

Alaska Oil and Gas Association



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January 31, 2022

VIA: Electronic Submission Only
<https://dec.alaska.gov/comment/>

Zuzana Culakova
Alaska Department of Environmental Conservation
P.O. Box 111800
Juneau, AK 99811

Re: Comments of the Alaska Oil and Gas Association regarding the Notice of Proposed Changes to Oil Pollution Prevention Requirements in the Regulations of the Alaska Department of Environmental Conservation

Dear Ms. Culakova:

This letter provides the comments of the Alaska Oil and Gas Association (“AOGA”) in response to the proposal of the Alaska Department of Environmental Conservation (“ADEC”) to revise the Alaska regulations at 18 AAC Part 75.

AOGA is a non-profit, professional trade association whose mission is to foster the long-term viability of the oil and gas industry for the benefit of all Alaskans. AOGA’s membership includes 14 companies representing the industry in Alaska that have state and federal interests, both onshore and offshore. AOGA’s members have a well-established history of prudent and environmentally responsible oil and gas exploration, development, and production in Alaska. AOGA’s members have and will continue to develop and operate projects that are subject to Alaska’s regulations at 18 AAC Part 75.

Thank you for your efforts to revise and clarify these regulations. AOGA appreciates ADEC’s efforts to engage with us and the regulated community during this regulatory process. AOGA has been involved in this effort for almost two years by providing written comments and attending public meetings to offer the perspective of AOGA’s members and the regulated community.

As discussed in our prior scoping comment letter, AOGA supports changing the regulations to clarify them and remove duplication. We also support updating the regulations to reflect the current state of Alaska’s oil exploration, production, pipeline,

distribution, and transportation industries, as well as the positive impacts from equipment and technology improvements and decades of experience planning for events. These regulatory goals can be met while maintaining the state's high level of commitment to minimizing potential damage to the environment.

AOGA appreciates ADEC incorporating changes to the regulations that AOGA requested, including:

- Establishing more objective standards throughout the regulations;
- Reducing paper submittals, including allowing electronic submission of Oil Discharge Prevention and Contingency Plans ("ODPCP") and associated documents;
- Increasing the submittal time for routine amendments to ODPCPs;
- Incorporating the estimation of volume to reach open water into the Part 5 "Response Planning Standard" ("RPS") of the Oil Discharge Prevention and Contingency Plan Application Package and Review Guidance Document;
- Shifting the responsibility for public notice from the applicant to ADEC; and
- Removing best available technology ("BAT") requirements for facilities that are required to meet specific performance standards under 18 AAC 75, Art. 1.

These improvements to the regulations will allow plan holders to prepare ODPCPs and exercises that have a meaningful, positive impact on spill preparedness.

Unfortunately, despite ADEC's best efforts, the proposed changes create new complications and unhelpful complexities, and ultimately do not provide the clarifications and streamlining that are needed in the regulations to achieve more efficient and reliable compliance by the regulated community. As a result, AOGA respectfully requests that ADEC withdraw the proposed regulations and continue its efforts to gather information from stakeholders to determine the ways in which the regulations can be made more clear and streamlined, and then propose a revised set of regulations for public review and comment. In the alternative, AOGA respectfully requests that ADEC analyze the comments it receives from AOGA and the industry as a result of this notice and comment period, revise the regulations again to incorporate those comments, and then, if ADEC determines it would be necessary or helpful, propose another draft for public comment. AOGA is committed to continuing to work with ADEC toward regulatory changes that provide clear and workable requirements for the regulated community that retain the important environmental protections and commitment to effective discharge response.

AOGA has six main concerns with the proposed regulations:

1. The proposed regulations contain a significant amount of regulatory language that has been identified as repealed but is rather readopted and not sufficiently streamlined or clarified (e.g., 18 AAC 75.425 and .445). As a result, plan holders will be required to reorganize their plans into a new format and structure that will create little improvement or streamlining of the content. Furthermore, reorganized

plans will be subject to ADEC review under the amendment application process, which could result in different determinations and decisions from ADEC for content that had previously been approved. AOGA continues to recommend that ADEC take a hard look at the existing (and proposed) regulations to remove this duplication and add more clarity to improve the regulations.

2. Requirements for the content of the ODPCPs should be clearly stated in the regulations, and approval criteria for the ODPCPs should be identified separately. In the proposed regulations, some of the “approval criteria” from the current regulations have been relocated to “plan content,” which has created ambiguity in how to implement “approval criteria” as a planning action. For example, approval criteria in the current regulations intended to guide a plan holder as to what information may demonstrate the efficiency and effectiveness of a non-mechanical response is a required “demonstration” in the ODPCP under the proposed regulations. It is unclear how the ODPCP would make that demonstration or what approval criteria would be applied to it.
3. The ODPCP regulatory requirements should align with the RPS. For example, ODPCPs should address the discharge sizes and volumes described in the RPS, rather than addressing “a discharge of any size.” Response procedures can vary substantially depending on the size of the discharge. Plan holders may struggle to resolve the ambiguity created by trying to plan for “a discharge of any size,” as will ADEC in reviewing the plans. Limiting the ODPCP scope to addressing capability to respond to a discharge of the RPS volume would result in targeted plans to address potential facility discharge in a comprehensive manner.
4. The Oil Spill Response Exercise Guidance: A Manual for Planning, Conducting, and Evaluating Exercises (“Exercise Guidance Document”) should not be adopted as a regulation through these regulatory amendments. Guidance documents, like the Exercise Guidance Document, provide a means for ADEC to provide clarification and direction to the regulated community, while remaining dynamic and responsive to changing conditions and new information. If the Exercise Guidance Document is adopted as a regulation, it will become subject to Administrative Procedure Act (“APA”) processes for public notice and comment for future amendments.¹ APA requirements could result in a longer process to change the Exercise Guidance Document, and ADEC could lose needed flexibility. Plan holders should have the flexibility to plan and execute discharge exercises that are “fit for purpose” and should have discretion to adopt the Exercise Guidance Document as a standard because “one-size” does not always fit the facility and responder needs.

¹ See AS 44.62.640(a)(3) defining “regulation” to include a “standard of general application or the amendment, supplement, or revision of a rule, regulation, order, or standard adopted by a state agency to implement, interpret, or make specific the law enforced or administered by it.” The notice and comment procedures for amending regulations would apply to revisions to the Exercise Guidance Document, if it is adopted through this process. See AS 44.62.190.

AOGA also recommends that the Exercise Guidance Document be revised for clarity. For example, the Exercise Guidance Document is unclear in several instances as to whether the requirements apply to the plan, the plan holder, or ADEC.

5. The requirement for a Blowout Contingency Plan should be removed from the proposed regulations. Well control and intervention operations are substantially addressed by the Alaska Oil and Gas Conservation Commission (“AOGCC”). The provisions in ADEC’s regulations do not align with AOGCC requirements and could create conflict between ADEC and AOGCC procedures for governance and permits to drill. For example, ADEC already requires that an exploration or production facility’s ODPCP describe capability to respond to a well discharge RPS.
6. The provisions to regulate storage tanks that hold 1,000 to 10,000 gallons should be removed from the proposed regulations. Plan holders implement discharge prevention programs and procedures in accordance with ODPCPs, which typically include handling of oil storage containers with less than 10,000 gallons capacity to prevent a discharge. ADEC can verify discharge prevention programs and procedures related to these tanks. As discussed above, AOGA is requesting that ADEC align the scope of ODPCPs with the RPS scope, which would not include detailing inventory of 1,000 to 10,000 gallon storage tanks.

These concerns and others are discussed in detail in the attached spreadsheets that address the proposed regulations and the proposed Exercise Guidance Document.

AOGA remains committed to working with ADEC to bring clarity, consistency, and modernization to the regulations at 18 AAC Part 75. If you have questions about the information we have submitted, please contact me.

Sincerely,
ALASKA OIL AND GAS ASSOCIATION



Kara Moriarty
President/CEO

Attachments: 1.31.2022 AOGA Detailed Comments, ADEC Proposed Regulation Revisions – 18 AAC 75 Article 4

 1.31.2022 AOGA Technical Review and Comment, ADEC Proposed Revisions to 18 AAC 75 Article 4, Oil Spill Response Exercise Guidance, version April 16, 2018

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
2	18 AAC 75.400(a)	18 AAC 75.400(a)	(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 75.430 - 18 AAC 75.495 [18 AAC 75.425 - 18 AAC 75.495]. Notwithstanding this requirement, a person who is subject to AS 46.04.030 and operates a noncrude oil tank vessel or barge that has a storage capacity of less than 500 barrels may instead file an application for approval of a streamlined plan under 18 AAC 75.400 - 18 AAC 75.421 [ON OR AFTER JANUARY 6, 2021]; the applicant must meet the applicable requirements of 18 AAC 75.426 - 18 AAC 75.496. A person who is subject to AS 46.04.055(f) must file an application for approval of a streamlined 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	Amended	No comment.	No recommendation.
3	18 AAC 75.400(a)(1)	18 AAC 75.400(a)(1)	(1) for an oil terminal facility that does not meet the exemption criteria under [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;	Amended	No comment.	No recommendation.
4	18 AAC 75.400(a)(2)	18 AAC 75.400(a)(2)	(2) for a vessel, by the person with primary operational control; [(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;]	Repealed and readopted	No comment.	No recommendation.
5	18 AAC 75.400(a)(3)	18 AAC 75.400(a)(3)	(3) for an exploration or production facility, whether mobile or fixed, by the [LEASE HOLDER OR THE] operator or one or more lease holders;	Amended	No comment.	No recommendation.
6	18 AAC 75.400(a)(4)	18 AAC 75.400(a)(4)	(4) for a pipeline, by the [LEASE HOLDER OR THE] operator or one or more lease holders; or	Amended	The regulatory term is "crude oil transmission pipeline" (18 AAC 75.055) and should be used consistently throughout 18 AAC 75.	Recommend revising "a pipeline" to: (4) for a crude oil transmission pipeline...

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
7	18 AAC 75.400(b)	18 AAC 75.400(b)	<u>(b) The person with primary operational control of a vessel that is conducting, or is available only for conducting, an oil discharge response operation may apply for an exemption from the requirements of AS 46.04.030(c) and 46 04.055(f) using an application form supplied by the department. The department will review the application to determine if the exemption will be protective of human health, safety, and welfare, and of the environment. 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.</u>	Repealed and readopted	No comment.	No recommendation.
8	18 AAC 75.400(c)	18 AAC 75.400(c)	<u>(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 from those requirements if the effective storage capacity of the facility has been permanently reduced below the amounts set out in AS 46.04.050 by submitting an application form supplied by the department and a letter describing the permanent modification that was made to the facility: (1) the applicant must provide proof of the permanent modification as follows: (A) for purposes of reducing storage capacity by removing one or more tanks, the tanks and associated piping must be emptied, secured in a manner to prevent unauthorized use, and blank flanged; or the tank and piping must be disconnected from each other; tanks removed from service must be clearly marked with the words "Out of Service" and the date taken out of service; 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; and</u>	Repealed and readopted	<p>The proposed revision describes how tanks and piping should be modified for purposes of reducing storage capacity to qualify for exemption status. The description of exempt status should be replaced with reference to 18 AAC 75.065(o) and 18 AAC 75.080(o), which describe how tanks and piping (respectively) are removed from service. ADEC may also incorporate language from (planned for repeal) 18 AAC 75.849(5), which defines the term "permanently closed" for tanks. When possible, use consistent language or reference existing primary regulations and regulatory language to reduce repetitive or overly descriptive language in subsequent parts of the regulation.</p> <p>The provision in (3) to conduct an inspection to "verify" compliance should be qualified with reference to the regulation authorizing ADEC facility compliance inspection, 18 AAC 75.480.</p> <p>In light of the May 5, 2020 proposed action to repeal 18 AAC 75.835-18 AAC 75.849, ADEC should consider amending the definition of "storage capacity" in 18 AAC 75.990(121) to preclude the aggregate storage capacity of aboveground storage tanks with capacity 1,000 gallons and greater that have been permanently closed.</p>	<p>Recommend revising this section as follows:</p> <p>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 from those requirements if the effective storage capacity of the facility has been permanently reduced below the amounts set out in AS 46.04.050 by submitting an application form supplied by the department and a letter describing the permanent modification that was made to the facility; (1) the applicant must provide proof of the permanent modification as follows:</p> <p>(A) for purposes of reducing storage capacity by removing one or more aboveground oil storage tanks, the tanks and associated facility oil piping must be removed from service in accordance with 18 AAC 75.065(o) and 18 AAC 75.080(o); emptied, secured in a manner to prevent unauthorized use, and blank flanged; or the tank and piping must be disconnected from each other; tanks removed from service must be clearly marked with the words "Out of Service" and the date taken out of service; before reactivation of an aboveground oil storage 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; and</p>

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
9	18 AAC 75.400(c) (continued)	18 AAC 75.400(c) (continued)	<u>(B) for the purpose of changes to the storage capacity of a tank, changes must be made in a permanent manner;</u> <u>(2) the department will approve or deny the request for an exemption not later than 30 days after it receives a complete application; and</u> <u>(3) the department will conduct inspections as necessary to ensure compliance with this subsection.</u>			(B) for the purpose of changes to the storage capacity of a tank facility, changes must be made in a permanent manner; <u>aboveground storage tanks with capacity 1,000 gallons and greater must be permanently closed where</u> <u>(i) liquid and sludge has been removed;</u> <u>(ii) connecting lines and piping have been disconnected and blanked off;</u> <u>(iii) valves, except ventilation valves, have been closed and locked; and</u> <u>(iv) conspicuous signs have been posted stating that it is permanently closed and noting the date of closure;</u> (2) the department will approve or deny the request for an exemption not later than 30 days after it receives a complete application; and (3) the department will conduct inspections <u>and audits in accordance with 18 AAC 75.480</u> as necessary to ensure <u>verify</u> compliance with this subsection. Recommend amending 18 AAC 75.990(121) definition of "storage capacity" to include: <u>(C)(i) does not include the aggregate storage capacity of aboveground storage tanks with capacity 1,000 gallons and greater that have been permanently closed;</u>
10	18 AAC 75.400(d)	18 AAC 75.400(d)	The department may accept a single plan from an operator to address multiple facilities based on similarities in operations, receiving environments, logistical considerations, or other factors that demonstrate [INDICATING TO THE SATISFACTION OF THE DEPARTMENT] that a single plan is appropriate given the commonality of operations.	Amended	Removal of unquantifiable phrases such as "to the satisfaction of the department" is commendable as it eliminates subjectivity and uncertainty as to what constitutes "satisfaction." The regulations establish a sufficient process for ADEC to review information in application packages and either approve or disapprove, understandably to ADEC's "satisfaction."	No recommendation.
11	18 AAC 75.400(e)	18 AAC 75.400(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 <u>under AS 46.04.055(e)</u> <u>and the department will determine if the circumstances warranted entry</u> without an approved <u>nontank vessel streamlined</u> plan.	Amended	No comment.	No recommendation.
12	18 AAC 75.400(f)	18 AAC 75.400(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.]	Repealed	No comment.	No recommendation.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
13	18 AAC 75.400(g)	18 AAC 75.400(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.]	Repealed	No comment.	No recommendation.
14	18 AAC 75.400(h)(2)	18 AAC 75.400(h)(2)	(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;	Retained	The regulatory term is "crude oil transmission pipeline" (18 AAC 75.055) and should be used consistently throughout 18 AAC 75.	Recommend revising "a pipeline" to: (2) a crude oil transmission pipeline, while the pipeline
15	18 AAC 75.400(j)	None	<u>(j) The person that files an application under (a) of this section must be the same person that files an application for proof of financial responsibility for oil discharges under 18 AAC 75.205(a).</u>	Added	It is not clear why this requirement is necessary and considering various plan holder (owner or operator) staff responsibilities, this may be inappropriate. It is understood that the term "person" is as defined in AS 46.04.900 (17): "person" means an individual, public or private corporation, political subdivision, government agency, municipality, industry, partnership, association, firm, trust, estate, or any other entity.	Recommend withdrawing this requirement as it could create uncertainty and unnecessary or unjustified constraints on plan holders. If adopted, to avoid uncertainty should information change between the time of filings, the word "same" should be removed and instead state: <u>(j)...must be the person that files an application...</u>
16	18 AAC 75.405(a)	18 AAC 75.405(a)	(a) At least 60 days before submitting an application package 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.]	Amended	To add clarity and to better align with requirements of (b) of this section, ADEC should include reference to a "scheduled submission date."	Recommend revising as follows: (a)...the applicant must notify the department in writing of its intent to submit an application and designate (or, "provide") a scheduled submission date.
17	18 AAC 75.405(b)	18 AAC 75.405(b)	(b) The applicant must consult with the department not later than 30 days before the scheduled submission date for [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.	Amended	The phrasing "not later than 30 days before" is confusing. ADEC should consider changing to "at least 30 days before."	Recommend revising as follows: (b) The applicant must consult with the department at least 30 days before...

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
18	18 AAC 75.405(d)	None	<u>(d) Upon satisfying the requirements under (a) and (b) of this section, the application package may be submitted to the department before the 30 days specified in (b)</u>	Added	This proposed added requirement seems unnecessary and should not be adopted. ADEC and the applicant can agree to submit an application package prior to the scheduled submission date, if appropriate. There seems no need to regulate that curtesy; it simply adds more bulk to the regulations.	Recommend withdrawing this requirement as it seems generally unnecessary and simply adds "bulk" to the regulations. If adopted, ADEC should consider incorporating a "scheduled submission date in (a) and rephrase the requirement in (d) as follows: (d) Upon satisfying the requirements under (a) and (b) of this section, the applicant may submit the application package to the department before the scheduled submission date specified in (a).
19	18 AAC 75.405 Editor's Note	None	<u>A notification can be submitted to the department inbox at INBOXNAME@ADDRESS.</u>	Amended	Electronic submittal of notifications (intent to submit, non-readiness), application packages, forms (skimmer evaluation), and requests ("preissuance" conference) is praised for its efficiency and net environmental benefit (e.g., less paper usage, less waste, smaller carbon footprint, etc.); however, there is concern posting to a singular INBOX instead of submittal to specific ADEC personnel could result in delayed response and increased time to process requests.	ADEC must continue to allow plan holders to email notifications, application packages, forms, and requests to individual staff members who oversee their plans.
20	18 AAC 75.408(a)	18 AAC 75.408(a)	(a) An application package for approval of an oil discharge prevention and contingency plan must contain	Amended	No comment.	No recommendation.
21	18 AAC 75.408(a)(1)(B)	18 AAC 75.408(a)(1)(B)	(B) the name, location, and type of facility or operation covered by the plan;	Retained	Facilities are covered by plans. Operations take place within facilities but are not covered by their own plans. ADEC should remove the words "or operation" to be consistent with other proposed changes that remove these words.	Recommend revising as follows: (B) the name, location, and type of facility or operation covered by the plan;
22	18 AAC 75.408(a)(3)	18 AAC 75.408(a)(3)	(3) supporting documentation as requested by the department.	Retained	It is unlikely ADEC would ask for supporting information at this point in the application process. ADEC should repeal this requirement.	Recommend repealing 18 AAC 75.408(a)(3).
23	18 AAC 75.408(a)(1)(F)	18 AAC 75.408(a)(1)(F)	(F) additional [ANY OTHER] information on the application form that is applicable to the facility or operation;	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
24	18 AAC 75.408(b)	18 AAC 75.408(b)	(b) The application form must be signed as required under 18 AAC 15.030. [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 FACILITY 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.]	Amended	Streamlining the existing requirement to avoid restating the same requirements of 18 AAC 15.030 is helpful. However, the proposed change removes the allowance for "an agent delegated that authority" that is established in the current regulations. It is problematic and inefficient for principal executives or other high ranking officials to sign applications for items such as routine and minor amendments. Plan holders should continue to have the ability to delegate signature authority to an agent within their organization who is accountable to the responsible party. ADEC should retain the language in the current regulations (e.g., 18 AAC 75.408(b)(7)) to allow for "an agent" who has been delegated signature authority by the responsible party identified under 18 AAC 15.030.	Recommend revising as follows: (b) The application form must be signed as required under 18 AAC 15.030 or by an agent who has been delegated that authority by the responsible party identified under 18 AAC 15.030.
25	18 AAC 75.408(c)(1)	18 AAC 75.408(c)(1), (2), (4), (5)	An initial application package, responses to requests for additional information, and the final version of a plan or amendment must comply with the following: <u>(1) the format must be electronic; one paper copy of the initial application package and response to requests for additional information must be provided to the department upon request; one paper copy of the final approved plan must be submitted to the department: (A) for paper copies of the plan, for an amendment or renewal application, the plan holder may submit only the changed pages if the pages are clearly marked and can easily be incorporated into the original plan document, otherwise the full plan must be provided;</u>	Added	The added specification to submit electronic copies and only paper copy upon request is commendable.	No recommendation.
26	18 AAC 75.408(c)(1)(B)	None	<u>(B) a person that is not able to access the documents from the department's Internet website shall submit a request to the department for an alternate format to be provided and the department will approve or disapprove the request; if approved, the plan holder will provide the package to the requester in an alternate format;</u>	Added	This proposed new requirement is an administrative burden with little value added. Amended regulations in 2016 allowed for the State to host industry plans 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 with distribution of revised plans. At the same time, hosting industry plans on the ADEC website benefits everyone by making plans accessible and transparent to a broad audience. This proposed new requirement does not support the intent of the adopted changes from 2016.	Recommend withdrawing this requirement.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
27	18 AAC 75.408(c)(1)(C)	18 AAC 75.408(c)(3)	<u>(C)</u> the department will specify the electronic format to be used; the submittal must be electronically searchable;	Retained	No comment.	No recommendation.
28	18 AAC 75.408(c)(2)	18 AAC 75.408(c)(7)	<u>(2)</u> all proposed additions, revisions, and deletions must be identified in the plan as applicable; plan revisions must also be described in a table format;	Amended	The current regulation states ADEC <u>may</u> also request a summary of changes in a table format. The proposed regulation change states plan revisions <u>must</u> also be described in a table format. The specific requirement to provide revisions in a table format is too prescriptive.	Recommend withdrawing this requirement and retaining the existing language: (2) 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;
29	18 AAC 75.408(c)(3)	18 AAC 75.408(c)(8)	<u>(3)</u> for new plans, plan renewals, and major amendments, (A) upon determining the application package is sufficient for review under 18 AAC 75.455(a), the department will post it on the department's Internet website and notify interested stakeholders of the availability of the package by electronic mail to a listserv facilitated by the department; (B) the department will post a copy of the final version of the application package on the department's Internet website and will notify interested stakeholders of the availability of the package by electronic mail to a listserv facilitated by the department;	Added	For section (B), the phrase "application package" is incorrect. ADEC should refer to the "approved plan." The added specification for ADEC taking responsibility of contacting stakeholders through a "listserv" when a plan is available on the ADEC Internet are commendable.	For section (B), ADEC should reconsider using the phrase "application package" and instead refer to "final version of the approved plan" or similar. Recommend revising (B) as follows: (B) the department will post a copy of the final version of the application package approved plan on the department's Internet website and will notify interested stakeholders of the availability of the package approved plan by electronic mail to a listserv facilitated by the department;
30	18 AAC 75.408(c)(4)	18 AAC 75.408(c)(8)	<u>(4)</u> for minor amendments and routine updates, the department will post a copy of the final version of the application package on the department's <u>Internet website,</u> and will notify interested stakeholders of the availability of the package by electronic mail to a listserv facilitated by the department; and	Amended	This paragraph seems to indicate ADEC plans to post all minor amendment application packages and routine updates on the ADEC Internet website and subject those submittals to public review because the phrase "final version of the application package" is used. Public review is not defined in the regulations covering minor amendment or routine update review by ADEC. It is unlikely the public should require access to a minor amendment application package or routine update. Posting every minor or routine application package would create more work and burden on ADEC to upload and maintain this documentation, since some plans may have upwards of 10 to 15 amendments within a 5-year approval cycle. Furthermore, the current layout of the Internet website lacks robust capacity or ability to easily sort through multiple attachments. The added specification for ADEC taking responsibility of contacting stakeholders through a "listserv" when a plan is available on the ADEC Internet are commendable.	ADEC should not use the phrase "application package" and instead refer to "final version of the approved amended plan" or similar. Recommend revising as follows: (4) for minor amendments and routine updates, the department will post a copy of the final version of the application package amended plan on the department's Internet website, and will notify interested stakeholders of the availability of the package approved amended plan by electronic mail to a listserv facilitated by the department; and

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
31	18 AAC 75.408(c)(5)	18 AAC 75.408(c)(6)	<u>(5) when a proposed minor amendment is provided to the department and the department has determined it will not be reviewed as a major amendment under 18 AAC 75.455, the department will notify interested stakeholders by electronic mail to a listserv facilitated by the department; the department shall provide an electronic copy upon request.</u>	Added	The added specification for ADEC taking responsibility of contacting stakeholders through a "listserv" and providing an electronic copy if requested, when a minor amendment application is submitted is commendable.	No recommendation.
32	18 AAC 75.408 Editor's Note	18 AAC 75.408 Editor's Note	Editor's note: The application form referenced in 18 AAC 75.408 is available on the department's [INTERNET] website <u>search page: http://dec.alaska.gov/spar/ppr/regulations-guidance/forms-applications/. The application package may be submitted to the department inbox at INBOXNAME@ADDRESS. Persons that would like to receive notifications may sign up for the department's contingency plan public review listserv on the department's website: http://dec.alaska.gov/spar/ppr.aspx.</u>	Amended	The word "Internet" is used in the proposed text in 18 AAC 75.408; therefore, there is no need to remove it from the Editor's Note.	Recommend withdrawing removal of the word "Internet."
33	18 AAC 75.410(a)	18 AAC 75.410(a)	(a) An application <u>package</u> for approval of a new oil discharge prevention and contingency plan must be submitted in accordance with 18 AAC 75.408. An application <u>package</u> must be submitted at least 180 days before the proposed start of operation.	Amended	Even with some proposed changes to reduce number of days for plan review timing, 180 days is not a realistic timeframe to complete a new plan review under 18 AAC 75.455. Although still potentially insufficient if there is significant number of requests for additional information, it is estimated that a typical plan review takes approximately 200 days.	Recommend revising the number of days described in this section from 180 to 200.
34	18 AAC 75.414	18 AAC 75.414	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.	Amended	Remove the words "or operation" to be consistent with other proposed changes that remove these words. Clarification that revisions will be considered a minor amendment should be added.	Recommend revising as follows: 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 requires that the new owner or operator submit an application package as an amendment under 18 AAC 75.408; <u>the amendment will be considered a minor amendment under 18 AAC 75.415.</u>
35	18 AAC 75.415(b)	18 AAC 75.415(b)	(b) A routine plan update must be submitted in accordance with 18 AAC 75.408 not later than ten working <u>[FIVE]</u> 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 <u>18 AAC 75.449 [18 AAC 75.425(e)(1)]</u> ; and (2) a revision to the list of names, addresses, or telephone numbers of the <u>plan holder's</u> spill command and response personnel.	Amended	The change from five days to ten (10) working days seems helpful as it would allow more time after a change occurs for a plan holder to submit a routine update. Reference to 18 AAC 75.408 is not necessary and the requirement should state that ADEC does not review and approve routine updates. To clarify, the list of routine updates is "limited to," not "includes" and language in section (2) should reflect new changes proposed in the "Command System" section, i.e., 18 AAC 75.451(d).	Recommend revising as follows: (b) A routine plan update must be submitted <u>to the department in accordance with 18 AAC 75.408</u> not later than ten working days after the date the proposed change occurs. <u>The department does not review and approve routine plan updates. Routine plan updates include are limited to the following revisions:</u> (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 75.449; and (2) a revision to the list of names titles, addresses, affiliation, or telephone numbers of the plan holder's spill command and response personnel <u>as required by 18 AAC 75.451(d).</u>

