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Referred: State Affairs  
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Original sponsors: Hurley, Koponen,  
Davis, et al

1 IN THE HOUSE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 647 (C&RA)  
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 plac-  
7 ards; establishing requirements and limiting liabil-  
8 ity for municipal reporting programs for hazardous  
9 materials and hazardous waste; and providing for an  
10 effective date."  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
12 \* Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,  
13 in adopting this Act, to  
14 (1) ensure the safety of emergency response personnel who re-  
15 spond to fires and other emergencies involving hazardous materials and  
16 hazardous wastes, and to effectively contain these emergencies;  
17 (2) permit the development of a chemical profile of municipal-  
18 ities in order to enable local elected officials and municipal agencies to  
19 initiate actions necessary to prevent damage to the public health and to  
20 property;  
21 (3) protect the health and safety of residents of and visitors  
22 to Alaska; and  
23 (4) inform the public of the existence, location, and dangers of  
24 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  
27 business or government agency that handles hazardous materials or  
28 hazardous wastes shall post placards, provided by the Department of  
29 Public Safety, division of fire prevention, in accordance with

1 regulations adopted by the department under this section.

2 (b) The Department of Public Safety, division of fire preven-  
3 tion, shall adopt the United States Department of Transportation  
4 warning placards for hazardous materials and hazardous wastes. A  
5 municipality that establishes a program for the reporting of hazardous  
6 materials and hazardous wastes may, with the approval of the Depart-  
7 ment of Public Safety, division of fire prevention, adopt and use an  
8 alternative design for warning placards.

9 (c) The Department of Public Safety shall adopt regulations for  
10 the posting of placards that will give adequate warning to the public  
11 and to emergency response personnel of the type of hazardous materials  
12 and hazardous wastes.

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

21 (e) In this section, "handles," "hazardous material," and "haz-  
22 arduous waste" have the meanings given in AS 29.35.590.

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

24 (47) AS 29.35.500 - 29.35.590 (hazardous materials and  
25 wastes).

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

27 **ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.**

28 **Sec. 29.35.500. REPORTING.** (a) If a municipality establishes a  
29 program for the reporting of hazardous materials and hazardous wastes,

1 then the municipality shall require a business or a government agency  
2 that handles hazardous materials or hazardous wastes to submit to a  
3 designated person or office of the municipality, on a form provided by  
4 the Department of Public Safety, division of fire prevention, an  
5 inventory of the hazardous materials and hazardous wastes the business  
6 or government agency handles.

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

- 10 (1) hazard class;
- 11 (2) proper chemical name;
- 12 (3) maximum estimated quantity;
- 13 (4) location;
- 14 (5) method of disposal.

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

- 19 (1) any quantity of a hazardous material of the hazard  
20 class of
  - 21 (A) Poison A;
  - 22 (B) Poison B;
  - 23 (C) Class A explosive;
  - 24 (D) Class B explosive;
  - 25 (E) Flammable solid (dangerous when wet); or
  - 26 (F) Radioactive;
- 27 (2) a consumer commodity in a quantity of more than 1,000  
28 pounds;
- 29 (3) other hazardous materials handled, stored, used,

1 processed, or disposed of at one time and place in an aggregate quan-  
2 tity of more than

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

4 or

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

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

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

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

17 (e) A municipality that establishes a program for the reporting  
18 of hazardous materials and hazardous wastes shall also require a  
19 business or government agency that handles hazardous materials or  
20 hazardous wastes to report

21 (1) significant change in the location of hazardous mate-  
22 rials or hazardous wastes within 24 hours after moving the materials  
23 or wastes; and

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

26 (f) A municipality that establishes a program for the reporting  
27 of hazardous materials may require a business or government agency  
28 that handles hazardous materials to submit a federal Occupational  
29 Safety and Health Administration (OSHA) form 20 (Material Safety Data

1 Sheet) or equivalent information for each of the materials or wastes  
2 handled.

3 (g) The requirements of this section may be imposed by a munic-  
4 ipality on a business or government agency that handles hazardous  
5 materials or hazardous wastes outside of the boundaries of the munic-  
6 ipality if a fire or other emergency involving the materials or wastes  
7 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 requirements adopted under AS 29.35.-  
15 500 and placarding requirements adopted under AS 18.70.310.

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 - 29.35.510.

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

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

25 (2) inventory forms.

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

1 an inventory.

2 (c) The division of fire prevention, the Department of Environ-  
3 mental Conservation, the Department of Health and Social Services, or  
4 the Department of Labor may

5 (1) request copies of inventories submitted under AS 29.-  
6 35.500; and

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

9 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information  
10 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-  
11 530 shall be made readily available to the public for inspection and  
12 copying.

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

15 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a  
16 municipality of a program for the reporting of hazardous materials and  
17 hazardous wastes does not increase the liability that may otherwise be  
18 imposed on the municipality for damages resulting from hazardous  
19 materials or hazardous waste.

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

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

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

29 (3) "handles" includes disposes of, generates, processes,

1 stores, treats, and uses hazardous materials or wastes, but does not  
2 include the handling of hazardous materials or hazardous wastes while  
3 they are in transit and before they reach the final destination indi-  
4 cated on the shipping paper accompanying the shipment; in this para-  
5 graph, "shipping paper" has the meaning given in 49 C.F.R. 171.8;

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

8 (5) "hazardous material" means a toxic or hazardous materi-  
9 al or substance, as defined in 49 C.F.R. 171.8, and any other sub-  
10 stance determined by the division of fire prevention, or by a munic-  
11 ipality for purposes of its own reporting program, to pose a signif-  
12 icant health and safety hazard; "hazardous material" does not include  
13 food, drugs, alcoholic beverages, cosmetics, tobacco, or tobacco  
14 products intended for personal consumption;

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

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

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