

**COMMITTEE REPORT**  
**SENATE**

FURTHER:

3/13/86

Date \_\_\_\_\_

Mr. President

The Committee on FINANCE considered SB 375  
relating to the release of oil and hazardous substances; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman recommendation

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

1/30/86

Date 3/12/86

Mr. President

The Committee on RESOURCES considered SB 375  
relating to the release of oil and hazardous substances; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 375 (Resources)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation *Coming*
- recommends referral to \_\_\_\_\_ *2* e

MEMBERS SIGNING  
DO PASS

*Dennis J. Haggerty*

*J. J. ...*

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

*Paul ...* *No Rec*

*...* *4 4*

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\_\_\_\_\_

*Dennis J. Haggerty*  
Chairman

*Do Pass*  
Chairman recommendation

# Alaska State Legislature

ARLISS STURGULEWSKI, Chairman  
BETTYE FAHRENKAMP, Vice Chairman  
JACK COGHILL  
DICK ELIASON  
VIC FISCHER  
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POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4907

## Senate Committee on Resources

March 12, 1986

### COMMITTEE ON RESOURCES LETTER OF INTENT FOR CSSB 375 (Resources)

To encourage responsible, experienced Alaskan companies to enter the oil and hazardous substance cleanup business and to facilitate the goals of cleaning up these substances, it is the intent of the Legislature to clarify the definition of "construction contracts" in AS 45.45.900. The provision in CSSB 375 (Resources) addresses an ambiguity in the current statute which prohibits indemnification agreements in construction contracts by specifically exempting hazardous waste cleanup contracts from this definition.

The provision does not require any entity, public or private, to enter into an indemnification agreement. It is not intended to hold any party harmless or exempt parties from liability for mishandling of oil or hazardous substances. The intent is to provide a mechanism for the allocation of liability among parties by allowing them to enter into contracts which provide protections and clear lines of responsibility.

A handwritten signature in cursive script, reading "Arliss Sturgulewski".

\_\_\_\_\_  
Senator Arliss Sturgulewski  
Chairman, Senate Resources Committee

Offered: 3/13/86  
Referred: Finance

Original sponsor: Resources

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 375 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the release of oil and hazardous  
7 substances; repealing the oil spill mitigation ac-  
8 count; and providing for an effective date."

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

10 \* Section 1. AS 46 is amended by adding a new chapter to read:

11 CHAPTER 08. OIL AND HAZARDOUS SUBSTANCE RELEASES.

12 Sec. 46.08.005. PURPOSE. The legislature finds and declares  
13 that the release of oil or hazardous substances into the environment  
14 presents a real and substantial threat to the public health and wel-  
15 fare, to the environment, and to the economy of the state. The legis-  
16 lature therefore concludes that it is in the best interest of the  
17 state and its citizens to provide a readily available fund for the  
18 payment of the expenses incurred by the Department of Environmental  
19 Conservation in the protection of the environment of the state from  
20 the release of oil or hazardous substances.

21 Sec. 46.08.010. FUND ESTABLISHED. (a) There is established in  
22 the state general fund the oil and hazardous substance release re-  
23 sponse fund. The fund shall be administered by the commissioner of  
24 environmental conservation.

25 (b) Money from an appropriation made to the fund remaining in  
26 the fund at the end of a fiscal year remains available for expenditure  
27 in successive fiscal years.

28 (c) The fund shall be used for actual expenses incurred under  
29 AS 46.08.040. The fund may not be used for capital improvements.  
S

1           Sec. 46.08.026. FINANCING OF THE FUND. (a) The legislature may  
2 appropriate from the following sources to the fund:

3           (1) money received from federal, state, or other sources or  
4 from a private donor;

5           (2) money recovered or otherwise received from parties  
6 responsible for the containment and cleanup of oil or a hazardous  
7 substance at a specific site, but excluding funds from performance  
8 bonds and other forms of financial responsibility held in escrow  
9 pending satisfactory performance of a privately financed response  
10 action;

11           (3) fines, penalties, or damages recovered under this  
12 chapter or other law for costs incurred by the state as a result of  
13 the release or threatened release of oil or a hazardous substance.

14           (b) Money received by the state under (a)(2) and (a)(3) of this  
15 section shall be deposited in the general fund and credited to a  
16 special account called the "oil and hazardous substance release miti-  
17 gation account." The legislature may annually appropriate to the fund  
18 from this account a sum equal to the amount received under (a)(2) and  
19 (a)(3) of this section during the calendar year preceding the legisla-  
20 tive session in which the appropriations are to be made.

21           Sec. 46.08.030. FINANCING THE ABATEMENT OF OIL OR HAZARDOUS  
22 SUBSTANCE RELEASES. It is the intent of the legislature and declared  
23 to be the public policy of the state that funds for the abatement of a  
24 release of oil or a hazardous substance will always be available.

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

27           (1) contain, clean up, and take other necessary action,  
28 such as monitoring, assessing, investigating, and evaluating the  
29 release or threatened release of oil or a hazardous substance that

1 poses an imminent and substantial threat to the public health or  
2 welfare, or to the environment:

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 Sec. 46.08.050. RECORDS OF THE FUND. (a) The department shall  
11 maintain accounting records showing the income and expenses of the  
12 fund.

13 (b) The department shall develop procedures governing the expen-  
14 diture of, and accounting for, money expended from the fund, and may  
15 not delay implementation of this chapter pending the effective date of  
16 the procedures.

17 Sec. 46.01.050. REPORT TO THE LEGISLATURE. (a) The commis-  
18 sioner shall submit a report to the legislature not later than the  
19 10th day following the convening of each regular session of the legis-  
20 lature. The report may include information considered significant by  
21 the commissioner but must include:

22 (1) the amount of money expended under AS 46.08.040 during  
23 the preceding fiscal year;

24 (2) the amount and source of money received and money  
25 recovered during the preceding fiscal year as specified in AS 46.08.-  
26 020;

27 (3) a summary of municipal participation in responses  
28 funded by the fund;

29 (4) a detailed summary of department activities in

1 responses funded by the fund during the preceding fiscal year, includ-  
2 ing response descriptions and statements outlining the nature of the  
3 threat; and

4 (5) the projected cost for the next fiscal year of monitor-  
5 ing, operating, and maintaining sites where response has been com-  
6 pleted or is expected to be continued during the fiscal year.

7 (b) As part of the department's on-going identification efforts  
8 associated with oil spill or hazardous waste sites, the commissioner  
9 shall include in the report under this section

10 (1) a summary of the sites identified by the department;

11 (2) the immediate and long-term threats to the public  
12 health or welfare or to the environment posed by these sites; and

13 (3) the appropriate actions needed to abate these threats,  
14 and their estimated cost.

15 Sec. 46.08.070. REIMBURSEMENT FOR CONTAINMENT AND CLEANUP. (a)  
16 The commissioner shall seek reimbursement promptly under this section,  
17 AS 46.03.760(a), or federal law for the cost incurred in the cleanup  
18 or containment of oil or a hazardous substance that has been released.

19 (b) The attorney general, at the request of the commissioner,  
20 may seek to recover money expended by the department under this chap-  
21 ter or other law to contain and clean up oil or a hazardous substance  
22 that has been released or to control the threatened release of oil or  
23 a hazardous substance.

24 (c) The department may reimburse a municipality for actual  
25 expenses, other than normal operating expenses, incurred in the abate-  
26 ment of a release or threatened release of oil or a hazardous sub-  
27 stance if

28 (1) the municipality has entered into an agreement with the  
29 commissioner under AS 46.09.020(c) before incurring the expenses for

1 which reimbursement is sought; and

2 (2) the commissioner determines that the expenses were for  
3 a necessary emergency first response to a release or threatened re-  
4 lease that posed an imminent and substantial threat to the public  
5 health or welfare, or to the environment.

6 Sec. 46.08.080. REGULATIONS. The commissioner may adopt regu-  
7 lations necessary to implement the provisions of this chapter.

8 Sec. 46.08.900. DEFINITIONS. In this chapter

9 (1) "capital improvement" includes construction, renova-  
10 tion, repair of, and improvement to, a building, but does not include  
11 other improvements to real property, such as construction of a dike or  
12 retaining wall;

13 (2) "commissioner" means the commissioner of environmental  
14 conservation;

15 (3) "containment and cleanup" includes the direct and  
16 indirect efforts associated with the prevention, abatement, contain-  
17 ment, or removal of oil or a hazardous substance, the restoration of  
18 the environment, and incidental administrative costs;

19 (4) "department" means the Department of Environmental  
20 Conservation;

21 (5) "fund" means the oil and hazardous substance release  
22 response fund;

23 (6) "hazardous substance" means

24 (A) an element or compound that, when it enters into  
25 or on the surface or subsurface land or water of the state,  
26 presents an imminent and substantial danger to the public health  
27 or welfare, or to fish, animals, vegetation, or any part of the  
28 natural habitat in which fish, animals, or wildlife may be found;  
29 or

1 (B) a substance defined as a hazardous substance under  
2 42 U.S.C. 9601 - 9657 (Comprehensive Environmental Response,  
3 Compensation, and Liability Act of 1980);

4 (7) "oil" means petroleum products of any kind and in any  
5 form, whether crude, refined, or a petroleum by-product, including  
6 petroleum, fuel oil, gasoline, lubricating oils, oily sludge, oily  
7 refuse, oil mixed with other wastes, liquified natural gas, propane,  
8 butane, and other liquid hydrocarbons regardless of specific gravity;

9 (8) "release" means an intentional or unintentional release  
10 into the environment of the state.

11 \* Sec. 2. AS 46 is amended by adding a new chapter to read:

12 CHAPTER 09. HAZARDOUS SUBSTANCE RELEASE CONTROL.

13 Sec. 46.09.010. REPORT OF HAZARDOUS SUBSTANCE RELEASES. (a)  
14 Except as provided in (b) of this section, a person in charge of a  
15 vehicle, vessel or container from which, or a place at which, a haz-  
16 ardous substance is released shall report the release to the depart-  
17 ment and appropriate public safety agencies promptly after learning of  
18 the release.

19 (b) The commissioner may enter into an agreement with a person  
20 for the periodic reporting of a controlled release of a hazardous  
21 substance if the release is not into water.

22 Sec. 46.09.020. CONTAINMENT AND CLEANUP OF A RELEASED HAZARDOUS  
23 SUBSTANCE. (a) A person who causes a release of a hazardous sub-  
24 stance shall make reasonable efforts to contain and clean up the  
25 hazardous substance promptly after learning of the release, unless the  
26 commissioner determines

27 (1) after consulting the Environmental Protection Agency or  
28 appropriate public safety agencies, that containment or cleanup is  
29 technically infeasible;

1 (2) that containment or cleanup would cause greater en-  
2 vironmental damage than the release would cause if unabated; or

3 (3) that containment or cleanup would pose a greater threat  
4 to human life or health than the release itself.

5 (b) The commissioner shall develop guidelines prescribing gen-  
6 eral procedures and methods to be used in the containment and cleanup  
7 of a hazardous substance.

8 (c) If the commissioner determines that the containment or  
9 cleanup of a hazardous substance undertaken is inadequate, the commis-  
10 sioner may direct the person undertaking the containment or cleanup to  
11 cease and may undertake the containment or cleanup directly or by  
12 contract.

13 (d) If it appears to the commissioner that the cause or respon-  
14 sibility for the release of a hazardous substance is unclear or unex-  
15 plained, the commissioner may immediately undertake the containment  
16 and cleanup of the release unless the commissioner determines

17 (1) after consulting the Environmental Protection Agency or  
18 appropriate public safety agencies, that containment or cleanup is  
19 technically infeasible;

20 (2) that containment or cleanup would cause greater en-  
21 vironmental damage than the release would cause if unabated; or

22 (3) that containment or cleanup would pose a greater threat  
23 to human life or health than the release itself.

24 (e) The commissioner shall enter into agreement with the En-  
25 vironmental Protection Agency, and may enter into agreements with  
26 other persons and municipalities, in order to

27 (1) facilitate a coordinated and effective hazardous sub-  
28 stance release response in the state;

29 (2) provide for cooperative hazardous substance release

1 notification procedures; or

2 (3) provide for cooperative review of hazardous substance  
3 release response contingency plans submitted to the department.

4 Sec. 46.09.030. DISASTER EMERGENCIES. The commissioner may  
5 request the governor to determine that an actual or imminent release  
6 of a hazardous substance constitutes a disaster emergency under  
7 AS 26.23. If the governor declares a disaster emergency under AS 26.-  
8 23, the commissioner may assist the adjutant general in the relief of  
9 the emergency.

10 Sec. 46.09.040. HAZARDOUS SUBSTANCES CONTAINMENT AND CLEANUP.  
11 The commissioner may contract with a person or a municipality for  
12 personnel, equipment, or services that may be useful to carry out the  
13 requirements of this chapter. If the commissioner determines that it  
14 is infeasible to contract with a person or a municipality, the commis-  
15 sioner may establish and maintain containment and cleanup personnel,  
16 equipment, and supplies necessary to carry out the requirements of  
17 this chapter.

18 Sec. 46.09.050. COMPACTS AUTHORIZED. The governor may enter  
19 into supplementary agreements, reciprocal arrangements, and compacts  
20 with another state or country for the implementation of this chapter  
21 subject to the approval of the Congress of the United States, if  
22 required, under the Constitution of the United States.

23 Sec. 46.09.060. MUNICIPALITIES. (a) If a provision of this  
24 chapter or of a regulation adopted by the commissioner under this  
25 chapter conflicts with the charter, ordinance, or regulation of a  
26 municipality, the provision of this chapter or of the regulation  
27 adopted by the commissioner under this chapter prevails.

28 (b) Authority to contain, clean up, or prevent a release or  
29 threatened release of oil or of a hazardous substance, and to exercise

1 other powers necessary to implement this chapter and AS 46.08, are  
2 granted to municipalities that do not otherwise have that authority.  
3 Except as provided in (a) of this section, a municipality may exercise  
4 its police power within the area of the municipality.

5 Sec. 46.09.070. REGULATIONS. The commissioner shall adopt  
6 regulations necessary to implement the provisions of this chapter.

7 Sec. 46.09.900. DEFINITIONS. In this chapter

8 (1) "commissioner" means the commissioner of environmental  
9 conservation;

10 (2) "containment and cleanup" includes the direct and  
11 indirect efforts associated with the prevention, abatement, contain-  
12 ment, or removal of a hazardous substance, the restoration of the  
13 environment, and incidental administrative costs;

14 (3) "department" means the Department of Environmental  
15 Conservation;

16 (4) "hazardous substance" means

17 (A) an element or compound that, when it enters into  
18 or on the surface or subsurface land or water of the state,  
19 presents an imminent and substantial danger to the public health  
20 or welfare, or to fish, animals, vegetation, or any part of the  
21 natural habitat in which fish, animals, or wildlife may be found;  
22 or

23 (B) a substance defined as a hazardous substance under  
24 42 U.S.C. 9601 - 9657 (Comprehensive Environmental Response,  
25 Compensation, and Liability Act of 1980);

26 (5) "release" means an intentional or unintentional release  
27 into the environment of the state.

28 \* Sec. 3. AS 26.23.050(b) is amended to read:

29 (b) Whenever, and to the extent that, money is needed to cope

1 with a disaster, the first recourse shall be to funds regularly appro-  
2 priated to state and local agencies. The second recourse shall be to  
3 funds available to the disaster relief fund or the oil and hazardous  
4 substance release response fund, as appropriate. If money available  
5 from these sources is insufficient, and if the governor finds that  
6 other sources of money to cope with the disaster are not available or  
7 are insufficient, the governor may, notwithstanding any limitation  
8 imposed by AS 37.07.080(e), transfer and spend money appropriated for  
9 other purposes or, in situations involving natural disasters, borrow  
10 from the United States government or other public or private sources  
11 for a term not to exceed two years.

12 \* Sec. 4. AS 26.23.230(1) is amended to read:

13 (1) "disaster" means the occurrence or imminent threat of  
14 widespread or severe damage, injury, or loss of life or property  
15 resulting from any natural or nonmilitary man-made cause including,  
16 but not limited to, fire, flood, earthquake, landslide, mudslide,  
17 avalanche, wind-driven water, weather condition, tsunami, [OIL SPILL  
18 OR OTHER WATER CONTAMINATION REQUIRING EMERGENCY ACTION TO AVERT  
19 DANGER OR DAMAGE], volcanic activity, epidemic, air contamination,  
20 blight, infestation, explosion, riot, equipment failure, or shortage  
21 of food, water, fuel, or clothing, or the release of oil or a hazard-  
22 ous substance requiring prompt action to avert environmental danger or  
23 damage;

24 \* Sec. 5. AS 44.19.050 is amended to read:

25 Sec. 44.19.050. DEFINITION. In AS 44.19.048 and 44.19.049,  
26 "disaster" means the occurrence or imminent threat of widespread or  
27 severe damage, injury, or loss of life or property resulting from any  
28 natural or man-made cause including, but not limited to, fire, flood,  
29 earthquake, landslide, avalanche, wind-driven water, weather

1 condition, tsunami, [OIL SPILL OR OTHER WATER CONTAMINATION REQUIRING  
2 EMERGENCY ACTION TO AVERT DAMAGE,] volcanic activity, epidemic, air  
3 contamination, blight, infestation, explosion, [OR] riot, or the  
4 release of oil or a hazardous substance requiring prompt action to  
5 avert environmental danger or damage.

6 \* Sec. 6. AS 45.45.900 is amended to read:

7 Sec. 45.45.900. INDEMNIFICATION AGREEMENTS CONTRA TO PUBLIC  
8 POLICY. A provision, clause, covenant, or agreement contained in,  
9 collateral to, or affecting a [ANY] construction contract that [WHICH]  
10 purports to indemnify the promisee against liability for damages for  
11 (1) death or bodily injury to persons, (2) injury to property, (3)  
12 design defects or (4) [ANY] other loss, damage or expense arising  
13 under (1), (2), or (3) of this section from the sole negligence or  
14 wilful misconduct of the promisee or the promisee's agents, servants  
15 or independent contractors who are directly responsible to the prom-  
16 isee, is against public policy and is void and unenforceable; however,  
17 this provision does not affect the validity of an [ANY] insurance  
18 contract, workers' compensation, or agreement issued by an insurer  
19 subject to the provisions of AS 21, or a provision, clause, covenant,  
20 or agreement of indemnification respecting the handling, containment  
21 or cleanup of oil or hazardous substances as defined in AS 46.

22 \* Sec. 7. AS 46.03.290(a) is amended to read:

23 (a) When the department finds that an actual or imminent dis-  
24 charge of oil, a hazardous substance, or low level radioactive mate-  
25 rials to the air, water, land or subsurface land of the state poses an  
26 immediate threat to the public health or welfare, or the environment  
27 of the state, it may issue an order declaring an emergency and direct-  
28 ing a person or persons to take action the department believes neces-  
29 sary to meet the emergency, and protect the public health, welfare, or

1 environment.

2 \* Sec. 8. AS 46.03 is amended by adding a new section to read:

3       Sec. 46.03.745. HAZARDOUS SUBSTANCE RELEASE. Except for a  
4 controlled release, the reporting of which is the subject of an agree-  
5 ment with the commissioner under AS 46.09.010(b), a person may not  
6 cause or permit the release of a hazardous substance as defined in  
7 AS 46.09.900.

8 \* Sec. 9. AS 46.03.760(a) is amended to read:

9       (a) A person who violates or causes or permits to be violated a  
10 provision of this chapter other than AS 46.03.250 - 46.03.314, or a  
11 provision of AS 46.04 or AS 46.09, or a regulation, a lawful order of  
12 the department, or a permit, approval, or acceptance, or term or  
13 condition of a permit, approval, or acceptance issued under this  
14 chapter or AS 46.04 or AS 46.09 is liable, in a civil action, to the  
15 state for a sum to be assessed by the court of not less than \$500 nor  
16 more than \$100,000 for the initial violation, nor more than \$5,000 for  
17 each day after that on which the violation continues, and that shall  
18 reflect, when applicable,

19           (1) reasonable compensation in the nature of liquidated  
20 damages for any adverse environmental effects caused by the violation,  
21 that shall be determined by the court according to the toxicity,  
22 degradability and dispersal characteristics of the substance dis-  
23 charged, the sensitivity of the receiving environment, and the degree  
24 to which the discharge degrades existing environmental quality;

25           (2) reasonable costs incurred by the state in detection,  
26 investigation, and attempted correction of the violation;

27           (3) the economic savings realized by the person in not  
28 complying with the requirement for which a violation is charged.

