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March 16, 2020

Government Letter No. 44349
APSC File No. 2.8

Seth Robinson
Alaska Department of Environmental Conservation (ADEC)
Division of Spill Prevention and Response: Prevention, Preparedness, and Response Program
610 University Avenue
Fairbanks, AK 99709

Subject: APSC Scoping Comments for 18 AAC 75 Article 4 and Alaska Statute (AS) 46.04

References: <http://www.legis.state.ak.us/basis/aac.asp#18.75.400>
<http://www.akleg.gov/basis/statutes.asp#46.04>

Dear Mr. Robinson:

Alyeska Pipeline Service Company (APSC) appreciates the opportunity to provide scoping comments for state oil discharge prevention and contingency plan regulations under 18 AAC 75 Article 4 and the associated statutory authorities for contingency planning under Alaska Statute AS 46.04.

Attached is Alyeska's position paper and comments for consideration.

Please address all responses to:

Allison Iversen
HSEC Director
Alyeska Pipeline Service Company
P.O. Box 196660, MS 502
Anchorage, Alaska 99519-6660

Sincerely,

A handwritten signature in blue ink, appearing to read "Andres Morales", is written over a horizontal line.

Andres Morales
Emergency Preparedness & Response Director

**Position
Statement**

Alyeska Pipeline Service Company (Alyeska) welcomes the opportunity to comment on the Alaska Department of Environmental Conservation (ADEC) Oil Discharge Prevention and Contingency Plan Requirements as described in 18 AAC 75 Article 4 and Alaska Statute AS 46.04.

As a major holder of multiple state-approved oil discharge prevention and contingency plans (ODPCPs), Alyeska has a strong commitment to safety and environmental protection, and a deep interest in efforts to optimize the associated regulations and statute.

Alyeska's strong safety culture extends beyond personnel safety in the workplace. Our safety culture extends to the communities in which we live and work. Protecting these communities through a combination of best business practices and effective regulations benefits us all.

Alyeska appreciates the opportunity to engage in this dialog with the regulatory community and other concerned citizens in alignment with our core commitment and values:

- Alyeska upholds its obligation to protect the environment, culture, and resources of Prince William Sound and along the Pipeline.
- Alyeska commits to moving oil safely; through spill prevention, with zero incidents, and immediate, effective response if necessary.
- Alyeska respects the value of transparent partnerships with its Prince William Sound and Pipeline area regulators and stakeholders, many of whom live within its unique communities and environment.

Alyeska encourages ADEC to initiate the formal regulation drafting and review process for all of 18 AAC 75 Article 4 and Alaska Statute 46.04 and is submitting this proposal in support of that initiative.

**Timeliness of
Review**

Alyeska believes that this scoping opportunity is well timed to capitalize on and consolidate into one forum the various ongoing conversations in the oil spill contingency planning community.

The contingency planning community in Alaska is world class and mature, incorporating many lessons learned in the years since the Exxon Valdez Oil Spill and the enactment of both 18 AAC 75 and OPA 90.

In the same way that ODPCPs follow a prescribed review process, periodic review of contingency planning regulatory requirements is a valuable step in ensuring that the regulations and statutes remain relevant, comprehensible, transparent, and encourage state-of-the-art capability.

Incorporating new equipment and technology, mature processes, and years of experience will support the future success of this community.

Building on Recent Successes

Recent improvements to the contingency planning process should be used as a springboard for broader change.

For example, amendment regulations in 2016 allowed for the State to host industry ODPCPs on the ADEC website. While this may seem like a minor consideration, it has been a step change for both plan holders and the public. By eliminating expensive and time-consuming hard copy production and distribution, plan holders can be more agile with amendment submittals and more efficient. At the same time, hosting the industry ODPCPs on the state website benefits everyone by making the plans accessible and transparent to a wider audience.

This successful streamlining effort is one example of matching technology with obligation. Alyeska is encouraged by this success and proposes that this approach be used for the entire review.

Submittal Methodology

Alyeska created an internal work group to gather company interests into one submittal package. The work group also coordinated with industry peers on issues of joint interest.

In the table below, Alyeska presents a representative sampling of both major issues and minor recommendations as sufficient evidence to support a formal public review of the statute and regulation.

Underpinning the table information, Alyeska developed a repository of review files containing additional topics and more detailed discussion points. This additional information will be included in our submittal as part of the official review.

Next Steps

Alyeska proposes that after the March 16, 2020 submittal deadline, ADEC continue the open dialog by developing a timeline, posting progress comments on their website, and hosting update meetings throughout their internal review period. This open dialog will ensure that all concerned parties have equal and timely information as we prepare for the formal public review.

Alyeska personnel are available to answer questions related to this scoping submittal, provide additional information, and to support this initiative going forward.

