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Referred: Resources &  
Judiciary

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1 IN THE SENATE

2 SENATE BILL NO. 271

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the prevention of water pollution  
7 by oil and gas."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 7. WATER POLLUTION BY OIL AND GAS.

11 Sec. 46.07.010. AUTHORITY OF DEPARTMENT. The department has jur-  
12 isdiction to abate and prevent t h e pollution of the waters of the  
13 state by oil or gas.

14 Sec. 46.07.020. PREVENTION OF POLLUTION BY OIL AND GAS. The  
15 department may make, alter, or modify orders requiring the discontinu-  
16 ance of particular acts which result in unnecessary and destructive  
17 water pollution by oil and gas and specifying the conditions and the  
18 time within which discontinuance shall be accomplished.

19 Sec. 46.07.030. RIGHT OF INSPECTION. The department or an agent  
20 of the department may enter public or private property at reasonable  
21 times for the purpose of inspecting and investigating conditions re-  
22 lating to pollution of the waters of the state by oil or gas.

23 Sec. 46.07.040. POLLUTION BY OIL OR GAS PROHIBITED. No person may  
24 pollute or add to the pollution of waters of the state by discharging  
25 oil or gas or allowing oil or gas to escape.

26 Sec. 46.07.050. NOTICE TO VIOLATOR AND HEARING. (a) Whenever it  
27 appears to the department, after investigation, that a person has  
28 violated a provision of this chapter or a regulation adopted under it or  
29 an order of the department, the department shall give the person

1 written notice of the violation, setting out the thing or act done or  
2 omitted to be done or claimed to be a violation, and require him to  
3 correct the matter complained of or direct him to appear in person or  
4 by attorney before the department or its designated agent at the time  
5 and place specified in the notice, and answer the charges.

6 (b) After consideration of statements, and testimony and argu-  
7 ments filed with the department or on default in appearance, the de-  
8 partment may issue the final order or make the final determination it  
9 considers appropriate under the circumstances. The department shall  
10 notify the person in writing, personally or by registered mail, of the  
11 final order or final determination.

12 (c) The hearings described in this section shall be conducted ac-  
13 cording to the Administrative Procedure Act (AS 44.62).

14 Sec. 46.07.060. EMERGENCY ACTION BY DEPARTMENT. When the depart-  
15 ment, after investigation, finds that a person is polluting the  
16 waters of the state by direct or indirect discharge of oil or gas, and  
17 that it would be prejudicial to the interests of the state to delay  
18 action, the department may declare an emergency and notify the person  
19 in writing to immediately discontinue the discharge into the waters  
20 of the state. The person shall immediately discontinue the discharge.

21 Sec. 46.07.070. MEASURES AND PROGRAMS OF THE DEPARTMENT. In ad-  
22 dition to other measures and programs for the detection and prevention  
23 of pollution by oil and gas, the department shall provide for

24 (1) periodic inspection of offshore oil or gas drilling rigs  
25 and other equipment related to the production, transportation, or  
26 storage of oil or gas;

27 (2) when considered necessary, air surveillance for oil  
28 slicks and other indications of possible pollution by oil or gas;

29 (3) when considered necessary, an inspector to accompany oil

1 tank ships while in state waters and to supervise the loading and dis-  
2 charging of oil from the ships; in addition to other duties, the  
3 inspector shall inspect the bilge pumping log of the ship.

4 Sec. 46.07.080. COOPERATION BY DEPARTMENT OF FISH AND GAME. The  
5 Department of Fish and Game shall cooperate with the department in  
6 carrying out the purpose of this chapter.

7 Sec. 46.07.090. INJUNCTION PROCEEDINGS. Upon the request of the  
8 department the attorney general may bring an action for an injunction  
9 against a person violating this chapter, a regulation promulgated under  
10 this chapter, or an order of the department.

11 Sec. 46.07.100. PENALTY. A person who wilfully violates a  
12 provision of this chapter, a regulation promulgated under this chapter,  
13 or an order of the department is guilty of a misdemeanor and, upon  
14 conviction, is punishable by a fine of not more than \$5,000, or by  
15 imprisonment for not more than one year, or by both. Each day's  
16 failure to correct a violation is a separate offense.

17 Sec. 46.07.110. REGULATIONS. The department shall adopt, under  
18 the Administrative Procedure Act (AS 44.62), regulations to carry out  
19 the purpose of this chapter.

20 Sec. 46.07.120. TAX. The cost of the program or programs es-  
21 tablished by the department under this chapter shall be paid by the  
22 department. Each oil company which extracts oil offshore shall be  
23 taxed in order to reimburse the state. The amount of the tax shall be  
24 determined and paid in the manner set out in AS 43.57.

25 Sec. 46.07.130. DEFINITIONS. In this chapter

- 26 (1) "department" means the Department of Natural Resources;  
27 (2) "gas" means natural gas and casing head gas;  
28 (3) "oil" means petroleum, any residuary product of  
29 petroleum, or any carbonaceous material or substance;

1 (4) "pollution" means the contamination or altering of  
2 waters of the state in a manner which creates a nuisance or makes  
3 waters unclean, or noxious, or impure, or unfit so that they are  
4 actually or potentially harmful or detrimental or injurious to public  
5 health, safety or welfare, to domestic, commercial, industrial, or  
6 recreational use, or to livestock, wild animals, birds, fish, or other  
7 aquatic life.

8 (5) "waters" means lakes, bays, sounds, ponds, impounding  
9 reservoirs, springs, wells, rivers, streams, creeks, estuaries,  
10 marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf  
11 of Alaska, Bering Sea and Arctic Ocean, within the territorial limits  
12 of the state, and all other bodies of surface or underground water,  
13 natural or artificial, public or private, inland or coastal, fresh or  
14 salt, which are wholly or partially within or bordering the state or  
15 under the jurisdiction of the state.

16 \* Sec. 2. AS 46.05.230(3) is amended to read:

17 (3) "other wastes" means garbage, refuse, decayed wood,  
18 sawdust, shavings, bark, trimmings from logging operations, sand,  
19 lime, cinders, ashes, offal, oil (except as provided in AS 46.07),  
20 tar, dyestuffs, acids, chemicals, and other substances not sewage or  
21 industrial waste which may cause or tend to cause pollution of the  
22 waters of the state;  
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