

Original sponsor(s): Rules/Governor

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO 567 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to oil discharge prevention and
7 contingency plan requirements, financial respon-
8 sibility requirements related to oil and hazardous
9 substances, civil penalties for discharges of crude
10 oil, and inspection authority of the Department of
11 Environmental Conservation; authorizing certain
12 additional uses of the oil and hazardous substance
13 release response fund; authorizing the Department of
14 Environmental Conservation and municipalities to
15 enter into agreements pertaining to vessel traffic
16 control and monitoring systems; and providing for an
17 effective date."

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

19 * Section 1. AS 29.35.020 is amended by adding a new subsection to
20 read:

21 (d) A municipality may enter into agreements with the United
22 States Coast Guard, the United States Environmental Protection Agency,
23 and other persons relating to development and enforcement of vessel
24 traffic control and monitoring systems for oil barges and tank vessels
25 carrying oil operating in or near the waters of the state.

26 * Sec. 2. AS 46.03.759(c) is amended to read:

27 (c) Subject to the \$500,000,000 maximum set under (a) of this
28 section the court shall assess five [FOUR] times the penalty set out
29 in (a) of this section if the court finds

1 (1) the discharge was caused by the gross negligence or
2 intentional act of the defendant;

3 (2) the defendant did not take reasonable measures to
4 contain and clean up the discharged oil; or

5 (3) the defendant did not act or respond in accordance with
6 an approved oil discharge prevention and contingency plan.

7 * Sec. 3. AS 46.04.020(e) is amended to read:

8 (e) The department shall enter into negotiations for memoranda
9 of understanding or cooperative agreements with the United States
10 Coast Guard, the United States Environmental Protection Agency, and
11 other persons in order to

12 (1) facilitate coordinated and effective oil prevention and
13 discharge response in the state, including agreements relating to
14 development and enforcement of vessel traffic control and monitoring
15 systems for tank vessels and oil barges operating in or near the
16 waters of the state;

17 (2) provide for cooperative review of oil discharge preven-
18 tion and contingency plans submitted to the department under AS 46.-
19 04.030;

20 (3) provide for cooperative inspections of oil terminal
21 facilities by the department and the United States Coast Guard or
22 United States Environmental Protection Agency; and

23 (4) provide for cooperative oil discharge notification
24 procedures.

25 * Sec. 4. AS 46.04.030 is amended to read:

26 Sec. 46.04.030. OIL DISCHARGE PREVENTION AND CONTINGENCY PLANS.

27 (a) A person may not cause or permit the operation of an oil terminal
28 facility in the state unless an oil discharge prevention and contin-
29 gency plan for the facility has been approved by the department and

1 has been properly implemented [. THE DEPARTMENT IS THE ONLY STATE
2 AGENCY WHICH HAS THE POWER TO APPROVE AN OIL DISCHARGE CONTINGENCY
3 PLAN FOR THE PURPOSES OF THIS SECTION].

4 (b) A [AFTER JANUARY 1, 1981, A] person may not cause or permit
5 the operation of an [OFFSHORE] exploration or production facility in
6 the state unless an oil discharge prevention and contingency plan for
7 the facility has been approved by the department and has been properly
8 implemented.

9 (c) A person may not operate a tank vessel or an oil barge
10 within the waters of the state, or cause or permit the transfer of oil
11 to or from a tank vessel or [, OR, AFTER JANUARY 1, 1981, TO OR FROM]
12 an oil barge, unless an oil discharge prevention and contingency plan
13 for the tank vessel or oil barge has been approved by the department
14 and has been properly implemented [EXCEPT FOR PROSECUTIONS UNDER
15 AS 46.03.790(b), IT IS NOT A DEFENSE TO AN ACTION BROUGHT FOR VIOLA-
16 TION OF THIS SUBSECTION THAT THE PERSON CHARGED BELIEVED THAT A CUR-
17 RENT OIL DISCHARGE CONTINGENCY PLAN FOR THE TANK VESSEL OR OIL BARGE
18 HAD BEEN APPROVED BY THE DEPARTMENT].

19 (d) A [AN OIL DISCHARGE] contingency plan must be renewed at
20 least every three years.

