

Offered: 4/10/86  
Referred: Rules

Original sponsors: Hurley, Koponen,  
Davis, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2

CS FOR HOUSE BILL NO. 647 (Finance) am

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; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date."

7

8

9

10

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

12

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

13

14

(1) ensure the safety of emergency response personnel who respond to fires and other emergencies involving hazardous materials and hazardous wastes, and to effectively contain these emergencies;

17

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

21

(3) protect the health and safety of residents of and visitors to Alaska; and

23

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

25

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

26

Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A business or government agency that handles hazardous materials or hazardous wastes shall post placards, provided by the Department of Public Safety, division of fire protection, in accordance with

29

1 regulations adopted by the department under this section.

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

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

10 (d) The Department of Public Safety shall establish a fee  
11 schedule to fully compensate for the costs of enforcement of, and  
12 placards provided under, this section. Fees collected under this  
13 subsection shall be deposited in the general fund. The commissioner  
14 of administration shall account separately for fees collected and  
15 deposited under this subsection. The annual estimated balance in the  
16 account may be appropriated by the legislature to the Department of  
17 Public Safety to carry out the purposes of this section.

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

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

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

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

24 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

25 Sec. 29.35.500. REPORTING. (a) A municipality that establishes  
26 a program for the reporting of hazardous materials and hazardous  
27 wastes shall require a business or a government agency that handles  
28 hazardous materials or hazardous wastes to submit to a designated  
29 person or office of the municipality, on a form provided by the

1 Department of Public Safety, division of fire prevention, an inventory  
2 of the hazardous materials and hazardous wastes the business or gov-  
3 ernment agency handles.

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

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

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

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

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

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

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

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

29 or

1 (B) 1,000 pounds of materials of more than one hazard  
2 class;

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

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

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

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

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

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

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

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

1 materials or hazardous wastes outside of the boundaries of the munici-  
2 pality if a fire or other emergency involving the materials or wastes  
3 would be

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

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

8 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may  
9 conduct inspections, and establish and impose penalties, necessary to  
10 ensure compliance with reporting requirements adopted under AS 29.35.-  
11 500 and placarding requirements adopted under AS 18.70.310.

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

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

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

21 (2) inventory forms.

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

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

29 (1) request copies of inventories submitted under

1 AS 29.35.500; and

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

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

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

10 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a  
11 municipality of a program for the reporting of hazardous materials and  
12 hazardous wastes does not increase the liability that may otherwise be  
13 imposed on the municipality for damages resulting from hazardous  
14 materials or hazardous waste.

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

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

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

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

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

28 (5) "hazardous material" means a toxic or hazardous materi-  
29 al or substance, as defined in 49 C.F.R. 171.8, and any other

1 substance determined by the division of fire prevention, or by a  
2 municipality for purposes of its own reporting program, to pose a  
3 significant health and safety hazard; "hazardous material" does not  
4 include food, drugs, cosmetics, tobacco, or tobacco products intended  
5 for personal consumption;

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

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

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