

**S B**

**264**

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Environmental Conservation  
 Title: An Act establishing an oil and BRU: Environmental Quality  
hazardous substance response office and Administrative Services  
corps, etc. Components: Environmental Quality  
 Sponsor: Kelly, Sturgulewski, Eliason, etc. Administrative Services

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		660.0	660.0	660.0	660.0	660.0
TRAVEL		60.0	60.0	60.0	60.0	60.0
CONTRACTUAL		2700.0	2620.0	1620.0	1620.0	1620.0
SUPPLIES		265.0	265.0	265.0	265.0	265.0
EQUIPMENT		325.0	325.0	325.0	325.0	325.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>4030.0</b>	<b>3930.0</b>	<b>2930.0</b>	<b>2930.0</b>	<b>2930.0</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME		9	9	9	9	9
PART-TIME						
TEMPORARY						

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

See Attached

Prepared by: Dan Easton Phone: 465-2640  
 Division: Environmental Quality Date: April 20 1989

Approved by Commissioner: AD/gle Date: 4/20/89  
 Agency: Alaska Department of Environmental Conservation

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)

ESTABLISH DEPOTS AND RESPONSE STATIONS (\$2000.0)

The Department estimates that \$2000.0 will be required for each of the first two years to establish and stock depots and response stations at a minimum of two locations: Valdez and on the Kenai Peninsula. Once established, subsequent year costs are expected to decline to \$500.0 for contracted services to maintain inventories and response readiness.

100	\$ -0-
200	\$ -0-
300	\$1,500.0
400	\$ 250.0
500	\$ 250.0
Total	<u>\$2,000.0*</u>

\*includes \$1,500.0 in first and second year costs

ESTABLISH OIL AND HAZARDOUS SUBSTANCE RESPONSE OFFICE (\$2,030.0)

The Response Office would consist of a full-time staff of nine agency personnel: a director, six response specialists, one clerk-typist and one administrative assistant. First-year costs to establish and staff the office are estimated at \$700.0. Subsequent year costs are estimated at \$600.0. Other costs include training contracts (\$200.0), contracts with local governments (\$500.0), wages and per diem for volunteer training (\$300.0), contracts with private response specialists (\$100.0), and contracts for oil spill response research (\$100.0).

100	\$ 660.0
200	\$ 60.0
300	\$1,200.0
400	\$ 15.0
500	\$ 95.0
Total	<u>\$2,030.0*</u>

\*includes \$100.0 in first year costs

FURTHER

FIN

4/21/89

DATE TURNED INTO OFFICE \_\_\_\_\_

Mr. President:

RESOURCES

Committee considered SB 264

establishing an oil and hazardous substance response office and corps; and authorizing the use of the oil and hazardous substance release response fund for certain expenses and recommended

- replace with \_\_\_\_\_ CS SB 264 (Resources)  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_  new title
- attached amendment(s) and + may do pass  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_

FISCAL NOTE(S)  zero  fiscal impact  appropriation no FN  
 new  updated  previous  
 same as previous fiscal note(s) published \_\_\_\_\_

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
2 Rick Halford NO REC  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Chairman signature and recommendation

Committee Backup attached

# Alaska State Legislature

Senator Drue Pearce, Chair  
Senator Tim Kelly  
Senator Rick Halford  
Senator Paul Fischer  
Senator Al Adams



WHILE IN JUNEAU  
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JUNEAU, ALASKA 99811  
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(907) 561 2038

## SENATE SPECIAL COMMITTEE ON OIL AND GAS

To: Members of the Senate Special  
Committee on Oil and Gas

From: Committee staff

Re: SB 264, Sectional analysis

Date: April 11, 1989

### Section 1. AS. 46.08

This chapter, Oil and Hazardous Substances Releases, is amended to add a new section creating the Oil and Hazardous Substance Response Office.

#### Sec. 46.08.100. Office Established.

The response office is established within the Department of Environmental Conservation. It is to be staffed with a director and staff who are specialist in the technologies related to discharge of hazardous substances.

#### Sec. 46.08.110. Response Corp.

A response corp, comprised of volunteer shall be trained in containment and cleanup techniques by the office. The members are entitled to per diem, wages and expenses for training and while on containment and cleanup actions.

#### Sec. 46.08.120. Response Depots.

The response office shall maintain depots with staff and equipment in areas of the state where there is the potential for hazardous substance releases.

