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1 IN THE HOUSE

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2

HOUSE BILL NO. 196

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to persons who perform work relating
7 to petroleum and chemical storage tanks; and provid-
8 ing for an effective date."

9

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

10

* Section 1. AS 08.18 is amended by adding a new section to read:

11

Sec. 08.18.035. ENDORSEMENT ON REGISTRATION. (a) The depart-
12 ment may issue a registration endorsement authorizing a registered
13 contractor to install, repair, and test petroleum and chemical storage
14 tanks if the applicant for endorsement meets the requirements that the
15 department establishes by regulation and pays the applicable fee.

16

(b) The department shall consult with the Department of Environ-
17 mental Conservation when establishing requirements under (a) of this
18 section. The requirements may include training, education, experi-
19 ence, satisfactory performance on written, oral, or practical examina-
20 tions, and other appropriate factors. The requirements must be
21 designed to ensure that a person with an endorsement issued under this
22 section is qualified to install, repair, and test petroleum and chemi-
23 cal storage tanks in a manner that complies with standards established
24 by the Environmental Protection Agency.

25

(c) An endorsement issued under this section expires at the same
26 time as the certificate of registration to which it attaches. An
27 endorsement may be renewed upon satisfactory completion of continuing
28 education requirements established by the department by regulation.

29

(d) A person may not install, repair, or test or offer to

1 install, repair, or test a petroleum or chemical storage tank without
2 an endorsement issued under this section. A person who violates this
3 subsection is guilty of a class A misdemeanor.

4 (e) In this section, "chemical," "petroleum," and "storage tank"
5 have the meanings given in AS 08.48.341.

6 * Sec. 2. AS 08.18.041 is amended to read:

7 Sec. 08.18.041. FEES. The department shall set [REGISTRATION
8 AND RENEWAL] fees under AS 08.01.065 for the following:

- 9 (1) registration and renewal for a general contractor;
10 (2) registration and renewal for a specialty contractor;
11 (3) registration and renewal for a mechanical contractor;
12 (4) endorsement and renewal under AS 08.18.035.

13 * Sec. 3. AS 08.48.011(b) is amended to read:

14 (b) The board consists of nine members appointed by the governor
15 having the qualifications as set out in AS 08.48.031. The board con-
16 sists of two civil engineers, one land surveyor, one mining engineer,
17 two engineers from other branches of the profession of engineering,
18 two architects, and one public member. At least one engineer appoint-
19 ed to the board must be certified by the board to inspect petroleum
20 and chemical storage tanks.

21 * Sec. 4. AS 08.48 is amended by adding a new section to read:

22 Sec. 08.48.215. PETROLEUM AND CHEMICAL STORAGE TANKS; CERTIFICA-
23 TION. (a) The board, in consultation with the Department of Environ-
24 mental Conservation, shall by regulation develop and implement proce-
25 dures and standards under which a professional engineer may receive an
26 additional certificate of registration identifying the engineer as
27 being qualified to inspect a petroleum or chemical storage tank. The
28 board shall also adopt regulations governing revocation and renewal of
29 a certificate issued under this section.

1 (b) In the records and reports under this chapter in which the
2 board must identify professional engineers, the board shall also
3 identify whether the engineer is certified under this section.

4 * Sec. 5. AS 08.48.261 is amended to read:

5 Sec. 08.48.261. STATE EMPLOYEES. The head of each principal
6 department in which there are positions necessitating use of architec-
7 tural, engineering, or land surveying knowledge or skills shall speci-
8 fy, in the job descriptions, the positions for which registration
9 under this chapter is required. Except for certification related to
10 inspection of a petroleum or chemical storage tank under AS 08.48.215,
11 this [THIS] requirement for any position in a department may be waived
12 by the head of the department. When the requirement is waived, the
13 head of the department shall transmit to the division of personnel a
14 written statement to the effect that the person filling the position
15 is qualified to perform the duties of that position and a statement of
16 the reasons for waiving the requirement, explaining why the employee
17 was hired or was retained as an employee even though not registered
18 under this chapter. The head of the department shall send a copy of
19 the statement to the board.

20 * Sec. 6. AS 08.48.281 is amended by adding a new subsection to read:

21 (b) A person may not inspect or offer to inspect a petroleum or
22 chemical storage tank unless the person is certified under AS 08.48.-
23 215.

24 * Sec. 7. AS 08.48.291 is amended by adding a new subsection to read:

25 (b) A person who violates AS 08.48.281(b) is guilty of a class A
26 misdemeanor.

27 * Sec. 8. AS 08.48.341 is amended by adding new paragraphs to read:

28 (14) "chemical" means a substance defined in 42 U.S.C.
29 9601(14) (sec. 101(14) of the Comprehensive Environmental Response,

1 Compensation, and Liability Act of 1980) as amended, and a substance
2 having the characteristics identified or listed under 42 U.S.C. 6921
3 (sec. 3001 of the Solid Waste Disposal Act), regardless of whether the
4 substance is a solid waste;

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

9 (16) "petroleum" means crude oil or any fraction of crude
10 oil that is liquid at 60 degrees Fahrenheit and 14.7 pounds per square
11 inch absolute; "petroleum" includes petroleum-based substances com-
12 prised of a complex blend of hydrocarbons derived from crude oil
13 through processes of separation, conversion, upgrading, and finishing,
14 such as motor fuels, jet fuels, distillate fuel oils, residual fuel
15 oils, lubricants, petroleum solvents, and used oils;

16 (17) "storage tank" means one or a combination of stationary
17 devices that are designed to contain an accumulation of petroleum or
18 chemicals; are constructed of non-earthen materials such as concrete,
19 steel, or plastic; and provide structural support; "storage tank" in-
20 cludes pipes or piping connected to the storage tank; "storage tank"
21 does not include a storage tank holding

22 (A) heating oil if the tank capacity is 1,100 gallons
23 or less or if it is located at a farm or at a dwelling no larger
24 than a duplex, and the heating oil is for consumptive uses on the
25 storage premises;

26 (B) motor fuel if the tank capacity is 1,100 gallons
27 or less or if it is located at a farm or at a dwelling no larger
28 than a duplex, and the motor fuel is not intended for resale;

29 (C) hazardous waste that is being managed under 42

1 U.S.C. 6901 - 6991i (Solid Waste Disposal Act);

2 * Sec. 9. Section 3 of this Act takes effect July 1, 1990.

3 * Sec. 10. AS 08.18.035(a) and (b), enacted by sec. 1 of this Act, and
4 sec. 4 of this Act take effect immediately under AS 01.10.070(c).

5 * Sec. 11. Except as provided in secs. 9 and 10 of this Act, this Act
6 takes effect January 1, 1990.