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STATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

JR

DATE: 2/5/92

FURTHER: Finance

Date of 5-Day Notice: 3-5-92
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: May 6, 1992

Resources Committee considered SB 384

"An Act amending the purposes for which money in the oil and hazardous substance release response fund may be expended) and to reimbursements due to that fund; and providing for an effective date."
be replaced with

and recommends:

replace with _____ CS SB 384 (Res)

same title
 new title
 technical title change (HB only)

Don't know

attaches amendment(s)

+ rpts it th as plus

adopts _____ Letter of Intent

further referral to the _____

*CS (Res) 384
& DEC to CS
& REV to CS
Forthcoming*

do pass

do not pass

no recommendation

individual recommendations

FN

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes DEC

PREVIOUS FISCAL NOTES: Dept/Date

Governor's bill with fiscal notes:

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

DO PASS:

OTHER RECOMMENDATIONS:

See Coste Ctr
[Signature]
[Signature]
[Signature]

Rich Halford NO REC
[Signature] No Rec

[Signature]
Chair: Signature and Recommendation
No Rec



Board of Storage Tank Assistance

410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801
(907) 465-5200
FAX (907) 465-5218

Walter J. Hickel, Governor

POSITION PAPER

IN SUPPORT OF:

Senate Bill No. 384 (SB384)

WITH AMENDMENTS

SUBJECT: "An Act amending the purposes for which money in the oil and hazardous substance release response fund may be expended and to reimbursements due to that fund; and providing for an effective date"

The Board of Storage Tank Assistance supports Senate Bill Number 384 amending the oil and hazardous substance release response fund with the following changes to be included as amendments.

(1) Limit expenditures from the oil and hazardous substance response fund to only pay for grants and loans described in AS 46.03.410 (b)(2) and (3); and

(2) Pay the expenses incurred under the underground petroleum storage tank reimbursement program authorized by sec. 7, ch.96, SLA 1990.

The state underground storage tank program has been implemented to assist owners and operators determine the extent and subsequently clean up contamination resulting from underground petroleum storage tanks (UST's), to close out their tanks properly if necessary and to upgrade existing tanks to new performance standards that will prevent future leaks. The UST Assistance Programs are pollution prevention and spill response activities that would be within the existing scope of the oil and hazardous substance release response fund.

A considerable amount of time, effort and funds will need to be invested to assess, cleanup and upgrade these tanks to protect the public health and environment and keep Alaska's small business tank owners and operators in business. It is also important to provide sufficient funding for underground petroleum storage tank owners and operators to adequately clean up their sites to become insurable to satisfy the EPA's financial responsibility requirements.

The financial assistance programs established by the original enabling legislation passed in 1990 are (1) reimbursements for a portion of the costs to conduct a tank tightness test or a site assessment, (2) grants for a portion of the costs of either upgrading (including replacing) or closing (including removing) a pre-1988 tank, (3) grants and loans for the cost of cleanup associated with a release from an underground petroleum storage tank and (4) reimbursement for upgrading, closing, or cleanup of an UST done after the effective date of the EPA regulations (December 22, 1988) and before September 5, 1990, the effective date of Alaska's UST laws.

At the present time the grant requests far exceed the available funds. Concerns for continued appropriations from the general fund have prompted a need for identifying an alternative funding source for this program. The state underground petroleum storage tank program is based on providing technical, educational, and financial assistance to Alaska's underground tank owners. It is imperative that a secure funding source be in place to address the intent and purpose of that program. Senate Bill 384 provides assurance that the original intent and purpose of the Underground Storage Tank Program will be realized.

Dated: 2/24/92

For and on behalf of the
BOARD OF STORAGE TANK ASSISTANCE,

John C. Barnett,

POSITION PAPER

BOARD OF STORAGE TANK ASSISTANCE



Alaska Department of Environmental Conservation
Underground Storage Tanks
Financial Assistance Program



**TANK TIGHTNESS TESTING AND SITE
ASSESSMENT INCENTIVE PROGRAM**

THE PROGRAM

A fund has been created to provide financial assistance to the owners and operators of underground petroleum storage tanks (USTs). House Bill 220 became Alaska Statute, effective on September 5, 1990, making assistance available in the form of several programs. The Tank Tightness Testing and Site Assessment Incentive Program provides money directly to the owner/operator specifically to reimburse costs for tank tightness tests or site assessments to determine if there has been a release of petroleum.

Reimbursements are limited to expenditures incurred after September 5, 1990 and before March 5, 1992. Fifty percent of the actual costs, not to exceed \$300 per tank for tank tightness tests up to a maximum of \$1200 per facility and \$800 per tank for site assessments up to \$3200 per facility, will be reimbursed on a first-come, first-served basis. The owner/operator must submit copies of **PAID INVOICES** indicating proof of payment of the actual expenditures with the application.

The owner or operator may choose to conduct either a site assessment or a tank tightness test to meet the state's tank registration requirements. However, a site assessment provides a more accurate analysis to determine whether or not a release has occurred. A tank tightness test will not indicate leaks which have occurred and been repaired, or contamination due to spills or overfills. Most insurance companies require assessment results before issuing a policy for an UST site. If the site assessment confirms a release, the owner/operator may apply for financial assistance under the Tank Cleanup Grant and Loan Program.

It is the responsibility of the owner/operator to ensure that work done at the facility is in accordance with all applicable state and federal regulations.

Funding for this program is limited.

ELIGIBILITY

Eligibility for this program is restricted to owners or operators of facilities with underground storage tank (UST) systems installed before and in use on September 5, 1990. The owner/operator must be in compliance with all state and federal laws applicable to underground petroleum storage tank systems. Costs must have been incurred on or after September 5, 1990 but no later than March 5, 1992. State or federally owned underground storage tank systems are not eligible for this program.

DEADLINE

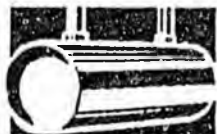
Your application must be received by the DEC no later than March 5, 1992 to be eligible for reimbursement.

Applications for Financial Assistance Will Not Be Processed Unless the Department of Environmental Conservation has Received the State Tank Registration Form and the Appropriate Annual Registration Fee.

TANK TESTING AND SITE ASSESSMENT
PROGRAM

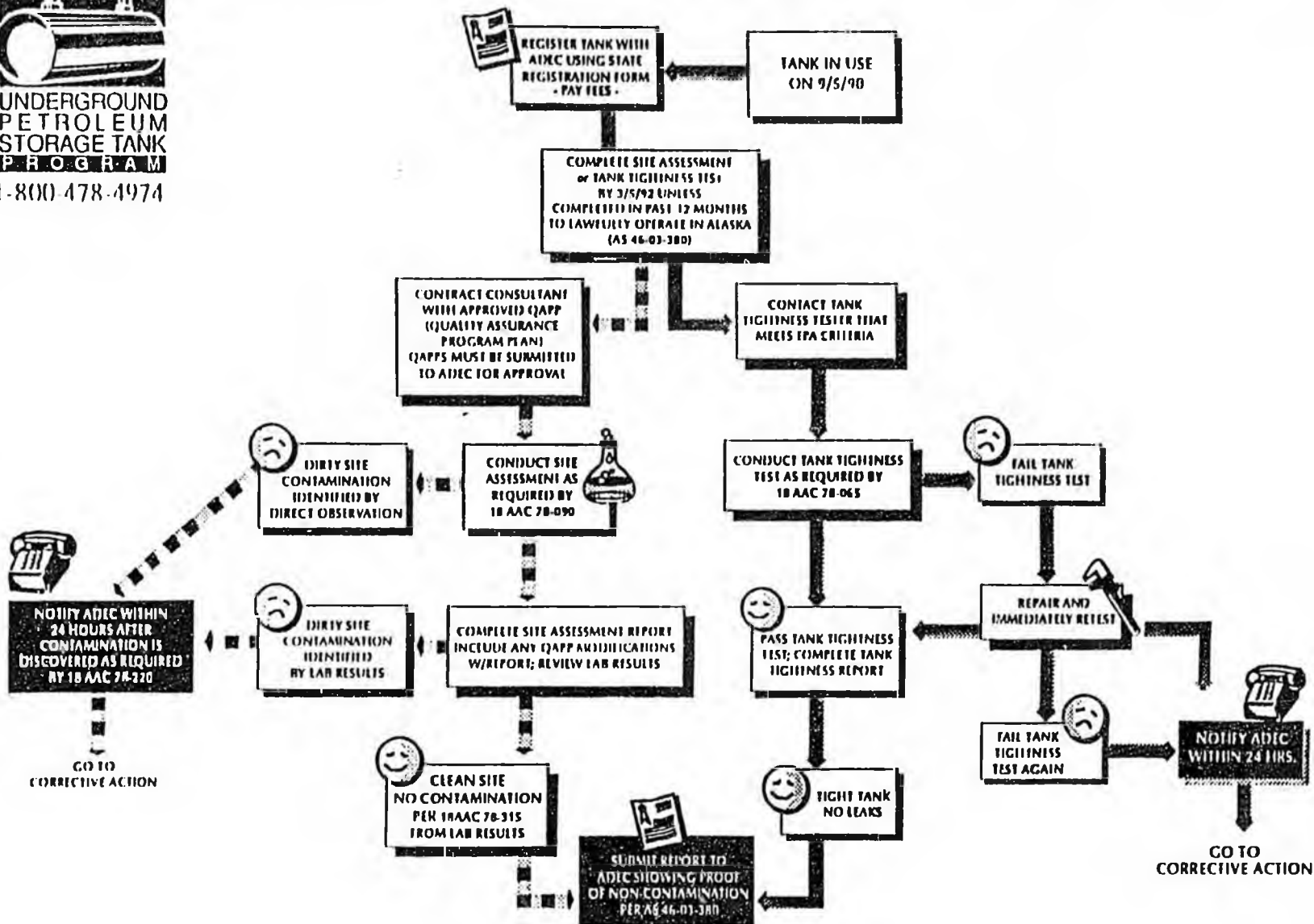
THE UNDERGROUND STORAGE TANK PROCESS

Registration Requirements to Operate a UST



**UNDERGROUND
PETROLEUM
STORAGE TANK
PROGRAM**

1-800-478-4974



Article 5 - The Storage Tank Assistance Fund

Part of the Underground Storage Tank legislation passed by the legislature established a seven-member **Board of Storage Tank Assistance**. The commissioners of the departments of Environmental Conservation and Transportation and Public Facilities are the government members. Each of the five public members are required to have specialized knowledge in the UST field. Members serve staggered 4 year terms and the Board is scheduled to sunset on June 30, 1996.

The Board adopted regulations dealing with the financial assistance programs. The Board must also approve any Department regulation specifying allowable technologies for testing, containment and cleanup, or corrective action. The Department must also consult with the Board before adopting any regulations on cleanup standards. The department and the **Board of Storage Tank Assistance** also administer four financial assistance programs through this section:

- (1) **Reimbursement** for part of the costs for tank tightness AND for site assessments done by **March 5, 1992**. Reimbursement is limited to **\$300** for tank tightness tests and **\$800** for site assessments. Reimbursement is limited to 4 tanks/facility.
- (2) **Grants for 60%**, up to \$60,000, for the costs of upgrading (including replacement) or closing (including removing) a pre-1988 UST. Upgrading includes adding leak detection, spill and overfill prevention, or spill protection.
- (3) **Grants for 90%**, up to \$1,000,000 per occurrence, for the cost of cleanup of a release from a regulated UST. The owner is responsible for 10% of the cost. Loans are available for that 10% up to a maximum of \$25,000.
- (4) **Reimbursements** for upgrading, closing, or cleanup of an UST done after **December 22, 1988** (when EPA regulations went into effect) and before **September 5, 1990** (the effective date of the State Statute HB220). The application deadline for this reimbursement was **March 5, 1991**. Amounts are limited to 60% of upgrading or closing; 90% for cleanup, to a dollar maximum of \$200,000 per owner or operator.

In 1991, the Board of Storage Tank Assistance allocated these amounts in the above categories:

| | |
|--|----------------------|
| (1) Reimbursement of tank tightness tests & Site assessments | \$2.3 million |
| (2) Grants for closures and upgrades: | \$1.5 million |
| (3) Grants for cleanups | \$1.5 million |
| (4) Reimbursements for work done prior to September 5, 1990 | \$ 0 |

Money allocated is subject to the availability of annual legislative appropriations. Tank work eligible for funding remains eligible for funding in future years.

Emergency grants are available if a release poses an imminent health threat.

Important dates and phone numbers

| | |
|--|---|
| Deadline for financial responsibility for owners of 1-12 USTs | December 1992 (may be delayed to 12/93) |
| 1992 UST Registration deadline | December 31, 1991 |
| Deadline for tightness tests/site assessments for USTs installed before 12-12-88 | March 5, 1992 |

Release detection implementation deadlines:

| | |
|-----------------------------------|-------------------|
| for systems installed before 1970 | Past deadline |
| for pressurized piping | Past deadline |
| for systems installed 1970-1974 | December 22, 1991 |
| for systems installed 1975-1979 | December 22, 1992 |
| for systems installed 1980-1988 | December 22, 1993 |

Upgrade to 1988 standards December 22, 1998

State Financial assistance deadlines

| | |
|--|-------------------|
| Tank upgrade grants, closure grants cleanup grants and cleanup loans (for funding in 1992) | December 31, 1991 |
| Tightness test/site assessment reimbursements | March 5, 1992 |
| Final deadline for applications for upgrade, closures, and cleanup | July 1, 1994 |

For further information on USTs:

| | |
|----------------------------|---|
| General: | 1-800-478-4974 (located in Juneau) |
| Financial Assistance: | 563-6529 (ask for UST Financial Assistance Program) |
| Worker Certification: | 1-800-478-4974 (Juneau) |
| Regional UST/LUST Programs | |
| Anchorage/Southcentral | 563-6529 |
| Fairbanks/Interior | 451-2360 |

* * * * *

PERSISTENCE....NOTHING IN THE WORLD CAN TAKE THE PLACE OF PERSISTENCE. TALENT WILL NOT;NOTHING IS MORE COMMON THAN UNSUCCESSFUL MEN WITH TALENT. GENIUS WILL NOT; UNREWARDED GENIUS IS ALMOST A PROVERB. EDUCATION WILL NOT; THE WORLD IS FULL OF EDUCATED DERELICTS. PERSISTENCE AND DETERMINATION ALONE ARE OMNIPOTENT. CALVIN COOLEGGE

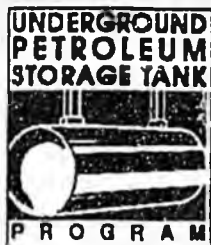
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THE DIFFERENCE BETWEEN A SUCCESSFUL PERSON AND OTHERS IS NOT A LACK OF KNOWLEDGE, BUT RATHER A LACK OF WILL. VINCENT LOMBARDI

*

TEAMWORK... COMMING TOGETHER IS A BEGINNING. KEEPING TOGETHER IS PROGRESS. WORKING TOGETHER IS SUCCESS. HENRY FORD

*



Board of Storage Tank Assistance

410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801
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FAX (907) 465-5218

Walter J. Hickel, Governor

BOARD MEMBERS:

Janice Adair Juneau 465-5050 FAX 4655070
ADEC, 410 Willoughby Ave. Juneau, AK 99801

Ed Anders Fairbanks 488-6547 or 488-9501
7785 Chena Hot Springs Rd, Fairbanks AK 99712

John Bertholl Juneau 789-1917 FAX 7890432
P.O. Box 210103, Auke Bay, AK 99821

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P.O. Box 76, Soldotna, AK 99669

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DOT, Box Z, Juneau, AK 99811

Bob Gilfilian * Anchorage 277-2021 FAX 2748683
255 E. Fireweed Lane, Suite 102, Anch. AK, 99503

Ward Livingston Anchorage 562-2266 FAX 5636483
4220 B Street, Anchorage, AK 99503

* Board Chairman

EXECUTIVE DIRECTOR: John Barnett Juneau 465-5200 FAX 4655218
UST Program, 410 Willoughby Ave. Juneau, AK 99801

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
410 WILLOUGHBY AVENUE, SUITE 105
JUNEAU, AK 99801-1795

Phone: (907) 465-5000
Fax: (907) 465-5070

Date: 2-26-92

By: Joe A. Tondor
Commissioner

POSITION PAPER

SB 384, amending the purposes for which money in the oil and hazardous substance release response fund may be expended and to reimbursements due to that fund; and providing for an effective date.

The Department of Environmental Conservation supports stable funding for the underground storage tank (UST) program in order to allow the owners and operators of regulated USTs to meet the financial responsibility requirements of the EPA. We believe the Oil and Hazardous Substance Release Response (470) Fund will meet the EPA's requirements as a state assurance fund, and thus support using it to cover some costs associated with the State's UST program. The Department's support for this legislation is conditioned on inclusion of the following amendments to SB 384:

1) Amend the title to read: "An Act authorizing use of the oil and hazardous substance release response fund for certain activities related to the underground petroleum storage tank program, and terminating that authorization; and providing for an effective date.

