.03.020                      AS 46.04.055                      AS 46.04.070  
AS 46.04.030

**18 AAC 75.457. Emergency modification of review process.** If, due to an emergency as described in AS 26.23, 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 may, consistent with the requirements of AS 46.04.030(j), 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 4/16/2016, Register 218)

**Authority:** AS 46.03.020                      AS 46.04.030                      AS 46.04.070

**18 AAC 75.459. Preissuance conference.** (a) At any time before the department's decision under 18 AAC 75.460, the applicant may request a preissuance conference from the appropriate department office. The request may be made orally, and will be granted if the applicant demonstrates that holding a conference will materially aid the department in reaching its decision.

(b) A preissuance conference under this section will be conducted in the manner provided under 18 AAC 15.070. However, the time period for the department's review will not be held in abeyance pending completion of the conference. (Eff. 5/14/92, Register 122; am 9/4/2014, Register 211)

**Authority:** AS 46.03.020 AS 46.04.030 AS 46.04.070

**Editor's note:** As of Register 164 (January 2003), the regulations attorney made a technical revision under AS 44.62.125 (b)(6), adding an authority citation for 18 AAC 75.459.

**18 AAC 75.460. Department decision on oil discharge prevention and contingency plans; new plans, plan renewals, and major plan amendments.** (a) After considering the information, analyses, and commitments contained in a complete application package for approval of an oil discharge prevention and contingency plan and comments received not later than 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.

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

(1) the department's written decision, 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, disapprove a plan, or subject a plan to conditions specific to the activity;

(2) a statement that, if aggrieved by the department's decision, the applicant or any person who submitted comments on the application not later than the close of the public comment period set out in 18 AAC 75.455 may request

(A) an informal review in accordance with 18 AAC 15.185; or

(B) an adjudicatory hearing by submitting the information required under 18 AAC 15.200(a), and that any hearing requested under this subparagraph will be subject to the procedures set out under 18 AAC 15.195 – 18 AAC 15.340; and

(3) a statement that the plan holder will provide copies of the approved plan in accordance with 18 AAC 75.408 not later than 30 days after approval; the department will send a notice by electronic mail to the parties specified in 18 AAC 75.408(c)(4) that the document is available on the department's Internet website.

(c) The department's decision will be served on the applicant and each person who submitted comments on the application not later than the close of public comment period set out in 18 AAC 75.455(b), or the close of the public comment period set out in 18 AAC 75.455(d) if the request for additional information was made. The applicant and any person who submitted comments on the application not later than the close of the public comment period set out in 18 AAC 75.455(b), or the close of the public comment period set out in 18 AAC 75.455(d) if a request for additional information was made, may request an informal review in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 - 18 AAC

15.340. An informal review request must be delivered in accordance with 18 AAC 15.185 to the Anchorage office of the director of the department division that oversees spill prevention and response. An adjudicatory hearing request must be delivered in accordance with 18 AAC 15.200 to the Juneau office of the commissioner.

(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. (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 4/16/2016, Register 218; am 3/23/2017, Register 221; am 10/27/2018, Register 228)

**Authority:** AS 46.03.020                      AS 46.04.070                      AS 46.04.890  
AS 46.04.030

**Editor's note:** The mailing address for informal review requests for purposes of 18 AAC 75.460 is Department of Environmental Conservation, Office of the Director, Division of Spill Prevention and Response, 555 Cordova Street, Anchorage, Alaska 99501 – 2617. The mailing address for adjudicatory hearing requests is Department of Environmental Conservation, Office of the Commissioner, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801.

Department of Environmental Conservation approval under 18 AAC 75.460 does not negate any other requirement for approval to operate under other statutes or regulations.

**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 or barge has certified, on a contingency plan verification log supplied by the department and maintained by the owner or operator of the oil terminal facility, that copies of the response action and prevention plan sections 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 contingency plan verification log 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 not later than the fifth day of the following month. Submission is effective upon personal delivery, facsimile transmission, or electronic mail transmission, or on the date of mailing by certified mail to the department. The

department will retain copies of all logs received under this subsection for five 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 contingency plan verification log referred to under (b) of this section is required for each separate loading or unloading operation of a vessel at an oil terminal facility.

