Mr. Ed Meggert 455 D and M Road Fairbanks, AK. 99712

Senator John Coghill 1292 Sadler Way Suite 340 Fairbanks, Alaska 99701

Re: Alaska Department of Environmental Conservation (ADEC) proposed adoption of new regulations for Class 2 Facilities (oil tanks)

Dear Senator Coghill;

The ADEC Spill Prevention and Response Division (SPAR) is proposing the adoption of regulations that would require registration of all facilities in the State of Alaska with storage capacity of 1000 gallons of gasoline or fuel oil or more.

I am not in favor of these regulation for the following reasons:

- Clearly there will be more regulations following and the department has not communicated to the public what their regulatory interest is in these facilities.
- There has been no discussion of the need for this registration by the department.
- There has been no discussion of the cost for the department of the registration.
- Although the cost to churches, groups, local business and industry may be very small to register with the department, the cost for future regulations may be very high. This needs discussion now.
- Future oversight costs for the department are likely to be quite high, how will that be paid for? This answer should be clearly laid out before requiring the registration of these tanks.
- Currently the department only requires the registration for facilities with tankage of 420,000 gallons or greater. These facilities are required to have an Oil Discharge Prevention and Contingency Plan that costs those facilities many tens of thousands of dollars to put into place and millions of dollars for the department to oversee. Requiring registration of tanks down to 1000 gallons is in my opinion a huge over-reach.
- These proposed regulations where put out for comment for only a short window of time over the holiday season. Considering the potential future scope of these regulations the rule making deserves greater input from both the potentially regulated public and our law makers.

Would you please look into these proposed new regulations and see if they could either be stopped or at least have the wider discussion as I have laid out above? Public comment period closes on the proposed regulations on January 19, 2017.

Thank you for your time.

Sincerely,

Ed Maggen

Ed Meggert

Notice of Proposed Adoption of new Regulations Requiring Registration and Notification... Page 1 of 2

Notice of Proposed Adoption of new Regulations Requiring Registration and Notification for Facilities Storing Noncrude Oil in Aboveground Storage Tanks

The Alaska Department of Environmental Conservation is proposing to adopt new regulations requiring registration and notification for facilities that store noncrude oil in aboveground storage tanks and have capacities of 1,000 gallons or greater but less than 420,000 gallons.

The Alaska Department of Environmental Conservation proposes to adopt new regulations in 18 AAC 75 dealing with Class 2 facilities – facilities that store noncrude oil in aboveground storage tanks and have storage capacities of 1,000 gallons or greater but less than 420,000 gallons – including the following:

1. Add new section 18 AAC 75.915 to address the applicability requirements.

2. Add new section 18 AAC 75.920 to address the registration and notification requirements.

3. Add new section 18 AAC 75.985 to create definitions related to Class 2 facilities.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Dennis Hartwick, Alaska Department of Environmental Conservation, 610 University Ave., Fairbanks, AK 99709, or by electronic mail at dec.cpr@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. The comments must be received no later than 5 p.m. on January 19, 2017.

You may submit written questions relevant to the proposed action to the Department of Environmental Conservation by sending in questions by electronic mail at dec.cpr@alaska.gov or by sending the questions to Dennis Hartwick, Department of Environmental Conservation, 610 University Ave., Fairbanks, AK 99709. The written questions must be received by January 9, 2017, which is 10 days before the end of the public comment period. The Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and response available at

http://dec.alaska.gov/spar/regulation_projects/index.htm. The Department of Environmental Conservation may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at 907-269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than January 6, 2017 to ensure that any necessary accommodations can be provided. A copy of the proposed regulation changes, supporting documents, and a link to the Alaska Online Public Notice System are available at http://dec.alaska.gov/spar/regulation_projects/index.htm_and by contacting Dennis Hartwick at the address or email above or by cailing 907-451-2171 @.

After the public comment period ends, the Department of Environmental Conservation will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 46.03.020; AS 46.04.070

Statutes being implemented, interpreted, or made specific: AS 46.03.020; AS 46.04.070 Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: December 13, 2016

_____/s/ Larry Hartig, Commissioner

Leave a Comment

Attachments, History, Details

https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=183914

Attachments

Additional Regulations Notice Information SPAR Class 2 Amendments.pdf

SPAR Aboveground Storage Tank Class 2 Amendments.pdf

Revision History

Created 12/14/2016 10:16:38 AM by cfishwick Modified 12/14/2016 10:17:31 AM by cfishwick Modified 12/14/2016 10:18:11 AM by cfishwick Modified 12/14/2016 10:22:56 AM by cfishwick Modified 12/14/2016 1:44:39 PM by cfishwick

Details Department: **Environmental Conservation** Category: Regulations Notice of Proposed Sub-Category: Regulations Location(s): Statewide Project/Regulation #: Publish Date: 12/14/2016 Archive Date: 1/20/2017 Events/Deadlines: public comments due 1/19/2017 5:00pm

- email -

Department of Environmental Conservation Division of Spill Prevention & Response



18 AAC Chapter 75 – Oil and Other Hazardous Substances Pollution Control

> Proposed Regulation Revisions December 13, 2016

Bill Walker Governor

Larry Hartig Commissioner Public Comment period ends January 19, 2017, 5:00 p.m.