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
36	18 AAC 75.415(c)	18 AAC 75.415(c)	(c) An amendment 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 75.449(a)(9) and 18 AAC 75.451(b)(3) and (b)(5) and [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 enters [OPERATES IN] state waters. The department will review the amendment and issue a written decision not later than five working days after receiving a complete proposed plan amendment application package under this subsection unless the department determines that it is a major amendment under (a) of this section.	Amended	No comment.	No recommendation.
37	18 AAC 75.415(f)	18 AAC 75.415(f)	(f) The department will determine [IF THE DEPARTMENT DETERMINES] that a proposed plan amendment submitted under (a) of this section is a major or minor amendment, and [THE DEPARTMENT] will notify the plan holder of this determination not later than 10 working days after receipt of the amendment. For [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.	Amended	ADEC currently is not fulfilling the requirement to notify a plan holder not later than 10 working days after receipt, that a proposed amendment is "minor." Therefore, it is recommended to remove that requirement. ADEC should simply issue a written decision not later than 30 days after receipt of a "minor" amendment application package. Eliminating the requirement for ADEC to provide notification of a "minor" amendment review helps streamline the process and reduces ADEC paperwork, while also removing the unfulfilled compliance obligation. Additionally, to further streamline the process and reduce confusion and delay, we recommend aligning the determination that an amendment application package is "major" with the timing of a "sufficient for review determination" required by 18 AAC 75.455(a), which is seven (7) working days. Seven (7) working days is a reasonable time for ADEC to review an amendment application package to simultaneously determine if it constitutes a "major" amendment and if there is sufficient information to review the application under 18 AAC 75.455. Determination if an amendment application package is "major" should be relatively quick because the parameters of what constitutes a "major" amendment are established in 18 AAC 75.415(a).	Recommend repealing the existing language and readopting with the following: <u>The department will determine that an amendment application package submitted under (a) of this section is a major amendment, and will notify the plan holder of this determination not later than seven (7) working days after receipt of the application package. For a minor amendment, the department will issue a written decision not later than 30 days after receipt of the application package.</u>

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
38	18 AAC 75.415(h)	18 AAC 75.415(h)	(h) For a minor amendment approved under (f) of this section, the plan holder shall <u>submit the final copy to the department</u> [DISTRIBUTE COPIES IN ACCORDANCE WITH 18 AAC 75.408(c)] not later than 30 days after approval. The department will notify <u>interested stakeholders by electronic mail to a listserv facilitated by the department</u> [PARTIES IDENTIFIED IN 18 AAC 75.408(c)(5)] that the approved amended plan is available on the department's Internet website.	Amended	ADEC taking responsibility of contacting stakeholders through a "listserv" when a plan is available on the ADEC Internet is commendable. It is important this notification is consistently made and that plans are posted to ADEC's Internet website in a timely and efficient manner.	No recommendation.
39	18 AAC 75.415(i)	None	<u>(i) An amendment application to allow the addition of an aboveground oil storage tank with a storage capacity of 10,000 gallons or greater to operate on a temporary basis under an approved plan must include, as appropriate, the information required by 18 AAC 75.451(b)(1) and (5). An application package for this type of plan amendment must be submitted not later than ten working days before the oil storage tank is located at a facility. Unless the department determines that it is a major amendment under (a) of this section, the department will review the application package and issue a written decision not later than ten working days after receiving the complete package.</u>	Added	Establishing a means to efficiently and timely update plans to accommodate aboveground oil storage tanks that operate at a facility on a temporary basis is commendable. The requirement should specify applicability to shop-fabricated aboveground oil storage tanks and should include the wording of the proposed definition of "temporary basis" in place of that term and eliminate the definition of that term in new proposed section 18 AAC 75.489. Field-constructed aboveground oil storage tanks would never be "temporary" and thus are not applicable. Oil storage tanks qualifying under this requirement may be used for various operations at a facility; therefore, the requirement should not specify "construction or maintenance activities." Supply logistics for facilities in remote locations may necessitate mobilization of an oil storage tank to a facility in advance of planned usage. Therefore, the timeframe to submit an application package should be based on when a tank is placed into service not when it is simply "located" at a facility.	Recommend revising as follows: (i) An amendment application to allow the addition of an add a shop-fabricated aboveground oil storage tank with a storage capacity of 10,000 gallons or greater to operate <u>used at a facility for a duration of less than 12 consecutive months on a temporary basis under an approved plan</u> must include, as appropriate, the information required by 18 AAC 75.451(b)(1) and (5). An application package for this type of plan amendment must be submitted not later than ten working days before the oil storage tank is located <u>placed in service</u> at a facility. Unless the department determines that it is a major amendment under (a) of this section, the department will review the application package and issue a written decision not later than ten working days after receiving the complete package.
40	18 AAC 75.420(a)	18 AAC 75.420(a)	(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.	Retained	Even with some proposed changes to reduce number of days for plan review timing, 180 days is not a realistic timeframe to complete a plan renewal review under 18 AAC 75.455. Although still potentially insufficient if there is significant number of requests for additional information, it is estimated that a typical plan review takes approximately 200 days.	Recommend revising the number of days described in this section from 180 to 200.
41	18 AAC 75.420(c)	18 AAC 75.420(c)	(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]	Repealed	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
42	18 AAC 75.420(e)	18 AAC 75.420(e)	(e) An application for a plan renewal, including items that were not changed since the last plan approval , will be reviewed under the provisions of 18 AAC 75.455.	Amended	This proposed change seems unnecessary and confusing. The intent of a plan renewal application is to review the entire plan contents.	Recommend not adopting the proposed changes.
43	18 AAC 75.425	18 AAC 75.425	"Plan Contents"	Repealed	The language in this section reappears in almost its entirety within new proposed sections 18 AAC 75.448, .449, .450, .451, .452, and .453. In most instances, the language in the new sections is verbatim with little to no change to streamline or update to improve useability and ability to implement. Sometimes the verbiage of .425 is paired verbatim with verbiage of .445 in the new proposed sections. It is concerning that this content is presented as "repealed," when, in fact, it is simply re-numbered. ADEC should have identified the specific changes and presented them as proposed changes following the formatting requirements of the "Drafting Manual for Administrative Regulations," 22nd Edition, August 2018, as promulgated by the State of Alaska Department of Law.	Recommend withdrawing the proposal to repeal this section and withdrawal addition of new proposed sections 18 AAC 75.448, .449, .450, .451, .452, and .453.
44	18 AAC 75.426	18 AAC 75.426	Minor editorial changes; text not provided.	Amended	No comment.	No recommendation.
45	18 AAC 75.428(a)(1)	18 AAC 75.428(a)(1)	Minor editorial changes; text not provided.	Amended	No comment.	No recommendation.
46	18 AAC 75.429(a)(1)	18 AAC 75.429(a)(1)	Minor editorial changes; text not provided.	Amended	No comment.	No recommendation.
47	18 AAC 75.429(d)(1) and (3)	18 AAC 75.429(d)(1) and (3)	Minor editorial changes; text not provided.	Amended	No comment.	No recommendation.
48	18 AAC 75.430(a)	18 AAC 75.430(a)	(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.	Retained	This section could be reworded to simplify and should not include the phrase "greatest possible discharge."	Recommend revising as follows: (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, up to and including the greatest possible discharge that could occur, the response planning standards set out in 18 AAC 75.430 - 18 AAC 75.442, subject to the provisions of AS 46.04.020 and AS 46.09.020.
49	18 AAC 75.430(b)	18 AAC 75.430(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.	Amended	Removal of unquantifiable phrases such as "to the department's satisfaction" is commendable as it eliminates subjectivity and uncertainty as to what constitutes "satisfaction." The regulations establish a sufficient process for ADEC to review information in application packages and either approve or disapprove, understandably to ADEC's "satisfaction."	No recommendation.
50	18 AAC 75.432(a)(1)	18 AAC 75.432(a)(1)	Minor editorial changes; text not provided.	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
51	18 AAC 75.432(b)	18 AAC 75.432(b)	(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. <u>For vessels operating as oil terminal facilities, the response planning standard is based on the entire storage capacity of the vessel.</u>	Amended	No comment.	No recommendation.
52	18 AAC 75.432(d)(1)	18 AAC 75.432(d)(1)	(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;	Retained	This section could include the relevant regulatory citation requiring personnel to be "free of substance-abuse," i.e., 18 AAC 75.007(e).	Recommend revising as follows: (1) alcohol and drug testing of key personnel <u>as required by 18 AAC 75.007(e)</u> : 5 percent;
53	18 AAC 75.432(d)(3)	18 AAC 75.432(d)(3)	(3) on-line leak detection systems <u>that automatically alarm at a central facility system that is continually monitored,</u> for tanks and piping: 5 percent;	Amended	The term "central facility" may not always be applicable for every facility.	Recommend revising as follows: (3) on-line leak detection system(s) <u>with automatic alarm(s) and continuous monitoring,</u> for tanks and piping: 5 percent;
54	18 AAC 75.432(d)(5)	18 AAC 75.432(d)(5)	(5) for secondary containment as described in (4) of this subsection, designed with the following enhancements, an additional allowance for	Amended	Subparagraphs (A), (B), and (C) in this section are not relevant to secondary containment design. This section, i.e., 18 AAC 75.432(d)(5) should be repealed or revised to refer to aboveground oil storage tanks and not secondary containment.	Recommend repealing 18 AAC 75.432(d)(5) or revising to refer to aboveground oil storage tanks and not secondary containment.
55	18 AAC 75.432(d)(5)(A)	18 AAC 75.432(d)(5)(A)	(A) cathodic protection <u>for aboveground petroleum storage tanks and facility oil piping within secondary containment:</u> 10 percent;	Amended	This requirement related to oil storage tank design and construction should not be "nested" under a requirement for secondary containment design. The word "petroleum" should instead be "oil" to be consistent with the regulations. The addition of "facility oil piping" here is not applicable and incorrect. Aboveground (i.e., not buried) facility oil piping otherwise not in contact with the ground (i.e., the soil) would not be equipped with cathodic protection. Additionally, it is highly unlikely that facility oil piping that is located within secondary containment would be in contact with the ground (i.e., the soil). Furthermore, facility oil piping is not included in response planning standard volume calculations and thus should not be included here, for a reduction.	Recommend either repealing this entire section or readopting as its own section. The proposed changes are incorrect and unnecessary. If this change is adopted, ADEC must change the proposed word "petroleum" to "oil" and remove "facility oil piping."
56	18 AAC 75.432(d)(5)(B)	18 AAC 75.432(d)(5)(B)	(B) <u>failsafe valve(s) on [FAIL-SAFE VALVE]</u> piping systems: 15 percent; or	Amended	No comment.	No recommendation.
57	18 AAC 75.434(a)(1)	18 AAC 75.434(a)(1)	Minor editorial changes; text not provided.	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
58	18 AAC 75.434(b)	18 AAC 75.434(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.	Amended	Removal of unquantifiable phrases such as "to the satisfaction of the department" is commendable as it eliminates subjectivity and uncertainty as to what constitutes "satisfaction." The regulations establish a sufficient process for ADEC to review information in application packages and either approve or disapprove, understandably to ADEC's "satisfaction." This requirement should be simplified to a singular response planning standard volume calculation based on 5,500 barrels per day for 15 days.	Recommend repealing (1) and (2) and readopting as: (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 that a lower response planning standard volume is appropriate.
59	18 AAC 75.434(d)	18 AAC 75.434(d)	(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 not later than [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.	Amended	No comment.	No recommendation.
60	18 AAC 75.434(e)(1)	18 AAC 75.434(e)(1)	(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	Retained	The requirement in (1) of this section should be a singular option for response planning standard of a production facility; therefore, it should end with "or," not "and."	Recommend revising as follows: (1) three times the annual average daily oil production volume for the maximum producing well at the facility; and-or
61	18 AAC 75.434(e)(2)	18 AAC 75.434(e)(2)	(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.	Retained	The term "assisted lift" should be changed to "artificial lift" to reflect proper terminology. Additionally, the requirement should be simplified to calculate the response planning standard volume based on the sum of the daily production rate for each 15 days.	Recommend revising as follows: (2) for a production facility with wells without artificial assisted lift, an additional a volume equal to the annual average daily oil production volume for the maximum producing well at the facility for each of 12 15 days. beyond 72 hours.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
62	18 AAC 75.434(g)	18 AAC 75.434(g)	(g) If an operator proposes the planned voluntary ignition of a well blowout for the purpose of adjusting the response planning standard volume , the operator shall submit data, analyses, and supporting documentation that demonstrate [INDICATES TO THE SATISFACTION OF THE DEPARTMENT] that the [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.	Amended	The term "voluntary ignition" should be changed to "intentional ignition" and the requirement should refer to "source control" rather than "adjusting the response planning standard volume." Intentional ignition is a real method of source control not simply a means to change a volume calculation. Removal of unquantifiable phrases such as "to the satisfaction of the department" is commendable as it eliminates subjectivity and uncertainty as to what constitutes "satisfaction." The regulations establish a sufficient process for ADEC to review information in application packages and either approve or disapprove, understandably to ADEC's "satisfaction."	Recommend revising as follows: (g) If an operator proposes the planned voluntary intentional ignition of a well blowout as source control for the purpose of adjusting the response planning standard volume , the operator shall submit data, analyses, and supporting documentation that demonstrate that the discharged oil would have meets the following characteristics: has an American Petroleum Institute (API) gravity of 35 or greater, has a gas-oil ratio in excess of 2,000, and has and has 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.
63	18 AAC 75.434(i)	18 AAC 75.434(i)	Minor editorial changes; text not provided.	Amended	No comment.	No recommendation.
64	18 AAC 75.436(a)(1)	18 AAC 75.436(a)(1)	Minor editorial changes; text not provided.	Amended	No comment.	No recommendation.
65	18 AAC 75.436(c)(1)	18 AAC 75.436(c)(1)	(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;	Retained	This section could include the relevant regulatory citation requiring personnel to be "free of substance-abuse," i.e., 18 AAC 75.007(e).	Recommend revising as follows: (1) alcohol and drug testing of key personnel as required by 18 AAC 75.007(e) : 5 percent;
66	18 AAC 75.436(c)(3)	18 AAC 75.436(c)(3)	(3) on-line leak detection systems that automatically alarm at a central facility system that is continually monitored : 5 percent;	Amended	The term "central facility" may not always be applicable for every facility.	Recommend revising as follows: (3) on-line leak detection system(s) with automatic alarm(s) and continuous monitoring : 5 percent;
67	18 AAC 75.438(a)(1)	18 AAC 75.438(a)(1)	Minor editorial changes; text not provided.	Amended	No comment.	No recommendation.
68	18 AAC 75.438(d)(4)(C)	18 AAC 75.438(d)(4)(C)	(C) limits on the escorted vessel's speed so it matches the [IN ORDER TO MATCH] escort vessel's ability to render assistance; and	Amended	No comment.	No recommendation.
69	18 AAC 75.442	18 AAC 75.442	For a plan [FACILITY] having multiple facility types [MORE THAN ONE CATEGORY OF OPERATION] that require [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 facility type in the plan [CATEGORY OF OPERATION AT THE FACILITY] as established under 18 AAC 75.430 - 18 AAC 75.440.	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
70	18 AAC 75.445	18 AAC 75.445	"Approval Criteria"	Repealed	<p>The language in this section reappears in almost its entirety within new proposed sections 18 AAC 75.448, .449, .450, .451, .452, and .453. In most instances, the language in the new sections is verbatim with little to no change to streamline or update to improve useability and ability to implement. Sometimes the verbiage of .445 is paired verbatim with verbiage of .425 in the new proposed sections. There is significant uncertainty as to how "Approval Criteria," which consists of guidance and framework for the information required in the "Plan Contents" will be directly described within plans and implemented.</p> <p>It is concerning that this content is presented as "repealed," when, in fact, it is simply re-numbered. ADEC should have identified the specific changes and presented them as proposed changes following the formatting requirements of the "Drafting Manual for Administrative Regulations," 22nd Edition, August 2018, as promulgated by the State of Alaska Department of Law.</p>	Recommend withdrawing the proposal to repeal this section and withdrawal addition of new proposed sections 18 AAC 75.448, .449, .450, .451, .452, and .453.
71	18 AAC 75.447	18 AAC 75.447	Repealed	Repealed	No comment.	No recommendation.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
72	In the following, where applicable, the "Existing Citation" column refers to the current regulation when language from existing 18 AAC 75.425 and .445 is proposed as an "addition" in new sections					
73	18 AAC 75.448, .449, .550, .552, and .553. Proposed revision text shown in black indicate verbiage from 18 AAC 75.425 and in blue indicate verbiage from 18 AAC 75.445. New text is shown in black bold and underlined text.					
74	18 AAC 75.448(a)	18 AAC 75.425(a) and <u>18 AAC 75.445(c)</u>	Oil discharge prevention and contingency plan, general content and approval criteria. (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] <u>of an oil discharge of any size.</u> The 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, <u>AS 46.055(c)(2)</u> and 18 AAC 75.400 - 18 AAC 75.495. [THE PLAN] <u>It must demonstrate that the [IDENTIFIED] personnel, [AND] equipment, and other resources identified in the plan are sufficient [TO MEET THE APPLICABLE] for meeting each response planning standard [AND CAN BE DEPLOYED AND OPERATING WITHIN THE TIME SPECIFIED UNDER 18 AAC 75.430 - 18 AAC 75.442.] applicable for each facility in the plan. The plan must [STATE WHAT CONDITIONS WERE ASSUMED AND MUST] take into account realistic maximum response operating limitations and their effects on response capability and the deployment of resources. The department will review and evaluate a plan by verifying that it meets the applicable requirements under 18 AAC 75.448 - 18 AAC 75.453.</u>	Amended	Reference to 18 AAC 75 Article 1 requirements could be added. This section does not include "approval criteria" neither in a general sense nor from existing 18 AAC 75.445 except is states ADEC will review and evaluate based on compliance with 18 AAC 75.448 - 18 AAC 75.453. ADEC should rename this section to "General Content" or "General Requirements." ADEC should consider building this section with streamlined and summarized "approval criteria" from 18 AAC 75.445 instead of including that same verbiage scattered through out proposed 18 AAC 75.449 through .453.	Recommend revising as follows: Oil discharge prevention and contingency plan, general content (<u>or, requirements</u>) and approval criteria. (a)...The 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, AS 46. <u>04</u> .055(c)(2), <u>18 AAC 75.005 - 18 AAC 75.085</u> , and 18 AAC 75.400 - 18 AAC 75.495.
75	18 AAC 75.448(b)	18 AAC 75.425(b)	(b) <u>A plan [THE PLAN FOR A FACILITY]</u> comprised of multiple <u>[OPERATIONS] facility types</u> as described at 18 AAC 75.442 must describe <u>[FOR EACH CATEGORY OF OPERATION AT THE FACILITY]</u> the appropriate response measures to meet the applicable portion of the response planning standard <u>for each facility type covered by the plan.</u>	Amended	No comment.	No recommendation.
76	18 AAC 75.448(c)	18 AAC 75.425(c)	(c) The submitted plan must be accompanied by a cover page or <u>[PROMULGATION]</u> letter that includes	Amended	No comment.	No recommendation.
77	18 AAC 75.448(c)(1)	18 AAC 75.425(c)(1) and (d)	(1) the official plan title: the name of the plan holder and the covered <u>[VESSEL, BARGE, RAILROAD,]</u> facility or <u>[OPERATION] facilities</u> , followed by the words "Oil Discharge Prevention and Contingency Plan";	Amended	No comment.	No recommendation.
78	18 AAC 75.448(c)(2)	18 AAC 75.425(c)(2)	(2) the date of the plan; and	Retained	No comment.	No recommendation.
79	18 AAC 75.448(c)(3)	18 AAC 75.425(c)(3)	(3) a statement, signed by an individual with appropriate authority <u>as set out under 18 AAC 15.010(b)</u> , committing the oil discharge prevention and response resources necessary to implement the plan.	Amended	No comment.	No recommendation.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
80	18 AAC 75.448(d)	18 AAC 75.425(d)	(d) The plan must	Retained	No comment.	No recommendation.
81	18 AAC 75.448(d)(1)	18 AAC 75.425(d)(2)	(1) consist of five parts and contain the information described in [(E)(1) - (5) OF THIS SECTION] 18 AAC 75.449 - 18 AAC 75.453;	Amended	No comment.	No recommendation.
82	18 AAC 75.448(d)(2)	18 AAC 75.425(d)(3)	(3) contain a complete table of contents and lists of [ANY] tables or figures, with corresponding page numbers; and	Amended	No comment.	No recommendation.
83	18 AAC 75.448(d)(3)	18 AAC 75.425(d)(4)	(4) be presented in the order shown in [E OF THIS SECTION] 18 AAC 75.449 - 18 AAC 75.453 or include a cross-reference table that directs the reader to the appropriate information.	Amended	No comment.	No recommendation.
84	18 AAC 75.449(a)	18 AAC 75.425(e)(1)	Part 1 - Oil discharge prevention and contingency plan, Response Action Plan. (a) The oil discharge prevention and contingency plan response action plan must <u>contain immediate steps to be taken in response to a discharge of any size, hypothetical response scenarios based on applicable response planning standards, nonmechanical response procedures if the plan holder intends to request approval for their use, facility diagrams to support emergency response plans, and general procedures for responding to the maximum possible discharge that could occur at the facility or facilities covered by the plan.</u> The plan must include the following information in sufficient detail to clearly guide responders in an emergency event:	Added	The requirement to provide "sufficient detail to clearly guide responders" is subjective. It is wording carried over from the current regulation and a missed opportunity for ADEC to remove or better quantify. The summary of requirements of this section is redundant and unnecessary and should be removed.	Recommend revising as follows: (a) The oil discharge prevention and contingency plan response action plan must contain immediate steps to be taken in response to a discharge of any size, hypothetical response scenarios based on applicable response planning standards, nonmechanical response procedures if the plan holder intends to request approval for their use, facility diagrams to support emergency response plans, and general procedures for responding to the maximum possible discharge that could occur at the facility or facilities covered by the plan. The plan must include the following information in sufficient detail to clearly guide responders in an emergency the event of an oil discharge at the facility:
85	18 AAC 75.449(a)(1)	18 AAC 75.425(e)(1)(A)	(1) 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 response personnel;	Amended	A "checklist" is intended to be "short," therefore there is no need to use the term "short." Removal of a recommendation to duplicate response and notification steps on a wallet-sized card is agreeable. Additionally, for consistency, the requirement for response personnel to "carry" the wallet-sized card should also be removed.	Recommend revising as follows: (1) emergency action checklist - a short checklist of the immediate response and notification steps to be taken if an oil discharge occurs at the facility to be carried by the response personnel;
86	18 AAC 75.449(a)(2)	18 AAC 75.425(e)(1)(B)	(2) reporting and notification - a description of the immediate spill reporting actions to be taken at any hour of the day, including (A) the title and telephone number of facility personnel responsible for making the notification; and (B) the telephone number of each appropriate government agency to be notified if a discharge occurs and additional contact information for potentially impacted groups and others who may be called on to provide resources during the spill;	Amended	This section covers spill reporting and notification, not resource mobilization and deployment. The requirement to provide information on "others who may be called on to provide resources" should be removed. Potentially impacted groups simply should be "identified" because there may not be agreement or requirement for spill reporting.	Recommend revising as follows: (A) the title and telephone number of facility personnel responsible for making the notification; and (B) the telephone number of each appropriate government agency to be notified if a discharge occurs and; (C) additional contact information for identification of potentially impacted groups and others who may be called on to provide resources during the spill;
87	18 AAC 75.449(a)(3)	18 AAC 75.425(e)(1)(C)	(3) safety - based on applicable safety standards, a description of the steps necessary to develop an incident-specific safety plan for conducting a response;	Retained	No comment.	No recommendation.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
88	18 AAC 75.449(a)(4)	18 AAC 75.425(e)(1)(D)	(4) communications - a description of field communications procedures, including, if applicable, assigned radio channels or frequencies and their intended use by response personnel;	Retained	No comment.	No recommendation.
89	18 AAC 75.449(a)(5)	18 AAC 75.425(e)(1)(E)	(5) deployment strategies - a description of proposed initial response actions that may be taken, including	Retained	Deployment strategies described in the plan are neither a performance standard indication nor a guarantee of performance. Experience shows additional information and description will become a requirement and performance standard outside the scope and/or intent of the regulation. It is important to acknowledge and understand that information provided in this part is intended as a "response action <u>plan</u> " and not a prescribed standard of performance against which to evaluate overall response capability. This section could include most of the wording from (A).	Recommend revising as follows: (5) deployment strategies - a description of proposed initial response actions that may be taken <u>and information on transport method, travel distance, and travel time, to mobilize equipment, personnel, and other resources to the discharge location. The description must include</u>
90	18 AAC 75.449(a)(5)(A)	18 AAC 75.425(e)(1)(E)	(A) procedures for the transport of equipment, personnel, and other resources to the spill site, including plans for alternative methods in adverse weather conditions; and	Retained	No comment.	Recommend revising as follows: (A) procedures for the transport of equipment, personnel, and other resources to the spill site, including a description of realistic limitations on mobilization and deployment in adverse weather conditions and plans for alternative methods in adverse weather conditions ; and
91	18 AAC 75.449(a)(5)(B)	18 AAC 75.425(e)(1)(E) and 18 AAC 75.445(c)	(B) 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; the description [PLANS USING CONTRACTUAL RESOURCES] must demonstrate that the transition and substitution of equipment and resources between the plan holder and response contractor will occur without interruption of response or cleanup;	Amended	The phrase "will occur without interruption" should be revised because committing to "no interruption" is not possible in all response scenarios.	Recommend revising as follows: (B) if the operator is not the primary spill responder, procedures to notify and mobilize the oil spill primary response action contractor, cleanup up 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; the description must demonstrate that the transition and substitution of equipment and resources between the plan holder and response contractor will occur without interruption of hindering response or cleanup;

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
92	18 AAC 75.449(a)(6)	18 AAC 75.425(e)(1)(F), 18 AAC 75.425(e)(1)(I) and 18 AAC 75.445(d)(5)	(6) 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 under 18 AAC 75.430 – 18 AAC 75.442 , using the resources described in the contingency plan; the response scenario must be usable as a general guide for a discharge of any size and must describe the discharge containment, control, and cleanup actions to be taken, and 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 (7) of this subsection; if the information required by this subparagraph is contained in a separate document developed by the plan holder or the plan holder's primary response action contractor identified in 18 AAC 75.451(i), the plan holder may incorporate the information by reference upon receiving	Amended	<p>The requirement that the response scenario "must be usable as a general guide" should be well understood as the intent to describe equipment, personnel, strategies, and tactics for planning purposes only. Response scenarios are neither a performance standard indication nor a guarantee of performance outside the scope and/or intent of the regulation.</p> <p>Revise to include documents developed by ADEC (i.e., STAR Manual, Tundra Treatment Manual, Geographic Response Strategies, etc.).</p> <p>The requirement to "receive the department's approval" to incorporate information required by this subparagraph that is contained in a separate document should be removed. ADEC approval of plans constitutes "department approval."</p> <p>It is not necessary to state requirements of (7) must be met; (7) should simply include language stating exploration and production facilities must meet requirements of (6) and (7).</p>	<p>Recommend revising as follows:</p> <p>(6)... the response scenario must be usable as a general guide for a discharge of any size and must describe the discharge containment, control, recovery, transfer, storage, and cleanup actions to be taken under reasonably expected environmental conditions at the discharge location, and 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 (7) of this subsection; if the information required by this subparagraph is contained in a separate document developed by the department, the plan holder or the plan holder's oil spill primary response action contractor identified in 18 AAC 75.451(i), the plan holder may incorporate the information by reference upon receiving the department's approval; response strategies must be 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 and must include</p>
93	18 AAC 75.449(a)(6) (continued)	18 AAC 75.445(d)(5)	the department's approval; [PLAN] response strategies must be 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 and must include	Amended	The latter part of this requirement, which is verbiage from 18 AAC 75.445(d)(5) is repetitive within this requirement and is unnecessary.	
94	18 AAC 75.449(a)(6)(A)	18 AAC 75.425(e)(1)(F)	(A) 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 that might reasonably be expected to occur at the discharge site , including weather, sea state, and visibility, and the spill trajectory;	Amended	<p>The response scenario must address the response planning standard. The phrase "that might reasonably be expected to occur" is extraneous; "relevant environmental conditions" is sufficient..</p> <p>"Spill trajectory" is out of context here and should be pared with language in (B).</p>	<p>Recommend revising as follows:</p> <p>(A) the spill discharge location, time of year, and time of day, the source and cause of the spill discharge, the quantity- response planning standard volume identified in Part 5 of the plan under 18 AAC 75.453, and type of oil spilled, the relevant environmental conditions that might reasonably be expected to occur at the discharge site location, including weather, sea state, and visibility, and the spill trajectory;</p>