29 \* Sec. 10. AS 46.03.765 is amended to read:

1           Sec. 46.03.765.   INJUNCTIONS.   The superior court has jurisdic-  
2   tion to enjoin a violation of this chapter, [OR] AS 46.04, or AS 46.09  
3   or of a regulation, a lawful order of the department, or permit,  
4   approval, or acceptance, or term or condition of a permit, approval,  
5   or acceptance issued under this chapter, [OR] AS 46.04, or AS 46.09.  
6   In actions brought under this section, temporary or preliminary relief  
7   may be obtained upon a showing of an imminent threat of continued  
8   violation, and probable success on the merits, without the necessity  
9   of demonstrating physical irreparable harm. The balance of equities  
10   in actions under this section may affect the timing of compliance, but  
11   not the necessity of compliance within a reasonable period of time.

12   \* Sec. 11. AS 46.03.780(a) is amended to read:

13           (a) A person who violates a provision of this chapter, [OR]  
14   AS 46.04, or AS 46.09, or who fails to perform a duty imposed by this  
15   chapter, [OR] AS 46.04, or AS 46.09, or violates or disregards an  
16   order, permit, or other determination of the department made under the  
17   provisions of this chapter, [OR] AS 46.04, or AS 46.09, respectively,  
18   and thereby causes the death of fish, animals, or vegetation or other-  
19   wise injures or degrades the environment of the state is liable to the  
20   state for damages.

21   \* Sec. 12. AS 46.03.790(a) is amended to read:

22           (a) Except as provided in (d) - (f) of this section, a person  
23   who negligently violates a provision of this chapter, [OR] AS 46.04,  
24   or AS 46.09, or of a regulation, lawful order of the department, or  
25   permit, approval, or acceptance, or term or condition of a permit,  
26   approval, or acceptance issued under this chapter, [OR] AS 46.04, or  
27   AS 46.09 is guilty of a class B misdemeanor.

28   \* Sec. 13. AS 46.03.790(b) is amended to read:

29           (b) Except as provided in (d) - (f) of this section, a person

1 who knowingly violates a provision of this chapter, [OR] AS 46.04, or  
2 AS 46.09, or of a regulation, lawful order of the department, or  
3 permit, approval, or acceptance, or term or condition of a permit,  
4 approval, or acceptance issued under this chapter, [OR] AS 46.04, or  
5 AS 46.09 is guilty of a class A misdemeanor.

6 \* Sec. 14. AS 46.03.790(d) is amended to read:

7 (d) Notwithstanding (a) and (b) of this section, a person who  
8 fails to provide or fails to state information required under AS 46.-  
9 03.755, [OR] AS 46.04, or AS 46.09 is guilty of a misdemeanor and,  
10 upon conviction, is punishable by a fine of not more than \$25,000, or  
11 by imprisonment for not more than one year, or by both. Each unlawful  
12 act constitutes a separate offense.

13 \* Sec. 15. AS 46.04.010 is amended to read:

14 Sec. 46.04.010. REIMBURSEMENT FOR CLEANUP EXPENSES. The de-  
15 partment shall promptly seek reimbursement [, EITHER] under AS 46.03.-  
16 760(e), AS 46.08.070, or from an applicable federal fund, for the  
17 expenses it incurs in cleaning up or containing a discharge of oil.  
18 If the department obtains reimbursement for a portion of its expenses  
19 from a federal fund, the remainder of the expenses incurred may be  
20 recovered under AS 46.03.760(e) or AS 46.08.070. Money received by  
21 the department under this section shall be deposited in the general  
22 fund and credited to a special account called the "oil and hazardous  
23 substance release mitigation account".

24 \* Sec. 15. AS 46.06.090(b) is amended to read:

25 (b) Inspection and enforcement employees of the department  
26 designated by the commissioner are peace officers in the performance  
27 of their duties under this chapter, AS 46.09, and AS 46.03.

28 \* Sec. 17. Not later than January 1, 1987, the commissioner of environ-  
29 mental conservation shall develop guidelines under AS 46.09.020, added by  
CSSB 375(Rep)

1 sec. 2 of this Act.

2 \* Sec. 18. Not later than October 1, 1987, the commissioner of environ-  
3 mental conservation shall adopt regulations under AS 46.09.070, added by  
4 sec. 2 of this Act.

5 \* Sec. 19. Notwithstanding the provisions of AS 37.05.159(b) and  
6 AS 37.07.000(a), the governor may, during the 1987 fiscal year, transfer  
7 from the reserve for emergency operating expenses account to the oil and  
8 hazardous substance release response fund (AS 46.08) amounts that, when  
9 added to the amounts appropriated, reappropriated, or transferred to the  
10 response fund in laws enacted by the legislature during the 1986 regular  
11 legislative session, do not exceed \$1,000,000.

12 \* Sec. 20. AS 46.03.758(k) is repealed.

13 \* Sec. 21. Sections 1 - 18 and 20 of this Act take effect immediately  
14 in accordance with AS 01.10.070(c).

15 \* Sec. 22. Section 19 of this Act takes effect July 1, 1986.  
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Introduced: 1/30/86  
Referred: Resources and  
Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 SENATE BILL NO. 375

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the release of oil and hazardous  
7 substances; and providing for an effective date."

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

9 \* Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 08. OIL AND HAZARDOUS SUBSTANCE RELEASES.

11 Sec. 46.08.005. PURPOSE. The legislature finds and declares  
12 that the release of oil or hazardous substances into the environment  
13 presents a real and substantial threat to the public health and wel-  
14 fare, to the environment, and to the economy of the state. The legis-  
15 lature therefore concludes that it is in the best interest of the  
16 state and its citizens to provide a readily available fund for the  
17 payment of the expenses incurred by the Department of Environmental  
18 Conservation in the protection of the environment of the state from  
19 the release of oil or hazardous substances.

20 Sec. 46.08.010. FUND ESTABLISHED. (a) There is established in  
21 the state general fund the oil and hazardous substance release re-  
22 sponse fund. The fund shall be administered by the commissioner of  
23 environmental conservation, but the commissioner of revenue shall be  
24 the custodian of the fund.

25 (b) Money from an appropriation made to the fund remaining in  
26 the fund at the end of a fiscal year remains available for expenditure  
27 in successive fiscal years.

28 Sec. 46.08.020. FINANCING OF THE FUND. The legislature may  
29 appropriate from the following sources to the fund:  
S

1 (1) money received from federal, state, or other sources or  
2 from a private donor;

3 (2) money recovered or otherwise received from parties  
4 responsible for the containment and cleanup of oil or a hazardous  
5 substance at a specific site, but excluding funds from performance  
6 bonds and other forms of financial responsibility held in escrow  
7 pending satisfactory performance of a privately financed response  
8 action;

9 (3) fines, penalties, or damages recovered under this  
10 chapter or other law for costs incurred by the state as a result of  
11 the release or threatened release of oil or a hazardous substance.

12 Sec. 46.08.030. FINANCING THE ABATEMENT OF OIL OR HAZARDOUS  
13 SUBSTANCE RELEASES. (a) It is the intent of the legislature and  
14 declared to be the public policy of the state that funds for the  
15 abatement of a release of oil or a hazardous substance will always be  
16 available.

17 (b) Notwithstanding the establishment of the fund under AS 46.-  
18 08.010, the commissioner shall, to the extent available, prefer funds  
19 appropriated to the department in the abatement of a release of oil or  
20 a hazardous substance. If appropriated funds are not available, then  
21 the commissioner may use money from the fund or, if the governor  
22 issues a proclamation of a disaster emergency under AS 26.23, funds  
23 available for disaster relief under AS 26.23.050 may be used in the  
24 abatement of a release of oil or a hazardous substance.

25 Sec. 46.08.040. PURPOSES OF THE FUND. Subject to the approval  
26 of the governor, the commissioner may use money from the fund to

27 (1) contain and clean up releases or threatened releases of  
28 oil or a hazardous substance;

29 (2) undertake plans, inspections, sampling, tests,

1 investigations, surveys, analyses, engineering, construction, opera-  
2 tions, and maintenance necessary or appropriate to contain and clean  
3 up releases or threatened releases of oil or hazardous substances;

4 (3) facilitate the efforts of the Department of Labor under  
5 AS 18.60 to assist employers to develop safety education programs for  
6 employees who may be called upon to respond to a release of oil or a  
7 hazardous substance;

8 (4) provide matching funds for participation in federal oil  
9 discharge cleanup activities and under 42 U.S.C. 9601 - 9657 (Compre-  
10 hensive Environmental Response, Compensation and Liability Act of  
11 1980); and

12 (5) recover the cost to the state or to a municipality of a  
13 containment and cleanup resulting from the release or the threatened  
14 release of oil or a hazardous substance.

15 Sec. 46.08.050. RECORDS OF THE FUND. (a) The department shall  
16 maintain accounting records showing the income and expenses of the  
17 fund.

18 (b) By July 1 of each year, the department shall determine the  
19 projected cost for the following fiscal year of monitoring, operating,  
20 and maintaining sites where response has been completed or is expected  
21 to be continued during the fiscal year.

22 (c) The commissioner shall consult with the commissioner of  
23 revenue and the governor before adopting regulations governing fund  
24 accounting. The department shall develop procedures and adopt rules  
25 governing the expenditure of, and accounting for, money expended from  
26 the fund, and may not delay implementation of this chapter pending the  
27 effective date of the procedures and rules.

28 (d) The proper state officer shall pay disbursements from the  
29 fund on presentation of vouchers signed by the governor or the

1 governor's authorized representative.

2 Sec. 46.03.060. REPORT TO THE LEGISLATURE. The commissioner  
3 shall submit a report to the governor and to the legislature not later  
4 than the 10th day following the convening of each regular session of  
5 the legislature. The report may include information considered sig-  
6 nificant by the commissioner but must include:

7 (1) the amount of money expended under AS 46.08.040 during  
8 the preceding fiscal year; and

9 (2) the amount and source of money received and money  
10 recovered during the preceding fiscal year as specified in AS 46.03.-  
11 020.

12 Sec. 46.08.070. REIMBURSEMENT FOR CONTAINMENT AND CLEANUP. (a)  
13 The commissioner shall seek reimbursement promptly under this section,  
14 AS 46.03.760(e), or federal law for the cost incurred in the cleanup  
15 or containment of oil or a hazardous substance that has been released.

16 (b) The attorney general, at the request of the commissioner,  
17 may seek to recover money expended by the department under this chap-  
18 ter or other law to contain and clean up oil or a hazardous substance  
19 that has been released or to control the threatened release of oil or  
20 a hazardous substance.

21 Sec. 46.08.080. REGULATIONS. The commissioner shall adopt  
22 regulations necessary to implement the provisions of this chapter.

23 Sec. 46.08.900. DEFINITIONS. In this chapter

24 (1) "commissioner" means the commissioner of environmental  
25 conservation;

26 (2) "containment and cleanup" includes the direct and  
27 indirect efforts associated with the prevention, abatement, contain-  
28 ment, or removal of a hazardous substance, the restoration of the  
29 environment to its former state, and incidental administrative costs;

1 (3) "department" means the Department of Environmental  
2 Conservation;

3 (4) "employee" means a person who works for an employer in  
4 a place that is not used primarily as a personal residence;

5 (5) "employer" means a person, including the state and a  
6 political subdivision of the state, who has one or more employees  
7 working in a place that is not used primarily as a personal residence;

8 (6) "fund" means the oil and hazardous substance release  
9 response fund;

10 (7) "hazardous substance" means

11 (A) an element or compound that, when it enters into  
12 or on the surface or subsurface land or water of the state,  
13 presents an imminent and substantial danger to the public health  
14 or welfare, or to fish, animals, vegetation, or any part of the  
15 natural habitat in which fish, animals, or wildlife may be found;  
16 or

17 (B) a substance defined as a hazardous substance under  
18 state or federal law or by regulations adopted under state or  
19 federal law;

20 (8) "oil" means petroleum products of any kind and in any  
21 form, whether crude, refined, or a petroleum by-product, including  
22 petroleum, fuel oil, gasoline, lubricating oils, oily sludge, oily  
23 refuse, oil mixed with other wastes, liquified natural gas, propane,  
24 butane, and other liquid hydrocarbons regardless of specific gravity;

25 (9) "release" means an intentional or unintentional release  
26 into the environment of the state.

27 \* Sec. 2. AS 46 is amended by adding a new chapter to read:

28 CHAPTER 09. HAZARDOUS SUBSTANCE RELEASE CONTROL.

29 Sec. 46.09.010. REPORT OF HAZARDOUS SUBSTANCE RELEASES. (a)

1 Except as provided in (b) of this section, a person in charge of a  
2 vehicle, vessel or container from which, or a place at which, a haz-  
3 arduous substance is released shall report the release to the depart-  
4 ment promptly after learning of the release.

5 (b) The commissioner may enter into an agreement with a person  
6 for the periodic reporting of a controlled release of a hazardous  
7 substance if the release is not into the water of the state.

8 Sec. 46.09.020. CONTAINMENT AND CLEANUP OF A RELEASED HAZARDOUS  
9 SUBSTANCE. (a) A person who causes a release of a hazardous sub-  
10 stance shall make reasonable efforts to contain and clean up the  
11 hazardous substance promptly after learning of the release, unless the  
12 commissioner determines

13 (1) after consulting the Environmental Protection Agency,  
14 that containment or cleanup is technically infeasible; or

15 (2) that containment or cleanup would cause greater en-  
16 vironmental damage than the release would cause if unabated.

17 (b) The commissioner shall adopt regulations prescribing proce-  
18 dures and methods to be used in the containment and cleanup of a  
19 hazardous substance and in the disposal of waste from the containment  
20 or cleanup.

21 (c) If the commissioner determines that the containment or  
22 cleanup of a hazardous substance undertaken is inadequate, the commis-  
23 sioner may direct the person undertaking the containment or cleanup to  
24 cease and may undertake the containment or cleanup directly or by  
25 contract.

26 (d) If it appears to the commissioner that the cause or respon-  
27 sibility for the release of a hazardous substance is unclear or unex-  
28 plained, the commissioner may immediately undertake the containment  
29 and cleanup of the release unless the commissioner determines

1 (1) after consulting the Environmental Protection Agency,  
2 that containment or cleanup is technically infeasible; or

3 (2) that containment or cleanup would cause greater en-  
4 vironmental damage than the release would cause if unabated.

5 (e) The commissioner shall enter into agreement with the En-  
6 vironmental Protection Agency, and may enter into agreements with  
7 other persons and municipalities, in order to

8 (1) facilitate a coordinated and effective hazardous sub-  
9 stance release response in the state;

10 (2) provide for cooperative hazardous substance release  
11 notification procedures; or

12 (3) provide for cooperative review of hazardous substance  
13 release response contingency plans submitted to the department.

14 Sec. 46.09.030. DISASTER EMERGENCIES. The commissioner may  
15 request the governor to determine that an actual or imminent release  
16 of a hazardous substance constitutes a disaster emergency under  
17 AS 26.23. If the governor declares a disaster emergency under AS 26.-  
18 23, the commissioner may assist the adjutant general in the relief of  
19 the emergency.

20 Sec. 46.09.040. HAZARDOUS SUBSTANCES CONTAINMENT AND CLEANUP.  
21 The commissioner may contract with a person or a municipality for  
22 personnel, equipment, or services that may be useful to carry out the  
23 requirements of this chapter. If the commissioner determines that it  
24 is infeasible to contract with a person or a municipality, the commis-  
25 sioner may establish and maintain containment and cleanup personnel,  
26 equipment, and supplies necessary to carry out the requirements of  
27 this chapter.

28 Sec. 46.09.050. PEACE OFFICERS. Employees of the department  
29 designated by the commissioner as enforcement officers in the

1 implementation of this chapter are peace officers of the state.

2 Sec. 46.09.060. COMPACTS AUTHORIZED. The governor may enter  
3 into supplementary agreements, reciprocal arrangements, and compacts  
4 with another state or country for the implementation of this chapter  
5 subject to the approval of the Congress of the United States, if  
6 required, under the Constitution of the United States.

7 Sec. 46.09.070. MUNICIPALITIES. (a) If a provision of this  
8 chapter or of a regulation adopted by the commissioner under this  
9 chapter conflicts with the charter, ordinance, or regulation of a  
10 municipality, the provision of this chapter or of the regulation  
11 adopted by the commissioner under this chapter prevails.

12 (b) Authority to contain, clean up, or prevent a release or  
13 threatened release of oil or of a hazardous substance, and to exercise  
14 other powers necessary to implement AS 46.03 - AS 46.09, are granted  
15 to municipalities that do not otherwise have that authority. Except  
16 as provided in (a) of this section, a municipality may exercise its  
17 police power within the area of the municipality.

18 Sec. 46.09.080. REGULATIONS. The commissioner shall adopt  
19 regulations necessary to implement the provisions of this chapter.

20 Sec. 46.09.900. DEFINITIONS. In this chapter

21 (1) "commissioner" means the commissioner of environmental  
22 conservation;

23 (2) "containment and cleanup" includes the direct and  
24 indirect efforts associated with the prevention, abatement, contain-  
25 ment, or removal of a hazardous substance, the restoration of the  
26 environment to its former state, and incidental administrative costs;

27 (3) "department" means the Department of Environmental  
28 Conservation;

29 (4) "hazardous substance" means

1 (A) an element or compound that, when it enters into  
2 or on the surface or subsurface land or water of the state,  
3 presents an imminent and substantial danger to the public health  
4 or welfare, or to fish, animals, vegetation, or any part of the  
5 natural habitat in which fish, animals, or wildlife may be found;  
6 or

7 (B) a substance defined as a hazardous substance under  
8 state or federal law or by regulations adopted under state or  
9 federal law;

10 (5) "release" means an intentional or unintentional release  
11 into the environment of the state.

12 \* Sec. 3. AS 26.23.230(1) is amended to read:

13 (1) "disaster" means the occurrence or imminent threat of  
14 widespread or severe damage, injury, or loss of life or property  
15 resulting from any natural or nonmilitary man-made cause including,  
16 but not limited to, fire, flood, earthquake, landslide, mudslide,  
17 avalanche, wind-driven water, weather condition, tsunami, [OIL SPILL  
18 OR OTHER WATER CONTAMINATION REQUIRING EMERGENCY ACTION TO AVERT  
19 DANGER OR DAMAGE], volcanic activity, epidemic, air contamination,  
20 blight, infestation, explosion, riot, equipment failure, or shortage  
21 of food, water, fuel, or clothing, or the release of oil or a hazard-  
22 ous substance requiring prompt action to avert environmental danger or  
23 damage;

24 \* Sec. 4. AS 37.05.159 is amended by adding a new subsection to read:

25 (g) Notwithstanding the provisions of (b) of this section and  
26 AS 37.07.080(e), the governor may transfer a maximum of \$10,000,000  
27 during a fiscal year from the reserve for emergency operating expenses  
28 account to the oil and hazardous substance release response fund  
29 (AS 46.08).

1 \* Sec. 5. AS 44.19.050 is amended to read:

2 Sec. 44.19.050. DEFINITION. In AS 44.19.048 and 44.19.049,  
3 "disaster" means the occurrence or imminent threat of widespread or  
4 severe damage, injury, or loss of life or property resulting from any  
5 natural or man-made cause including, but not limited to, fire, flood,  
6 earthquake, landslide, avalanche, wind-driven water, weather condi-  
7 tion, tsunami, [OIL SPILL OR OTHER WATER CONTAMINATION REQUIRING  
8 EMERGENCY ACTION TO AVERT DAMAGE,] volcanic activity, epidemic, air  
9 contamination, blight, infestation, explosion, [OR] riot, or the  
10 release of oil or a hazardous substance requiring prompt action to  
11 avert environmental danger or damage.

12 \* Sec. 6. AS 46.03.299(a) is amended to read:

13 (a) When the department finds that an actual or imminent dis-  
14 charge of oil, a hazardous substance, or low level radioactive mate-  
15 rials to the air, water, land or subsurface land of the state poses an  
16 immediate threat to the public health or welfare, or the environment  
17 of the state, it may issue an order declaring an emergency and direct-  
18 ing a person or persons to take action the department believes neces-  
19 sary to meet the emergency, and protect the public health, welfare, or  
20 environment.

21 \* Sec. 7. AS 46.03.760(a) is amended to read:

22 (a) A person who violates or causes or permits to be violated a  
23 provision of this chapter other than AS 46.03.250 - 46.03.314, or a  
24 provision of AS 46.04 or AS 46.09, or a regulation, a lawful order of  
25 the department, or a permit, approval, or acceptance, or term or  
26 condition of a permit, approval, or acceptance issued under this  
27 chapter or AS 46.04 or AS 46.09 is liable, in a civil action, to the  
28 state for a sum to be assessed by the court of not less than \$500 nor  
29 more than \$100,000 for the initial violation, nor more than \$5,000 for

1 each day after that on which the violation continues, and that shall  
2 reflect, when applicable,

3 (1) reasonable compensation in the nature of liquidated  
4 damages for any adverse environmental effects caused by the violation,  
5 that shall be determined by the court according to the toxicity,  
6 degradability and dispersal characteristics of the substance dis-  
7 charged, the sensitivity of the receiving environment, and the degree  
8 to which the discharge degrades existing environmental quality;

9 (2) reasonable costs incurred by the state in detection,  
10 investigation, and attempted correction of the violation;

11 (3) the economic savings realized by the person in not  
12 complying with the requirement for which a violation is charged.