21 (e) The department may attach reasonable terms and conditions to
22 its approval or modification of a [AN OIL DISCHARGE] contingency plan
23 that the department [WHICH IT] determines are necessary to ensure
24 [INSURE] that the applicant for a [AN OIL DISCHARGE] contingency plan
25 has access to sufficient resources to protect environmentally sensi-
26 tive areas and to contain, clean up, and mitigate potential oil dis-
27 charges at or from the facility or vessel as provided in (j) of this
28 section, and to ensure that the applicant properly implements the
29 contingency plan [WITHIN THE SHORTEST FEASIBLE TIME]. The [OIL

1 [DISCHARGE] contingency plan must provide for the use of the best
2 available technology by the applicant. The department may require an
3 applicant or holder of an approved contingency plan to take steps
4 necessary to demonstrate its ability to carry out the contingency
5 plan, including

6 (1) periodic training;

7 (2) response team exercises; and

8 (3) verifying access to inventories of available equipment,
9 supplies, and personnel.

10 (f) The department, after notice and opportunity for hearing,
11 may modify its approval of a [AN OIL DISCHARGE] contingency plan if
12 the department [IT] determines that a change has occurred in the
13 operation of a facility [, MARINA] or vessel necessitating an amended
14 or supplemented plan, or the operator's discharge experience demon-
15 strates a necessity for modification. The department, after notice
16 and opportunity for hearing, may revoke its approval of a [AN OIL
17 DISCHARGE] contingency plan if the department [IT] determines that

18 (1) approval was obtained by fraud or misrepresentation;

19 (2) the operator does not have access to the quality or
20 quantity of resources identified in the plan; [OR]

21 (3) a term or condition of approval or modification has
22 been violated; or

23 (4) the plan has not been properly implemented.

24 (g) Failure of a holder of an approved or modified [OIL DIS-
25 CHARGE] contingency plan to properly implement the plan, or to have
26 access to the quality or quantity of resources identified in the plan
27 or [AND, IN THE EVENT OF A SPILL,] to respond with those resources
28 within the shortest possible [FEASIBLE] time in the event of a spill
29 is a violation of this chapter for purposes of AS 46.03.760(a),

1 46.03.765, 46.03.790, and any other applicable law. If the holder of
2 an approved or modified [OIL DISCHARGE] contingency plan fails to
3 respond to and conduct cleanup operations of an unpermitted discharge
4 of crude oil with the quality and quantity of resources identified in
5 the plan and in a manner required under the plan, the holder is
6 strictly liable, jointly and severally, for the civil penalty assessed
7 under AS 46.03.758, 46.03.759, or 46.03.760 against any other person
8 for that discharge.

9 * Sec. 5. AS 46.04.030 is amended by adding new subsections to read:

10 (h) The department is the only state agency that has the power
11 to approve, modify, or revoke a contingency plan for the purposes of
12 this section. The department shall exercise its power under this
13 section in a timely manner. Except for prosecutions under AS 46.03.-
14 790(b), it is not a defense to an action brought for a violation of
15 (a) - (c) of this section that the person charged believed that a
16 current contingency plan had been approved by the department.

17 (i) Before the department approves or modifies a contingency
18 plan under this section, the department shall provide a copy of the
19 contingency plan to the Department of Fish and Game and to the Depart-
20 ment of Natural Resources and shall provide those departments a rea-
21 sonable opportunity to review and comment on the plan.

22 (j) An applicant for a contingency plan required under this
23 section shall maintain in its area of operation, singly or in conjunc-
24 tion with other operators in its area of operation, sufficient oil
25 discharge containment, storage, transfer, and removal equipment,
26 personnel, and resources to rapidly contain a

27 (1) realistic maximum oil discharge and to remove that
28 discharge within 72 hours if the contingency plan is for an explora-
29 tion or production facility;

1 (2) discharge in an amount equal to the capacity of the
2 largest oil storage tank at the facility and to remove that discharge
3 within 72 hours if the contingency plan is for an oil terminal facil-
4 ity; if the department determines that the oil terminal facility is
5 located in an area of high risk because of natural or manmade condi-
6 tions outside of the facility, the department may increase the volume
7 requirement under this paragraph so that the contingency plan must be
8 designed for response to a discharge that is greater in amount than
9 the capacity of the largest oil storage tank at the facility;

10 (3) discharge of oil in an amount equal to the maximum
11 capacity of the vessel or barge and to remove that discharge within 72
12 hours if the contingency plan is for a tank vessel or oil barge.