This amendment will change the title to accurately reflect the subject of the legislation.

2) On Page 4, change subparagraph 8 to read: "(8) pay for the grants and loans described in AS 46.03.410(b)(2) and (3);

3) Add a subparagraph (9) to Section 3 which would read: (9) pay for the cost of enforcement of AS 46.03.360 - 46.03.450."

The first of these two amendments will allow the 470 Fund to be used only for the grants and loans to UST owners, leaving the administration of the program to be funded through general funds and tank registration fees. The EPA requirements for financial responsibility dictate that owners and operators be able to demonstrate the financial ability to cleanup a release from a UST. Thus, the Department believes that the 470 Fund should not be used for the program's administrative costs.

We also believe however that we have a duty to protect the investment the state has made and will continue to make in the cleanup and replacement of USTs. This will be accomplished through enforcing the standards for UST maintenance and operation contained in DEC's UST regulations. Subsection 9 will ensure the Department has the continuing ability to ensure regulatory compliance.

4) Add a provision which would repeal the use of the 470 Fund for Subparagraph (8) on June 30, 1996.

The state's UST financial assistance program was envisioned as a time-limited program. Federal law requires that all tanks be upgraded to the new regulatory standards by 1998. State law requires that all applications for financial assistance be filed by July 1, 1994. In addition, the Board of Storage Tank Assistance sunsets on June 30, 1996. This amendment would have the authority for using the 470 Fund for the grants and loans expire on the same date as the Board, which is two years after the last of the applications will be filed. During those two years, the state will be able to wind up cleanup activities.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

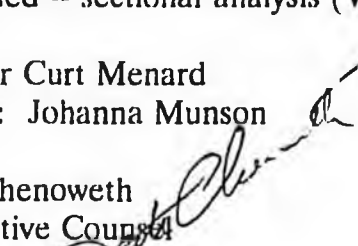
MEMORANDUM

February 18, 1992

SUBJECT: Senate Bill 384, amending the purposes for which money in the oil and hazardous substances release response fund may be expended -- sectional analysis (Work Order No. 7-LS1926A)

TO: Senator Curt Menard
ATTN: Johanna Munson

FROM: Jack Chenoweth
Legislative Counsel



The measure expands use of the so-called "470 fund" -- properly called the oil and hazardous substance release response fund -- to allow its expenditure for the programs and administrative costs associated with ch. 96, SLA 1990, legislation relating to investigation, containment, and cleanup of leaking underground storage tanks.

The measure's principal operative provision is **bill section 3**. That bill section adds a new provision, paragraph 8, to AS 46.08.040, permitting use of the fund balance to pay costs of regulation and pollution prevention under various enumerated programs related to motor fuel, petroleum, and chemical storage tanks.

A related provision, **bill section 5**, exempts the payments made from the fund for purposes of storage tank cleanup from the requirement that the commissioner of environmental conservation seek reimbursement of the expenditures.

The remaining codified bill sections make necessary related changes. **Bill sections 1 and 4** make technical corrections. Current law limits use of the oil and hazardous substance release response fund for capital improvements; **bill section 2** makes an exception to that limitation, explicitly permitting use of the oil and hazardous substance release response fund for a capital improvement in conjunction with the storage tank program.

The changes made in the two uncodified substantive sections, bill sections 6 and 7, give the measure retrospective application. Section 7, ch. 96, SLA 1990 authorized

Senator Curt Menard
February 18, 1992
Page 2

an underground petroleum storage tank reimbursement assistance program to reimburse persons making expenditures relating to leaking tanks after December 21, 1988, and until six months after the effective date of the 1990 legislation. **Bill section 6** authorizes use of the fund balance to pay the expenses incurred under that reimbursement program, while **bill section 7** applies to any reimbursement payments that are payable on and after the date of enactment of that reimbursement program, in effect permitting payment from the fund of all claims for reimbursement allowed by sec. 7, ch. 96, SLA 1990.

Bill section 8 gives the measure an immediate effective date.

JBC:mi
92-027.mai



BP EXPLORATION

David Prilchard
Senior Vice President
Prudhoe Bay Unit
Alaska

BP Exploration (Alaska) Inc.
900 East Benson Boulevard
P.O. Box 196612
Anchorage, Alaska 99519-6612
(907) 564-4029

March 6, 1992

The Hon. Eileen MacLean, Co-Chair
The Hon. Mike Navarre, Co-Chair
House Finance Committee
P. O. Box V
Juneau, AK 99811

New Uses of the Oil Spill Response Fund (AS 46.08.010)

Dear Representative MacLean and Representative Navarre:

As Senior Vice President of BP Exploration (Alaska) Inc. with responsibility for the Prudhoe Bay field, I am writing to express BP's concern about the new proposals under consideration to expand the uses of the oil spill response fund (the "470 fund") under AS 46.08.010.

The principal source of funding for the 470 fund is the nickel-a-barrel oil conservation surcharge to the production tax under AS 43.55.-200 - 240. Under these statutes the surcharge is to be suspended when the balance in the 470 fund exceeds \$50 million and is to be temporarily reimposed as needed to replenish the fund to \$50 million when its balance falls below that level.

When the conservation surcharge was enacted as part of a package of oil spill legislation in 1989, the fiscal notes for that legislation indicated that the revenues from the surcharge through FY 92 would be enough to cover the additional demands on the 470 fund for over 25 years. However, since 1989 several new uses have been created for the 470 fund. These new uses have delayed the time when the surcharge goes into suspension and will shorten the time it will be suspended before being needed to replenish the fund. To date more than \$60 million has been paid under the surcharge.

If enacted, the new uses being proposed for the 470 fund would ensure that the conservation surcharge will continue indefinitely. Rather than begin a limited duration surcharge to raise \$50 million to be readily available for the State to respond to a spill, the conservation surcharge begins to look like a permanent tax increase aimed at the exploration and production industry.

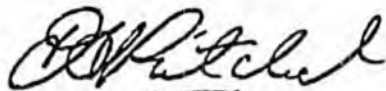
The Hon. Eileen MacLean, Co-Chair
The Hon. Mike Navarre, Co-Chair
Page 2

We are striving to reduce costs as much as we can at Prudhoe Bay and the other North Slope fields, consistent with safe and prudent operations. The ongoing decline in production means we cannot afford to let costs rise, nor even let them remain flat. Only by actively reducing our costs of operating will we be able to develop and recover the full potential of the resources on the Slope. Making the oil conservation surcharge a permanent tax increase runs counter to the need to reduce costs. And although it may seem modest, it will probably be viewed inside and outside the oil industry as a sign of instability in Alaska's tax structure.

We are not questioning the need to clean up leaking underground storage tanks, nor are we doubting the merits of the other uses that have been proposed for the 470 fund. The worthiness of these environmental initiatives is not the issue. The issue is whether Alaska needs to raise oil taxes in order to address these initiatives. We at BP believe it is neither necessary nor prudent to raise oil taxes at this time.

Very truly yours,

BP EXPLORATION (ALASKA) INC.



David J. Pritchard
Senior Vice President

cc: Finance Committee Members

Testimony of the
Alaska Oil and Gas Association
before the
Alaska State House of Representatives
Finance Committee
on
CSHB 264, An Act authorizing use
of the oil and hazardous substance
response fund for certain
activities related to the underground
petroleum storage tank program

March 6, 1992

I am William W. Hopkins, Executive Director of the Alaska Oil and Gas Association. The Alaska Oil and Gas Association (AOGA) is a trade association whose member companies conduct the majority of oil and gas exploration, production and transportation in Alaska. AOGA appreciates this opportunity to express its position regarding CSHB 264.

AOGA strongly opposes CSHB 264 for several important reasons. This bill would, in effect, impose a hidden but real tax increase on all oil production in Alaska. It would impose unfair costs to the oil producers in Alaska to fund a program to correct underground storage tank problems over which they have no control and are not associated with crude oil production. Those costs are largely unknown but could be potentially significant based on the thousands of various underground tanks throughout Alaska. In addition, the bill does not require the state to seek reimbursement for costs of expenditures from responsible parties. We urge the state to consider alternatives and the potential impact of this proposed legislation on the oil producers.

Alaska Oil and Gas Association
Testimony on CSHB 264
March 6, 1992
Page 2

We understand that the Federal Superfund Reauthorization Legislation enacted in October 1986 has a provision to impose a 0.1 cent per gallon motor fuels excise tax as a revenue source to fund a separate Federal Leaking Underground Storage Tank Fund. Under certain conditions, that fund can pay up to 90% of any state's cost for cleanup resulting from a discharge from an underground storage tank. To use the federal fund, Alaska may need to establish its own fund to cover its 10% corrective action costs, but the 470 Fund is not the appropriate source.

In summary, CSHB 264 would place an unfair tax burden on oil producers to pay for problems not related to production. We urge this committee to reject it. Thank you for this opportunity to comment.

TESTIMONY OF KENNETH M. REITHER
TAX COUNSEL, EXXON CORPORATION

HOUSE FINANCE COMMITTEE
1:30 P.M., MARCH 6, 1992

HB 264

MY NAME IS KENNETH REITHER. I AM APPEARING ON BEHALF OF MY EMPLOYER, EXXON CORPORATION.

IN 1989, AFTER THE OIL SPILL IN PRINCE WILLIAM SOUND, THE LEGISLATURE PASSED THREE RELATED BILLS:

- THE FIRST WAS SB 261, WHICH REQUIRED THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO PREPARE STATE AND REGIONAL OIL AND HAZARDOUS SUBSTANCE RELEASE CONTINGENCY PLANS. THE COST OF DOING SO WAS TO BE PAID OUT OF THE 470 FUND.
- THE SECOND WAS SB 264, WHICH ESTABLISHED THE OIL AND HAZARDOUS SUBSTANCE RESPONSE OFFICE, CORPS AND DEPOTS. THIS BILL LIKEWISE AUTHORIZED USE OF 470 FUND MONEYS TO PAY FOR SUCH COSTS.
- THE THIRD WAS SB 260, WHICH ESTABLISHED A FIVE CENTS PER BARREL CONSERVATION SURCHARGE ON OIL PRODUCED IN ALASKA, THE REVENUES TO GO INTO THE 470 FUND.

ONE PURPOSE OF THE SURCHARGE WAS TO PAY FOR THE ADDITIONAL COSTS RESULTING FROM SB 261 AND SB 264 JUST MENTIONED. BUT THE PRIMARY PURPOSE, AS I READ THE COMMITTEE MINUTES AND OTHER LEGISLATIVE MATERIAL FROM THE DAY, WAS TO BUILD A \$50 MILLION FUND SO THAT THE STATE COULD HAVE AN INDEPENDENT SPILL CONTAINMENT AND CLEANUP CAPABILITY.

REVENUES FROM THE 5 CENTS PER BARREL SURCHARGE WERE PROJECTED TO BE MORE THAN \$25 MILLION A YEAR. THE EXPECTATION AT THE TIME WAS THAT THE \$50 MILLION CAP WOULD SOON BE REACHED, SUSPENDING THE SURCHARGE.

IN 1990, HOWEVER, THE LEGISLATURE PASSED THREE BILLS EXPANDING THE PERMISSIBLE USES OF MONEYS IN THE 470 FUND. THESE INCLUDED:

- HB 566, WHICH, AMONG OTHER THINGS, ESTABLISHED THE ALASKA STATE EMERGENCY RESPONSE COMMISSION,
- HB 567, UNDER WHICH 470 FUNDS WERE TO BE USED BY DEC FOR REVIEW OF OIL DISCHARGE PREVENTION AND CONTINGENCY PLANS, TO CONDUCT TRAINING AND RESPONSE EXERCISES, INSPECTIONS, TESTS AND OTHER COSTS, AND

- HB 578, CREATING A CITIZENS' OVERSIGHT COUNCIL ON OIL AND OTHER HAZARDOUS SUBSTANCES.

SIMILARLY IN 1991, THE LEGISLATURE PASSED TWO BILLS FURTHER EXPANDING THE USES OF 470 FUND MONEYS. THESE WERE:

- SB 25, ALLOWING ADVANCES OF MONEY TO VILLAGES AND MUNICIPALITIES TO CARRY OUT AN EMERGENCY FIRST RESPONSE TO A RELEASE OR THREATENED RELEASE OF OIL OR A HAZARDOUS SUBSTANCE, AND
- SB 165, COVERING COSTS TO DESIGN, RETROFIT AND CONSTRUCT VESSELS OF THE ALASKA MARINE HIGHWAY TO HAVE SPILL RESPONSE CAPABILITY.

THERE ARE SEVERAL BILLS UNDER CONSIDERATION IN THIS LEGISLATIVE SESSION WHICH WOULD FURTHER EXPAND THE USES OF MONEYS IN THE 470 FUND. HB 264 BEFORE THIS COMMITTEE TODAY WOULD INCLUDE COSTS RELATING TO UNDERGROUND STORAGE TANKS. OTHERS ADDRESS PUBLIC DRINKING WATER SUPPLIES, GRANTS FOR LOCAL EMERGENCY SERVICES, AND COSTS RELATING TO AIR QUALITY.

I AM NOT HERE TO COMMENT ON THE NEED TO ADDRESS UNDERGROUND STORAGE TANKS OR THE MERITS OF THE OTHER PROPOSALS, ONLY TO COMMENT ON FUNDING SOURCES.

CONTINUED EXPANSION OF THE USES OF 470 FUND MONEYS WILL RESULT IN THE \$50 MILLION CAP NEVER BEING REACHED, WHICH WILL IN TURN MEAN A CONTINUING TAX INCREASE ON THE OIL INDUSTRY.

WITH ALASKA OIL PRODUCTION DECLINING, COUPLED WITH THE CURRENT SOFT OIL MARKET, NOW IS NOT THE TIME FOR ALASKA TO PASS ANOTHER TAX INCREASE ON THE OIL INDUSTRY. AS WE HAVE PREVIOUSLY TESTIFIED, TAX STABILITY IS CRUCIAL TO THE FUTURE OF THE OIL INDUSTRY IN ALASKA.

IN THE CASE OF THE UNDERGROUND STORAGE TANKS, THERE ARE MORE APPROPRIATE FUNDING SOURCES, SUCH AS GENERAL FUND REVENUES OR THE MOTOR FUEL TAX. ATTACHED TO MY TESTIMONY IS A PAPER PREPARED BY THE AMERICAN PETROLEUM INSTITUTE WHICH ADDRESSES ALTERNATE REVENUE SOURCES FOR UNDERGROUND STORAGE TANKS CLEANUP TRUST FUNDS.



BP EXPLORATION

David Pritchard
Senior Vice President
Prudhoe Bay Unit
Alaska

BP Exploration (Alaska) Inc.
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(907) 564-4029

March 6, 1992

The Hon. Jalmar Kerttula, Co-Chair
The Hon. Pat Pourchot, Co-Chair
Senate Finance Committee
P. O. Box V
Juneau, AK 99811

New Uses of the Oil Spill Response Fund (AS 46.08.010)

Dear Senator Kerttula and Senator Pourchot:

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When the conservation surcharge was enacted as part of a package of oil spill legislation in 1989, the fiscal notes for that legislation indicated that the revenues from the surcharge through FY 92 would be enough to cover the additional demands on the 470 fund for over 25 years. However, since 1989 several new uses have been created for the 470 fund. These new uses have delayed the time when the surcharge goes into suspension and will shorten the time it will be suspended before being needed to replenish the fund. To date more than \$60 million has been paid under the surcharge.

If enacted, the new uses being proposed for the 470 fund would ensure that the conservation surcharge will continue indefinitely. Rather than begin a limited duration surcharge to raise \$50 million to be readily available for the State to respond to a spill, the conservation surcharge begins to look like a permanent tax increase aimed at the exploration and production industry.

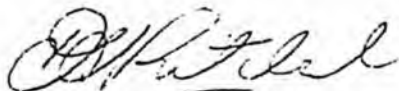
The Hon. Jalmar Kerttula, Co-Chair
The Hon. Pat Pourchot, Co-Chair
Page 2

We are striving to reduce costs as much as we can at Prudhoe Bay and the other North Slope fields, consistent with safe and prudent operations. The ongoing decline in production means we cannot afford to let costs rise, nor even let them remain flat. Only by actively reducing our costs of operating will we be able to develop and recover the full potential of the resources on the Slope. Making the oil conservation surcharge a permanent tax increase runs counter to the need to reduce costs. And although it may seem modest, it will probably be viewed inside and outside the oil industry as a sign of instability in Alaska's tax structure.

We are not questioning the need to clean up leaking underground storage tanks, nor are we doubting the merits of the other uses that have been proposed for the 470 fund. The worthiness of these environmental initiatives is not the issue. The issue is whether Alaska needs to raise oil taxes in order to address these initiatives. We at BP believe it is neither necessary nor prudent to raise oil taxes at this time.

