

# Process for New or Renewal Oil Discharge Prevention and Contingency Plan (C-plan) Application Review and Approval

Applicant Actions	Department Actions
<p style="text-align: center;"><b>Pre-application</b></p> <p>Pre-application notification and consultation ( ≥ 60 days)</p> <ul style="list-style-type: none"> <li>• New or Renewal C-plan Application or Amendment to an approved C-plan that may diminish an operator's response capability</li> <li>• May review application and discuss contents of proposed plan</li> </ul> <p><u>Not required for Streamlined Nontank Vessel Plans – this process is handled by approved agents and Response Planning Facilitators and requires only 5 days review.</u></p> <p><u>There is a much more abbreviated process for routine updates and amendments that will not diminish an operator's response capability.</u></p>	
<p style="text-align: center;"><b>Sufficiency Review</b></p> <p>Submit Application to department. Typically 90 – 180 days before anticipated start of operations or renewal date for C-plan.</p> <p>Work with department to determine start day of the 30-day public comment period (requires scheduling to allow publication of Public Notice and distribution of C-plans).</p>	
	<p>Pre-application assistance (typical 60 – 120 days)</p> <ul style="list-style-type: none"> <li>• Review C-plan requirements and process</li> <li>• Advice on applicability questions</li> <li>• Determine number of copies to be submitted</li> </ul> <ul style="list-style-type: none"> <li>• Determine if C-plan is sufficient for public review within 7 working days</li> <li>• If not sufficient for review, request necessary additional information from applicant</li> <li>• Repeat process until C-plan is sufficient for public review</li> <li>• Issue Sufficient for Public Review Letter to applicant, Department of Natural Resources, Department of Fish &amp; Game, affected coastal districts, regional citizens' advisory councils, persons who have made written request for information regarding c-plan submissions.</li> </ul> <p>The letter includes the following:</p> <ul style="list-style-type: none"> <li>○ establishes 30-day public comment period</li> <li>○ directs applicant to provide a copy of the application and plan to the above list of departments, coastal districts, regional citizens' advisory councils and other designated persons</li> <li>○ set the date for submitting Requests for Additional Information (Day 18 – 25 of the comment period)</li> <li>○ a Public Notice to be published in one or more newspapers in general circulation in the area impacted by the proposed operation</li> </ul>

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<b>Public Review</b>	
<ul style="list-style-type: none"> <li>• <u>Public Notice</u> - Applicant arranges and pays for publication of the department's Public Notice as directed. Notice is published on or before Day 1 of the Public Review.</li> <li>• Distribute application and C-plan to Department of Natural Resources, Department of Fish and Game, affected coastal districts, regional citizens' advisory councils, and other persons designated by the department. Documents must be distributed on or before Day 1 of the Public Review</li> </ul> <p>It may take 2 to 3 weeks to for the Public Notice to be published and all copies of the application and C-plan to be distributed.</p>	<p><u>Public Notice</u> – Department places Public Notice on State of Alaska Public Notice web page on or before Day 1 of the Public Review.</p>
Day 1 to the established RFAI deadline	Review application and C-plan to determine if any additional information is needed for the plan to be complete.
<p>RFAI deadline (Day 18 – 25 as established in Public Notice)</p> <ul style="list-style-type: none"> <li>• Upon receipt of RFAI, gather information and respond to department's requests in the timeframe required.</li> </ul>	<p><u>If additional information is required –</u></p> <ul style="list-style-type: none"> <li>• Request for Additional Information (RFAI) <ul style="list-style-type: none"> <li>○ Notify applicant and review participants (Day 18 – 25)</li> <li>○ Include requests for additional information from the public that are within department statutory and regulatory authority to request.</li> </ul> </li> </ul> <p>FOR MORE COMPLEX C-PLAN APPLICATIONS, IT MAY TAKE WEEKS TO DEVELOP THE FULL RFAI.</p> <ul style="list-style-type: none"> <li>• Instruct applicant to send additional information to all review parties (DNR, ADF&amp;G, affected coastal districts, regional citizens' advisory councils, and designated review participants)</li> <li>• Extend the public comment period (to 10 days after all additional information is received and distributed to review participants) – notify all parties when information is received and of the extended comment deadline.</li> </ul> <p>IF NECESSARY A 2<sup>ND</sup> OR 3<sup>RD</sup> RFAI MAY BE ISSUED.</p> <ul style="list-style-type: none"> <li>• Continue to review C-plan and all public comments that are submitted.</li> </ul>

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Day 18 - 25	<p><u>If no additional information is required –</u></p> <ul style="list-style-type: none"> <li>Public comment period continues without extension.</li> <li>Review and consider all public comments received.</li> <li>Continue to review C-Plan.</li> </ul>
Day 30 or Comment Deadline as Extended	<ul style="list-style-type: none"> <li>A public hearing may be held during the public comment period if the department determines good cause</li> <li>Receive public comments until the deadline</li> <li>Review and consider all public comments as they arrive</li> </ul>
	<p><u>Department Determination of Completeness</u></p> <ul style="list-style-type: none"> <li>Within 7 days after receipt of additional information OR 2 days after close of public comment period without RFAI: Department determines whether C-plan application is complete</li> </ul>
Approval Process	
≤ 65 days after C-plan is determined to be complete	<p>Department makes a decision to:</p> <ol style="list-style-type: none"> <li>Approve,</li> <li>Approve with Conditions, or</li> <li>Disapprove</li> </ol>
Applicant may request a Pre-Issuance Conference any time before the department issues its decision.	<ul style="list-style-type: none"> <li>If requested by the applicant, hold a Pre-Issuance Conference – if it will materially aid the department in reaching its decision.</li> <li>Follows regulatory procedure</li> <li>Will not delay decision timeframe</li> </ul>
	<p>Department issues a letter with its decision:</p> <ul style="list-style-type: none"> <li>Adverse comments from public? <ul style="list-style-type: none"> <li>Summary of the basis for decision, may be included in the letter or provided in a separate attachment called a Findings Document.</li> </ul> </li> <li>Conditions of Approval <ul style="list-style-type: none"> <li>Include the conditions in the decision letter</li> <li>Provide a summary of basis for decision and conditions of approval in the letter or Findings Document</li> </ul> </li> <li>Disapprove? <ul style="list-style-type: none"> <li>Provide a summary of basis for</li> </ul> </li> </ul>

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	<p>decision to disapprove in the letter or in a Findings Document</p> <p>The decision to write a separate Findings Document is based on the complexity of the approval decision, the amount and diversity of public comments received, and the number of conditions of approval. Findings documents can range in size from one page to 30 pages.</p> <ul style="list-style-type: none"> <li>The decision letter includes a statement about the avenues for requesting a Director's review of the approval decision or for requesting an adjudicatory hearing to appeal the decision.</li> </ul> <p>A decision letter may be issued at the same time the C-plan application is determined to be complete (if the public comment period is closed) or it may take up to 65 days from that date. The timeframe is based on the complexity of the decision based on the department's review, agency and public comments received.</p>
<b>Cumulative time for entire process</b>	115 days – two years
<b>Cumulative time from initial application</b>	54 days – 1.5 years
<b>Cumulative time from complete application</b>	1 – 68 days

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