

Offered: 4/29/89  
Referred: Finance

6-1242E

Original sponsors: M.Davis, Brown,  
Menard, et al.

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

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CS FOR HOUSE BILL NO. 288 (Resources)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act requiring the Department of Environmental Conservation to prepare and to annually review and revise a master oil and hazardous substance discharge and prevention contingency plan for the state and regional oil and hazardous substance discharge and prevention contingency plans for certain regions of the state; relating to the implementation of those plans; and providing for an effective date."

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

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\* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that the March 24, 1989, oil spill disaster in Prince William Sound demonstrates a need for the state to have an independent spill containment and cleanup capability in the event of future discharges of oil or a hazardous substance.

(b) It is the purpose of this Act to provide assurance to the people of the state that their health, safety, and well-being will be protected from the adverse consequences of oil and hazardous substance releases of a magnitude that presents a grave and substantial threat to the economy and the environment of the state.

\* Sec. 2. AS 46.04 is amended by adding new sections to read:

ARTICLE 2. OIL AND HAZARDOUS SUBSTANCE DISCHARGE AND  
PREVENTION CONTINGENCY PLANS.

Sec. 46.04.200. STATE MASTER PLAN. (a) The department shall prepare and annually review and revise a statewide master oil and

1 hazardous substance discharge and prevention contingency plan.

2 (b) The state master plan prepared under this section must

3 (1) take into consideration the elements of an oil dis-  
4 charge contingency plan approved or submitted for approval under  
5 AS 46.04.030;

6 (2) clarify and specify the respective responsibilities of  
7 each of the following in the assessment, containment, and cleanup of a  
8 catastrophic oil discharge or of a significant discharge of a hazard-  
9 ous substance into the environment of the state:

10 (A) agencies of the state;

11 (B) municipalities of the state;

12 (C) appropriate federal agencies;

13 (D) operators of facilities;

14 (E) private parties whose land and other property may  
15 be affected by the oil or hazardous substance discharge; and

16 (F) other parties identified by the commissioner as  
17 having an interest in or the resources to assist in the contain-  
18 ment and cleanup of an oil or hazardous substance discharge;

19 (3) specify the respective responsibilities of parties  
20 identified in (2) of this subsection in an emergency response; and

21 (4) identify actions necessary to reduce the likelihood of  
22 catastrophic oil discharges and significant discharges of hazardous  
23 substances.

24 (c) In preparing and annually reviewing the state master plan,  
25 the commissioner shall

26 (1) consult with municipal and community officials, and  
27 with representatives of affected regional organizations;

28 (2) submit the draft plan to the public for review and  
29 comment;

1 (3) submit to the legislature for review, not later than  
2 the 10th day following the convening of each regular session, the plan  
3 and any annual revision of the plan; and

4 (4) require or schedule unannounced oil spill drills to  
5 test the sufficiency of an oil discharge contingency plan approved  
6 under AS 46.04.030 or of the cleanup plans of a party identified under  
7 (b)(2) of this section.

8 Sec. 46.04.210. REGIONAL MASTER PLAN. (a) For any region of  
9 the state, the boundaries of which are determined by the commissioner  
10 by regulation, in which the department is required to review and  
11 approve an oil discharge contingency plan submitted by a person under  
12 AS 46.04.030, the department shall prepare and annually review and  
13 revise a regional master oil and hazardous substance discharge and  
14 prevention contingency plan. The plan must cover oil and hazardous  
15 substance

16 (1) discharge;

17 (2) transportation; and

18 (3) unpermitted discharge prevention, recovery, and related  
19 restoration.

20 (b) The provisions of AS 46.04.200(b) and (c) apply to prepara-  
21 tion and review of a regional master plan under this section.

22 \* Sec. 3. AS 46.08.040 is amended to read:

23 Sec. 46.08.040. PURPOSES OF THE FUND. The commissioner may use  
24 money from the fund to

25 (1) investigate and evaluate the release or threatened  
26 release of oil or a hazardous substance, and contain, clean up, and  
27 take other necessary action, such as monitoring and [,] assessing, to  
28 address a [INVESTIGATING, AND EVALUATING THE] release or threatened  
29 release of oil or a hazardous substance that poses an imminent and

1 substantial threat to the public health or welfare, or to the environ-  
2 ment;

3 (2) provide matching funds for participation in federal oil  
4 discharge cleanup activities and under 42 U.S.C. 9601 - 9657 (Compre-  
5 hensive Environmental Response, Compensation, and Liability Act of  
6 1980); [AND]

7 (3) recover the cost to the state or to a municipality of a  
8 containment and cleanup resulting from the release or the threatened  
9 release of oil or a hazardous substance;

10 (4) prepare, review, and revise

11 (A) the state's master oil and hazardous substance  
12 discharge and prevention contingency plan required by AS 46.04.-  
13 200; and

14 (B) a regional master oil and hazardous substance  
15 discharge and prevention contingency plan required by AS 46.04.-  
16 210; and

17 (5) restore the environment by addressing the effects of an  
18 oil or hazardous substance release.

19 \* Sec. 4. PREPARATION OF INITIAL PLANS. The commissioner of environ-  
20 mental conservation shall present the initial statewide master plan pre-  
21 pared under AS 46.04.200, enacted by sec. 2 of this Act, and any initial  
22 regional master plans required by AS 46.04.210, enacted by sec. 2 of this  
23 Act, to the governor by July 1, 1990, and to the legislature in January,  
24 1991, in accordance with AS 46.04.200(c)(3), added by sec. 2 of this Act.

25 \* Sec. 5. APPLICABILITY OF ACT. This Act does not relieve a person  
26 responsible for an oil terminal facility, offshore exploration or produc-  
27 tion facility, or a vessel that transports crude oil, or a person who has  
28 control of a hazardous substance, from the responsibility for containing  
29 and cleaning up a discharge of oil or the hazardous substance as required

1 by law.

2 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).