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1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 516 (HESS) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to hazardous chemicals, hazardous
7 materials, and hazardous wastes."

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

9 * Section 1. AS 18.70.310(a) is repealed and reenacted to read:

10 (a) A business or government agency that handles hazardous
11 chemicals, hazardous materials, or hazardous wastes shall post plac-
12 ards in accordance with regulations adopted under this section. A
13 business or agency located in a municipality shall use placards spec-
14 ified by the municipality. Any other business or agency shall use
15 placards provided by the Department of Public Safety, division of fire
16 prevention.

17 * Sec. 2. AS 18.70.310(b) is amended to read:

18 (b) The Department of Public Safety, division of fire prevention
19 shall adopt the National Fire Protection Association 704 M system of
20 [UNITED STATES DEPARTMENT OF TRANSPORTATION] warning placards for
21 hazardous chemicals, hazardous materials, and hazardous wastes. A
22 municipality [THAT ESTABLISHES A PROGRAM FOR THE REPORTING OF HAZARD-
23 OUS MATERIALS AND HAZARDOUS WASTES] may, with the approval of the
24 Department of Public Safety, division of fire prevention, adopt and
25 use an alternative design for warning placards that gives adequate
26 warning to the public and emergency response personnel, if the 704M
27 system placards are inappropriate.

28 * Sec. 3. AS 18.70.310(c) is amended to read:

29 (c) The Department of Public Safety shall adopt regulations for

1 the posting of placards that will give adequate warning to the public
2 and to emergency response personnel of the type of hazardous chemi-
3 cals, hazardous materials, and hazardous wastes. A municipality that
4 adopts placarding regulations shall adopt the Department of Public
5 Safety regulations or regulations that are more stringent.

6 * Sec. 4. AS 18.70.310(e) is amended to read:

7 (e) In this section,

8 (1) "handles," "hazardous chemical," "hazardous material,"
9 and "hazardous waste" have the meanings given in AS 29.35.590;

10 (2) "municipality" means a municipality that establishes a
11 program for the reporting and placarding of hazardous chemicals,
12 hazardous materials, and hazardous wastes.

13 * Sec. 5. AS 29.35.500(a) is amended to read:

14 (a) If a municipality establishes a program for the reporting of
15 hazardous chemicals, hazardous materials, and hazardous wastes, then
16 the municipality shall require a business or a government agency that
17 handles hazardous chemicals, hazardous materials, or hazardous wastes
18 to submit to a designated person or office of the municipality, in a
19 form approved [PROVIDED] by the Department of Public Safety, division
20 of fire prevention, an inventory of the hazardous chemicals, hazardous
21 materials, and hazardous wastes the business or government agency
22 handles.

23 * Sec. 6. AS 29.35.500(b) is repealed and reenacted to read:

24 (b) An inventory required under this section must include

25 (1) the name and address of a facility, and of the owner
26 and operator of the facility, at which the hazardous chemicals, haz-
27 arduous materials, or hazardous wastes are handled;

28 (2) the names and telephone numbers of persons connected
29 with the facility who are to be contacted in an emergency;

1 (3) the chemical name or other descriptive information
2 about each hazardous chemical, hazardous material, or hazardous waste
3 handled;

4 (4) the location and maximum estimated quantity of the
5 hazardous chemicals, hazardous materials, and hazardous wastes handled
6 in a single day;

7 (5) with respect to a transshipment facility, instead of
8 the information required under (3) and (4) of this subsection, the
9 following information:

10 (A) a list of the classes of hazardous chemicals,
11 hazardous materials, and hazardous wastes handled;

12 (B) a site layout and floor plan showing the usual
13 locations of the hazardous chemicals, hazardous materials, and
14 hazardous wastes handled at the facility; and

15 (C) the method of marking or warning used for hazard-
16 ous chemicals, hazardous materials, and hazardous wastes at the
17 facility.