13 (k) Notwithstanding (j) of this section, failure to remove a
14 discharge within 72 hours does not constitute failure to properly
15 implement a contingency plan for purposes of (g) of this section.

16 (1) In this section

17 (1) "contingency plan" means an oil discharge prevention
18 and contingency plan required under this section;

19 (2) "properly implement" means, with respect to a contin-
20 gency plan, to

21 (A) establish and carry out procedures identified in
22 the plan as being the responsibility of the holder of the plan;

23 (B) have access to and have on hand the quantity and
24 quality of equipment, personnel, and other resources identified
25 as being accessible or on hand in the plan;

26 (C) fulfill the assurances espoused in the plan in the
27 manner described in the plan;

28 (D) comply with terms and conditions attached to the
29 plan by the department under the authority of (e) of this

1 section; and

2 (E) successfully demonstrate the ability to carry out
3 the plan when required by the department under (e) of this sec-
4 tion;

5 (3) "realistic maximum oil discharge" means the maximum and
6 most damaging oil discharge that the department estimates could occur
7 during the lifetime of the vessel or facility based on the size,
8 location, and capacity of the vessel or facility; on the department's
9 knowledge and experience with the vessel or facility or with similar
10 vessels or facilities; and on the department's analysis of possible
11 mishaps at the vessel or facility or at similar vessels or facilities.

12 * Sec. 6. AS 46.04.040(a) is amended to read:

13 (a) A person may not cause or permit the operation of an oil
14 terminal facility in the state unless the person has furnished to the
15 department, and the department has approved, proof of financial abil-
16 ity to respond in damages. Proof of financial responsibility for a
17 crude oil terminal may not be less than \$50,000,000 per incident.
18 Proof of financial responsibility for a noncrude oil terminal may not
19 be less than \$25, per incident, for each barrel of total noncrude oil
20 storage capacity at the terminal or [WHICH HAS BEEN ACCEPTED BY THE
21 DEPARTMENT. ABILITY TO RESPOND IN DAMAGES NEED NOT EXCEED \$50,000,000
22 BUT MUST BE IN AN AMOUNT (1) NOT LESS THAN \$10, PER INCIDENT, FOR EACH
23 BARREL OF STORAGE CAPACITY AT THE OIL TERMINAL FACILITY: OR (2)]
24 \$1,000,000, whichever is greater, subject to a maximum of \$50,000,000.

25 * Sec. 7. AS 46.04.040(b) is amended to read:

26 (b) A [AFTER JULY 1, 1981, A] person may not cause or permit the
27 operation of an [OFFSHORE] exploration or production facility in the
28 state unless the person has furnished to the department, and the
29 department has approved, proof of financial ability to respond in

1 damages [HAS BEEN ACCEPTED BY THE DEPARTMENT]. Proof of financial
2 responsibility for an offshore exploration or production facility may
3 not be less than \$50,000,000 [\$35,000,000] per incident. Proof of
4 financial responsibility for an onshore exploration or production
5 facility may not be less than \$20,000,000 per incident.

6 * Sec. 8. AS 46.04.040(c) is amended to read:

7 (c) A person may not operate a tank vessel or an oil barge
8 within the waters of the state, or cause or permit the transfer of oil
9 to or from a tank vessel [,] or [, AFTER JANUARY 1, 1981, TO OR FROM]
10 an oil barge, unless the person operating the tank vessel or oil barge
11 has furnished to the department, and the department has approved,
12 proof of financial ability to respond in damages. Proof of financial
13 responsibility under this subsection may not be less than

14 (1) \$500,000,000 per incident for a tank vessel or barge
15 carrying crude oil;

