

CS HB 647 (CIRA)

Introduced: 2/17/86  
Referred: Community & Regional  
Affairs and State Affairs

BY HURLEY, KOPONEN, DAVIS,  
GOLI, POURCHOT, M. M. MILLER,  
CLOCK SIN, UEHLING AND GRUENBERG

1 IN THE HOUSE

2 HOUSE BILL NO. 647

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring municipalities to establish report-  
7 ing and inspection programs for hazardous materials  
8 and hazardous waste; and providing for an effective  
9 date."

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

11 \* Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,  
12 in adopting this Act, to

13 (1) ensure the safety of emergency response personnel who re-  
14 spond to fires and other emergencies involving hazardous materials and  
15 hazardous wastes, and to effectively contain these emergencies.

16 (2) permit the development of a chemical profile of municipal-  
17 ities in order to enable local elected officials and municipal agencies to  
18 initiate actions necessary to prevent damage to the public health and to  
19 property;

20 (3) protect the health and safety of residents of and visitors  
21 to municipalities; and

22 (4) inform the public of the existence, location, and dangers of  
23 hazardous materials and hazardous wastes.

24 \* Sec. 2. AS 29.35 is amended by adding new sections to read:

25 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

26 Sec. 29.35.500. REPORTING: PLACARDING. (a) A municipality  
27 shall require a person who handles hazardous materials or hazardous  
28 wastes to submit annually to a designated person or office in the  
29 municipality, on a form provided by the Department of Public Safety,

1 division of fire prevention, an inventory of the hazardous materials  
2 and hazardous wastes the person handles.

3 (b) An inventory required under this section shall include at  
4 least the following information about each of the hazardous materials  
5 and hazardous wastes that the person handles:

- 6 (1) hazard class;
- 7 (2) maximum estimated quantity;
- 8 (3) general location;
- 9 (4) method of disposal.

10 (c) A municipality shall also require a person who handles  
11 hazardous materials or hazardous wastes to report

12 (1) significant change in the location of hazardous mate-  
13 rials or hazardous wastes within 24 hours after moving the materials  
14 or wastes; and

15 (2) additions of hazardous materials or hazardous wastes  
16 within 30 days after the addition is made.

17 (d) A municipality shall require a new business that handles  
18 hazardous materials or hazardous wastes to submit an inventory under  
19 this section within 30 days after applying for a business license from  
20 the state. A municipality shall require other persons who handle  
21 hazardous materials or hazardous wastes to submit an inventory under  
22 this section within 30 days after the municipality's reporting re-  
23 quirements take effect.

24 (e) A municipality may require a person who handles hazardous  
25 materials or hazardous wastes to submit a federal Occupational Safety  
26 and Health Administration (OSHA) form 20 (Material Data Safety Sheet)  
27 or equivalent information for each of the materials or wastes the  
28 person handles.

29 (f) A municipality shall require a person who handles hazardous

1 materials or hazardous wastes to post placards provided by the divi-  
2 sion of fire protection or designed in accordance with guidelines  
3 developed by the division of fire prevention under AS 29.35.530.

4 (g) The requirements of this section may be imposed by a munic-  
5 ipality on a person who handles hazardous materials or hazardous  
6 wastes outside of the boundaries of the municipality if a fire or  
7 other emergency involving the materials or wastes would be

8 (1) likely to adversely affect persons or property in the  
9 municipality; or

10 (2) responded to by emergency response personnel whose  
11 service area includes all or a part of the municipality.

12 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may  
13 conduct inspections, and establish and impose penalties, necessary to  
14 ensure compliance with reporting and placarding requirements adopted  
15 under AS 29.35.500.

16 Sec. 29.35.520. FEES. A municipality may impose appropriate  
17 fees to fully or partially compensate for the cost of processing  
18 reports and administering inspections under AS 29.35.500.

19 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) In  
20 order to assist a person who handles hazardous materials or hazardous  
21 wastes to comply with the provisions of AS 29.35.500, the Department  
22 of Public Safety, division of fire prevention, shall provide to a  
23 person or to a municipality

24 (1) a descriptive summary of the hazardous materials and  
25 hazardous wastes that are required to be included in an inventory;

26 (2) inventory forms; and

27 (3) warning placards designed in conjunction with the  
28 Department of Labor and the Department of Environmental Conservation.

29 (b) The division of fire prevention may, at the request of a

1 municipality or a person required to submit an inventory under AS 29.-  
2 35.500, provide a complete list containing the chemical identity,  
3 product names, and common names of the hazardous materials and hazard-  
4 ous wastes that are required to be included in an inventory.

5 (c) The division shall develop guidelines for the posting of  
6 placards that will give adequate warning to the public and to emer-  
7 gency response personnel of the type and location of hazardous mate-  
8 rials and hazardous wastes.

9 (d) The division of fire prevention may

10 (1) request copies of inventories submitted under AS 29.-  
11 35.500; and

12 (2) provide educational materials related to hazardous  
13 materials and hazardous wastes.

14 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

15 (1) "acutely hazardous waste" means a waste listed by the  
16 administrator of the Environmental Protection Agency in accordance  
17 with the criteria in 40 C.F.R. 261.11(a)(2);

18 (2) "handles" includes disposes of, generates, processes,  
19 stores, treats, and uses;

20 (3) "hazard class" means a class of hazardous substance  
21 under 49 C.F.R. 172.101(d);

22 (4) "hazardous material" means a toxic or hazardous materi-  
23 al or substance, as defined in 49 C.F.R. 171.8, and any other  
24 substance determined by the division of fire prevention to pose a  
25 significant health and safety hazard; "hazardous material" does not  
26 include consumer commodities in quantities of 1,000 pounds or less, or  
27 food, drugs, cosmetics, tobacco, or tobacco products intended for  
28 personal consumption; except for the hazard classes of "Poison A,"  
29 "Poison B," "Class A Explosive," "Class B Explosive," "Flammable Solid

1 (Dangerous When Wet)," and "radioactive," "hazardous material" does  
2 not include an aggregate quantity of hazardous materials, handled at  
3 any one time and place, of 500 pounds or less per hazard class, and an  
4 aggregate quantity for all hazard classes of 1,000 pounds or less;

5 (5) "hazardous waste" has the meaning given in 49 C.F.R.  
6 171.8; "hazardous waste" does not include an acutely hazardous waste  
7 in a quantity less than 2.2 pounds or another waste in a quantity  
8 less than 220 pounds;

9 (6) "quantity" means the total amount of a material or  
10 waste handled at a time and includes the aggregate of a material or  
11 waste that is divided among multiple containers.

12 \* Sec. 3. This Act takes effect January 1, 1987.