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
95	18 AAC 75.449(a)(6)(B)	18 AAC 75.425(e)(1)(F)	(B) the expected timeline for response actions, describing response actions to be taken;	Retained	<p>This language is taken out of context. The existing regulations include this language in relation to "spill trajectory." In other words, the response scenario should describe actions taken and progressive timing of those actions as a discharge spreads. This could be combined with (C).</p> <p>This could be understood as requirement to provide information on discharge duration, based on time for a discharge to spread and time to contain and control. ADEC should consider consolidating this requirement with proposed section 18 AAC 75.449(a)(6)(E) as both pertain to discharge trajectory and response actions (e.g., surveillance and tracking) and the resources utilized to halt or prevent spread</p>	<p>Recommend revising as follows: <u>(B) the discharge trajectory on land and on open water, and surveillance and tracking equipment and personnel used to forecast the trajectory and its expected points of shoreline contact; based on the trajectory, provide the expected timeline and description of response actions, describing response actions to be taken to stop the discharge and prevent its further spread;</u></p>
96	18 AAC 75.449(a)(6)(C)	18 AAC 75.425(e)(1)(F)(i) and 18 AAC 75.445(d)(1)	(C) <u>in place procedures to stop the discharge at its source, within the shortest possible time</u> , and prevent its further spread;	Retained	Combine this requirement with (B).	<p>Recommend withdrawing this requirement and combining with (B).</p> <p>See recommended revisions in 18 AAC 75.449(a)(6)(B).</p>
97	18 AAC 75.449(a)(6)(D)	18 AAC 75.425(e)(1)(F)(ii)	(D) a description of methods to prevent or control a potential fire hazard, <u>including a facility diagram which includes the location of fire suppression equipment, main power shutoff switches, and other relevant information; all fire control plans must be compatible with applicable fire codes and industry standards;</u>	Added	<p>This current regulatory requirement is intended to address actions to be taken to manage ignition sources (i.e., "a potential fire hazard") to prevent an inadvertent fire, not fire response or suppression. The proposed added requirement should not be adopted.</p> <p>ADEC does not have regulatory authority over fire safety and should not adopt regulations to that effect. Fire safety requirements that include fire suppression systems and equipment, fire prevention plans, and personnel evacuation plans are sufficiently managed by U.S. Department of Labor Occupational Safety and Health Administration (OSHA). Furthermore, many facilities are governed by Alaska Department of Public Safety Fire and Life Safety rules and regulations under Title 13 Chapter 50 of the Alaska Administrative Code (13 AAC 50) as authorized by AS 18.070.080.</p> <p>In addition, this information would be provided for the representative response scenario and is generally not useful within this part of the plan. Since the scenario is intended as a hypothetical description of response actions that could be used for any size spill or any location, the Information would not be transferrable or usable as a guide for other facility locations.</p>	Recommend withdrawing the proposed added language.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
98	18 AAC 75.449(a)(6)(D) (continued)	18 AAC 75.425(e)(1)(F)(ii)			<p>Furthermore, general facility fire suppression equipment that could be deployed or could be utilized by trained personnel would likely be unsafe and insufficient to control an insipient fire resulting from a representative scenario spill, since they are based on Worst Case Discharges, and typically of significant volume. Only trained fire response personnel should intervene in those cases and the equipment would be integrated into a full facility fire suppression system and/or would be mobilized from other locations (e.g., a fire department).</p> <p>Some facilities such as the Trans-Alaska Pipeline System (TAPS) may be designated critical infrastructure by US Department of Homeland Security and subject to special obligation to protect TAPS infrastructure and data. There is legitimate safety and security concern about this type of information being released to the public. If disclosed and misused, information on facility safety and control systems could reasonably be expected to endanger physical safety or present a risk to public health and welfare, which is protected information described in AS 40.25.120(10). The regulations should expressly acknowledge that any information required to be provided under 18 AAC 75.449 and elsewhere in the rule will be protected from public disclosure if it is safety and security sensitive information pursuant to 40.25.120(10).</p>	
99	18 AAC 75.449(a)(6)(E)	18 AAC 75.425(e)(1)(F)(iv) and 18 AAC 75.445(d)(3)	(E) procedures and methods, <u>and a description of the equipment that will be used</u> for real-time surveillance and tracking of the discharged oil <u>on land and</u> on open water, forecasting of its expected points of shoreline contact; these must be sufficient to [MONITOR AND TRACK THE DISCHARGE IN ORDER TO] ensure that there is proper allocation and deployment of response personnel and equipment;	Amended	Discharge tracking and surveillance equipment can not ensure proper allocation and deployment of response personnel and equipment. The response actions and timeline to take those actions based on trajectory information gathered by surveillance and tracking equipment would "ensure" this capability. Combine with trajectory analysis in 18 AAC 75.449(a)(6)(B).	<p>Recommend consolidating this verbiage with (B).</p> <p>See recommended revisions in 18 AAC 75.449(a)(6)(B).</p>

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
100	18 AAC 75.449(a)(6)(F)	18 AAC 75.425(e)(1)(F)(v), 18 AAC 75.445(d)(4), and 18 AAC 75.425(e)(3)(J)	(F) 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 18 AAC 75.451(k) , including, for a land-based facility or railroad, protection of groundwater and public water supplies; sufficient oil discharge response equipment, personnel, and other resources must be [ARE] maintained and available for the specific purpose of preventing discharged oil from entering these environmentally sensitive areas or an areas 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; if identification of those areas and site-specific strategies for protection of those areas are in an applicable [SUBAREA CONTINGENCY PLAN] Geographic Zone of one or more Area Contingency Plans described in 18 AAC 75.495, the plan holder may incorporate that information by reference;	Retained	Remove the words "or operation" to be consistent with other proposed changes that remove these words. If the area is identified as a sensitive area by ADEC, the appropriate mechanism to address incorporating information into a plan is during a review period as a request for additional information, not as a condition of approval. This section is repetitive by including the exact same verbiage from 18 AAC 75.425(e)(3)(J), which is incorporated (exact verbiage) as requirements of new proposed section 18 AAC 75.451(k). This section should focus on response strategies under "Part 1 - Response Action Plan" and not identifying environmentally sensitive areas, which belongs in "Part 3 - Supplemental Information." It is understood that response strategies presented in plans are not prescribed standards of response, but are recommended actions that can be adjusted to fit the purpose under site-specific conditions.	Recommend revising as follows: for a stationary facility or operation, or a railroad, and, if requested by the department, for a vessel, a description of site-specific response strategies for the protection of environmentally sensitive areas and areas of public concern identified under 18 AAC 75.451(k) 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 Geographic Zone in one or more Area Contingency Plans described in 18 AAC 75.495, the plan holder may incorporate that information by reference; sufficient oil discharge response equipment, personnel, and other resources must be maintained and available for the specific purpose of preventing response strategies must be intended to keep discharged oil from entering these environmentally sensitive areas or an areas of public concern that would likely be impacted if a discharge occurs, and that this equipment and personnel shall 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;
101	18 AAC 75.449(a)(6)(G)	18 AAC 75.425(e)(1)(F)(vi)	(G) 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;	Retained	No comment.	No recommendation.
102	18 AAC 75.449(a)(6)(H)	18 AAC 75.425(e)(1)(F)(vii)	(H) 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;	Retained	No comment.	No recommendation.
103	18 AAC 75.449(a)(6)(I)	18 AAC 75.425(e)(1)(F)(viii) and 18 AAC 75.445(d)(6)	(I) procedures for lightering, transfer, and storage of oil with enough detail to demonstrate that 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 the start [COMMENCEMENT] and completion of lightering within the shortest possible time, consistent with ensuring the safety of personnel;	Amended	The language "with enough detail" is very subjective and should not be adopted. Information on response equipment in Part 3 would provide information that equipment and personnel are available for lightering. The purpose of a response scenarion is to "demonstrate" access and capability of personnel and equipment; stating that requirement here is unnecessary.	Recommend revising as follows: (I) procedures for lightering, transfer, and storage of lightered oil within the shortest possible time with enough detail to demonstrate that there is access to sufficient lightering equipment and personnel and procedures to transfer all oil from damaged tanks and from to undamaged tanks if the risk of an additional discharge is present; the plan must provide for the start and completion of lightering within the shortest possible time, consistent with ensuring the safety of personnel;

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
104	18 AAC 75.449(a)(6)(J)	18 AAC 75.425(e)(1)(F)(ix)	(J) procedures for transfer and storage of recovered oil and oily water, including methods for estimating the amount of recovered oil; <u>for on-water recovery, this includes procedures for offloading and transfer of oil and oil-water mixture to shore-side storage; for on-land recovery, this includes procedures for transfer from onsite temporary storage to more secure storage;</u>	Added	<p>Criteria from 18 AAC 75.445(d)(7) is applicable here. ADEC should consider incorporating information on decant procedures from proposed 18 AAC 75.449(a)(6)(L). The intent of the response scenario is to demonstrate capability to cleanup the response planning standard volume of oil under 18 AAC 75.430 - 18 AAC 75.442; therefore it is unnecessary to repeat that requirement here (if language from 18 AAC 75.445(d)(7) is incorporated).</p> <p>Recovery of oil discharged to water should consider the volume (e.g., percentage) determined in proposed 18 AAC 75.453.</p> <p>The phrase "more secure storage" is undefined and subjective; onsite temporary storage typically is robust and "secure" so as not to pose a spill risk.</p>	<p>Recommend revising as follows: (J) procedures for transfer and storage of recovered oil and oily water, including methods for estimating the amount of recovered oil <u>and procedures for obtaining required permits or authorizations for decanting.</u> <u>In addition,</u> for on-water recovery <u>of the percentage of the response planning standard volume that will reach open water as determined in 18 AAC 75.453, this includes describe</u> procedures for offloading and transfer of oil and oil- oily water mixture to shore-side storage; for on-land recovery, this includes- <u>describe</u> procedures for transfer from onsite temporary storage to more secure storage <u>a waste management site for disposal;</u></p>
105	18 AAC 75.449(a)(6)(K)	18 AAC 75.425(e)(1)(F)(x) and 18 AAC 75.445(d)(7)	(K) procedures and locations for temporary storage and ultimate disposal of oil contaminated materials, oily wastes, and sanitary and solid wastes, <u>with enough detail to demonstrate that there is adequate temporary storage and removal capacity for recovered oil and oily wastes 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 identification of all necessary permits, approvals, or authorizations and the timeline for them;</u>	Amended	<p>The language "with enough detail" is very subjective and should not be adopted.</p> <p>The intent of this section is to describe procedures for temporary storage and disposal of oily materials and solids. Generally, those wastes should not be considered as part of the response planning standard volume. Temporary storage of recovered liquids (e.g., using skimmers) is addressed in 18 AAC 75.449(a)(6)(J). The verbiage from 18 AAC 75.445(d)(7) refers to liquid recovery (e.g., skimming) and is not applicable to contaminated "materials and solids."</p> <p>Additionally, a "timeline" for permits, approvals, or authorizations is incident-specific and difficult to assess because they rely on actions taken by incident command and resource agencies. Only a <u>general</u> "timeline" could be provided, i.e., "prior to disposal" and there is little value in that generality.</p> <p>It should be understood that scenarios describe equipment, personnel, strategies, and tactics for planning purposes only. Experience has shown that timelines become a performance standard outside the scope and/or intent of the regulation.</p>	<p>Recommend revising as follows: (K) procedures and locations for temporary storage and ultimate disposal of oil contaminated materials, oily wastes, and sanitary and solid wastes, with enough detail to demonstrate that there is adequate temporary storage and removal capacity for recovered oil and oily wastes 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 identification of all necessary <u>including procedures for obtaining required permits, approvals, or authorizations for contaminated waste storage and disposal and the timeline for them;</u></p>

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
106	18 AAC 75.449(a)(6)(L)	None	<u>(L) procedures for decanting if the plan holder intends to request approval for decanting during a spill response; this does not eliminate the requirement for the response strategies to include procedures for storage of recovered oil and oily water; if, at the time of a spill the responsible party wants to decant, they must apply to the department's State On-Scene Coordinator for approval on a form supplied by the department;</u>	Added	This new proposed requirement for decanting procedures would be addressed in new proposed 18 AAC 75.449(a)(6)(K). Decanting activities are performed under temporary storage and disposal actions during a response and operational decisions for decanting, including authorizations, are always incident specific and must be determined at the time of the response. Therefore, a specific decanting procedure description adds little value and simply adds to the "bulk" of the regulations.	Recommend withdrawing this requirement. See recommended revisions in 18 AAC 75.449(a)(6)(J).
107	18 AAC 75.449(a)(6)(M)	18 AAC 75.425(e)(1)(F)(xi)	(M) 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; <u>plans for wildlife protection, recovery, disposal, rehabilitation, and release of wildlife should follow the recommendations of the Alaska Regional Response Team Wildlife Protection Guidelines for Oil Spill Response in Alaska;</u>	Amended	The State and Federal wildlife resource agencies have developed a robust plans and procedures for wildlife protection and response actions with the intent that plan holders follow them. ADEC should simply require wildlife response actions are performed in accordance with the Alaska Regional Response Team <i>Wildlife Protection Guidelines for Oil Spill Response in Alaska</i> because that is the expectation. ADEC should remove extraneous verbiage and reference the guidelines.	Recommend revising as follows: (M) procedures and methods for the protection, recovery, disposal, rehabilitation, and release of potentially affected wildlife, in accordance with 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; plans for wildlife protection, recovery, disposal, rehabilitation, and release of wildlife should follow the recommendations of the Alaska Regional Response Team <i>Wildlife Protection Guidelines for Oil Spill Response in Alaska</i> or equivalent;
108	18 AAC 75.449(a)(6)(N)	18 AAC 75.425(e)(1)(F)(xii)	(N) 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; and	Retained	No comment.	No recommendation.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
109	18 AAC 75.449(a)(6)(O)	18 AAC 75.425(e)(1)(F)	<u>(O) additional response strategies to demonstrate alternative strategies for anticipated receiving environments and seasonal conditions, including time of year, spills of varying source and size, and weather limitations;</u>	Added	<p>Plan holders are required to provide response scenarios to describe response to a discharge of the applicable response planning standards. There should not be an arbitrary, secondary requirement to provide "other" response scenarios or strategies. A requirement to "fit" other response strategies or another scenario within the primary response scenario is confusing and compromises the response scenario. Limitations on response and "alternative methods" are already required under</p> <p>The existing requirement of 18 AAC 75.425(e)(1)(F) states, "...if required by the department, the plan holder must provide additional response strategies to account for variations in receiving environments and seasonal conditions..." The existing requirement is clearer than this new proposed text.</p> <p>Some plans area already required to provide summer and winter scenarios (18 AAC 75.449(a)(7)(D)). The proposed text also adds, "spills of varying source and size, and weather limitations." Considering many plans cover facilities with continuous operations and the extreme variation of weather and environments present in Alaska, additional strategies could be endless with the varying sources, sizes and possible weather limitations. This new proposed requirement is too subjective and should be removed.</p>	Recommend withdrawing this requirement.
110	18 AAC 75.449(a)(7)	18 AAC 75.425(e)(1)(I)	<u>(7) if the facility is an exploration or production facility, a response scenario that complies with (6) of this subsection, and in addition [TO COMPLYING WITH (F) OF THIS PARAGRAPH, INCLUDES...]</u>	Amended	<p>ADEC should strongly consider repealing this requirement. The requirements under this section are generally repetitive to other proposed sections and the reason that only exploration and production facilities must provide two scenarios for a single response planning standard volume is unclear.</p>	Recommend repealing this existing requirement and withdrawing the proposed changes here and nested below because there is no justification as to why only exploration and production facilities are mandated to provide two response scenarios for a single response planning standard volume if they operate in summer and winter.
111	18 AAC 75.449(a)(7)(A)	18 AAC 75.445(d)(2)	<u>(A) a summary of planned methods, equipment, logistics, and time frames [IN PLACE THAT PROVIDE FOR] proposed to be employed to control a well blowout within 15 days;</u>	Amended	<p>The words "15 days" should be removed because provisions in 18 AAC 75.434(b) and (e) may allow for a shorter duration for a blowout.</p>	<p>Recommend repealing this existing requirement and withdrawing the proposed changes.</p> <p>If adopted, recommend revising as follows: (A) a summary of planned methods, equipment, logistics, and time frames proposed to be employed to control a well blowout within 15 days in the time set out in 18 AAC 75.453 under 18 AAC 75.434(b) for an exploration facility or 18 AAC 75.434(e) for a production facility;</p>

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
112	18 AAC 75.449(a)(7)(B)	18 AAC 75.425(e)(1)(I) and 18 AAC 75.445(d)(2)	(B) the plan holder shall certify in the plan that the plan holder maintains a separate well blowout contingency plan and that the well blowout contingency plan summary provided in the plan is aligned with the blowout contingency plan approved under 20 AAC 25.XXX; the approved blowout contingency plan is not part of an application required under 18 AAC 75.400 - 18 AAC 75.495 but must be made available to the department for inspection upon request under 18 AAC 75.480; this may be a paper copy or an electronic version that is retrievable by the operator at the facility at all times; 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;	Added	<p>This existing requirement should be repealed and the proposed new requirement should be withdrawn. The AOGCC does not require a "blowout contingency plan." As such, there is no "blowout contingency plan approved under AOGCC governed regulations at 20 AAC 25." Instead, and as part of the information submitted to AOGCC when applying for an Application for Permit to Drill (APD, 20 AAC 25.005), primary and secondary means of well control (20 AAC.25.033 - .037) are included in the application. The APD does not require a blowout contingency plan. ADEC should not imply, suggest, or express that AOGCC or 20 AAC 25 require a blowout contingency plan. Reference to the non-existent AOGCC regulation must be removed.</p> <p>This proposed requirement does not align with current and practical well planning requirements already appropriately and well-managed by AOGCC (and BLM or BSEE on federal leases). Each well drilled is unique, which is why the AOGCC (and BLM or BSEE on federal leases) require individual permit applications (e.g., APD). Methods for primary and secondary well control are operational processes and procedures that are planned for and implemented during well drilling. Response actions or "plans" following an uncontrolled well blowout would be described in a plan's response scenario for a well blowout and managed under an incident command system, as required. In that respect, an oil discharge prevention and contingency plan, in its entirety, is essentially a "blowout contingency plan."</p>	Recommend repealing this requirement in existing regulations at 18 AAC 75.425(e)(1)(I) and 18 AAC 75.445(d)(2) and withdrawing this new proposed requirement.
113	18 AAC 75.449(a)(7)(B) (continued)				Additionally, ADEC does not have qualifications or expertise to determine if well drilling plans are adequate. Assigning additional requirements and responsibility to AOGCC to oversee other plans is inappropriate and provides no real benefit to environmental protection or reduction in risk.	
114	18 AAC 75.449(a)(7)(C)	18 AAC 75.425(e)(1)(I)	(C) 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;	Retained	Plan holders should have the flexibility to utilize whichever deposition or trajectory model they chose and that's appropriate to their exploration or production facility. ADEC approval of plans constitutes "department approval."	<p>Recommend repealing this existing requirement and withdrawing the proposed changes.</p> <p>If adopted, recommend revising as follows: (C) 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 appropriate oil deposition model approved by the department for surface oil well blowouts;</p>

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
115	18 AAC 75.449(a)(7)(D)	18 AAC 75.425(e)(1)(I)	(D) the response scenario [IF REQUIRED BY THE DEPARTMENT TO] must 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; and	Amended	<p>The proposed change makes it mandatory for an exploration or production facility plan holder to present two response scenarios, one for summer and one for winter. The requirement is inappropriate for exploration and production facilities that operate on a seasonal basis only in summer or only in winter. Plans with a single response scenario would require major amendment to add a second scenario. The proposed change is not acceptable.</p> <p>Additionally, it is not clear why ADEC specifically requires only exploration and production facilities to include response scenarios for summer and winter conditions (if applicable) when other facility types may operate year-round or in both seasons.</p> <p>ADEC should strongly consider repealing this requirement. In most cases, for an exploration or production facility that operates in both summer and winter, and that would be required to provide two response scenarios, the summer response scenario presents the "worst-case discharge" in terms of potential to harm the environment if a discharge occurs. Requirements for provisions and other response methods or procedures to address seasonal and environmental limitations on a response are already provided in proposed sections 18 AAC 75.449(a)(5)(A), .451(e), and .451(g)(3).</p>	<p>Recommend repealing this requirement and withdrawing the proposed changes because there is no justification as to why only exploration and production facilities are mandated to provide two response scenarios for a single response planning standard volume if they operate in summer and winter.</p> <p>Recommend revising as follows: (D) the response scenario must account for variations in seasonal conditions, a plan holder must provide a to describe a response scenario for a discharge of the applicable response planning standard volume under typical summer environmental conditions and or typical winter environmental conditions, or both conditions if the facility operates in summer and winter; and</p>
116	18 AAC 75.449(a)(7)(E)	18 AAC 75.425(e)(1)(I)	(E) if the information required by this section is contained within a separate document developed by the plan holder or the plan holder's primary response action contractor identified in 18 AAC 75.451(i) the plan holder may incorporate the information by reference upon receiving the department's approval; for purposes of this subsection;	Retained	<p>This language is already incorporated into proposed new paragraph 18 AAC 75.449(a)(6). Section 18 AAC 75.449(a)(7) should only address requirements for exploration and production facilities that are in addition to 18 AAC 75.449(a)(6).</p> <p>ADEC should remove this requirement because it is already made applicable to exploration and production facilities in an earlier section.</p> <p>The requirement to "receive the department's approval" to incorporate information required by this subparagraph that is contained in a separate document should be removed. ADEC approval of plans constitutes "department approval."</p> <p>The phrase "for the purposes of this subsection" is a remnant from the existing language copied here and should be removed.</p>	<p>Recommend repealing this existing requirement and withdrawing the proposed changes.</p> <p>If adopted, recommend revising as follows: (E) if the information required by this section is contained within a separate document developed by the <u>department, plan holder,</u> or the plan holder's primary response action contractor identified in 18 AAC 75.451(i) the plan holder may incorporate the information by reference upon receiving the department's approval; for purposes of this subsection;</p>

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
117	18 AAC 75.449(a)(8)	18 AAC 75.445(h)	(8) nonmechanical response [INFORMATION] options - 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 include	Retained	The information under entire proposed new section 18 AAC 75.449(a)(8) is also required in Part 3 under proposed new section 18 AAC 75.451(e)(4). Part 1 should focus on response actions and techniques only, not additional or supplemental information.	Recommend withdrawing this requirement. If adopted, recommend revising as follows: (8) nonmechanical response options - in plans which propose proposing 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, the scenario must include a description of the nonmechanical response options and how they will be implemented;
118	18 AAC 75.449(a)(8)(A)	18 AAC 75.425(e)(1)(G)	(A) 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;	Retained	The information required here is more appropriate to Part 3 under proposed new section 18 AAC 75.451(e)(4).	Recommend withdrawing this requirement and adding it to Part 3 "Supplemental Information" in new proposed section 18 AAC 75.451(e)(4).
119	18 AAC 75.449(a)(8)(B)	18 AAC 75.445(h)	(B) a [DEMONSTRATE] demonstration of their efficiency and effectiveness;	Retained	The information required here is more appropriate to Part 3 under proposed new section 18 AAC 75.451(e)(4).	Recommend withdrawing this requirement and adding it to Part 3 "Supplemental Information" in new proposed section 18 AAC 75.451(e)(4).
120	18 AAC 75.449(a)(8)(C)	18 AAC 75.445(h) and 18 AAC 75.425(e)(3)(G)(i)	(C) [A FULL] an assessment of potential environmental consequences, provisions for continuous monitoring and real-time assessment of environmental effects, and including 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;	Retained	The information required here is more appropriate to Part 3 under proposed new section 18 AAC 75.451(e)(4).	Recommend withdrawing this requirement and adding it to Part 3 "Supplemental Information" in new proposed section 18 AAC 75.451(e)(4).
121	18 AAC 75.449(a)(8)(D)	18 AAC 75.425(e)(3)(G)(ii)	(D) a complete inventory of nonmechanical response equipment and supplies, including the type and toxicity of each dispersant, with procedures for storage, maintenance, and deployment;	Retained	The information required here is more appropriate to Part 3 under proposed new section 18 AAC 75.451(e)(4).	Recommend withdrawing this requirement and adding it to Part 3 "Supplemental Information" in new proposed section 18 AAC 75.451(e)(4).
122	18 AAC 75.449(a)(8)(E)	18 AAC 75.425(e)(3)(G)(iii) and 18 AAC 75.445(h)	(E) identification of all necessary approvals, and a completed application for department approval for open burning if in situ burning is a proposed response option;	Retained	The information required here is more appropriate to Part 3 under proposed new section 18 AAC 75.451(e)(4). A "completed application" along with ADEC plan approval may imply pre-approval is granted. ADEC should reconsider keeping this language in the regulation.	Recommend withdrawing this requirement.
123	18 AAC 75.449(a)(8)(F)	18 AAC 75.425(e)(3)(G)(iv)	(F) identification of all necessary permits, approvals, or authorizations for use of nonmechanical response options and the timeline for them; and	Retained	The information required here is more appropriate to Part 3 under proposed new section 18 AAC 75.451(e)(4). This is very similar to proposed 18 AAC 75.449(a)(8)(E). Either remove or combine with (E) to streamline.	Recommend withdrawing this requirement and adding it to Part 3 "Supplemental Information" in new proposed section 18 AAC 75.451(e)(4).
124	18 AAC 75.449(a)(8)(G)	18 AAC 75.425(e)(3)(G)(v)	(G) a plan for protecting environmentally sensitive areas and areas of public concern identified in 18 AAC 75.451(k), and the public from adverse effects of the nonmechanical response option;	Retained	The information required here is more appropriate to Part 3 under proposed new section 18 AAC 75.451(e)(4).	Recommend withdrawing this requirement and adding it to Part 3 "Supplemental Information" in new proposed section 18 AAC 75.451(e)(4).

