

AMENDMENT # 1

OFFERED IN THE HOUSE
TO: CSSB 343(RES)

BY KERHULA & CROFT

1 Page 3, line 14, following "purpose of":

2 Insert "secs. 2 and 4 - 6 of "

3
4 Page 4, following line 11:

5 Insert a new bill section to read:

6 **"* Sec. 3.** AS 46.04.030(e), as amended by sec. 2 of this Act, is amended to read:

7 (e) The department may attach reasonable terms and conditions to its approval
8 or modification of a contingency plan that the department determines are necessary to
9 ensure that the applicant for a contingency plan has access to sufficient resources to
10 protect environmentally sensitive areas and to contain, clean up, and mitigate potential
11 oil discharges from the facility or vessel as provided in (k) of this section, and to
12 ensure that the applicant complies with the contingency plan. If a contingency plan
13 submitted to the department for approval relies on the services of an oil spill primary
14 response action contractor, the department may not approve the contingency plan
15 unless the primary response action contractor is registered and approved under
16 AS 46.04.035. The contingency plan must provide for the use by the applicant of the
17 best technology that was available at the time the contingency plan was submitted or
18 renewed. The department

19 **(1)** shall

20 **(A)** identify the prevention and response technologies that are
21 subject to a best available technology determination;

22 **(B)** determine the best available technology using the
23 following criteria:

(i) whether each technology is the best in use in other similar situations and is available for use by the applicant;

(ii) whether each technology is transferable to the applicant's operations;

(iii) whether there is a reasonable expectation that each technology will provide increased spill prevention or other environmental benefits;

(iv) the cost to the applicant of achieving best available technology, including consideration of the cost relative to the remaining years of service of the technology in use by the applicant;

(v) the age and condition of the technology in use by the applicant;

(vi) whether each technology is compatible with existing operations and technologies in use by the applicant;

(vii) the practical feasibility of each technology in terms of engineering and other operational aspects; and

(viii) whether other environmental effects of each technology, such as air, land, water pollution, and energy requirements, offset any anticipated environmental benefits; and

(2) [. THE DEPARTMENT MAY FIND THAT ANY TECHNOLOGY MEETING THE RESPONSE PLANNING STANDARDS IN (k) OF THIS SECTION OR A PREVENTION PERFORMANCE STANDARD ESTABLISHED UNDER AS 46.04.070 IS THE BEST AVAILABLE TECHNOLOGY. THE DEPARTMENT] may

(A) prepare findings and maintain a list of those technologies that are considered the best available; **and**

(B) [. THE DEPARTMENT MAY] require an applicant or holder of an approved contingency plan to take steps necessary to demonstrate the applicant's or holder's ability to carry out the contingency plan, including

(i) [(1)] periodic training;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

(ii) [(2)] response team exercises; and
(iii) [(3)] verifying access to inventories of equipment,
supplies, and personnel identified as available in the approved
contingency plan."

Renumber the following bill sections accordingly.

Page 4, line 17, following "implementing":

Insert "sec. 2 of"

Page 4, line 24:

Delete "this Act"

Insert "this section"

Page 5, line 1:

Delete "This Act takes"

Insert "Sections 1, 2, and 4 - 6 of this Act take"