

CS FOR SENATE BILL NO. 69(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 3/30/95
Referred: Finance

Sponsor(s): SENATOR LEMAN

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) Unless the Alaska State Emergency Response Commission or a
17 municipality, after public hearing, removes a substance listed in this subsection
18 from the reporting requirements within its jurisdiction, the [THE] following
19 quantities of hazardous chemicals, hazardous materials, and hazardous wastes shall be
20 reported in an inventory required under this section, and the commission [DIVISION
21 OF FIRE PREVENTION] or a municipality may require the reporting of smaller
22 quantities:

23 (1) any quantity of a hazardous material of the hazard class identified
24 in federal placarding regulations as [OF]

25 (A) [POISON A;

26 (B)] Poison Gas Hazard Division No. 2.3 and Poisons 6.1 [B];

27 (B) Explosives 1.1 [(C) CLASS A EXPLOSIVE];

28 (C) Explosives 1.2 and 1.3, excluding smokeless gunpowder,
29 black powder, and ammunition [(D) CLASS B EXPLOSIVE];

30 (D) [(E)] Flammable solid Divisions 4.1, 4.2, and 4.3
31 [(DANGEROUS WHEN WET)]; or

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(E) [(F)] Radioactive Hazard Class 7;

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

(3)] a hazardous chemical, or a hazardous material other than one described in (1) of this subsection, if handled in a single day in an amount equal to or greater than 10,000 [500] pounds;

(3) [(4)] acute hazardous waste in a quantity of 2.2 pounds or more;

(4) [(5)] hazardous waste in a quantity of 220 pounds or more; and

(5) [(6)] extremely hazardous substances in a quantity equal to or more than 500 pounds or the threshold planning quantity, whichever is less [; AND

(7) COMPRESSED GASSES EQUAL TO OR MORE THAN 200 CUBIC FEET AT STANDARD TEMPERATURE AND PRESSURE].

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

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

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

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

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

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

(1) a descriptive summary of the hazardous chemicals, hazardous materials, and hazardous wastes that are required to be included in an inventory; and

1 (2) inventory forms.

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

3 (6) "hazardous chemical" has the meaning given in 29 C.F.R.
4 1910.1200(c) except that it does not include

5 (A) a food, food additive, color additive, drug, or cosmetic
6 regulated by the federal Food and Drug Administration;

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

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

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

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

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

19 (7) "hazardous material" means a material or substance, as defined in
20 49 C.F.R. 171.8, and any other substance determined by the **Alaska State Emergency**
21 **Response Commission in regulations** [DIVISION OF FIRE PREVENTION, OR BY
22 A MUNICIPALITY FOR PURPOSES OF ITS OWN REPORTING PROGRAM,] to
23 pose a significant health and safety hazard; "hazardous material" does not include food,
24 drugs, alcoholic beverages, cosmetics, tobacco, or tobacco products intended for
25 personal consumption;

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

27 (8) "hazardous waste" means

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

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

31 (C) any other hazardous waste defined by the **Alaska State**

1 **Emergency Response Commission in regulations** [DIVISION OF FIRE
2 PREVENTION OR BY A MUNICIPALITY FOR PURPOSES OF ITS OWN
3 REPORTING PROGRAM];

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