

Introduced: 2/4/81
Referred: Resources and
Judiciary

1 IN THE HOUSE

BY ROGERS, GARDINER, CLOCKSIN,
AND MILLER

2 HOUSE BILL NO. 72

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the transportation, storage and
7 disposal of nuclear and other hazardous waste material,
8 and providing for an effective date."

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

10 * Section 1. AS 18 is amended by adding a new chapter to read:

11 CHAPTER 31. HAZARDOUS WASTE.

12 Sec. 18.31.010. DISPOSAL OF HAZARDOUS WASTE PROHIBITED. It is
13 unlawful to dispose of hazardous waste in the state unless the waste
14 has been processed to remove its harmful properties in accordance with
15 regulations adopted by the department.

16 Sec. 18.31.020. REGULATIONS. The department shall adopt regu-
17 lations in accordance with the Administrative Procedure Act (AS 44.62)
18 for the disposal of hazardous waste to protect the public health, live-
19 stock, wildlife, and the environment.

20 Sec. 18.31.030. PENALTIES. (a) A person who violates AS 18.-
21 31.010 or a regulation adopted under AS 18.31.020 is guilty of a Class
22 A misdemeanor.

23 (b) A corporation that violates AS 18.31.010 is subject to a
24 civil penalty of not less than \$10,000.

25 Sec. 18.31.100. DEFINITIONS. In this chapter

26 (1) "department" means the Department of Environmental Con-
27 servation;

28 (2) "dispose" means to abandon, deposit, or otherwise dis-
29 card;

1 (3) "hazardous waste" means a waste, or combination of
2 wastes, which because of its quantity, concentration, or physical,
3 chemical, or infectious characteristics may

4 (A) cause, or significantly contribute to an increase
5 in mortality or an increase in serious irreversible, or incapacitating
6 reversible illness; or

7 (B) pose a substantial present or potential hazard to
8 human health or environment when improperly disposed of;

9 (4) "waste" means material for which no use or reuse is
10 intended and which is to be disposed of.

11 * Sec. 2. AS 18.45.025 is amended to read:

12 Sec. 18.45.025. FACILITIES SITING PERMIT REQUIRED. (a) A [NO]
13 person may not construct a nuclear fuel production facility, utilization
14 facility, or reprocessing facility [, OR NUCLEAR WASTE DISPOSAL
15 FACILITY] in the state unless he has first obtained a permit from the
16 Department of Environmental Conservation.

17 (b) The Department of Environmental Conservation shall adopt
18 regulations governing the issuance of [THESE] permits required by (a)
19 of this section. However, a [; HOWEVER, NO] permit may not be issued
20 until

21 (1) the legislature has approved the regulations by a con-
22 current resolution concurred in by a majority of the members of each
23 house;

24 (2) the local government with jurisdiction over the proposed
25 facility site has approved the permit;

26 (3) the legislature has approved the permit by a concurrent
27 resolution concurred in by a majority of the members of each house; and

28 (4) the governor has approved the permit.

29 * Sec. 3. AS 46.03 is amended by adding new sections to read:

1 Sec. 46.03.842. TRANSPORTATION OF NUCLEAR WASTE MATERIAL. The
2 transportation of nuclear waste material in the state, except for pur-
3 poses of disposal outside the state, is prohibited.

4 Sec. 46.03.844. STORAGE AND DISPOSAL OF HIGH LEVEL NUCLEAR WASTE
5 MATERIAL. (a) The storage and disposal of high level nuclear waste
6 material in the state is prohibited.

7 (b) For purposes of this section, "high level nuclear waste
8 material"

9 (1) means

10 (A) nuclear waste materials produced by nuclear power
11 plants; and

12 (B) material of a kind or quantity which, when stored
13 or disposed, would constitute a threat to the health or safety of
14 the public, as determined by the department under AS 46.03.250 by
15 regulation;

16 (2) does not include radioactive materials used in medicine,
17 education, or scientific research which are stored or disposed of in
18 conformity with procedures established by the department by regulation.

19 * Sec. 4. AS 46.03.790(a) is amended to read:

20 (a) Except as provided in (c) of this section, a [A] person who
21 violates or who causes or permits a violation of a provision of this
22 chapter or AS 46.04, or of a regulation, lawful order of the department,
23 or permit, approval, or acceptance, or term or condition of a permit,
24 approval, or acceptance issued under this chapter or AS 46.04 is guilty
25 of a violation.

26 * Sec. 5. AS 46.03.790(b) is amended to read:

27 (b) Except as provided in (c) of this section, a [A] person who
28 wilfully violates a provision of this chapter, or of a regulation,
29 lawful order of the department, or permit, approval, or acceptance, or

1 term or condition of a permit, approval, or acceptance issued under
2 this chapter or AS 46.04 is guilty of a misdemeanor.

3 * Sec. 6. AS 46.03.790 is amended by adding a new subsection to read:

4 (c) A person who violates AS 46.03.842 - 46.03.844 is guilty of a
5 class C felony.

6 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
7 070(c).

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