16 (2) \$100, per incident, for each barrel of storage capacity
17 or \$1,000,000, whichever is greater, subject to a maximum of
18 \$35,000,000, for a tank vessel or barge carrying noncrude oil or other
19 hazardous substance in an amount of 5,000 barrels or more [RESPONSI-
20 BILITY FOR THE TANK VESSEL OR BARGE HAS BEEN ACCEPTED BY THE DEPART-
21 MENT. FINANCIAL RESPONSIBILITY UNDER THIS SUBSECTION SHALL BE IN THE
22 FOLLOWING AMOUNTS:

23 (1) FOR A TANK VESSEL OR OIL BARGE INVOLVED IN THE TRANS-
24 PORTATION OF TRANS-ALASKA PIPELINE OIL, THE AMOUNT REQUIRED BY THE
25 FEDERAL MARITIME COMMISSION UNDER 43 U.S.C. 1653(c)(3) (SEC. 204
26 (c)(3), TRANS-ALASKA PIPELINE AUTHORIZATION ACT);

27 (2) FOR ANY OTHER OIL BARGE, THE AMOUNT REQUIRED BY
28 SEC. 311(p)(1) OF THE CLEAN WATER ACT, OR \$1,000,000, WHICHEVER IS
29 GREATER;

1 (3) FOR ANY OTHER TANK VESSELS, THE AMOUNT REQUIRED BY
2 SEC. 311(p)(1) OF THE CLEAN WATER ACT, OR \$20,000,000, WHICHEVER IS
3 GREATER].

4 * Sec. 9. AS 46.04.040(d) is amended to read:

5 (d) Except for prosecutions under AS 46.03.790(b), it is not a
6 defense to an action brought for violation of (a) - (c) [(c)] of this
7 section that the person charged believed in good faith that proof of
8 financial ability to respond in damages had been furnished to, and
9 approved by, the department [THE VESSEL OPERATOR POSSESSED PROOF OF
10 FINANCIAL RESPONSIBILITY ACCEPTED BY THE DEPARTMENT].

11 * Sec. 10. AS 46.04.040(e) is amended to read:

12 (e) Financial responsibility may be demonstrated by self-insur-
13 ance, insurance, surety, [OR] guarantee, or other security approved by
14 the department, under terms the department may prescribe. An action
15 brought under AS 46.03.758, 46.03.759, 46.03.760(a) or (e), 46.03.822,
16 or AS 46.04.030(g) [OR TO COLLECT PENALTIES IMPOSED UNDER AS 46.03.-
17 759] may be brought in a state court directly against the insurer or
18 another person providing evidence of financial responsibility. The
19 applicant, and an insurer, surety, [OR] guarantor, or other person
20 providing security approved by the department shall appoint an agent
21 for service of process in the state. An insurer must either be au-
22 thorized by the Department of Commerce and Economic Development to
23 sell insurance in the state or be an unauthorized insurer listed by
24 the Department of Commerce and Economic Development as not disapproved
25 for use in the state.

26 * Sec. 11. AS 46.04.040(f) is amended to read:

27 (f) Acceptance of proof of financial responsibility expires
28 (1) one year from its issuance for self-insurance;
29 (2) on the effective date of a change in the surety bond,

1 guarantee, [OR] insurance agreement, or other security approved by the
2 department; or

3 (3) on the expiration or cancellation of the surety bond,
4 guarantee, [OR] insurance agreement, or other security approved by the
5 department.

6 * Sec. 12. AS 46.04.040(g) is amended to read:

7 (g) The person whose proof of financial responsibility is ac-
8 cepted by the department under this section shall notify the depart-
9 ment at least 30 days before the effective date of a change, expira-
10 tion or cancellation in the surety bond, guarantee, [OR] insurance
11 agreement, or other security approved by the department. Application
12 for renewal of acceptance of proof of financial responsibility under
13 this section must be filed at least 30 days before the date of ex-
14 piration.

15 * Sec. 13. AS 46.04 is amended by adding a new section to read:

16 Sec. 46.04.045. ADJUSTMENT OF DOLLAR AMOUNTS. (a) The dollar
17 amounts in AS 46.04.040 change, as provided in this section, according
18 to and to the extent of changes in the Consumer Price Index for all
19 urban consumers for the Anchorage metropolitan area compiled by the
20 Bureau of Labor Statistics, United States Department of Labor (the
21 index). The index for January of the year in which this section
22 becomes effective is the reference base index.