(e) Any tank vessel, oil barge, or railroad tank car required to have a plan under AS 46.04.030 and 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 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 4/16/2016, Register 218)

<b>Authority:</b>	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 75.470. Transfers between plan holders.** (a) If approved under this section, a plan holder, or an oil spill response contractor or cooperative upon which one or more plan holders rely, may furnish to another plan holder or to another person, equipment, materials, or personnel to assist in response to an oil discharge. A description of the proposed transfer that addresses each of the considerations set out in (b) of this section must be provided with the request for approval of a transfer.

(b) The department will, in its discretion, approve a transfer under this section after considering

(1) for a provider of oil spill response equipment, materials, or personnel:

(A) the amount and types of equipment, personnel, or other resources to be transferred in response to a discharge and where it will be transferred;

(B) the number and types of other plan holders who rely upon the provider's response equipment, personnel, and other resources;

(C) the percentage by which the provider's response capability will be reduced by the transfer;

(D) the ability of the provider to acquire and deploy alternate response equipment if an emergency discharge occurs while equipment, materials, or personnel are transferred; and

(E) any compensating measures that will be taken by the provider to prevent or reduce the size of potential discharges during the period of reduced response capability; and

(2) for a plan holder receiving the equipment, the time estimated for the response equipment to reach the discharge.

(c) The department will, in its discretion, attach terms and conditions to an approval issued under (b) of this section.

(d) The provider shall reorder and replace equipment or materials that are

(1) exhausted, lost, destroyed, or rendered inoperable as soon the condition is known by the provider; and

(2) not expected to be returned, such as sorbent boom, sorbent pads, and dispersant, as soon as they are transferred.

(e) If equipment, materials, or personnel are not replaced or returned to the provider within 30 days after the transfer, the plan holder may request an extension from the department. If the extension is denied, the provider must apply for approval of an amendment to its approved prevention and contingency plan under 18 AAC 75.415.

(f) Except in response to a major or catastrophic discharge, the department will not approve a transfer of equipment, materials, or personnel to another plan holder if the provider's spill response capability would be reduced to less than 40 percent of the response capability identified in its plan. If a major or catastrophic oil discharge occurs, the department will, in its discretion, approve an immediate transfer of up to 100 percent of the provider's response equipment, personnel, and other resources.

(g) The department will issue a verbal approval for a transfer if a discharge poses an imminent threat to life, property, the environment, or other significant public concern. The verbal approval will be verified in writing by the department. (Eff. 5/14/92, Register 122)

**Authority:** AS 46.03.020 AS 46.04.030 AS 46.04.070

**18 AAC 75.475. Notification of nonreadiness.** (a) All spill response and other equipment identified in the approved oil discharge prevention and contingency plan or nontank vessel plan to meet the response planning standards set out at 18 AAC 75.430 - 18 AAC 75.442 must be maintained in operational condition. Any equipment found not to be operating properly must be repaired or replaced immediately.

(b) Except for a transfer approved under 18 AAC 75.470, if a significant change occurs in, or is made to, any component of a plan that would diminish the plan holder's response capability, the plan holder shall, within 24 hours, notify the department in writing and provide a schedule for a prompt return to operational status. An electronic mail or facsimile transmission delivered to the appropriate department office will be considered written notice for purposes of this subsection. If the department finds that, as a result of the change, the plan holder is no longer able to execute the plan, it will take appropriate action under 18 AAC 75.490.

(c) Notwithstanding (a) and (b) of this section, removal or inactivation of any major response item for maintenance or repair must be approved by the department before removal or inactivation. A request under this subsection must be submitted at least 10 days before the scheduled action or as soon as possible for an unanticipated repair. The request must state what substitute or temporary measures will be taken to provide equivalent response capability, reduce the time out of service, or otherwise ensure that equivalent response capability is maintained.