18 * Sec. 7. AS 29.35.500(c) is amended to read:

19 (c) The following quantities of hazardous chemicals, hazardous
20 materials, and hazardous wastes shall be reported in an inventory
21 required under this section, and the division of fire prevention or a
22 municipality may require the reporting of smaller quantities:

23 (1) any quantity of a hazardous material of the hazard
24 class of

25 (A) Poison A;

26 (B) Poison B;

27 (C) Class A explosive;

28 (D) Class B explosive;

29 (E) Flammable solid (dangerous when wet); or

- 1 (F) Radioactive;
- 2 (2) a consumer commodity of a hazardous material in a
3 quantity of more than 1,000 pounds;
- 4 (3) a hazardous chemical, or a hazardous material other
5 than one described in (1) of this subsection, if handled in a single
6 day in an amount equal to or greater than 500 pounds [OTHER HAZARDOUS
7 MATERIALS HANDLED, STORED, USED, PROCESSED, OR DISPOSED OF AT ONE TIME
8 AND PLACE IN AN AGGREGATE QUANTITY OF MORE THAN
- 9 (A) 500 POUNDS OF MATERIALS OF A SINGLE HAZARD CLASS;
- 10 OR
- 11 (B) 1,000 POUNDS OF MATERIALS OF MORE THAN ONE HAZARD
12 CLASS];
- 13 (4) acute hazardous waste in a quantity of 2.2 pounds or
14 more; [AND]
- 15 (5) [ANOTHER] hazardous waste in a quantity of 220 pounds
16 or more;
- 17 (6) extremely hazardous substances in a quantity equal to
18 or more than 500 pounds or the threshold planning quantity, whichever
19 is less; and
- 20 (7) compressed gasses equal to or more than 200 cubic feet
21 at standard temperature and pressure.

22 * Sec. 8. AS 29.35.500(d) is repealed and reenacted to read:

23 (d) A business or government agency required to submit an inven-
24 tory under this section shall submit the first inventory within 90
25 days after the municipality's reporting requirements take effect or
26 within 30 days after beginning to engage in the handling of hazardous
27 chemicals, hazardous materials, or hazardous wastes. Thereafter, the
28 business or government agency shall submit an inventory annually.
29 With respect to transshipments, the first inventory shall be an

1 estimate of transshipments by the business or government agency during
2 the next 12 months. Subsequent annual inventories shall reflect
3 actual transshipments during the previous 12 months.

4 * Sec. 9. AS 29.35.500(e) is repealed and reenacted to read:

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

9 (1) significant change in the general location of hazardous
10 chemicals, hazardous materials, or hazardous wastes by telephone or
11 other means adequate to convey the information within 24 hours, and in
12 writing within 10 working days, after moving the chemicals, materials,
13 or wastes;

14 (2) names and other descriptive information of additional
15 hazardous chemicals, hazardous materials, or hazardous wastes being
16 handled since the last inventory or report if they meet the criteria
17 for reporting under (c) of this section, by telephone or other means
18 adequate to convey the information within 24 hours, and in writing
19 within 10 working days, after making the additions;

20 (3) with respect to a transshipment facility, instead of
21 the information required under (1) and (2) of this subsection, the
22 following:

23 (A) an additional class of hazardous chemicals, haz-
24 arduous materials, or hazardous wastes handled at the facility, or
25 a change in the method of marking or warning used for hazardous
26 chemicals, hazardous materials, or hazardous wastes at the facil-
27 ity, within 30 days after the addition or change; and

28 (B) a change to the site layout or floor plan submit-
29 ted under (b)(5)(B) of this section, by telephone or other means

1 adequate to convey the information within 24 hours, and in writ-
2 ing within 30 days after the change.