#### Sec. 46.08.130. Emergency Powers.

The director may allow his staff to enter private property for the purpose of cleanup and containment if there is reasonable grounds to believe that a release of oil or other hazardous substance has occurred or is likely to occur and it would prejudice the interests of the state to delay action. A prior hearing is not necessary under these conditions.

The affected property owner has the right to a hearing to present proof to the office that the action was unnecessary.

**Sec. 46.08.140. Contracts.**

The office may enter into agreements to provide cleanup and containment services.

**Sec. 46.08.150. Research.**

The office may conduct research or contract for studies to improve the technology relating to cleanup and containment.

**Sec. 46.08.040. Purposes of the Fund.**

This section of existing law, dealing with the uses of the oil and hazardous substance release fund, is amended to include the cost of the response office and response corp.

OFFICE OF THE PRESIDENT

MEMBER

TENTH ALASKA LEGISLATURE  
ELEVENTH ALASKA LEGISLATURE  
TWELFTH ALASKA LEGISLATURE  
THIRTEENTH ALASKA LEGISLATURE  
FOURTEENTH ALASKA LEGISLATURE  
FIFTEENTH ALASKA LEGISLATURE  
SIXTEENTH ALASKA LEGISLATURE



SENATOR TIM KELLY

P.O. BOX V  
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P.O. BOX 210001  
ANCHORAGE, ALASKA 99521  
(907) 561-7612

April 11, 1989

Senator Drue Pearce, Chair  
Special Committee on Oil & Gas  
Alaska State Senate  
Box V  
Juneau, Ak 99811

Re: SB 264, Establishing an oil spill response office and corps.

Dear Senator Pearce,

I introduced SB 264 in response to the catastrophic oil spill that occurred in Prince William Sound two weeks ago which is still wreaking destruction relatively unchecked. There is not one Alaskan that will allow the repeat of such a disastrous event. I believe that the state must take control of operations to contain and clean up oil spills before there will be any measure of protection and guarantee against a disastrous aftermath of any future event.

The bill establishes an office of oil and hazardous substance response and a cadre of Alaskan volunteers trained and ready to quickly respond to oil and hazardous substance releases throughout the state. A system of material and equipment depots will be established in areas of the state susceptible to spill or release events. The office has authority to enter into agreements and contracts with other agencies, municipalities, and private entities to augment the state's readiness and capability to control and minimize damage from a spill or release of any size.

I have drawn on organizational structures for wild fire suppression as a successful pattern for the state's oil and hazardous response organization (see attached concept outline). Indeed, rapid response and the ability to quickly marshall large numbers of trained personnel and quantities of material as may be necessary is exactly what is needed.

I propose that depots be established along the pipeline, in Cook Inlet, and in the Pacific Rim coastal communities. If the Bering Straits has substantial tanker deliveries of MacKensie Delta oil, then Barrow, Kotzebue, Nome and all major

Sen. Kelly  
Page 2  
April 11, 1989

communities down that coast most definitely should have depots and rapid response capabilities. There may be sufficient reasons for Bristol Bay and other communities to also have response capabilities right now.

Substantial funds should be made available for training of a corps of volunteers. The Prince William Sound disaster unfortunately is already providing a training ground for many Alaskans on massive oil spill clean up. It would seem valuable that response teams from other depot communities also get experience with the real thing.

Oil spill research and clean up technology funds should be made available. In the months ahead, there should be much known about what proved useful and what did not to make an assessment of better methods and materials for oil spill containment and clean up.

Finally, I propose that the legislature fund this initial effort with \$20,000,000 from the Oil and Hazardous Substance Release Response Fund (AS 46.08.010). This commitment and all future expenses of the response office and corps should be borne by the oil production or transportation industry.

I do not present SB 264 as the only answer or even as a complete proposal. But it does provide a framework that I believe can be successful. It eliminates reliance on others and accepts both the commitment and responsibility that Alaskans will best protect Alaska and its land and marine resources.

Sincerely,



TIM KELLY  
Alaska State Senator

# SB264 Concept and Organizational Outline

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## Premise

The people of Alaska cannot depend on the oil industry to protect them from the environmental damage and economic hardships caused by catastrophic spills of oil or hazardous substances.

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## Goal

To establish a capability within the Department of Environmental Conservation to respond rapidly to oil and hazardous substance spills on the lands and in the waters of the State of Alaska.

