



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Environmental
Conservation**

DIVISION OF SPILL PREVENTION AND RESPONSE
Prevention, Preparedness & Response Program

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February 17, 2023

Leslie Pearson
Pearson Consulting LLC
10201 Lake Louise Dr
Lakewood WA 98498

Dear Ms. Pearson:

Thank you for your email on February 15, 2023 regarding the Alaska Department of Environmental Conservation's (department's) February 3, 2023 response to the Alaska Fuel Storage & Handlers, Alliance (AFSHA) about the new provision at 18 AAC 75.432(b) regarding oil terminal facility response planning standards.

As stated in our response, we did not anticipate that the new provision would be interpreted by plan holders to apply to vessels, including noncrude oil tank vessels and barges, that are covered under an approved oil discharge prevention and contingency plan. As further detailed in our response, noncrude oil tank vessels and barges covered under an approved Oil Discharge Prevention and Contingency Plan (ODPCP) are not required to request classification as an oil terminal facility, and they are not required to obtain additional financial responsibility proof or ODPCP approvals.

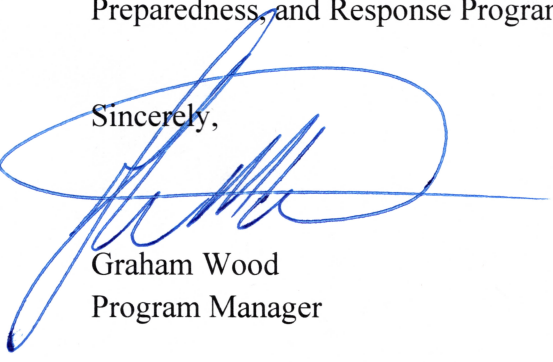
We want to assure you that we read both the, press release and Issue and Analysis paper provided on January 30, 2023, carefully. The department chose to respond to the overarching concern given that the press release and the analysis were both based on the misunderstanding that the response planning standards in 18 AAC 75.432(b) apply to noncrude oil tank vessels and barges, all of which are required to be covered under an approved oil discharge prevention and contingency plan before they may operate in state waters.

To our knowledge, there is no impact to vessels that operate under AFSHA member's approved oil discharge prevention and contingency plans.

We would welcome a meeting with you, Mr. O'Shea, and other AFSHA members to better understand any concern that still exists for AFSHA members. Please do not hesitate to reach out to Rebecca Spiegel

at (907)269-7543 or at rebecca.spiegel@alaska.gov to schedule a meeting with our Prevention, Preparedness, and Response Program team when convenient to do so.

Sincerely,



Graham Wood
Program Manager

Cc: Kevin O'Shea, President, AFSHA
Tiffany Larson, SPAR Director