13 \* Sec. 8. AS 46.03.765 is amended to read:

14 Sec. 46.03.765. INJUNCTIONS. The superior court has jurisdic-  
15 tion to enjoin a violation of this chapter, [OR] AS 46.04, or AS 46.09  
16 or of a regulation, a lawful order of the department, or permit,  
17 approval, or acceptance, or term or condition of a permit, approval,  
18 or acceptance issued under this chapter, [OR] AS 46.04, or AS 46.09.  
19 In actions brought under this section, temporary or preliminary relief  
20 may be obtained upon a showing of an imminent threat of continued  
21 violation, and probable success on the merits, without the necessity  
22 of demonstrating physical irreparable harm. The balance of equities  
23 in actions under this section may affect the timing of compliance, but  
24 not the necessity of compliance within a reasonable period of time.

25 \* Sec. 9. AS 46.03.780(a) is amended to read:

26 (a) A person who violates a provision of this chapter, [OR]  
27 AS 46.04, or AS 46.09, or who fails to perform a duty imposed by this  
28 chapter, [OR] AS 46.04, or AS 46.09, or violates or disregards an  
29 order, permit, or other determination of the department made under the

1 provisions of this chapter, [OR] AS 46.04, or AS 46.09, respectively,  
2 and thereby causes the death of fish, animals, or vegetation or other-  
3 wise injures or degrades the environment of the state is liable to the  
4 state for damages.

5 \* Sec. 10. AS 46.03.790(a) is amended to read:

6 (a) Except as provided in (d) - (f) of this section, a person  
7 who negligently violates a provision of this chapter, [OR] AS 46.04,  
8 or AS 46.09, or of a regulation, lawful order of the department, or  
9 permit, approval, or acceptance, or term or condition of a permit,  
10 approval, or acceptance issued under this chapter, [OR] AS 46.04, or  
11 AS 46.09 is guilty of a class B misdemeanor.

12 \* Sec. 11. AS 46.03.790(b) is amended to read:

13 (b) Except as provided in (d) - (f) of this section, a person  
14 who knowingly violates a provision of this chapter, [OR] AS 46.04, or  
15 AS 46.09, or of a regulation, lawful order of the department, or  
16 permit, approval, or acceptance, or term or condition of a permit,  
17 approval, or acceptance issued under this chapter, [OR] AS 46.04, or  
18 AS 46.09 is guilty of a class A misdemeanor.

19 \* Sec. 12. AS 46.03.790(d) is amended to read:

20 (d) Notwithstanding (a) and (b) of this section, a person who  
21 fails to provide or falsely states information required under AS 46.-  
22 03.755, [OR] AS 46.04, or AS 46.09 is guilty of a misdemeanor and,  
23 upon conviction, is punishable by a fine of not more than \$25,000, or  
24 by imprisonment for not more than one year, or by both. Each unlawful  
25 act constitutes a separate offense.

26 \* Sec. 13. AS 46.04.010 is amended to read:

27 Sec. 46.04.010. REIMBURSEMENT FOR CLEANUP EXPENSES. The de-  
28 partment shall promptly seek reimbursement [, EITHER] under AS 46.03.-  
29 760(e), AS 46.03.070, or from an applicable federal fund, for the

1 expenses it incurs in cleaning up or containing a discharge of oil.  
2 If the department obtains reimbursement for a portion of its expenses  
3 from a federal fund, the remainder of the expenses incurred may be  
4 recovered under AS 46.03.760(e) or AS 46.08.070. Money received by  
5 the department under this section shall be deposited in the general  
6 fund and may be appropriated by the legislature to the oil and hazar-  
7 dous substance release response fund (AS 46.08).

8 \* Sec. 14. AS 46.03.758(k) is repealed.

9 \* Sec. 15. This Act takes effect immediately in accordance with AS 01.-  
10 10.070(c).

ALASKA STATE LEGISLATURE

14th... Legislature ...2nd... Session

SENATE BILL..... NO. 375...

By THE RESOURCES COMMITTEE...

"An Act relating to the release of oil and hazardous substances; and providing for an effective date."

Introduced in the Senate 1/30..., 1986.

HISTORY IN THE SENATE

|                 |                |  |                 |                |      |                |      |      |        |        |         |         |         |         |
|-----------------|----------------|--|-----------------|----------------|------|----------------|------|------|--------|--------|---------|---------|---------|---------|
| 1986            |                | Read first time and referred to Committee on   |                 |                |      |                |      |      |        |        |         |         |         |         |
| 1               | 30             | Resources & Finance  |                 |                |      |                |      |      |        |        |         |         |         |         |
| 5               | 13             | Reported back with <i>Resources</i> recommendation that <i>it aligns new title. At the Inten. F. Y. note 3 do pass, 2 no res to fin. Finance:</i>  |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | Read second time and   |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | Read third time and  |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | <table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>   | PASS            | Effective Date | Yeas | Yeas           | Nays | Nays | Absent | Absent | Excused | Excused |         |         |
| PASS            | Effective Date |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Yeas            | Yeas           |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Nays            | Nays           |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Absent          | Absent         |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Excused         | Excused        |  |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | <table border="0"> <tr> <td colspan="2">Reconsideration</td> </tr> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table> | Reconsideration |                | PASS | Effective Date | Yeas | Yeas | Nays   | Nays   | Absent  | Absent  | Excused | Excused |
| Reconsideration |                |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| PASS            | Effective Date |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Yeas            | Yeas           |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Nays            | Nays           |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Absent          | Absent         |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Excused         | Excused        |  |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | Reported correctly engrossed<br>Signed by President<br>Sent to House   |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | SECRETARY OF THE SENATE  |                 |                |      |                |      |      |        |        |         |         |         |         |

HISTORY IN THE HOUSE

|                 |                |  |                 |                |      |                |      |      |        |        |         |         |         |         |
|-----------------|----------------|--|-----------------|----------------|------|----------------|------|------|--------|--------|---------|---------|---------|---------|
| 19              |                | Read first time and referred to Committee on   |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | Reported back with recommendation  |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | Read second time and   |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | Read third time and  |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | <table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>   | PASS            | Effective Date | Yeas | Yeas           | Nays | Nays | Absent | Absent | Excused | Excused |         |         |
| PASS            | Effective Date |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Yeas            | Yeas           |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Nays            | Nays           |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Absent          | Absent         |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Excused         | Excused        |  |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | <table border="0"> <tr> <td colspan="2">Reconsideration</td> </tr> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table> | Reconsideration |                | PASS | Effective Date | Yeas | Yeas | Nays   | Nays   | Absent  | Absent  | Excused | Excused |
| Reconsideration |                |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| PASS            | Effective Date |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Yeas            | Yeas           |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Nays            | Nays           |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Absent          | Absent         |  |                 |                |      |                |      |      |        |        |         |         |         |         |
| Excused         | Excused        |  |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | Reported correctly engrossed<br>Signed by Speaker<br>Returned to Senate  |                 |                |      |                |      |      |        |        |         |         |         |         |
|                 |                | CHIEF CLERK OF THE HOUSE   |                 |                |      |                |      |      |        |        |         |         |         |         |

HISTORY IN THE SENATE

|    |  |                             |
|----|--|-----------------------------|
| 19 |  | Received from House         |
|    |  | To enrolling                |
|    |  | Reported correctly enrolled |
|    |  | Sent to Governor            |
|    |  | ..... by Governor           |
|    |  | Filed with Lt. Governor     |
|    |  | Chapter No. ....            |

Introduced: 1/30/86  
Referred: Resources and  
Finance

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 SENATE BILL NO. 375

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the release of oil and hazardous  
7 substances; and providing for an effective date."

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

9 \* Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 08. OIL AND HAZARDOUS SUBSTANCE RELEASES.

11 Sec. 46.08.005. PURPOSE. The legislature finds and declares  
12 that the release of oil or hazardous substances into the environment  
13 presents a real and substantial threat to the public health and wel-  
14 fare to the environment, and to the economy of the state. The legis-  
15 lature therefore concludes that it is in the best interest of the  
16 state and its citizens to provide a readily available fund for the  
17 payment of the expenses incurred by the Department of Environmental  
18 Conservation in the protection of the environment of the state from  
19 the release of oil or hazardous substances.

20 Sec. 46.08.010. FUND ESTABLISHED. (a) There is established in  
21 the state general fund the oil and hazardous substance release re-  
22 sponse fund. The fund shall be administered by the commissioner of  
23 environmental conservation, but the commissioner of revenue shall be  
24 the custodian of the fund.

25 (b) Money from an appropriation made to the fund remaining in  
26 the fund at the end of a fiscal year remains available for expenditure  
27 in successive fiscal years.

28 Sec. 46.08.020. FINANCING OF THE FUND. The legislature may  
29 appropriate from the following sources to the fund:

1           (1) money received from federal, state, or other sources or  
2 from a private donor;

3           (2) money recovered or otherwise received from parties  
4 responsible for the containment and cleanup of oil or a hazardous  
5 substance at a specific site, but excluding funds from performance  
6 bonds and other forms of financial responsibility held in escrow  
7 pending satisfactory performance of a privately financed response  
8 action;

9           (3) fines, penalties, or damages recovered under this  
10 chapter or other law for costs incurred by the state as a result of  
11 the release or threatened release of oil or a hazardous substance.

12           Sec. 46.08.030. FINANCING THE ABATEMENT OF OIL OR HAZARDOUS  
13 SUBSTANCE RELEASES. (a) It is the intent of the legislature and  
14 declared to be the public policy of the state that funds for the  
15 abatement of a release of oil or a hazardous substance will always be  
16 available.

17           (b) Notwithstanding the establishment of the fund under AS 46.-  
18 08.010, the commissioner shall, to the extent available, prefer funds  
19 appropriated to the department in the abatement of a release of oil or  
20 a hazardous substance. If appropriated funds are not available, then  
21 the commissioner may use money from the fund or, if the governor  
22 issues a proclamation of a disaster emergency under AS 26.23, funds  
23 available for disaster relief under AS 26.23.050 may be used in the  
24 abatement of a release of oil or a hazardous substance.

25           Sec. 46.08.040. PURPOSES OF THE FUND. Subject to the approval  
26 of the governor, the commissioner may use money from the fund to

27           (1) contain and clean up releases or threatened releases of  
28 oil or a hazardous substance;

29           (2) undertake plans, inspections, sampling, tests,

1 investigations, surveys, analyses, engineering, construction, opera-  
2 tions, and maintenance necessary or appropriate to contain and clean  
3 up releases or threatened releases of oil or hazardous substances;

4 (3) facilitate the efforts of the Department of Labor under  
5 AS 18.60 to assist employers to develop safety education programs for  
6 employees who may be called upon to respond to a release of oil or a  
7 hazardous substance;

8 (4) provide matching funds for participation in federal oil  
9 discharge cleanup activities and under 42 U.S.C. 9601 - 9657 (Compre-  
10 hensive Environmental Response, Compensation and Liability Act of  
11 1980); and

12 (5) recover the cost to the state or to a municipality of a  
13 containment and cleanup resulting from the release or the threatened  
14 release of oil or a hazardous substance.

15 Sec. 46.08.050. RECORDS OF THE FUND. (a) The department shall  
16 maintain accounting records showing the income and expenses of the  
17 fund.

18 (b) By July 1 of each year, the department shall determine the  
19 projected cost for the following fiscal year of monitoring, operating,  
20 and maintaining sites where response has been completed or is expected  
21 to be continued during the fiscal year.

22 (c) The commissioner shall consult with the commissioner of  
23 revenue and the governor before adopting regulations governing fund  
24 accounting. The department shall develop procedures and adopt rules  
25 governing the expenditure of, and accounting for, money expended from  
26 the fund, and may not delay implementation of this chapter pending the  
27 effective date of the procedures and rules.

28 (d) The proper state officer shall pay disbursements from the  
29 fund on presentation of vouchers signed by the governor or the

1 governor's authorized representative.

2 Sec. 46.08.060. REPORT TO THE LEGISLATURE. The commissioner  
3 shall submit a report to the governor and to the legislature not later  
4 than the 10th day following the convening of each regular session of  
5 the legislature. The report may include information considered sig-  
6 nificant by the commissioner but must include:

7 (1) the amount of money expended under AS 46.08.040 during  
8 the preceding fiscal year; and

9 (2) the amount and source of money received and money  
10 recovered during the preceding fiscal year as specified in AS 46.08.-  
11 020.

12 Sec. 46.08.070. REIMBURSEMENT FOR CONTAINMENT AND CLEANUP. (a)  
13 The commissioner shall seek reimbursement promptly under this section,  
14 AS 46.03.760(e), or federal law for the cost incurred in the cleanup  
15 or containment of oil or a hazardous substance that has been released.

16 (b) The attorney general, at the request of the commissioner,  
17 may seek to recover money expended by the department under this chap-  
18 ter or other law to contain and clean up oil or a hazardous substance  
19 that has been released or to control the threatened release of oil or  
20 a hazardous substance.

21 Sec. 46.08.080. REGULATIONS. The commissioner shall adopt  
22 regulations necessary to implement the provisions of this chapter.

23 Sec. 46.08.900. DEFINITIONS. In this chapter

24 (1) "commissioner" means the commissioner of environmental  
25 conservation;

26 (2) "containment and cleanup" includes the direct and  
27 indirect efforts associated with the prevention, abatement, contain-  
28 ment, or removal of a hazardous substance, the restoration of the  
29 environment to its former state, and incidental administrative costs;

1 (3) "department" means the Department of Environmental  
2 Conservation;

3 (4) "employee" means a person who works for an employer in  
4 a place that is not used primarily as a personal residence;

5 (5) "employer" means a person, including the state and a  
6 political subdivision of the state, who has one or more employees  
7 working in a place that is not used primarily as a personal residence;

8 (6) "fund" means the oil and hazardous substance release  
9 response fund;

10 (7) "hazardous substance" means

11 (A) an element or compound that, when it enters into  
12 or on the surface or subsurface land or water of the state,  
13 presents an imminent and substantial danger to the public health  
14 or welfare, or to fish, animals, vegetation, or any part of the  
15 natural habitat in which fish, animals, or wildlife may be found;  
16 or

17 (B) a substance defined as a hazardous substance under  
18 state or federal law or by regulations adopted under state or  
19 federal law;

20 (8) "oil" means petroleum products of any kind and in any  
21 form, whether crude, refined, or a petroleum by-product, including  
22 petroleum, fuel oil, gasoline, lubricating oils, oily sludge, oily  
23 refuse, oil mixed with other wastes, liquified natural gas, propane,  
24 butane, and other liquid hydrocarbons regardless of specific gravity;

25 (9) "release" means an intentional or unintentional release  
26 into the environment of the state.

27 \* Sec. 2. AS 46 is amended by adding a new chapter to read:

28 CHAPTER 09. HAZARDOUS SUBSTANCE RELEASE CONTROL.

29 Sec. 46.09.010. REPORT OF HAZARDOUS SUBSTANCE RELEASES. (a)

1 Except as provided in (b) of this section, a person in charge of a  
2 vehicle, vessel or container from which, or a place at which, a haz-  
3 arduous substance is released shall report the release to the depart-  
4 ment promptly after learning of the release.

5 (b) The commissioner may enter into an agreement with a person  
6 for the periodic reporting of a controlled release of a hazardous  
7 substance if the release is not into the water of the state.

8 Sec. 46.09.020. CONTAINMENT AND CLEANUP OF A RELEASED HAZARDOUS  
9 SUBSTANCE. (a) A person who causes a release of a hazardous sub-  
10 stance shall make reasonable efforts to contain and clean up the  
11 hazardous substance promptly after learning of the release, unless the  
12 commissioner determines

13 (1) after consulting the Environmental Protection Agency,  
14 that containment or cleanup is technically infeasible; or

15 (2) that containment or cleanup would cause greater en-  
16 vironmental damage than the release would cause if unabated.

17 (b) The commissioner shall adopt regulations prescribing proce-  
18 dures and methods to be used in the containment and cleanup of a  
19 hazardous substance and in the disposal of waste from the containment  
20 or cleanup.

21 (c) If the commissioner determines that the containment or  
22 cleanup of a hazardous substance undertaken is inadequate, the commis-  
23 sioner may direct the person undertaking the containment or cleanup to  
24 cease and may undertake the containment or cleanup directly or by  
25 contract.

26 (d) If it appears to the commissioner that the cause or respon-  
27 sibility for the release of a hazardous substance is unclear or unex-  
28 plained, the commissioner may immediately undertake the containment  
29 and cleanup of the release unless the commissioner determines

1 (1) after consulting the Environmental Protection Agency,  
2 that containment or cleanup is technically infeasible; or

3 (2) that containment or cleanup would cause greater en-  
4 vironmental damage than the release would cause if unabated.

5 (e) The commissioner shall enter into agreement with the En-  
6 vironmental Protection Agency, and may enter into agreements with  
7 other persons and municipalities, in order to

8 (1) facilitate a coordinated and effective hazardous sub-  
9 stance release response in the state;

10 (2) provide for cooperative hazardous substance release  
11 notification procedures; or

12 (3) provide for cooperative review of hazardous substance  
13 release response contingency plans submitted to the department.

14 Sec. 46.09.030. DISASTER EMERGENCIES. The commissioner may  
15 request the governor to determine that an actual or imminent release  
16 of a hazardous substance constitutes a disaster emergency under  
17 AS 26.23. If the governor declares a disaster emergency under AS 26.-  
18 23, the commissioner may assist the adjutant general in the relief of  
19 the emergency.

20 Sec. 46.09.040. HAZARDOUS SUBSTANCES CONTAINMENT AND CLEANUP.  
21 The commissioner may contract with a person or a municipality for  
22 personnel, equipment, or services that may be useful to carry out the  
23 requirements of this chapter. If the commissioner determines that it  
24 is infeasible to contract with a person or a municipality, the commis-  
25 sioner may establish and maintain containment and cleanup personnel,  
26 equipment, and supplies necessary to carry out the requirements of  
27 this chapter.

28 Sec. 46.09.050. PEACE OFFICERS. Employees of the department  
29 designated by the commissioner as enforcement officers in the

1 implementation of this chapter are peace officers of the state.

2 Sec. 46.09.060. COMPACTS AUTHORIZED. The governor may enter  
3 into supplementary agreements, reciprocal arrangements, and compacts  
4 with another state or country for the implementation of this chapter  
5 subject to the approval of the Congress of the United States, if  
6 required, under the Constitution of the United States.

7 Sec. 46.09.070. MUNICIPALITIES. (a) If a provision of this  
8 chapter or of a regulation adopted by the commissioner under this  
9 chapter conflicts with the charter, ordinance, or regulation of a  
10 municipality, the provision of this chapter or of the regulation  
11 adopted by the commissioner under this chapter prevails.

12 (b) Authority to contain, clean up, or prevent a release or  
13 threatened release of oil or of a hazardous substance, and to exercise  
14 other powers necessary to implement AS 46.08 - AS 46.09, are granted  
15 to municipalities that do not otherwise have that authority. Except  
16 as provided in (a) of this section, a municipality may exercise its  
17 police power within the area of the municipality.

18 Sec. 46.09.080. REGULATIONS. The commissioner shall adopt  
19 regulations necessary to implement the provisions of this chapter.

20 Sec. 46.09.900. DEFINITIONS. In this chapter

21 (1) "commissioner" means the commissioner of environmental  
22 conservation;

23 (2) "containment and cleanup" includes the direct and  
24 indirect efforts associated with the prevention, abatement, contain-  
25 ment, or removal of a hazardous substance, the restoration of the  
26 environment to its former state, and incidental administrative costs;

27 (3) "department" means the Department of Environmental  
28 Conservation;

29 (4) "hazardous substance" means

1 (A) an element or compound that, when it enters into  
2 or on the surface or subsurface land or water of the state,  
3 presents an imminent and substantial danger to the public health  
4 or welfare, or to fish, animals, vegetation, or any part of the  
5 natural habitat in which fish, animals, or wildlife may be found;  
6 or

7 (B) a substance defined as a hazardous substance under  
8 state or federal law or by regulations adopted under state or  
9 federal law;

10 (5) "release" means an intentional or unintentional release  
11 into the environment of the state.

12 \* Sec. 1. AS 26.23.230(1) is amended to read:

13 (1) "disaster" means the occurrence or imminent threat of  
14 widespread or severe damage, injury, or loss of life or property  
15 resulting from any natural or nonmilitary man-made cause including,  
16 but not limited to, fire, flood, earthquake, landslide, mudslide,  
17 avalanche, wind-driven water, weather condition, tsunami, [OIL SPILL  
18 OR OTHER WATER CONTAMINATION REQUIRING EMERGENCY ACTION TO AVERT  
19 DANGER OR DAMAGE], volcanic activity, epidemic, air contamination,  
20 blight, infestation, explosion, riot, equipment failure, or shortage  
21 of food, water, fuel, or clothing, or the release of oil or a hazard-  
22 ous substance requiring prompt action to avert environmental danger or  
23 damage;

24 \* Sec. 4. AS 37.05.159 is amended by adding a new subsection to read:

25 (g) Notwithstanding the provisions of (b) of this section and  
26 AS 37.07.080(e), the governor may transfer a maximum of \$10,000,000  
27 during a fiscal year from the reserve for emergency operating expenses  
28 account to the oil and hazardous substance release response fund  
29 (AS 46.08).