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## Objective

To establish a management structure for oil and hazardous substance spill response research, training, planning, operations, command and control.

The following management structure is patterned after the Incident Command System developed by the U.S. Forest Service to combat large forest fires.

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## Oil and Hazardous Substance Response Office

### Duties

- Establish oil and hazardous response positions, qualifications and certification requirements for Response Corps personnel.
- Establish inter-agency Incident Command System.
- Recruit and train personnel for on-call Response Corps.
- Establish and maintain system of Response Depots for the marshalling of oil and hazardous response equipment and supplies.

### Organization

- Director
- Operations Officer
- Logistics Officer
- Planning Officer
- Training Officer
- Finance Officer
- Liaison Officer

- Safety Officer
- Crisis Management Information Officer
- Depot Managers (11)
- Clerical (4)

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## Response Corps

### Duties

- To be on call to respond rapidly to an oil or hazardous substance spill anywhere in Alaska.
- To establish and maintain acceptable levels of training, certification, experience, readiness and physical fitness.

### Organization

#### *Incident Operations*

- Air Operations Supervisor
- Vessel Operations Supervisor
- Staging Area Supervisor
- Strike Team Supervisor
  
- Helicopter Coordinator
- Helibase Manager
- Helispot Manager
  
- Vessel Coordinator
- Vesselbase Manager
- Vesselspot Manager
  
- Strike Team Leader
- Strike Team Single Resource Boss—Containment Booms
- Strike Team Single Resource Boss—Dispersant Materials
- Strike Team Single Resource Boss—Firing
- Strike Team Single Resource Boss—Dozer
- Strike Team Single Resource Boss—Wildlife and Bird Capture and Cleaning
- Strike Team Members

#### *Incident Planning*

- Training Specialists
- Agency Coordinator
- Mobilization/Demobilization Leader
- Spill Behavior Analyst
- Meteorology Analyst
- Wildlife/Fisheries Behavior Analyst
- Economic Impact Analyst

#### *Incident Logistics*

- Facilities Unit Leader
- Communications Unit Leader
- Incident Dispatcher
- Base Camp Manager
- Security Manager
- Medical Unit Leader
- Food Unit Leader
- Supply Unit Leader
- Ordering Manager
- Receiving/Distribution Manager
- Transportation Unit Leader

#### *Incident Financial Management*

- Cost Unit Leader
- Time Unit Leader
- Personnel Time Recorder
- Equipment Time Recorder
- Compensation/Claims Unit Leader
- Procurement Unit Leader

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## **Oil and Hazardous Substance Response Depots**

#### Duties

- To stockpile oil and hazardous materials containment and clean-up equipment at key points across the State of Alaska.
- To maintain stockpiles in a state of readiness to respond rapidly to spills wherever they occur.

## Composition

- Prudhoe Bay
- Fairbanks
- Valdez
- Kenai
- Kodiak
- Sitka
- Unalaska
- Seward
- Ketchikan
- Cordova
- Yakutat

# SB264 Cost Estimate

Response Office	\$1,960,000
Salaries & Benefits	
Office Expenses	
Travel	
Office Equipment	
Response Corps Establishment & Training	\$5,000,000
Depots (11)	
Booms, absorbants, pumps, etc.	\$8,250,000
Speciality Equipment	3,000,000
Contractual Storage	550,000
Subtotal	\$11,800,000
Oil Spill Containmen & Clean-up Technology Research	\$1,000,000
<b>TOTAL</b>	<b>\$19,760,000</b>

Original sponsors: Kelly, Sturgulewski,  
Eliason, et al.

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 264 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing an oil and hazardous substance  
7 response office, corps, and depots; authorizing use  
8 of money in the oil and hazardous substance release  
9 response fund for certain related expenses; and  
10 providing for an effective date."

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

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

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

22 \* Sec. 2. AS 46.08.040 is amended to read:

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

25 (1) contain, clean up, and take other necessary action,  
26 such as monitoring, assessing, investigating, and evaluating the  
27 release or threatened release of oil or a hazardous substance that  
28 poses an imminent and substantial threat to the public health or  
29 welfare, or to the environment;

1           (2) pay all costs incurred to establish and maintain the  
2 oil and hazardous substance response office and for the expenses of  
3 the oil and hazardous substance response corps and the oil and hazard-  
4 ous substance response depots established by that office;

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

9           (4) [(3)] recover the cost to the state or to a municipal-  
10 ity of a containment and cleanup resulting from the release or the  
11 threatened release of oil or a hazardous substance.