Very truly yours,

BP EXPLORATION (ALASKA) INC.



David J. Pritchard
Senior Vice President

cc: Finance Committee Members

DEPT. OF ENVIRONMENTAL CONSERVATION

"470" FUND BUDGET OVERVIEW

Senate Finance Subcommittee
March 6, 1992

- I FY 92/FY 93 "470" REVENUES AND ALLOCATIONS
- II RESPONSE DEPOTS AND CORPS
- III AMHS , OIL SPILL RESPONSE FERRY
- IV. SPPM, SERC, UST ASSISTANCE PROGRAM
- V. CONTAMINATED SITES

FY 92 "470" FUND ALLOCATIONS

MEMORANDUM

State of Alaska

Department of Law

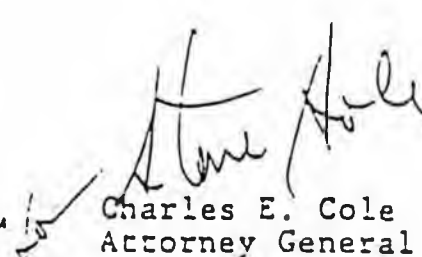
TO: Shelby Stastny
Director
Office of Management and Budget

DATE: January 21, 1992

FILE NO:

TEL. NO.: 465-3600

SUBJECT: EXXON VALDEZ Litigation
Costs Payment

FROM: 
Charles E. Cole
Attorney General

On December 17, 1991, the State of Alaska received a payment of \$29,267,841.58 (\$29,000,000 in principal and \$267,841.58 in interest incurred between October 3, 1991, and December 13, 1991) from the Exxon Corporation. This payment was received pursuant to Paragraph 10 of the EXXON VALDEZ oil spill settlement agreement and Section VI(B) of the Memorandum of Understanding between the governments. The payment represents a partial payment of the principal amount of \$38,180,000.00 due to the state for damage assessment costs, attorneys fees, experts' fees, and other costs, collectively known as "litigation and assessment costs," incurred by the state on or before March 12, 1991. Future payments will be made in accordance with the schedule of payments of the settlement agreement. The balance of unpaid litigation and settlement costs (incurred on or before March 12, 1991) yet to be reimbursed to the state is now \$8,912,159.00.

According to the attached schedule, prepared by the state's oil spill cost accounting firm Peterson and Company, the principal amount due the state for litigation and assessment costs prior to March 12, 1991, is \$38,180,000.00. Of this amount, \$33,020,000.00, or 86.49 percent of the total amount, is for unreimbursed costs from the state's general fund, and \$5,160,000.00, or 13.51 percent of the total amount, is for unreimbursed costs from the state's oil and hazardous substance response fund. Accordingly, 86.49 percent of the current payment, or \$25,313,756.18, should be deposited in the general fund as unrestricted receipts, and 13.51 percent of payment, or \$3,954,085.40, should be returned to the oil and hazardous substance response fund as restricted receipts.

cc: Max Hodel, Chief of Staff
Darrel J. Rexwinkel, Commissioner,
Dept. of Revenue
John A. Sandor, Commissioner,
Dept. of Environmental Conservation
Don Wanie, Director, Div. of Finance
Craig Tillery, Assistant Attorney General

Attachment

STATE OF ALASKA
 EXXON VALDEZ OIL SPILL
 ESTIMATED UNREIMBURSED DAMAGE ASSESSMENT AND LITIGATION COSTS
 BY FUNDING SOURCE
 THROUGH MARCH 12, 1991

| | <u>ESTIMATED RECORDED COSTS</u> | <u>ESTIMATED OVERHEAD AND FINANCING COSTS (1)</u> | <u>ESTIMATED TOTAL</u> | <u>LESS REIMBURSEMENTS</u> | <u>ESTIMATED UNREIMBURSED COSTS</u> |
|--|---|---|----------------------------|--------------------------------|---|
| DAMAGE ASSESSMENT | | | | | |
| 470 Funding | 4.93 | 0.00 | 4.93 | 0.00 | 4.93 |
| Other Funding | <u>16.82</u> | <u>4.57(1)</u> | <u>21.39</u> | <u>5.74(2)</u> | <u>15.65</u> |
| TOTAL | <u>21.75</u> | <u>4.57</u> | <u>26.32</u> | <u>5.74</u> | <u>20.58</u> |
| LITIGATION | | | | | |
| 470 Funding | 0.23 | 0.00 | 0.23 | 0.00 | 0.23 |
| Other Funding | <u>17.37</u> | <u>0.00</u> | <u>17.37</u> | <u>0.00</u> | <u>17.37</u> |
| TOTAL | <u>17.60</u> | <u>0.00</u> | <u>17.60</u> | <u>0.00</u> | <u>17.60</u> |
| TOTAL ESTIMATED UNREIMBURSED DAMAGE ASSESSMENT AND LITIGATION COSTS | | | | | |
| 470 Funding | | | | | 5.16 |
| Other Funding | | | | | <u>33.02</u> |
| TOTAL | | | | | <u>\$38.18</u> |

NOTES:

- (1) Overhead and financing costs were allocated in total to other funding. These amounts are not recorded on the state accounting system (AKSAS).
- (2) CERCLA Reimbursements
- (3) Costs from March 1-12, 1991, were estimated based upon 12/31 of total March costs.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 5
JUNEAU, ALASKA 99811-0400
PHONE: (907) 465-2300
TELEFAX: (907) 465-2389

January 7, 1992

JAN 13 1992

The Honorable Cliff Davidson

The Honorable Kay Brown

Alaska House of Representatives

P.O. Box V

Juneau, AK 99811

Dear Representatives Davidson and Brown:

The primary continuing source of revenue for the Oil and Hazardous Substance Response Release Fund or "470 Fund," comes from the Conservation Surcharge on Oil Production (AS 43.55.200). This \$.05/bbl charge is levied on all oil production in the State exclusive of State and federal royalty production.

The surcharge is in effect as long as the balance in the "470 Fund" is below \$50 million. At current rates of production the nickel per barrel assessment can generate roughly \$25 million per year. The forecast prepared for this revenue source assumes that the revenues will be spent as they come in so that the fund never reaches its \$50 million cap.

Projected revenues from 43.55.200 are contained in the following table taken from the Department of Revenue Fall 1991 Revenue Sources Book.

Projected Revenues from the Oil Conservation Surcharge (Million \$)

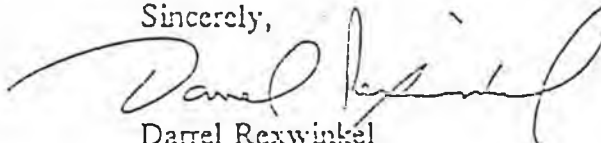
| <u>Fiscal</u> <u>Year</u> | <u>Low</u> | <u>Mid</u> | <u>High</u> |
|------------------------------|------------|------------|-------------|
| 1992 | 28.3 | 28.3 | 28.3 |
| 1993 | 26.7 | 26.7 | 26.7 |
| 1994 | 26.5 | 26.5 | 26.5 |
| 1995 | 25.7 | 26.0 | 26.0 |
| 1996 | 24.6 | 24.8 | 25.4 |
| 1997 | 22.5 | 22.7 | 23.6 |
| 1998 | 20.6 | 20.6 | 22.0 |
| 1999 | 18.0 | 18.1 | 20.6 |
| 2000 | 15.9 | 16.1 | 18.6 |
| 2001 | 14.1 | 14.3 | 16.7 |
| 2002 | 12.7 | 13.1 | 15.7 |
| 2003 | 11.3 | 11.7 | 14.4 |
| 2004 | 10.2 | 10.5 | 16.2 |
| 2005 | 9.1 | 9.4 | 16.0 |

The Honorable Cliff Davidson
The Honorable Kay Brown
January 7, 1991
Page 2

The difference in the above scenarios is directly related to the higher rates of production assumed for the higher price scenarios. Our production forecast is specifically designed to be sensitive to oil prices. The forecast model uses a standard capital investment decision method which compares the costs of producing an oil field with the revenues. Costs, which are determined by the amount of production that is obtained for a given level of investment, are compared to the value of that production. The logic is simply that the higher the oil prices are, the more attractive investments in marginal projects become. (Marginal projects are those investments which result in few barrels for every dollar expended.) For instance, under the low price scenario which assumes oil prices never get above an inflation adjusted \$15/bbl, West Sak cannot be produced at a profit.

If you have further questions about these matters please call me or Chuck Logsdon (277-5627, ext. 265).

Sincerely,



Darrel Rexwinkel
Acting Commissioner

DR/CL/mem
92-002

cc: Paul Fuhs, Legislative Liaison
Office of the Governor
Chuck Logsdon, Oil & Gas Audit Division
Department of Revenue

FY92 DEC 470 FUND

| <u>ALLOCATION</u> | <u>TOTAL</u> | <u>OBLIGATED</u> | <u>EXPENDED</u> |
|--|--------------|------------------|-----------------|
| State and Regional Contingency Planning | 395.9 | | |
| RSA to DEC, Central Office, SPPM, Operating Costs | | 311.1 | 47.3 |
| RSA to DEC, SPAR, Director's Office, Operating Costs | | 11.8 | 0.0 See Note 1 |
| RSA to Fish and Game, State and Regional Contingency Plan Development | | 70.0 | 11.9 |
| Spill Response, Containment, Safety, Cleanup and Cost Recovery | 3,934.3 | | |
| RSA to DEC, SPPM, Operating Costs | | 1,310.0 | 435.6 |
| RSA to DEC, SERO, Operating Costs | | 169.0 | 89.3 |
| RSA to DEC, SCRO, Operating Costs | | 1,069.6 | 582.4 |
| RSA to DEC, NRO, Operating Costs | | 646.0 | 431.1 |
| RSA to DEC, PCRO, Operating Costs | | 359.0 | 311.3 |
| RSA to DEC, SPAR, Director's Office, Operating Costs | | 88.1 | 0.0 See Note 1 |
| RSA to DEC, Administrative Services, Operating Costs | | 32.3 | 0.0 See Note 2 |
| RSA to Fish and Game - Industry C-Plan Review | | 147.7 | 0.0 See Note 3 |
| RSA to Natural Resources - Industry C-Plan Review | | 23.9 | 0.0 See Note 4 |
| RSA to Law - Cost Recovery | | 250.0 | 0.0 See Note 5 |
| RSA to Law - Regulation Review | | 7.9 | 0.0 See Note 6 |
| State Emergency Response Commission | 299.9 | | |
| RSA to DEC, SPPM, Operating Costs | | 291.1 | 130.9 |
| RSA to DEC, SPAR, Director's Office, Operating Costs | | 8.8 | 0.0 See Note 1 |
| Local Emergency Planning Committees | 600.0 | | |
| Response Office, Depots & Corps | 2,911.4 | | |
| RSA to DEC, Spill Response Office, Operating Costs | | 840.9 | 355.3 |
| RSA to DEC, SPAR, Director's Office, Operating Costs | | 35.2 | 0.0 See Note 1 |
| RSA to Military and Veteran's Affairs, DES, Response Depots & Volunteer Corps Hazards Analysis | | 1,700.0 | 236.1 |
| | | 300.0 | 0.0 |
| Hazardous Substance Spill Technology Review Council | 296.1 | | |
| RSA to DEC, SRO, Operating Costs | | 196.1 | 55.0 |
| RSA to DEC, SPAR, Director's Office, Operating Costs | | 5.0 | 0.0 See Note 1 |
| Contaminated Site Investigation, Safety, Cleanup and Cost Recovery | 3,655.0 | | |
| RSA to DEC, Contaminated Sites, Operating Costs | | 470.9 | 82.7 |
| RSA to DEC, SERO, Operating Costs | | 85.4 | 10.0 |
| RSA to DEC, SCRO, Operating Costs | | 155.9 | 66.6 |
| RSA to DEC, NRO, Operating Costs | | 87.8 | 98.1 See Note 7 |

ALLOCATIONTOTALOBLIGATEDEXPENDEDContaminated Site Investigation, Safety, Cleanup and
Cost Recovery (continued)

| | | | |
|--|--|-------|-----------------|
| RSA to DEC, PCRO, Operating Costs | | 0.0 | 16.6 See Note 8 |
| RSA to Law, Cost Recovery | | 60.0 | 0.0 See Note 5 |
| 12510 Brandon Street, Anchorage, Hydrocarbon Investigation | | 1.4 | 0.0 |
| Marshall Groundwater, Contaminated Water Supply | | 25.0 | 2.6 |
| Forward Pad, Deadhorse, Oil Spill Contamination | | 150.0 | 0.0 |
| Tellin Soil Excavation, NRO, Site Assessment, Diesel Fuel | | 143.0 | 73.2 |
| Koodlak Small Boat Harbor, Oil Leak | | 11.2 | 1.8 |
| Sitka Air Monitoring, Sulfur Dioxide and Particulate Emissions | | 70.7 | 21.0 |
| Peter's Creek Phase II, Groundwater Contamination | | 53.0 | 4.8 |
| Bath & Spruce, Investigation, Lead/Other Metals Contamination, Junkyard | | 25.4 | 19.7 |
| Volatile Organic Chemical Survey, Public Water Supply Contamination | | 10.0 | 2.2 |
| Child's Pad, Waste Material Contamination, State Owned Property | | 60.0 | 0.0 |
| Fairbanks Municipal Utility System Oil Site Investigation | | | |
| City Drinking Water Contamination | | 29.2 | 7.9 |
| Tweed Excavation, Subsurface Investigation, Eagle River, Home Heating Fuel | | 4.9 | 1.0 |
| Engine & Gear, Investigation Oil/Hazardous Substance Contamination | | 5.9 | 2.4 |
| Wade North Caribou Island, Improper Storage of Oil/Hazardous Substance | | .4 | 0.0 |

Kona Cleanup Project

807.0

| | | |
|---|-------|----------------|
| RSA to DEC, SCRO, Operating Costs | 317.0 | 163.6 |
| RSA to DEC, SPAR, Director's Office, Operating Costs | 11.8 | 0.0 See Note 1 |
| RSA to Law, Cost Recovery | 40.0 | 0.0 See Note 5 |
| Minilchik Department of Transportation Drum, Testing, Removal, Disposal | .7 | 0.0 |
| Johnson Site #1, Testing Burn Piles for Metals and PCBs | 16.0 | 0.0 |
| Coastal Drilling, Elevated Concentration of Contaminants | 155.0 | 24.8 |
| Lamplight Chevron, Closed Underground Tank Contamination | 6.0 | 1.4 |
| Rabbit Run Drum Site, Removal and Disposal of Drums | 5.0 | 0.0 |

Exxon Valdez Cleanup

4,126.0

| | | |
|---|---------|-----------------|
| RSA to DEC, Administrative Services, Operating Costs | 79.3 | 0.0 See Note 2 |
| RSA to Department of Transportation and Public Facilities, Laboratory | 24.0 | 2.8 |
| RSA to Natural Resources | 376.2 | 125.7 |
| RSA to Military & Veteran's Affairs | 5.1 | 0.0 |
| RSA to Fish and Game | 563.2 | 249.6 |
| RSA to Telecommunications | 53.5 | 66.0 See Note 9 |
| ADEC Expenditures | 3,024.7 | 1,053.0 |

Exxon Valdez Assessment and Restoration

12,474.4

| | | |
|--|----------|-----------------|
| RSA to Fish and Game, Restoration | 12,147.3 | 4,325.4 |
| RSA to University of Alaska, Sediment Analysis | 10.0 | 0.0 See Note 10 |
| RSA to University of Alaska, Microbiology | 86.3 | 0.0 See Note 10 |
| ADEC Expenditures | 230.8 | 159.6 |

| <u>ALLOCATION</u> | <u>TOTAL</u> | <u>OBLIGATED</u> | <u>EXPENDED</u> |
|--|--------------|------------------|-----------------|
| Exxon Valdez Litigation, RSA to Law | 3,653.1 | 3,653.1 | 529.4 |
| Arctic Marine Resources Commission | 100.0 | 100.0 | 50.0 |
| Spill Reserve | 12,627.4 | | |
| Soldotna Chlorine Gas, Sewage Treatment Plant | | 10.0 | 0.0 |
| Kodiak Larvikto Spill, Storage Tank and Fuel Line Damage | | 7.0 | 4.8 |
| Chevron Kenai Oil Spill, Cook Inlet Spill | | 25.0 | 1.5 |
| 208 Wondell Street, Fairbanks, Oil Spill | | 4.0 | 0.0 |
| East Sourd, Oil Spill, Unalaska | | 5.7 | 5.7 |
| Benny Benson Lagoon, Underground Storage Tank Oil Spill, Seward | | 25.0 | 21.2 |
| Prince William Sound Regional Citizens' Advisory Council Ballast Water Treatment Contract | 175.0 | 175.0 | 0.0 |
| Non Crude Tanker Study | 30.0 | 30.0 | 20.0 |
| <u>OTHER AGENCIES</u> | | | |
| Citizen's Oversight Council on Oil and Other Hazardous Substances | 237.3 | 237.3 | 204.9 |
| Ferries with Oil Spill Response Capabilities (SB165) | 500.0 | 500.0 | 4.1 |

Note 1: SPAR Director's Office has expended 11.2 which has yet to be distributed to the RSAs.

