

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 143

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act providing for the regulation of aboveground  
7 and underground petroleum and chemical storage tanks;  
8 and providing for an effective date."

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

10 \* Section 1. AS 46.03 is amended by adding new sections to read:

11 ARTICLE 6A. REGULATION OF STORAGE TANKS.

12 Sec. 46.03.410. APPLICABILITY. AS 46.03.410 -- 46.03.450 apply  
13 to aboveground and underground petroleum or chemical storage tanks,  
14 and, along with implementing regulations adopted by the department,  
15 may be enforced against a person who owns, possesses, or controls such  
16 a tank.

17 Sec. 46.03.420. REGULATION OF STORAGE TANKS. (a) The depart-  
18 ment shall develop and implement a program to prevent and abate pol-  
19 lution from aboveground and underground petroleum and chemical storage  
20 tanks through the adoption of regulations. The regulations may govern

21 (1) notification;

22 (2) licensing, certification, inspection, and record keep-  
23 ing;

24 (3) contingency plans and financial responsibility;

25 (4) construction, installation, and performance;

26 (5) maintenance, operation, and repair;

27 (6) spill and overfill control, and release detection and  
28 reporting;

29 (7) enforcement, corrective action, and damages and cost

1 recovery;

2 (8) closure and abandonment; and

3 (9) prevention of spills, releases, or pollution, to pro-  
4 tect the public health and environment.

5 (b) The department may distinguish between the sizes, types,  
6 classes, and ages of storage tanks in the regulations adopted under  
7 (a) of this section.

8 (c) The state may delegate authority to a municipality to imple-  
9 ment a program with regulatory requirements at least as strict as  
10 those in AS 46.03.410 -- 46.03.450 and the regulations adopted under  
11 those statutes.

12 Sec. 46.03.430. EXEMPTIONS. (a) AS 46.03.410 -- 46.03.450 do  
13 not apply to a storage tank with a capacity of 1,100 gallons or less  
14 at a farm, or at a residence no larger than a single-family dwelling  
15 or duplex, if the storage tank is used for storing motor fuel that is  
16 not intended for resale.

17 (b) AS 46.03.410 -- 46.03.450 do not apply to a storage tank  
18 with a capacity of 1,100 gallons or less if the storage tank is used  
19 for storing heating oil for consumptive use on the premises where it  
20 is stored.

21 (c) AS 46.03.410 -- 46.03.450 do not apply to a storage tank  
22 used for storing heating oil at a farm, or at a residence no larger  
23 than a single-family dwelling or duplex, if the oil is held for  
24 consumptive use on the premises where it is stored.

25 (d) AS 46.03.410 -- 46.03.450 do not apply to the storage of  
26 hazardous waste that is being managed in accordance with 42 U.S.C.  
27 6901 -- 6991i (the Solid Waste Disposal Act).

28 (e) The department may by regulation provide for other exemp-  
29 tions as necessary.

1           Sec. 46.03.440. INSPECTIONS.    An aboveground or underground  
2           petroleum or chemical storage tank regulated under AS 46.03.410 --  
3           46.03.450 is subject to inspection by the department to ensure com-  
4           pliance with AS 46.03.410 -- 46.03.450 and the regulations adopted  
5           under those statutes.

6           Sec. 46.03.450. DEFINITIONS.   In AS 46.03.410 -- 46.03.450

7           (1) "chemical" means any substance defined in 42 U.S.C.  
8           9601(14) (sec. 101(14) of the Comprehensive Environmental Response,  
9           Compensation, and Liability Act (CERCLA) of 1980; 42 U.S.C. 9601 --  
10          9675, as amended, and any substance having the characteristics iden-  
11          tified or listed under 42 U.S.C. 6921 (sec. 3001 of the Solid Waste  
12          Disposal Act), regardless of whether the substance is a solid waste.

13          (2) "farm" means a tract of land devoted to the production  
14          of crops or raising animals, including fish, and associated residences  
15          and improvements; "farm" includes fish hatcheries, rangelands, and  
16          nurseries with growing operations;

17          (3) "petroleum" means crude oil or any fraction of crude  
18          oil that is liquid at standard conditions of temperature and pressure  
19          (60 degrees Fahrenheit and 14.7 pounds per square inch absolute);  
20          "petroleum" includes petroleum-based substances comprised of a complex  
21          blend of hydrocarbons derived from crude oil through processes of  
22          separation, conversion, upgrading, and finishing, such as motor fuels,  
23          jet fuels, distillate fuel oils, residual fuel oils, lubricants,  
24          petroleum solvents, and used oils;

25          (4) "storage tank" means one or a combination of stationary  
26          devices that (A) are designed to contain an accumulation of petroleum  
27          or chemicals; (B) are constructed of non-earthen materials such as  
28          concrete, steel, or plastic; and (C) provide structural support;  
29          "storage tank" includes pipes or piping connected to the storage tank.

1 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).