12 \* Sec. 3. AS 46.08 is amended by adding new sections to read:

13           ARTICLE 2. OIL AND HAZARDOUS SUBSTANCE RESPONSE OFFICE.

14           Sec. 46.08.100. OFFICE ESTABLISHED. (a) There is established  
15 in the department the oil and hazardous substance response office.  
16 The office shall include a director and employees who are specially  
17 trained in programs and technologies related to the containment and  
18 cleanup of releases or threatened releases of oil and hazardous sub-  
19 stances.

20           (b) The commissioner may establish and maintain the office by

21                 (1) direct employment;

22                 (2) contract with political subdivisions, the University of  
23 Alaska, transporters, and other private persons; or

24                 (3) any combination of (1) and (2) of this subsection.

25           Sec. 46.08.110. RESPONSE CORPS. (a) The office shall establish  
26 an oil and hazardous substance response corps.

27           (b) The corps consists of volunteers who register with the  
28 office and agree to be trained by the office in techniques for con-  
29 tainment and cleanup and to be available on short notice to assist the

1 office in containment and cleanup.

2 (c) Members of the corps are entitled to wages, per diem, and  
3 expenses as determined by the commissioner for training and for days  
4 spent in service to the state in containment and cleanup actions.

5 Sec. 46.08.120. RESPONSE DEPOTS. The office shall maintain  
6 emergency response depots in areas of the state determined by the  
7 director to be potential sites of releases or threatened releases of  
8 oil or hazardous substances. The depots shall be equipped and staffed  
9 in a manner that ensures prompt response when containment and cleanup  
10 actions are necessary.

11 Sec. 46.08.130. DUTIES OF THE OFFICE. (a) The office shall be  
12 prepared to respond promptly to a discharge of oil or a hazardous  
13 substance.

14 (b) The office may respond under (a) of this section to an oil  
15 or hazardous substance discharge only if:

16 (1) the oil discharge is a catastrophic oil discharge that  
17 constitutes an emergency under AS 46.04.080(a);

18 (2) the discharge of oil or a hazardous substance is de-  
19 clared to be an emergency under AS 46.03.865;

20 (3) the governor declares the discharge an emergency under  
21 AS 26.23;

22 (4) the commissioner reasonably believes that there has  
23 been a discharge of oil or a hazardous substance, or that there is a  
24 potential discharge of oil or a hazardous substance, and the discharge  
25 may qualify under (1) - (3) of this subsection; or

26 (5) the discharge or potential discharge poses an imminent  
27 and substantial threat to public health or welfare or to the environ-  
28 ment.

29 Sec. 46.08.140. EMERGENCY POWERS. (a) When the office has

1 reasonable grounds to believe that a release of oil or a hazardous  
2 substance has occurred or is threatened to occur which, in the judg-  
3 ment of its director, presents an imminent or present danger to the  
4 health or welfare of the people of the state or would result in or is  
5 likely to result in irreversible or irreparable damage to the natural  
6 resources or environment, and it appears to be prejudicial to the  
7 interest of the people of the state to delay action until an oppor-  
8 tunity for a hearing can be provided, state employees or members of  
9 the corps may, with permission of the director and without prior  
10 hearing, enter private property for the purpose of containment or  
11 cleanup.

12 (b) The property owner affected by a response action taken under  
13 (a) of this section has the right to be heard as soon as practicable  
14 and to present proof to the office that the containment or cleanup  
15 action is unnecessary or that it is not necessary to enter the per-  
16 son's property for the containment or cleanup action.

17 Sec. 46.08.150. CONTRACTS. The office may enter into agreements  
18 with agencies of the state and federal government, political subdivi-  
19 sions, the University of Alaska, and private entities to

20 (1) establish and maintain regional oil and hazardous  
21 substances depots and to acquire the supplies and equipment necessary  
22 for response readiness;

23 (2) train members of response corps; and

24 (3) conduct research into oil and hazardous substances  
25 spill technology.

26 Sec. 46.08.190. DEFINITIONS. In AS 46.08.100 - 46.08.190

27 (1) "corps" means the oil and hazardous substance response  
28 corps;

29 (2) "depots" means the oil and hazardous substance supply

1 and equipment storage depots;

2 (3) "office" means the oil and hazardous substance response  
3 office.