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
125	18 AAC 75.449(a)(9)	18 AAC 75.425(e)(1)(H)	(9) facility diagram - a plan diagram of the facility 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; and	Retained	Revise the phrase "drip pans and drainage of drip pans" to "containment areas" to reflect the proper regulatory language. Remove the words "an operation" to be consistent with other proposed changes that remove these words.	Recommend revising as follows: (9) facility diagram - a plan diagram of the facility 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 containment areas , and a representation of the distance and gradients to surface water for an operation a facility 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; and
126	18 AAC 75.449(a)(10)	18 AAC 75.445(b)	(10) <u>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; this information must be located in the plan immediately following the scenario or scenarios required by (6) of this subsection.</u>	Added	Part 5 under new proposed section 18 AAC 75.453 addresses the "realistic maximum oil discharge" that could occur at the facility, which is the response planning standard volume. The plan's response scenario required by 18 AAC 75.449(a)(6) and (7) describe the general procedures to be followed and response resources in place to meet the response planning standard. This section is extraneous and a good example of repetitive or superfluous language from existing 18 AAC 75.445 that could be removed to properly streamline the regulation. The added requirement to locate this information within the plan is also superfluous. The phrase "maximum possible discharge" is undefined and should be revised to "realistic maximum oil discharge as defined in AS 46.04.030(r)(3)". This incorporates the proper statutory term and jurisdiction. The words "or operation" are removed once, but should also be removed in the latter portion of the proposed new paragraph.	Recommend withdrawing this requirement.
127	18 AAC 75.449(b)	None	<u>(b) In this section</u>	Added	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
128	18 AAC 75.449(b)(1)	18 AAC 75.425(e)(1)(I)(ii)	(1) "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;	Retained	No comment.	No recommendation.
129	19 AAC 75.449(b)(2)	18 AAC 75.425(e)(1)(I)(iii)	(2) "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;	Retained	No comment.	No recommendation.
130	19 AAC 75.449(b)(3)	18 AAC 75.425(e)(1)(I)(iv)	(3) "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; and	Retained	No comment.	No recommendation.
131	19 AAC 75.449(b)(4)	18 AAC 75.425(e)(1)(I)(i)	(4) "predominant wind directions" means those directions that occur greater than 10 percent of the time indicated.	Retained	No comment.	No recommendation.
132	18 AAC 75.449 Editor's Note	None	Editor's note: The decanting authorization form referenced in 18 AAC 75.449(a)(6)(L) is available on the department's website search page: http://dec.alaska.gov/spar/ppr/regulations-guidance/forms-applications/. The Alaska Regional Response Team Wildlife Protection Guidelines for Oil Spill Response in Alaska referenced in 18 AAC 75.449(M) is available through the department's website Area Plan References and Tools page: https://dec.alaska.gov/spar/ppr/contingency-plans/response-plans/tools/ and on the Alaska Regional Response Team's website Reference Library Page: https://alaskarrt.org/Home/Documents/9	Added	No comment.	No recommendation.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
133	18 AAC 75.450(a)	18 AAC 75.425(e)(2)	<p>Part 2 - Oil discharge prevention and contingency plan, Prevention Plan.</p> <p>(a) The prevention plan must include <u>the information needed to demonstrate that the applicant meets all applicable requirements of 18 AAC 75.005 -18 AAC 75.085 and must provide</u> a detailed description of all oil discharge prevention [MEASURES AND POLICIES EMPLOYED] programs in place 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 18AAC75.005-18AAC75.085.] The <u>applicant must take discharge history and other factors into account when designing a prevention program that addresses the specific areas and situations encountered at the facility or on or near the vessel. This information must be provided in a</u> prevention plan <u>and</u> may be submitted as a separate volume [,AND MUST]. <u>The applicant must describe in the prevention plan how they meet the applicable requirements of 18 AAC 75.005 - 18 AAC 75.085.</u></p>	Added	Reference to the applicant "meeting" or "demonstrating" "applicable requirements of 18 AAC 75.005 - 18 AAC 75.085" occurs twice in this new proposed section and is redundant. ADEC should streamline the text to express this sentiment only once.	Recommend revising as follows: (a) The prevention plan must include the information needed to demonstrate that the applicant meets all applicable requirements of 18 AAC 75.005 -18 AAC 75.085 and must provide a detailed description of all oil discharge prevention programs in place at the facility, with reference to the specific oil discharge risks involved. The applicant must take- consider discharge history and other causal factors into- account when designing to develop a spill prevention program that addresses the specific areas and situations encountered at the facility or on or near the vessel. This information must be provided in a The prevention plan and- may be submitted as a separate volume and must include, as applicable: The applicant must describe in the prevention plan how they meet the applicable requirements of 18 AAC 75.005—18 AAC 75.085.
134	None	18 AAC 75.425(e)(2)(A)	None	None Proposed	Recommend reconsidering repealing requirements of 18 AAC 75.425(e)(2)(A) and adding additional requirements (paragraphs) for the specific prevention requirements of 18 AAC 75.005 -18 AAC 75.085. This part of the regulations is intended to provide the framework for plan contents and should identify and organize the relevant information required.	Consider adding, for example: 18 AAC 75.450(a) (1) oil discharge prevention training programs required by 18 AAC 75.020(a); (2) substance abuse and medical monitoring programs required by 18 AAC 75.007(e); (3) security and surveillance programs required by 18 AAC 75.007(f); (4) transfer procedures required by 18 AAC 75.025; (5) spill detection required by 18 AAC 75.027(d); (6) spill detection required by 18 AAC 75.037 (7) spill prevention required by 18 AAC 75.045(d) and (e); (8) applicable prevention measures required by 18 AAC 75.047; (9) leak detection required by 18 AAC 75.055; (10) applicable prevention measures required by 18 AAC 75.065 and 18 AAC 75.066; (11) spill detection required by 18 AAC 75.075(c); (12) applicable prevention measures required by 18 AAC 75.080.
135	18 AAC 75.450(b)	18 AAC 75.425(e)(2)	(b) In addition to the description required in (a) of this section, the prevention plan must include the following information:	Added	This is already addressed in new proposed section 18 AAC 75.450(a) and should be removed.	Recommend withdrawing this requirement.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
136	18 AAC 75.450(b)(1)	18 AAC 75.425(e)(2)(A)	(1) discharge prevention programs - a description and schedule of regular oil discharge prevention, inspection, and maintenance programs in place at the facility or operation;	Retained	This is already addressed in new proposed section 18 AAC 75.450(a) and should be removed.	Recommend withdrawing this requirement.
137	18 AAC 75.450(b)(2)	18 AAC 75.425(e)(2)(B)	(2) discharge history - list all known oil discharges greater than 55 gallons that have occurred at the facility within the state; the history must include	Retained	If (b) is withdrawn, this should be renumbered as "(b)." Suggest ADEC consider only requiring inclusion of five (5) years of discharge history at the facility in a plan instead of the entire history and direct plan holders to maintain the entire discharge history.	Recommend revising as follows: (2) discharge history - the plan holder must maintain information list of all known oil discharges greater than 55 gallons that have occurred at the facility within the state; and include the past five years of information in the plan; the history must include
138	18 AAC 75.450(b)(2)(A)	18 AAC 75.425(e)(2)(B)(i)	(A) the source, cause, amount of each discharge;	Retained	Incorporate all categories of discharge history information required in one paragraph. Add date, location, and type of oil.	Recommend revising as follows: (A) the date, location, type of oil, source, cause, and amount of each discharge;
139	18 AAC 75.450(b)(2)(B)	18 AAC 75.425(e)(2)(B)(ii)	(B) corrective action taken;	Retained	No comment.	No recommendation.
140	18 AAC 75.450(b)(2)(C)	18 AAC 75.425(e)(2)(B)(iii)	(C) an analysis of the relationship, if any, between the frequency, cause, and size of the discharges; and	Retained	This section is similar to 18 AAC 75.450(b)(3) and should be removed.	Recommend withdrawing this requirement.
141	18 AAC 75.450(b)(2)(D)	18 AAC 75.425(e)(2)(B)(iv)	(D) a description of actions to be taken to prevent or mitigate similar discharges in the future;	Retained	No comment.	No recommendation.
142	18 AAC 75.450(b)(3)	18 AAC 75.425(e)(2)(C)	(3) potential discharge analysis - including size, frequency, cause, duration, and location, and a description of actions taken to prevent a potential discharge;	Retained	No comment.	No recommendation.
143	18 AAC 75.450(b)(4)	18 AAC 75.425(e)(2)(D)	(4) specific conditions - a description of	Retained	No comment.	No recommendation.
144	18 AAC 75.450(b)(4)(A)	18 AAC 75.425(e)(2)(D)(i)	(A) 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	Retained	Remove the words "or operation" to be consistent with other proposed changes that remove these words.	Recommend revising as follows: (A) 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
145	18 AAC 75.450(b)(4)(B)	18 AAC 75.425(e)(2)(D)(ii)	(B) 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;	Retained	No comment.	No recommendation.
146	21 AAC 75.450(b)(5)	18 AAC 75.425(e)(2)(E)	(5) 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, or an approved waiver, must be provided; and	Amended	This is already addressed in new proposed section 18 AAC 75.450(a) and should be removed.	Recommend withdrawing this requirement.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
147	18 AAC 75.450(b)(6)	18 AAC 75.425(e)(2)(F)	(6) waivers - for an operation subject to a waiver <u>under 18 AAC 75.015 or</u> 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	Retained	Remove the phrase "an operation" and revise to "a facility."	See recommended revision that follows.
148	18 AAC 75.450(b)(6)(A)	18 AAC 75.425(e)(2)(F)(i)	(A) each waiver, alternate compliance schedule, or existing condition of plan approval; and	Retained	Remove reference to "alternate compliance schedule" as this is no longer in the regulations at 18 AAC 75.015 and remove reference to "condition of plan approval" as that is already documented in the plan approval letter. This language could be combined with (b)(6).	Recommend revising as follows: (6) waivers - for an operation a facility subject to a waiver under 18 AAC 75.015 or 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 (A) each waiver, alternate compliance schedule, or existing condition of plan approval; and (B) the approval of each waiver, alternate compliance schedule, or existing condition of plan approval.
149	18 AAC 75.450(b)(6)(B)	18 AAC 75.425(e)(2)(F)(ii)	(B) the approval of each waiver, alternate compliance schedule, or existing condition of plan approval.	Retained	This language is generally redundant to (A) and should be removed.	Recommend withdrawing this requirement.
150	18 AAC 75.451(a)	18 AAC 75.425(e)(3)	Part 3 - Oil discharge prevention and contingency plan, Supplemental Information. (a) The supplemental information section must provide background and verification information, <u>listed in (b) - (n) of this section.</u>	Amended	No comment.	No recommendation.
151	18 AAC 75.451(b)	18 AAC 75.425(e)(3)(A)	(b) Facility description and operational overview - a general description of the oil storage, transfer, exploration, or production [ACTIVITIES OF THE OPERATION] operations , including	Amended	No comment.	No recommendation.
152	18 AAC 75.451(b)(1)	18 AAC 75.425(e)(3)(A)(i) and (ii)	(1) for each oil storage tank with a storage capacity of [EACH CONTAINER COVERED UNDER] greater than 10,000 gallons , the [PLAN AND ITS] oil storage capacity , installation date, design, construction, and [GENERAL CONDITION] the product type [AND AMOUNT OF OIL] stored [IN] ;	Amended	This section should clarify applicability to oil terminal, exploration, production, or crude oil pipeline facilities. The term "aboveground oil storage tank" should be utilized to be consistent and to streamline the text. The term is defined in 18 AAC 75.990 as presented here; therefore, that text (i.e., "greater than 10,000 gallons") can be removed. If necessary, cite the regulations that govern aboveground oil storage tanks: 18 AAC 75.065 and 18 AAC 75.066.	Recommend revising as follows: (1) for an oil terminal, exploration, production, or crude oil transmission pipeline facility , for each aboveground oil storage tank with a storage capacity of greater than 10,000 gallons subject to 18 AAC 75.065 or 18 AAC 75.066 , the oil storage capacity, installation construction date, design, construction standard , and the oil product type stored;

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
153	18 AAC 75.451(b)(2)	None	<u>(2) for each oil storage tank with a storage capacity of 1,000 gallons and greater but less than or equal to 10,000 gallons, the location, oil storage capacity, and the product type stored, unless the oil storage tank is used on a temporary basis;</u>	Added	<p>This new proposed requirement reflects ADEC's intent to incorporate their April 16, 1992 "Tanks Listed in Plan Memo." The memo is dated prior to the May 14, 1992 promulgation of the existing regulations at 18 AAC 75 and only describes (for the purpose of the memo) a "facility" as a military base or installation. The "applicability" of the memo is described as information for ADEC staff, presumably those who oversaw compliance for military bases or installations. The "1992 memo" only surfaced in December 2016 when it was contained within ADEC's "Application Package and Review Guidance Document." It has since been removed from the document and posted on the ADEC Internet website as a standalone guidance document. We are not aware of a time or opportunity for the public or plan holders to weigh-in on the "1992 memo."</p> <p>Basing a new rule to require plans to list oil storage tanks with capacity 1,000 gallons or greater but less than or equal to 10,000 gallons on an internal memo from April 1992 that does not specifically apply to oil terminal, exploration, production, or crude oil transmission pipeline facilities is not appropriate. Oversight of this category of oil storage tanks has not been consistently applied since promulgation of the regulation in May 1992.</p>	<p>Recommend withdrawing this requirement.</p> <p>If adopted, recommend revising as follows: <u>(2) for an oil terminal, exploration, production, or crude oil transmission pipeline facility, for each plan holder's owned or operated oil aboveground storage tank (AST) defined by 18 AAC 75.849(1) with a storage capacity of 1,000 gallons and greater but less than or equal to 10,000 gallons, the location, oil storage capacity, and the oil product type-stored, unless the oil storage tank is used on-a-temporary-basis for a duration of less than 12 consecutive months. If AST information is contained in a separate document, plan, or information system developed by the plan holder, the plan holder may incorporate the information by reference;</u></p>
154	18 AAC 75.451(b)(2) (continued)				<p>Alaska Statutes governing oil pollution control under AS 46.04.070 declare: <i>"the department shall adopt regulations that are necessary to carry out the purposes of this chapter (pollution control) and that do not conflict with and are not preempted by federal law or regulations ."</i> Existing federal regulations at Title 40 of the Code of Federal Regulations Part 112 (40 CFR 112), known as the SPCC Rule, under the jurisdiction of U.S. Environmental Protection Agency sufficiently address oil pollution prevention for onshore facilities that own or operate oil containers 55-gallons or more with total effective storage capacity of greater than 1,320 gallons.</p> <p>For many industry plans, listing aboveground storage tanks (AST) with capacity 1,000 gallons or greater but less than or equal to 10,000 gallons will be a significant administrative burden to maintain information and generate countless amendment application packages if information changes. An increased number of amendment application packages will create an administrative burden on ADEC, as well.</p>	

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
155	18 AAC 75.451(b)(2) (continued)				<p>If ADEC adopts this proposed added requirement, plan holders should be allowed to incorporate by reference, other documents, plans, or records systems that maintain AST information, instead of listing each AST within the plan. ADEC should not require "approval" of AST information incorporated by reference, although it may be subject to inspection upon request, as appropriate. Additionally, plan holders should not be responsible for listing or maintaining information on third-party owned and operated ASTs that may be present at a facility.</p> <p>If adopted, this section should clarify applicability to oil terminal, exploration, production, or crude oil pipeline facilities and ADEC should use the term "aboveground storage tank" or "AST" as defined in 18 AAC 75.849(1). The phrase "temporary basis" should be replaced with the wording of the "definition."</p>	
156	18 AAC 75.451(b)(3)	18 AAC 75.425(e)(3)(A)(iii), (v), (viii), and (x)	(3) For vessels,	Retained	No comment.	No recommendation.
157	18 AAC 75.451(b)(3)(A)	18 AAC 75.425(e)(3)(A)(iii)	(A) a general chart showing routes normally used for the transportation of oil products within state waters, and the frequency of use for each route;	Retained	No comment.	No recommendation.
158	18 AAC 75.451(b)(3)(B)	18 AAC 75.425(e)(3)(A)(v)	(B) 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;	Retained	No comment.	No recommendation.
159	18 AAC 75.451(b)(3)(C)	18 AAC 75.425(e)(3)(A)(viii)	(C) a description of the methods for retention and disposal of oily wastes and bilge slops; and	Retained	No comment.	No recommendation.
160	18 AAC 75.451(b)(3)(D)	18 AAC 75.425(e)(3)(A)(x)	(D) additional 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;	Retained	No comment.	No recommendation.
161	18 AAC 75.451(b)(4)	18 AAC 75.425(e)(3)(A)(iv) and (ix)	(4) for a railroad, a map showing the location of each main line, siding, and yard area; 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;	Retained	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
162	18 AAC 75.451(b)(5)	18 AAC 75.425(e)(3)(A)(vi)	(5) 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;	Retained	Plan holders should not be required to describe typical, routine, or common operational procedures at facilities. This requirement should be addressed in Part 2 - Prevention Plan and is recommended to be added as 18 AAC 75.450(a)(4) "transfer procedures required by 18 AAC 75.025."	Recommend withdrawing this requirement.
163	18 AAC 75.451(b)(6)	18 AAC 75.425(e)(3)(A)(vii)	(6) for a production facility, a description of the flow and gathering lines and processing facilities;	Retained	Plan holders should not be required to describe a "production facility" because it is defined in the Alaska Statute. Description of flowlines and processing facilities and overall general information about a facility and how it operates adds unnecessary "bulk" to plans. "Gathering lines" are not defined in the regulation and are not used elsewhere; this term should be removed.	Recommend withdrawing this requirement.
164	18 AAC 75.451(b)(7)	None	<u>(7) for an oil terminal facility, an exploration facility, and a production facility, a piping diagram showing all facility oil piping, including the location of valves; and</u>	Added	The word "facility" is repetitive. Facility diagrams are already required in proposed 18 AAC 75.449(a)(9). It is unnecessary and confusing to require diagrams in different parts of a plan and only adds more "bulk." ADEC should not adopt this proposed new requirement. Plan holders typically maintain detailed facility drawings, piping and instrumentation diagrams (P&ID), and other engineering schematics under usual and customary business and maintenance and operations. This information can be extensive, with countless (thousands) of diagrams. The ODPCP would not be the primary resource to refer to or maintain this information. Additionally, diagrams showing locations of valves are a security risk and should not be made public due to potential for vandalism or terrorism that could lead to an oil discharge. Plan holders and facility operators should have the right to maintain this information for internal use only and should be trusted to be capable of calling upon it when necessary in the event of a discharge.	Recommend withdrawing this requirement.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
165	18 AAC 75.451(b)(8)	None	<u>(8) for a transmission pipeline, a pipeline diagram including the location of all mainline valves, pumping units, and other appurtenances connected to the pipeline.</u>	Added	<p>The proper term is "crude oil transmission pipeline."</p> <p>Facility diagrams are already required in proposed 18 AAC 75.449(a)(9). It is unnecessary and confusing to require diagrams in different parts of a plan and only adds more "bulk."</p> <p>ADEC should not adopt this proposed new requirement. Plan holders typically maintain detailed facility drawings, piping and instrumentation diagrams (P&ID), and other engineering schematics under usual and customary business and maintenance and operations. This information can be extensive, with countless (thousands) of diagrams. The ODPCP would not be the primary resource to refer to or maintain this information. Additionally, diagrams showing locations of valves are a security risk and should not be made public due to potential for vandalism or terrorism that could lead to an oil discharge. Plan holders and facility operators should have the right to maintain this information for internal use only and should be trusted to be capable of calling upon it when necessary in the event of a discharge.</p>	Recommend withdrawing this requirement.
166	18 AAC 75.451(c)	18 AAC 75.445(e)	(c) <u>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; the analysis of the expected amount and locations of oil to reach open water must include</u>	Amended	<p>Remove the words "or operation" to be consistent with other proposed changes that remove these words.</p> <p>This requirement is the same verbiage from existing 18 AAC 75.445(e) and describes "Approval Criteria" not "Plan Content." It is not clear how this requirement would be described or demonstrated in this part of the plan because it applies to response capability to cleanup the response planning standard (i.e., 18 AAC 75.430 - 18 AAC 75.442), which is already described in the response scenario requirements in Part 1 of the plan. The subparagraphs are also presented as specific to the response scenario and response planning standard.</p> <p>ADEC has missed an opportunity to streamline by removing repetitive, verbose language housed in existing 18 AAC 75.445 "Approval Criteria."</p>	Recommend withdrawing this requirement.
167	18 AAC 75.451(c)(1)	18 AAC 75.425(e)(3)(B)(i)	(1) a drainage diagram or map showing gradients and potential containment sites and features at the facility; and	Retained	Due to the wording (c), this requirement is specific to the response scenario and response planning standard and should be addressed in Part 1 requirements.	Recommend withdrawing this requirement.
168	18 AAC 75.451(c)(2)	18 AAC 75.425(e)(3)(B)(i)	(2) identification and explanation of all measures that will be taken to prevent a discharge from entering open water from the facility.	Retained	Due to the wording (c), this requirement is specific to the response scenario and response planning standard and should be addressed in Part 1 requirements.	Recommend withdrawing this requirement.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
169	18 AAC 75.451(d)	18 AAC 75.425(e)(3)(C)	<p>(d) Command system - a description <u>and diagram</u> of the incident command system <u>management hierarchy</u> to be used in response to a discharge, <u>specific to operations described in the response planning standard scenario</u>, including the <u>[TITLE, ADDRESS] name, position,</u> telephone number, and affiliation by company, agency, or local government of each person, including a person identified in <u>[(1)(B) OF THIS SUBSECTION] 18 AAC 75.449(a)(2),</u> 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, <u>[FISCAL] financial,</u> operations, planning, <u>[AND] logistics and environmental [LEAD]</u> personnel; the incident command system must be compatible with the state's response structure outlined in the <u>[STATE MASTER PLAN PREPARED UNDER AS 46.04.200;] Alaska Regional Contingency Plan. Command system descriptions, diagram, and management hierarchy must all be contained in the plan. At a minimum, the detailed personnel contact information for the qualified individual must be located in the plan. Detailed information for other listed incident command system personnel may be maintained by the plan holder in a separate document; the document is part of the plan, and it must be provided to the department with the plan application package. For plans that propose 24-hour operations, the detailed personnel document must identify available staff for 24-hour operations. This separate document will be treated as a confidential document and will not be publicly reviewed; it must be</u></p>	Added	<p>The heading of this section should be "Incident command system."</p> <p>Allow plan holders to simply "describe" the incident command system as appropriate to their facility and operation. Do not mandate "lists" or "diagrams."</p> <p>The ability to maintain detailed information in a separate document is commendable, but should not be restrictive.</p> <p>It is not necessary to reference the personnel or organizations in proposed 18 AAC 75.449(a)(2) because that information is already presented in Part 1. Regardless, plan holders would include that information here, if relevant.</p> <p>The existing incident command system requirement was generally sufficient. The proposed language is repetitive, verbose, and unclear. This proposed section could be clearer and better streamlined.</p> <p>ADEC should remove the repetitive wording that "Command system description, diagram, and management hierarchy must all be contained in the plan" because the requirement is already stated at the beginning of the paragraph. It is not practical for plans that incorporate by reference, the incident command system outlined in the Alaska Regional Contingency</p>	<p>Recommend revising as follows:</p> <p>(d) Incident command system - a description <u>and diagram</u> of the incident command system <u>management hierarchy</u> to be used in response to a discharge, <u>specific to operations described in the response planning standard scenario,</u> including <u>the name</u> position, incident command system role, telephone number, and affiliation by company, agency, or local government of each person, <u>including a person identified in 18 AAC 75.449(a)(2),</u> who by law or through employment, contract, or cooperative agreement, is responsible for responding to a discharge, <u>and each person's functional role in the command system;</u> this <u>list description environmental,</u> and logistics <u>and environmental</u> personnel; the incident command system must be compatible with the state's response structure outlined in the Alaska Incident Management System Guide Regional Contingency Plan. <u>Command system descriptions, diagram, and management hierarchy must all be contained in the plan. At a minimum, the detailed personnel contact information for the qualified individual must be located in the plan. Detailed information for other listed incident command system personnel may be maintained by the plan holder in a separate document; the document is part of the plan, and it must be provided to the department with the plan application package. For plans that propose 24-hour operations, the detailed personnel document must identify available staff for 24-hour operations.</u></p>

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
170	18 AAC 75.451(d) (continued)		<u>maintained and updated in real time. Notwithstanding the requirements of 18 AAC 75.415(b)(2), an updated document may be provided to the department on a quarterly basis if changes occur.</u>		<p>Plan (RCP) or the Alaska Incident Management System (AIMS) guide to include additional information; it just adds "bulk" to plans. The purpose of the RCP and AIMS resources is to provide usable information for contingency planning and incident command in Alaska; plan holders should be allowed to incorporate content by reference.</p> <p>The proposed new requirement stating "an updated document may be provided to the department on a quarterly basis if changes occur" should not be adopted. The phrasing provides uncertainty. Plan holders should have the right and flexibility to maintain personnel lists as needed without risk of non-compliance if an updated document is not provided to ADEC. ADEC should not "approve" this information." Current lists of incident command system personnel are only important and useful to the plan holder. The document (list) would be available to ADEC upon request for inspection.</p>	This separate document will be treated as a confidential document and will not be publicly reviewed; it must be maintained and updated in real time. Notwithstanding the requirements of 18 AAC 75.415(b)(2), an updated document may be provided to the department on a quarterly basis if changes occur. If a plan holder's incident command system personnel information is contained in a separate document, plan, or information system developed by the plan holder, the plan holder may incorporate the information by reference;
171	18 AAC 75.451(e)	18 AAC 75.445(f)	(e) 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] and realistic efficiency rates must be used for the specified response methods to account for the reduction of control or removal rates under those severe weather or other environmental limitations. The plan must include	Amended	<p>This requirement is the same verbiage from existing 18 AAC 75.445(f) and describes "Approval Criteria" not "Plan Content." It is not clear how this requirement would be described or demonstrated in this part of the plan because it applies to response capability (e.g., rates and methods) to cleanup the response planning standard (i.e., 18 AAC 75.430 - 18 AAC 75.442), which is already described in the response scenario requirements in Part 1 of the plan.</p> <p>This verbiage could be removed or significantly revised and combined with the subparagraphs to streamline content. ADEC has missed an opportunity to streamline by removing repetitive, verbose language housed in existing 18 AAC 75.445 "Approval Criteria."</p>	<p>Recommend withdrawing this requirement.</p> <p>Recommend revising as follows: (e) 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 and describe realistic efficiency rates must be used for the specified response methods <u>specified in response scenarios required by 18 AAC 75.449(a)(6) or (7) that to account for the reduction of control or removal rates and limits on mechanical response methods under those severe weather or other environmental conditions limitations and safety considerations encountered at the facility that could limit a response. Include an analysis of potential frequency and duration when mechanical response methods would be ineffective and describe response measures taken to reduce environmental consequences of a discharge during those periods, including nonmechanical response options. The plan must include</u></p>
172	18 AAC 75.451(e)(1)	18 AAC 75.425(e)(3)(D)	(1) 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;	Retained	<p>This verbiage could be removed or significantly revised and combined with the parent paragraph to streamline content. ADEC has missed an opportunity to streamline by removing repetitive, verbose language</p> <p>Remove the words "or operation" to be consistent with other proposed changes that remove these words.</p>	Recommend withdrawing this requirement and combing with (e).

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
173	18 AAC 75.451(e)(2)	18 AAC 75.425(e)(3)(D)	(2) descriptions of 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 realistic maximum response operating limitations; and	Retained	The intent of this requirement is not well understood; the verbiage is confusing. Does this allow for use (description) of nonmechanical response methods during periods when mechanical methods are less effective to provide a net environmental benefit? ADEC must determine the meaning of this statement and provide clarification.	Recommend withdrawing this requirement or determining intent and revising to clarify.
174	18 AAC 75.451(e)(3)	18 AAC 75.425(e)(3)(D)	(3) an analysis considering the following environmental conditions:	Retained	The requirement for "analysis" is overly complex. Plans should simply incorporate the specified environmental conditions when describing the realistic maximum response operating limitations that could impact a response.	Recommend revising as follows (taking into account recommend revisions above): (1)(3) an analysis considering the description should consider the following environmental conditions:
175	18 AAC 75.451(e)(3)(A)	18 AAC 75.425(e)(3)(D)(i)	(A) weather, including wind, visibility, precipitation and temperature <u>based on National Weather Service data or local weather records;</u>	Amended	No comment.	No recommendation.
176	18 AAC 75.451(e)(3)(B)	18 AAC 75.425(e)(3)(D)(ii)	(B) sea states, tides, and currents;	Retained	No comment.	No recommendation.
177	18 AAC 75.451(e)(3)(C)	18 AAC 75.425(e)(3)(D)(iii)	(C) ice and debris presence;	Retained	No comment.	No recommendation.
178	18 AAC 75.451(e)(3)(D)	18 AAC 75.425(e)(3)(D)(iv)	(D) hours of daylight; and	Retained	No comment.	No recommendation.
179	18 AAC 75.451(e)(3)(E)	18 AAC 75.425(e)(3)(D)(v)	(E) other known environmental conditions that might influence the efficiency of the response equipment or the overall effectiveness of a response effort; and	Retained	This section should refer to the response effort described in the response scenario.	Recommend revising as follows: (E) other known environmental conditions that might influence the efficiency of the response equipment or the overall effectiveness of a response effort described in response scenarios required by 18 AAC 75.449(a)(6) or (7); and
180	18 AAC 75.451(e)(4)	18 AAC 75.445(f)	<u>(4) for plans proposing the use of nonmechanical response options, information required under 18 AAC 75.449(a)(8).</u>	Added	The intent of this subsection is not understood. Nonmechanical response options are already addressed in proposed 18 AAC 75.449(a)(8). ADEC should consider removing proposed sections 18 AAC 75.449(a)(8) [i.e., A through G] and adding the requirements here, in Part 3.	Recommend withdrawing this requirement or moving proposed requirements in 18 AAC 75.449(a)(8) to this section.
181	18 AAC 75.451(f)	18 AAC 75.425(e)(3)(E)	(f) 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.	Retained	The word "identify" should be used instead of "identification of." This information could be consolidated and provided under 18 AAC 75.449(a)(5).	Recommend withdrawing this requirement and consolidating with proposed requirements in 18 AAC 75.449(a)(5) to this section. Recommend revising the words "identification of" to "identify."

