

Offered: 4/21/89
Referred: Finance

6-1161J

Original sponsors: Duncan, Kerttula,
Szymanski, et al.

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 261 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

28 Sec. 46.04.200. STATE MASTER PLAN. (a) The department shall
29 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.

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

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

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

20 (1) investigate and evaluate the release or threatened
21 release of oil or a hazardous substance, and contain, clean up, and
22 take other necessary action, such as monitoring and [,] assessing, to
23 address a [INVESTIGATING, AND EVALUATING THE] release or threatened
24 release of oil or a hazardous substance that poses an imminent and
25 substantial threat to the public health or welfare, or to the environ-
26 ment;

27 (2) provide matching funds for participation in federal oil
28 discharge cleanup activities and under 42 U.S.C. 9601 - 9657 (Compre-
29 hensive Environmental Response, Compensation, and Liability Act of

1 1980); [AND]

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

5 (4) prepare, review, and revise

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

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

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

12 * Sec. 4. PREPARATION OF INITIAL PLANS. The commissioner of environ-
13 mental conservation shall present the initial statewide master plan pre-
14 pared under AS 46.04.200, enacted by sec. 2 of this Act, and any initial
15 regional master plans required by AS 46.04.210, enacted by sec. 2 of this
16 Act, to the governor by July 1, 1990, and to the legislature in January,
17 1991, in accordance with AS 46.04.200(c)(3), added by sec. 2 of this Act.

18 * Sec. 5. APPLICABILITY OF ACT. This Act does not relieve a person
19 responsible for an oil terminal facility, offshore exploration or produc-
20 tion facility, or a vessel that transports crude oil, or a person who has
21 control of a hazardous substance, from the responsibility for containing
22 and cleaning up a discharge of oil or the hazardous substance as required
23 by law.

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