

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 343
 (S) Publish Date: 3/6/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
 Title An Act clarifying the term "best technology" required BRU Spill Prevention and Response
for use in oil discharge prevention and contingency plans ... Component Industry Preparedness and
 Sponsor Senate Resources Pipeline Program
 Requester Senate Resources Component No. 1922

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1052 OHSRPR Prevention Account						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Current statute states that an oil discharge prevention and contingency plan (c-plan) must provide for the use of the best technology that was available at the time the contingency plan was submitted or renewed. DEC developed regulations for determining whether a c-plan meets this "best available technology" (BAT) requirement. The regulations were developed through a negotiated rulemaking process that included stakeholders from around the state representing a broad range of interests. On Feb. 1, 2002, the Alaska Supreme Court determined that, while the regulations had "considerable theoretical merit," the statute as currently written does not allow DEC to rely on response planning standards or performance standards in determining whether these technologies meet the BAT requirement. This bill changes the statute to validate DEC's current approach in considering certain technologies that are proven, appropriate and reliable in meeting State standards for best available technology and therefore there will be no fiscal impact.

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