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
182	18 AAC 75.451(g)	18 AAC 75.445(g)(1), (2) and 18 AAC 75.425(e)(3)(F)	(g) Response equipment - <u>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. Identified equipment must reflect the best available technology when the plan is submitted or renewed</u> ; the plan must include 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 (k) of this section before oil reaches them and that may be reasonably expected to be impacted by a spill of the response planning standard volume as described in the response strategies developed under 18 AAC 75.449(a)(6) and (7); the list must include	Retained	Plan holders should be able to incorporate by reference, response equipment information contained in a separate document, plan, or information system developed by the plan holder or Primary Response Action Contractor. Requirements proposed in 18 AAC 75.451(h) should be incorporated under this section to streamline content and improve usability by reducing repetitive or overly similar requirements. information is contained in a separate document, plan, or information system developed by the plan holder, the plan holder may incorporate the information by reference;	Recommend revising as follows: (g) Response equipment - <u>Response equipment identified in response scenarios required by 18 AAC 75.449(a)(6) or (7) must the applicant must have ready access to enough equipment be sufficient</u> 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. Identified <u>response</u> equipment must reflect the best available technology when the plan is submitted or renewed.; The plan must include a complete list of contracted or other oil discharge containment, control, cleanup, storage, transfer, lightering, and related identified response equipment to meet the applicable response planning standard, and to protect environmentally sensitive areas and areas of public concern that are identified in (k) of this section before oil reaches them and that may be reasonably expected to be impacted by a spill of the response planning standard volume as described in the response strategies developed under 18 AAC 75.449(a)(6) and (7). <u>The list should include location and ownership. If the identified response equipment is contained in a separate document, plan, or information system developed by the plan holder or the plan holder's primary response action contractor identified in 18 AAC 75.451(l), the plan holder may incorporate the equipment information by reference.</u>
183	18 AAC 75.451(g)(1)	18 AAC 75.425(e)(3)(F)(i)	(1) the location, inventory, and ownership of the equipment;	Retained	This requirement should be added to (g) and may also be incorporated into response scenarios required by 18 AAC 75.449(a)(6) or (7).	Recommend withdrawing this requirement.
184	18 AAC 75.451(g)(2)	18 AAC 75.425(e)(3)(F)(ii)	(2) the time frame for delivery and startup of response equipment and trained personnel located outside the facility's primary region of operation;	Retained	This information should be incorporated into response scenarios required by 18 AAC 75.449(a)(6) or (7).	Recommend withdrawing this requirement.
185	18 AAC 75.451(g)(3)	18 AAC 75.425(e)(3)(F)(iii)	(3) the manufacturer's rated throughput capacities, limitations, and operational characteristics for each item of oil recovery equipment, including [ANY] nonmechanical response techniques;	Amended	Limitations of response equipment rates and methods and nonmechanical response is already addressed in proposed 18 AAC 75.451(e). Much of this information should be incorporated into descriptions in the response scenarios required by 18 AAC 75.449(6) or (7). In addition, proposed section (h) requires significant information on equipment performance. ADEC should remove this section because it is repetitive and unnecessary.	Recommend withdrawing this requirement.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
186	18 AAC 75.451(g)(4)	18 AAC 75.425(e)(3)(F)(iv) and 18 AAC 75.445(g)(4)	(4) each vessel designated for oil recovery operations, including skimming vessels and platforms and vessels designated to tow and deploy boom; vessels used to deploy and tow boom must be of a number, size, and power adequate to deploy the types and amounts of boom and must be capable of operating in the manner and at the speeds necessary for the effective use of boom;	Retained	Include the words "provide information on" at the beginning.	Recommend adding the words "provide information on" at the beginning: "(4) provide information on each vessel..."
187	18 AAC 75.451(g)(5)	18 AAC 75.425(e)(3)(F)(v)	(5) information on additional vessels available from other sources for oil recovery operations, including, if applicable, procedures for inventorying, training personnel, and equipping vessels;	Retained	Include the word "provide" at the beginning.	Recommend adding the word "provide" at the beginning: "(5) provide information on..."
188	18 AAC 75.451(g)(6)	18 AAC 75.425(e)(3)(F)(vi)	(6) pumping, transfer and temporary storage, and lightering equipment for transferring oil from damaged or undamaged tanks;	Retained	Include the words "provide information on" at the beginning.	Recommend adding the words "provide information on" at the beginning: "(6) provide information on pumping,..."
189	18 AAC 75.451(g)(7)	18 AAC 75.445(g)(6)	(7) 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; and	Retained	This requirement is generally repetitive to a requirement in proposed section 18 AAC 75.451(g) to identify response equipment to meet the response planning standard and is similarly required by 18 AAC 75.449(a)(6)(K) and 18 AAC 75.451(h)(3)(A) and (B). Requirements for temporary storage systems are repeated in multiple sections of the proposed revisions. ADEC should reconsider these changes and attempt to consolidate like requirements for response systems to improve usability of the regulations and ability to integrate information into a plan and implement requirements. This should refer to "oily" wastes, not "oil" wastes.	Recommend withdrawing this requirement and reconsidering each section that contains like requirements to better consolidate and streamline requirements. One example to consolidate and streamline, if adopted, recommend revising as follows: (7) provide information on the capacity of the temporary storage system for recovered oil and oil oily wastes described in 18 AAC 75.449(a)(6)(K) to demonstrate it is must be appropriate and adequate for to handle the total volume recovered within the response planning standard time frames for cleanup established under 18 AAC 75.430 - 18 AAC 75.442; Calculate handling capacity as follows: a system with a manufacturer's rated throughput capacity (T) with a planned operating period (U) would require temporary storage of T x U barrels per day to account for total liquids recovered. If available storage capacity is insufficient, then the effective daily recovery capacity must be reduced to the limits of the available storage; and
190	18 AAC 75.451(g)(8)	18 AAC 75.425(e)(3)(F)(vii)	(8) 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.	Retained	Include the word "describe" at the beginning.	Recommend adding the word "describe" at the beginning: "(8) describe the procedures for..."

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
191	18 AAC 75.451(h)	18 AAC 75.445(g)	(h) Response equipment identified in the plan must meet the following conditions:	Retained	At a minimum, ADEC should consider consolidating requirements of (h) with requirements of (g). However, these "requirements" may be best suited as a guide to required content of response scenarios in 18 AAC 75.449(a)(6) and (7). These proposed sections exist as "Approval Criteria" in the current regulations. It is not clear how approval criteria should be organized or provided in the plan because it is guidance on how to evaluate a plan's response strategies required by proposed sections 18 AAC 75.449(a)(6) and (7).	Recommend withdrawing this requirement. ADEC should consider either consolidating (g) and (h) or incorporating this "approval criteria" language into proposed sections 18 AAC 75.449(a)(6) and (7) to guide plan holders as to information to provide in response scenarios.
192	18 AAC 75.451(h)(1)	18 AAC 75.445(g)(3)	(1) 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;	Retained	At a minimum, ADEC should consider consolidating requirements of (h) with requirements of (g). However, these "requirements" may be best suited as a guide to required content of response scenarios in 18 AAC 75.449(a)(6) and (7). These proposed sections exist as "Approval Criteria" in the current regulations. It is not clear how approval criteria should be organized or provided in the plan because it is guidance on how to evaluate a plan's response strategies required by proposed sections 18 AAC 75.449(a)(6) and (7). Remove the words "or operation" to be consistent with other proposed changes that remove these words.	Recommend withdrawing this requirement. ADEC should consider either consolidating (g) and (h) or incorporating this "approval criteria" language into proposed sections 18 AAC 75.449(a)(6) and (7) to guide plan holders as to information to provide in response scenarios.
193	18 AAC 75.451(h)(2)	18 AAC 75.445(g)(5)	(2) 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] the planned hours of equipment operation within 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; and	Amended	At a minimum, ADEC should consider consolidating requirements of (h) with requirements of (g). However, these "requirements" may be best suited as a guide to required content of response scenarios in 18 AAC 75.449(a)(6) and (7). These proposed sections exist as "Approval Criteria" in the current regulations. It is not clear how approval criteria should be organized or provided in the plan because it is guidance on how to evaluate a plan's response strategies required by proposed sections 18 AAC 75.449(a)(6) and (7). This proposed requirement retains the phrasing "to the satisfaction of the department," which has been proposed for removal in other parts of the regulation. It is recommended ADEC reconsider using (or keeping) this type of unquantifiable language as it is unclear and subjective in nature.	Recommend withdrawing this requirement. ADEC should consider either consolidating (g) and (h) or incorporating this "approval criteria" language into proposed sections 18 AAC 75.449(a)(6) and (7) to guide plan holders as to information to provide in response scenarios.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
194	18 AAC 75.451(h)(3)	None	<p><u>(3) the following formula must be used to determine the effective daily oil recovery capacity for each piece of recovery equipment; compliance with the response planning standard is attainable by designing a response capability that is equal to or greater than the volume of oil established by the response planning standard and as demonstrated through the plan scenario</u></p> <p><u>R = T x U x E</u></p> <p><u>R = Effective daily oil recovery capacity in barrels;</u></p> <p><u>T = Manufacturer’s rated throughput capacity, in barrels per hour; for those devices in which the pump limits the throughput of liquid, throughput rate must be calculated using the pump capacity;</u></p> <p><u>U = Hours that an operator can document capability to operate equipment during a 24-hour period under spill conditions; may not exceed 20 hours per day unless an operator can demonstrate that the recovery rate can be sustained for longer periods;</u></p> <p><u>E = Oil recovery efficiency rate, 0.2 (20%) unless otherwise approved by the department;</u></p>	Added	<p>ADEC should not adopt this proposed new requirement. It is unclear how this information would be presented in this part of the plan because it pertains to response planning standard volume recovery rate calculations that should be incorporated into the hypothetical response scenarios required by 18 AAC 75.425(e)(1)(F) and (I) or proposed new section 18 AAC 75.449(a)(6).</p> <p>The requirement to demonstrate in the plan "adequate removal capacity" is already provided in proposed new paragraph 18 AAC 75.449(a)(6)(K).</p> <p>The regulations in existing 18 AAC 75.445(g)(5) and now proposed new paragraph 18 AAC 75.451(h)(2) specify response equipment identified in plans must use "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."</p> <p>This calculation is specific to skimming operations; not all "recovery equipment" are skimmers. The phrase "each piece of recovery equipment" should be revise to "each skimming system."</p>	Recommend withdrawing this requirement.
195	18 AAC 75.451(h)(3) (continued)				<p>This added paragraph and specification is unnecessary as it generally restates the previous requirement in (h)(2). Furthermore, this requirement sets a 20-hour per day use limit on operating equipment, which is unduly restrictive, changes the previous allowance without justification, and conflicts with allowances in (h)(2).</p>	

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
196	18 AAC 75.451(h)(3)(A)	18 AAC 75.445(g)(6)	<u>(A) the capacity of the temporary storage system for recovered oil and oil wastes must be appropriate and adequate for the total volume of oily fluids recovered, based on the equipment manufacturer's rated throughput capacity, within the response planning standard time frames for cleanup established under 18 AAC 75.430 - 18 AAC 75.442; a system with a manufacturer's rated throughput capacity (T) with a planned operating period (U) would require temporary storage of T x U barrels per day to account for total liquids recovered;</u>	Added	<p>ADEC should not adopt this proposed new requirement. It is unclear how this information would be presented in this part of the plan because it pertains to response planning standard volume recovery rate calculations that should be incorporated into the hypothetical response scenarios required by 18 AAC 75.425(e)(1)(F) and (I) or proposed new section 18 AAC 75.449(a)(6).</p> <p>The regulations in existing 18 AAC 75.445(g)(5) and now proposed new paragraph 18 AAC 75.451(h)(2) specify response equipment (e.g., pumps) identified in plans must be appropriate and adequate for recovery of the response planning standard volume. The requirement to demonstrate in the plan "adequate temporary storage capacity" is already provided in proposed new paragraph 18 AAC 75.449(a)(6)(K) and 18 AAC 75.451(g)(7), which specifies requirements for response equipment.</p> <p>This added paragraph and specification is unnecessary as it generally restates the previous requirements. This requirement is generally repetitive to a requirement in proposed section 18 AAC 75.451(g) and (g)(7) and is similarly required by 18 AAC 75.449(a)(6)(K). Requirements for temporary storage systems are repeated in multiple sections of the proposed revisions. ADEC should reconsider these changes and attempt to consolidate like requirements for response systems to improve usability of the regulations and ability to integrate information into a plan and implement requirements.</p> <p>This should refer to "oily" wastes, not "oil" wastes.</p>	<p>Recommend withdrawing this requirement.</p> <p>See recommended revision to proposed section 18 AAC 75.451(g)(7), which incorporates this requirement.</p>

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
197	18 AAC 75.451(h)(3)(B)	None	<u>(B) if available storage capacity is insufficient, then the effective daily recovery capacity must be reduced to the limits of the available storage; and</u>	Added	ADEC should not adopt this proposed new requirement. It is unclear how this information would be presented in this part of the plan because it pertains to response planning standard volume recovery rate calculations that should be incorporated into the hypothetical response scenarios required by 18 AAC 75.425(e)(1)(F) and (I) or proposed new section 18 AAC 75.449(a)(6). This requirement is generally repetitive to a requirement in proposed section 18 AAC 75.451(g) and (g)(7) and is similarly required by 18 AAC 75.449(a)(6)(K). Requirements for temporary storage systems are repeated in multiple sections of the proposed revisions. ADEC should reconsider these changes and attempt to consolidate like requirements for response systems to improve usability of the regulations and ability to integrate information into a plan and implement requirements.	Recommend withdrawing this requirement. See recommended revision to proposed section 18 AAC 75.451(g)(7), which incorporates this requirement.
198	18 AAC 75.451(h)(3)(C)	ADEC form "Request for Skimmer System Efficiency Evaluation"	<u>(C) if a plan holder wants to demonstrate to the department that another oil recovery efficiency rate is appropriate, the plan holder must submit a request for skimmer system efficiency evaluation form to the department; the department will approve or deny the request.</u>	Added	ADEC should not adopt this proposed new requirement. It is unclear how this information would be presented in this part of the plan. ADEC could revise the proposed section to require plan holders to include a description of, or documentation of an approval of an alternative "Skimmer System Efficiency Rate."	Recommend withdrawing this requirement.
199	18 AAC 75.451(i)	18 AAC 75.445(i) and 18 AAC 75.425(e)(3)(H) and 18 AAC 75.445(c)	(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 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. Plans using contractual resources must demonstrate that the transition and substitution of equipment and resources will occur without interruption of response or cleanup. The plan holder shall include, in the plan, a correct and complete list of each primary response action contractor, with name, address, telephone number, and affiliation by company, and a description of the response equipment and services provided; and, for each primary response action contract, a statement of contractual terms signed by the plan holder and the primary response action contractor attesting to the department that the contract	Retained	The requirement to provide a "description of the response equipment and services provided" should be removed. Information about response equipment is already required by proposed section 18 AAC 75.451(g) and 18 AAC 75.500 clearly defines services provided by an oil spill primary response action contractor.	Recommend revising as follows: (i) ...The plan holder shall include, in the plan, a correct and complete list of each primary response action contractor, with name, address, telephone number, and affiliation by company, and a description of the response equipment and services provided ; and,...
200	18 AAC 75.451(i)(1)	18 AAC 75.445(i)(1)	(1) clearly specifies that the contractor is obligated to	Retained	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
201	18 AAC 75.451(i)(1)(A)	18 AAC 75.445(i)(1)(A)	(A) provide the response services and equipment listed for that contractor in the contingency plan;	Retained	No comment.	No recommendation.
202	18 AAC 75.451(i)(1)(B)	18 AAC 75.445(i)(1)(B)	(B) respond if a discharge occurs;	Retained	No comment.	No recommendation.
203	18 AAC 75.451(i)(1)(C)	18 AAC 75.445(i)(1)(C)	(C) notify the plan holder immediately if the contractor cannot carry out the response actions specified in the contract or the contingency plan;	Retained	No comment.	No recommendation.
204	18 AAC 75.451(i)(1)(D)	18 AAC 75.445(i)(1)(D)	(D) give written notice at least 30 days before terminating its contract with the plan holder;	Retained	No comment.	No recommendation.
205	18 AAC 75.451(i)(1)(E)	18 AAC 75.445(i)(1)(E)	(E) respond to a department-conducted discharge exercise required of the plan holder; and	Retained	No comment.	No recommendation.
206	18 AAC 75.451(i)(1)(F)	18 AAC 75.445(i)(1)(F)	(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	Retained	No comment.	No recommendation.
207	18 AAC 75.451(i)(2)	18 AAC 75.445(i)(2)	(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.	Retained	No comment.	No recommendation.
208	18 AAC 75.451(j)	18 AAC 75.425(e)(3)(l) and 18 AAC 75.445(j)	(j) Training - in addition to maintaining continuous compliance with other applicable state and federal training requirements, the plan holder shall [DEMONSTRATE THAT] provide a detailed description of the training programs for discharge response personnel to demonstrate that	Retained	The verbiage from existing 18 AAC 75.445(j) to maintain compliance with "other applicable" requirements is too unspecific and therefore of little value. The requirement should simply reflect the current language of 18 AAC 75.425(e)(3)(l), which is the latter portion of the proposed section. As a positive means of consolidating and streamlining requirements, this section should simply incorporate specific requirements in subsections (1) to (3).	Recommend revising as follows: (j) Training - in addition to maintaining continuous compliance with other applicable state and federal training requirements, the plan holder shall provide a detailed description of the training programs for discharge response personnel to demonstrate that knowledge of facility oil discharge prevention measures as required by 18 AAC 75.020(a), understanding of plan implementation, and proficiency in operating response equipment identified in the plan. Response personnel training records shall be prepared and maintained as required by 18 AAC 75.020(c) and (e).
209	18 AAC 75.451(j)(1)	18 AAC 75.445(j)(1)	(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;	Retained	This section should be streamline and combined with (j).	Recommend withdrawing this requirement. See recommended revision to proposed section 18 AAC 75.451(j), which incorporates this requirement.
210	18 AAC 75.451(j)(2)	18 AAC 75.445(j)(2)	(2) personnel are trained and kept current in methods of preventing oil discharges as required by 18 AAC 75.020; and	Retained	This section should be streamline and combined with (j).	Recommend withdrawing this requirement. See recommended revision to proposed section 18 AAC 75.451(j), which incorporates this requirement.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
211	18 AAC 75.451(j)(3)	18 AAC 75.445(j)(3)	(3) proof of that training is maintained for five years and is made available to the department upon request; this must include	Retained	This section should be streamline and combined with (j).	Recommend withdrawing this requirement. See recommended revision to proposed section 18 AAC 75.451(j), which incorporates this requirement.
212	18 AAC 75.451(j)(3)(A)	18 AAC 75.020(c)(1)	(A) a statement, signed and dated by each participant, listing the course or program content;	Retained	This section should be streamline and combined with (j).	Recommend withdrawing this requirement. See recommended revision to proposed section 18 AAC 75.451(j), which incorporates this requirement.
213	18 AAC 75.451(j)(3)(B)	18 AAC 75.020(c)(2)	(B) shipboard records verified by the vessel master; or	Retained	This section should be streamline and combined with (j).	Recommend withdrawing this requirement. See recommended revision to proposed section 18 AAC 75.451(j), which incorporates this requirement.
214	18 AAC 75.451(j)(3)(C)	18 AAC 75.020(c)(3)	(C) computerized records verified by the owner or operator	Retained	This section should be streamline and combined with (j).	Recommend withdrawing this requirement. See recommended revision to proposed section 18 AAC 75.451(j), which incorporates this requirement.
215	18 AAC 75.451(k)	18 AAC 75.425(e)(3)(J)	(k) 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, mapped identification of environmentally sensitive areas and areas of public concern that may [SUFFER AN IMPACT FROM] be impacted by 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] one or more applicable [SUBAREA CONTINGENCY PLAN] Area Contingency Plans , 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] meteorological , 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	Amended	Remove the words "or operation" to be consistent with other proposed changes that remove these words. This section should be consistent with proposed section 18 AAC 75.449(a)(6)(F); consider adding in text from .449(a)(6)(F) we recommended to remove as it is more appropriate in this section (i.e., text from existing 18 AAC 75.425(e)(1)(F)(v)).	Recommend revising as follows: (k) 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, mapped identification of environmentally sensitive areas and areas of public concern that may be impacted by a discharge of the applicable response planning standard volume , including, areas added by the department as a condition of plan approval, and for a land-based facility or railroad, groundwater and public water supplies, that may be impacted by a spill of the applicable response planning standard volume ; If identification of those areas and site-specific response strategies for protection of those areas are in one or more an applicable Geographic Zone in one or more Area Contingency Plans described in 18 AAC 75.495 , 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, meteorological, 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
216	18 AAC 75.451(k)(1)	18 AAC 75.425(e)(3)(J)(i)	(1) the effect of seasonal conditions on the sensitivity of each area;	Retained	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
217	18 AAC 75.451(k)(2)	18 AAC 75.425(e)(3)(J)(ii)	(2) a discussion of the toxicity effects and persistence of the discharge, based on type of product; and	Retained	No comment.	No recommendation.
218	18 AAC 75.451(k)(3)	18 AAC 75.425(e)(3)(J)(iii)	(3) an identification of which areas will be given priority attention if a discharge occurs.	Retained	No comment.	No recommendation.
219	18 AAC 75.451(l)	18 AAC 75.425(e)(3)(K)	(l) Additional information - other information necessary to provide background for or verification of the plan contents.	Retained	No comment.	No recommendation.
220	18 AAC 75.451(m)	18 AAC 75.425(e)(3)(L)	(m) Bibliography - a list of data and information sources used to determine the information contained in the plan.	Retained	No comment.	No recommendation.
221	18 AAC 75.451(n)	None	(n) In this section “manufacturer’s rated throughput capacity,” also referred to as “manufacturer’s nameplate recovery rate,” means the maximum rate at which the skimmer system can recover and process oil under ideal conditions, as stated by the manufacturer, and represents the total liquid recovered within the limitations of the test method. In skimming systems where the pump on the skimming device is the limiting factor for liquid throughput, the manufacturer’s rated throughput capacity is derived from the rated capacity of the pump. It is accepted that the manufacturer’s rated throughput capacity should be used in conjunction with a derating factor to account for various real-world conditions including changing encounter rate, slick thickness, changes in oil properties, and inclement weather.	Added	No comment.	No recommendation.
222	18 AAC 75.451 Editor's Note	None	Editor’s Note: The request for a skimmer system efficiency evaluation and the statement of contractual terms forms are available on the department’s website search page: http://dec.alaska.gov/spar/ppr/regulations-guidance/forms-applications/. Completed forms can be submitted to the department inbox at INBOXNAME@ADDRESS.	Added	No comment.	No recommendation.
223	18 AAC 75.452(a)	18 AAC 75.425(e)(4) and (A)	Part 4 - Oil discharge prevention and contingency plan, Best Available Technology Review. (a) 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) (b) of this section . 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) (b) of this section , these technologies include	Amended	No comment.	No recommendation.
224	18 AAC 75.452(a)(1)	18 AAC 75.425(e)(4)(A)	(1) at a minimum, for all contingency plans:	Retained	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
225	18 AAC 75.452(a)(1)(A)	18 AAC 75.425(e)(4)(A)(i)	(A) communications described under 18 AAC 75.449(a)(4);	Retained	No comment.	No recommendation.
226	18 AAC 75.452(a)(1)(B)	18 AAC 75.425(e)(4)(A)(i)	(B) source control procedures to stop the discharge at its source and prevent its further spread described under 18 AAC 75.449(a)(6)(G);	Retained	No comment.	No recommendation.
227	18 AAC 75.452(a)(1)(C)	18 AAC 75.425(e)(4)(A)(i)	(C) trajectory analyses and forecasts described under 18 AAC 75.449(a)(6)(E); and	Retained	No comment.	No recommendation.
228	18 AAC 75.452(a)(1)(D)	18 AAC 75.425(e)(4)(A)(i)	(D) wildlife capture, treatment, and release procedures and methods described under 18 AAC 75.449(a)(6)(M);	Retained	This proposed requirement should be removed because ADEC is proposing that wildlife response actions follow the Alaska Regional Response Team <i>Wildlife Protection Guidelines for Oil Spill Response in Alaska</i> . It is highly unlikely ADEC will accept an alternative.	Recommend withdrawing this requirement.
229	18 AAC 75.452(a)(2)	18 AAC 75.425(e)(4)(A)(ii)	(2) for an oil terminal, a crude oil transmission pipeline, or an exploration or production facility contingency plan:	Retained	This section should refer to an " oil discharge prevention and contingency plan."	Recommend revising as follows: (2) for an oil terminal, a crude oil transmission pipeline, or an exploration, or production facility oil discharge prevention and contingency plan:
230	18 AAC 75.452(a)(2)(A)	18 AAC 75.425(e)(4)(A)(ii)	(A) a leak detection system for each tank if required by 18 AAC 75.065(i)(4) or another leak detection system approved by the department under 75.065(j)(4)(B);	Retained	No comment.	No recommendation.
231	18 AAC 75.452(a)(2)(B)	18 AAC 75.425(e)(4)(A)(ii)	(B) [ANY OTHER] another leak detection or spill prevention or control system approved by the department under 18 AAC 75.065(h)(1)(D);	Amended	To be consistent with the language in 18 AAC 75.065(h)(1)(D) the words "or control" should be removed.	Recommend revising as follows: (B) another leak detection or spill prevention or control system approved by the department under 18 AAC 75.065(h)(1)(D);
232	18 AAC 75.452(a)(2)(C)	18 AAC 75.425(e)(4)(A)(ii)	(C) 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); and	Retained	No comment.	No recommendation.
233	18 AAC 75.452(a)(2)(D)	18 AAC 75.425(e)(4)(A)(ii)	(D) protective coating and cathodic protection if required by 18 AAC 75.080 [(d)] (l), or (m)(1) or (2);	Retained	ADEC proposed removal of 18 AAC 75.080(d), which is the requirements for facility oil piping cathodic protection. Requirements under (l) and (m) only pertain to protective coatings. Reference to "cathodic protection" should be removed.	Recommend revising as follows: (D) protective coating and cathodic protection if required by 18 AAC 75.080(l), or (m)(1) or (2);
234	18 AAC 75.452(a)(3)	18 AAC 75.425(e)(4)(A)(iii)	(3) for a tank vessel contingency plan:	Retained	No comment.	No recommendation.
235	18 AAC 75.452(a)(3)(A)	18 AAC 75.425(e)(4)(A)(iii)	(A) measures to assure prompt detection of an oil discharge as required by 18 AAC 75.027(d);	Retained	No comment.	No recommendation.
236	18 AAC 75.452(a)(3)(B)	18 AAC 75.425(e)(4)(A)(iii)	(B) 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 19 AAC 75.027(f)] and	Amended	No comment.	No recommendation.
237	18 AAC 75.452(a)(3)(C)	18 AAC 75.425(e)(4)(A)(iii)	(C) escort vessels;	Retained	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
238	18 AAC 75.452(a)(4)	18 AAC 75.425(e)(4)(A)(iv)	(4) for a crude oil transmission pipeline contingency plan, leak detection, monitoring, and operating requirements for crude oil pipelines that [INCLUDE PROMPT LEAK DETECTION] do not have the continuous capability to detect a daily discharge equal to not more than one percent of daily throughput as required by 18 AAC 75.055 [(a)] ;	Amended	The added specification that BAT is required for those crude oil transmission pipelines that "do not have the continuous capability to detect a daily discharge equal to not more than one percent of daily throughput" is commendable.	No recommendation.
239	18 AAC 75.452(a)(5)	18 AAC 75.425(e)(4)(A)(v)	(5) for a barge contingency plan:	Retained	No comment.	No recommendation.
240	18 AAC 75.452(a)(5)(A)	18 AAC 75.425(e)(4)(A)(v)	(A) measures to assure prompt detection of an oil discharge as required by 18 AAC 75.037(d); and	Retained	No comment.	No recommendation.
241	18 AAC 75.452(a)(5)(B)	18 AAC 75.425(e)(4)(A)(v)	(B) means to recover a barge that breaks free of its towing vessel as required by 18 AAC 75.037(f);	Retained	No comment.	No recommendation.
242	18 AAC 75.452(a)(6)	18 AAC 75.425(e)(4)(A)(vi)	(6) for a railroad tank car contingency plan:	Retained	No comment.	No recommendation.
243	18 AAC 75.452(a)(6)(A)	18 AAC 75.425(e)(4)(A)(vi)	(A) measures to assure prompt detection of a tank car leak as required by 18 AAC 75.450(b)(5) ;	Amended	No comment.	No recommendation.
244	18 AAC 75.452(a)(6)(B)	18 AAC 75.425(e)(4)(A)(vi)	(B) spill prevention and containment devices for locomotive fueling systems, and spill collection and recovery devices at locomotive fueling and tank car filling [LOCATIONS] stations as required by 18 AAC 75.075(g) ;	Amended	No comment.	No recommendation.
245	18 AAC 75.452(a)(6)(C)	18 AAC 75.425(e)(4)(A)(vi)	(C) avalanche detection and mitigation systems as required by 18 AAC 75.085(4) ; and	Amended	No comment.	No recommendation.
246	18 AAC 75.452(a)(6)(D)	18 AAC 75.425(e)(4)(A)(vi)	(D) track-mounted railroad tank car defect detector systems [AND AVALANCHE DETECTION AND MITIGATION SYSTEMS] as required by 18 AAC 75.085(5) ;	Amended	No comment.	No recommendation.
247	18 AAC 75.452(a)(7)	18 AAC 75.425(e)(4)(B) and (C)	(7) for each applicable technology under (a) of this section, identify all available technologies and include a written analysis of each technology, using the applicable criteria in (b) of this section; and include a written justification that the technology proposed to be used is the best available for the applicant's operation.	Retained	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
248	18 AAC 75.452(b)	18 AAC 75.445(k)	(b) <u>Best Available Technology Review - for purposes of [18 AAC 75.425(e)(4),] (a) of this section, the department will review a plan and make a best available technology determination using the following criteria, as applicable:</u>	Retained	ADEC should consider revising this section and its subsection to better consolidate and streamline the text. This section has the same heading as (a). Because it is presented as criteria ADEC will use to "make a BAT determination," it likely could be summarized.	Recommend revising as follows: (b) Best Available Technology <u>Review Criteria - for purposes of (a) of this section, the department will review a plan and make a best available technology determination using the following applicable criteria for best available technology includes, as applicable: transferability and availability, effective discharge prevention and environmental protection, cost and sustainability, age and condition, feasibility of facility integration, impact to environment, and net environmental benefit analysis. Response equipment identified in response scenarios required by 18 AAC 75.449(a)(6) or (7) shall be considered best available technology if the plan appropriately demonstrates effective capability to respond to a discharge of the applicable response planning standard established under 18 AAC 75.430 - 18 AAC 75.442. Technology that complies with performance standards of 18 AAC 75.005 - 18 AAC 75.080 and that is not subject to (a) of this section shall be considered best available technology.</u>
249	18 AAC 75.452(b)(1)	18 AAC 75.445(k)(1)	(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;	Retained	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .452(b).
250	18 AAC 75.452(b)(2)	18 AAC 75.445(k)(2)	(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 (a) of this section will be considered best available technology;	Retained	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .452(b).
251	18 AAC 75.452(b)(3)	18 AAC 75.445(k)(3)	(3) technology identified under (a) of this section will be evaluated using the following criteria, if applicable:	Retained	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .452(b).
252	18 AAC 75.452(b)(3)(A)	18 AAC 75.445(k)(3)(A) and (B)	(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;]	Amended	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .452(b).
253	18 AAC 75.452(b)(3)(B)	18 AAC 75.445(k)(3)(C)	(B) whether there is a reasonable expectation each technology will provide increased spill prevention or other environmental benefits;	Retained	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .452(b).
254	18 AAC 75.452(b)(3)(C)	18 AAC 75.445(k)(3)(D)	(C) 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;	Retained	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .452(b).