4 \* Sec. 4. APPLICABILITY OF ACT. This Act does not relieve a person  
5 responsible for an oil terminal facility, offshore exploration or produc-  
6 tion facility, or a vessel that transports crude oil, or a person who has  
7 control of a hazardous substance from the responsibility for containing and  
8 cleaning up a discharge of oil or the hazardous substance as required by  
9 law.

10 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).  
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6-1182J  
Chenoweth  
4/21/89

Original sponsors: Kelly, Sturgulewski,  
Eliason, et al.

*Janny*

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 264 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing an oil and hazardous substance  
7 response office, corps, and depots, establishing an  
8 account in the oil and hazardous substance release  
9 response fund, and authorizing use of money in that  
10 account for certain related expenses." *efil.*

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

12 \* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that the  
13 *March 24 1989* Exxon-Valdez oil spill disaster *in RWS* demonstrates a need for the state to have  
14 an independent spill containment and clean-up capability in the event of  
15 future discharges of oil or a hazardous substance.

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

21 \* Sec. 2. AS 46.08 is amended by adding a new section to read:

22 Sec. 46.08.015. OIL SPILL CONTINGENCY ACCOUNT ESTABLISHED. (a)  
23 There is established in the oil and hazardous substance release re-  
24 sponse fund the oil spill contingency account. The account shall be  
25 administered by the commissioner.

26 (b) Appropriations made to the account and remaining in the  
27 account at the end of a fiscal year do not lapse unless otherwise  
28 specified in the act making the appropriation.

29 (c) The account shall be used for actual expenses incurred under

1 AS 46.08.100 - 46.08.190 and may not be used for capital improvements.

2 \* Sec. 3. AS 46.08.040 is amended by adding a new subsection to read:

3 (b) The commissioner may use money from the oil spill contin-  
4 gency account to pay all costs incurred to establish and maintain the  
5 oil and hazardous substance response office and for the expenses of  
6 the oil and hazardous substance response corps and the oil and hazard-  
7 ous response depots established by that office.

8 \* Sec. 4. AS 46.08.050(b) is amended to read:

9 (b) The department shall develop procedures governing the expen-  
10 diture of, and accounting for, money expended from the fund and from  
11 the oil spill contingency account, and may not delay implementation of  
12 this chapter pending the effective date of the procedures.

13 \* Sec. 5. AS 46.08 is amended by adding new sections to read:

14 ARTICLE 2. OIL AND HAZARDOUS SUBSTANCE RESPONSE OFFICE.

15 Sec. 46.08.100. OFFICE ESTABLISHED. (a) There is established  
16 in the department the oil and hazardous substance response office.  
17 The office shall include a director and employees who are specially  
18 trained in programs and technologies related to the containment and  
19 cleanup of releases or threatened releases of oil and hazardous sub-  
20 stances.

21 (b) The commissioner may establish and maintain the office by

22 (1) direct employment;

23 (2) contract with political subdivisions, the University of  
24 Alaska, transporters, and other private persons; or

25 (3) any combination of (1) and (2) of this subsection.

26 Sec. 46.08.110. RESPONSE CORPS. (a) The office shall establish  
27 an oil and hazardous substance response corps.

28 (b) The corps consists of volunteers who register with the  
29 office and agree to be trained by the office in techniques for

1 containment and cleanup and to be available on short notice to assist  
2 the office in containment and cleanup.

3 (c) Members of the corps are entitled to wages, per diem, and  
4 expenses as determined by the commissioner for training and for days  
5 spent in service to the state in containment and cleanup actions.

6 Sec. 46.08.120. RESPONSE DEPOTS. The office shall maintain  
7 emergency response depots in areas of the state determined by the  
8 director to be potential sites of releases or threatened releases of  
9 oil or hazardous substances. The depots shall be equipped and staffed  
10 in a manner that ensures prompt response when containment and cleanup  
11 actions are necessary.

12 Sec. 46.08.130. DUTIES OF THE OFFICE. (a) The office shall be  
13 prepared to respond promptly to a discharge of oil or a hazardous  
14 substance *on the land or* into the navigable waters of the state. *(standard for severity)*

15 (b) The office may respond under (a) of this section to an oil  
16 or hazardous substance discharge only if:

17 (1) the oil discharge is a catastrophic oil discharge that  
18 constitutes an emergency under AS 46.04.080(a);

19 (2) the discharge of oil or a hazardous substance is de-  
20 clared to be an emergency under AS 46.03.865;

21 (3) the governor declares the discharge an emergency under  
22 AS 26.23; or

23 (4) the commissioner reasonably believes that there has  
24 been a discharge of oil or a hazardous substance, or that there is a  
25 potential discharge of oil or a hazardous substance, and the discharge  
26 may qualify under (1) - (3) of this subsection.

