

HOUSE BILL NO. 305

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/24/18

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to oil and hazardous substances and waiver of cost recovery for
2 containment and cleanup of certain releases; and providing for an effective date."

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

4 * **Section 1.** AS 46.08.070(a) is amended to read:

5 (a) Except as provided in (e) of this section, the [THE] commissioner shall
6 seek reimbursement promptly under this section, AS 46.03.760(d), or federal law for
7 the cost incurred in the cleanup or containment of oil or a hazardous substance that has
8 been released.

9 * **Sec. 2.** AS 46.08.070(d) is amended to read:

10 (d) The department shall adopt regulations to implement the cost recovery
11 requirements of (a) and (b) of this section, but may not delay cost recovery actions
12 pending the effective date of the adoption of the regulations. The department may
13 adopt regulations to implement the provisions in (e) of this section.

14 * **Sec. 3.** AS 46.08.070 is amended by adding a new subsection to read:

(e) Notwithstanding (a) of this section and for a person otherwise liable under AS 46.03.822, the department may waive all or a portion of the response costs incurred by the department in the cleanup or containment of oil or a hazardous substance that has been released if the department makes a written finding that

(1) the release was from piping, tankage, or other equipment used solely to provide space heat or electrical power generation for a single-family home or a residential building with four or fewer housing units;

(2) the person did not wilfully or negligently fail to comply with spill prevention, reporting, and response requirements of the department applicable to the release or the property where the release occurred;

(3) the person took immediate measures upon discovery of the release to contain the release where possible; and

(4) the person provided reasonable assistance to the department and other governmental entities that responded to the release, including providing reasonable access to the property where the release occurred and providing information requested by the department about the release and property.

* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Environmental Conservation may adopt regulations necessary to implement AS 46.08.070(e), added by sec. 3 of this Act. The regulations take effect under AS 44.62 (Administrative Procedures Act), but not before the effective date of the law implemented by the regulation.

* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

RETROACTIVITY. If secs. 1 - 3 of this Act take effect after January 1, 2018, secs. 1 - 3 of this Act are retroactive to January 1, 2018.

* **Sec. 6.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).