1 \* Sec. 5. AS 44.19.050 is amended to read:

2       Sec. 44.19.050. DEFINITION. In AS 44.19.048 and 44.19.049,  
3 "disaster" means the occurrence or imminent threat of widespread or  
4 severe damage, injury, or loss of life or property resulting from any  
5 natural or man-made cause including, but not limited to, fire, flood,  
6 earthquake, landslide, avalanche, wind-driven water, weather condi-  
7 tion, tsunami, [OIL SPILL OR OTHER WATER CONTAMINATION REQUIRING  
8 EMERGENCY ACTION TO AVERT DAMAGE,] volcanic activity, epidemic, air  
9 contamination, blight, infestation, explosion, [OR] riot, or the  
10 release of oil or a hazardous substance requiring prompt action to  
11 avert environmental danger or damage.

12 \* Sec. 6. AS 46.03.290(a) is amended to read:

13       (a) When the department finds that an actual or imminent dis-  
14 charge of oil, a hazardous substance, or low level radioactive mate-  
15 rials to the air, water, land or subsurface land of the state poses an  
16 immediate threat to the public health or welfare, or the environment  
17 of the state, it may issue an order declaring an emergency and direct-  
18 ing a person or persons to take action the department believes neces-  
19 sary to meet the emergency, and protect the public health, welfare, or  
20 environment.

21 \* Sec. 7. AS 46.03.760(a) is amended to read:

22       (a) A person who violates or causes or permits to be violated a  
23 provision of this chapter other than AS 46.03.250 - 46.03.314, or a  
24 provision of AS 46.04 or AS 46.09, or a regulation, a lawful order of  
25 the department, or a permit, approval, or acceptance, or term or  
26 condition of a permit, approval, or acceptance issued under this  
27 chapter or AS 46.04 or AS 46.09 is liable, in a civil action, to the  
28 state for a sum to be assessed by the court of not less than \$500 nor  
29 more than \$100,000 for the initial violation, nor more than \$5,000 for

1 each day after that on which the violation continues, and that shall  
2 reflect, when applicable,

3 (1) reasonable compensation in the nature of liquidated  
4 damages for any adverse environmental effects caused by the violation,  
5 that shall be determined by the court according to the toxicity,  
6 degradability and dispersal characteristics of the substance dis-  
7 charged, the sensitivity of the receiving environment, and the degree  
8 to which the discharge degrades existing environmental quality;

9 (2) reasonable costs incurred by the state in detection,  
10 investigation, and attempted correction of the violation;

11 (3) the economic savings realized by the person in not  
12 complying with the requirement for which a violation is charged.

13 \* Sec. 8. AS 46.03.765 is amended to read:

14 Sec. 46.03.765. INJUNCTIONS. The superior court has jurisdic-  
15 tion to enjoin a violation of this chapter, [OR] AS 46.04, or AS 46.09  
16 or of a regulation, a lawful order of the department, or permit,  
17 approval, or acceptance, or term or condition of a permit, approval,  
18 or acceptance issued under this chapter, [OR] AS 46.04, or AS 46.09.  
19 In actions brought under this section, temporary or preliminary relief  
20 may be obtained upon a showing of an imminent threat of continued  
21 violation, and probable success on the merits, without the necessity  
22 of demonstrating physical irreparable harm. The balance of equities  
23 in actions under this section may affect the timing of compliance, but  
24 not the necessity of compliance within a reasonable period of time.

25 \* Sec. 9. AS 46.03.780(a) is amended to read:

26 (a) A person who violates a provision of this chapter, [OR]  
27 AS 46.04, or AS 46.09, or who fails to perform a duty imposed by this  
28 chapter, [OR] AS 46.04, or AS 46.09, or violates or disregards an  
29 order, permit, or other determination of the department made under the

1 provisions of this chapter, [OR] AS 46.04, or AS 46.09, respectively,  
2 and thereby causes the death of fish, animals, or vegetation or other-  
3 wise injures or degrades the environment of the state is liable to the  
4 state for damages.

5 \* Sec. 10. AS 46.03.790(a) is amended to read:

6 (a) Except as provided in (d) - (f) of this section, a person  
7 who negligently violates a provision of this chapter, [OR] AS 46.04,  
8 or AS 46.09, or of a regulation, lawful order of the department, or  
9 permit, approval, or acceptance, or term or condition of a permit,  
10 approval, or acceptance issued under this chapter, [OR] AS 46.04, or  
11 AS 46.09 is guilty of a class B misdemeanor.

12 \* Sec. 11. AS 46.03.790(b) is amended to read:

13 (b) Except as provided in (d) - (f) of this section, a person  
14 who knowingly violates a provision of this chapter, [OR] AS 46.04, or  
15 AS 46.09, or of a regulation, lawful order of the department, or  
16 permit, approval, or acceptance, or term or condition of a permit,  
17 approval, or acceptance issued under this chapter, [OR] AS 46.04, or  
18 AS 46.09 is guilty of a class A misdemeanor.

19 \* Sec. 12. AS 46.03.790(d) is amended to read:

20 (d) Notwithstanding (a) and (b) of this section, a person who  
21 fails to provide or falsely states information required under AS 46.-  
22 03.755, [OR] AS 46.04, or AS 46.09 is guilty of a misdemeanor and,  
23 upon conviction, is punishable by a fine of not more than \$25,000, or  
24 by imprisonment for not more than one year, or by both. Each unlawful  
25 act constitutes a separate offense.

26 \* Sec. 13. AS 46.04.010 is amended to read:

27 Sec. 46.04.010. REIMBURSEMENT FOR CLEANUP EXPENSES. The de-  
28 partment shall promptly seek reimbursement [, EITHER] under AS 46.03.-  
29 760(e), AS 46.08.070, or from an applicable federal fund, for the

1 expenses it incurs in cleaning up or containing a discharge of oil.  
2 If the department obtains reimbursement for a portion of its expenses  
3 from a federal fund, the remainder of the expenses incurred may be  
4 recovered under AS 46.03.760(e) or AS 46.08.070. Money received by  
5 the department under this section shall be deposited in the general  
6 fund and may be appropriated by the legislature to the oil and hazar-  
7 dous substance release response fund (AS 46.08).  
8 \* Sec. 4. AS 46.03.758(k) is repealed.  
9 \* Sec. 15. This Act takes effect immediately in accordance with AS 01.-  
10 10.070(c).

Offered: 3/13/86  
Referred: Finance

Original sponsor: Resources

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 375 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the release of oil and hazardous  
7 substances; repealing the oil spill mitigation ac-  
8 count; and providing for an effective date."

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

10 \* Section 1. AS 46 is amended by adding a new chapter to read:

11 CHAPTER 08. OIL AND HAZARDOUS SUBSTANCE RELEASES.

12 Sec. 46.08.005. PURPOSE. The legislature finds and declares  
13 that the release of oil or hazardous substances into the environment  
14 presents a real and substantial threat to the public health and wel-  
15 fare, to the environment, and to the economy of the state. The legis-  
16 lature therefore concludes that it is in the best interest of the  
17 state and its citizens to provide a readily available fund for the  
18 payment of the expenses incurred by the Department of Environmental  
19 Conservation in the protection of the environment of the state from  
20 the release of oil or hazardous substances.

21 Sec. 46.08.010. FUND ESTABLISHED. (a) There is established in  
22 the state general fund the oil and hazardous substance release re-  
23 sponse fund. The fund shall be administered by the commissioner of  
24 environmental conservation.

25 (b) Money from an appropriation made to the fund remaining in  
26 the fund at the end of a fiscal year remains available for expenditure  
27 in successive fiscal years.

28 (c) The fund shall be used for actual expenses incurred under  
29 AS 46.08.040. The fund may not be used for capital improvements.

1           Sec. 46.08.020. FINANCING OF THE FUND. (a) The legislature may  
2 appropriate from the following sources to the fund:

3           (1) money received from federal, state, or other sources or  
4 from a private donor;

5           (2) money recovered or otherwise received from parties  
6 responsible for the containment and cleanup of oil or a hazardous  
7 substance at a specific site, but excluding funds from performance  
8 bonds and other forms of financial responsibility held in escrow  
9 pending satisfactory performance of a privately financed response  
10 action;

11           (3) fines, penalties, or damages recovered under this  
12 chapter or other law for costs incurred by the state as a result of  
13 the release or threatened release of oil or a hazardous substance.

14           (b) Money received by the state under (a)(2) and (a)(3) of this  
15 section shall be deposited in the general fund and credited to a  
16 special account called the "oil and hazardous substance release miti-  
17 gation account." The legislature may annually appropriate to the fund  
18 from this account a sum equal to the amount received under (a)(2) and  
19 (a)(3) of this section during the calendar year preceding the legisla-  
20 tive session in which the appropriations are to be made.

21           Sec. 46.08.030. FINANCING THE ABATEMENT OF OIL OR HAZARDOUS  
22 SUBSTANCE RELEASES. It is the intent of the legislature and declared  
23 to be the public policy of the state that funds for the abatement of a  
24 release of oil or a hazardous substance will always be available.

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

27           (1) contain, clean up, and take other necessary action,  
28 such as monitoring, assessing, investigating, and evaluating the  
29 release or threatened release of oil or a hazardous substance that

1 poses an imminent and substantial threat to the public health or  
2 welfare, or to the environment;

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 Sec. 46.08.050. RECORDS OF THE FUND. (a) The department shall  
11 maintain accounting records showing the income and expenses of the  
12 fund.

13 (b) The department shall develop procedures governing the expen-  
14 diture of, and accounting for, money expended from the fund, and may  
15 not delay implementation of this chapter pending the effective date of  
16 the procedures.

17 Sec. 46.08.060. REPORT TO THE LEGISLATURE. (a) The commis-  
18 sioner shall submit a report to the legislature not later than the  
19 10th day following the convening of each regular session of the legis-  
20 lature. The report may include information considered significant by  
21 the commissioner but must include:

22 (1) the amount of money expended under AS 46.08.040 during  
23 the preceding fiscal year;

24 (2) the amount and source of money received and money  
25 recovered during the preceding fiscal year as specified in AS 46.08.-  
26 020;

27 (3) a summary of municipal participation in responses  
28 funded by the fund;

29 (4) a detailed summary of department activities in

1 responses funded by the fund during the preceding fiscal year, includ-  
2 ing response descriptions and statements outlining the nature of the  
3 threat; and

4 (5) the projected cost for the next fiscal year of monitor-  
5 ing, operating, and maintaining sites where response has been com-  
6 pleted or is expected to be continued during the fiscal year.

7 (b) As part of the department's on-going identification efforts  
8 associated with oil spill or hazardous waste sites, the commissioner  
9 shall include in the report under this section

10 (1) a summary of the sites identified by the department;

11 (2) the immediate and long-term threats to the public  
12 health or welfare or to the environment posed by these sites; and

13 (3) the appropriate actions needed to abate these threats,  
14 and their estimated cost.

15 Sec. 46.08.070. REIMBURSEMENT FOR CONTAINMENT AND CLEANUP. (a)  
16 The commissioner shall seek reimbursement promptly under this section,  
17 AS 46.03.760(e), or federal law for the cost incurred in the cleanup  
18 or containment of oil or a hazardous substance that has been released.

19 (b) The attorney general, at the request of the commissioner,  
20 may seek to recover money expended by the department under this chap-  
21 ter or other law to contain and clean up oil or a hazardous substance  
22 that has been released or to control the threatened release of oil or  
23 a hazardous substance.

24 (c) The department may reimburse a municipality for actual  
25 expenses, other than normal operating expenses, incurred in the abate-  
26 ment of a release or threatened release of oil or a hazardous sub-  
27 stance if

28 (1) the municipality has entered into an agreement with the  
29 commissioner under AS 46.09.020(e) before incurring the expenses for

1 which reimbursement is sought; and

2 (2) the commissioner determines that the expenses were for  
3 a necessary emergency first response to a release or threatened re-  
4 lease that posed an imminent and substantial threat to the public  
5 health or welfare, or to the environment.

6 Sec. 46.08.080. REGULATIONS. The commissioner may adopt regu-  
7 lations necessary to implement the provisions of this chapter.

8 Sec. 46.08.900. DEFINITIONS. In this chapter

9 (1) "capital improvement" includes construction, renova-  
10 tion, repair of, and improvement to, a building, but does not include  
11 other improvements to real property, such as construction of a dike or  
12 retaining wall;

13 (2) "commissioner" means the commissioner of environmental  
14 conservation;

15 (3) "containment and cleanup" includes the direct and  
16 indirect efforts associated with the prevention, abatement, contain-  
17 ment, or removal of oil or a hazardous substance, the restoration of  
18 the environment, and incidental administrative costs;

19 (4) "department" means the Department of Environmental  
20 Conservation;

21 (5) "fund" means the oil and hazardous substance release  
22 response fund;

23 (6) "hazardous substance" means

24 (A) an element or compound that, when it enters into  
25 or on the surface or subsurface land or water of the state,  
26 presents an imminent and substantial danger to the public health  
27 or welfare, or to fish, animals, vegetation, or any part of the  
28 natural habitat in which fish, animals, or wildlife may be found;  
29 or

1 (B) a substance defined as a hazardous substance under  
2 42 U.S.C. 9601 - 9657 (Comprehensive Environmental Response,  
3 Compensation, and Liability Act of 1980);

4 (7) "oil" means petroleum products of any kind and in any  
5 form, whether crude, refined, or a petroleum by-product, including  
6 petroleum, fuel oil, gasoline, lubricating oils, oily sludge, oily  
7 refuse, oil mixed with other wastes, liquified natural gas, propane,  
8 butane, and other liquid hydrocarbons regardless of specific gravity;

9 (8) "release" means an intentional or unintentional release  
10 into the environment of the state.

11 \* Sec. 2. AS 46 is amended by adding a new chapter to read:

12 CHAPTER 09. HAZARDOUS SUBSTANCE RELEASE CONTROL.

13 Sec. 46.09.010. REPORT OF HAZARDOUS SUBSTANCE RELEASES. (a)

14 Except as provided in (b) of this section, a person in charge of a  
15 vehicle, vessel or container from which, or a place at which, a haz-  
16 ardous substance is released shall report the release to the depart-  
17 ment and appropriate public safety agencies promptly after learning of  
18 the release.

19 (b) The commissioner may enter into an agreement with a person  
20 for the periodic reporting of a controlled release of a hazardous  
21 substance if the release is not into water.

22 Sec. 46.09.020. CONTAINMENT AND CLEANUP OF A RELEASED HAZARDOUS  
23 SUBSTANCE. (a) A person who causes a release of a hazardous sub-  
24 stance shall make reasonable efforts to contain and clean up the  
25 hazardous substance promptly after learning of the release, unless the  
26 commissioner determines

27 (1) after consulting the Environmental Protection Agency or  
28 appropriate public safety agencies, that containment or cleanup is  
29 technically infeasible;

1           (2) that containment or cleanup would cause greater en-  
2           vironmental damage than the release would cause if unabated; or

3           (3) that containment or cleanup would pose a greater threat  
4           to human life or health than the release itself.

5           (b) The commissioner shall develop guidelines prescribing gen-  
6           eral procedures and methods to be used in the containment and cleanup  
7           of a hazardous substance.

8           (c) If the commissioner determines that the containment or  
9           cleanup of a hazardous substance undertaken is inadequate, the commis-  
10          sioner may direct the person undertaking the containment or cleanup to  
11          cease and may undertake the containment or cleanup directly or by  
12          contract.

13          (d) If it appears to the commissioner that the cause or respon-  
14          sibility for the release of a hazardous substance is unclear or unex-  
15          plained, the commissioner may immediately undertake the containment  
16          and cleanup of the release unless the commissioner determines

17                 (1) after consulting the Environmental Protection Agency or  
18                 appropriate public safety agencies, that containment or cleanup is  
19                 technically infeasible;

20                 (2) that containment or cleanup would cause greater en-  
21                 vironmental damage than the release would cause if unabated; or

22                 (3) that containment or cleanup would pose a greater threat  
23                 to human life or health than the release itself.

24          (e) The commissioner shall enter into agreement with the En-  
25          vironmental Protection Agency, and may enter into agreements with  
26          other persons and municipalities, in order to

27                 (1) facilitate a coordinated and effective hazardous sub-  
28                 stance release response in the state;

29                 (2) provide for cooperative hazardous substance release

1 notification procedures; or

2 (3) provide for cooperative review of hazardous substance  
3 release response contingency plans submitted to the department.

4 Sec. 46.09.030. DISASTER EMERGENCIES. The commissioner may  
5 request the governor to determine that an actual or imminent release  
6 of a hazardous substance constitutes a disaster emergency under  
7 AS 26.23. If the governor declares a disaster emergency under AS 26.-  
8 23, the commissioner may assist the adjutant general in the relief of  
9 the emergency.

10 Sec. 46.09.040. HAZARDOUS SUBSTANCES CONTAINMENT AND CLEANUP.  
11 The commissioner may contract with a person or a municipality for  
12 personnel, equipment, or services that may be useful to carry out the  
13 requirements of this chapter. If the commissioner determines that it  
14 is infeasible to contract with a person or a municipality, the commis-  
15 sioner may establish and maintain containment and cleanup personnel,  
16 equipment, and supplies necessary to carry out the requirements of  
17 this chapter.

18 Sec. 46.09.050. COMPACTS AUTHORIZED. The governor may enter  
19 into supplementary agreements, reciprocal arrangements, and compacts  
20 with another state or country for the implementation of this chapter  
21 subject to the approval of the Congress of the United States, if  
22 required, under the Constitution of the United States.

23 Sec. 46.09.060. MUNICIPALITIES. (a) If a provision of this  
24 chapter or of a regulation adopted by the commissioner under this  
25 chapter conflicts with the charter, ordinance, or regulation of a  
26 municipality, the provision of this chapter or of the regulation  
27 adopted by the commissioner under this chapter prevails.

28 (b) Authority to contain, clean up, or prevent a release or  
29 threatened release of oil or of a hazardous substance, and to exercise

1 other powers necessary to implement this chapter and AS 46.08, are  
2 granted to municipalities that do not otherwise have that authority.  
3 Except as provided in (a) of this section, a municipality may exercise  
4 its police power within the area of the municipality.

5 Sec. 46.09.070. REGULATIONS. The commissioner shall adopt  
6 regulations necessary to implement the provisions of this chapter.

7 Sec. 46.09.900. DEFINITIONS. In this chapter

8 (1) "commissioner" means the commissioner of environmental  
9 conservation;

10 (2) "containment and cleanup" includes the direct and  
11 indirect efforts associated with the prevention, abatement, contain-  
12 ment, or removal of a hazardous substance, the restoration of the  
13 environment, and incidental administrative costs;

14 (3) "department" means the Department of Environmental  
15 Conservation;

16 (4) "hazardous substance" means

17 (A) an element or compound that, when it enters into  
18 or on the surface or subsurface land or water of the state,  
19 presents an imminent and substantial danger to the public health  
20 or welfare, or to fish, animals, vegetation, or any part of the  
21 natural habitat in which fish, animals, or wildlife may be found;  
22 or

23 (B) a substance defined as a hazardous substance under  
24 42 U.S.C. 9601 - 9657 (Comprehensive Environmental Response,  
25 Compensation, and Liability Act of 1980);

26 (5) "release" means an intentional or unintentional release  
27 into the environment of the state.

28 \* Sec. 3. AS 26.23.050(b) is amended to read:

29 (b) Whenever, and to the extent that, money is needed to cope

1 with a disaster, the first recourse shall be to funds regularly appro-  
2 priated to state and local agencies. The second recourse shall be to  
3 funds available in the disaster relief fund or the oil and hazardous  
4 substance release response fund, as appropriate. If money available  
5 from these sources is insufficient, and if the governor finds that  
6 other sources of money to cope with the disaster are not available or  
7 are insufficient, the governor may, notwithstanding any limitation  
8 imposed by AS 37.07.080(e), transfer and spend money appropriated for  
9 other purposes or, in situations involving natural disasters, borrow  
10 from the United States government or other public or private sources  
11 for a term not to exceed two years.

