



*"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

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

### Alaska Native Groups

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

### Environmental Groups

Ms. Crosby:

### Recreational Groups

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

### Aquaculture Associations

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.

### Commercial Fishing Organizations

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.

### City of Kodiak

### City of Kenai

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;

### City of Seldovia

### City of Homer

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.

### Kodiak Island Borough

### Kenai Peninsula Borough

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.

### Municipality of Anchorage

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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](mailto:MikeMunger@circac.org).

Sincerely,

p.p.   
Michael Munger  
Executive Director