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1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 647 (Finance)

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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 plac-  
7 ards and for municipal reporting programs for hazard-  
8 ous materials and hazardous waste; and providing for  
9 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 shall establish a fee  
10 schedule to fully compensate for the costs of enforcement of, and  
11 placards provided under, this section. Fees collected under this  
12 subsection shall be deposited in the general fund. The commissioner  
13 of administration shall account separately for fees collected and  
14 deposited under this subsection. The annual estimated balance in the  
15 account may be appropriated by the legislature to the Department of  
16 Public Safety to carry out the purposes of this section.

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

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

20 (47) AS 29.35.500 - 29.35.590 (hazardous materials and  
21 wastes).

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

23 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

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

1 of the hazardous materials and hazardous wastes the business or gov-  
2 ernment agency 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 business or government agency handles:

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

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

14 (1) any quantity of a hazardous material of the hazard  
15 class of

- 16 (A) Poison A;  
17 (B) Poison B;  
18 (C) Class A explosive;  
19 (D) Class B explosive;  
20 (E) Flammable solid (dangerous when wet); or  
21 (F) Radioactive;

22 (2) a consumer commodity in a quantity of more than 1,000  
23 pounds;

24 (3) other hazardous materials handled, stored, used, pro-  
25 cessed, or disposed of at one time and place in an aggregate quantity  
26 of more than

27 (A) 500 pounds of materials of a single hazard class;

28 or

29 (B) 1,000 pounds of materials of more than one hazard

1 class;

2 (4) acute hazardous waste in a quantity of 2.2 pounds or  
3 more; and

4 (5) another hazardous waste in a quantity of 220 pounds or  
5 more.

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

12 (e) A municipality that establishes a program for the reporting  
13 of hazardous materials and hazardous wastes shall also require a  
14 business or government agency that handles hazardous materials or  
15 hazardous wastes to report

16 (1) significant change in the location of hazardous mate-  
17 rials or hazardous wastes within 24 hours after moving the materials  
18 or wastes; and

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

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

27 (g) The requirements of this section may be imposed by a munic-  
28 ipality on a business or government agency that handles hazardous  
29 materials or hazardous wastes outside of the boundaries of the

1 municipality if a fire or other emergency involving the materials or  
2 wastes would be

3 (1) likely to adversely affect persons or property in the  
4 municipality; or

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

7 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may  
8 conduct inspections, and establish and impose penalties, necessary to  
9 ensure compliance with reporting requirements adopted under AS 29.35.-  
10 500 and placarding requirements adopted under AS 18.70.310.

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

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

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

20 (2) inventory forms.

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

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

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

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

3           Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information  
4 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-  
5 530 shall be made readily available to the public for inspection and  
6 copying.

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

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

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

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

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

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

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

29           (6) "hazardous waste" means a hazardous waste as identified

1 by the Environmental Protection Agency under 40 C.F.R. 261, and any  
2 other hazardous waste defined by the division of fire prevention or by  
3 a municipality for purposes of its own reporting program;

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

7 \* Sec. 5. This Act takes effect January 1, 1987.