(d) A plan holder shall notify the department in writing within 24 hours if a significant change occurs in, or is made to, one or more of the following systems, and if, as a result of that change, the system no longer meets the applicable performance requirements;

(1) a leak detection system required by 18 AAC 75.047(d)(1);

(2) a leak detection system required by 18 AAC 75.055(a),

(3) a secondary containment system required by 18 AAC 75.075. (Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 12/30/2006, Register 180; am 9/4/2014, Register 211)

**Authority:** AS 46.03.020 AS 46.04.055 AS 46.04.070  
AS 46.04.030

**18 AAC 75.480. Inspections.** (a) To verify compliance with the provisions of AS 46.04.030, AS 46.04.055, and 18 AAC 75.400 - 18 AAC 75.496, the department may conduct announced and unannounced inspections of a vessel, barge, pipeline, or other operation that is subject to the requirements of AS 46.04.030, AS 46.04.055, and 18 AAC 75.400 -

18 AAC 75.496. If practicable, an inspection under this section will be coordinated with other regulatory agencies.

(b) Based on the results of an inspection made under this section, the department will, in its discretion, take appropriate action under 18 AAC 75.490. (Eff. 5/14/92, Register 122; am 11/27/2002, Register 164)

<b>Authority:</b>	AS 46.03.020	AS 46.04.055	AS 46.04.065
	AS 46.04.030	AS 46.04.060	AS 46.04.070

**18 AAC 75.485. Discharge exercises.** (a) The department may conduct announced and unannounced discharge exercises to assure that an oil discharge prevention and contingency plan or nontank vessel plan is adequate in content and execution. No more than two exercises will be required for an oil discharge prevention and contingency plan in each 12-month period, unless an exercise demonstrates, in the department's judgment, a plan holder's failure to implement the plan effectively.

(b) Execution of a plan during a discharge exercise will be considered inadequate if the readiness for response and response performance stated in the plan are significantly deficient due to inadequate mobilization or performance of personnel, equipment, other resources, or other factors, including the mobilization or performance of a response action contractor identified under 18 AAC 75.445(i).

(c) If a plan holder cannot adequately execute the plan during a discharge exercise, the department will, in its discretion,

(1) require additional exercises until it is satisfied that the prevention and contingency plan and its execution are adequate; or

(2) take other appropriate action as described at 18 AAC 75.490.

(d) The department will consider a regularly scheduled training exercise initiated by a plan holder as a discharge exercise if the department monitors, evaluates, or participates in the exercise and concurs that it is equivalent to a discharge exercise conducted by the department. A plan holder shall notify the department in advance of the exercise and shall provide an opportunity for a department representative to be present and participate.

(e) The department will conduct announced or unannounced discharge exercises appropriate to the plan holder's current status of operations. (Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; 3/23/2017, Register 221)

<b>Authority:</b>	AS 46.03.020	AS 46.04.055	AS 46.04.070
	AS 46.04.030		

**18 AAC 75.490. Failure to comply.** (a) If a plan holder fails to comply with an approved oil discharge prevention and contingency plan or nontank vessel plan, demonstrates an inability to maintain continuous access to the quality or quantity of resources identified in the

plan, fails to respond with those resources in the shortest possible time if a discharge occurs, or is in any other way subject to the terms of AS 46.04.030(f)(1) - (4) or AS 46.04.055, the department may

(1) revoke the approval of the plan after notice and opportunity for hearing under (c) of this section;

(2) suspend its approval of the plan after notice and opportunity for hearing under (c) of this section, stating the conditions under which the department will reinstate the approval and allow operations to resume;

(3) order the plan holder to file an application to amend the plan within a specified time under 18 AAC 75.415; or

(4) take other necessary action to correct the failure to comply.

(b) If a plan holder fails to apply for an amendment as required under (a)(3) of this section, the department may revoke the approval of the plan after notice and opportunity for hearing under (c) of this section.

(c) If the department issues a notice of intent to revoke an approval under this chapter, the plan holder may request an adjudicatory hearing under 18 AAC 15.195 – 18 AAC 15.340. (Eff. 5/14/92, Register 122; am 7/11/2002, Register 163; am 11/27/2002, Register 164)

<b>Authority:</b>	AS 46.03.020	AS 46.03.750	AS 46.04.070
	AS 46.03.740	AS 46.04.030	AS 46.04.890
	AS 46.03.745	AS 46.04.055	AS 46.35.090

**18 AAC 75.495. Regional master discharge prevention and contingency plan boundaries.** (a) The regions described in this subsection and depicted on the map at Figure 1 are established for the purpose of preparing a regional master oil and hazardous substance discharge prevention and contingency plan as required by AS 46.04.210:

