

Introduced: 4/5/89
Referred: Oil and Gas and
Resources

6-1161A

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1 IN THE SENATE

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SENATE BILL NO. 261

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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, and to implementation of that plan; and providing for an effective date."

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

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* Section 1. PURPOSE. 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.

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

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ARTICLE 2. OIL AND HAZARDOUS SUBSTANCE DISCHARGE AND

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PREVENTION CONTINGENCY PLANS.

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Sec. 46.04.200. STATE MASTER PLAN. (a) The department prepare and annually review and revise a statewide master oil and hazardous substance discharge and prevention contingency plan.

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

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(1) take into consideration the elements of an oil discharge contingency plan approved or submitted for approval under AS 46.04.030;

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

5 (A) agencies of the state;

6 (B) municipalities of the state;

7 (C) appropriate federal agencies;

8 (D) operators of facilities;

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

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

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

16 (4) identify actions necessary to reduce the likelihood of
17 catastrophic releases.

18 (c) In preparing and annually reviewing the state master plan,
19 the commissioner

20 (1) shall consult with municipal and community officials,
21 and with representatives of affected regional organizations; and

22 (2) may submit the draft plan to the public for review and
23 comment.

24 Sec. 46.04.210. REGIONAL MASTER PLAN. (a) For any region of
25 the state, the boundaries of which are determined by the commissioner
26 by regulation, in which the department is required to review and
27 approve an oil discharge contingency plan submitted by a person under
28 AS 46.04.030, the department shall prepare and annually review and
29 revise a regional master oil and hazardous substance discharge

1 and prevention contingency plan.

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

4 * Sec. 3. AS 46.08.040 is amended to read:

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

7 (1) investigate and evaluate the release or threatened
8 release of oil or a hazardous substance, and contain, clean up, and
9 take other necessary action, such as monitoring and [,] assessing, to
10 address a [INVESTIGATING, AND EVALUATING THE] release or threatened
11 release of oil or a hazardous substance that poses an imminent and
12 substantial threat to the public health or welfare, or to the environ-
13 ment;

14 (2) provide matching funds for participation in federal oil
15 discharge cleanup activities and under 42 U.S.C. 9601 - 9657 (Compre-
16 hensive Environmental Response, Compensation, and Liability Act of
17 1980); [AND]

18 (3) recover the cost to the state or to a municipality of a
19 containment and cleanup resulting from the release or the threatened
20 release of oil or a hazardous substance;

21 (4) prepare, review, and revise

22 (A) the state's master oil discharge and prevention
23 contingency plan required by AS 46.04.200; and

24 (B) a regional master oil discharge and prevention
25 contingency plan required by AS 46.04.210; and

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

28 * Sec. 4. PREPARATION OF INITIAL PLANS. The commissioner of environ-
29 mental conservation shall present the initial statewide master plan

1 prepared under AS 46.40.200 and any initial regional master plans required
2 by AS 46.40.210 to the governor by July 1, 1990.
3 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).