23 (b) The dollar amounts change on October 1 of each third year
24 according to the percentage change between the index for January of
25 that year and the most recent index used to determine whether to
26 change the dollar amounts. After calculation of the new amounts, the
27 resulting amounts shall be rounded to the nearest cent.

28 (c) If the index is revised, the percentage of change is cal-
29 culated on the basis of the revised index. If a revision of the index

1 changes the reference base index, a revised reference base index is
2 determined by multiplying the reference base index applicable by the
3 rebasing factor furnished by the United States Bureau of Labor Statis-
4 tics. If the index is superseded, the index referred to in this sec-
5 tion is the one represented by the Bureau of Labor Statistics as
6 reflecting most accurately changes in the purchasing power of the
7 dollar for Alaskan consumers.

8 (d) The department shall adopt a regulation announcing

9 (1) on or before June 30 of each third year, the changes in
10 dollar amounts required by (b) of this section; and

11 (2) promptly after the changes occur, changes in the index
12 required by (c) of this section, including, if applicable, the numer-
13 ical equivalent of the reference base index under a revised reference
14 base index and the designation or title of any index superseding the
15 index.

16 (e) The department shall also provide notification of a change
17 in dollar amounts required under (b) of this section to the clerks of
18 court in each judicial district of the state.

19 * Sec. 14. AS 46.04.050 is amended to read:

20 Sec. 46.04.050. EXEMPTIONS. The provisions of [BECAUSE OF THE
21 RESTRICTED NATURE OF THE OPERATIONS AND THE MINIMAL DANGER TO THE
22 ENVIRONMENT POSED BY THE ACTIVITIES,] AS 46.04.030, 46.04.040₁ and
23 46.04.060 do not apply to an oil terminal facility that has an effec-
24 tive storage capacity of less than 5,000 [10,000] barrels of crude oil
25 or less than 10,000 barrels of noncrude oil.

26 * Sec. 15. AS 46.04.060 is amended to read:

27 Sec. 46.04.060. INSPECTIONS. In addition to other rights of
28 access or inspection conferred upon the department by law or other-
29 wise, the department may at reasonable times enter and inspect oil

1 [OIL] terminal facilities, [OFFSHORE] exploration and production
2 facilities, tank vessels, and oil barges within the territorial juris-
3 isdiction of the state in order [ARE SUBJECT TO INSPECTION BY THE DE-
4 PARTMENT] to

5 (1) ensure compliance with the provisions of this chapter;
6 or

7 (2) examines the structural integrity of tank vessels, oil
8 barges, oil terminal facilities, oil exploration and production facil-
9 ities, pipelines, and other facilities related to the exploration,
10 production, storage, and transportation of oil.

11 * Sec. 16. AS 46.04.200 is amended to read:

12 Sec. 46.04.200. STATE MASTER PLAN. (a) The department shall
13 prepare and annually review and revise a statewide master oil and
14 hazardous substance discharge [AND] prevention and contingency plan.

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

16 (1) take into consideration the elements of an oil dis-
17 charge prevention and contingency plan approved or submitted for
18 approval under AS 46.04.030;

19 (2) clarify and specify the respective responsibilities of
20 each of the following in the assessment, containment, and cleanup of a
21 catastrophic oil discharge or of a significant discharge of a hazard-
22 ous substance into the environment of the state:

23 (A) agencies of the state;

24 (B) municipalities of the state;

25 (C) appropriate federal agencies;

26 (D) operators of facilities;

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

29 (F) other parties identified by the commissioner as

1 having an interest in or the resources to assist in the contain-
2 ment and cleanup of an oil or hazardous substance discharge;

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

5 (4) identify actions necessary to reduce the likelihood of
6 catastrophic oil discharges and significant discharges of hazardous
7 substances.

8 (c) In preparing and annually reviewing the state master plan,
9 the commissioner shall

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

12 (2) submit the draft plan to the public for review and
13 comment;

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

17 (4) require or schedule unannounced oil spill drills to
18 test the sufficiency of an oil discharge prevention and contingency
19 plan approved under AS 46.04.030 or of the cleanup plans of a party
20 identified under (b)(2) of this section.