12 \* Sec. 4. AS 26.23.230(1) is amended to read:

13 (1) "disaster" means the occurrence or imminent threat of  
14 widespread or severe damage, injury, or loss of life or property  
15 resulting from any natural or nonmilitary man-made cause including,  
16 but not limited to, fire, flood, earthquake, landslide, mudslide,  
17 avalanche, wind-driven water, weather condition, tsunami, [OIL SPILL  
18 OR OTHER WATER CONTAMINATION REQUIRING EMERGENCY ACTION TO AVERT  
19 DANGER OR DAMAGE], volcanic activity, epidemic, air contamination,  
20 blight, infestation, explosion, riot, equipment failure, or shortage  
21 of food, water, fuel, or clothing, or the release of oil or a hazard-  
22 ous substance requiring prompt action to avert environmental danger or  
23 damage;

24 \* Sec. 5. AS 44.19.050 is amended to read:

25 Sec. 44.19.050. DEFINITION. In AS 44.19.048 and 44.19.049,  
26 "disaster" means the occurrence or imminent threat of widespread or  
27 severe damage, injury, or loss of life or property resulting from any  
28 natural or man-made cause including, but not limited to, fire, flood,  
29 earthquake, landslide, avalanche, wind-driven water, weather

1 condition, tsunami, [OIL SPILL OR OTHER WATER CONTAMINATION REQUIRING  
2 EMERGENCY ACTION TO AVERT DAMAGE,] volcanic activity, epidemic, air  
3 contamination, blight, infestation, explosion, [OR] riot, or the  
4 release of oil or a hazardous substance requiring prompt action to  
5 avert environmental danger or damage.

6 \* Sec. 6. AS 45.45.900 is amended to read:

7 Sec. 45.45.900. INDEMNIFICATION AGREEMENTS CONTRA TO PUBLIC  
8 POLICY. A provision, clause, covenant, or agreement contained in,  
9 collateral to, or affecting a [ANY] construction contract that [WHICH]  
10 purports to indemnify the promisee against liability for damages for  
11 (1) death or bodily injury to persons, (2) injury to property, (3)  
12 design defects or (4) [ANY] other loss, damage or expense arising  
13 under (1), (2), or (3) of this section from the sole negligence or  
14 wilful misconduct of the promisee or the promisee's agents, servants  
15 or independent contractors who are directly responsible to the prom-  
16 isee, is against public policy and is void and unenforceable; however,  
17 this provision does not affect the validity of an [ANY] insurance  
18 contract, workers' compensation, or agreement issued by an insurer  
19 subject to the provisions of AS 21, or a provision, clause, covenant,  
20 or agreement of indemnification respecting the handling, containment  
21 or cleanup of oil or hazardous substances as defined in AS 46.

22 \* Sec. 7. AS 46.03.290(a) is amended to read:

23 (a) When the department finds that an actual or imminent dis-  
24 charge of oil, a hazardous substance, or low level radioactive mate-  
25 rials to the air, water, land or subsurface land of the state poses an  
26 immediate threat to the public health or welfare, or the environment  
27 of the state, it may issue an order declaring an emergency and direct-  
28 ing a person or persons to take action the department believes neces-  
29 sary to meet the emergency, and protect the public health, welfare, or

1 environment.

2 \* Sec. 8. AS 46.03 is amended by adding a new section to read:

3 Sec. 46.03.745. HAZARDOUS SUBSTANCE RELEASE. Except for a  
4 controlled release, the reporting of which is the subject of an agree-  
5 ment with the commissioner under AS 46.09.010(b), a person may not  
6 cause or permit the release of a hazardous substance as defined in  
7 AS 46.09.900.

8 \* Sec. 9. AS 46.03.760(a) is amended to read:

9 (a) A person who violates or causes or permits to be violated a  
10 provision of this chapter other than AS 46.03.250 - 46.03.314, or a  
11 provision of AS 46.04 or AS 46.09, or a regulation, a lawful order of  
12 the department, or a permit, approval, or acceptance, or term or  
13 condition of a permit, approval, or acceptance issued under this  
14 chapter or AS 46.04 or AS 46.09 is liable, in a civil action, to the  
15 state for a sum to be assessed by the court of not less than \$500 nor  
16 more than \$100,000 for the initial violation, nor more than \$5,000 for  
17 each day after that on which the violation continues, and that shall  
18 reflect, when applicable,

19 (1) reasonable compensation in the nature of liquidated  
20 damages for any adverse environmental effects caused by the violation,  
21 that shall be determined by the court according to the toxicity,  
22 degradability and dispersal characteristics of the substance dis-  
23 charged, the sensitivity of the receiving environment, and the degree  
24 to which the discharge degrades existing environmental quality;

25 (2) reasonable costs incurred by the state in detection,  
26 investigation, and attempted correction of the violation;

27 (3) the economic savings realized by the person in not  
28 complying with the requirement for which a violation is charged.

29 \* Sec. 10. AS 46.03.765 is amended to read:

1           Sec. 46.03.765.   INJUNCTIONS.   The superior court has jurisdic-  
2           tion to enjoin a violation of this chapter, [OR] AS 46.04, or AS 46.09  
3           or of a regulation, a lawful order of the department, or permit,  
4           approval, or acceptance, or term or condition of a permit, approval,  
5           or acceptance issued under this chapter, [OR] AS 46.04, or AS 46.09.  
6           In actions brought under this section, temporary or preliminary relief  
7           may be obtained upon a showing of an imminent threat of continued  
8           violation, and probable success on the merits, without the necessity  
9           of demonstrating physical irreparable harm. The balance of equities  
10          in actions under this section may affect the timing of compliance, but  
11          not the necessity of compliance within a reasonable period of time.

12       \* Sec. 11. AS 46.03.780(a) is amended to read:

13           (a) A person who violates a provision of this chapter, [OR]  
14           AS 46.04, or AS 46.09, or who fails to perform a duty imposed by this  
15           chapter, [OR] AS 46.04, or AS 46.09, or violates or disregards an  
16           order, permit, or other determination of the department made under the  
17           provisions of this chapter, [OR] AS 46.04, or AS 46.09, respectively,  
18           and thereby causes the death of fish, animals, or vegetation or other-  
19           wise injures or degrades the environment of the state is liable to the  
20           state for damages.

21       \* Sec. 12. AS 46.03.790(a) is amended to read:

22           (a) Except as provided in (d) - (f) of this section, a person  
23           who negligently violates a provision of this chapter, [OR] AS 46.04,  
24           or AS 46.09, or of a regulation, lawful order of the department, or  
25           permit, approval, or acceptance, or term or condition of a permit,  
26           approval, or acceptance issued under this chapter, [OR] AS 46.04, or  
27           AS 46.09 is guilty of a class B misdemeanor.

28       \* Sec. 13. AS 46.03.790(b) is amended to read:

29           (b) Except as provided in (d) - (f) of this section, a person

1 who knowingly violates a provision of this chapter, [OR] AS 46.04, or  
2 AS 46.09, or of a regulation, lawful order of the department, or  
3 permit, approval, or acceptance, or term or condition of a permit,  
4 approval, or acceptance issued under this chapter, [OR] AS 46.04, or  
5 AS 46.09 is guilty of a class A misdemeanor.

6 \* Sec. 14. AS 46.03.790(d) is amended to read:

7 (d) Notwithstanding (a) and (b) of this section, a person who  
8 fails to provide or falsely states information required under AS 46.-  
9 03.755, [OR] AS 46.04, or AS 46.09 is guilty of a misdemeanor and,  
10 upon conviction, is punishable by a fine of not more than \$25,000, or  
11 by imprisonment for not more than one year, or by both. Each unlawful  
12 act constitutes a separate offense.

13 \* Sec. 15. AS 46.04.010 is amended to read:

14 Sec. 46.04.010. REIMBURSEMENT FOR CLEANUP EXPENSES. The de-  
15 partment shall promptly seek reimbursement [, EITHER] under AS 46.03.-  
16 760(e), AS 46.08.070, or from an applicable federal fund, for the  
17 expenses it incurs in cleaning up or containing a discharge of oil.  
18 If the department obtains reimbursement for a portion of its expenses  
19 from a federal fund, the remainder of the expenses incurred may be  
20 recovered under AS 46.03.760(e) or AS 46.08.070. Money received by  
21 the department under this section shall be deposited in the general  
22 fund and credited to a special account called the "oil and hazardous  
23 substance release mitigation account".

24 \* Sec. 16. AS 46.04.090(b) is amended to read:

25 (b) Inspection and enforcement employees of the department  
26 designated by the commissioner are peace officers in the performance  
27 of their duties under this chapter, AS 46.09, and AS 46.03.

28 \* Sec. 17. Not later than January 1, 1987, the commissioner of environ-  
29 mental conservation shall develop guidelines under AS 46.09.020, added by

1 sec. 2 of this Act.

2 \* Sec. 18. Not later than October 1, 1987, the commissioner of environ-  
3 mental conservation shall adopt regulations under AS 46.09.070, added by  
4 sec. 2 of this Act.

5 \* Sec. 19. Notwithstanding the provisions of AS 37.05.159(b) and  
6 AS 37.07.080(e), the governor may, during the 1987 fiscal year, transfer  
7 from the reserve for emergency operating expenses account to the oil and  
8 hazardous substance release response fund (AS 46.08) amounts that, when  
9 added to the amounts appropriated, reappropriated, or transferred to the  
10 response fund in laws enacted by the legislature during the 1986 regular  
11 legislative session, do not exceed \$1,000,000.

12 \* Sec. 20. AS 46.03.758(k) is repealed.

13 \* Sec. 21. Sections 1 - 18 and 20 of this Act take effect immediately  
14 in accordance with AS 01.10.070(c).

15 \* Sec. 22. Section 19 of this Act takes effect July 1, 1986.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 3/12/86

**REQUEST**

Bill/Resolution No. : CSSB 375 (Res)  
 Title : An Act Relating to the Release  
of Oil and Hazardous Substances  
 Sponsor : Senate Resources Committee  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Environmental Conservation  
 BRU : Environmental Quality  
 Components : Director's Office

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

| OPERATING              | FY 86    | FY 87        | FY 88        | FY 89        | FY 90        | FY 91        |
|------------------------|----------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES      | 0        | 100.8        | 132.2        | 132.2        | 132.2        | 132.2        |
| TRAVEL                 | 0        | 13.0         | 15.0         | 15.0         | 15.0         | 15.0         |
| CONTRACTUAL            | 0        | 21.0         | 21.0         | 21.0         | 21.0         | 21.0         |
| SUPPLIES               | 0        | 8.5          | 10.0         | 10.0         | 10.0         | 10.0         |
| EQUIPMENT              | 0        | 6.0          | 2.0          | 2.0          | 2.0          | 2.0          |
| LAND & STRUCTURES      |          |              |              |              |              |              |
| GRANTS, CLAIMS         |          |              |              |              |              |              |
| MISCELLANEOUS          |          |              |              |              |              |              |
| <b>TOTAL OPERATING</b> | <b>0</b> | <b>149.3</b> | <b>180.2</b> | <b>180.2</b> | <b>180.2</b> | <b>180.2</b> |

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>CAPITAL</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>REVENUE</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

**FUNDING : (Thousands of Dollars)**

|               |   |       |       |       |       |       |
|---------------|---|-------|-------|-------|-------|-------|
| GENERAL FUND  | 0 | 149.3 | 180.2 | 180.2 | 180.2 | 180.2 |
| FEDERAL FUNDS |   |       |       |       |       |       |
| OTHER         |   |       |       |       |       |       |
| <b>TOTAL</b>  |   |       |       |       |       |       |

**POSITIONS : \*3.0 PFT**

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 3 | 3 | 3 | 3 | 3 |
| PART-TIME |   |   |   |   |   |   |
| TEMPORARY |   |   |   |   |   |   |

**ANALYSIS :** Attach a separate page if necessary

Prepared by : DEPARTMENT OF ENVIRONMENTAL CONSERVATION Phone : 465-2600  
 Division : \_\_\_\_\_ Date : 3/12/86  
 Approved by Commissioner Shirley Gillis Sturges Date : 5/13/86  
 Agency : CHAIRMAN - SENATE RESOURCES COMMITTEE

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 375 (Res)

In order to manage a program which responds to both immediate and long-term releases of oil and hazardous substances and make effective use of the fund created by this proposed legislation, several new positions would be required.

TOTAL  
REQUEST

Funding for nine months is requested for FY 87

100.8

## A. Program Management

1. An administrative assistant to prepare guidelines and contracts, help initiate appropriate cost-recovery actions, coordinate training, maintain records and prepare reports to the legislature.

### Response Capability

2. Two environmental field officer positions to investigate reports of spilled materials, monitor cleanup activities, work with community government and safety agencies on plans for responding to local emergencies involving chemical spills/fires. The field officers would be assigned as follows: 1) one position in Anchorage for the Southcentral Region; and 2) one position in Fairbanks for the Northern Region.

## B. Support Costs

1. Travel funds of 5.0 per technical and field officer position management will be necessary to conduct hearings on regulations, investigate incidents and participate in training programs.

13.0

2. Contractual funds of about 7.0 per position are required to pay office costs including telephones, xeroxing, word processing, utilities, janitorial costs, printing and advertising costs and registration fees for training courses.

21.0

3. Funds for office supplies amounting to about 1.5 are requested for each position; 2.0 is requested to replace expendable field sampling and safety supplies for each field officer; and 5.0 is requested to repair laboratory testing equipment and replace supplies.

8.5

Equipment funds of 2.0 are requested for desks, chairs, partitions, bookshelves and similar items necessary to equip the office of each position.

6.0

149.3

Note: In the 1987 Budget, the agency also requested one additional position, funded by Federal Superfund (CERCLA) dollars, to manage contracts to perform investigations of sites where hazardous materials may have been inappropriately managed or disposed. This position would also negotiate for federal dollars to clean up sites which are eligible for the Superfund, to supplement the State monies in this response fund.

|  |                          |                       |  |                           |                          |                 |                   |                    |
|--|--------------------------|-----------------------|--|---------------------------|--------------------------|-----------------|-------------------|--------------------|
| Position Title <b>Environmental Field Officer III</b>  |                          |                       | No. of Positions<br><b>One</b>   | Range/Step<br><b>18 A</b> | Org. Unit<br><b>(11)</b> | Gov.<br><b></b> | Appor.<br><b></b> | Bioggy.<br><b></b> |
| Time Status<br><b>Full Time</b>  | Base Months<br><b>12</b> | Key Number<br><b></b> | Location<br><b>Fairbanks</b>   | District<br><b></b>       |                          | Edg.<br><b></b> |                   |                    |
| Type of Expenditure  |                          |                       | Justification  |                           |                          |                 |                   |                    |
|  |                          | Amount                | <p>This new field officer will augment the existing oil spill position to investigate reports of spilled hazardous materials, monitor cleanup activities, and work with community government and local safety agencies on plans for responding to emergencies due to spills or fires involving chemicals. This person will require safety training and equipment to minimize exposure to hazardous chemicals. This person will work with existing staff as a team of two for safety purposes when investigating incidents involving spills of hazardous materials especially in confined areas. This person will obtain samples and other information necessary to take enforcement actions under federal or State laws.</p> <p>We expect to fill this position on October 1, 1987.</p> <p>Funding for nine months has been requested for FY 87.</p> |                           |                          |                 |                   |                    |
| 1  | 2                        | 3                     |  |                           |                          |                 |                   |                    |
| Salary   | 32.1                     |                       |  |                           |                          |                 |                   |                    |
| Benefits   | 9.2                      |                       |  |                           |                          |                 |                   |                    |
| Provision For  |                          |                       |  |                           |                          |                 |                   |                    |
| Other  |                          |                       |  |                           |                          |                 |                   |                    |
| <b>Total Federal Budget</b>  |                          | <b>41.3</b>           |  |                           |                          |                 |                   |                    |
| Travel   |                          | 5.0                   |  |                           |                          |                 |                   |                    |
| Contractual  |                          | 5.0                   |  |                           |                          |                 |                   |                    |
| Commodities  |                          | 3.5                   |  |                           |                          |                 |                   |                    |
| Equipment  |                          | 2.0                   |  |                           |                          |                 |                   |                    |
| Other  |                          |                       |  |                           |                          |                 |                   |                    |
| <b>Total One</b>   |                          | <b>56.8</b>           |  |                           |                          |                 |                   |                    |
| Receipt Code   | Position Number          | Amount                |  |                           |                          |                 |                   |                    |
|  | Federal Receipts         | 1802                  |  |                           |                          |                 |                   |                    |
|  | G. P. Match              | 1803                  |  |                           |                          |                 |                   |                    |
|  | General Funds            | 1804                  |  |                           |                          |                 |                   |                    |
|  | I-A Receipts             | 1805                  |  |                           |                          |                 |                   |                    |
|  | Program Receipts         | 1806                  |  |                           |                          |                 |                   |                    |
|  | CR Receipts              | 1801                  |  |                           |                          |                 |                   |                    |
|  | Other                    |                       |  |                           |                          |                 |                   |                    |
|  |                          | <b>56.8</b>           |  |                           |                          |                 |                   |                    |
| <div style="border: 1px solid black; padding: 2px;">         For BSM Use Only<br/>         Key Number       </div> |                          |                       |  |                           |                          |                 |                   |                    |

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component Northern Region

**FY 87**

Page 8.7 of 95  
 Revised Date

|  |                           |             |  |                           |                         |      |         |         |  |
|--|---------------------------|-------------|--|---------------------------|-------------------------|------|---------|---------|--|
| Position Title<br><b>Environmental Field Officer III</b> |                           |             | No. of Positions<br><b>One</b>   | Range/Step<br><b>18 A</b> | Org. Unit<br><b>GII</b> | Dev. | Approp. | Disapp. |  |
| Time Status<br><b>Full Time</b>                          | Staff Months<br><b>12</b> | RP Number   | Location<br><b>Anchorage</b>   |                           | District                |      |         |         |  |
| Type of Expenditure                                      |                           |             | Justification  |                           |                         |      |         |         |  |
|  |                           | Amount      | <p>This new field officer will augment the existing oil spill position to investigate reports of spilled hazardous materials, monitor cleanup activities, and work with community government and local safety agencies on plans for responding to emergencies due to spills or fires involving chemicals. This person will require safety training and equipment to minimize exposure to hazardous chemicals. This person will work with existing staff as a team of two for safety purposes when investigating incidents involving spills of hazardous materials especially in confined areas. This person will obtain samples and other information necessary to take enforcement actions under federal or State laws.</p> <p>We expect to fill this position on October 1, 1986.</p> <p>Funding for nine months has been requested for FY 87.</p> |                           |                         |      |         |         |  |
| Salary   | 2                         | 28.1        |  |                           |                         |      |         |         |  |
| Benefits   |                           | 8.3         |  |                           |                         |      |         |         |  |
| Pension Pay  |                           |             |  |                           |                         |      |         |         |  |
| Other  |                           |             |  |                           |                         |      |         |         |  |
| <b>Total Personal Services</b>                           |                           | <b>36.4</b> |  |                           |                         |      |         |         |  |
| Travel   |                           | 5.0         |  |                           |                         |      |         |         |  |
| Contractual  |                           | 5.0         |  |                           |                         |      |         |         |  |
| Commodities  |                           | 3.5         |  |                           |                         |      |         |         |  |
| Equipment  |                           | 2.0         |  |                           |                         |      |         |         |  |
| <b>Total Cost</b>  |                           | <b>51.9</b> |  |                           |                         |      |         |         |  |
| Receipt Code   | Funding Source            |             |  |                           |                         |      |         |         |  |
|  | Federal Receipt           | 1002        |  |                           |                         |      |         |         |  |
|  | G. P. Match               | 1003        |  |                           |                         |      |         |         |  |
|  | General Funds             | 1004        |  |                           |                         |      |         |         |  |
|  | FA Receipts               | 1005        |  |                           |                         |      |         |         |  |
|  | Program Receipts          | 1028        |  |                           |                         |      |         |         |  |
|  | CRP Receipts              | 1061        |  |                           |                         |      |         |         |  |
|  | Other                     |             |  |                           |                         |      |         |         |  |
| Total  |                           |             | 51.9   |                           |                         |      |         |         |  |
| For BSM Use Only<br>Key Number                           |                           |             |  |                           |                         |      |         |         |  |

**Request For  
New Position**

Agency Environmental Conservation  
 BAU Environmental Quality  
 Component Southcentral Region