Note 2: Administrative Services has not expended or recorded any Response Fund eligible costs to date.

Note 3: RSA is in process awaiting approval of Revised Program 18920106.

Note 4: RSA is in process awaiting approval of Revised Program 18920106.

Note 5: Law has expended 210.0 which has not been distributed amongst the three allocations funding cost recovery efforts.

Note 6: RSA is in process.

Note 7: Adjustments will be processed to correct apparent over expenditures.

Note 8: Adjustments will be processed to correct apparent over expenditures.

Note 9: Adjustments will be processed to correct apparent over expenditures.

Note 10: Unable to determine University of Alaska actual expenditures.

FY 92 CONTAMINATED SITES IN PROCESS
(In Thousands)

| <u>Site, Incident</u> | <u>Budget</u> |
|--|---------------|
| 12510 Brandon Street, Anchorage, Hydrocarbon Investigation | 1.4 |
| Marshall Groundwater, Contaminated Water Supply | 25.0 |
| Forward Pad, Deadhorse, Oil Spill Contamination | 150.0 |
| Tetlin Soil Excavation, NRO, Site Assessment, Diesel Fuel | 143.0 |
| Kodiak Small Boat Harbor, Oil Leak | 11.2 |
| Sitka Air Monitoring, Sulfur Dioxide and Particulate Emissions | 70.7 |
| Peter's Creek Phase II, Groundwater Contamination | 53.0 |
| 84th & Spruce, Investigation, Lead/Other Metals Contamination, Junkyard | 25.4 |
| Volatile Organic Chemical Survey, Public Water Supply Contamination | 10.0 |
| Child's Pad, Waste Material Contamination, State Owned Property | 60.0 |
| Fairbanks Municipal Utility System Off Site Investigation City Drinking Water Contamination | 29.2 |
| Tweed Excavation, Subsurface Investigation, Eagle River, Home Heating Fuel | 4.9 |
| Engine & Gear, Improper Storage of Oil/Hazardous Substance, Skilak Lake | 5.9 |
| Wade North Caribou Island | .4 |

FY 92 SPILL RESERVE PROJECTS
(In Thousands)

Site. Incident

Budget

| | |
|---|------|
| Soldotna Chlorine Gas, Sewage Treatment Plant | 10.0 |
| Kodiak Landslide Spill, Storage Tank and Fuel Line Damage | 7.0 |
| Chevron Kenai Oil Spill, Cook Inlet Spill | 25.0 |
| 208 Wendell Street, Fairbanks, Oil Spill | 4.0 |
| East Sound, Oil Spill, Unalaska | 5.7 |
| Benny Benson Lagoon, Underground Storage Tank Oil Spill, Seward | 25.0 |

FY 93 "470" FUND REVENUE/ALLOCATIONS

FY 93 RESPONSE FUND REVENUE PROJECTION
(IN THOUSANDS)

| | |
|--|-----------------|
| Unobligated Balance of FY92 Spill Reserve Allocation | 12,400.0 |
| Response Fund Balance Not Previously Allocated | 5,093.4 |
| Unappropriated Balance of the Mitigation Account | 4,262.8 |
| Available Monies from .05/bbl Surcharge | 28,300.0 |
| Exxon Valdez Litigation Cost Recovery | 3,954.1 |
| Exxon Valdez Receipts* | 15,350.0 |
| Total | 69,360.3 |

FY 93 PROPOSED RESPONSE FUND ALLOCATIONS

| | |
|--|-----------------|
| State and Regional Contingency Planning <i>(includes 33.9 DNR + 122.3 FAG)</i> | 688.2 |
| Spill, Prevention, Response, Planning, Safety, Cleanup and Cost Recovery | 4,877.8 |
| State Emergency Response Commission | 538.1 |
| Local Emergency Planning Committees | 1,200.0 |
| Spill Response Office, Depots and Corps | 6,460.5 |
| Hazardous Substance Spill Technology Review Council | 711.9 |
| <u>Site Investigation, Safety, Cleanup and Cost Recovery</u> | <u>4,655.0</u> |
| Kenai Cleanup Project | 717.2 |
| Exxon Valdez Cleanup* | 350.0 |
| Exxon Valdez Litigation | 2,958.0 |
| Exxon Valdez Restoration* - <i>to be reimbursed by the Tim 1200</i> | 15,000.0 |
| Citizen's Oversight Council on Oil & Other Hazardous Substances | 237.3 |
| Total | 38,404.0 |
| Spill Reserve | 30,956.3 |

*These funds would only be spent on cost recoverable activities. This allocation is intended to serve as the authority for these activities.

DEC FY 92 & 93 RESPONSE FUND ALLOCATIONS
(IN THOUSANDS)

Not final -
now being
revised.

| <u>ALLOCATION</u> | <u>FY 92</u> | <u>FY 93</u> |
|---|--------------|--------------|
| State and Regional Contingency Planning | 395.9 | 688.2 |
| Spill Prevention, Response, Planning, Safety, Cleanup, Cost Recovery | 3,934.3 | 4,817.8 |
| State Emergency Response Commission | 299.9 | 655.5 |
| Local Emergency Planning Committees | 600.0 | 1,200.0 |
| DEC Spill Response Office | 911.4 | 1,460.5 |
| Dept. of Military Affairs Depots and Corps | 2,000.0 | 5,000.0 |
| Hazardous Substance Spill Technology Review Council | 296.1 | 711.9 |
| Site Investigation, Safety, Cleanup, and Cost Recovery | 3,655.0 | 4,655.0 |
| Kenal Cleanup Project | 807.0 | 717.2 |
| Exxon Valdez Oil Spill Cleanup | 4,126.0 | 350.0 |
| Exxon Valdez Assessment & Restoration | 12,474.4 | 13,332.3 |
| Exxon Valdez Litigation | 3,653.1 | 3,653.0 |
| Arctic Marine Resources Commission | 100.0 | 0.0 |
| Citizen's Oversight Council | 237.3 | 237.3 |
| Prince William Sound RCAC | <u>175.0</u> | <u>0.0</u> |
| SUB TOTAL | 33,665.4 | 37,478.7 |
| Spill Reserve | 25,831.1 | 40,000.0 |
| RESPONSE FUND TOTAL | 59,496.2 | 77,478.7 |

OIL AND HAZARDOUS SUBSTANCE RELEASE RESPONSE FUND

DEC FY 93 OPERATING & NON-OPERATING ALLOCATIONS REQUEST
(IN THOUSANDS)

| | <u>Operating</u> | <u>Non Operating</u> | <u>Total</u> |
|--|------------------|----------------------|--------------|
| State & Regional Contingency Planning | | | |
| DEC Central Office | 281.5 | 250.0 | 531.5 |
| DFG | 0.0 | 122.8 | 122.8 |
| DNR | 0.0 | 33.9 | 33.9 |
| | | Total | 688.2 |
| Spill Prevention, Response, Planning, Safety, Cleanup, Cost Recovery | | | |
| DEC Central Office | 1,450.7 | 0.0 | 1,450.7 |
| DEC Regional Offices | 2,892.1 | 0.0 | 2,892.1 |
| DFG | 0.0 | 127.2 | 127.2 |
| DNR | 0.0 | 97.8 | 97.8 |
| Dept. of Law (cost recovery) | 0.0 | 250.0 | 250.0 |
| | | Total | 4,817.8 |
| State Emergency Response Commission (SERC) | | | |
| SERC Staff (DEC) | 218.1 | 250.0 | 468.1 |
| SERC Contractual | 35.6 | 0.0 | 35.6 |
| Public Member Travel | 60.0 | 0.0 | 60.0 |
| DNR | 0.0 | 16.1 | 16.1 |
| DFG | 0.0 | 5.1 | 5.1 |
| DHSS | 0.0 | 55.5 | 55.5 |
| DCRA | 0.0 | 10.0 | 10.0 |
| Dept. of Labor | 0.0 | 4.0 | 4.0 |
| | | Total | 655.4 |
| Local Emergency Planning Committees (LEPC) | 0.0 | 1,200.0 | 1,200.0 |
| DEC Spill Response Office | 1,450.5 | 0.0 | 1,450.5 |
| Dept. of Military Affairs Depots & Corps | 0.0 | 5,000.0 | 5,000.0 |
| Hazardous Substance Spill Technology Review Council | 211.9 | 500.0 | 711.9 |
| Site Investigation, Safety, Cleanup and Cost Recovery | | | |
| DEC | 1,525.1 | 3,028.9 | 4,555.0 |
| Dept. of Law (cost recovery) | 0.0 | 100.0 | 100.0 |
| | | Total | 4,655.0 |
| Kenal Cleanup Special Project | | | |
| DEC | 227.1 | 450.1 | 677.2 |
| Dept. of Law (cost recovery) | 0.0 | 40.0 | 40.0 |
| | | Total | 717.2 |
| State Spill Prevention and Response Programs Subtotal | 8,964.6 | 10,941.4 | 19,906.0 |

FY 93 OHSR RESPONSE FUND REQUESTS

| <u>Agency</u> | <u>Purpose</u> | <u>Amount</u> |
|------------------------------|--|---------------|
| Military & Veterans Affairs | Regional Depots & Equipment | \$ 5,000,000 |
| Law | Exxon Valdez Settlement/litigation | \$ 3,653,100 |
| Fish & Game | Industry, State, & Regional Contingency Plan Reviews | \$ 258,000 |
| Natural Resources | State Contaminated Sites assessment and cleanup | \$ 39,102 |
| Natural Resources | Industry, State, & Regional Contingency Plan Reviews | \$ 24,068 |
| Natural Resources | Administrative Overhead for Contaminated Sites & Contingency Plan Review | \$ 33,734 |
| Natural Resources | Exxon Valdez Archaeological data | \$ 11,800 |
| Health & Social Services | SERC Committee Participation, Emergency Response Training & Equipment | \$ 161,500 |
| Community & Regional Affairs | SERC Committee Participation | \$ 11,000 |
| Labor | SERC Meetings | \$ 4,000 |
| | TOTAL | \$9,9196,304 |

October 25, 1991

| | | |
|--|-----------------|----------------|
| Post-It™ brand fax transmittal memo 7671 | | # of pages ▶ 3 |
| To DAVID GEARTY | From SLOCUM | |
| Co. DNR | Co. DFC | |
| | Phone # 5010 | |
| Fax # 2090 | Fax # 5097 | |

STATE OF ALASKA

Department of Environmental Conservation

TO: John A. Sandor
Commissioner

DATE: October 25, 1991

RECEIVED
ADMINISTRATIVE SERVICES
OCT 2 1991

FILE NO: Mike\memo.krt

TELEPHONE NO: (907) 465-2600

SUBJECT: FY 93 OHSRRF Requests

FROM: *Michael A. Conway*
Michael A. Conway
Director
Spill Prevention and Response Division

Attached is a list of requests received from State agencies to access the Oil and Hazardous Substance Release Response Fund (OHSRRF) in FY 93. Copies of the actual requests are enclosed for your review. With the exception of the Department of Law, all the funding requests were received by the October 1 deadline.

Our initial comments on the requests are summarized below for your consideration.

DNR Request

We may receive additional requests from DNR for the Contingency Plan Reviews because only the Division of Land has asked for funding. The Division of Oil and Gas has the DNR lead for this activity. I am checking on this and will request a DNR wide request which consolidates all C-Plan activities.

Workplan Detail

Contrary to our instructions for a detailed work plan and budget proposal, most agencies submitted general proposals without sufficient detail on specific tasks and budgets. Staff have been assigned to contact each of the requesting agencies to discuss additional information needs and request detailed work plans.

Overhead Costs

Some agencies have included administrative overhead costs in their Response Fund requests. As a matter of policy, we do not believe Response Funds should be used to fund administrative overhead costs.

Response Equipment and Training

Some agencies have requested Response Funds to purchase oil and hazardous substance release response equipment and training. With the exception of the Department of Military Affairs, it is premature to allocate Response Funds to individual

agencies to purchase equipment. However, I think we should consider specific training requests that identify:

- (1) State agencies roles in incident response recognized in the State Master Plan;
- (2) describes specific skills and knowledge required of agency personnel to perform in the designated role;
- (3) specifically identifies the individuals to be trained and what each person's duties are for incident response;
- (4) identifies the training source; and
- (5) provides for a system to track the individuals who have been trained and maintains training records.

Holding up training for those who can meet the requirements above for other tasks to be completed is not a good idea. (The one agency pushing for training is Health and Social Services, which has identified needs for emergency medical personnel training for hazardous materials releases.)

SERC Travel and Committee Work

Agencies have requested Response Funds for SERC related travel, and to pay for agency staff participating on SERC committees. Policy guidance is needed from the Commissioner's Office regarding funding travel expenses of State SERC members, and staff costs for SERC committees.

State Contaminated Sites

The Department has signed a Memorandum of Agreement (MOA) with other State agencies for the investigation and cleanup of State owned or managed contaminated sites. Agencies had agreed to request general funds in their respective operating budgets to implement the MOA. The Department of Natural Resources Response Fund request to fund staff work under the MOA is inappropriate.

I have been advised by the Division of Administrative Services that FY 93 non-operating Response Fund requests will be carried in the Capital budget. I would like to meet with you at your earliest convenience to discuss and agree on the appropriate Response Fund levels for the other agencies in FY 93.

cc: Mead Treadwell
Janice Adair
Jim Slocum
SPAR Section Chiefs

RESPONSE DEPOTS AND CORPS

JAN 27 1992

MEMORANDUM OF AGREEMENT
BETWEEN THE

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SPILL PREVENTION AND RESPONSE

AND THE

STATE OF ALASKA
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
DIVISION OF EMERGENCY SERVICES

This agreement is effective the latest date of approving signature, by and between the Department of Environmental Conservation, Division of Spill Prevention and Response, hereinafter referred to as the "DEC/DSPAR" and the Department of Military and Veterans Affairs, Division of Emergency Services, hereinafter referred to as the "DMVA/DES."

RECITALS

- A. Pursuant to AS 46.03.020, the DEC/DSPAR, acting by and through its Commissioner, may enter into agreements.
- B. Pursuant to AS 26.23.040(e)(9)&(11), the DMVA/DES, acting by and through its Commissioner, may enter into agreements.
- C. The DMVA/DES has statutory responsibility for disaster emergency planning and management [AS 26.23.040].
- D. The DEC/DSPAR has statutory responsibility for response planning and management for releases of hazardous substances, including oil [AS 46.03, 46.04, 46.08, 46.09, 46.13].
- E. To the extent that an actual or imminent release of oil or a hazardous substance constitutes a real or potential disaster emergency, the DEC/DSPAR and the DMVA/DES shall coordinate their statutory responsibilities [AS 26.23.195, 26.23.215, 46.04.080 & 46.09.010].

Therefore, in consideration of this mutual interest to provide integrated response to real or potential disaster emergency situations, both parties agree to the following:

AN OPERATIONAL STATEMENT

I. Background and Objectives

Actual or imminent releases of hazardous substances, to include both crude and non-crude oil, (hereinafter referred to as "releases"), have the potential for causing significant damage, hardship suffering, and/or loss of life. Releases may be catastrophic in their effect on natural

resources or the environment, without being considered a disaster emergency, as defined in Alaska Statute 26.23.900(2). However, it is envisioned that from time to time releases will occur which constitute a disaster emergency. The Commissioners of the DEC and the DMVA will coordinate to determine that a release constitutes a disaster emergency under AS 26.23 and may request the governor to declare a disaster emergency. If a disaster emergency is declared, the Governor will appoint a State Coordinating Officer (SCO) to coordinate all State disaster assistance activities.

The DMVA/DES is the agency designated and authorized by the Governor's promulgation of the State Disaster Emergency Operations Plan (hereinafter referred to as the State EOP), to coordinate statewide disaster activities, determine the severity and magnitude of pending destruction by catastrophic events, and institute a gubernatorial declaration of disaster emergency.

The DEC/DSPAR is the agency designated in the State Master Oil and Hazardous Substance Discharge Prevention and Contingency Annex (hereinafter referred to as the State Master Plan) to the State EOP, to provide the State On Scene Coordinator (SOSC), who is responsible for ensuring responses to releases are adequate. The SOSC commands the State's release incident command system (ICS) and is responsible for coordinating the State's response activities to releases according to the State Master Plan.

During a response to release incidents that pose imminent threat to life and/or private property, DEC/DSPAR and DMVA/DES agree to augment local efforts essential to: accommodate assessment of potential damage; preparation planning for evacuation of the threatened public; management of disaster emergency expenses; and tasking, as necessary, to other State departments and agencies to provide assistance as stipulated in the State EOP.

