

SENATE BILL NO. 69

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR LEMAN

Introduced: 2/6/95
Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to hazardous chemicals, hazardous materials, and hazardous
2 waste."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 18.70.090 is amended to read:

5 Sec. 18.70.090. ENFORCEMENT AUTHORITY. The Department of Public
6 Safety and the chief of each fire department recognized under regulations adopted by
7 the Department of Public Safety, and their authorized representatives in their respective
8 areas, may enforce the regulations adopted by the Department of Public Safety for the
9 prevention of fire or for the protection of life and property against fire or panic. All
10 state peace officers may assist the Department of Public Safety in the enforcement of
11 AS 18.70.010 - 18.70.100 [, 18.70.310,] and the regulations adopted under those
12 sections. The authority conferred in AS 18.70.010 - 18.70.100 [AND 18.70.310]
13 extends to the enforcement of the provisions of AS 11.46.400 - 11.46.430.

14 * **Sec. 2.** AS 18.70.100(a) is amended to read:

1 (a) A person who violates a provision of AS 18.70.010 - 18.70.100 [,
2 18.70.310,] or a regulation adopted under those sections, or who fails to comply with
3 an order issued under AS 18.70.010 - 18.70.100 [OR 18.70.310] is guilty of a class B
4 misdemeanor. When not otherwise specified, each 10 days that the violation or
5 noncompliance continues is a separate offense.

6 * **Sec. 3.** AS 29.35.500(a) is amended to read:

7 (a) If a municipality establishes a program for the reporting of hazardous
8 chemicals, hazardous materials, and hazardous wastes, then the municipality shall
9 require a business or a government agency that handles hazardous chemicals,
10 hazardous materials, or hazardous wastes to submit to a designated person or office of
11 the municipality, on a form approved by the Alaska State Emergency Response
12 Commission [DEPARTMENT OF PUBLIC SAFETY, DIVISION OF FIRE
13 PREVENTION], an inventory of the hazardous chemicals, hazardous materials, and
14 hazardous wastes the business or government agency handles.

15 * **Sec. 4.** AS 29.35.500(c) is amended to read:

16 (c) The following quantities of hazardous chemicals, hazardous materials, and
17 hazardous wastes shall be reported in an inventory required under this section, and the
18 Alaska State Emergency Response Commission [DIVISION OF FIRE
19 PREVENTION] or a municipality may require the reporting of smaller quantities:

20 (1) any quantity of a hazardous material of the hazard class of

- 21 (A) Poison A;
- 22 (B) Poison B;
- 23 (C) Class A explosive;
- 24 (D) Class B explosive;
- 25 (E) Flammable solid (dangerous when wet); or
- 26 (F) Radioactive;

27 (2) [A CONSUMER COMMODITY OF A HAZARDOUS MATERIAL
28 IN A QUANTITY OF MORE THAN 1,000 POUNDS;

29 (3)] a hazardous chemical, or a hazardous material other than one
30 described in (1) of this subsection, if handled in a single day in an amount equal to or
31 greater than 500 pounds;

1 (3) [(4)] acute hazardous waste in a quantity of 2.2 pounds or more;
2 (4) [(5)] hazardous waste in a quantity of 220 pounds or more;
3 (5) [(6)] extremely hazardous substances in a quantity equal to or more
4 than 500 pounds or the threshold planning quantity, whichever is less; and
5 (6) [(7)] compressed gasses equal to or more than 200 cubic feet at
6 standard temperature and pressure.

7 * **Sec. 5.** AS 29.35.510 is amended to read:

8 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may conduct
9 inspections, and establish and impose penalties, necessary to ensure compliance with
10 reporting requirements adopted under AS 29.35.500 [AND PLACARDING
11 REQUIREMENTS ADOPTED UNDER AS 18.70.310].

12 * **Sec. 6.** AS 29.35.520 is amended to read:

13 Sec. 29.35.520. FEES. A municipality may impose appropriate fees to fully
14 or partially compensate for the cost of processing reports and administering inspections
15 under AS 29.35.500 - 29.35.510 [AND THE COST OF PROVIDING PLACARDS
16 UNDER AS 18.70.310. THE MUNICIPALITY MAY ESTABLISH A FEE
17 SCHEDULE DIFFERENT FROM THE SCHEDULE ESTABLISHED BY THE
18 DEPARTMENT OF PUBLIC SAFETY UNDER AS 18.70.310].

19 * **Sec. 7.** AS 29.35.530(a) is amended to read:

20 (a) The Department of **Environmental Conservation** [PUBLIC SAFETY,
21 DIVISION OF FIRE PREVENTION], at the request of a business or government
22 agency required to submit an inventory under AS 29.35.500 or of a municipality, shall
23 provide

- 24 (1) a descriptive summary of the hazardous chemicals, hazardous
25 materials, and hazardous wastes that are required to be included in an inventory; and
26 (2) inventory forms.

27 * **Sec. 8.** AS 29.35.590(6) is repealed and reenacted to read:

28 (6) "hazardous chemical" has the meaning given in 29 C.F.R.
29 1910.1200(c) except that it does not include
30 (A) a food, food additive, color additive, drug, or cosmetic
31 regulated by the federal Food and Drug Administration;

1 (B) a substance present as a solid in a manufactured item to the
2 extent exposure to the substance does not occur under normal conditions of
3 use;

4 (C) a substance to the extent it is used for personal, family, or
5 household purposes, or is present in the same form and concentration as a
6 product packaged for distribution and use by the general public;

7 (D) a substance to the extent it is used in a research laboratory
8 or a hospital or other medical facility under the direct supervision of a
9 technically qualified individual; or

10 (E) a substance to the extent it is used in routine agricultural
11 operations or is a fertilizer held for sale by a retailer to the ultimate customer.

12 * **Sec. 9.** AS 29.35.590(7) is amended to read:

13 (7) "hazardous material" means a material or substance, as defined in
14 49 C.F.R. 171.8, and any other substance determined by the **Alaska State Emergency**
15 **Response Commission in regulations** [DIVISION OF FIRE PREVENTION, OR BY
16 A MUNICIPALITY FOR PURPOSES OF ITS OWN REPORTING PROGRAM,] to
17 pose a significant health and safety hazard; ["HAZARDOUS MATERIAL" DOES
18 NOT INCLUDE FOOD, DRUGS, ALCOHOLIC BEVERAGES, COSMETICS,
19 TOBACCO, OR TOBACCO PRODUCTS INTENDED FOR PERSONAL
20 CONSUMPTION;]

21 * **Sec. 10.** AS 29.35.590(8) is amended to read:

22 (8) "hazardous waste" means

23 **(A) a hazardous waste as defined in AS 46.03.900(a);**

24 **(B) a hazardous waste as identified by the Environmental**
25 **Protection Agency under 40 C.F.R. 261; [,] and**

26 **(C) any other hazardous waste defined by the Alaska State**
27 **Emergency Response Commission in regulations** [DIVISION OF FIRE
28 **PREVENTION OR BY A MUNICIPALITY FOR PURPOSES OF ITS OWN**
29 **REPORTING PROGRAM];**

30 * **Sec. 11.** AS 18.70.310; AS 29.35.530(b), and 29.35.590(2) are repealed.