



"The mission of the Council is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet."

March 8, 2018

Members

**Tourism
Organizations**

**Alaska Native
Groups**

**Environmental
Groups**

**Recreational
Groups**

**Aquaculture
Associations**

**Commercial
Fishing
Organizations**

City of Kodiak

City of Kenai

City of Seldovia

City of Homer

**Kodiak Island
Borough**

**Kenai Peninsula
Borough**

**Municipality
of Anchorage**

Clara Crosby
Prevention, Preparedness, and Response Program- Guidance and Regulations Group
Alaska Department of Environmental Conservation
555 Cordova Street
Anchorage, AK 99501

SUBJECT: Comments regarding Proposed Changes to Title 18 Chapter 75 of the Alaska Administrative Code dealing with Oil and Other Hazardous Substances' Pollution Control

Ms. Crosby:

Cook Inlet Regional Citizens Advisory Council (CIRCAC) submits the attached comments for consideration.

CIRCAC is a non-profit corporation organized exclusively for the oversight, monitoring, assessing and evaluation of oil spill prevention, safety and response plans, terminal and oil tanker operations, and environmental impacts of oil tanker and oil terminal operations in Cook Inlet under the provisions of Section 5002 of the Oil Pollution Act of 1990. Our mission is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet. CIRCAC consists of 13 members from Cook Inlet communities, as well as Alaska Native groups, commercial fishing and aquaculture, tourism, recreational and environmental interest groups that have a significant stake in the environment and resources at risk from oil production and transportation in the region.

Upon our review of the proposed changes to Title 18 Chapter 75 of the Alaska Administrative Code (18 AAC 75) we found that the proposed changes to 18 AAC 75.438 creates some uncertainty regarding Response Planning Standards (RPS) and spill recovery requirements.

The existing language in 18 AAC 75.438 uses interchangeable terminology for volume and capacity, as 18 AAC 75.900 defines both with the same meaning:

- (11) "capacity" means storage capacity;
- (14) "cargo volume" means storage capacity;

Under the current regulations, the requirement at 18 AAC 75.438 (c) requires sufficient resources to contain and control, and clean up at least 60% of the total cargo **capacity** of the vessel. The proposed changes replace "capacity" with "volume." Our understanding is that the proposed changes do not change the RPS, because capacity and volume have the same meaning. However, we request clarification from ADEC that this change in wording is not intended to affect how RPS is calculated.


Additionally, we recommend the definitions contained in 18 AAC 75.900 should also be changed to more closely reflect the conventionally accepted understanding of the words "Volume" and "Capacity" when used in the terms "Cargo Volume" and "Total Cargo Capacity", i.e. "Capacity" means the maximum amount or number that can be contained or accommodated and "Volume" means the amount of space occupied by a three dimensional object. To further clarify this rationale; "Capacity" would refer to the maximum amount a tank vessel could carry and "Volume" would refer to the amount of cargo actually carried.

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We believe these additional changes would clarify the use of these words and terms throughout Chapter 75 of Title 18.

As always, if you have any questions or wish to discuss this further, I can be reached at (907) 283-7222 or via email at MikeMunger@circac.org.

Sincerely,

P.P. 
Michael Munger
Executive Director