Additionally, pursuant to the State Master Plan, the DMVA/DES serves to augment the State On Scene Coordinator (SOSC).

In that the DMVA/DES can provide substantial assistance to DEC/DSPAR during non-disaster emergency releases, and DEC/DSPAR can likewise assist DMVA/DES in non-release disaster emergencies, arrangements to formalize mutual support is essential.

DEC/DSPAR and DMVA/DES will jointly propose statutory change as required, to clarify the relationships established pursuant to this agreement.

II. Responsible Officers

DEC/DSPAR

DMVA/DES

Signatory Authority

Commissioner

Commissioner

Authorized agency
representatives:
Cooperative relationships
and program
responsibility

Director

Director

Agency functional
representatives:
Statewide Coordination

Spill
Prevention &
Planning
Manager

Emergency
Services
Manager

Chief, Spill
Response
Office

Chief of
Logistics

The above personnel will designate alternates in their absence and inform their counterparts in the other agency as to the alternate's name, position, and office and home phones.

III. General Provisions

Either agency may request assistance from the other provided administrative arrangements are set forth for proper reimbursement of incurred expenditures by the requesting agency. The services provided will be based on each agency's existing capabilities and limitations at the time of the request, to include those obtainable under formal contract and/or through a continuing reimbursable services agreement.

A. DMVA/DES Participation and Support To Non-Disaster Emergency Release Actions

1. Upon notification and request for a DMVA/DES representative at a release scene, travel and per diem will be provided by DEC/DSPAR in a manner typically provided their work force.
2. Primarily, the DMVA/DES representative will coordinate with the DEC/DSPAR Incident Commander in matters of logistics support, evacuation plan development, and interface between other State public safety agencies and support groups for assistance to the general public.
3. If a non-disaster emergency release poses an imminent threat of widespread or severe damage, injury or loss of life or property, the Commissioners of the DEC and the DMVA will coordinate to determine if the release constitutes a disaster emergency and may request the Governor to declare a disaster emergency.

B. DEC/DSPAR and DMVA/DES Relationship During a Declared Release Disaster Emergency

1. The SCO appointed by the Governor will serve as the incident commander for the disaster emergency.
2. The SOSC designated by DEC/DSPAR will be the incident commander for release response and regulatory activities.
3. The SOSC will coordinate response activities with the SCO pursuant to the basic plan.

C. DEC/DSPAR Participation and Support to Non-Release Disaster Emergencies

1. Upon notification and request for DEC/DSPAR support to non-release disaster emergencies, DEC/DSPAR capability will be provided to the extent practical and within its qualifications to perform services.
2. Contingency stocks of equipment and supplies will be made available, to the extent that they do not interfere with actual release operations being conducted at the time of the request.

D. Special Provisions

1. Refurbishment of equipment used during emergency response actions is reimbursable.
2. Warehousing of equipment obtained during emergency activities will be made available by the borrowing agency, to the extent possible.
3. DEC/DSPAR will collocate selected personnel with DMVA/DES to facilitate emergency response planning and coordination pursuant to this agreement.

IV. Term of Agreement

This mutual support agreement may be rewritten by mutual consent, at any time, to amend or modify its provisions. It shall remain in force until such time as either agency requests termination.

Nothing in this agreement shall obligate any party to the expenditure of funds, or for future payments of money, in excess of appropriations authorized by law.

William C. ...
Commissioner
Department of Military and
Veterans Affairs

8 Jan 92
Date

David A. ...
Commissioner
Department of Environmental
Conservation

8 Jan 92
Date

Charles E. Cole
Charles E. Cole
Attorney General

January 8, 1992
Date

FY93

06-09-03-10-00 (0-00-60903-1211) STATE OF ALASKA -- COMPONENT BUDGET SUMMARY SALSFRMA 08:55 1/08/92
 AGENCY: DEPARTMENT OF MILITARY & VETERANS AFFAIRS PROGRAM: DISASTER PLANNING & CONTROL LEG. FIN.
 CATEGORY: PUBLIC PROTECTION SUB-PROGRAM OIL SPILL RESPONSE SUPPORT

FISCAL YEAR 1993

| EXPENDITURES & FUNDING | (01) FY91 ACT | (02) FY92 AUTH | (03) | (04) | (23) FY93 BASE | (24) FY93 ADJB | (25) FY93 AGY | (07) GOVERNOR | (08) | (09) HOUSE | (10) SENATE | (11) C. C. | (12) BILLS |
|---------------------------|------------------|-------------------|------|------|-------------------|-------------------|------------------|------------------|------|---------------|----------------|---------------|---------------|
| 01 PERS. SERV. | 131.5 | | | | 450.0 | 450.0 | 560.1 | 450.0 | | | | | |
| 02 TRAVEL | 21.0 | | | | 75.0 | 75.0 | 150.0 | 75.0 | | | | | |
| 03 CONTRACTUAL | 8.0 | | | | 225.0 | 225.0 | 301.9 | 225.0 | | | | | |
| 04 COMMODITIES | 11.4 | | | | 50.0 | 50.0 | 100.0 | 50.0 | | | | | |
| 05 EQUIPMENT | 31.6 | | | | 1200.0 | 1200.0 | 3800.0 | 1200.0 | | | | | |
| 06 LANDS/BLDGS | | | | | | | | | | | | | |
| 07 GRANTS, CLHS | | | | | | | | | | | | | |
| 08 MISC. | | | | | | | | | | | | | |
| ** TOTAL EXPEND | 203.5 | | | | 2000.0 | 2000.0 | 5000.0 | 2000.0 | | | | | |
| 1007 I/A RCPTS | 203.5 | | | | 2000.0 | 2000.0 | 5000.0 | 2000.0 | | | | | |
| 15 FULL TIME | | | | | | | 7.0 | | | | | | |
| 16 PART TIME | | | | | | | | | | | | | |
| 17 TEMPORARY | | 5.0 | | | | | | | | | | | |
| 18 STAFF MONTHS | | 60.0 | | | | | 84.0 | | | | | | |

REIMBURSEMENT SERVICES AGREEMENT

| | | | |
|--|--|------------------------|-------------------------------------|
| ISSUING DEPARTMENT Environmental Conservation | DIVISION Environmental Quality | SECTION 7110 | LOG NUMBER (ADN) 18925603 |
| ISSUING DEPARTMENT Military & Veterans Affairs | DIVISION Emergency Services | SECTION 7110 | LOG NUMBER (ADN) 1920054 |

I. The servicing agency agrees to provide the requesting agency with the following service(s):
 PROJECT OR PROGRAM TITLE: **Oil Spill Response Depots/Corps**

DESCRIPTION OF SERVICE(S) TO BE PROVIDED IF THIS IS AN NSA AMENDMENT, ALSO DESCRIBE SPECIFIC PURPOSE OF AMENDMENT.
 The purpose of this amendment is to relieve the conditions placed on the original agreement. DMVA is authorized to expend funds in the amounts shown in Section III (amended) below. ~~Other conditions are placed on the agreement.~~ *See Attached: [Signature]*

II. Terms and mechanics of reimbursement:

Payment upon receipt of interagency billing *See 101-101*
 Payment upon completion of service(s)
 Other (Specify): *Interagency billing and approval of [Signature]*

Billing Address:
Attn: Steve Schmitz
ASSD/DMVA
Goldstein Bldg., 5th Floor
Juneau, Alaska 99801

DATE WORK TO COMMENCE: **July 1, 1991** COMPLETION DATE: **June 30, 1992**
 BILLING RD CODE: **18116** PHONE: **467-2675**

III. Schedule of maximum costs to be incurred by the Servicing Agency:

| | ORIGINAL AGREEMENT | PREVIOUS AMENDMENTS | THIS AMENDMENT | TOTAL |
|-------------------|------------------------|---------------------|-----------------|------------------------|
| Personal Services | \$ 330,000.00 | \$ | \$ 120,000.00 | \$ 450,000.00 |
| Travel | \$ 70,000.00 | \$ | \$ 5,000.00 | \$ 75,000.00 |
| Contractual | \$ 450,000.00 | \$ | \$ (225,000.00) | \$ 225,000.00 |
| Supplies | \$ 50,000.00 | \$ | \$ 0.00 | \$ 50,000.00 |
| Equipment | \$ 1,100,000.00 | \$ | \$ 100,000.00 | \$ 1,200,000.00 |
| Land & Buildings | \$ | \$ | \$ | \$ |
| Grants | \$ | \$ | \$ | \$ |
| Other (itemize): | \$ | \$ | \$ | \$ |
| TOTAL | \$ 2,000,000.00 | \$ | \$ -0- | \$ 2,000,000.00 |

V. Budgeting and accounting information:

REQUESTING AGENCY: **92**
 1. This agreement is documented in FY **92** Capital/Operating budget. No Yes page **4**
 2. Financial coding to be charged **18586015** Continuing funds No Yes Authority **144444**
18586015 Continuing funds No Yes Authority **144444**
 3. Encumbrance document number: **RS 1811135 1895000**
 4. Date funds lapse **6/30/92**
 5. Federal Funds No Yes. Amount: \$ _____
 Federal Agency / Program / CFDA No. / Grant or Contract No. _____

SERVICING AGENCY: **AR 34710 CC 09554219**
 6. This agreement is documented No Yes. If yes, in FY _____ Capital/operating budget page _____

V. Approvals & Certification: The requesting agency and servicing agency agree to the terms and conditions above. In addition, the requesting agency certifies: That sufficient funds are encumbered to pay this obligation or that there is a sufficient unencumbered balance in the appropriation cited to cover this obligation. I am aware that to knowingly make or allow false entries or alterations on a public record, or knowingly destroy, mutilate, suppress, conceal, remove or otherwise impair the verity, legibility or availability of a public record constitutes tampering with public records punishable under AS 11.56.615-620. Other disciplinary action may be taken up to and including dismissal.

| | | |
|--|-------------------------------------|------------------------|
| ISSUING AGENCY AUTHORIZED SIGNATURE <i>[Signature]</i> | NAME PRINTED [Name] | DATE [Date] |
| SERVICING AGENCY AUTHORIZED SIGNATURE <i>[Signature]</i> | NAME PRINTED Donna Graham | DATE 8-06-91 |
| REQUESTING AGENCY AUTHORIZED SIGNATURE <i>[Signature]</i> | NAME PRINTED [Name] | DATE [Date] |

FORM 101
OMB: 32-0001

REMARK DESCRIPTION (Limit to 98 characters)
Response Support/Depot Equipment/Volunteer Response Corps

11

AGENCY CONTACT/PHONE NUMBER Downs Graham, 428 2016

DESCRIBE WHY THIS INCREMENT/DECREMENT IS NEEDED AND WHAT IT PURCHASES

In 1991, two new missions were added to the Division of Emergency Services (DES) statutory requirements: establishing, maintaining, equipping and staffing regional depots for response to oil and hazardous substance incidents and training a response corps for employment in oil and hazardous substance incidents.

The Division's funding requirements consist of administrative overhead, establishment, training and exercising the volunteer corps, and equipping the depots as follows:

1 Down (11) positions to provide the expertise to accomplish the objectives set forth in Title 46 in Alaska Statute. (See attached list)
Ten positions are already established in FY 92 and are included in the FY 93 adjusted base. The remaining seven positions will be established in the latter part of FY 92. This increment funds the balance of personal services needed above the adjusted base to pay for all eleven positions.

The following positions are proposed for funding 11 with this RSA:

Personal (11 positions)

| | | |
|-----|--|-----------|
| | Planner IV (22) (NS 0 090220) | \$ 41,512 |
| | (Chief of Logistics) | |
| (3) | Planner III (19) (NS 0 090218, 0012, 0014) | 123,212 |
| | (Depot Coordinator) (All Hazards Planners) | |
| (1) | Analyst/Programmer III (12) (NS 0 090211) | 50,131 |
| (1) | Project Assoc III (16) (NS 0 09023) | 46,779 |
| (1) | Analyst/Programmer II (15) (NS 0 09022) | 43,243 |
| (1) | Accounting Clerk III (15 0 090219) | 32,515 |
| (1) | Steno/typist (1 10 54) (NS 0 090112) | 49,951 |
| (1) | Clerk Typist III (NS 0 09023) | 28,023 |
| (1) | Accounting Tech I (NS 0 09019) | 35,522 |

Total \$522,200

Travel and per diem to be used by ADES staff, instructors, and class participants in establishing and training a cadre of volunteers. (Outgoing expenses DEC defining the role of the volunteer response corps for deployment to an incident.)

Long distance telephone charges for coordination of training workshops and day-to-day activities, printing of brochures and training materials, and even rentals in which to conduct training activities, space rental and utilities for the depots.

Office supplies for volunteer response training and operational use including general office supplies, data processing supplies such as printer paper, disks and software supplies.

Purchase of office equipment and equipment for the depot as designated by the inventory list provided by DEC.

This activity was funded in 1991 and 1992 by Reimbursable Services Agreement (RSA) with the Department of Environmental Conservation (DEC). This increment will be appropriated through DEC from the Oil and Hazardous Substance Response Fund.

| CODE | DESCRIPTION BY | AGENCY | QTY |
|-------------------------|----------------------|--------|-----|
| 100 | Personal Services | 118 1 | 0.0 |
| 200 | Travel | 150 | 0.0 |
| 300 | Contractual Services | 154 9 | 0.0 |
| 400 | Supplies | 900 | 0.0 |
| 500 | Equipment | 2000 0 | 0.0 |
| 600 | Land, Buildings, Etc | | |
| 700 | Grants, Claims, Etc | | |
| 800 | Miscellaneous | | |
| | TOTAL | 3710 | 0.0 |
| LA Transfer (0-00 A(0)) | | | |
| 1002 | Federal Receipts | | |
| 1001 | General Fund Match | | |
| 1004 | General Fund | | |
| 1005 | GR Program Receipts | | |
| 1002 | LA Receipts | 2000 | 0.0 |
| | | | |
| POSITION | PI I | 10 | -0- |
| INFO | PII | 0 | |
| | Non Personnel | 0 | |
| | Staff Meals | 1320 | -0- |
| | | 516 | |

XX Continuation of FY 92 Service Level

IMPACT FROM CAPITAL PROJECT (NAME)

Chapter _____ SLA _____ Page/line _____

1211/4004

INCREMENT
DECREMENT
C5a REQUEST
AGENCY PRIORITY _____ OF _____

AGENCY Military & Veterans Affairs
BRU Disaster Planning & Control
COMPONENT Oil Spill Response Support
PROJECT

FY 93

Page 1 of 1
Revised Date:

000063

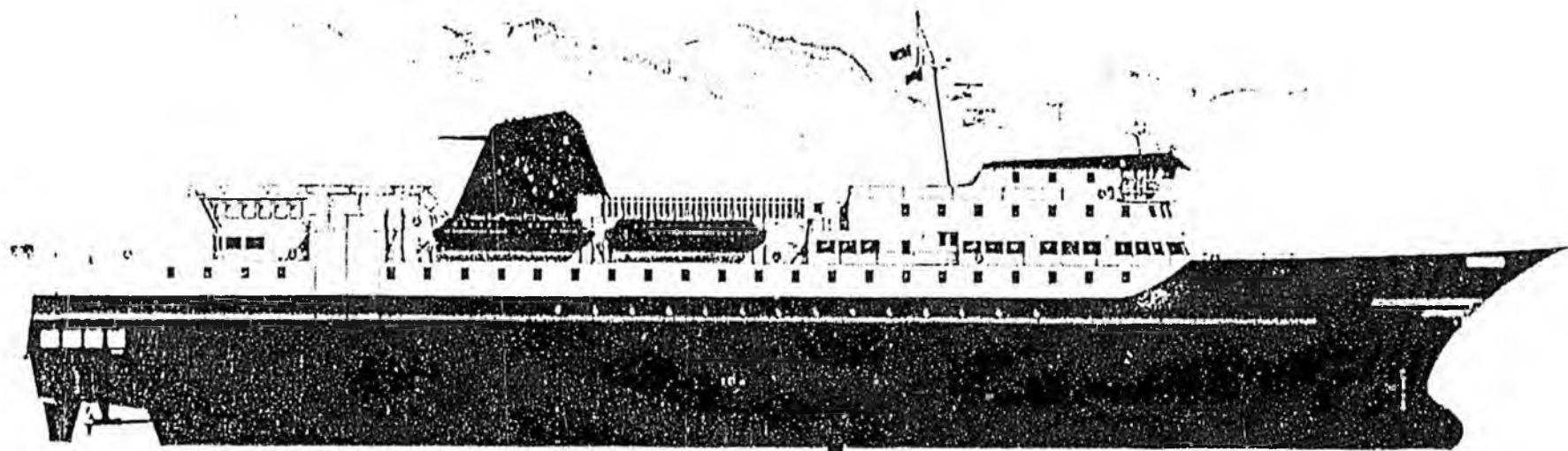
OIL SPILL RESPONSE FERRY

MULTI-PURPOSE REPLACEMENT VESSEL
TALKING PAPER

Revision 2.1

January 10, 1992

ALASKA MARINE HIGHWAY SYSTEM
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
STATE OF ALASKA



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| Profile | 8 |
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| 2 Deck - 3 Deck | 9 |
| 4 Deck - 5 Deck | 10 |

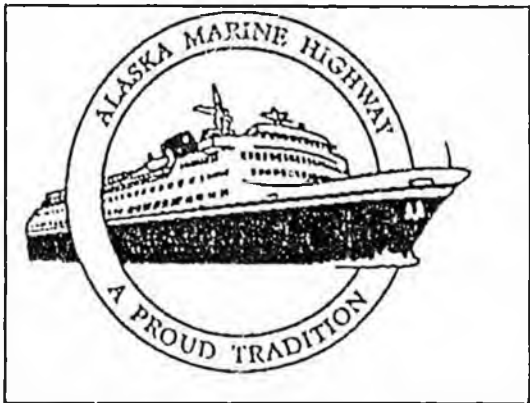
NOTICE

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INTRODUCTION

This paper describes the design process for the new Alaska Marine Highway System (AMHS) replacement vessel. Because of the need for employee and public involvement in the vessel design process, this paper is formulated to be a progress statement, presenting vessel characteristics as they are identified during the design process. As such, this paper varies with each edition; the vessel design loose and sketchy at first, becoming solid construction details at the end.