27 Sec. 46.08.140. EMERGENCY POWERS. (a) When the office has  
28 reasonable grounds to believe that a release of oil or a hazardous  
29 substance has occurred or is threatened to occur which, in the

1 judgment of its director, presents an imminent or present danger to  
2 the health or welfare of the people of the state or would result in or  
3 is likely to result in irreversible or irreparable damage to the  
4 natural resources or environment, and it appears to be prejudicial to  
5 the interest of the people of the state to delay action until an  
6 opportunity for a hearing can be provided, state employees or members  
7 of the corps may, with permission of the director and without prior  
8 hearing, enter private property for the purpose of containment or  
9 cleanup.

10 (b) The property owner affected by a response action taken under  
11 (a) of this section has the right to be heard as soon as practicable  
12 and to present proof to the office that the containment or cleanup  
13 action is unnecessary or that it is not necessary to enter the per-  
14 son's property for the containment or cleanup action.

15 Sec. 46.08.150. CONTRACTS. The office may enter into agreements  
16 with agencies of the state and federal government, political subdivi-  
17 sions, the University of Alaska, and private entities to

18 (1) establish and maintain regional oil and hazardous  
19 substances depots and to acquire the supplies and equipment necessary  
20 for response readiness;

21 (2) train members of response corps; and

22 (3) conduct research into oil and hazardous substances  
23 spill technology.

24 Sec. 46.08.160. USE OF MONEY IN THE OIL SPILL CONTINGENCY AC-  
25 COUNT. Subject to legislative appropriation, the commissioner may use  
26 money in the oil spill contingency account for costs of personal  
27 services or contracts entered into under AS 46.08.100 - 46.08.190, and  
28 for purchases of necessary equipment, supplies, and transportation for  
29 the office, corps, and depots.

1           Sec. 46.08.190. DEFINITIONS. In AS 46.08.100 - 46.08.190

2           (1) "corps" means the oil and hazardous substance response  
3           corps;

4           (2) "depots" means the oil and hazardous substance supply  
5           and equipment storage depots;

6           (3) "office" means the oil and hazardous substance response  
7           office.

8           \* Sec. 6. APPLICABILITY OF ACT. This Act does not relieve a person  
9           responsible for an oil terminal facility, offshore exploration or produc-  
10          tion facility, or a vessel that transports crude oil, or a person who has  
11          control of a hazardous substance from the responsibility for containing and  
12          cleaning up a discharge of oil or the hazardous substance as required by  
13          law.

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15           *Immediate ifd*  
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6-1182H ✓  
Chenoweth  
4/20/89

Original sponsors: Kelly, Sturgulewski,  
Eliason, et al.

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 264 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing an oil and hazardous substance  
7 response office, corps, and depots; and authorizing  
8 the use of the oil and hazardous substance release  
9 response fund for certain related expenses."

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

11 \* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that the  
12 Exxon Valdez oil spill disaster demonstrates a need for the state to have  
13 an independent spill containment and clean-up capability in the event of  
14 future discharges of oil or a hazardous substance.

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

20 \* Sec. 2. AS 46.08 is amended by adding new sections to read:

21 ARTICLE 2. OIL AND HAZARDOUS SUBSTANCE RESPONSE OFFICE.

22 Sec. 46.08.100. OFFICE ESTABLISHED. (a) There is established  
23 in the department the oil and hazardous substance response office.  
24 The office shall include a director and employees who are specially  
25 trained in programs and technologies related to the containment and  
26 cleanup of releases or threatened releases of oil and hazardous sub-  
27 stances.

28 (b) The commissioner may establish and maintain the office by  
29 (1) direct employment;

1 (2) contract with political subdivisions, the University of  
2 Alaska, transporters, and other private persons; or

3 (3) any combination of (1) and (2) of this subsection.

4 Sec. 46.08.110. RESPONSE CORPS. (a) The office shall establish  
5 an oil and hazardous substance response corps.

6 (b) The corps consists of volunteers who register with the  
7 office and agree to be trained by the office in techniques for con-  
8 tainment and cleanup and to be available on short notice to assist the  
9 office in containment and cleanup.