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
255	18 AAC 75.452(b)(3)(D)	18 AAC 75.445(k)(3)(E) and (F)	(D) 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;]	Amended	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .452(b).
256	18 AAC 75.452(b)(3)(E)	18 AAC 75.445(k)(3)(G)	(E) the practical feasibility of each technology in terms of engineering and other operational aspects; and	Retained	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .452(b).
257	18 AAC 75.452(b)(3)(F)	18 AAC 75.445(k)(3)(H)	(F) whether other environmental impacts of each technology, including air, land, water pollution, and energy requirements, offset anticipated environmental benefits.	Retained	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .452(b).
258	18 AAC 75.452(c)	18 AAC 75.445(l)	(c) If the department's determination under [(K)] (b) 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.	Retained	No comment.	Recommend revising as follows: (c) If the department's determination determines criteria under (b) of this section is indicate that a technology proposed for use by the applicant plan holder is not the best available technology, the department will provide a written finding explaining its decision determination .
259	18 AAC 75.453	18 AAC 75.445(e), 18 AAC 75.445(n), 18 AAC 75.425(e)(3)(B)(ii) and 18 AAC 75.425(e)(5)	Part 5 - Oil discharge prevention and contingency plan, Response Planning Standard. The plan 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 reductions to the response planning standard, and include, based on the receiving environment [(l) OF THIS SUBPARAGRAPH] 18 AAC 75.451(c), 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 that will reach open water.	Amended	No comment.	No recommendation.
260	None	18 AAC 75.425(f)	[(f) FOR PURPOSES OF THIS SECTION AND 18 AAC 75.445, 'TECHNOLOGY' MEANS EQUIPMENT, SUPPLIES, OTHER RESOURCES, AND RELATED PRACTICES]	Repealed	No comment.	No recommendation.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
261	18 AAC 75.455(a)	18 AAC 75.455(a)	(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. <u>For minor amendment applications that are determined to be a major amendment, the department will determine if the application package is sufficient for review not later than seven working days after it is determined to be a major amendment.</u> If the application package is not sufficient for review, the department will notify the applicant in writing.	Amended	<p>ADEC should specify that the applicant will be notified in writing if an application package IS sufficient for review, not just if it IS NOT.</p> <p>ADEC should not adopt the proposed new requirement because it unduly adds more time to initial review a major amendment application package. ADEC should simultaneously conduct review to determine if an amendment application package is "major" with review to determine if an application is "sufficient."</p> <p>Seven (7) working days is a reasonable timeframe to conduct this simultaneous review for a major amendment to an existing plan, which should already be familiar to ADEC. The review process under 18 AAC 75.455 is already very lengthy; the proposed new requirement adds additional time (e.g., adding 7 working days to the initial 10 working days under 18 AAC 75.415(f), which totals to about 21 days), when it is unnecessary to do so.</p> <p>ADEC should, instead, revise 18 AAC 75.415(f) to align with the timeframe in 18 ACC 75.455(a) to provide a reasonable seven (7) working days to review an amendment application package (e.g., instead of the current 10 working days) to make a determination if the package is "major" and if it is sufficient for review.</p>	<p>Recommend revising as follows:</p> <p>(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 and will notify the plan holder of this determination. For minor amendment applications that are determined to be a major amendment, the department will determine if the application package is sufficient for review not later than seven working days after it is determined to be a major amendment. If the application package is not sufficient for review, the department will notify the applicant in writing.</p>
262	18 AAC 75.455(b)(2)	18 AAC 75.455(b)(2)	(2) direct the applicant to provide copies of the application package to the department [REVIEWERS] in accordance with 18 AAC 75.408(c);	Amended	No comment.	No recommendation.
263	18 AAC 75.455(b)(3)	18 AAC 75.455(b)(3)	(3) set the public comment period for a minimum of 30 days; if the department determines the application 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;	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
264	18 AAC 75.455(b)(5)	18 AAC 75.455(b)(5)	(5) [DIRECT THE APPLICANT TO PUBLISH A ONE-TIME NOTICE PROVIDED BY] the department <u>will publish an online public notice</u> announcing the public comment period for the plan <u>and will notify interested stakeholders of the availability of the package on the department's Internet website by electronic mail to a listserv facilitated by the department;</u> [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	Amended	Removal of the requirement for applicants to publish a notice in one or more publications of general circulation is highly commendable. Utilizing current and established online public notice systems creates a significant efficiency and improves the timeline for plan reviews.	No recommendation.
265	18 AAC 75.455(b)(5)(C)	18 AAC 75.455(b)(5)(C)	(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	Amended	No comment.	No recommendation.
266	18 AAC 75.455(b)(5)(D)	18 AAC 75.455(b)(5)(D)	(D) a statement that the application package is available on the department's Internet website.	Amended	No comment.	No recommendation.
267	18 AAC 75.455(c)(1)	18 AAC 75.455(c)(1)	(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 60 [90] days after the end of the public comment period in (b) of this section; <u>if the department determines the package to be unusually large or complex, or determines a longer period is required, the request will be transmitted not later than 90 days,</u> the department may set a deadline for the submittal of the additional information;	Amended	Change from 90 to 60 days for review of public comments and to determine if additional information is necessary is a positive change; however, this process should be further streamlined in order to fit a plan review into the 180-day period provided by 18 AAC 75.410(a) and .420(a). A 30 or 45-day period should be sufficient for ADEC to review public comments received and to determine if additional information is necessary. This period should not be used for ADEC to review an application. ADEC should be closely familiar with plans under a renewal application and new plan applications should be reviewed and understood during pre-application consultation. It is expected that ADEC conducts a thorough plan review and assessment during the 30-day public comment period. AOGA commented during scoping, that members have experienced ADEC using this entire 90-day period to review an application and issue a request for information when little to no substantial public comment was received. A lengthy time period causes applications to unnecessarily linger. ADEC should notify the applicant in writing that a package is "unusually large or complex" or if a longer period is required and the review is to then take up to 90 days.	

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
268	18 AAC 75.455(c)(2)	18 AAC 75.455(c)(2)	(2) the applicant must provide responses to the [DEPARTMENT'S] requests for additional information to the department as required by 18 AAC 75.408(c)(1) - (4) and (7);	Amended	No comment.	No recommendation.
269	18 AAC 75.455(d)	18 AAC 75.455(d)	(d) Upon receipt and review 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.	Amended	ADEC should set a time period for review of the applicant's responses to requests for additional information. Experience has shown that this time period can linger on indefinitely, which can threaten the 180-day timeline to review an application. ADEC should commit to no more than 10 working days for review of the applicant's responses to requests for additional information. In most cases, 10 working days equates to two weeks, which is a reasonable timeframe.	Recommend setting a time period of 10 working days for ADEC review of the responses to requests for additional information.
270	18 AAC 75.455(f)	18 AAC 75.455(f)	(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 if, no later than 20 days before the end of the public comment period under (b)(3) of this section, a hearing is requested by	Amended	ADEC should reference the specific items under 18 AAC 15.060 that apply and streamline this section to include one requirement.	Recommend revising as follows: (f) The department will hold a public hearing on an application package in the manner provided under 18 AAC 15.060 (d) through (h) if, no later than 20 days before the end of the public comment period under (b)(3) of this section, a hearing is requested by in accordance with 18 AAC 15.060(a)(1) or (2), or if it determines that good cause exists.
271	18 AAC 75.455(f)(1)	None	(1) 50 residents of the affected area;	Added	This should not be adopted because it is already provided in 18 AAC 15.60 and repeating the language is unnecessary.	Recommend withdrawing this requirement.
272	18 AAC 75.455(f)(2)	None	(2) the governing body of an affected municipality; or	Added	This should not be adopted because it is already provided in 18 AAC 15.60 and repeating the language is unnecessary.	Recommend withdrawing this requirement.
273	18 AAC 75.455(f)(3)	None	(3) if the department determines that good cause exists.	Added	This should not be adopted because it is already provided in 18 AAC 15.60 and repeating the language is unnecessary.	Recommend withdrawing this requirement.
274	18 AAC 75.455(g)	18 AAC 75.455(g)	(g) Not later than 60 [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 issue a decision under 18 AAC 75.460.	Amended	ADEC should set a more reasonable time period to make a determination. A 30 or 45-day period should be sufficient and would ensure reviews are completed within the 180-day time period under 18 AAC 74.410(a) and .420(a).	Recommend reducing the time from 60 days to 30 or 45 days.
275	18 AAC 75.456(a)	18 AAC 75.456(a)	(a) The department will approve or disapprove [MAKE A DECISION ON] a 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 streamlined plan application submitted under 18 AAC 75.421 if the plan meets the following requirements:	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
276	18 AAC 75.456(a)(2)-(5)	18 AAC 75.456(a)(2)-(5)	(2) the [ANY] streamlined plan cleanup contractor identified under 18 AAC 75.426(11) is registered under 18 AAC 75.500 - 18 AAC 75.580 for the appropriate classification and region of operation identified in the application; (3) the [ANY] streamlined plan incident management team identified under 18 AAC 75.426(11) is registered under 18 AAC 75.500 - 18 AAC 75.580 for the appropriate classification and region of operation identified in the application; (4) the [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; and [.] (5) the [ANY] noncrude oil tank vessel or barge meets the onboard equipment, training, and personnel requirements of 18 AAC 75.429.	Amended	No comment.	No recommendation.
277	18 AAC 75.457	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. Modifications [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.	Amended	No comment.	No recommendation.
278	18 AAC 75.459(a)	18 AAC 75.459(a)	(a) [AT ANY TIME] After the department has determined the application package is complete and before the department issues its [THE DEPARTMENT'S] decision under 18 AAC 75.460, the applicant may request a preissuance conference from the [APPROPRIATE] department [OFFICE]. The request must [MAY] be made in writing [ORALLY], and will be granted if the applicant demonstrates that holding a conference will materially aid the department in reaching its decision.	Amended	The requirement that a request "materially aid" ADEC in its decision is restrictive. Applicants (plan holders) should have the ability to request a conference for any reason. 18 AAC 15.070 describes a preissuance conference as "discretionary, informal, and nonadjudicative;" therefore, a request for conference should not be subject to "decision."	Recommend revising as follows: (a) After the department has determined the an application package is complete and before the department issues its decision under 18 AAC 75.460, the applicant may request a preissuance conference from the department. The request must be made in writing, and will be granted if the applicant demonstrates that holding a conference will materially aid the department in reaching its decision.
279	18 AAC 75.459 Editor's Note	18 AAC 75.459 Editor's Note	Editor's note: Requests for a preissuance conference can be submitted to the department inbox at INBOXNAME@ADDRESS . 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.	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
280	18 AAC 75.460(b)(1)	18 AAC 75.460(b)(1)	(1) the department's written decision, if it is the department's determination that an oil discharge prevention and contingency plan decision [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;	Amended	No comment.	No recommendation.
281	18 AAC 75.460(b)(2)	18 AAC 75.460(b)(2)	(2) a statement that, if aggrieved by the department's decision, the applicant or a [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 a [ANY] hearing requested under this subparagraph will be subject to the procedures set out under 18 AAC 15.195 - 18 AAC 15.340; and	Amended	No comment.	No recommendation.
282	18 AAC 75.460(b)(3)	18 AAC 75.460(b)(3)	(3) a statement requiring [THAT] the plan holder to [WILL] provide copies of the approved plan in accordance with 18 AAC 75.408 not later than 30 days after approval unless the department determines that the plan is unusually large or complex, in which case the decision will include a statement requiring the plan holder to provide copies not later than 45 days after approval; the department will notify interested stakeholders of the availability of the approved plan on the department's Internet website by electronic mail to a listserv facilitated by the department [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].	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
283	18 AAC 75.460(c)	18 AAC 75.460(c)	(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 a request for additional information was made. The applicant and a [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.	Amended	No comment.	No recommendation.
284	18 AAC 75.460 Editor's Note	18 AAC 75.460 Editor's Note	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, 610 University Avenue, Fairbanks, AK 99709 [555 CORDOVA STREET, ANCHORAGE, ALASKA 99501 - 2617] . The mailing address for adjudicatory hearing requests is Department of Environmental Conservation, Office of the Commissioner, Box 111800, Juneau, AK 99811-1800 [410 WILLOUGHBY AVENUE, SUITE 303, JUNEAU, ALASKA 99801] . Department of Environmental Conservation approval under 18 AAC 75.460 does not negate [ANY] other requirements [requirement] for approval to operate under other statutes or regulations.	Amended	No comment.	No recommendation.
285	18 AAC 75.465(a)(1)	18 AAC 75.465(a)(1)	(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, or an electronic version if it is retrievable by the operator at all times , approving the oil discharge prevention and contingency plan or streamlined plan for that operation; and	Amended	The requirement for "retrievable at all times" seems unnecessary and should be removed. ADEC has committed to post plans and plan approval letters with certificates on their website; therefore ADEC should reconsider keeping this requirement.	Recommend revising as follows: (1) the operator of the vessel, barge, or railroad tank car has produced for inspection by the facility owner or operator the original approval certificate, a true photocopy of the original, or an electronic version if it is retrievable by the operator at all times, approving for the oil discharge prevention and contingency plan or streamlined plan for that operation; and

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
286	18 AAC 75.465(a)(2)	18 AAC 75.465(a)(2)	(2) the operator of the vessel, barge, or railroad tank car 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 streamlined plan approval certificate, or an electronic version if it is retrievable by the operator at all times , 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.	Amended	The requirement for "retrievable at all times" seems unnecessary and should be removed. ADEC has committed to post plans and plan approval letters with certificates on their website; therefore ADEC should reconsider keeping this requirement.	Recommend revising as follows: (2) ...true photocopy of the original streamlined plan approval certificate, or an electronic version if it is retrievable by the operator at all times , 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.
287	18 AAC 75.465(b)	18 AAC 75.465(b)	(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 (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, and must retain logs for five years. As applicable, the owner or operator of an oil terminal facility may notify the department to suspend the requirement to submit a monthly log for seasonal operations where no fuel transfers occur, including for facilities that do not expect to complete fuel transfers due to frozen river conditions. 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.	Amended	If logs must be retained for five years, there's not reason to state logs shall be maintained "on a monthly basis." Specifying facilities with suspended due to frozen river conditions is too specific. The requirement should be generalized to include suspension due to "environmental conditions." To avoid compliance uncertainty, notification to ADEC should be required; the word "may" should be revised to "must."	Recommend revising as follows: (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 (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, and Logs must be retained logs for five years. As applicable, the owner or operator of an oil terminal facility may must notify the department to suspend the requirement to submit a monthly log for seasonal operations where no fuel transfers occur or when environmental conditions prohibit operations, including for facilities that do not expect to complete fuel transfers due to frozen river conditions. Submission is effective upon personal delivery, 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.
288	18 AAC 75.465(c)	18 AAC 75.465(c)	(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 or [,] electronic mail [OR FACSIMILE TRANSMISSION] .	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
289	18 AAC 75.465(e)	18 AAC 75.465(e)	<p>(e) Each facility that has a plan approved under 18 AAC 75.460(a) and each vessel that has a streamlined plan approved under 18 AAC 75.456(a) must at all times have available at the facility, or for a railroad tank car must at all times have available from the operator of the railroad tank car, the original, a true photocopy of, or an electronic version of the following:</p> <p>(1) the current approved oil discharge prevention and contingency plan or streamlined plan;</p> <p>(2) the approval letter and certificate of approval issued by the department; and</p> <p>(3) additional department approval letters issued after initial plan approval is granted.</p> <p>[(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.]</p>	Repealed and readopted	Remove the phrase "at all times" as it is unnecessary. ADEC has committed to post plans and plan approval letters with certificates on their website; therefore ADEC should reconsider keeping this requirement.	Recommend revising as follows: (e) Each facility that has a plan approved under 18 AAC 75.460(a) and each vessel that has a streamlined plan approved under 18 AAC 75.456(a) must at all times have available at the facility, or for a railroad tank car must at all times have available from the operator of the railroad tank car, the original, a true photocopy of , or an electronic version of the following: (1) the current approved oil discharge prevention and contingency plan or streamlined plan; (2) the approval letter and certificate of approval issued by the department; and (3) additional department approval letters issued after initial plan approval is granted.
290	18 AAC 75.465 Editor's Note	None	<p>Editor's note: The verification log is available on the department's website search page: http://dec.alaska.gov/spar/ppr/regulations-guidance/forms-applications/. The verification log may be mailed to the Alaska Department of Environmental Conservation at 555 Cordova Street, Anchorage, Alaska 99501 or emailed to DECSPARC-PLAN@alaska.gov.</p>	Added	This section includes a specific email address instead of "INBOXNAME@ADDRESS."	No recommendation.
291	18 AAC 75.475(a)	18 AAC 75.475(a)	<p>(a) All spill response and other equipment identified in the approved oil discharge prevention and contingency plan or streamlined plan to meet the response planning standards set out at 18 AAC 75.430 - 18 AAC 75.442 must be maintained in operational condition. Equipment [ANY EQUIPMENT] found not to be operating properly must be repaired or replaced immediately.</p>	Amended	No comment.	No recommendation.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
292	18 AAC 75.475(b)	18 AAC 75.475(b)	(b) Except for a transfer approved under 18 AAC 75.470, if a significant change occurs in, or is made to, <u>a [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. For equipment that is maintained by a streamlined plan cleanup contractor, the cleanup contractor shall be responsible for this notification. [AN ELECTRONIC MAIL OR FACSIMILE TRANSMISSION DELIVERED TO THE APPROPRIATE DEPARTMENT OFFICE WILL BE CONSIDERED WRITTEN NOTICE FOR PURPOSES OF THIS SUBSECTION.]</u> 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.	Amended	No comment.	No recommendation.
293	18 AAC 75.475(c)	18 AAC 75.475(c)	(c) Notwithstanding (a) and (b) of this section, removal or inactivation of <u>a [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.</u>	Amended	No comment.	No recommendation.
294	18 AAC 75.475 Editor's Note	None	<u>Editor's note: A notification of nonreadiness can be submitted to the department inbox at INBOXNAME@ADDRESS.</u>	Added	No comment.	No recommendation.
295	18 AAC 75.480(a)	18 AAC 75.480(a)	(a) To verify <u>[COMPLIANCE WITH] that an owner or operator of a facility subject to the provisions of AS 46.04.030, AS 46.04.055, and 18 AAC 75.400 - 18 AAC 75.496 is in compliance with those statutes and regulations, or to verify compliance with an approved oil discharge prevention and contingency plan or a streamlined plan under those regulations,</u> the department may conduct announced and unannounced inspections of <u>a facility that is subject to those requirements.</u>	Repealed and readopted	The phrase "of a facility that is subject to those requirements" is redundant and should be removed. Proposed added language in 18 AAC 75.480(e) could be consolidate into this section.	Recommend revising as follows: (a) To verify that an owner or operator of a facility subject to the provisions of AS 46.04.030, AS 46.04.055, and 18 AAC 75.400 - 18 AAC 75.496 is in compliance with those statutes and regulations, or to verify <u>a facility is in</u> compliance with an approved oil discharge prevention and contingency plan or a streamlined plan under those regulations, the department may conduct announced and unannounced <u>facility inspections and audit of a facility that is subject to those requirements. Upon mutual agreement between the facility owner or operator and the department, the department may conduct inspection and audit using virtual technology.</u>

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
296	18 AAC 75.480(b)	None	<u>(b) The owner or operator of a facility subject to the requirements of AS 46.04.030, AS 46.04.055, and 18 AAC 75.400 - 18 AAC 75.496 shall allow the department to, at reasonable times and upon presentation of credentials establishing authority, enter or access the facility to conduct in-person or virtual inspections and verification of</u>	Added	To improve and streamline plan contents, this section should be consolidated with sections (1) through (3) that follow.	Recommend revising as follows: (b) The owner or operator of a facility subject to the requirements of AS 46.04.030, AS 46.04.055, and 18 AAC 75.400 - 18 AAC 75.496 shall allow the department to, at reasonable times and upon presentation of credentials establishing authority, enter or access the facility to conduct in-person or virtual facility inspections and audit to verification of <u>verify compliance with (1) facility-</u> infrastructure and prevention requirements under 18 AAC 75.001 - 18 AAC 75.085; (2) <u>availability and operability of oil-</u> spill <u>identified</u> response resources <u>equipment under 18 AAC 75.451(g) identified in the approved plan;</u> and (3) facility-specific records required to be maintained at the facility under (c) of this section.
297	18 AAC 75.480(b)(1)	None	<u>(1) facility infrastructure and prevention requirements under 18 AAC 75.001 - 18 AAC 75.085;</u>	Added	ADEC may not have knowledge or certification to evaluate "infrastructure" (e.g., engineering degree or certification); therefore that word should be removed. ADEC inspections should only focus on compliance with prevention requirements.	Recommend withdrawing this requirement and consolidating into a single section under .480(b).
298	18 AAC 75.480(b)(2)	None	<u>(2) availability and operability of oil spill response resources identified in the approved plan; and</u>	Added	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .480(b).
299	18 AAC 75.480(b)(3)	None	<u>(3) facility-specific records required to be maintained at the facility under (c) of this section.</u>	Added	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .480(b).
300	18 AAC 75.480(c)	None	<u>(c) The owner or operator of a facility subject to the requirements of AS 46.04.030, AS 46.04.055, and 18 AAC 75.400 - 18 AAC 74.496 must maintain and provide copies of required documents to the department upon request during a facility inspection, including a records audit; the department may choose to make its own copies;</u>	Added	To improve and streamline plan contents, this section should be consolidated with sections (1) and (2) that follow.	Recommend revising as follows: (c) The owner or operator of a facility subject to the requirements of AS 46.04.030, AS 46.04.055, and 18 AAC 75.400 - 18 AAC 74.496 must <u>readily</u> maintain and <u>have available,</u> provide copies of required documents <u>required by those statutes and regulations, and must provide them</u> to the department upon request during a facility inspection <u>and audit under 18 AAC 75.480(b), including a records audit;</u> The department may choose to make its own copies;
301	18 AAC 75.480(c)(1)	None	<u>(1) records provided for review and inspection include documents required under 18 AAC 75.001 – 18 AAC 75.085 and 18 AAC 75.400 - 18 AAC 75.496; and</u>	Added	This requirement is redundant to .480(c), which refers to documents required by 18 AAC 75.400 - 18 AAC 74.496.	Recommend withdrawing this requirement and consolidating into a single section under .480(c).
302	18 AAC 75.480(c)(2)	None	<u>(2) documents required to be located at the facility under 18 AAC 75.240 and 18 AAC 75.400 - 18 AAC 75.496 must be readily available and provided to the department as part of an in-person or virtual facility inspection.</u>	Added	No comment.	Recommend withdrawing this requirement and consolidating into a single section under .480(c).