Because clear mission requirements are the fundamental basis of design, this paper presents the latest set of mission requirements, including a list of particulars and arrangements for each deck, for the new AMHS vessel.



MISSION STATEMENT

The new AMHS vessel will be required to successfully carry out the marine highway function, on the following routes, according to existing published schedules and:

*serve as a S.E. mainline vessel for 4 or 5 months per year,
must be able to complete 10 to 12 cross gulf trips between S.E. and S.W. a year,
provide limited S.W. service when the M/V Tustumena is in overhaul,
provide emergency response capability.*

MISSION REQUIREMENTS

The intent of the mission requirements section is to define the mission statement into engineering parameters.

The Marine Highway Function Requirements

Accommodate legal highway vehicle traffic (with length restriction), with car deck capacity no smaller than Taku
Comfortably accommodate maximum number of passengers, both walk on and drive on, with:

- Maximum seating/viewing space
- Maximum number of staterooms per vehicle lane
- Amenities to provide a comfortable 1 to 7 day trip
- Maximum number of reasonably priced lodgings
- Flexible public space utilization
- Access for physically challenged
- Family oriented

W

MISSION REQUIREMENTS CONTINUED

Other General Vessel Requirements

- U.S Flagged
- U.S Coast Guard, 46 CFR subchapter II, Approved
- American Bureau of Shipping, +A1, approved
- Same life saving appliances, and fire fighting equipment, as fleet standard
- Maximize equipment similarity with existing fleet, consistent with current technology
- Maximize vessel automation, to minimize operational costs
- 64 year life span, through 1 re-engining, and two hotel refurbishment
- High reliability
- Low maintenance
- Proven technology
- Maximize revenue potential

South West/South Central System - Requirements

Ocean rated

Dock, unassisted, at:

- Yakutat
- Valdez
- Cordova
- Seward
- Homer
- Kodiak
- King Cove
- Sand Point
- Cold Bay

Dutch Harbor, in the following conditions:

- all tidal conditions,
- all current ranges,
- winds steady at 35 to 40 knots, gusting to 50,
- all visibility conditions,

Operate in severe arctic conditions

No ice rating on hull strength

Speed adequate to make schedule, no less than M/V Tustumena

Load vehicles and passengers:

- at existing (as of 12/16/91) facilities of above defined ports,
- in a time span no greater than summer 1992 schedule,
- in all tidal conditions, except possible limitations in Homer

Active motion control system

10

MISSION REQUIREMENTS CONTINUED

South East Mainline System - Requirements

Lakes, Bays, and Sounds rated
Dock, unassisted, at:

Bellingham,
Prince Rupert,
Ketchikan,
Hollis,
Wrangell,
Petersburg,
Sitka,
Juneau,
Haines,
Skagway, in the following conditions:

all tidal ranges,
all current ranges,
winds steady at 35 to 40 knots, gusting to 50,
all visibility conditions,

Transit Wrangell and Sergius narrows

Speed adequate to make schedule, no less than M/V Taku

Load vehicles and passengers:

at existing (as of 12/16/91) facilities of above defined ports,
in a time span no greater than that shown on summer 1992 schedule,
in all tidal conditions,

Emergency Response Requirements

Provide response to any ice free port in Alaska
Provide housing and amenities for response personnel
Provide communications/vessel traffic platform
Provide ample enclosed work space
Provide limited medical facility
Load and unload ro/ro cargo from undeveloped docks
Provide support base for smaller vessels
Be well maintained and ready to respond

THE DESIGN PROCESS

The method used to "design" a vessel - that is to make sure a vessel design safely and economically meets its mission requirements - is a complicated one, and is best accomplished by an iterative process. To understand this strategy, a design spiral is often used to illustrate an iterative design process.

- Steps in vessel design
- 1 Estimate initial design parameters like hull length, beam, etc.
 - 2 Use mission requirements to develop required vessel characteristics.
 - 3 Compare initial design parameters to required vessel characteristics.
 - 4 Analyze comparison to determine error in initial design parameters.
 - 5 Revise design parameters.
 - 6-9 Check revised vessel parameters against required mission characteristics and revise design again.
 - 10-End Continue this process until design converges on final form.

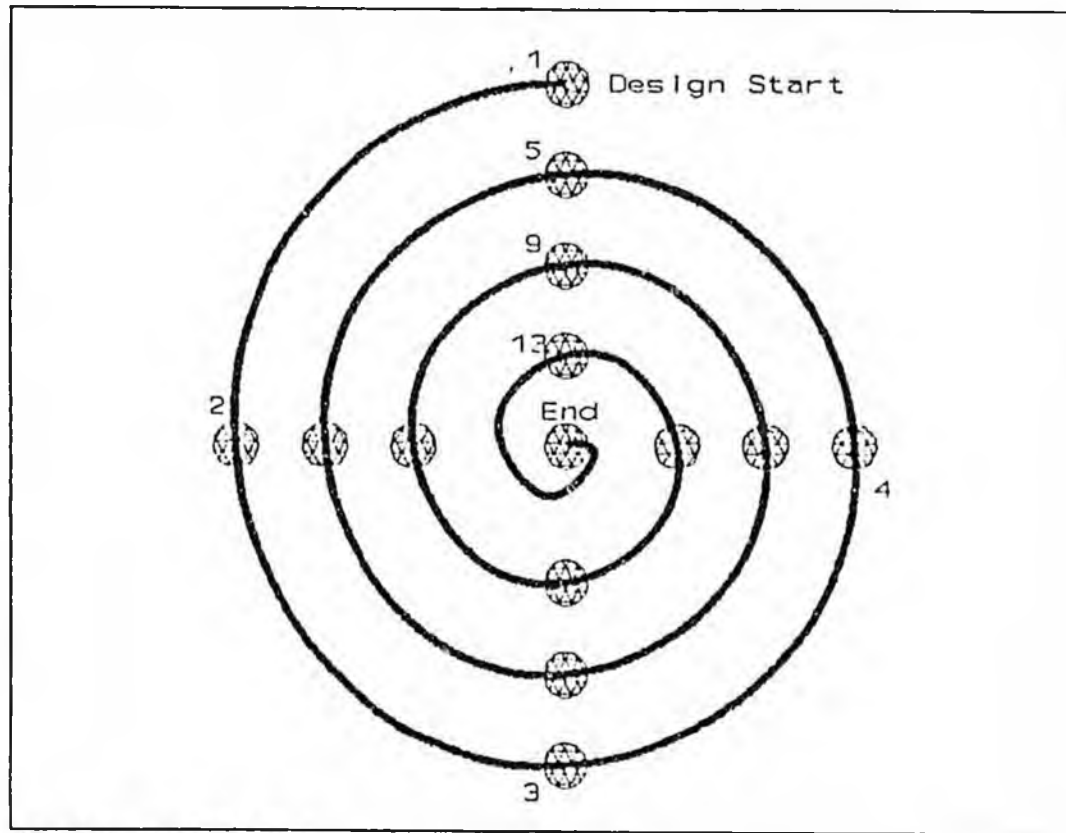


Figure 2 - Design Spiral

DESIGN AND CONSTRUCTION SCHEDULE

The following design and construction time line describes the required events, and when they must occur, to obligate FY 1993 Federal Highway Funds.

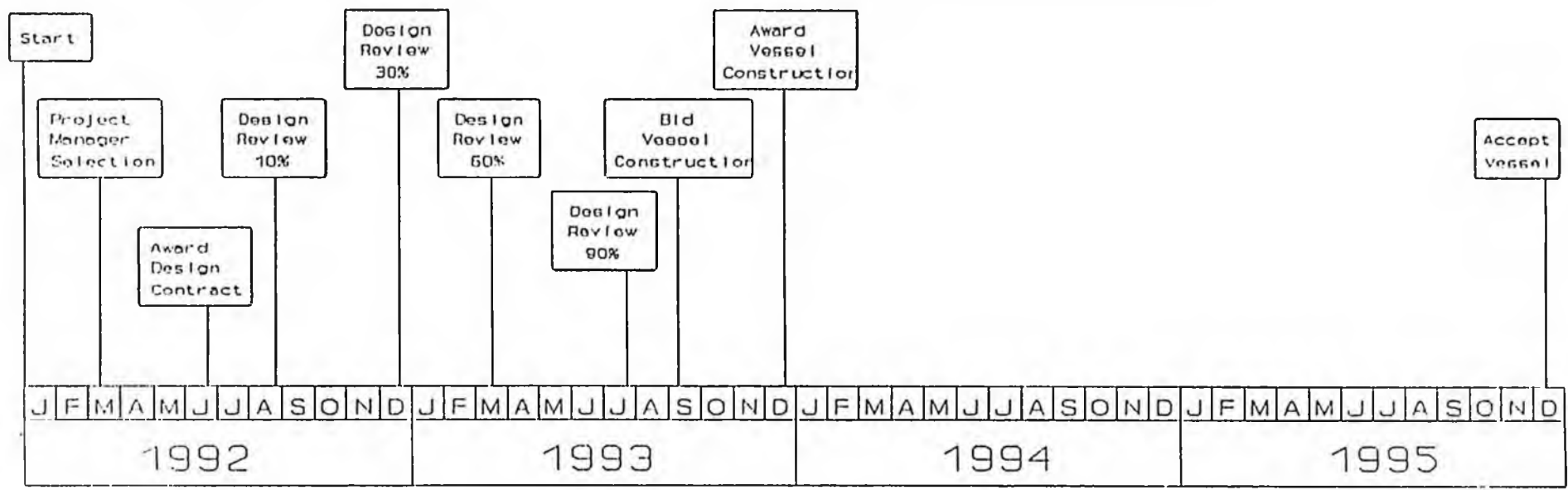


Figure 3 - Design and Construction Time Line

W

STEP ONE - INITIAL DESIGN PARAMETERS

| VESSEL PARTICULAR: | ESTIMATED VALUE: | FINAL DETERMINATION BY: |
|------------------------|-----------------------------|--|
| Classification: | ABS +A1 U.S.C.G., Oceans | Determined by owner insurance/maintenance requirements Determined by U.S. Flag requirements |
| Dimensions: | | |
| Length BP | 340 to 380 ft | Min. by sea keeping, Max. by port restrictions and cost |
| Beam | 65 to 74 ft | Min. by intact stability, Max by hull form and cost |
| Depth | 19 to 24 ft | Min by strength & regulatory, Max by Damage stability & weight |
| Draft | 15 to 20 ft | Min by hydrostatic, Max by waterway restrictions |
| Tonnage: | | |
| Gross tonnage | 2800 to 3900 tons | By international convention, total of inside space, less deductions |
| Passengers: | | |
| Passengers | 350 to 500 | By vessel size, and quantity of lifesaving appliances |
| 2 person Staterooms | 40 to 65 | By vessel size, arrangement, load character |
| 4 person Staterooms | 25 to 40 | By vessel size, arrangement, load character |
| Vehicles: | | |
| Max lane length | 1500 to 2100 ft | By final vessel size, lane width, island width, clear height |
| Crew: | | |
| 1 person Berth | 8 to 12 | By regulatory requirement, and vessel functions |
| 2 person Berth | 16 to 24 | By regulatory requirement, and vessel functions |
| Machinery: | | |
| Main Engines | 7000 to 9000 HP | By necessary speed requirement, propulsive efficiency |
| Electrical | 1200 to 1700 KW | By size of hotel load |
| Propeller (C.P.) | 1 to 3 | By maneuvering and safety considerations |
| Bowthruster | 1 to 2 | By maneuvering, environmental considerations |
| Stern thruster | 0 to 1 | By severe maneuvering vs environmental considerations |
| Stabilizers | Passive or active | By seakeeping, hull form, cost |
| Speed: | | |
| Service speed | 15 to 20 kt | By schedule requirement |

VESSEL DRAWINGS

The following drawings reflect the current designed shape and character of the new replacement vessel. At present, the design is in a very preliminary stage. *Therefore, these drawings are suitable for general discussion only.* As the design progresses, these drawings will be updated until the vessel evolves into its final form.

