

Introduced by: Johnson, Chesley  
Date: 01/18/22  
Action: Adopted  
Vote: 5 Yes, 3 No, 1 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2022-007**

**A RESOLUTION PROVIDING INPUT TO THE ALASKA DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION ON PROPOSED CHANGES TO  
REGULATIONS ON OIL DISCHARGE PREVENTION AND CONTINGENCY PLANS**

**WHEREAS,** as a result of post-Exxon Valdez oil spill laws and regulations, Alaska has world-class oil spill prevention and response requirements to protect its people and its environment, as well as commercial and sport fishing, aquaculture, recreation, tourism, subsistence, and cultural interests; and

**WHEREAS,** the Kenia Peninsula Borough submitted Resolution 2020-015, in response to the Alaska Department of Environmental Conservation’s (“ADEC”) public scoping seeking input on existing regulations and statutes, stating that the Kenai Peninsula Borough Assembly believes that Alaska’s laws and regulations regarding oil spill prevention and response warrant the state’s continued, unqualified support and enactment; and

**WHEREAS,** ADEC has posted proposed regulatory changes to oil pollution prevention regulations under Article 4 of 18 AAC 75, resulting from that public scoping process; and

**WHEREAS,** the regional citizens advisory councils (“RCACs”) for Cook Inlet and Prince William Sound have voiced appreciation for a number of positive changes proposed including increased clarity within regulations, combination of redundant sections, and use of technology in the interest of modernizing workflow; and

**WHEREAS,** the RCACs also have concerns that must be addressed before public comment closes on January 31, 2022;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI  
PENINSULA BOROUGH:**

**SECTION 1.** That the Kenai Peninsula Borough Assembly hereby recommends that Alaska regulations specify (1) the minimum number of exercises required for crude oil plans be set at one significant Incident Management Team and two field deployment exercises each year, as well as other unannounced exercises as ADEC deems necessary; and (2) that the commitment requiring additional exercises or other appropriate action if a plan holder fails to demonstrate the ability to implement their plan be retained.

- SECTION 2.** That the Kenai Peninsula Borough Assembly recommends that the Best Available Technology (“BAT”) continues to be a standard for new technologies and procedures, including retaining the requirement that a BAT conference be held every five years or otherwise stating how they will examine new technologies to meet the mandates of AS 46.04.030(e).
- SECTION 3.** That the RCACs for Cook Inlet and Prince William Sound continue to be named in regulations as recipients required to be notified of plan reviews, updates, and amendments, electronically or otherwise.
- SECTION 4.** That the Prince William Sound tow package should remain an option within regulations, updated to reflect that this equipment be required and enhanced; and that the regulations for this system at 18 AAC 75.990(96) should be revised to meet the breaking strength requirements set by the International Maritime Organization standard and be able to be deployed in 15 minutes from the bow.
- SECTION 5.** That the Kenai Peninsula Borough Assembly recommends that a change in plan holder ownership be treated as a major amendment to the Oil Discharge Prevention and Contingency Plan, affording the opportunity for public review prior to approval.
- SECTION 6.** That the Kenai Peninsula Borough Assembly recommends that Article 4 of 18 AAC 75 incorporate language requiring Oil Spill Prevention and Contingency Plan holders to comply with all applicable State and Federal Regulations concerning human and environmental safety.
- SECTION 7.** That the Kenai Peninsula Borough Assembly recommends that any new language or repealed language within Article 4 of 18 AAC 75 that has the potential to diminish prevention or response capabilities be revised or reinstated to ensure previous levels of human and environmental safety are met.
- SECTION 8.** Copies of this resolution shall be sent to the Kenai Peninsula Borough state legislative delegation, ADEC Commissioner Brune, Governor Dunleavy, Director of the Prince William Sound Regional Citizens’ Advisor Council and Director of the Cook Inlet Regional Citizens’ Advisory Council.
- SECTION 9.** That a copy of this resolution shall be provided as public comment to the ADEC, through its online comment portal found at:  
<https://spar.alaskadec.commentinput.com/?id=uh7DP>
- SECTION 10.** That this resolution is effective immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JANUARY, 2022.**

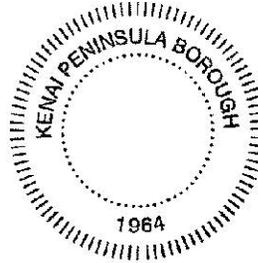
*Brent Johnson*

Brent Johnson, Assembly President

ATTEST:

*John Blankenship*

John Blankenship, MMC, Borough Clerk



Yes: Chesley, Cox, Ecklund, Tupper, Johnson

No: Bjorkman, Derkevorkian, Elam

Absent: Hibbert