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
303	18 AAC 75.480(d)	None	<u>(d) During a facility inspection under this section, the department may obtain samples of suspected contaminated materials for purposes of compliance verification with 18 AAC 75.400 - 18 AAC 75.496.</u>	Added	<p>This proposed new requirement is not appropriate for Article 4 of the regulations. It is questionable as to intent and purpose because "suspected" contamination is not quantifiable.</p> <p>ADEC should not adopt this proposed new requirement.</p> <p>If, during a facility inspection, a spill is detected or discovered, then in accordance with requirements of 18 AAC 75 Article 3, the process and procedures for spill notification and reporting will be followed and spill investigation and cleanup will occur.</p> <p>If not already, ADEC authority to collect samples of "suspected" contaminated materials should be addressed in 18 AAC 75 Article 3, Discharge Reporting, Cleanup, and Disposal of Oil and Other Hazardous Substances.</p>	Strongly recommend withdrawing requirement.
304	18 AAC 75.480(e)	None	<u>(e) Upon mutual agreement between the facility owner or operator and the department, the department may conduct inspections using virtual technology.</u>	Added	This statement should be included with the provision to conduct inspection and audit under 18 AAC 75.480(a).	Recommend withdrawing this requirement and consolidating into a single section under .480(a).
305	18 AAC 75.480(f)	18 AAC 75.480(a)	(f) If practicable, an inspection under this section will be coordinated with other regulatory agencies.	Retained	No comment.	No recommendation.
306	18 AAC 75.480(g)	18 AAC 75.480(b)	(g) Based on the results of an inspection made under this section, the department will take appropriate action under 18 AAC 75.490.	Retained	<p>ADEC inspections should result in timely communication of results and findings.</p> <p>Delay in issuing results and findings or requests for additional information is burdensome when they occur months after an inspection or when short-term projects (e.g., exploration) that were inspected have completed. Personnel and facility operations have provided time and effort to assist in detailed facility inspections and to receive no follow up or results communications or letter from ADEC is a missed opportunity and devalues the effort.</p> <p>Compliance audits are valued as an important process to ensure safe and incident free operations and fosters continuous improvement. The perspective of an external observer benefits the facility even when no non-compliance items are found. ADEC should provide timely inspection results to demonstrate effective oversight of regulated facilities and to facilitate continuous improvement.</p>	<p>Recommend revising as follows:</p> <p>(g) Based on the results of an inspection <u>or audit conducted</u> made under this section, the department will take appropriate action under 18 AAC 75.490. <u>The department will notify the facility owner or operator of results within 30 days of completing the inspection or audit.</u></p>

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
307	18 AAC 75.485(a)	18 AAC 75.485(a)	(a) The department [MAY] conducts announced and unannounced discharge exercises to ensure that an oil discharge prevention and contingency plan or the initial response actions in a streamlined plan for a noncrude oil tank vessel or barge are adequate in content and execution. [UNLESS AN EXERCISE DEMONSTRATES, IN THE DEPARTMENT'S JUDGMENT, A PLAN HOLDER'S FAILURE TO IMPLEMENT THE PLAN EFFECTIVELY, IN EACH 12-MONTH PERIOD,] The department will conduct:	Amended	No comment.	No recommendation.
308	18 AAC 75.485(a)(1)	18 AAC 75.485(a)(1)	(1) [NOT MORE THAN TWO EXERCISES] for an oil discharge prevention and contingency plan,	Amended	No comment.	No recommendation.
309	18 AAC 75.485(a)(1)(A)	None	<u>(A) the department will conduct one operations based discharge exercise for each 5-year plan approval cycle in coordination with the plan holder, based on the Homeland Security Exercise and Evaluation Program methodology described in the department's Oil Spill Response Exercise Manual , adopted in (e) of this section, and</u>	Added	<p>The proposed added requirement provides clarity as to ADEC expectations to conduct a single operations based discharge exercise in accordance with the ADEC <i>Oil Spill Response Exercise Manual</i> under a 5-year plan approval. This exercise should be conducted in accordance only with the Exercise Manual, which incorporates only select portions of the Homeland Security Exercise and Evaluation Program (HSEEP). The requirement to conduct one such exercise in each 5-year plan approval cycle is reasonable.</p> <p>It is understood that allowances under proposed section 18 AAC 75.485(e) permit plan holders to conduct an exercise required by 18 AAC 75.485(a)(1)(A) under National Preparedness for Response Exercise Program guidelines if the plan holder provides an opportunity for ADEC to participate. ADEC participation may be in accordance with the ADEC Exercise Manual.</p> <p>It is expected that additional exercises may be conducted in accordance with similar provisions of current regulations at 18 AAC 75.485(d). Plan holders should have the flexibility to conduct regularly scheduled training exercises that are not subject to the strict HSEEP or ADEC Exercise Manual planning and evaluation process, which may be impractical or may overly complicate the training exercise.</p>	<p>Recommend revising as follows: (A) the department will conduct one operations based discharge exercise for each 5-year plan approval cycle in coordination with the plan holder; the exercise will be conducted in accordance with based on the Homeland Security Exercise and Evaluation Program methodology described in the department's Oil Spill Response Exercise Manual , MONTH, XX, 202X, adopted by reference adopted in (e) of this section, and</p>
310	18 AAC 75.485(a)(1)(A) (continued)				If ADEC adopts the <i>Oil Spill Response Exercise Manual</i> as a required tool, this section should formally establish that requirement. Additionally, the public should be allowed to provide comment on the document, as we do here. In a separate table, we provide review and comment on ADEC's <i>Oil Spill Response Exercise Manual</i> .	

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
311	18 AAC 75.485(a)(1)(B)	None	<u>(B) the department may conduct not more than one additional exercise in each 12-month period; and</u>	Added	This proposed added requirement retains the potential for an ADEC announced or unannounced exercise during the year, but reduces it from two to one. It is recognized that in each 5-year plan approval cycle the "annual" exercise would be in addition to an exercise required under (A) of this subsection. The language suggests an "annual" exercise is not specifically required; this is commendable. Therefore, the expected number of exercises for an oil discharge prevention and contingency plan in each 5-year plan approval cycle is a minimum of one (e.g., an "operations-based" exercise under (A)), and a maximum of six.	No recommendation.
312	18 AAC 75.485(a)(2)	18 AAC 75.485(a)(2)	<u>(2) for each noncrude oil tank vessel or barge with a streamlined plan, the plan holder must conduct one exercise onboard the vessel in each 12-month period to ensure on-going familiarity with on-board response equipment and response actions required under 18 AAC 75.429(a) and capability to conduct initial emergency response actions required under 18 AAC 75.426(5); the exercise must be an operations-based drill as described in the department's Oil Spill Response Exercise Manual, adopted in (e) of this section and must include documentation of readiness of on-board response equipment and currency of on-board personnel training; the plan holder will self-certify the exercise conduct and lessons learned and any corrective actions taken as a result on a form provided by the department; the plan holder will retain documentation of each exercise in retrievable form; exercise records must be kept for five years and copies shall be provided to the department upon request; the department may conduct not more than one additional onboard equipment deployment exercise in each 12-month period.</u>	Repealed and readopted	No comment.	No recommendation.
313	18 AAC 75.485(b)	18 AAC 75.485(b)	(b) Execution of [A PLAN] an oil discharge prevention and contingency plan during a discharge exercise will be considered inadequate if the readiness for response and response performance [STATED] described 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 75.451(i).	Amended	The complete term, "oil spill primary response action contractor" should be used in this requirement.	Recommend revising as follows: (b) Execution of an oil discharge prevention and contingency plan during a discharge exercise will be considered inadequate if the readiness for response and response performance described 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 an oil spill primary response action contractor identified under 18 AAC 75.451(i).

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
314	18 AAC 75.485(c)	None	<u>(c) Execution of an onboard initial emergency response operations-based exercise for a streamlined plan will be considered inadequate if the plan holder is not able to conduct initial response actions in a timely and effective manner or if the plan holder fails to complete and retain the required self-certification form for each on-board exercise as required under (a)(2) of this section.</u>	Added	No comment.	No recommendation.
315	18 AAC 75.485(d)	18 AAC 75.485(c)	(d) If <u>an oil discharge prevention and contingency plan or noncrude streamlined [A]</u> plan holder cannot adequately execute the plan during a discharge exercise, the department [WILL, IN ITS DISCRETION,] may	Amended	Should the word "noncrude" be used here?	If applicable, recommend removing the word "noncrude."
316	18 AAC 75.485(d)(1)	18 AAC 75.485(c)(1)	(1) require additional exercises until it is satisfied that the <u>oil discharge prevention and contingency plan or the noncrude streamlined plan</u> and its execution are adequate; or	Amended	Should the word "noncrude" be used here?	If applicable, recommend removing the word "noncrude."
317	18 AAC 75.485(d)(2)	18 AAC 75.485(c)(2)	(2) take other appropriate action as described at 18 AAC 75.490.	Retained	No comment.	No recommendation.
318	18 AAC 75.485(e)	18 AAC 75.485(d)	(e) The department will consider a regularly scheduled training exercise <u>or a Preparedness for Response Exercise Program exercise</u> initiated by a plan holder as a discharge exercise, <u>as required under (a) of this section</u> , 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.] <u>participates in the planning and evaluation of an operations-based exercise as outlined in the Homeland Security Exercise and Evaluation Program methodology and described in the department's Oil Spill Response Exercise Manual, MONTH, XX, 202X, adopted by reference.</u>	Amended	It is understood that allowances under proposed section 18 AAC 75.485(e) permit plan holders to conduct an exercise required by 18 AAC 75.485(a)(1)(A) under National Preparedness for Response Exercise Program (PREP) guidelines if the plan holder provides an opportunity for ADEC to participate. ADEC participation may be in accordance with the ADEC Exercise Manual. For purposes of meeting requirements of new proposed 18 AAC 75.485(a)(1)(B) for oil discharge prevention and contingency plans, plan holders should have the flexibility to conduct regularly scheduled training exercises or exercises conducted in accordance with National Preparedness for Response Exercise Program that are not subject to the strict Homeland Security Exercise and Evaluation Program (HSEEP) planning and evaluation process nor with the Exercise Manual, which incorporates only select portions of HSEEP. HSEEP and Exercise Manual methods may be impractical or may overly complicate the training exercise	Recommend revising as follows: (e) The department will consider a regularly scheduled training exercise or a National Preparedness for Response Exercise Program exercise initiated by a plan holder as a discharge exercise, as required under (a) of this section, if the <u>plan holder provides an opportunity for the department to participate, in the planning and evaluation of an operations-based exercise as outlined in the Homeland Security Exercise and Evaluation Program methodology and described in Department participation may be in accordance with the department's Oil Spill Response Exercise Manual, MONTH, XX, 202X, adopted by reference in (a)(1)(A) of this section.</u>

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
319	18 AAC 75.485(e) (continued)				ADEC should not strictly require regularly scheduled training exercises or National PREP exercises that qualify as a discharge exercise to be planned and evaluated under HSEEP methodology. Rather, the regulation should simply continue to require "opportunity for the department to participate." In practicality, it is not always feasible for ADEC staff to attend multiple meetings required under the HSEEP method. Plan holders should not be forced to delay trainings or exercises to accommodate ADEC availability. ADEC can audit trainings and exercises they attend or review after-action records.	
320	18 AAC 75.485(f)	18 AAC 75.485(e)	(f) The department will conduct announced or unannounced discharge exercises appropriate to the plan holder's current status of operations.	Retained	No comment.	No recommendation.
321	18 AAC 75.485(g)	None	<u>(g) In this section</u>	Added	No comment.	No recommendation.
322	18 AAC 75.485(g)(1)	None	<u>(1) "Homeland Security Exercise and Evaluation Program" means the January, 2020 Federal Emergency Management Agency document that provides a set of guiding principles for exercise programs, as well as a common approach to exercise program management, design and development, conduct, evaluation, and improvement planning; and</u>	Added	ADEC should remove reference to Homeland Security Exercise and Evaluation Program in proposed sections 18 AAC 75.485(a)(1)(A) and .485(e).	Recommend withdrawing this requirement.
323	18 AAC 75.485(g)(2)	None	<u>(2) "Preparedness for Response Exercise Program" (PREP) means the April, 2016 document that provides a mechanism for exercise compliance with Oil Pollution Act of 1990 mandated federal pollution response exercise requirements; PREP is a unified federal effort and provides one option that satisfies the exercise requirements of the: United States Department of Homeland Security, United States Coast Guard, Environmental Protection Agency, Pipeline and Hazardous Materials Safety Administration, and Bureau of Safety and Environmental Enforcement.</u>	Added	This information is appropriate because many plan holders maintain plans that also comply with federal oil spill response requirements that require exercises in accordance with National Preparedness for Response Exercise Program requirements.	No recommendation.
324	18 AAC 75.485 Editor's Note	None	<u>Editor's Note: The <i>Oil Spill Response Exercise Manual</i> is available on the department's website page: CORRECT URL. The exercise self-certification form referenced in 18 AAC 75.485(a)(2) is available on the department's website search page: CORRECT URL.</u>	Added	No comment.	No recommendation.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
325	18 AAC 75.489	None	<u>In this Article "temporary basis" is defined as the use of an oil storage tank for a duration of less than a total of 12 consecutive months at a facility; and includes oil storage tanks used for construction or maintenance activities but does not include tanks that are moved within the facility and used for more than 12 months.</u>	Added	The proposed requirements that include the term "temporary basis" should instead include the wording from the definition of temporary basis provided here; thus this definition is unnecessary.	Recommend withdrawing this requirement. See recommended revisions to proposed sections 18 AAC 75.415(i) and .451(b)(2), which incorporate this definition.
326	18 AAC 75.490(a)	18 AAC 75.490(a)	(a) If a plan holder fails to comply with an approved oil discharge prevention and contingency plan or streamlined 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	Amended	No comment.	No recommendation.
327	18 AAC 75.495(a)	18 AAC 75.495(a)	<u>(a) Three coastal areas and one inland area, and associated geographic zones as described in (b) of this section, are established for the regional master oil and hazardous substance discharge prevention and contingency plan boundaries as required by AS 46.04.210; planning areas and geographic zones are depicted on the map in Figure 1:</u>	Repealed and readopted	No comment.	No recommendation.
328	18 AAC 75.495(a)(1)	None	<u>(1) The Southeast Alaska Area planning boundaries mimic the Southeast Alaska Captain of the Port Zone, and extend seaward from the coastline 200 nautical miles to the Economic Exclusion Zone; the Area also extends inland 1,000 yards; the Southeast Alaska geographic zone, as described in (b) of this section, lies partially within the Southeast Alaska Area;</u>	Repealed and readopted	No comment.	No recommendation.
329	18 AAC 75.495(a)(2)	None	<u>(2) Prince William Sound Area planning boundaries mimic the Prince William Sound Captain of the Port Zone and extend seaward from the coastline 200 nautical miles to the Economic Exclusion Zone; the Area also extends inland 1,000 yards and includes the Lowe River from Port Valdez to Thompson Pass; the Prince William Sound geographic zone, as described in (b) of this section, lies partially within the Prince William Sound Area;</u>	Repealed and readopted	No comment.	No recommendation.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
330	18 AAC 75.495(a)(3)	None	<u>(3) The Arctic and Western Alaska Area planning boundaries mimic the Western Alaska Captain of the Port Zone and extend seaward from the coastline 200 nautical miles to the Economic Exclusion Zone; the Area also extends inland 1,000 yards, and includes the Knik River up to Old Glenn Highway Bridge, the Kuskokwim River up to Bethel Old Army Airstrip, the Kvichak River up to Levelock Creek, the Naknek River up to King Salmon Quinault Landing, the Nushagak River up to Black Point, the Wood River up to South end of Sheep Island, the Yukon River up to Pitkas Point and the Andreafsky River confluence, not including St. Marys; the following geographic zones, as defined in (b) of this section, lie partially within the Arctic & Western Alaska Area: Aleutian Island, Bristol Bay, Cook Inlet, Kodiak Island, North Slope, Northwest Arctic, Prince William Sound, and Western Alaska;</u>	Repealed and readopted	No comment.	No recommendation.
331	18 AAC 75.495(a)(4)	None	<u>(4) The Alaska Inland Area includes all terrestrial land of the state 1,000 yards inland of the coastline not encompassed by the planning areas in paragraphs (1)-(3); portions of all ten geographic zones described in (b) of this section lie partially within the Alaska Inland Area.</u>	Repealed and readopted	No comment.	No recommendation.
332	18 AAC 75.495(b)	None	<u>(b) The ten geographic zones are defined by the department as follows:</u>	Repealed and readopted	No comment.	No recommendation.
333	18 AAC 75.495(b)(1)	18 AAC 75.495(a)(1)	<u>(1) Southeast Alaska Geographic Zone: that zone includes the 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, and having as its seaward boundary a line drawn so that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;</u>	Repealed and readopted	No comment.	No recommendation.
334	18 AAC 75.495(b)(2)	18 AAC 75.495(a)(2)	<u>(2) Prince William Sound Geographic Zone: that zone south of 63° 30' N. latitude, west of the zone described in (1) of this subsection, and east of the zone described in (3) of this subsection, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn so that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;</u>	Repealed and readopted	No comment.	No recommendation.
335	18 AAC 75.495(b)(3)	18 AAC 75.495(a)(3)	<u>(3) Cook Inlet Geographic Zone: that zone 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 so that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;</u>	Repealed and readopted	No comment.	No recommendation.

	A	B	C	D	E	F
1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
336	18 AAC 75.495(b)(4)	18 AAC 75.495(a)(4)	<u>(4) Kodiak Island Geographic Zone: that zone encompassed by the boundaries of the Kodiak Island Borough, extending from the Barren Islands at the north to Chirikof Island and the Semidi Island group at the south, and the coastal area watershed draining to the Shelikof Strait on the south side of the Alaska Peninsula from Cape Kilokak to Cape Douglas; the Kodiak archipelago and west side of Shelikof Strait within the Kodiak Island Borough is approximately 100 miles wide and 250 miles long; it includes more than 5,000 square miles of land, no point of which is more than 15 miles from the sea, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn so that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;</u>	Repealed and readopted	No comment.	No recommendation.
337	18 AAC 75.495(b)(5)	18 AAC 75.495(a)(5)	<u>(5) Aleutian Island Geographic Zone: that zone encompassed by the boundaries of the Aleutians East Borough, the Aleutians West Census Area, and the Pribilof Islands, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn so that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;</u>	Repealed and readopted	No comment.	No recommendation.
338	18 AAC 75.495(b)(6)	18 AAC 75.495(a)(6)	<u>(6) Bristol Bay Geographic Zone: that zone encompassed by the boundaries of the Dillingham Census 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 so that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;</u>	Repealed and readopted	No comment.	No recommendation.
339	18 AAC 75.495(b)(7)	18 AAC 75.495(a)(7)	<u>(7) Western Alaska Geographic Zone: that zone north of the zone described in (6) of this subsection, encompassed by the boundaries of the southernmost boundary of the Bering Straits Native Corporation, and Iditarod and Kuspuk Regional Educational Attendance Areas, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn so that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;</u>	Repealed and readopted	No comment.	No recommendation.
340	18 AAC 75.495(b)(8)	18 AAC 75.495(a)(8)	<u>(8) Northwest Arctic Geographic Zone: that zone encompassed by the Northwest Arctic Borough and the Bering Straits Native Corporation, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn so that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;</u>	Repealed and readopted	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
341	18 AAC 75.495(b)(9)	18 AAC 75.495(a)(9)	<u>(9) North Slope Geographic Zone: that zone encompassed by the boundaries of the North Slope Borough, including adjacent shorelines and state waters, and having as its seaward boundary a line drawn so that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured; and</u>	Repealed and readopted	No comment.	No recommendation.
342	18 AAC 75.495(b)(10)	18 AAC 75.495(a)(10)	<u>(10) Interior Alaska Geographic Zone: that zone of the state not included in (1) - (9) of this subsection.</u>	Repealed and readopted	No comment.	No recommendation.
343	18 AAC 75.495(c)	18 AAC 75.495(b)	<u>(c) If the department finds that a discharge that could occur in an area beyond the territorial sea would not have a significant adverse effect 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.</u>	Repealed and readopted	No comment.	No recommendation.
344	18 AAC 75.495(d)	None	<u>(d) In this section, the "Captain of the Port Zone" boundaries are those established in 33 C.F.R. 3.85-15, as revised as of March 21, 2008, and adopted by reference.</u>	Repealed and readopted	No comment.	No recommendation.
345	18 AAC 75.495 (Figure 1)	None	<u>Figure 1: Regional Master Contingency Plan Boundaries (18 AAC 75.495)</u>	Repealed and readopted	No comment.	No recommendation.
346	18 AAC 75.496	18 AAC 75.496	The regions described in this section and depicted on the map at Figure [1] 2 are established for the purpose of establishing boundaries for nontank vessel plans:	Amended	Amended, but not shown as a change in the proposed regulation revisions.	No recommendation.
347	18 AAC 75.496(5)	18 AAC 75.496(5)	(5) Aleutian Region: those areas encompassed by the boundaries of the Aleutians East Borough, the Aleutians West Census Area [ALEUTIANS WEST COASTAL RESOURCE SERVICE AREA] , and the Pribilof Islands, including adjacent shorelines and state waters;	Amended	No comment.	No recommendation.
348	18 AAC 75.496(6)	18 AAC 75.496(6)	(6) Bristol Bay Region: that area encompassed by the boundaries of the Dillingham Census Area [BRISTOL BAY COASTAL RESOURCE SERVICE AREA] , the Bristol Bay Borough, and the Lake and Peninsula Borough, including adjacent shorelines and state waters;	Amended	No comment.	No recommendation.
349	18 AAC 75.496(7)	18 AAC 75.496(7)	(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 Native Corporation [BERING STRAITS REGIONAL CORPORATION] , and Iditarod and Kuspuk Regional Educational Attendance Areas [11 AND 5] , including adjacent shorelines and state waters;	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
350	18 AAC 75.496(8)	18 AAC 75.496(8)	(8) Northwest Arctic Region: that area encompassed by the Northwest Arctic Borough and the <u>Bering Straits Native Corporation</u> [BERING STRAITS REGIONAL CORPORATION], including adjacent shorelines and state waters;	Amended	No comment.	No recommendation.
351	18 AAC 75.496 (Figure 2)	18 AAC 75.496 (Figure 1)	Figure [1] 2: Regional Master Contingency Plan Boundaries (18 AAC 75.495)	Amended	No comment.	No recommendation.
352	18 AAC 75.990(9)	18 AAC 75.990(9)	(9) "best available technology" means the best proven technology that satisfies the provisions of <u>18 AAC 75.452</u> [18 AAC 75.425(e)(4) AND 18 AAC 75.445(k)];	Amended	No comment.	No recommendation.
353	18 AAC 75.990(42)	18 AAC 75.990(42)	(42) "facility" or "facility or operation" means any offshore or onshore structure, improvement, vessel, vehicle, land, enterprise, endeavor, or act; "facility" or "facility or operation" includes an oil terminal facility, tank vessel, oil barge, pipeline, railroad tank car, railroad, and an exploration or production facility;	None Proposed	This definition could be clarified.	Recommend revising as follows: (42) "facility" or "facility or operation" means any offshore or onshore structure, improvement, vessel, vehicle, land, enterprise, endeavor, or act; <u>in 18 AAC 75.005 – 18 AAC 75.085 and 18 AAC 75.400 – 18 AAC 75.490</u> , "facility" or "facility or operation" includes <u>means</u> an oil terminal facility, tank vessel, oil barge, crude oil transmission pipeline, railroad tank car, railroad, and an exploration, or production facility;
354	18 AAC 75.990(74)	18 AAC 75.990(74)	(74) "oil spill primary response action contractor," for purposes of <u>18 AAC 75.451</u> [18 AAC 75.425 AND 18 AAC 75.445], has the meaning given in 18 AAC 75.500(a);	Amended	No comment.	No recommendation.
355	18 AAC 75.990(96)	18 AAC 75.990(96)	(96) ["PRINCE WILLIAM SOUND TOWING PACKAGE" MEANS A TOWING GEAR ASSEMBLY THAT CONSISTS OF (A) 400 FEET OF 2-1/4 INCH TOW REACHING WIRE; (B) 720 FEET OF SIX-INCH POLYPROPYLENE FLOATING PICKUP LINE; (C) ONE FLOATING PICKUP BUOY; AND (D) A "D" SHACKLE, 2-1/4 INCHES IN DIAMETER, WITH A 4-1/8 INCH JAW OPENING, AND A BREAKING STRAIN OF 55 TONS, TO CONNECT THE FLOATING LINE TO THE TOW REACHING WIRE;]	Repealed	No comment.	No recommendation.
356	18 AAC 75.990(134)	18 AAC 75.990(134)	(134) "transmission pipeline" means a pipeline through which crude oil moves in transportation, including line pipe, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units; "transmission pipeline" does not include gathering lines, flow lines, or facility oil piping;	None Proposed	Terminology within the regulations must be consistent. The words "crude oil" should be added to this definition. The term "gathering lines" is not defined and should be removed.	Recommend revising as follows: (134) " <u>crude oil</u> transmission pipeline" means a pipeline through which crude oil moves in transportation, including line pipe, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units; " <u>crude oil</u> transmission pipeline" does not include gathering lines , flow lines, or facility oil piping;

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
357	18 AAC 75.990(156)	18 AAC 75.990(156)	(156) "region of operation" means, with respect to (A) an oil discharge prevention and contingency plan other than a streamlined plan for a nontank vessel, a geographic zone [region] established under 18 AAC 75.495; and (B) a streamlined plan for a nontank vessel, a region established under 18 AAC 75.496;	Amended	No comment.	No recommendation.
358	18 AAC 75.990(162)	18 AAC 75.990(162)	(162) "annual average daily oil production volume" means the average oil production volume from a common reservoir to a common production facility based on the highest annual volume produced by a well at the facility during the previous 12-months [CALENDAR YEAR] divided by 365 [THE NUMBER OF] days [IN THE YEAR] , expressed as barrels per day; for a production facility that does not have 12-months of data, the average daily production volume is based on the total produced volume by the highest producing well for the period that data is available, divided by the number of days in that period;	Amended	No comment.	No recommendation.
359	18 AAC 75.990(164)	18 AAC 75.990(164)	(164) " area [SUBAREA] contingency plan" means a regional master oil and hazardous substance discharge prevention and contingency plan approved under AS 46.04.210;	Amended	No comment.	No recommendation.
360	18 AAC 75.990(191)	18 AAC 75.990(191)	(191) "application package is complete" means that the applicant has provided the information necessary for the department to review and evaluate the plan using the criteria established under 18 AAC 75.448-18 AAC 75.453 [18 AAC 75.445] for oil discharge prevention and contingency plans;	Amended	No comment.	No recommendation.
361	18 AAC 75.990(195)	18 AAC 75.990(195)	(195) "sufficient for review" means that the application package contains the information necessary to begin the public review of the plan including the information identified in (A) 18 AAC 75.408; (B) 18 AAC 75.449 - 453 [18 AAC 75.425(e)(1) - (5) FOR OIL DISCHARGE PREVENTION AND CONTINGENCY PLANS]; and (C) supporting documentation as requested by the department.	Amended	The provisions of (C) should be removed. It is unlikely ADEC would request supporting documentation for a sufficiency review.	Recommend repealing (C) in this section.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
362	18 AAC 75.990(200)	18 AAC 75.990(200)	(200) "limit of quantitation" (A) means the smallest concentration that produces a quantitative result with known and recorded precision and bias; and (B) is set at or above the concentration of the lowest initial calibration standard and within the calibration range;[.]	Amended	No comment.	No recommendation.
363	18 AAC 75.990(XXX)	None	<u>(XXX) "deadweight tonnage" has the meaning given in 46 C.F.R. 309.2, revised as of August 23, 1974, and adopted by reference;</u>	Added	No comment.	No recommendation.
364	18 AAC 75.990(XXX)	None	<u>(XXX) "failsafe" means designed so that the equipment defaults to a closed condition in the event of an equipment failure;</u>	Added	No comment.	No recommendation.
365	18 AAC 75.990(XXX)	None	<u>(XXX) "primary operational control" means the person that exercises control over a vessel while the vessel is in state waters; this includes control over the port of call, arrangement for loading or unloading of oil, setting out the parameters of the approved prevention and response plan including speed, transfer procedures, tug escort, and crew standards and response to spills; primary operational control may be established for the purpose of holding and implementing a plan through a binding agreement between the party wishing to establish control and the vessel owner, operator or charterer.</u>	Added	No comment.	No recommendation.
366	18 AAC 75.990 Editor's Note	18 AAC 75.990 Editor's Note	Editor's note: The publications adopted by reference in 18 AAC 75.990 may be reviewed at the department's <u>office [OFFICES]</u> in Anchorage [, FAIRBANKS, OR JUNEAU,] or may be obtained directly from the appropriate publisher. The mailing address, telephone number, <u>[FACSIMILE NUMBER,]</u> and website, if available, for each publisher are as follows: American Petroleum Institute (API), 1220 L Street NW, Washington, DC 20005-4070; telephone (202) 682-8000; <u>[FAX (303) 397-2740;]</u> website: http://www.api.org .	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
367	18 AAC 75.027(f)	18 AAC 75.027(f)	(f) While in state waters, the emergency towing arrangement [LINE] must be made up and prepared for rapid deployment to a towing vessel. The towing arrangement [TOW LINE] must be fitted to allow towing [TOW] vessels commonly available in the area of operation to take the vessel in tow rapidly. For a vessel over 20,000 deadweight tonnage the towing arrangement must meet the requirements of 33 C.F.R. 155.235, revised as of DATE, and adopted by reference [OPERATING AT THE OIL LOADING TERMINAL AT VALDEZ, THE PRINCE WILLIAM SOUND TOWING PACKAGE MAY BE USED INSTEAD OF HAVING LINES MADE UP, IF THE PACKAGE PERMITS RAPID DEPLOYMENT TO A TOWING VESSEL].	Amended	No comment.	No recommendation.
368	18 AAC 75.075(i)	18 AAC 75.075(i)	[IN THIS SECTION, "FAILSAFE" MEANS DESIGNED SUCH THAT THE EQUIPMENT DEFAULTS TO A CLOSED CONDITION IN THE EVENT OF AN EQUIPMENT FAILURE.]	Repealed	No comment.	No recommendation.
369	18 AAC 75.500(c)	18 AAC 75.500(c)	(c) The holder of an approved oil discharge prevention and contingency plan whose resources are listed in the plan of another plan holder to meet the requirements of AS 46.04.030 and 18 AAC 75.400 - 18 AAC 75.495 is not required to register as an oil spill primary response action contractor, but is subject to all other requirements of 18 AAC 75.451(i) [18 AAC 75.425(e)(3)(H) AND 18 AAC 75.445(i)(1) AND (i)(2)].	Amended	No comment.	No recommendation.
370	18 AAC 75.510(a)(2)	18 AAC 75.510(a)(2)	(2) all other requirements of 18 AAC 75.451(i) [18 AAC 75.425(e)(3)(H) AND 18 AAC 75.445(i)] are met.	Amended	No comment.	No recommendation.
371	18 AAC 75.560(a)	18 AAC 75.560(a)	(a) In addition to the requirements of (b) of this section, the minimum registration standards and verification requirements for an oil spill primary response action contractor listed in an approved oil discharge prevention and contingency plan are the oil discharge prevention and contingency plan requirements and the response planning standards set out in AS 46.04.030 and 18 AAC 75.428 – 18 AAC 75.495 [18 AAC 75.425 - 18 AAC 75.495] that are applicable to a contractor listed in an approved oil discharge prevention and contingency plan.	Amended	No comment.	No recommendation.
372	18 AAC 75.560(b)(3)	18 AAC 75.560(b)(3)	(3) training of contractor personnel must comply with 18 AAC 75.451(j) [18 AAC 75.445(j)] and must include appropriate Occupational Safety and Health Administration Hazardous Operations training;	Amended	No comment.	No recommendation.