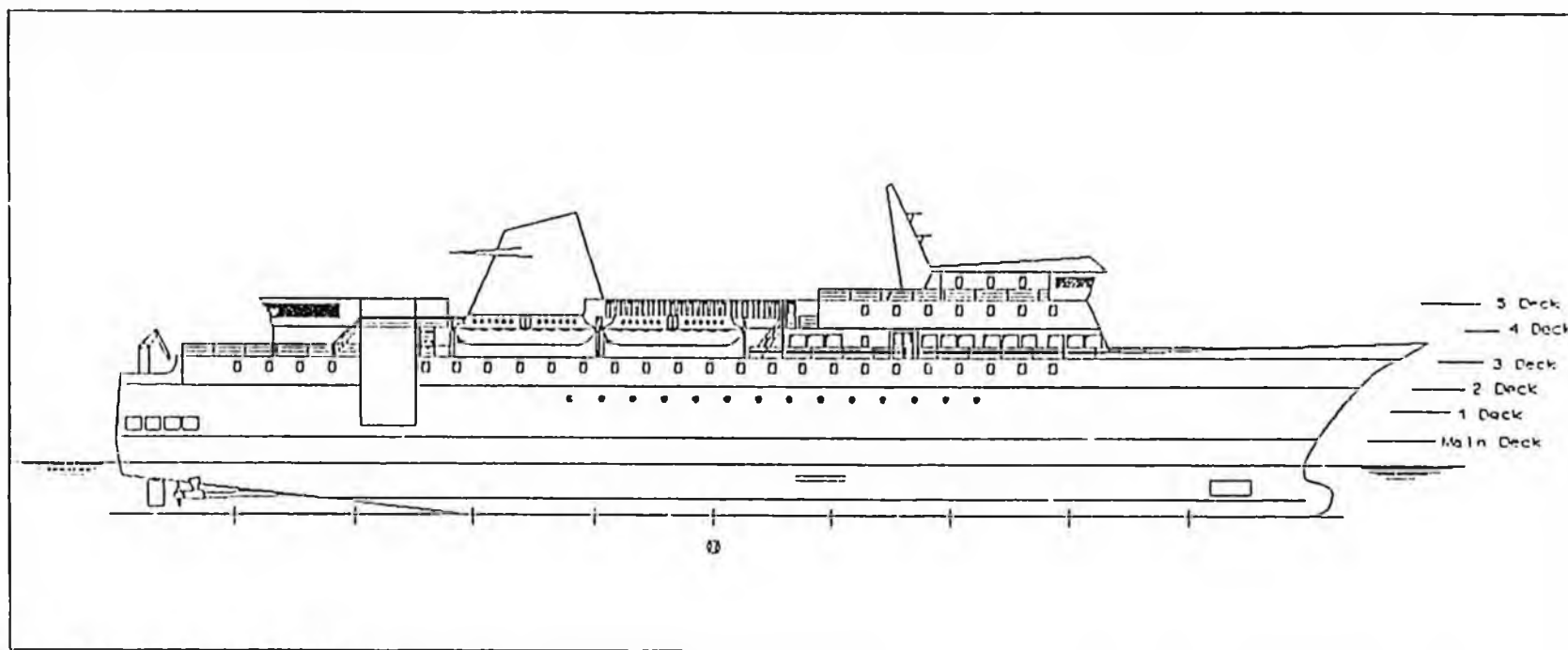


Figure 4 - Outboard Profile

VESSEL DRAWINGS CONTINUED

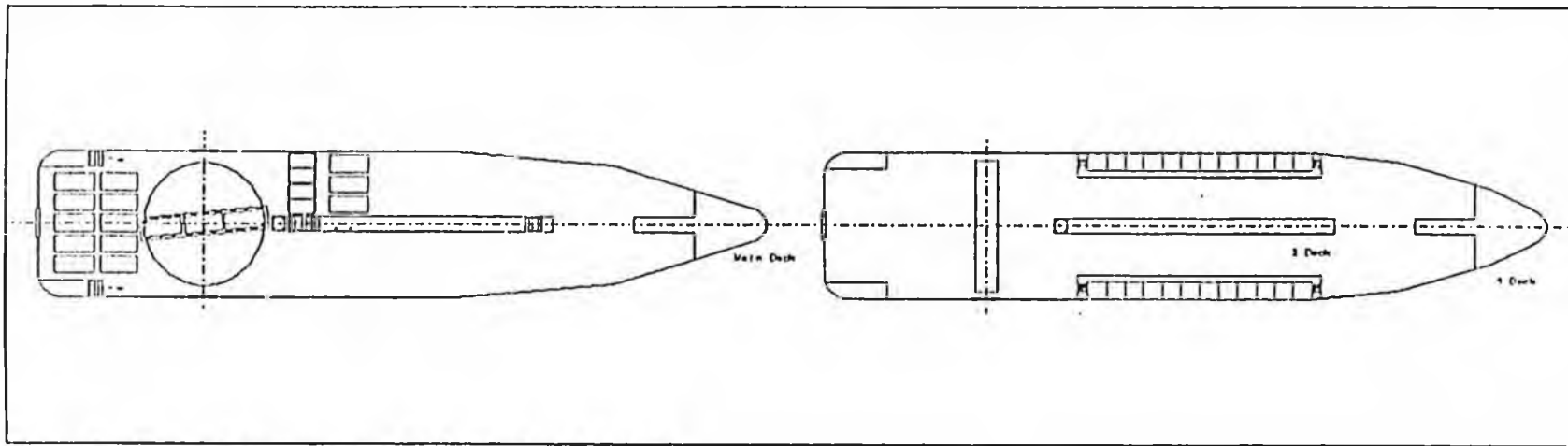


Figure 5 - General Arrangement Main Deck and 1 Deck

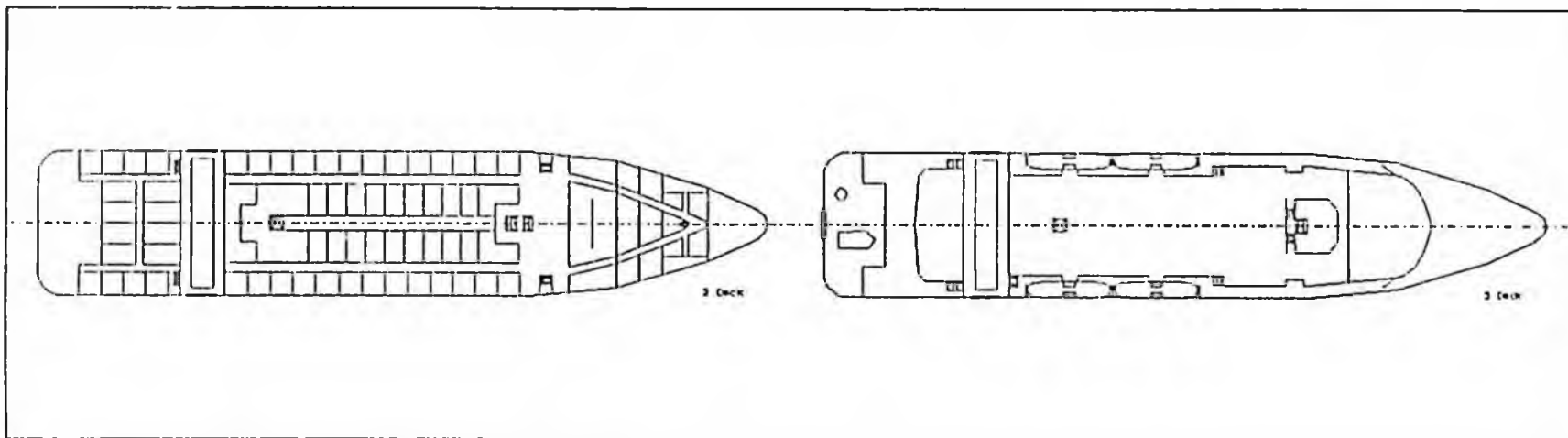


Figure 6 - General Arrangement Deck 2 and Deck 3

VESSEL DRAWINGS CONTINUED

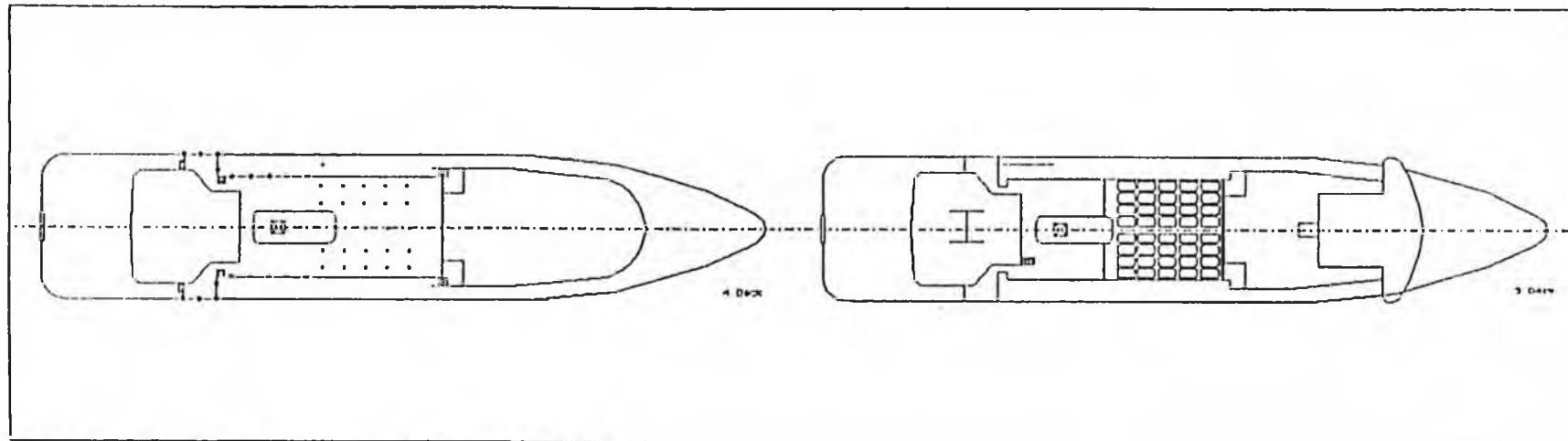


Figure 7 - General Arrangement Deck 4 and Deck 5

- End Document -

SPILL PREVENTION, PLANNING AND MANAGEMENT

SPILL PREVENTION AND RESPONSE DIVISION

- OVERVIEW -

Introduction

The Division of Spill Prevention and Response (SPAR) was established in July 1991, and is responsible for protecting the quality of Alaska's land, waters, and air from oil and hazardous substance spills. The Division strives to implement this mandate in a way that provides a stable and credible regime for the regulated community while enhancing the health and general welfare of the people of the State.

The Division is responsible for preventing incidents involving the spill or release of oil and hazardous substances. In the event of spills or releases, SPAR will be prepared to minimize the impact upon lives, property, and environment by responding decisively to secure, contain, and remove such discharges in accordance with the National Contingency Plan and the State Master Plan. Locations contaminated by hazardous materials will be detected and aggressive clean up action taken according to priority ranking of sites.

The division establishes regulations to protect public health and resources; issues authorizations such as plan approval or certificates in accordance with regulations; and monitors and maintains compliance with environmental standards. The Division also provides assistance and guidance to industry and the public on spill response matters, and serves as the designated State recipient of federal environmental quality financial assistance.

The Division includes three sections to carry out its mandate: including Spill Prevention, Planning and Management, the Spill Response Office, Contaminated Sites cleanup/Storage Tank Assistance (enclosure I).

Director's Office

The Spill Prevention and Response Director's Office provides overall management and administrative functions of the new Division. Activities include program development and supervision; budget and work plan development; regulation development oversight; regional work plan review; and overall program responsibility for the Division. The Director is the Commissioner's designated Oil and hazardous Substance Release Response Fund manager.

Spill Prevention, Planning and Management Section

This section manages three projects (1) Oil Pollution Control, (2) State Emergency response Commission, and (3) State and Regional Contingency Planning (enclosure II).

Oil Pollution Control:

The Oil Pollution Control Project reduces the potential for oil and hazardous substance spills through design, development, planning coordination, implementation and administration of Statewide programs for facility and vessel contingency plans, inspections, discharge exercises, prevention, financial responsibility and subcatastrophic spill response. Major activities include development of policy, legislation, regulations, and workplans; coordination and implementation of program objectives through four regional offices; tracking and reporting on the status and progress of all spill incidents; preparation of technical analyses and reports; development and management of agreements and contracts for spill response and special projects; technical assistance to the public and regulated community; and initiation of enforcement action as appropriate for approximately 400 operators required to submit proof of financial ability to respond to spills.

State Emergency Response Commission:

The State Emergency Response Commission (SERC) is composed of nine State agency commissioners and seven public members. This project provides the staff support to the SERC for implementation of local emergency planning and community right-to-know programs as mandated by state and federal laws. The SERC assists the State and local governments with the development of oil and hazardous substance spill contingency planning by conducting training workshops and providing information to local communities.

State and Regional Contingency Planning:

The State and Regional Contingency Planning project develops and annually revises Statewide and regional plans to coordinate State and other parties involved in response to hazardous substance incidents including oil spills. Regional plans provide detailed information regarding spill hazards, risk to humans and the environment, and response capability.

Spill Response Office

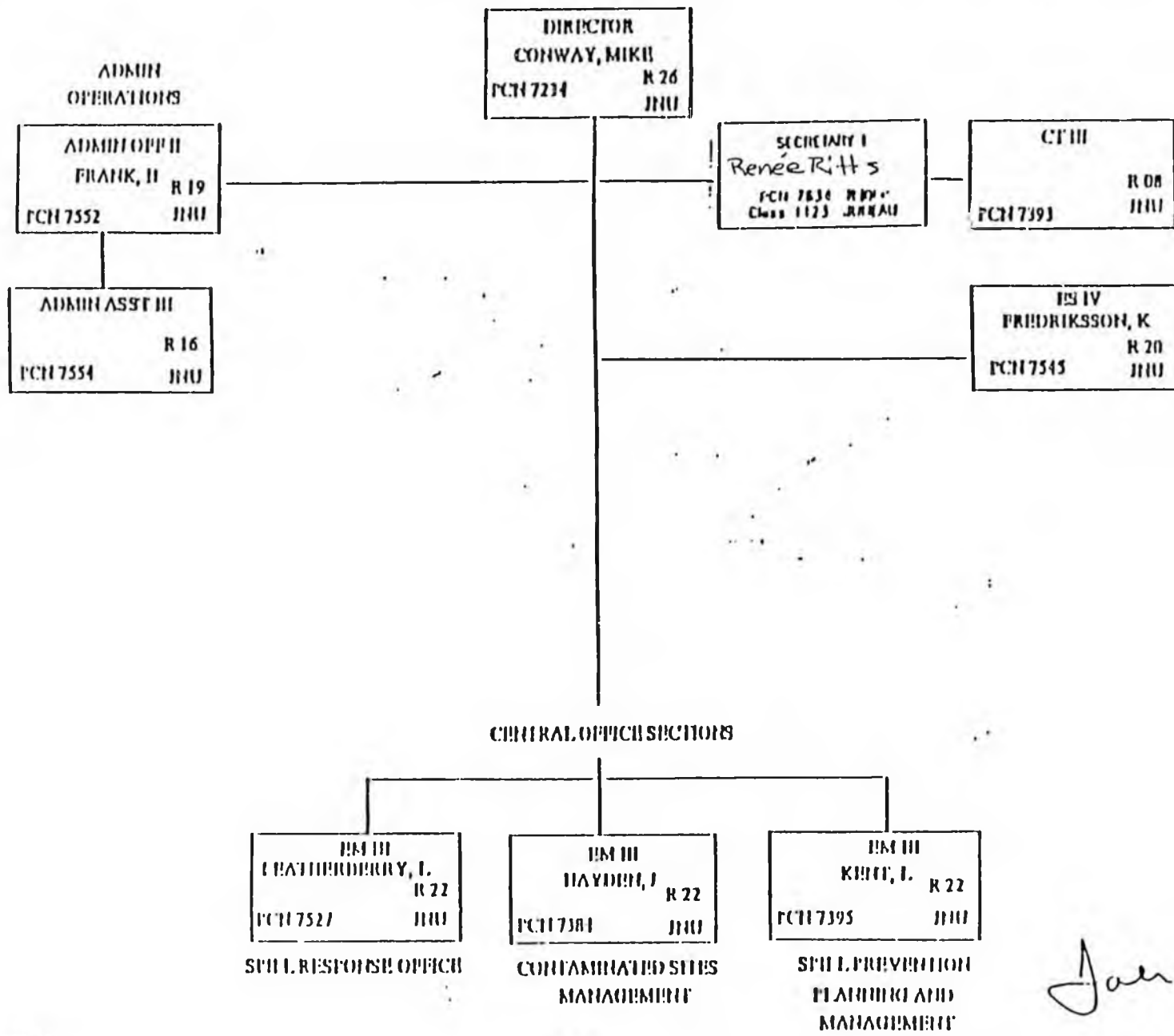
The Oil and Hazardous Substance Spill Response Office (enclosure III) is a highly trained group responsible for immediate response to catastrophic spills or declared emergency discharges of oil or hazardous substance anywhere in Alaska. Staff prepare all State responders for such events by improving the State's overall oil and hazardous substance spill response capabilities through education, training on response techniques, equipping responders, addressing life, health, safety issues prior to an incident.

Oil and Hazardous Substance Technology Review Council:

The Spill Response Office also provides staff assistance to the Oil and Hazardous Substance Technology Review Council which is composed of the commissioner of DEC, the adjutant general of the Department of Military and Veterans Affairs, a representative from the University of Alaska, the Governor's senior science advisor, a

STATE OF ALASKA
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 DIVISION OF SPILL PREVENTION AND RESPONSE
 DIRECTOR'S OFFICE