**FY 87**

Page 57 of 58  
 Revised Date

| Position Title <b>Administrative Assistant II</b>   |                           |           | No. of Positions<br><b>One</b> | Range/Step<br><b>14 A</b> | Barg. Unit<br><b>GGU</b> | Gov.<br><b>Leg.</b> | Approv.               | Disapp.  |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
|---|---------------------------|-----------|--------------------------------|---------------------------|--------------------------|---------------------|-----------------------|----------|--------|------------------|--|----------|--------------------|-------------|--|-------------------|--|--------------------------------|-----------------------|------|--------|-------------------|-----|-------------|-------|------|-------------|--|-----|-----------|--|-----|-------|--|--|-------------------|--|------|--|--|--|--|--|--|
| Time Status<br><b>Full Time</b>   | Staff Months<br><b>12</b> | RP Number | Location<br><b>Juneau</b>      |                           | Election District        |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| <table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>2</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td><b>1</b></td> <td><b>2</b></td> <td><b>3</b></td> </tr> <tr> <td>Salary</td> <td>21.2</td> <td rowspan="4"></td> </tr> <tr> <td>Benefits</td> <td>6.8</td> </tr> <tr> <td>Premium Pay</td> <td></td> </tr> <tr> <td>Other</td> <td></td> </tr> <tr> <td><b>Total Personal Services</b></td> <td></td> <td>28.0</td> </tr> <tr> <td>Travel</td> <td></td> <td>3.0</td> </tr> <tr> <td>Contractual</td> <td></td> <td>11.0</td> </tr> <tr> <td>Commodities</td> <td></td> <td>1.5</td> </tr> <tr> <td>Equipment</td> <td></td> <td>2.0</td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td><b>Total Cost</b></td> <td></td> <td>45.5</td> </tr> </tbody> </table> |                           |           | Type of Expenditure            | 2                         | Amount                   | <b>1</b>            | <b>2</b>              | <b>3</b> | Salary | 21.2             |  | Benefits | 6.8                | Premium Pay |  | Other             |  | <b>Total Personal Services</b> |                       | 28.0 | Travel |                   | 3.0 | Contractual |       | 11.0 | Commodities |  | 1.5 | Equipment |  | 2.0 | Other |  |  | <b>Total Cost</b> |  | 45.5 | <b>Justification</b><br><br>This new position will assist the program staff by preparing documents necessary to contract for services to contain and clean up hazardous substances, by recording and tracking expenditures from the response fund and preparing the fiscal reports required to report program activities to the Legislature. This person will also maintain records describing incidents and spills from across the State and other data necessary to obtain cost-recovery from responsible parties.<br><br>We expect to fill this position on October 1, 1986.<br><br>Funding for nine months has been requested for FY 87. |  |  |  |  |  |
| Type of Expenditure   | 2                         | Amount    |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| <b>1</b>  | <b>2</b>                  | <b>3</b>  |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| Salary  | 21.2                      |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| Benefits  | 6.8                       |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| Premium Pay   |                           |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| Other   |                           |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| <b>Total Personal Services</b>  |                           | 28.0      |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| Travel  |                           | 3.0       |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| Contractual   |                           | 11.0      |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| Commodities   |                           | 1.5       |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| Equipment   |                           | 2.0       |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| Other   |                           |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| <b>Total Cost</b>   |                           | 45.5      |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| <table border="1"> <thead> <tr> <th>Receipt Code</th> <th>Funding Source</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td></td> <td>Federal Receipts 1002</td> <td></td> </tr> <tr> <td></td> <td>G. F. Match 1003</td> <td></td> </tr> <tr> <td></td> <td>General Funds 1004</td> <td>45.5</td> </tr> <tr> <td></td> <td>I-A Receipts 1005</td> <td></td> </tr> <tr> <td></td> <td>Program Receipts 1028</td> <td></td> </tr> <tr> <td></td> <td>CIP Receipts 1061</td> <td></td> </tr> <tr> <td></td> <td>Other</td> <td></td> </tr> </tbody> </table>  |                           |           | Receipt Code                   | Funding Source            | Amount                   |                     | Federal Receipts 1002 |          |        | G. F. Match 1003 |  |          | General Funds 1004 | 45.5        |  | I-A Receipts 1005 |  |                                | Program Receipts 1028 |      |        | CIP Receipts 1061 |     |             | Other |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| Receipt Code  | Funding Source            | Amount    |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
|   | Federal Receipts 1002     |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
|   | G. F. Match 1003          |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
|   | General Funds 1004        | 45.5      |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
|   | I-A Receipts 1005         |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
|   | Program Receipts 1028     |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
|   | CIP Receipts 1061         |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
|   | Other                     |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |
| <b>For B&amp;M Use Only</b><br>Key Number _____   |                           |           |                                |                           |                          |                     |                       |          |        |                  |  |          |                    |             |  |                   |  |                                |                       |      |        |                   |     |             |       |      |             |  |     |           |  |     |       |  |  |                   |  |      |  |  |  |  |  |  |

**Request For  
New Position**

Agency Environmental Conservation  
BRU Environmental Quality  
Component Water Quality Management

**FY 87**

Page 5 of 5  
Revised Date \_\_\_\_\_

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 3/12/86

**REQUEST**

Bill/Resolution No. : CSSB 375 (Res)  
 Title : An Act Relating to the Release of Oil and Hazardous Substances  
 Sponsor : Senate Resources Committee  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Environmental Conservation  
 BRU : Environmental Quality  
 Components : Director's Office

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

| OPERATING              | FY 86    | FY 87        | FY 88        | FY 89        | FY 90        | FY 91        |
|------------------------|----------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES      | 0        | 100.8        | 132.2        | 132.2        | 132.2        | 132.2        |
| TRAVEL                 | 0        | 13.0         | 15.0         | 15.0         | 15.0         | 15.0         |
| CONTRACTUAL            | 0        | 21.0         | 21.0         | 21.0         | 21.0         | 21.0         |
| SUPPLIES               | 0        | 8.5          | 10.0         | 10.0         | 10.0         | 10.0         |
| EQUIPMENT              | 0        | 6.0          | 2.0          | 2.0          | 2.0          | 2.0          |
| LAND & STRUCTURES      |          |              |              |              |              |              |
| GRANTS, CLAIMS         |          |              |              |              |              |              |
| MISCELLANEOUS          |          |              |              |              |              |              |
| <b>TOTAL OPERATING</b> | <b>0</b> | <b>149.3</b> | <b>180.2</b> | <b>180.2</b> | <b>180.2</b> | <b>180.2</b> |

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| REVENUE |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

**FUNDING : (Thousands of Dollars)**

|               |   |       |       |       |       |       |
|---------------|---|-------|-------|-------|-------|-------|
| GENERAL FUND  | 0 | 149.3 | 180.2 | 180.2 | 180.2 | 180.2 |
| FEDERAL FUNDS |   |       |       |       |       |       |
| OTHER         |   |       |       |       |       |       |
| <b>TOTAL</b>  |   |       |       |       |       |       |

**POSITIONS : \*3.0 PFT**

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 3 | 3 | 3 | 3 | 3 |
| PART-TIME |   |   |   |   |   |   |
| TEMPORARY |   |   |   |   |   |   |

**ANALYSIS :** Attach a separate page if necessary

Prepared by : DEPARTMENT OF ENVIRONMENTAL CONSERVATION Phone : 465-2600  
 Division : \_\_\_\_\_ Date : 3/12/86  
 Approved by Commissioner Anita Collins Date : 5/13/86  
 Agency : CHAIRMAN-SENATE RESOURCES COMMITTEE

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 375 (Res)

In order to manage a program which responds to both immediate and long-term releases of oil and hazardous substances and make effective use of the fund created by this proposed legislation, several new positions would be required. TOTAL REQUEST

Funding for nine months is requested for FY 87 100.8

## A. Program Management

1. An administrative assistant to prepare guidelines and contracts, help initiate appropriate cost-recovery actions, coordinate training, maintain records and prepare reports to the legislature.

### Response Capability

2. Two environmental field officer positions to investigate reports of spilled materials, monitor cleanup activities, work with community government and safety agencies on plans for responding to local emergencies involving chemical spills/fires. The field officers would be assigned as follows: 1) one position in Anchorage for the Southcentral Region; and 2) one position in Fairbanks for the Northern Region.

## B. Support Costs

1. Travel funds of 5.0 per technical and field officer position management will be necessary to conduct hearings on regulations, investigate incidents and participate in training programs. 13.0

2. Contractual funds of about 7.0 per position are required to pay office costs including telephones, xeroxing, word processing, utilities, janitorial costs, printing and advertising costs and registration fees for training courses. 21.0

3. Funds for office supplies amounting to about 1.5 are requested for each position; 2.0 is requested to replace expendable field sampling and safety supplies for each field officer; and 5.0 is requested to repair laboratory testing equipment and replace supplies. 8.5

Equipment funds of 2.0 are requested for desks, chairs, partitions, bookshelves and similar items necessary to equip the office of each position. 6.0

149.3

Note: In the 1987 Budget, the agency also requested one additional position, funded by Federal Superfund (CERCLA) dollars, to manage contracts to perform investigations of sites where hazardous materials may have been inappropriately managed or disposed. This position would also negotiate for federal dollars to clean up sites which are eligible for the Superfund, to supplement the State monies in this response fund.

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|   |                         |             |  |                           |                          |                   |          |        |
|---|-------------------------|-------------|--|---------------------------|--------------------------|-------------------|----------|--------|
| Position Title <b>Environmental Field Officer III</b> |                         |             | No. of Positions<br><b>01</b>  | Range/Step<br><b>18 A</b> | Borg. Unit<br><b>010</b> | Gov.<br><b>18</b> | Aggr. C. | Blapp. |
| Term Basis<br><b>Full Time</b>                        | Head Count<br><b>12</b> | MP Number   | Location<br><b>Fairbanks</b>   | Collection District       |                          |                   |          |        |
| Type of Reporting                                     |                         |             | Justification  |                           |                          |                   |          |        |
|   |                         | Amount      | <p>This new field officer will augment the existing oil spill position to investigate reports of spilled hazardous materials, monitor cleanup activities, and work with community government and local safety agencies on plans for responding to emergencies due to spills or fires involving chemicals. This person will require safety training and equipment to minimize exposure to hazardous chemicals. This person will work with existing staff as a team of two for safety purposes when investigating incidents involving spills of hazardous materials especially in confined areas. This person will obtain samples and other information necessary to take enforcement actions under federal or State laws.</p> <p>We expect to fill this position on October 1, 1987.</p> <p>Funding for nine months has been requested for FY 87.</p> |                           |                          |                   |          |        |
| Salary  | <b>32.1</b>             |             |  |                           |                          |                   |          |        |
| Benefits  | <b>9.2</b>              |             |  |                           |                          |                   |          |        |
| Provision Pay   |                         |             |  |                           |                          |                   |          |        |
| Other   |                         |             |  |                           |                          |                   |          |        |
| <b>Total Reported Position</b>                        |                         | <b>41.3</b> |  |                           |                          |                   |          |        |
| Travel  |                         | <b>5.0</b>  |  |                           |                          |                   |          |        |
| Construction  |                         | <b>5.0</b>  |  |                           |                          |                   |          |        |
| Communications  |                         | <b>3.5</b>  |  |                           |                          |                   |          |        |
| Equipment   |                         | <b>2.0</b>  |  |                           |                          |                   |          |        |
| Other   |                         |             |  |                           |                          |                   |          |        |
| <b>Total Cost</b>                                     |                         | <b>56.8</b> |  |                           |                          |                   |          |        |
| Account Code  | Position Code           |             |  |                           |                          |                   |          |        |
|   | Federal Receipts 1001   |             |  |                           |                          |                   |          |        |
|   | O.P. Receipts 1001      |             |  |                           |                          |                   |          |        |
|   | General Funds 1021      | <b>56.8</b> |  |                           |                          |                   |          |        |
|   | IA Receipts 1003        |             |  |                           |                          |                   |          |        |
|   | Program Receipts 1020   |             |  |                           |                          |                   |          |        |
|   | CIP Receipts 1001       |             |  |                           |                          |                   |          |        |
|   | Other                   |             |  |                           |                          |                   |          |        |
| For BADA Use Only<br>Key Number                       |                         |             |  |                           |                          |                   |          |        |

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component Northern Region

**FY 87**

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 Revised Date

|  |                               |                       |   |                           |                          |                    |        |         |
|--|-------------------------------|-----------------------|---|---------------------------|--------------------------|--------------------|--------|---------|
| Position Title<br><b>Environmental Field Officer III</b> |                               |                       | No. of Positions<br><b>One</b>  | Range/Step<br><b>18 A</b> | Bus. Unit<br><b>GGII</b> | Off.<br><b>149</b> | Agency | Disapp. |
| Time Status<br><b>Full Time</b>                          | Staff Allocation<br><b>12</b> | W/P Number            | Location<br><b>Anchorage</b>  |                           | Division District        |                    |        |         |
| Type of Requisition                                      |                               |                       | Facilities  |                           |                          |                    |        |         |
|  |                               |                       | This new field officer will augment the existing oil spill position to investigate reports of spilled hazardous materials, monitor cleanup activities, and work with community government and local safety agencies on plans for responding to emergencies due to spills or fires involving chemicals. This person will require safety training and equipment to minimize exposure to hazardous chemicals. This person will work with existing staff as a team of two for safety purposes when investigating incidents involving spills of hazardous materials especially in confined areas. This person will obtain samples and other information necessary to take enforcement actions under federal or State laws. |                           |                          |                    |        |         |
|  |                               | Amount                |   |                           |                          |                    |        |         |
| I  |                               | 2                     |   |                           |                          |                    |        |         |
| Salary   |                               | 28.1                  |   |                           |                          |                    |        |         |
| Benefits   |                               | 8.3                   |   |                           |                          |                    |        |         |
| Premium Pay  |                               |                       |   |                           |                          |                    |        |         |
| Other  |                               |                       |   |                           |                          |                    |        |         |
| <b>Total Personnel Services</b>                          |                               | <b>36.4</b>           |   |                           |                          |                    |        |         |
| Travel   |                               | 5.0                   |   |                           |                          |                    |        |         |
| Contracted   |                               | 5.0                   |   |                           |                          |                    |        |         |
| Commodities  |                               | 3.5                   |   |                           |                          |                    |        |         |
| Equipment  |                               | 2.0                   |   |                           |                          |                    |        |         |
| Other  |                               |                       |   |                           |                          |                    |        |         |
| <b>Total Cost</b>  |                               | <b>51.9</b>           |   |                           |                          |                    |        |         |
| Budget Code  |                               | Funding Source        |   |                           |                          |                    |        |         |
|  |                               | Federal Receipts 1001 |   |                           |                          |                    |        |         |
|  |                               | O. P. Match 1003      |   |                           |                          |                    |        |         |
|  |                               | General Funds 1004    | 51.9  |                           |                          |                    |        |         |
|  |                               | I-A Receipts 1005     |   |                           |                          |                    |        |         |
|  |                               | Program Receipts 1070 |   |                           |                          |                    |        |         |
|  |                               | CIP Receipts 1031     |   |                           |                          |                    |        |         |
|  |                               | Other                 |   |                           |                          |                    |        |         |
| For B&M Use Only<br>Key Number                           |                               |                       | We expect to fill this position on October 1, 1986.<br><br>Funding for nine months has been requested for FY 87.  |                           |                          |                    |        |         |

**Request For  
New Position**

Agency Environmental Conservation  
 OAU Environmental Quality  
 Component Southcentral Region

**FY 87**

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 Revised Date

|  |                           |           |                                |                           |                          |                     |         |         |
|--|---------------------------|-----------|--------------------------------|---------------------------|--------------------------|---------------------|---------|---------|
| Position Title<br><b>Administrative Assistant II</b>   |                           |           | No. of Positions<br><b>One</b> | Range/Step<br><b>14 A</b> | Barg. Unit<br><b>CCU</b> | Gov.<br><b>Leg.</b> | Approv. | Disapp. |
| Time Status<br><b>Full Time</b>  | Staff Months<br><b>12</b> | RP Number | Location<br><b>Juneau</b>      |                           | Election District        |                     |         |         |
| <b>Justification</b>   |                           |           |                                |                           |                          |                     |         |         |
| This new position will assist the program staff by preparing documents necessary to contract for services to contain and clean up hazardous substances, by recording and tracking expenditures from the response fund and preparing the fiscal reports required to report program activities to the Legislature. This person will also maintain records describing incidents and spills from across the State and other data necessary to obtain cost-recovery from responsible parties. |                           |           |                                |                           |                          |                     |         |         |
| We expect to fill this position on October 1, 1986.  |                           |           |                                |                           |                          |                     |         |         |
| Funding for nine months has been requested for FY 87.  |                           |           |                                |                           |                          |                     |         |         |
| <b>Type of Expenditure</b>   |                           |           | <b>Amount</b>                  |                           |                          |                     |         |         |
| <b>1</b>   |                           |           | <b>2</b>                       |                           |                          | <b>3</b>            |         |         |
| Salary   |                           |           | 21.2                           |                           |                          |                     |         |         |
| Benefits   |                           |           | 6.8                            |                           |                          |                     |         |         |
| Premium Pay  |                           |           |                                |                           |                          |                     |         |         |
| Other  |                           |           |                                |                           |                          |                     |         |         |
| <b>Total Personal Services</b>   |                           |           |                                |                           |                          | 28.0                |         |         |
| Travel   |                           |           |                                |                           |                          | 3.0                 |         |         |
| Contractual  |                           |           |                                |                           |                          | 11.0                |         |         |
| Commodities  |                           |           |                                |                           |                          | 1.5                 |         |         |
| Equipment  |                           |           |                                |                           |                          | 2.0                 |         |         |
| Other  |                           |           |                                |                           |                          |                     |         |         |
| <b>Total Cost</b>  |                           |           |                                |                           |                          | 45.5                |         |         |
| <b>Receipt Code</b>  |                           |           | <b>Funding Source</b>          |                           |                          |                     |         |         |
|  |                           |           | Federal Receipts               |                           |                          | 1002                |         |         |
|  |                           |           | G. F. Match                    |                           |                          | 1003                |         |         |
|  |                           |           | General Funds                  |                           |                          | 1004                |         |         |
|  |                           |           | I-A Receipts                   |                           |                          | 1005                |         |         |
|  |                           |           | Program Receipts               |                           |                          | 1028                |         |         |
|  |                           |           | CIP Receipts                   |                           |                          | 1061                |         |         |
|  |                           |           | Other                          |                           |                          |                     |         |         |
|  |                           |           |                                |                           |                          | 45.5                |         |         |
| <b>For B&amp;M Use Only</b>  |                           |           |                                |                           |                          |                     |         |         |
| Key Number _____   |                           |           |                                |                           |                          |                     |         |         |

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component Water Quality Management

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 Revised Date \_\_\_\_\_

**FY 87**

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 2/14/86

**REQUEST**

Bill/Resolution No. : SB 375  
 Title : An act Relating to the Release of Oil and Hazardous Substance  
 Sponsor : Senate Resources Committee  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Environmental Conservation  
 BRU : Environmental Quality  
 Components : Director's Office

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

| OPERATING              | FY 86 | FY 87        | FY 88        | FY 89        | FY 90 | FY 91 |
|------------------------|-------|--------------|--------------|--------------|-------|-------|
| PERSONAL SERVICES      |       | 182.7        | 227.3        | 227.3        |       |       |
| TRAVEL                 |       | 25.0         | 28.0         | 28.0         |       |       |
| CONTRACTUAL            |       | 48.5         | 53.5         | 53.5         |       |       |
| SUPPLIES               |       | 22.0         | 23.5         | 23.5         |       |       |
| EQUIPMENT              |       | 12.0         | 2.0          | 2.0          |       |       |
| LAND & STRUCTURES      |       |              |              |              |       |       |
| GRANTS, CLAIMS         |       |              |              |              |       |       |
| MISCELLANEOUS          |       |              |              |              |       |       |
| <b>TOTAL OPERATING</b> |       | <b>290.2</b> | <b>334.3</b> | <b>334.3</b> |       |       |

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| REVENUE |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

**FUNDING : (Thousands of Dollars)**

|               |  |       |       |       |  |  |
|---------------|--|-------|-------|-------|--|--|
| GENERAL FUND  |  | 290.2 | 334.3 | 334.3 |  |  |
| FEDERAL FUNDS |  |       |       |       |  |  |
| OTHER         |  |       |       |       |  |  |
| <b>TOTAL</b>  |  |       |       |       |  |  |

**POSITIONS :**

\*5.0 FTE

|           |  |   |   |   |  |  |
|-----------|--|---|---|---|--|--|
| FULL-TIME |  | 4 | 4 | 4 |  |  |
| PART-TIME |  | 2 | 2 | 2 |  |  |
| TEMPORARY |  |   |   |   |  |  |

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Stan Hungerford  
 Division : Environmental Quality  
 Approved by Commissioner : Bill Rom  
 Agency : Department of Environmental Conservation

Phone : 465-2666  
 Date : 2/14/86  
 Date : 2/14/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

## CONTINUATION of FISCAL NOTE ANALYSIS

### For Bill/Resolution No. SB 375

In order to manage a program which responds to both immediate and long-term releases of oil and hazardous substances and make effective use of the fund created by this proposed legislation, several new positions would be required.

TOTAL  
REQUEST

Funding for nine months is requested for FY 87

182.7

#### A. Program Management

1. A program person to develop regulations, negotiate contracts, initiate appropriate cost-recovery actions, coordinate training and report to the legislature.

2. A clerk/typist to provide clerical support and enter data into computer files.

#### Response Capability

1. Three environmental field officer positions to investigate reports of spilled materials, monitor cleanup activities, work with community government and safety agencies on plans for responding to local emergencies involving chemical spills/fires. The field officers would be assigned as follows: 1) one and one-half positions in Anchorage for the Southcentral Region; 2) one position in Fairbanks for the Northern Region; and 3) a half-time position in Juneau for the Southeast Region.