Contact Information

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Alyeska Pipeline Service Company
(907) 787-8303
Andres.Morales@alyeska-pipeline.com

**Alyeska Pipeline Service Company
Public Scoping for 18 AAC 75 and AS 46.04**

Regulatory Reference	Topic	Recommendation
18 AAC 75.485	Duplication of Federal Regulations: Drills and Exercises	Defer to existing National Preparedness for Response Exercise Program (PREP) drill and exercise requirements.
18 AAC 75.425(e)(2)(C)	Duplication of Federal Regulations: Potential Discharge Analysis	Revise 18 AAC 75.425(e)(2)(C) to allow reference to a compliant SPCC plan as an acceptable method of compliance.
18 AAC 75.425(e)(2) 18 AAC 75.065(o) 18 AAC 75.080(o)	Duplication of Federal Regulations: Out-of-Service Placarding	Revise 18 AAC 75.065(o) and 18 AAC 75.080(o), as required by 18 AAC 75.425(e)(2), to include federal placarding requirements as an acceptable option to the state placarding requirements.
18 AAC 75.430(c) and (d) 18 AAC 75.432(d) 18 AAC 75.436(c) 18 AAC 75.438(d)	Agency Discretion and Interpretation: Department Satisfaction and Discretion Language	Replace terms such as “department discretion” and “department satisfaction” with defined or referenced measurable standards.
AS 46.04.030(e) 18 AAC 75.460	Agency Discretion and Interpretation: Condition of Approval (COA) Process	Clarify the process for determining reasonable approval conditions.
18 AAC 75.445(g)(5)	Agency Discretion and Interpretation: Derating Equipment Efficiency	Incorporate technological innovations when determining equipment efficiency ratings and apply those ratings consistently between plans.
18 AAC 75.485	Agency Discretion and Interpretation: Discharge Exercises	Standardize criteria for announced and unannounced discharge exercises.
18 AAC 75.470 18 AAC 75.475	Agency Discretion and Interpretation: Good Neighbor Support	Support plan holders assisting each other in a response to an oil discharge per regulation.
18 AAC 75.475(b)	Agency Discretion and Interpretation: Notifications of Non-readiness	Adhere to the 24-hour notification of non-readiness requirement as identified in regulation.
18 AAC 75.425(e)(2)(D)	Agency Discretion and Interpretation: Operational Practices in C-Plans	Limit the tactics in C-Plans to those that are required to execute the scenario.
18 AAC 75.430(b) 18 AAC 75.430(d) 18 AAC 75.432(d) 18 ACC 75.436(c) 18 AAC 75.438(d)	Agency Discretion and Interpretation: Prevention Measures Credits and Limits	Clarify the standards used for determining prevention credits and limits.
18 AAC 75.455(c)	Agency Discretion and Interpretation: Request for Additional Information (RFAI) Process	Limit RFAIs to information directly related to meeting regulatory requirements.
AS 46.04.030(k)(3)(B)	Agency Discretion and Interpretation: Response Planning Standards	Incorporate technological innovations (such as double-hull tankers) and re-evaluate the outflow rate, currently interpreted as instantaneous, for the 300,000-barrel release for the response planning standard.
18 AAC 75.425(e)(1)(F)	Agency Discretion and Interpretation: Scenario Optimization	Clarify the criteria for requiring additional scenarios beyond the Response Planning Standard scenario.

**Alyeska Pipeline Service Company
Public Scoping for 18 AAC 75 and AS 46.04**

Regulatory Reference	Topic	Recommendation
18 AAC 75.425(e)(2)(A)(i)18 AAC 75.425(e)(3)(I)18 AAC 75.445(j)18 AAC 75.020(a)	Agency Discretion and Interpretation: Training	Allow plan holders to manage training programs per regulation.
18 AAC 75.460(b)(3)	Amendment Approval Letter Terms	Standardize the time to distribute an approved plan or amendment to 45 days.
18 AAC 75.425(e)(3)(C)	Contact Information	Standardize contact information requirements from individual names to functional titles.
18 AAC 75.425(e)(3)(I)18 AAC 75.485	Focused Training Events	Expand credit for focused training events as part of the exercise requirements.
18 AAC 75.84918 AAC 75.990	Multiple Definition Sections in Article 4	Move all definitions found throughout the regulation into the definitions section in 18 AAC 75.990.
AS 46.04.030(k)(3)(B)18 AAC 75.475(e)(1)(F)	Oil Properties	Use actual and verifiable ANS crude oil properties when calculating dispersion, evaporation, and recovery rates for response planning standards instead of using historical oil properties
18 AAC 75.420(a)18 AAC 75.455	Renewal Timeframe	Standardize the plan renewal timeline.
18 AAC75.425(e)(3)(F)	Response Equipment List	Limit equipment lists to the equipment required to execute a scenario.
18 AAC 75.415(b)	Routine Amendment Process	Encourage the use of routine amendments, when applicable, in place of minor amendments.
18 AAC 75.425(e)(2)(F)18 AAC 75.01518 AAC 75.066	Streamlined Temporary Tank Waiver Process	Standardize the tank waiver notification lead time for use of temporary tanks to five working days.
18 AAC 75.425(e)(2)18 AAC 75.065(a)(1)18 AAC 75.066(f)(2)	Tank Inspections per API 653	Adopt the current full version of API 653 and remove the existing restrictions for risk-based inspections and similar service assessments.