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1	Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment	AOGA Recommendation
373	18 AAC 75.580	18 AAC 75.580	Unless the department has taken action under 18 AAC 75.570 for failure to comply, a registered oil spill primary response action contractor, streamlined plan cleanup contractor, streamlined plan incident management team, or response planning facilitator may ask the department to terminate registration and to remove that contractor's name from the list required by AS 46.04.035(e). A request under this section must be in writing and must be sent to all affected plan holders by certified mail. After the receipt of proof that all affected plan holders have been notified, the request must be submitted to the department with the certificate of registration and proof that all affected plan holders were notified. A request under this section becomes effective on the 30th day after the department receives it as provided in 18 AAC 75.451(i)(1)(D) [18 AAC 75.445(i)(1)(D)], 18 AAC 75.531(8)(C), 18 AAC 75.532(9)(C), and 18 AAC 75.533(6)(C), as applicable.	Amended	No comment.	No recommendation.

AOGA Technical Review and Comment
ADEC Proposed Revisions to 18 AAC 75 Article 4
Oil Spill Response Exercise Guidance, version April 16, 2018

January 31, 2022

PAGE NO.	EXISTING TEXT	COMMENT
	Guidance Document should remain a guidance document or be distilled down into a concise set of regulations.	If the document is truly meant to be adaptable then it should not be considered regulation. Regulations are not generally flexible and the document is too dense to enforce as a whole. It is about twice as long as it needs to be, there are significant issues with grammar and usage, and overall, forgets that the exercise ultimately belongs to the plan holder. ADEC needs to decide if they want to direct the exercises or evaluate the exercise prepared by the plan holder.
i	Acknowledgements	Please remove this page. This document is already quite dense. These acknowledgements are from 5 years ago and as the document evolves it becomes less important to recognize them.
iv	PREFACE ADEC is pleased to present the Oil Spill Response Exercise Guidance: A Manual for Planning, Conducting, and Evaluating Exercises (Guidance). The Guidance is part of a dedicated effort to improve ADEC's Oil Spill Response Exercise Program to better serve the needs of regulated oil operators, response action contractors, state and federal agencies, and other exercise stakeholders, while improving oil spill response readiness within the State of Alaska. As part of ADEC's Spill Response Exercise Improvement Project, ADEC conducted an outreach effort with stakeholders to collaborate on improvements. ADEC's outreach effort included an online survey in November 2016 and two web-based visioning sessions in December 2016. A summary of the survey, the visioning session results, and ADEC's preliminary decisions on key topics were presented in an all-day stakeholder's workshop in April 2017. ADEC has considered the input gained from these efforts in the development of this Guidance. Summary reports of information gathered during the stakeholder outreach phase of the project are available online at ADEC's website: http://dec.alaska.gov/spar/ppr/prevention-preparedness/exercises/guidance .	Please remove this text. ADEC adopted an HSEEP model when NPREP was the overwhelming recommendation of this committee. This text makes it sound like it was collaborative.
3	Table 4	Add verbiage to clarify that this is applicable to the plan holder's plan or the plan holder's IMT. Some companies have multiple plans and a single IMT.
Various	references to a Facility ODPCP or facility plan.	Remove "facility." Some ODPCPs have more than one facility included in their plan.

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PAGE NO.	EXISTING TEXT	COMMENT
3	<ul style="list-style-type: none"> Require exercise commitments to be contained within an ODPCP as part of the facility exercise program or coincide with the facility's staff training program; and/or 	Delete. If the Department would like exercise commitments in the ODPCP this should be written into the regulation. If the Department would like to include exercise commitments in an plan holder's training program, they should write regulations around training requirements and incorporate them into 18 AAC 75.020.
3	Although ADEC reserves the right to plan and conduct an announced or unannounced exercise of an ODPCP holder, under most circumstances	Remove. This is already covered in Table 1.
6	to "count" for a 485 exercise include:	Remove scare quotes from around the word count. Usually, this implies that the author doesn't agree with the use of the term.
5	It is important to understand that ADEC exercise players will not work at the direction of the ODPCP holder or their representatives and contractors. For example,	Remove this text. It is extraneous from the body of the copy.
10	ADEC Unannounced Exercises ADEC may conduct an unannounced exercise to test a specific portion of the ODPCP. Unannounced exercises will not appear on the exercise schedule. ADEC may choose to work with someone from the ODPCP holder's organization as a trusted agent to coordinate the exercise. A trusted agent is an individual on the exercise planning team that is trusted to not inform the players of the exercise or scenario.	Remove. This is already covered in Table 1.
11, Various	Drill name nomenclature is inconsistent with HSEEP. If it is the Department's intention to align with the HSEEP structure, then the drill names and types should align as well. For instance the heading FUNCTIONAL/TABLETOP EXERCISES. Functional exercises are operations-based exercises under HSEEP while Tabletop Exercises are discussion-base.	Recommend adopting HSEEP nomenclature for consistency.
11	A MSEL (see glossary) may be used to guide controllers	Acronyms should be spelled out on first reference. Change "A MSEL (see glossary)" to "A Master Scenario Events List (MSEL)" and use MSEL thereafter.
11	Simulators (i.e., role players) in a Simulation Cell (SimCell or Truth) can inject scenario elements to simulate real events (i.e., injects).	Recommend removing all the parentheticals in this sentence and revising as follows: "Role players in a Simulation Cell (SimCell) can inject scenario elements to simulate real events."
13	While ADEC does not expect each step of each phase to be applied to every operator, application of the methodology should be coordinated with the ODPCP reviewer.	Remove. If the planning team is truly collaborative, then application of the methodology should be reviewed by the exercise planning team, not the ODPCP reviewer. The ODPCP reviewer is the expert in the ODPCP, not necessarily HSEEP.

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PAGE NO.	EXISTING TEXT	COMMENT
Multiple locations	Header style	A style sheet should be developed for this document and utilized. Section headers differ in style from section to section. For instance, under EXERCISE DESIGN AND DEVELOPMENT is supposed to be a subset of The Exercise Planning Process. But only EXERCISE DESIGN AND DEVELOPMENT appears in the table of contents. Under EXERCISE DESIGN AND DEVELOPMENT there is the sub-head "Design Phase" and "Exercise Joint Planning Team" but these subsections are in different colors. Recommend making the style and table of contents in this document consistent.
14	Exercise Joint Planning Team The exercise joint planning team (planning team) is responsible for exercise design, development, conduct, and evaluation. The planning team should be comprised of representatives from the ODPCP facility; ADEC or other state agencies; the USCG, EPA, or other federal agencies; or local stakeholders [such as Regional Citizen Advisory Councils (RCACs)], as appropriate. The planning team may be expanded to include subject matter experts to provide expertise for objective and	Change "Exercise Joint Planning Team" to " Exercise Planning Team " for consistency with HSEEP and the rest of the document. Change "ADEC or other state agencies" to " ADEC and other state agencies. " Change "USCG, EPA, or other federal agencies" to read " representative from the Federal On-Scene Coordinator area of responsibility (EPA or USCG) and supporting federal agencies. "
15	The ODPCP holder will normally assume the role of lead exercise planner.	To align with HSEEP nomenclature, use " Planning Team Lead and/or Exercise Director. "
15	If avoidable, planning team members should not participate as players in the exercise, however they may serve as evaluators (examples of exceptions to this include drills of limited scope or scale and functional exercises where one staff person from ADEC and the ODPCP holder are sufficient for exercise evaluation).	Remove the words "if avoidable." They are redundant to the rest of the sentence.
15	ADEC may need to add objectives and evaluation criteria to the planning effort to address specific ODPCP components.	Change "ADEC may need to add objectives and evaluation criteria to the planning effort to address specific ODPCP components." to "ADEC may need to request additional objectives and evaluation criteria to the exercise to address specific ODPCP components." The exercise belongs to the plan holder. This is a guidance document for the exercise program, not the ODPCP.
15	Header: Planning Team Meetings	Change to Planning Team Meeting Types to align with HSEEP.
16	It is held to develop the scope and objectives of the exercise.	Remove. It is a Concept and Objectives meeting, not a Scope and Objectives meeting.
16	The exercise planning team, including the ADEC exercise planner, will attend concepts and objective meetings along with any subject matter experts needed to develop the scope and objectives of the exercise.	Change scope to concept.

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17	Reference to footnotes on the meetings.	The HSEEP tables are concise and provide clarity to the meeting process. Referring the reader to an additional document is cumbersome. Insert the meeting components tables from HSEEP. If HSEEP is updated and the document is repaginated these references are no longer valid.
18	FUNCTIONAL/TABLETOP EXERCISES Commonly referred to as a tabletop exercise by ADEC and the Alaska Spill Response Community, functional exercises are designed to validate capabilities, multiple functions and/or sub-functions, or interdependent groups of functions.	This statement creates confusion. A Functional Exercise is operations-based while a Tabletop Exercise is discussion-based. Recommend using definitions in alignment with HSEEP and shifting away from current confusion in the Alaska Spill Response Community.
18	Exercise Objectives For ADEC, the overarching objective of a 485 exercise is to assure	Change to "Exercise Objectives For ADEC, the overarching objective of a 485 exercise is to ensure that an ODPCP..."
19, second paragraph	Table 4 presents HSEEP's SMART guidelines,	Change to "Table 5 presents HSEEP's SMART guidelines,"
19, 2 paragraphs under Table 5	There are referenced to the Unified Plan	The Unified Plan has been superseded by the Alaska Regional Contingency Plan . Update reference of Unified Plan, Annex 1 to the Alaska Regional Contingency Plan "PART THREE – CHEMICAL COUNTERMEASURES: DISPERSANTS, CHEMICAL AGENTS, AND OTHER SPILL MITIGATING SUBSTANCES, DEVICES, OR TECHNOLOGY"
20	A master exercise scenario provides a written outline of the simulated event and its anticipated development over time. The master scenario may be written as a narrative or depicted by an event timeline. Many exercise players from Alaska may consider 'the scenario' the information given at the start of play (i.e., description of the exercise spill and actions taken up to the start of the exercise). However, the spill description provided at the start of play is only a piece of the master scenario developed by the exercise planning team. During the exercise design and development phases, the exercise planning team must consider anticipated actions by the exercise players and agree upon the results of those simulated actions to further continued play. This ensures that an exercise is adequately simulated to allow player opportunity to meet an objective.	Remove the word "master" in front of scenario to avoid confusion with the MSEL. Remove the words "from Alaska" as not all players are from Alaska. Remove single quotes around 'the scenario'. Remove "This ensures that an exercise is adequately simulated to allow player opportunity to meet an objective." This will not ensure objectives are met.
20	Table 6	Remove "Tabletop" and use "Functional Exercise" to align with HSEEP.

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21	Verbiage around not divulging the nature of a scenario prior to the exercise.	Strong disagreement with this because it does not align with current plan holder practices. Utilizing the scenario for pre-exercise training ensures that the exercise players are able to take a far deeper dive than they would in a single day of play. An ICS 232 that may only get an hour or two of attention during an exercise, might get several days of review in pre-exercise training with additional attention on the day of the exercise. An unannounced scenario leads to an exercise of initial response while an announced scenario leads to the development of long-term plans that can be utilized in the exercise but also archived should the same or similar incident ever happen.
21	Additional references to master scenario.	Remove the word " master. "
21, paragraph 1	The master scenario SHOULD NOT be provided to the exercise players. Players should receive an appropriate description of the spill incident and any initial actions that have occurred up to the start of the exercise. If the players are provided with the master scenario that is within the hands of the controllers, the elements of oil spill response decision making may lead to the exercise becoming more of a show than a true demonstration of capabilities. Exercise controllers have the important task and challenge of making sure that scenario information is made available to players in a timely and realistic manner, but not so much that it “scripts” the actions of the exercise players.	Change "master scenario" to scenario. Unbold and uncap "should not." Delete scare quotes around "scripts." If kept, this should read: The scenario should not be provided to the exercise players. Players should receive an appropriate description of the spill incident and any initial actions that have occurred up to the start of the exercise. If the players are provided with the scenario that is within the hands of the controllers, the elements of oil spill response decision making may lead to the exercise becoming more of a show than a true demonstration of capabilities. Exercise controllers have the important task and challenge of making sure that scenario information is made available to players in a timely and realistic manner, but not so much that it scripts the actions of the exercise players.
21, last line	• Visual renditions of the simulated spill scenario are useful for exercise conduct initial	Change to: • Trajectories and modeling of the simulated spill scenario are useful for exercise conduct initiation.
22	• Scenarios should include spill locations, estimated volumes, and a qualitative description of the simulated spill along with any technical details, (i.e., will detailed facility diagrams be needed?)	Remove (i.e., will detailed facility diagrams be needed?). It is extraneous.
22	Description of the source if source control is an objective.	Provide clarity on what is considered an objective. Does this refer to an objective for the exercise or an objective within the ICS 202? If it an objective for the exercise, this should already be worked out through the plan holders ability to shut down operations in their ODPCP.

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22	The master scenario SHOULD NOT be shared with exercise players, however, exercise players should be provided: o An appropriate description of the spill itself to start the exercise (can be depicted visually). o Any actions that may have occurred up to the point of the start of the exercise, such as spill discovery and any source control actions.	Remove.
22-24	Exercise Documentation	This guidance document describes the documents that may be developed as part of the process but does not set a boundary on what should be included in the After Action Report (recommend adding this into the C&O Meeting)
23, Table 7	Master Scenario Events List (as warranted)	Remove (as warranted).
23, Table 7 footnote	*Documents complexity and substance should be scaled to align with the scope of exercise	This is extraneous and recommend removing.
23	Header: Preparation of the MSEL	Change to Master Scenario Events List to align with document name formats in the section.
23	Exercise Plan	Change master scenario to scenario for consistency and to avoid confusion with the MSEL.
23	Exercise Plan bulleted list	This document continuously references the SimCell with Truth. They are two different things and can be run independently or Truth be found within the SimCell. Clarify Truth as being part of the SimCell or separate the two.
24	In the first line the document indicates that the planning team develops controller and evaluator packets.	This is in addition to the Controller and Evaluator Handbook. Recommend combining these two as there is duplication.
24	Preparation of the MSEL bulleted list is too comprehensive.	A typical MSEL will include the following items: Deployment timeframe; Actual Time (to be filled in at the exercise); Event Description; Inject Delivered By (i.e. phone, text); Recipient Player; Expected Outcome; Actual Outcome. Recommend revising bulleted list.
25, Various	The use of blue headers vs. brown headers does not seem to follow any kind of formatting.	Recommend using consistent headings and subheadings throughout.
25	First line under Planning for Exercise Control reads " As described in more detail under the Exercise Conduct section ..."	Change "Exercise Conduction section..." to the actual name of the section which is "Conducting the Exercise."

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25	Under Planning for Exercise Control	The exercise belongs to the plan holder and therefore the plan holder in charge of exercise control and ultimately the outcome of the exercise lands on their shoulders. To put the control on all levels of the planning team would create chaos. If the planning team has done their job properly and cooperatively developed the MSEL then there is no need for all entities to provide exercise control. Exercise control is generally completed by experts in the field they are controlling (i.e. the OSRO controls operations). This make up for exercise control is inappropriate. Remove "It is recommended that the controller team and the evaluator team makeup is consistent, e.g., include one representative each from the ODPCP holder, ADEC, and EPA or USCG (mirroring that of the joint planning team). The lead exercise planner typically serves as the lead exercise controller coordinating the scenario progression. Key elements of exercise control include controller safety and security, staffing, structure, training, and communications."
26	first line SimCell (or Truth)	Remove (or Truth). Truth is part of the SimCell. These are not interchangeable.
27	Under Exercise Control, second line "(SimCell or Truth)"	Remove (SimCell or Truth). The header Exercise Control is adequate.
27	Second Paragraph under Exercise Control. "Scaled to meet the needs of the exercise, e	Dependent clauses need to be next to what they modify. In this case the exercise is being scaled, not exercise control. Change this to read "Exercise control may not always be needed."
27	Second Paragraph under Exercise Control. Line 2/3 delete (SimCell or Truth)	Remove (SimCell or Truth), This is redundant to Exercise Control.
27	Second paragraph under Exercise Control	Remove "For exercises such as a drill, little control may be needed." This is redundant and there is noun disagreement, exercises (plural) vs. a drill (singular).
27	Second Paragraph under Exercise Control "exercise scenario: ultimately providing opportunity"	Change the colon to a comma.
27	Third Paragraph under Exercise Control. To ensure the exercise does not stall or deviate from the scenario design parameters, the lead exercise controller and supporting controllers should gauge the flow of exercise information and injects to the exercise players and the activities of IMT Units. This also serves to keep players engaged and provide the ability to troubleshoot problems that may arise	Remove "To ensure the exercise does not stall or deviate from the scenario design parameters," as it is redundant. Remove Units after IMT as there are sections, branches and divisions in addition to units.
27	Fourth paragraph under Exercise Control "The exercise control structure will describe how exercise controllers communicate and coordinate with one another and how they track exercise information. "	This is redundant and there is verb confusion. Change to "Exercise Control will determine and communicate how exercise information is tracked."

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27	Under Evaluation of the Exercise " During the exercise, each evaluator uses the EEGs prepared during the design and development phase to record both quantitative and qualitative data (i.e., effectiveness). The EEGs are developed to evaluate the critical tasks needed to achieve the exercise objectives. Ideally, the use of SMART ... "	Acronyms need to be spelled out on the first reference. This acronym is widely used but not spelled out except in the acronyms table and on page 50. Change to Exercise Evaluation Guidance (EEG) on the first reference and then use EEG subsequently. EEG should not be plural (i.e. EEGs in further reference.) Remove (i.e., effectiveness) . The combination of qualitative and quantitative does not guarantee it is effective.
28	"Exercise players may inform an exercise evaluation and follow-up improvement planning through their observations and comment (see Exercise Evaluation section for more detail). State exercise evaluators, including the state exercise players, are specifically requested to provide evaluation on the effectiveness of an action taken to meet an objective. "	The state needs to assign a timeline to get an acknowledgement letter and comments back to the plan holder. The state often delays issuance of these letters (if they are issued at all) too far after the exercise is concluded when it is no longer fresh in anyone's mind what the comments mean. Therefore nothing can be done to mitigate them prior to the next exercise cycle. Recommend that the plan holder provides the After Action Report within 30 days of the exercise and the state provides their comments and letter within 30 days of receiving the After Action Report.
28	Last sentence. " There is a strong correlation between the assignment of knowledgeable evaluators in sufficient numbers and the value of the improvement planning phase. "	Remove. While this is likely true, ADEC provides no data to qualify this statement and there is no tracking history from this document to demonstrate this is the case.
29	First sentence "ADEC role in exercise evaluation is focused on assuring the ODPCP is adequate in content and execution (i.e., the ODPCP holder demonstrates oil spill response capability)."	Remove " ADEC role in exercise evaluation is focused on assuring the ODPCP is adequate in content and execution (i.e., the ODPCP holder demonstrates oil spill response capability). " Replace with " ADEC's role in the exercise evaluation is to validate the ODPCP and ensure the plan holder is response-ready. " The content of the ODPCP is determined adequate or inadequate in the review process.
29	Usage error. Last line of the first paragraph under Evaluation Planning.	Remove " ultimately, the improvement " and change to read " and improve the planning "
29	Second Paragraph under Evaluation Team.	These are unquantified measures. What does ADEC mean by "early in the planning process" and what is considered a small drill? Open-ended comments like these leave the door open to the plan holder getting marked down for comments from the Department when no reliable measure has been defined.
30	EEG Development	There is confusion throughout this document whether this is plural or singular. If a single guide is written to evaluate exercises then this should read EEG throughout. If it is truly multiple guides, please provide an example.

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31	Third bullet under Preparing for Evaluation Documentation.	Remove Step-by-step . If someone is in the position of being an evaluator of an exercise it suggests they have some knowledge about the process. That person would not need a prescriptive set of details.
31	For smaller facilities or in less complex exercises, the Controller and Evaluation Handbook may be a brief, simple document. For more complex exercises, it will be a longer document, containing all the information and tools that evaluators require	Define what is meant by small, complex and brief. This is too open ended to be a regulation.
32	Second paragraph under Exercise Data Analysis "During data analysis, the evaluation team consolidates data collected during the exercise and determines whether players performed critical tasks and effectively met the exercise objectives. The evaluation team also takes notes on the course of exercise play, demonstrated strengths, and areas for improvement. This informs the evaluators with not only what happened, but why events happened. "	Remove "During data analysis ...", "This informs the evaluators with not only what happened, but why events happened. " It is redundant.
32	Third paragraph. During the data analysis, it is important that evaluators review each critical task not completed as expected and each objective not met, with the aim of identifying a root cause. A root cause is the source of, or underlying reason behind, an identified issue toward which the evaluator can direct an improvement. When conducting a root-cause analysis, the evaluator should attempt to trace the origin of an exercise event back to earlier events and their respective causes. Root-cause analysis may also require the review and evaluation of the ODPCP.	Remove "During data analysis ...", change root cause to reason so continuous improvement can be achieved and corrective actions can be addressed." Remove "A root cause is the source of, or underlying reason behind, an identified issue toward which the evaluator can direct an improvement. When conducting a root-cause analysis, the evaluator should attempt to trace the origin of an exercise event back to earlier events and their respective causes. Root-cause analysis may also require the review and evaluation of the ODPCP." A root cause analysis or RCA is a structured procedure that is used in the oil and gas industry for comprehensive incident investigations. Conducting an RCA for a simple mistake in an exercise is overkill and far too comprehensive an action to correct the mistake.
32	Third bullet under Exercise Data Analysis. " Does the current ODPCP support critical tasks and objectives?"	Remove "Does the current ODPCP support critical tasks and objectives?" It is not the evaluator's job to assess the adequacy of the ODPCP. That is done in the public review and approval process of the plan.
32	Under Improvement Planning.	Remove "After the evaluation phase concludes, the improvement planning process begins." It is redundant.
33	After Action Report	A due date should be assigned to the submission of the after action report. Recommend 30 days after the exercise.
33-34	ADEC Exercise Letter.	A due date should be assigned to the submission of the ADEC Exercise Letter. Recommend 30 days after the after action report.

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34	"The ADEC ODPCP reviewer will track the corrective actions identified in the ADEC Exercise letter to completion, ensuring that the exercise yields tangible oil spill response preparedness improvements, the ODPCP is complete, and the ODPCP holder is capable of adequately executing the ODPCP. "	Please provide a description of how this is accomplished and how it is communicated to the plan holder.
34	Under ADEC Exercise Lessons Learned Initiative, second paragraph.	Remove scare quotes from around the word external .
34	The current year lessons learned report is available at: http://dec.alaska.gov/spar/ppr	The most recent lessons learned report is from 2019. Update this site to include 2020 and 2021.
35	Glossary of Terms	Change to Definitions to be consistent with ADEC regulations.
42	Exercise Planning Task List, Weeks 24-26. "Set general objectives based on the ODPCP"	Change to "Set objectives to build the strength of the response team and remedy areas of improvement."
42	Orange vs. black bullets	Sub-bullets are indented so coloring them in another color causes confusion. Recommend making all the bullets black.
42	Exercise Planning Task List, Weeks 22-23. "Develop specific objectives based on the ODPCP"	Change to "Refine objectives."
42	Exercise Planning Task List, Weeks 22-23. "Develop scenario to assess objectives <ul style="list-style-type: none"> • Reference the ODPCP, including planning scenarios" 	Change this to "Develop Scenario utilizing tools from the ODPCP and real world data." A scenario is a simulation of a real life situation. If you were reporting out an actual scenario, your verbiage describing the situation would not include the ODPCP.
43	Weeks 7-13 and 14-18 have no designation on whether it falls under Design or Development.	Designate a colored bar to the left.
43	Weeks 14-18. The data from sub bullet #2 would be included in the MSEL development.	This is redundant. Remove sub-bullet #2.
42-43	This content does not clear up who does what. It feels in some places it is like a list for the state and in other parts it feels like it is a general list.	If these items are being assigned (ADEC vs. Plan holder) all tasks should be assigned.
44	Second sub-bullet under +1-2 days, use of an ampersand.	Change ampersand to the word "and" to be consistent.
44	Reference to IPIECA-IOGA	This document is not easily found when searched. Please provide the URL.
45	"Consistent with HSEEP methodology, we recommend developing evaluation criteria from the exercise objectives, which for oil spill response exercises are based upon components of an approved ODPCP."	Objectives can easily be outside of the content of the ODPCP to be effective. One such objective many are exercising right now is to implement a virtual command post. Objectives are set to create a stronger response team and a seasoned plan holder may have already demonstrated ODPCP requirements. This can include pieces of your ODPCP if a gap is identified but it should not have to or the Department will get the same objectives over and over again.