#### B. Support Costs

1. Travel funds of 5.0 per technical and field officer position management will be necessary to conduct hearings on regulations, investigate incidents and participate in training programs.

25.0

2. Contractual funds of about 5.0 per position are required to pay office costs including telephones, Xeroxing, word processing, utilities, janitorial costs, printing and advertising costs and registration fees for training courses. An additional 20.0 is requested for use in contracting with approved laboratories for analyses of hazardous materials/wastes which are beyond the technical and safety limitations of the Department's laboratory.

48.5

3. Funds for office supplies amounting to about 1.5 are requested for each position; 2.0 is requested to replace expendable field sampling and safety supplies for each field officer; and 5.0 is requested to repair laboratory testing equipment and replace supplies.

22.0

Equipment funds of about 2.0 are requested for desks, chairs, partitions, bookshelves and similar items necessary to equip the office of each position.

12.0

290.2

Note: In the 1987 Budget, the agency also requested one additional position, funded by Federal Superfund (CERCLA) dollars, to manage contracts to perform investigations of sites where hazardous materials may have been inappropriately managed or disposed. This position would also negotiate for federal dollars to clean up sites which are eligible for the Superfund, to supplement the State monies in this response fund.

|                                       |                           |             |   |                           |                          |                    |         |         |
|---------------------------------------|---------------------------|-------------|---|---------------------------|--------------------------|--------------------|---------|---------|
| Position Title<br><b>Ecologist II</b> |                           |             | No. of Positions<br><b>One</b>  | Range/Step<br><b>18 A</b> | Borg. Unit<br><b>GGU</b> | Gov.<br><b>Leg</b> | Approv. | Disapp. |
| Time Status<br><b>Full Time</b>       | Staff Months<br><b>12</b> | RP Number   | Location<br><b>Jueneau</b>  |                           | Election District        |                    |         |         |
| Type of Expenditure                   |                           |             | Justification   |                           |                          |                    |         |         |
|                                       | 2                         | Amount      | <p>This new position will be responsible for writing regulations related to implementation of this bill, including procedures to be used in containment and cleanup of a hazardous substance, reporting the release of a hazardous substance, use of the response fund, procedures to assess fines, penalties and recovery of costs. This person will also negotiate contracts to contain and clean up incidents requiring immediate response, determine liability for incidents, initiate appropriate actions to recover costs or other penalties, coordinate a training and safety program for field staff and report program activities to appropriate State and federal agencies and the State Legislature.</p> <p>We expect to fill this position on October 1, 1986.</p> <p>Funding for nine months has been requested for FY 87.</p> |                           |                          |                    |         |         |
| Salary                                | 28.1                      |             |   |                           |                          |                    |         |         |
| Benefit                               | 8.3                       |             |   |                           |                          |                    |         |         |
| Premium Pay                           |                           |             |   |                           |                          |                    |         |         |
| Other                                 |                           |             |   |                           |                          |                    |         |         |
| <b>Total Personal Services</b>        |                           | <b>36.4</b> |   |                           |                          |                    |         |         |
| Travel                                |                           | 5.0         |   |                           |                          |                    |         |         |
| Contractual                           |                           | 25.0        |   |                           |                          |                    |         |         |
| Commodities                           |                           | 6.5         |   |                           |                          |                    |         |         |
| Equipment                             |                           | 2.0         |   |                           |                          |                    |         |         |
| <b>Total Cost</b>                     |                           | <b>74.9</b> |   |                           |                          |                    |         |         |
| Receipt Code                          | Funding Source            |             |   |                           |                          |                    |         |         |
|                                       | Federal Receipts          | 1002        |   |                           |                          |                    |         |         |
|                                       | G. P. Match               | 1003        |   |                           |                          |                    |         |         |
|                                       | General Funds             | 1004        | 74.9  |                           |                          |                    |         |         |
|                                       | I-A Receipts              | 1005        |   |                           |                          |                    |         |         |
|                                       | Program Receipts          | 1028        |   |                           |                          |                    |         |         |
|                                       | CIP Receipts              | 1061        |   |                           |                          |                    |         |         |
|                                       | Other                     |             |   |                           |                          |                    |         |         |
| Per BAM Use Only<br>Key Number        |                           |             |   |                           |                          |                    |         |         |

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component Water Quality Management

**FY 87**

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 Revised Date

|   |                           |           |  |                   |                   |              |         |         |
|---|---------------------------|-----------|--|-------------------|-------------------|--------------|---------|---------|
| Position Title<br><b>Clerk Typist III</b> |                           |           | No. of Positions<br>One  | Range/Step<br>B A | Borg. Unit<br>GGH | Gov.<br>Leg. | Approp. | Disapp. |
| Time Status<br><b>Full Time</b>           | Staff Months<br><b>12</b> | RP Number | Location<br><b>Juneau</b>  |                   | Election District |              |         |         |
| Type of Encumbrance                       |                           |           | Justification  |                   |                   |              |         |         |
|   |                           | Amount    | <p>This new position will provide clerical support to the new program staff and enter data into computer files established to record program activities. This person will be required to prepare regulations, contract documents and fiscal reports as well as routine correspondence.</p> <p>We expect to fill this position on October 1, 1987.</p> <p>Funding for nine months has been requested for FY 87.</p> |                   |                   |              |         |         |
| 1   | 2                         | 3         |  |                   |                   |              |         |         |
| Salary                                    | 14.7                      |           |  |                   |                   |              |         |         |
| Benefits                                  | 5.3                       |           |  |                   |                   |              |         |         |
| Premium Pay                               |                           |           |  |                   |                   |              |         |         |
| Other                                     |                           |           |  |                   |                   |              |         |         |
| Total Personal Services                   |                           | 20.0      |  |                   |                   |              |         |         |
| Travel                                    |                           |           |  |                   |                   |              |         |         |
| Contracted                                |                           | 3.5       |  |                   |                   |              |         |         |
| Commodities                               |                           | 1.5       |  |                   |                   |              |         |         |
| Equipment                                 |                           | 2.0       |  |                   |                   |              |         |         |
| Other                                     |                           |           |  |                   |                   |              |         |         |
| Total Cost                                |                           | 27.0      |  |                   |                   |              |         |         |
| Receipt Code                              | Funding Source            |           |  |                   |                   |              |         |         |
|   | Federal Receipts          | 1007      |  |                   |                   |              |         |         |
|   | Q. F. Match               | 1003      |  |                   |                   |              |         |         |
|   | General Funds             | 1004      | 27.0   |                   |                   |              |         |         |
|   | I-A Receipts              | 1005      |  |                   |                   |              |         |         |
|   | Program Receipts          | 1028      |  |                   |                   |              |         |         |
|   | CIP Receipts              | 1061      |  |                   |                   |              |         |         |
|   | Other                     |           |  |                   |                   |              |         |         |
| For BAA Use Only                          |                           |           |  |                   |                   |              |         |         |
| Key Number                                |                           |           |  |                   |                   |              |         |         |

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component Water Quality Management

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 Revised Date

**FY 87**

|  |                          |           |  |                           |                         |                    |         |         |
|--|--------------------------|-----------|--|---------------------------|-------------------------|--------------------|---------|---------|
| Position Title<br><b>Environmental Field Officer III</b>   |                          |           | No. of Positions<br><b>One</b>   | Range/Step<br><b>18 A</b> | Org. Unit<br><b>GGU</b> | Gov.<br><b>LAG</b> | Approp. | Disapp. |
| Time Status<br><b>Perm. Part Time</b>  | Staff Months<br><b>6</b> | RP Number | Location<br><b>Juneau</b>  |                           | Electron District       |                    |         |         |
| Type of Expenditure  |                          |           | Justification  |                           |                         |                    |         |         |
| Amount   |                          |           | <p>This new field officer will augment the existing oil spill position to investigate reports of spilled hazardous materials, monitor cleanup activities, and work with community government and local safety agencies on plans for responding to emergencies due to spills or fires involving chemicals. This person will require safety training and equipment to minimize exposure to hazardous chemicals. This person will work with existing staff as a team of two for safety purposes when investigating incidents involving spills of hazardous materials especially in confined areas. This person will obtain samples and other information necessary to take enforcement actions under federal or State laws.</p> |                           |                         |                    |         |         |
| 1  | 2                        | 3         |  |                           |                         |                    |         |         |
| Salary   | 18.7                     |           |  |                           |                         |                    |         |         |
| Benefits   | 5.6                      |           |  |                           |                         |                    |         |         |
| Premium Pay  |                          |           |  |                           |                         |                    |         |         |
| Other  |                          |           |  |                           |                         |                    |         |         |
| Total Personal Services  |                          | 24.3      |  |                           |                         |                    |         |         |
| Travel   |                          | 5.0       |  |                           |                         |                    |         |         |
| Contractual  |                          | 5.0       |  |                           |                         |                    |         |         |
| Commodities  |                          | 3.5       |  |                           |                         |                    |         |         |
| Equipment  |                          | 2.0       |  |                           |                         |                    |         |         |
| Other  |                          |           |  |                           |                         |                    |         |         |
| Total Cost   |                          | 39.8      |  |                           |                         |                    |         |         |
| Receipt Code   | Funding Source           |           |  |                           |                         |                    |         |         |
|  | Federal Receipts         | 1002      |  |                           |                         |                    |         |         |
|  | Q. I. Match              | 1003      |  |                           |                         |                    |         |         |
|  | General Funds            | 1004      | 39.8   |                           |                         |                    |         |         |
|  | I-A Receipts             | 1005      |  |                           |                         |                    |         |         |
|  | Program Receipts         | 1020      |  |                           |                         |                    |         |         |
|  | CIP Receipts             | 1061      |  |                           |                         |                    |         |         |
|  | Other                    |           |  |                           |                         |                    |         |         |
| <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>For BAM Use Only<br/>Key Number</p> </div> |                          |           |  |                           |                         |                    |         |         |

**Request For  
New Position**

Agency Environmental Conservation  
 DRU Environmental Quality  
 Component Southeast Region

**FY 87**

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Revised Date

|  |                           |           |  |                           |                         |      |         |         |
|--|---------------------------|-----------|--|---------------------------|-------------------------|------|---------|---------|
| Position Title<br><b>Environmental Field Officer III</b> |                           |           | No. of Positions<br><b>One</b>   | Range/Step<br><b>1B A</b> | Emp. Unit<br><b>GGU</b> | Gov. | Approv. | Disapp. |
| Time Status<br><b>Full Time</b>                          | Staff Months<br><b>12</b> | RP Number | Location<br><b>Anchorage</b>   |                           | Election District       | 1986 |         |         |
| Type of Expenditure                                      |                           |           | Justification  |                           |                         |      |         |         |
|  |                           | Amount    | <p>This new field officer will augment the existing oil spill position to investigate reports of spilled hazardous materials, monitor cleanup activities, and work with community government and local safety agencies on plans for responding to emergencies due to spills or fires involving chemicals. This person will require safety training and equipment to minimize exposure to hazardous chemicals. This person will work with existing staff as a team of two for safety purposes when investigating incidents involving spills of hazardous materials especially in confined areas. This person will obtain samples and other information necessary to take enforcement actions under federal or State laws.</p> <p>We expect to fill this position on October 1, 1986.</p> <p>Funding for nine months has been requested for FY 87.</p> |                           |                         |      |         |         |
| I  |                           | 2         |  |                           |                         |      |         |         |
| Salary   |                           | 28.1      |  |                           |                         |      |         |         |
| Benefits   |                           | 8.3       |  |                           |                         |      |         |         |
| Premium Pay  |                           |           |  |                           |                         |      |         |         |
| Other  |                           |           |  |                           |                         |      |         |         |
| Total Personal Services I                                |                           | 36.4      |  |                           |                         |      |         |         |
| Travel   |                           | 5.0       |  |                           |                         |      |         |         |
| Contractual  |                           | 5.0       |  |                           |                         |      |         |         |
| Commodities  |                           | 3.5       |  |                           |                         |      |         |         |
| Equipment  |                           | 2.0       |  |                           |                         |      |         |         |
| Other  |                           |           |  |                           |                         |      |         |         |
| Total Cost   |                           | 51.9      |  |                           |                         |      |         |         |
| Receipt Code   |                           |           | Funding Source   |                           |                         |      |         |         |
|  |                           |           | Federal Receipts 1002  |                           |                         |      |         |         |
|  |                           |           | G. F. Match 1003   |                           |                         |      |         |         |
|  |                           |           | General Funds 1004   |                           |                         |      |         |         |
|  |                           |           | I-A Receipts 1005  |                           |                         |      |         |         |
|  |                           |           | Program Receipts 0020  |                           |                         |      |         |         |
|  |                           |           | CIP Receipts 1061  |                           |                         |      |         |         |
|  |                           |           | Other  |                           |                         |      |         |         |
|  |                           |           | 51.9   |                           |                         |      |         |         |
| For B&M Use Only   |                           |           |  |                           |                         |      |         |         |
| Key Number   |                           |           |  |                           |                         |      |         |         |

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component Southcentral Region

**FY 87**

Page 6 of 8  
 Revised Date

| Position Title <b>Environmental Field Officer III</b>   |                          |           | No. of Positions<br><b>One</b> | Range/Step<br><b>1B A</b> | Borg. Unit<br><b>GGU</b> | Gov. | Approv.               | Disapp. |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
|---|--------------------------|-----------|--------------------------------|---------------------------|--------------------------|------|-----------------------|---------|------|------------------|----------|--|--------------------|------|-------------|-------------------|--|--|-----------------------|--|--|-------------------|--------------------------------|--|-------|-------------|--------|--|--|-----|-------------|--|--|-----|-------------|--|--|-----|-----------|--|--|-----|-------|--|--|--|-------------------|--|--|-------------|---|--|--|--|--|--|--|
| Time Status<br><b>Perm. Part Time</b>   | Staff Months<br><b>6</b> | RP Number | Location<br><b>Anchorage</b>   | Election District         |                          | Leg. |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| <table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td></td> <td>18.7</td> <td></td> </tr> <tr> <td>Benefits</td> <td></td> <td>5.6</td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Total Personal Services</b></td> <td></td> <td></td> <td><b>24.3</b></td> </tr> <tr> <td>Travel</td> <td></td> <td></td> <td>5.0</td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> <td>5.0</td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> <td>3.5</td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> <td>2.0</td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Total Cost</b></td> <td></td> <td></td> <td><b>39.8</b></td> </tr> </tbody> </table> |                          |           | Type of Expenditure            | 1                         | 2                        | 3    | Salary                |         | 18.7 |                  | Benefits |  | 5.6                |      | Premium Pay |                   |  |  | Other                 |  |  |                   | <b>Total Personal Services</b> |  |       | <b>24.3</b> | Travel |  |  | 5.0 | Contractual |  |  | 5.0 | Commodities |  |  | 3.5 | Equipment |  |  | 2.0 | Other |  |  |  | <b>Total Cost</b> |  |  | <b>39.8</b> | <b>Justification</b><br>This new field officer will augment the existing oil spill position to investigate reports of spilled hazardous materials, monitor cleanup activities, and work with community government and local safety agencies on plans for responding to emergencies due to spills or fires involving chemicals. This person will require safety training and equipment to minimize exposure to hazardous chemicals. This person will work with existing staff as a team of two for safety purposes when investigating incidents involving spills of hazardous materials especially in confined areas. This person will obtain samples and other information necessary to take enforcement actions under federal or State laws. |  |  |  |  |  |  |
| Type of Expenditure   | 1                        | 2         | 3                              |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| Salary  |                          | 18.7      |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| Benefits  |                          | 5.6       |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| Premium Pay   |                          |           |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| Other   |                          |           |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| <b>Total Personal Services</b>  |                          |           | <b>24.3</b>                    |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| Travel  |                          |           | 5.0                            |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| Contractual   |                          |           | 5.0                            |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| Commodities   |                          |           | 3.5                            |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| Equipment   |                          |           | 2.0                            |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| Other   |                          |           |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| <b>Total Cost</b>   |                          |           | <b>39.8</b>                    |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| <table border="1"> <thead> <tr> <th>Receipt Code</th> <th>Funding Source</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td></td> <td>Federal Receipts 1002</td> <td></td> </tr> <tr> <td></td> <td>O. P. Match 1003</td> <td></td> </tr> <tr> <td></td> <td>General Funds 1004</td> <td>39.8</td> </tr> <tr> <td></td> <td>I-A Receipts 1005</td> <td></td> </tr> <tr> <td></td> <td>Program Receipts 1028</td> <td></td> </tr> <tr> <td></td> <td>CIP Receipts 1061</td> <td></td> </tr> <tr> <td></td> <td>Other</td> <td></td> </tr> </tbody> </table>  |                          |           | Receipt Code                   | Funding Source            | Amount                   |      | Federal Receipts 1002 |         |      | O. P. Match 1003 |          |  | General Funds 1004 | 39.8 |             | I-A Receipts 1005 |  |  | Program Receipts 1028 |  |  | CIP Receipts 1061 |                                |  | Other |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| Receipt Code  | Funding Source           | Amount    |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
|   | Federal Receipts 1002    |           |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
|   | O. P. Match 1003         |           |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
|   | General Funds 1004       | 39.8      |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
|   | I-A Receipts 1005        |           |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
|   | Program Receipts 1028    |           |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
|   | CIP Receipts 1061        |           |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
|   | Other                    |           |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |
| <b>For BAM Use Only</b><br>Key Number _____   |                          |           |                                |                           |                          |      |                       |         |      |                  |          |  |                    |      |             |                   |  |  |                       |  |  |                   |                                |  |       |             |        |  |  |     |             |  |  |     |             |  |  |     |           |  |  |     |       |  |  |  |                   |  |  |             |   |  |  |  |  |  |  |

**Request For  
New Position**

Agency Environmental Conservation  
BRU Environmental Quality  
Component Southcentral Region

**FY 87**

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Revised Date \_\_\_\_\_



STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SB 375  
 Title : An Act Relating to the  
Release of Oil and Hazardous  
Substance  
 Sponsor : Senate Resources Committee  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Environmental Conservation  
 BRU : Environmental Quality  
 Components : Director's Office

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

| OPERATING              | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES      |       | 182.7 | 227.3 | 227.3 |       |       |
| TRAVEL                 |       | 25.0  | 28.0  | 28.0  |       |       |
| CONTRACTUAL            |       | 48.5  | 53.5  | 53.5  |       |       |
| SUPPLIES               |       | 22.0  | 23.5  | 23.5  |       |       |
| EQUIPMENT              |       | 12.0  | 2.0   | 2.0   |       |       |
| LAND & STRUCTURES      |       |       |       |       |       |       |
| GRANTS, CLAIMS         |       |       |       |       |       |       |
| MISCELLANEOUS          |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b> |       | 290.2 | 334.3 | 334.3 |       |       |

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>CAPITAL</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

RESPONSE FUND (non-lapsing) 1,000.0 (replenishment to 1,000.0 level)

|                |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|
| <b>REVENUE</b> |  |  |  |  |  |  |
|----------------|--|--|--|--|--|--|

**FUNDING : (Thousands of Dollars)**

|               |  |        |       |       |  |  |
|---------------|--|--------|-------|-------|--|--|
| GENERAL FUND  |  | 1290.2 | 334.3 | 334.3 |  |  |
| FEDERAL FUNDS |  |        |       |       |  |  |
| OTHER         |  |        |       |       |  |  |
| <b>TOTAL</b>  |  |        |       |       |  |  |

**POSITIONS :** \*5.0 FTE

|           |  |   |   |   |  |  |
|-----------|--|---|---|---|--|--|
| FULL-TIME |  | 4 | 4 | 4 |  |  |
| PART-TIME |  | 2 | 2 | 2 |  |  |
| TEMPORARY |  |   |   |   |  |  |

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Stan Hungerford Phone : 465-2666  
 Division : Environmental Quality Date : 2/4/86

Approved by Commissioner : *Kath W* Date : 2/4/86  
 Agency : Department of Environmental Conservation

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

## CONTINUATION of FISCAL NOTE ANALYSIS

### For Bill/Resolution No. SB 375

In order to manage a program which responds to both immediate and long-term releases of oil and hazardous substances and make effective use of the fund created by this proposed legislation, several new positions would be required.

TOTAL  
REQUEST

Funding for nine months is requested for FY 87

182.7

#### A. Program Management

1. A program person to develop regulations, negotiate contracts, initiate appropriate cost-recovery actions, coordinate training and report to the legislature.

2. A clerk/typist to provide clerical support and enter data into computer files.

#### Response Capability

1. Three environmental field officer positions to investigate reports of spilled materials, monitor cleanup activities, work with community government and safety agencies on plans for responding to local emergencies involving chemical spills/fires. The field officers would be assigned as follows: 1) one and one-half positions in Anchorage for the Southcentral Region; 2) one position in Fairbanks for the Northern Region; and 3) a half-time position in Juneau for the Southeast Region.