10 (c) Members of the corps are entitled to wages, per diem, and  
11 expenses as determined by the commissioner for training and for days  
12 spent in service to the state in containment and cleanup actions.

13 Sec. 46.08.120. RESPONSE DEPOTS. The office shall maintain  
14 emergency response depots in areas of the state determined by the  
15 director to be potential sites of releases or threatened releases of  
16 oil or hazardous substances. The depots shall be equipped and staffed  
17 in a manner that ensures prompt response when containment and cleanup  
18 actions are necessary.

19 Sec. 46.08.130. DUTIES OF THE OFFICE. (a) The office shall be  
20 prepared to respond promptly to a discharge of oil or a hazardous  
21 substance into the navigable waters of the state.

22 (b) The office may respond under (a) of this section to an oil  
23 or hazardous substance discharge only if:

24 (1) the oil discharge is a catastrophic oil discharge that  
25 constitutes an emergency under AS 46.04.080(a);

26 (2) the discharge of oil or a hazardous substance is de-  
27 clared to be an emergency under AS 46.03.865;

28 (3) the governor declares the discharge an emergency under  
29 AS 26.23; or

1 (4) the commissioner reasonably believes that there has  
2 been a discharge of oil or a hazardous substance, or that there is a  
3 potential discharge of oil or a hazardous substance, and the discharge  
4 may qualify under (1) - (3) of this subsection.

5 Sec. 46.08.140. EMERGENCY POWERS. (a) When the office has  
6 reasonable grounds to believe that a release of oil or a hazardous  
7 substance has occurred or is threatened to occur which, in the judg-  
8 ment of its director, presents an imminent or present danger to the  
9 health or welfare of the people of the state or would result in or is  
10 likely to result in irreversible or irreparable damage to the natural  
11 resources or environment, and it appears to be prejudicial to the  
12 interest of the people of the state to delay action until an oppor-  
13 tunity for a hearing can be provided, state employees or members of  
14 the corps may, with permission of the director and without prior  
15 hearing, enter private property for the purpose of containment or  
16 cleanup.

17 (b) The property owner affected by a response action taken under  
18 (a) of this section has the right to be heard as soon as practicable  
19 and to present proof to the office that the containment or cleanup  
20 action is unnecessary or that it is not necessary to enter the per-  
21 son's property for the containment or cleanup action.

22 Sec. 46.08.150. CONTRACTS. The office may enter into agreements  
23 with agencies of the state and federal government, political subdivi-  
24 sions, the University of Alaska, and private entities to

25 (1) establish and maintain regional oil and hazardous  
26 substances depots and the supplies and equipment necessary for  
27 response readiness;

28 (2) train members of response corps; and

29 (3) conduct research into oil and hazardous substances

1 spill technology.

2 Sec. 46.08.190. DEFINITIONS. In AS 46.08.100 - 46.08.190

3 (1) "corps" means the oil and hazardous substance response  
4 corps;

5 (2) "depots" means the oil and hazardous substance supply  
6 and equipment storage depots;

7 (3) "office" means the oil and hazardous substance response  
8 office.

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

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

12 (1) contain, clean up, and take other necessary action,  
13 such as monitoring, assessing, investigating, and evaluating the  
14 release or threatened release of oil or a hazardous substance that  
15 poses an imminent and substantial threat to the public health or  
16 welfare, or to the environment;

17 (2) pay all costs incurred to establish and maintain the  
18 oil and hazardous substance response office and for the expenses of  
19 the oil and hazardous substance response corps and the oil and hazard-  
20 ous response depots established by that office;

21 (3) provide matching funds for participation in federal oil  
22 discharge cleanup activities and under 42 U.S.C. 9601 - 9657 (Compre-  
23 hensive Environmental Response, Compensation, and Liability Act of  
24 1980); and

25 (4) [(3)] recover the cost to the state or to a municipal-  
26 ity of a containment and cleanup resulting from the release or the  
27 threatened release of oil or a hazardous substance.

28 \* Sec. 4. APPLICABILITY OF ACT. This Act does not relieve a person  
29 responsible for an oil terminal facility, offshore exploration or

1 production facility, or a vessel that transports crude oil, or a person  
2 who has control of a hazardous substance from the responsibility for con-  
3 taining and cleaning up a discharge of oil or the hazardous substance as  
4 required by law.

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