(1) Southeast Alaska Region: that area of the state east of 142E W. longitude and south of a line just west of Icy Bay that connects the U.S.-Canadian border with the Gulf of Alaska, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;

(2) Prince William Sound Region: that area south of 63E30' N. latitude, west of the region described in (1) of this subsection, and east of the region described in (3) of this subsection, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;

(3) Cook Inlet Region: that area encompassed by the boundaries of the Kenai Peninsula Borough, the Municipality of Anchorage, and the Matanuska-Susitna Borough,

including adjacent shorelines and state waters, and having as its seaward boundary a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;

(4) Kodiak Island Region: that area encompassed by the boundaries of the Kodiak Island Borough, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;

(5) Aleutian Region: those areas encompassed by the boundaries of the Aleutians East Borough, the Aleutians West Coastal Resource Service Area, and the Pribilof Islands, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;

(6) Bristol Bay Region: that area encompassed by the boundaries of the Bristol Bay Coastal Resource Service Area, the Bristol Bay Borough, and the Lake and Peninsula Borough, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;

(7) Western Alaska Region: that area north of the area described in (6) of this subsection, encompassed by the boundaries of the southernmost boundary of the Bering Straits Regional Corporation, and Iditarod and Kuspuk Regional Educational Attendance Areas, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;

(8) Northwest Arctic Region: that area encompassed by the Northwest Arctic Borough and the Bering Straits Regional Corporation, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;

(9) North Slope Region: that area encompassed by the boundaries of the North Slope Borough, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured; and

(10) Interior Alaska Region: that area of the state not included in (1) - (9) of this subsection.

(b) If the department finds that a discharge that could occur in an area beyond the territorial sea would not have a significant adverse impact on the resources of the state or on other interests of the state, the department will, in its discretion, adjust the seaward boundary of a region established in (a) of this section to exclude that area. (Eff. 5/14/92, Register 122; am 11/27/2002, Register 164; am 10/9/2008, Register 188)

**Authority:** AS 46.03.020                      AS 46.04.070                      AS 46.04.210

**18 AAC 75.496. Regional response operations plan boundaries for nontank vessels.**

The regions described in this section and depicted on the map at Figure 1 are established for the purpose of establishing boundaries for nontank vessel plans:

(1) Southeast Alaska Region: that area of the state east of 142° W. longitude and south of a line just west of Icy Bay that connects the U.S. - Canadian border with the Gulf of Alaska, including adjacent shorelines and state waters;

(2) Prince William Sound Region: that area south of 63°30' N. latitude, west of the region described in (1) of this section, and east of the region described in (3) of this section, including adjacent shorelines and state waters;

(3) Cook Inlet Region: that area encompassed by the boundaries of the Kenai Peninsula Borough, the Municipality of Anchorage, and the Matanuska-Susitna Borough, including adjacent shorelines and state waters;

(4) Kodiak Island Region: that area encompassed by the boundaries of the Kodiak Island Borough, including adjacent shorelines and state waters;

(5) Aleutian Region: those areas encompassed by the boundaries of the Aleutians East Borough, the Aleutians West Coastal Resource Service Area, and the Pribilof Islands, including adjacent shorelines and state waters;

(6) Bristol Bay Region: that area encompassed by the boundaries of the Bristol Bay Coastal Resource Service Area, the Bristol Bay Borough, and the Lake and Peninsula Borough, including adjacent shorelines and state waters;

(7) Western Alaska Region: that area north of the area described in (6) of this section, encompassed by the boundaries of the southernmost boundary of the Bering Straits Regional Corporation, and Iditarod and Kuspuk Regional Educational Attendance Areas, including adjacent shorelines and state waters;

(8) Northwest Arctic Region: that area encompassed by the Northwest Arctic Borough and the Bering Straits Regional Corporation, including adjacent shorelines and state waters;

(9) North Slope Region: that area encompassed by the boundaries of the North Slope Borough, including adjacent shorelines and state waters;

(10) Interior Alaska Region: that area of the state not included in (1) - (9) of this section. (Eff. 11/27/2002, Register 164)

**Authority:** AS 46.03.020                      AS 46.04.055                      AS 46.04.070  
AS 46.04.030

Figure 1. Regional Response Operations Plan Boundaries (18 AAC 75.496)