#### B. Support Costs

1. Travel funds of 5.0 per technical and field officer position management will be necessary to conduct hearings on regulations, investigate incidents and participate in training programs.

25.0

2. Contractual funds of about 5.0 per position are required to pay office costs including telephones, Xeroxing, word processing, utilities, janitorial costs, printing and advertising costs and registration fees for training courses. An additional 20.0 is requested for use in contracting with approved laboratories for analyses of hazardous materials/wastes which are beyond the technical and safety limitations of the Department's laboratory.

48.5

3. Funds for office supplies amounting to about 1.5 are requested for each position; 2.0 is requested to replace expendable field sampling and safety supplies for each field officer; and 5.0 is requested to repair laboratory testing equipment and replace supplies.

22.0

Equipment funds of about 2.0 are requested for desks, chairs, partitions, bookshelves and similar items necessary to equip the office of each position.

12.0

290.2

Note: In the 1987 Budget, the agency also requested one additional position, funded by Federal Superfund (CERCLA) dollars, to manage contracts to perform investigations of sites where hazardous materials may have been inappropriately managed or disposed. This position would also negotiate for federal dollars to clean up sites which are eligible for the Superfund, to supplement the State monies in this response fund.

|                                       |                           |           |   |                           |                         |                    |         |         |
|---------------------------------------|---------------------------|-----------|---|---------------------------|-------------------------|--------------------|---------|---------|
| Position Title<br><b>Ecologist II</b> |                           |           | No. of Positions<br><b>One</b>  | Range/Step<br><b>18 A</b> | Org. Unit<br><b>GGU</b> | Gov.<br><b>Leg</b> | Approv. | Disapp. |
| Time Status<br><b>Full Time</b>       | Staff Months<br><b>12</b> | RP Number | Location<br><b>Juneau</b>   |                           | Election District       |                    |         |         |
| Type of Expenditure                   |                           |           | Justification   |                           |                         |                    |         |         |
|                                       |                           | Amount    | <p>This new position will be responsible for writing regulations related to implementation of this bill, including procedures to be used in containment and cleanup of a hazardous substance, reporting the release of a hazardous substance, use of the response fund, procedures to assess fines, penalties and recovery of costs. This person will also negotiate contracts to contain and clean up incidents requiring immediate response, determine liability for incidents, initiate appropriate actions to recover costs or other penalties, coordinate a training and safety program for field staff and report program activities to appropriate State and federal agencies and the State Legislature.</p> <p>We expect to fill this position on October 1, 1986.</p> <p>Funding for nine months has been requested for FY 87.</p> |                           |                         |                    |         |         |
| <b>1</b>                              | <b>2</b>                  | <b>3</b>  |   |                           |                         |                    |         |         |
| Salary                                | 28.1                      |           |   |                           |                         |                    |         |         |
| Benefits                              | 8.3                       |           |   |                           |                         |                    |         |         |
| Premium Pay                           |                           |           |   |                           |                         |                    |         |         |
| Other                                 |                           |           |   |                           |                         |                    |         |         |
| Total Personal Services               |                           | 36.4      |   |                           |                         |                    |         |         |
| Travel                                |                           | 5.0       |   |                           |                         |                    |         |         |
| Contractual                           |                           | 25.0      |   |                           |                         |                    |         |         |
| Commodities                           |                           | 6.5       |   |                           |                         |                    |         |         |
| Equipment                             |                           | 2.0       |   |                           |                         |                    |         |         |
| Other                                 |                           |           |   |                           |                         |                    |         |         |
| Total Cost                            |                           | 74.9      |   |                           |                         |                    |         |         |
| Receipt Code                          | Funding Source            |           |   |                           |                         |                    |         |         |
|                                       | Federal Receipts 1002     |           |   |                           |                         |                    |         |         |
|                                       | Q. P. Match 1003          |           |   |                           |                         |                    |         |         |
|                                       | General Funds 1004        |           | 74.9  |                           |                         |                    |         |         |
|                                       | I-A Receipts 1005         |           |   |                           |                         |                    |         |         |
|                                       | Program Receipts 1028     |           |   |                           |                         |                    |         |         |
|                                       | CIP Receipts 1061         |           |   |                           |                         |                    |         |         |
|                                       | Other                     |           |   |                           |                         |                    |         |         |
| For BAM Use Only                      |                           |           |   |                           |                         |                    |         |         |
| Key Number                            |                           |           |   |                           |                         |                    |         |         |

**Request For  
New Position**

Agency Environmental Conservation  
 DRU Environmental Quality  
 Component Water Quality Management

**FY 87**

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 Revised Date

| Position Title<br><b>Clerk Typist III</b>   |                           |             | No. of Positions<br><b>One</b> | Range/Step<br><b>R A</b> | Barg. Unit<br><b>GGII</b> | Gov.<br><b>Leg.</b> | Approv.               | Disapp. |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
|---|---------------------------|-------------|--------------------------------|--------------------------|---------------------------|---------------------|-----------------------|---------|--------|------------------|--|----------|--------------------|-------------|--|-------------------|--|--------------------------------|-----------------------|-------------|--------|-------------------|--|-------------|-------|-----|-------------|--|-----|-----------|--|-----|-------|--|--|-------------------|--|-------------|---|--|--|--|--|--|
| Time Status<br><b>Full Time</b>   | Staff Months<br><b>12</b> | RP Number   | Location<br><b>Juneau</b>      |                          | Election District         |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
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| Type of Expenditure   |                           | Amount      |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| 1   | 2                         | 3           |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| Salary  | 14.7                      |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| Benefits  | 5.3                       |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| Premium Pay   |                           |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| Other   |                           |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| <b>Total Personal Services</b>  |                           | <b>20.0</b> |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| Travel  |                           |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| Contractual   |                           | 3.5         |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| Commodities   |                           | 1.5         |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| Equipment   |                           | 2.0         |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| Other   |                           |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| <b>Total Cost</b>   |                           | <b>27.0</b> |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
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| Receipt Code  | Funding Source            | Amount      |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
|   | Federal Receipts 1002     |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
|   | G. F. Match 1003          |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
|   | General Funds 1004        | 27.0        |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
|   | I-A Receipts 1005         |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
|   | Program Receipts 1028     |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
|   | CIP Receipts 1061         |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
|   | Other                     |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |
| <b>For B&amp;M Use Only</b><br>Key Number _____   |                           |             |                                |                          |                           |                     |                       |         |        |                  |  |          |                    |             |  |                   |  |                                |                       |             |        |                   |  |             |       |     |             |  |     |           |  |     |       |  |  |                   |  |             |   |  |  |  |  |  |

**Request For  
New Position**

Agency Environmental Conservation  
BRU Environmental Quality  
Component Water Quality Management

**FY 87**

Page 4 of 8  
Revised Date

| Position Title<br><b>Environmental Field Officer III</b>  |                          |                      | No. of Positions<br><b>One</b> | Range/Step<br><b>1B A</b>    | Borg. Unit<br><b>GGU</b> | Gov.<br><b></b> | Approv.<br><b></b>    | Disapp.<br><b></b> |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
|---|--------------------------|----------------------|--------------------------------|------------------------------|--------------------------|-----------------|-----------------------|--------------------|--|------------------|--|--|--------------------|------|-----|-------------------|--|-------------|-----------------------|--|--|-------------------|-------|--|-------|--|--|--------------------------------|--|--|--|-------------|--------|--|--|--|-----|-------------|--|--|--|-----|-------------|--|--|--|-----|-----------|--|--|--|-----|-------|--|--|--|--|-------------------|--|--|--|-------------|---|--|--|--|--|
| Time Status<br><b>Perm. Part Time</b>   | Staff Months<br><b>6</b> | RP Number<br><b></b> | Location<br><b>JUN. 21</b>     | Election District<br><b></b> |                          | Leg.<br><b></b> | <b></b>               | <b></b>            |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
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| Type of Expenditure   | 1                        | 2                    | Annual                         | 3                            |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| Salary  |                          | 18.7                 |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| Benefits  |                          | 5.6                  |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| Premium Pay   |                          |                      |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| Other   |                          |                      |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| <b>Total Personal Services</b>  |                          |                      |                                | <b>24.3</b>                  |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| Travel  |                          |                      |                                | 5.0                          |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| Contractual   |                          |                      |                                | 5.0                          |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| Commodities   |                          |                      |                                | 3.5                          |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| Equipment   |                          |                      |                                | 2.0                          |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| Other   |                          |                      |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| <b>Total Cost</b>   |                          |                      |                                | <b>39.8</b>                  |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
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| Receipt Code  | Funding Source           |                      |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
|   | Federal Receipts 1002    |                      |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
|   | G. F. Match 1003         |                      |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
|   | General Funds 1004       | 39.8                 |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
|   | I-A Receipts 1005        |                      |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
|   | Program Receipts 1028    |                      |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
|   | CIP Receipts 1061        |                      |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
|   | Other                    |                      |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |
| <b>For BAA Use Only</b><br>Key Number <b>- - - - -</b>  |                          |                      |                                |                              |                          |                 |                       |                    |  |                  |  |  |                    |      |     |                   |  |             |                       |  |  |                   |       |  |       |  |  |                                |  |  |  |             |        |  |  |  |     |             |  |  |  |     |             |  |  |  |     |           |  |  |  |     |       |  |  |  |  |                   |  |  |  |             |   |  |  |  |  |

**Request For  
New Position**

Agency Environmental Conservation  
BRU Environmental Quality  
Component Southeast Region

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Revised Date

**FY 87**

|  |                           |           |   |                           |                          |                     |         |         |
|--|---------------------------|-----------|---|---------------------------|--------------------------|---------------------|---------|---------|
| Position Title<br><b>Environmental Field Officer III</b> |                           |           | No. of Positions<br><b>One</b>  | Range/Step<br><b>18 A</b> | Borg. Unit<br><b>GGU</b> | Gov.<br><b>Leg.</b> | Approv. | Disapp. |
| Time Status<br><b>Full Time</b>                          | Staff Months<br><b>12</b> | RP Number | Location<br><b>Anchorage</b>  |                           | Election District        |                     |         |         |
| Type of Expenditure                                      |                           |           | Justification   |                           |                          |                     |         |         |
|  |                           |           | This new field officer will augment the existing oil spill position to investigate reports of spilled hazardous materials, monitor cleanup activities, and work with community government and local safety agencies on plans for responding to emergencies due to spills or fires involving chemicals. This person will require safety training and equipment to minimize exposure to hazardous chemicals. This person will work with existing staff as a team of two for safety purposes when investigating incidents involving spills of hazardous materials especially in confined areas. This person will obtain samples and other information necessary to take enforcement actions under federal or State laws. |                           |                          |                     |         |         |
| Amount   |                           |           | We expect to fill this position on October 1, 1986.   |                           |                          |                     |         |         |
| 1  | 2                         | 3         | Funding for nine months has been requested for FY 87.   |                           |                          |                     |         |         |
| Salary   | 28.1                      |           |   |                           |                          |                     |         |         |
| Benefits   | 8.3                       |           |   |                           |                          |                     |         |         |
| Premium Pay  |                           |           |   |                           |                          |                     |         |         |
| Other  |                           |           |   |                           |                          |                     |         |         |
| Total Personal Services                                  |                           | 36.4      |   |                           |                          |                     |         |         |
| Travel   |                           | 5.0       |   |                           |                          |                     |         |         |
| Contractual  |                           | 5.0       |   |                           |                          |                     |         |         |
| Commodities  |                           | 3.5       |   |                           |                          |                     |         |         |
| Equipment  |                           | 2.0       |   |                           |                          |                     |         |         |
| Other  |                           |           |   |                           |                          |                     |         |         |
| Total Cost   |                           | 51.9      |   |                           |                          |                     |         |         |
| Receipt Code   |                           |           | Funding Source  |                           |                          |                     |         |         |
|  |                           |           | Federal Receipts 1002   |                           |                          |                     |         |         |
|  |                           |           | O. F. Match 1003  |                           |                          |                     |         |         |
|  |                           |           | General Funds 1004  |                           |                          |                     |         |         |
|  |                           |           | I-A Receipts 1005   |                           |                          |                     |         |         |
|  |                           |           | Program Receipts 1028   |                           |                          |                     |         |         |
|  |                           |           | CIP Receipts 1061   |                           |                          |                     |         |         |
|  |                           |           | Other   |                           |                          |                     |         |         |
|  |                           |           | 51.9  |                           |                          |                     |         |         |
| For B&M Use Only   |                           |           |   |                           |                          |                     |         |         |
| Key Number   |                           |           |   |                           |                          |                     |         |         |

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component Southcentral Region

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 Revised Date

**FY 87**

|   |                          |           |  |                           |                         |                     |                  |                    |
|---|--------------------------|-----------|--|---------------------------|-------------------------|---------------------|------------------|--------------------|
| Position Title <b>Environmental Field Officer III</b> |                          |           | No. of Positions<br><b>One</b>   | Range/Step<br><b>1B A</b> | Bng. Unit<br><b>GGU</b> | Gov.<br><b>Leg.</b> | Appr.<br><b></b> | Disapp.<br><b></b> |
| Time Status<br>Perm. Part Time                        | Staff Months<br><b>6</b> | RP Number | Location<br><b>Anchorage</b>   |                           | Election District       |                     |                  |                    |
| Type of Expenditure                                   |                          |           | Justification  |                           |                         |                     |                  |                    |
|   |                          | Amount    | <p>This new field officer will augment the existing oil spill position to investigate reports of spilled hazardous materials, monitor cleanup activities, and work with community government and local safety agencies on plans for responding to emergencies due to spills or fires involving chemicals. This person will require safety training and equipment to minimize exposure to hazardous chemicals. This person will work with existing staff as a team of two for safety purposes when investigating incidents involving spills of hazardous materials especially in confined areas. This person will obtain samples and other information necessary to take enforcement actions under federal or State laws.</p> |                           |                         |                     |                  |                    |
| <b>1</b>  | <b>2</b>                 | <b>3</b>  |  |                           |                         |                     |                  |                    |
| Salary  | 18.7                     |           |  |                           |                         |                     |                  |                    |
| Benefits  | 5.6                      |           |  |                           |                         |                     |                  |                    |
| Premium Pay   |                          |           |  |                           |                         |                     |                  |                    |
| Other   |                          |           |  |                           |                         |                     |                  |                    |
| Total Personal Services                               |                          | 24.3      |  |                           |                         |                     |                  |                    |
| Travel  |                          | 5.0       |  |                           |                         |                     |                  |                    |
| Contractual   |                          | 5.0       |  |                           |                         |                     |                  |                    |
| Commodities   |                          | 3.5       |  |                           |                         |                     |                  |                    |
| Equipment   |                          | 2.0       |  |                           |                         |                     |                  |                    |
| Other   |                          |           |  |                           |                         |                     |                  |                    |
| Total Cost  |                          | 39.8      |  |                           |                         |                     |                  |                    |
| Receipt Code  | Funding Source           |           |  |                           |                         |                     |                  |                    |
|   | Federal Receipts 1002    |           |  |                           |                         |                     |                  |                    |
|   | Q. F. Match 1003         |           |  |                           |                         |                     |                  |                    |
|   | General Funds 1004       |           | 39.8   |                           |                         |                     |                  |                    |
|   | I-A Receipts 1005        |           |  |                           |                         |                     |                  |                    |
|   | Program Receipts 1028    |           |  |                           |                         |                     |                  |                    |
|   | CIP Receipts 1061        |           |  |                           |                         |                     |                  |                    |
|   | Other                    |           |  |                           |                         |                     |                  |                    |
| For B&M Use Only                                      |                          |           |  |                           |                         |                     |                  |                    |
| Key Number _____                                      |                          |           |  |                           |                         |                     |                  |                    |

**Request For  
New Position**

Agency Environmental Conservation  
 BRU Environmental Quality  
 Component Southcentral Region

**FY 87**

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 Revised Date \_\_\_\_\_

|   |                           |           |  |                           |                         |      |         |         |      |
|---|---------------------------|-----------|--|---------------------------|-------------------------|------|---------|---------|------|
| Position Title<br><b>Environmental Field Officer III</b>  |                           |           | No. of Positions<br><b>One</b>   | Range/Step<br><b>18 A</b> | Emp. Unit<br><b>GGU</b> | Gov. | Approv. | Disapp. |      |
| Time Status<br><b>Full Time</b>   | Staff Months<br><b>12</b> | RP Number | Location<br><b>Fairbanks</b>   | Election District         | Leg.                    |      |         |         |      |
| Type of Expenditure   |                           |           | Justification  |                           |                         |      |         |         |      |
|   |                           |           | <p>This new field officer will augment the existing oil spill position to investigate reports of spilled hazardous materials, monitor cleanup activities, and work with community government and local safety agencies on plans for responding to emergencies due to spills or fires involving chemicals. This person will require safety training and equipment to minimize exposure to hazardous chemicals. This person will work with existing staff as a team of two for safety purposes when investigating incidents involving spills of hazardous materials especially in confined areas. This person will obtain samples and other information necessary to take enforcement actions under federal or State laws.</p> <p>We expect to fill this position on October 1, 1987.</p> <p>Funding for nine months has been requested for FY 87.</p> |                           |                         |      |         |         |      |
| 1   |                           | 2         |  |                           |                         |      |         |         | 3    |
| Salary  |                           | 32.1      |  |                           |                         |      |         |         |      |
| Benefits  |                           | 9.2       |  |                           |                         |      |         |         |      |
| Premium Pay   |                           |           |  |                           |                         |      |         |         |      |
| Other   |                           |           |  |                           |                         |      |         |         |      |
| Total Personal Services   |                           |           |  |                           |                         |      |         |         | 41.3 |
| Travel  |                           |           |  |                           |                         |      |         |         | 5.0  |
| Contractual   |                           |           |  |                           |                         |      |         |         | 5.0  |
| Commodities   |                           |           |  |                           |                         |      |         |         | 3.5  |
| Equipment   |                           |           | 2.0  |                           |                         |      |         |         |      |
| Other   |                           |           |  |                           |                         |      |         |         |      |
| Total Cost  |                           |           | 56.8   |                           |                         |      |         |         |      |
| Receipt Code  |                           |           | Funding Source   |                           |                         |      |         |         |      |
|   |                           |           | Federal Receipts 1002  |                           |                         |      |         |         |      |
|   |                           |           | G. P. Match 1003   |                           |                         |      |         |         |      |
|   |                           |           | General Funds 1004   |                           |                         |      |         |         |      |
|   |                           |           | I-A Receipts 1005  |                           |                         |      |         |         |      |
|   |                           |           | Program Receipts 1028  |                           |                         |      |         |         |      |
|   |                           |           | CIP Receipts 1061  |                           |                         |      |         |         |      |
|   |                           |           | Other  |                           |                         |      |         |         |      |
|   |                           |           | 56.8   |                           |                         |      |         |         |      |
| <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <b>For RAM Use Only</b><br/> Key Number _____ </div> |                           |           |  |                           |                         |      |         |         |      |

**Request For  
New Position**

Agency Environmental Conservation  
BRU Environmental Quality  
Component Northern Region

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Revised Date

**FY 87**

# Alaska State Legislature

ARLISS STURGULEWSKI, Chairman  
BETTYE FAHRENKAMP, Vice Chairman  
JACK COGHILL  
DICK ELIASON  
VIC FISCHER  
RICK HALFORD  
FRED ZHAROFF



POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4907


## Senate Committee on Resources

March 12, 1986

### COMMITTEE ON RESOURCES LETTER OF INTENT FOR CSSB 375 (Resources)

To encourage responsible, experienced Alaskan companies to enter the oil and hazardous substance cleanup business and to facilitate the goals of cleaning up these substances, it is the intent of the Legislature to clarify the definition of "construction contracts" in AS 45.45.900. The provision in CSSB 375 (Resources) addresses an ambiguity in the current statute which prohibits indemnification agreements in construction contracts by specifically exempting hazardous waste cleanup contracts from this definition.

The provision does not require any entity, public or private, to enter into an indemnification agreement. It is not intended to hold any party harmless or exempt parties from liability for mishandling of oil or hazardous substances. The intent is to provide a mechanism for the allocation of liability among parties by allowing them to enter into contracts which provide protections and clear lines of responsibility.

  
\_\_\_\_\_  
Senator Arliss Sturgulewski  
Chairman, Senate Resources Committee

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

1/30/86

Date 3/12/86

Mr. President

The Committee on RESOURCES considered SB 375  
relating to the release of oil and hazardous substances; efd.

and (a majority of the committee) (the committee) reports it back with  
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 375 (Resources)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation coming
- recommends referral to \_\_\_\_\_ 2  
0

MEMBERS SIGNING  
DO PASS

*William F. Harwood*  
*[Signature]*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

*Frank Johnson* No Re  
*[Signature]* 4 4  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*William F. Harwood*  
 Chairman  
*Do Pass*  
 Chairman recommendation