3 * Sec. 10. AS 29.35.500(f) is amended to read:

4 (f) A municipality that establishes a program for the reporting
5 of hazardous chemicals or hazardous materials may require a business
6 or government agency that handles hazardous chemicals or hazardous
7 materials to submit a federal Occupational Safety and Health Adminis-
8 tration (OSHA) [FORM 20 () Material Safety Data Sheet ()] or equiva-
9 lent information for each of the chemicals and materials [OR WASTES]
10 handled.

11 * Sec. 11. AS 29.35.500(g) is amended to read:

12 (g) The requirements of this section may be imposed by a munic-
13 ipality on a business or government agency that handles hazardous
14 chemicals, hazardous materials, or hazardous wastes outside of the
15 boundaries of the municipality if a fire or other emergency involving
16 the chemicals, materials, or wastes would be

17 (1) likely to adversely affect persons or property in the
18 municipality; or

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

21 * Sec. 12. AS 29.35.520 is amended to read:

22 Sec. 29.35.520. FEES. A municipality may impose appropriate
23 fees to fully or partially compensate for the cost of processing
24 reports and administering inspections under AS 29.35.500 - 29.35.510
25 and the cost of providing placards under AS 18.70.310. The municipal-
26 ity may establish a fee schedule different from the schedule estab-
27 lished by the Department of Public Safety under AS 18.70.310.

28 * Sec. 13. AS 29.35.530 is amended to read:

29 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The

1 Department of Public Safety, division of fire prevention, at the
2 request of a business or government agency required to submit an
3 inventory under AS 29.35.500 or of a municipality, shall provide

4 (1) a descriptive summary of the hazardous chemicals,
5 hazardous materials, and hazardous wastes that are required to be
6 included in an inventory; and

7 (2) inventory forms.

8 (b) The division of fire prevention, at the request of a busi-
9 ness or government agency required to submit an inventory under
10 AS 29.35.500 or of a municipality, shall provide a list of the hazard-
11 ous chemicals, hazardous materials, and hazardous wastes that are
12 required to be included in an inventory.

13 (c) The division of fire prevention, the Department of Environ-
14 mental Conservation, the Department of Health and Social Services, or
15 the Department of Labor may

16 (1) request copies of inventories submitted under AS 29.-
17 35.500; and

18 (2) provide educational materials related to hazardous
19 chemicals, hazardous materials, and hazardous wastes.

20 * Sec. 14. AS 29.35.560 is amended to read:

21 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a
22 municipality of a program for the reporting of hazardous chemicals,
23 hazardous materials, and hazardous wastes does not increase the lia-
24 bility that may otherwise be imposed on the municipality for damages
25 resulting from hazardous chemicals, hazardous materials, or hazardous
26 waste.

27 * Sec. 15. AS 29.35.590(3) is amended to read:

28 (3) "handles" includes disposes of, generates, processes,
29 stores, treats, transships, and uses hazardous chemicals, materials,

1 or wastes, but does not include the handling of hazardous chemicals,
2 hazardous materials, or hazardous wastes while they are in transit and
3 before they reach the final destination indicated on the shipping
4 paper accompanying the shipment, except while they are at a transship-
5 ment facility; in this paragraph, "shipping paper" has the meaning
6 given in 49 C.F.R. 171.8;

7 * Sec. 16. AS 29.35.590 is amended by adding new paragraphs to read:

8 (8) "extremely hazardous substance" means a substance
9 listed in 40 C.F.R. Part 355, Appendix A and B;

10 (9) "hazardous chemical" means a chemical that is a physi-
11 cal hazard or a health hazard;

12 (10) "threshold planning quantity" means the quantity listed
13 in the column "threshold planning quantity" for a substance listed in
14 40 C.F.R. Part 355, Appendix A and B;

15 (11) "transshipment facility" means a building, dock, yard
16 or other structure or area at which hazardous chemicals, hazardous
17 materials, or hazardous wastes are held, or transferred from one
18 vehicle, vessel, or container to another, for the purpose of reship-
19 ment within seven days after arriving at the facility, if regularly
20 holding or transferring within that period of time is the principal
21 business of the facility.