Please see public notice for details about how to comment

Background and changes addressed

This packet is being proposed to adopt new regulations in 18 AAC 75 for the registration of Class 2 facilities – facilities that store noncrude oil in aboveground storage tanks and have storage capacities of 1,000 gallons or greater but less than 420,000 gallons.

Understanding the changes

In the following text, the proposed changes follow the formatting requirements of the "Drafting Manual for Administrative Regulations," August 2015, as promulgated by the State of Alaska Department of Law. The draft changes are indicated as follows:

Lead-in text explains the changes to the text that follows.

For comparison purposes, a complete copy of the current 18 AAC 75 regulations can be found online at: <u>http://dec.alaska.gov/commish/regulations/index.htm</u>

18 AAC 75 is amended by adding a new section to read:

18 AAC 75.915. Applicability of Class 2 Facility Regulations. (a) The requirements of 18 AAC 75.915 - 18 AAC 75.985 apply to all owners and operators of a Class 2 facility as defined in 18 AAC 75.985.

(b) The requirements of 18 AAC 75.915 - 18 AAC 75.985 apply to all aboveground storage tanks (ASTs) as defined in 18 AAC 75.985 located at a Class 2 facility unless the AST

(1) is used in a waste water collection system regulated under 18 AAC 72 or18 AAC 83; or

(2) has a storage capacity of less than 500 gallons. (Eff. __/_/___, Register

Authority: AS 46.03.020 AS 46.04.070

18 AAC 75 is amended by adding a new section to read:

of a Class 2 facility shall register the facility and each AST at the facility with the department using the paper or electronic form supplied by the department as follows:

(1) not later than November 1, 2017 for a facility in existence before August 1,

2017; and

)

(2) not later than 30 days after

(A) a facility is placed into service on or after August 1, 2017; and

(B) an AST is placed into service on or after August 1, 2017.

(b) Any person who assumes ownership of a Class 2 facility shall notify the department using the paper or electronic form supplied by the department not later than 30 days after the

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change in ownership.

(c) An owner or operator of a Class 2 facility shall notify the department using the paper or electronic form supplied by the department not later than 30 days after an AST is removed from service.

(d) An owner or operator of a Class 2 facility shall notify the department using the paper or electronic form supplied by the department not later than 30 days after the facility no longer meets the definition of a Class 2 facility due to a change in storage capacity. (Eff. __/___,

Register ____)

Authority: AS 46.03.020 AS 46.04.070

Editor's note: The forms referenced in 18 AAC 75.920 are available on the department's Internet website.

18 AAC 75 is amended by adding a new section to read:

18 AAC 75.985, Definitions for 18 AAC 75.915 - 18 AAC 75.985. In 18 AAC 75.915 -

(1) "aboveground oil storage tank" or "AST" means a container, including a storage and surge tank, that is used to store bulk quantities of oil; "aboveground oil storage tank" does not include

(A) an underground storage tank as defined in AS 46.03.450;

(B) a surface impoundment, pit, pond, or lagoon; or

(C) a vehicle, such as a tank truck or railroad tank car, designed and used

to transport oil from one location to another unless:

(i) the vehicle contains oil and remains in the same location more

than 30 consecutive days; or

(ii) the vehicle dispenses oil and is refilled while in the same

location;

(2) "Class 2 facility" means an onshore facility that stores noncrude oil in aboveground oil storage tanks and has a storage capacity of 1,000 gallons or greater but less than 420,000 gallons; "Class 2 facility" does not include

(A) facilities required under AS 46.04.030 to have an oil discharge

prevention and contingency plan; or

(B) residential structures with aboveground oil storage tanks used solely

to store heating oil for consumptive use on the premises;

(3) "dwelling unit" means real or personal property inhabited as a primary or

secondary residence; "dwelling unit" includes an individual unit within a multiple unit residential

structure;

(4) "placed into service" means

(A) for an aboveground oil storage tank, at the start of operational use

after initial construction or installation; or

(B) for a Class 2 facility, at the start of operational use of a facility after

(i) initial construction; or

(ii) installation or removal of an AST or ASTs that changes the

facility's storage capacity causing the facility to meet the definition of a Class 2 facility;

- (5) "removed from service" means not in regular use for the service intended;
- (6) "residential structure" means a structure used as a dwelling unit; "residential

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structure" does not include

(A) a structure with both residential and nonresidential uses and a

common AST to store heating oil;

(B) transient lodging;

(C) a residential school or residence hall;

(D) a state or local correctional facility;

(E) a nursing home;

(F) a hospital; and

(G) a place constructed primarily for recreation activities;

(7) "storage capacity" means

(A) for an aboveground oil storage tank, the full physical volume of the tank; and

(B) for a Class 2 facility, the full physical volume of the aboveground oil storage tanks subject to the requirements of 18 AAC 75.915 - 18 AAC 75.985;

(8) "transient lodging" means a room or suite of rooms which is occupied not as a primary residence by persons for periods of less than 30 consecutive days or with services normally offered by hotels, including maid and linen service, a front desk, or telephone switchboard, regardless of the length of occupancy of a person; "transient lodging" does not include dwelling units. (Eff. ///, Register ___)

Authority: AS 46.03.020 AS 46.04.070