21 * Sec. 17. AS 46.04.210(a) is amended to read:

22 (a) For any region of the state, the boundaries of which are
23 determined by the commissioner by regulation, in which the department
24 is required to review and approve an oil discharge prevention and
25 contingency plan submitted by a person under AS 46.04.030, the depart-
26 ment shall prepare and annually review and revise a regional master
27 oil and hazardous substance discharge [AND] prevention and contingency
28 plan.

29 * Sec. 18. AS 46.04.900(8) is amended to read:

1 (8) "[OFFSHORE] exploration or production facility" means a
2 platform, vessel, or other facility used to explore for or produce
3 hydrocarbons in the waters of the state or on land in the state; the
4 term does not include vessels used for stratigraphic drilling or other
5 operations that [WHICH] are not authorized or intended to drill to a
6 producing formation;

7 * Sec. 19. AS 46.08.040 is amended to read:

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

10 (1) investigate and evaluate the release or threatened
11 release of oil or a hazardous substance, and contain, clean up, and
12 take other necessary action, such as monitoring and assessing, to
13 address a release or threatened release of oil or a hazardous sub-
14 stance that poses an imminent and substantial threat to the public
15 health or welfare, or to the environment;

16 (2) pay all costs incurred

17 (A) to establish and maintain the oil and hazardous
18 substance response office and for the expenses of the oil and
19 hazardous substance response corps and the oil and hazardous
20 substance response depots established by that office;

21 (B) to review oil discharge prevention and contingency
22 plans submitted under AS 46.04.030;

23 (C) to conduct training, response exercises, inspec-
24 tions, and tests, in order to verify equipment inventories and
25 ability to prevent and respond to oil and hazardous substance
26 release emergencies, and to undertake other activities intended
27 to verify or establish the preparedness of the state, a munic-
28 ipality, or a party required by AS 46.04.030 to have an approved
29 contingency plan to act in accordance with that plan; and

1 (D) to verify or establish proof of financial respon-
2 sibility required by AS 46.04.040;

3 (3) 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 (4) recover the costs to the state or to a municipality of
8 a containment and cleanup resulting from the release or the threatened
9 release of oil or a hazardous substance; [.]

10 (5) prepare, review, and revise

11 (A) the state's master oil and hazardous substance
12 discharge [AND] prevention and contingency plan required by
13 AS 46.04.200; and

14 (B) a regional master oil and hazardous substance
15 discharge [AND] prevention and contingency plan required by
16 AS 46.04.210; and

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

19 * Sec. 20. SURVEY OF SMALL NONCRUDE OIL TERMINAL FACILITIES. (a) By
20 January 31, 1992, the Department of Environmental Conservation shall sur-
21 vey, inspect, and prepare an inventory of noncrude oil terminal facilities
22 in the state with an effective storage capacity of 5,000 to 10,000 barrels
23 in order to determine for each facility

24 (1) its actual storage capacity;

25 (2) the type of noncrude oil products stored;

26 (3) its age, design, construction, and general condition;

27 (4) the design and construction standards applicable or rele-
28 vant;

29 (5) the presence or absence of containment structures and

1 equipment;

2 (6) its ability to respond to a release or threatened release;

3 (7) the environmental sensitivity of the surrounding area and
4 the potential risk to the environment if a release occurs;

5 (8) the presence or absence of surface and subsurface pipelines
6 and storage tanks; and

7 (9) other appropriate information.

8 (b) By January 31, 1992, the Department of Environmental Conservation
9 shall report to the legislature the results of the survey required under
10 (a) of this section and its written recommendations concerning discharge
11 prevention and contingency requirements or design review requirements that
12 should be enacted for noncrude oil terminal facilities with storage capac-
13 ities of less than 10,000 barrels.

14 (c) Upon completion of the survey required under (a) of this section,
15 the Department of Environmental Conservation may

16 (1) notify each facility of the results of the facility's in-
17 spection; and

18 (2) provide each facility with recommendations and technical
19 assistance concerning identified deficiencies.

20 (d) The Department of Environmental Conservation may conduct the
21 inspections required under this section notwithstanding the provisions of
22 AS 46.04.050. The department shall conduct the inspections at reasonable
23 times.

24 * Sec. 21. This Act takes effect immediately under AS 01.10.070(c).