

Offered: 3/24/86
Referred: Finance

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 647 (State Affairs)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act establishing requirements for warning placards and for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective 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 Alaska; and

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

24 * Sec. 2. AS 18.70 is amended by adding a new section to read:

25 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
26 business or government agency that handles hazardous materials or
27 hazardous wastes shall post placards, provided by the Department of
28 Public Safety, division of fire protection, in accordance with regu-
29 lations adopted by the department under this section.

1 (b) The Department of Public Safety, division of fire preven-
2 tion, shall adopt a design for warning placards for hazardous mater-
3 ials and hazardous wastes in conjunction with the Department of Labor
4 and the Department of Environmental Conservation.

5 (c) The Department of Public Safety shall adopt regulations for
6 the posting of placards that will give adequate warning to the public
7 and to emergency response personnel of the type and location of hazar-
8 dous materials and hazardous wastes.

9 (d) The Department of Public Safety may impose appropriate fees
10 to fully or partially compensate for the costs of enforcement of, and
11 placards provided under, this section.

12 (e) In this section, "hazardous material" and "hazardous waste"
13 have the meanings given in AS 29.35.590.

14 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

15 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
16 wastes).

17 * Sec. 4. AS 29.35 is amended by adding new sections to read:

18 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

19 Sec. 29.35.500. REPORTING. (a) A municipality that establishes
20 a program for the reporting of hazardous materials and hazardous
21 wastes shall require a business or a government agency that handles
22 hazardous materials or hazardous wastes to submit to a designated
23 person or office of the municipality, on a form provided by the De-
24 partment of Public Safety, division of fire prevention, an inventory
25 of the hazardous materials and hazardous wastes the business or gov-
26 ernment agency handles.

27 (b) An inventory required under this section shall include at
28 least the following information about each of the hazardous materials
29 and hazardous wastes that the business or government agency handles:

- 1 (1) hazard class;
2 (2) maximum estimated quantity;
3 (3) location;
4 (4) method of disposal.

5 (c) The following quantities of hazardous materials and hazard-
6 ous wastes shall be reported in an inventory required under this
7 section, and the division of fire prevention or a municipality may
8 require the reporting of smaller quantities:

- 9 (1) any quantity of a hazardous material of the hazard
10 class of
11 (A) Poison A;
12 (B) Poison B;
13 (C) Class A explosive;
14 (D) Class B explosive;
15 (E) Flammable solid (dangerous when wet); or
16 (F) Radioactive;
17 (2) a consumer commodity in a quantity of more than 1,000
18 pounds;
19 (3) other hazardous materials handled, stored, used, pro-
20 cessed, or disposed of at one time and place in an aggregate quantity
21 of more than
22 (A) 500 pounds of materials of a single hazard class;
23 or
24 (B) 1,000 pounds of materials of more than one hazard
25 class;
26 (4) acute hazardous waste in a quantity of 2.2 pounds or
27 more; and
28 (5) another hazardous waste in a quantity of 220 pounds or
29 more.

1 (d) A business or government agency required to submit an inven-
2 tory under this section shall submit the first inventory within 30
3 days after the municipality's reporting requirements take effect or
4 within 30 days after beginning to handle the hazardous materials or
5 hazardous wastes. Thereafter, the business or government agency shall
6 submit an inventory annually.

7 (e) A municipality that establishes a program for the reporting
8 of hazardous materials and hazardous wastes shall also require a
9 business or government agency that handles hazardous materials or
10 hazardous wastes to report

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

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

16 (f) A municipality that establishes a program for the reporting
17 of hazardous materials may require a business or government agency
18 that handles hazardous materials to submit a federal Occupational
19 Safety and Health Administration (OSHA) form 20 (Material Data Safety
20 Sheet) or equivalent information for each of the materials or wastes
21 handled.

22 (g) The requirements of this section may be imposed by a munic-
23 ipality on a business or government agency that handles hazardous
24 materials or hazardous wastes outside of the boundaries of the munic-
25 ipality if a fire or other emergency involving the materials or wastes
26 would be

27 (1) likely to adversely affect persons or property in the
28 municipality; or

29 (2) responded to by emergency response personnel whose

1 service area includes all or a part of the municipality.

2 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
3 conduct inspections, and establish and impose penalties, necessary to
4 ensure compliance with reporting requirements adopted under AS 29.35.-
5 500 and placarding requirements adopted under AS 18.70.310.

6 Sec. 29.35.520. FEES. A municipality may impose appropriate
7 fees to fully or partially compensate for the cost of processing
8 reports and administering inspections under AS 29.35.500 - 29.35.510.

9 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
10 Department of Public Safety, division of fire prevention, at the
11 request of a business or government agency required to submit an
12 inventory under AS 29.35.500 or of a municipality, shall provide

- 13 (1) a descriptive summary of the hazardous materials and
14 hazardous wastes that are required to be included in an inventory; and
15 (2) inventory forms.

16 (b) The division of fire prevention, at the request of a busi-
17 ness or government agency required to submit an inventory under
18 AS 29.35.500 or of a municipality, shall provide a list of the hazard-
19 ous materials and hazardous wastes that are required to be included in
20 an inventory.

21 (c) The division of fire prevention, the Department of Environ-
22 mental Conservation, or the Department of Labor may

23 (1) request copies of inventories submitted under AS 29.-
24 35.500; and

25 (2) provide educational materials related to hazardous
26 materials and hazardous wastes.

27 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
28 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
29 530 shall be made readily available to the public for inspection and

1 service area includes all or a part of the municipality.

2 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
3 conduct inspections, and establish and impose penalties, necessary to
4 ensure compliance with reporting requirements adopted under AS 29.35.-
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25 (2) provide educational materials related to hazardous
26 materials and hazardous wastes.

27 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
28 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
29 530 shall be made readily available to the public for inspection and

1 copying.

2 Sec. 29.35.550. APPLICATION. AS 29.35.500 - 29.35.590 apply to
3 home rule and general law municipalities.

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

5 (1) "acute hazardous waste" means a waste listed by the
6 administrator of the Environmental Protection Agency in accordance
7 with the criteria in 40 C.F.R. 261.11(a)(2);

8 (2) "consumer commodity" means a material that is packaged
9 and distributed in a form intended or suitable for sale through retail
10 sales agencies or instrumentalities for consumption by individuals for
11 purposes of personal care or household use, including a drug or medi-
12 cine;

13 (3) "handles" includes disposes of, generates, processes,
14 stores, treats, and uses, but does not include transports;

15 (4) "hazard class" means the class of a hazardous material
16 defined in 49 C.F.R. 173;

17 (5) "hazardous material" means a toxic or hazardous materi-
18 al or substance, as defined in 49 C.F.R. 171.8, and any other sub-
19 stance determined by the division of fire prevention, or by a munic-
20 ipality for purposes of its own reporting program, to pose a signif-
21 icant health and safety hazard; "hazardous material" does not include
22 food, drugs, cosmetics, tobacco, or tobacco products intended for
23 personal consumption;

24 (6) "hazardous waste" means a hazardous waste as identified
25 by the Environmental Protection Agency under 40 C.F.R. 261, and any
26 other hazardous waste defined by the division of fire prevention or by
27 a municipality for purposes of its own reporting program;

28 (7) "quantity" means the total amount of a material or
29 waste handled at a time and includes the aggregate of a material or

- 1 waste that is divided among multiple containers.
- 2 * Sec. 5. This Act takes effect January 1, 1987.