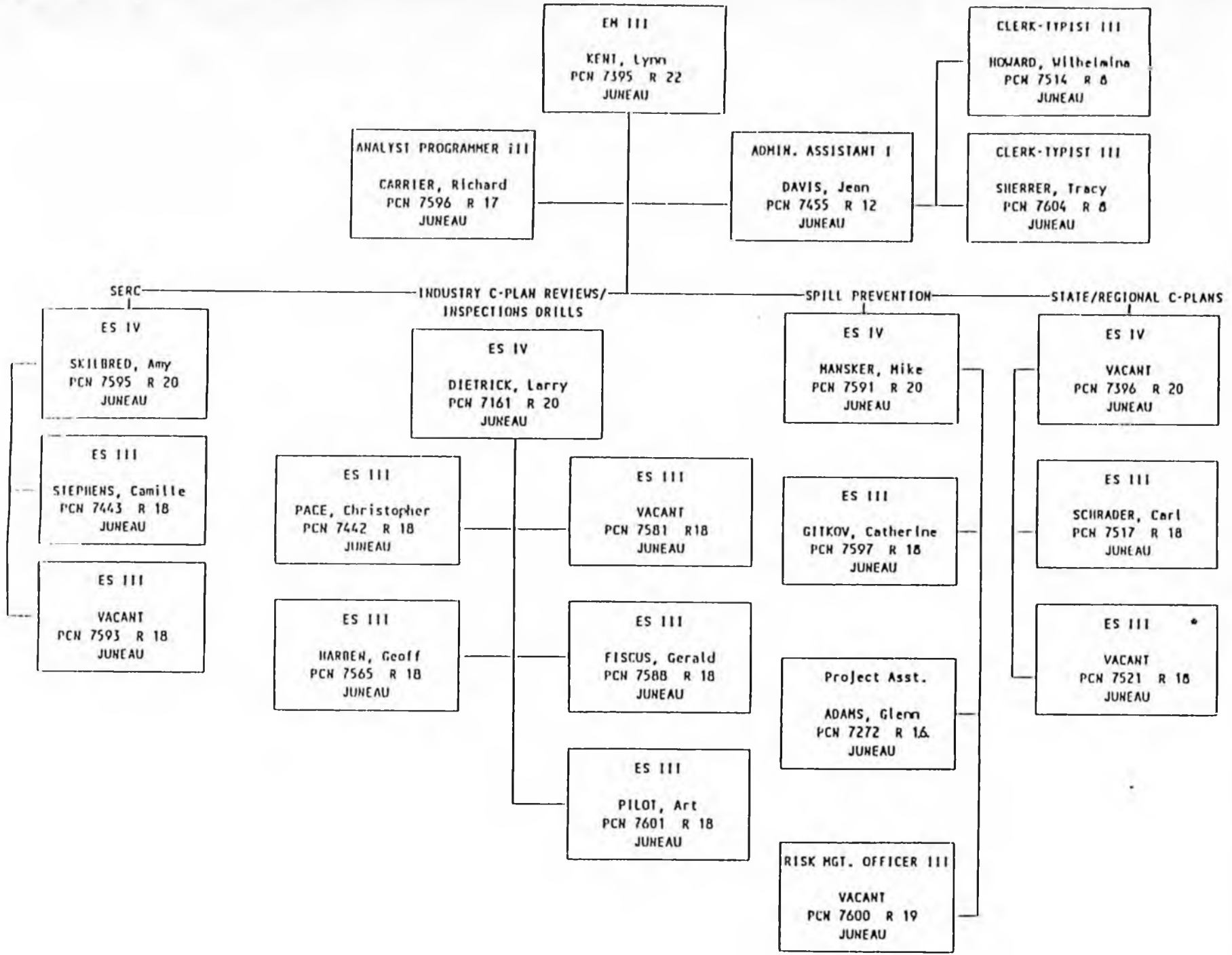
Enclosure II



Jane Lander
6/28/91

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5/18/92

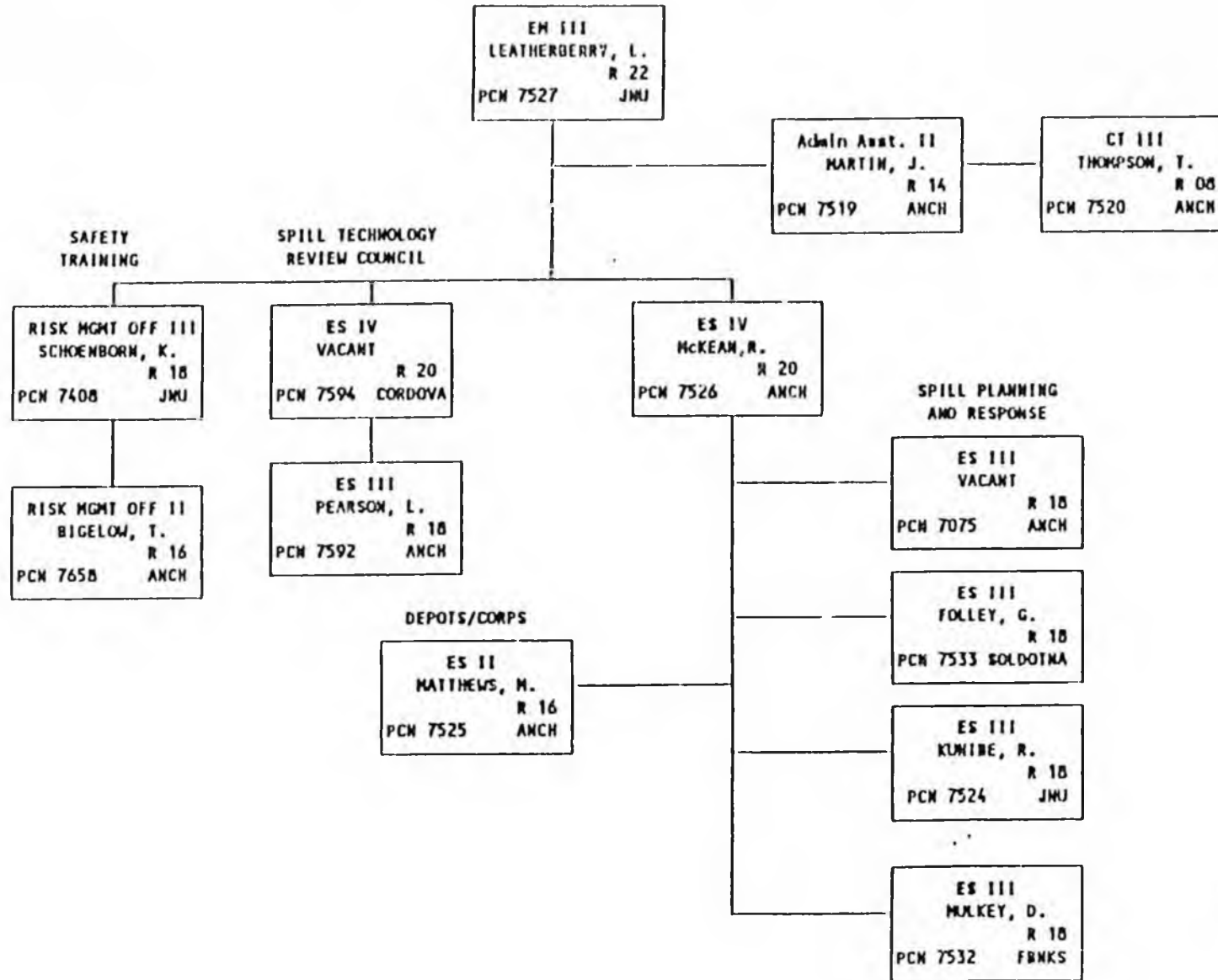


APPROVED: *J.M. Couroux* Date: 1/8/92

* Position transfer from SCRO

DIVISION OF SPILL PREVENTION AND RESPONSE
SPILL RESPONSE OFFICE

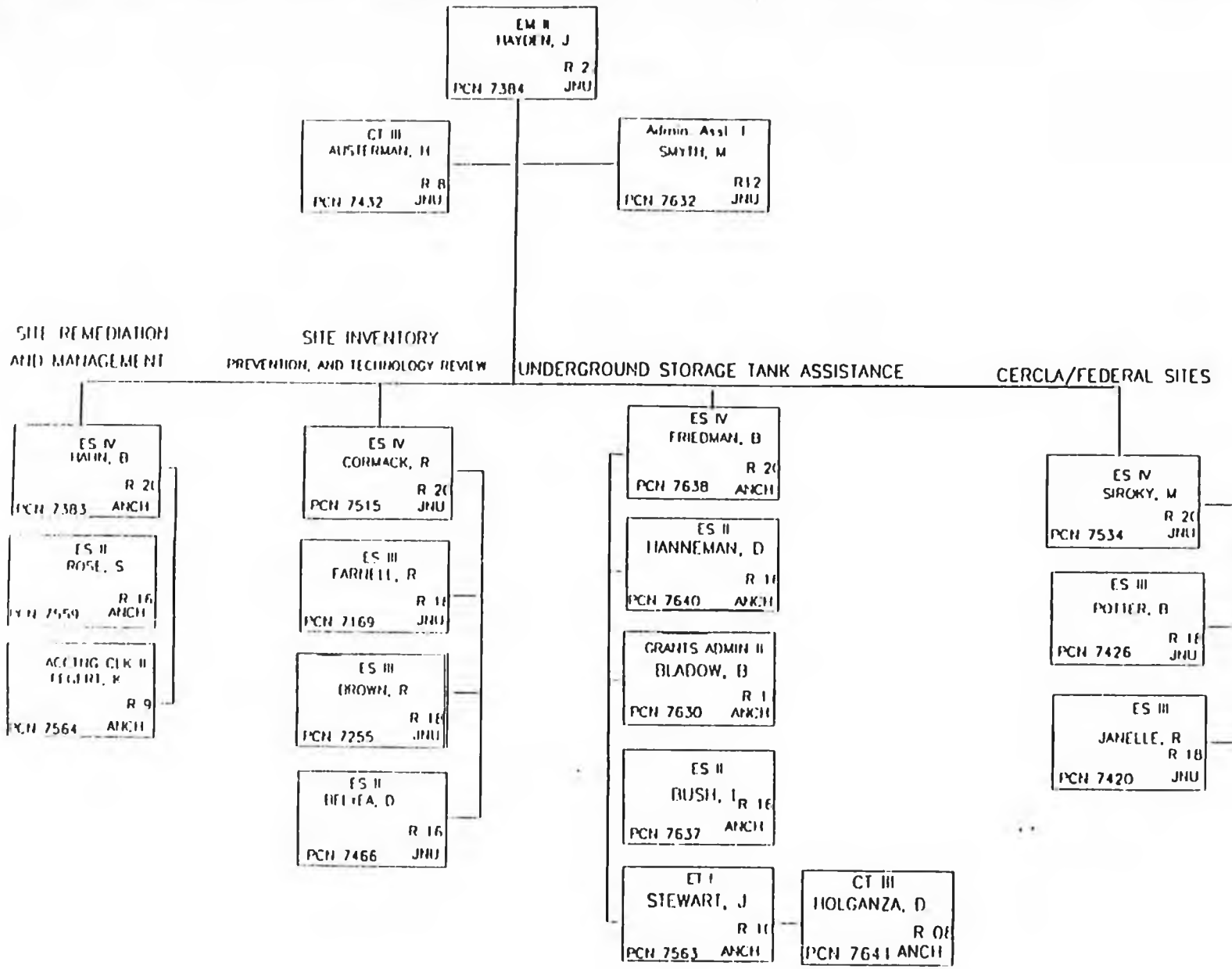
Enclosure II



REVISED 01-16-92

DIVISION OF SPILL PREVENTION AND RESPONSE
CONTAMINATED SITES

Enclosure II



FY 93 STAFFING LEVELS BY PROGRAM

| | Permanent | Non Permanent |
|---|-----------|------------------|
| SPAR Director's Office | 7.0 | 0.0 |
| State and Regional Contingency Planning | 3.0 | 0.0 |
| Spill, Prevention, Response, Planning, Safety, Cleanup and Cost Recovery | 61.5 | 0.0 |
| State Emergency Response Commission | 4.0 | 0.0 |
| Hazardous Substance Spill Technology Review Council | 2.0 | 0.0 |
| Spill Response Office, Depots and Corps | 11.0 | 0.0 |
| Site Investigation, Safety, Cleanup and Cost Recovery | | |
| Contaminated Sites | 21.1 | 18.0 |
| LUST/UST | 14.8 | 0.0 |
| CERCLA | 2.4 | 0.0 |
| DOD | 3.2 | 3.0 |
| Kenai Cleanup Project | 4.0 | 0.0 |
| Storage Tank Assistance | 7.0 | 0.0 |
| Exxon Clean Up Project | 0.0 | 19.0 |
| Exxon Restoration Project | 0.0 | 3.0 |

CONTAMINATED SITES

representative of the Prince William Sound Science Center, and four public members appointed by the Governor. The Council assists in the identification of containment and cleanup products and procedures for arctic and sub-arctic hazardous substance releases. The council reviews oil and hazardous substance spill cleanup technology research and development activities undertaken by other government agencies and industry spill response groups. The council also makes recommendations to the Department and agencies of the state regarding the use and deployment of these products and procedures.

Contaminated Sites Section

This section manages the State contaminated sites project, Leaking Underground Storage Tank and Underground Storage Tank (LUST/UST) projects, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) project, Department of Defense Federal Facilities cleanup and Storage Tank Assistance program (enclosure IV).

State Contaminated Sites:

The State contaminated Sites project systematically identifies, lists, ranks and selects contaminated sites throughout Alaska for assessment and cleanup on a priority basis.

LUST/UST:

The federally funded Leaking Underground Storage Tank (LUST) project is responsible for overseeing corrective action at sites where a release has occurred from a commercial underground storage tank. The federally funded Underground Storage Tank (UST) program provides technical assistance and courtesy inspections to tank owners and provides staff support for State program approval to the Environmental Protection Agency.

CERCLA:

CERCLA, is a federal statute requiring all hazardous sites be inventoried and investigated. The State's program is composed of 2 cooperative agreements (CA), called Multisite and Core respectively. The Multisite CA provides federal funds (no match) for the State to conduct field investigations and score sites under the CERCLA Hazardous Ranking System. The Core Program CA provides federal funds for State CERCLA program development including supervision, management, cooperative agreement administration, contracts, procurement, training, and legal assistance.

Federal Facilities Cleanup:

The Department of Defense (DOD) federal facilities program negotiates cleanup compliance orders and oversees the multi-million dollar cleanup of contaminated sites on federal facilities. Federal funds are received from DOD for State participation and oversight of federal facility cleanups.

Storage Tank Assistance:

The Storage Tank Assistance project protects the public from contamination resulting from leaking underground storage tanks through a newly created regulatory and assistance program which includes prevention, education and cleanup. With guidance from the Board of Storage Tank Assistance, State financial assistance is provided for conducting site assessments and testing tanks for leaks, cleanup from leaking tanks, and upgrading or removing tanks. Regulations govern certification of tank workers and site assessors. Installation, registration, maintenance, leak detection, site assessment, upgrade, cleanup and closure of tanks and tanks systems is also governed by regulations under this project.

| | | | | | | | | | | | | | |
|--|-----|-----|------|------|-----|------|-----|-----|-----|-----|-----|-----|-----|
| 3054 FUNDS FROM CONTAMINATED SITES TO FULLY FUND CLERICAL POSITION TRANSFERRED IN FY92 | | | | | | | | | | | | | |
| AGY: | 0.0 | 0.0 | 4.9 | 4.9 | 0.0 | 4.9 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| GOV: | 0.0 | 0.0 | 4.9 | 4.9 | 0.0 | 4.9 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 3058 FUNDS AND POSITION FROM S.P.P.H. CONTRACTUAL LINE FOR CLERICAL SUPPORT | | | | | | | | | | | | | |
| AGY: | 0.0 | 0.0 | 27.7 | 27.7 | 0.0 | 27.7 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| GOV: | 0.0 | 0.0 | 27.7 | 27.7 | 0.0 | 27.7 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

CHANGES FROM FY93 ADJUSTED BASE TO FY93 GOVERNOR REQUEST

| REF# | DESCRIPTION | AGENCY / GOVERNOR | | | | LINE ITEM IMPACT | | | | | | | | |
|------|------------------------------------|-------------------|-------|----------|-------|------------------|-----|-----|-----|-----|-----|-----|-----|--|
| WHD: | PFI | PPT | TOTAL | GEN FUND | OTHER | 100 | 200 | 300 | 400 | 500 | 600 | 700 | 800 | |
| 4022 | INCREASE VACANCY AND TURNOVER RATE | | | | | | | | | | | | | |
| AGY: | 0.0 | 0.0 | -10.1 | -10.1 | 0.0 | -10.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |
| GOV: | 0.0 | 0.0 | -10.1 | -10.1 | 0.0 | -10.1 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |

***** PROGRAM DESCRIPTION & PRIOR YEAR INFORMATION *****

FY92 INTENT: IT IS THE INTENT OF THE LEGISLATURE THAT THE FUNDS APPROPRIATED FROM THE OIL AND HAZARDOUS SUBSTANCE RELEASE RESPONSE FUND FOR SITE INVESTIGATION AND CLEAN UP BE USED FOR THE DEPARTMENT'S PRIORITY PROJECTS AS LISTED ON THEIR 3/13/91 "STATE CONTAMINATED SITES FY 92 PROJECT" LIST.

AGENCY RESPONSE: AS WE EXPLAINED TO THE BUDGET SUBCOMMITTEES, AT THE TIME THE REFERENCED LIST WAS COMPILED, THE DEPARTMENT WAS IN THE PROCESS OF WORKING WITH A CONTRACTOR TO DEVELOP A "HAZARD RANKING MODEL". THIS MODEL USES SITE-SPECIFIC INFORMATION TO RANK CONTAMINATED SITES TO ONE ANOTHER IN TERMS OF RISK TO HUMAN HEALTH AND THE ENVIRONMENT, ALLOWING DEC TO CONCENTRATE ITS EFFORTS ON THE WORST FIRST. THE HAZARD RANKING MODEL WAS COMPLETED ON AUGUST 31, 1991. ALTHOUGH IT WILL CONTINUE TO BE REFINED THROUGH ITS USE, THE DEPARTMENT IS APPLYING THE MODEL TO DETERMINE WHICH SITES POSE THE GREATEST RISK AND ARE IN NEED OF THE MOST IMMEDIATE ACTION.

FY92 INTENT: IT IS THE INTENT OF THE LEGISLATURE THAT THE DIVISION'S (SPILL PREVENTION AND RESPONSE) BUDGET SUBMITTAL CONTAIN A SEPARATE BUDGET COMPONENT FOR EACH PROJECT IN THE ENVIRONMENTAL QUALITY BRU.

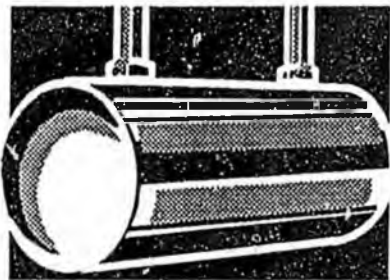
AGENCY RESPONSE: AS STATED ABOVE, THE DEPARTMENT'S FY93 BUDGET HAS BEEN PREPARED ACCORDINGLY.

FY92 INTENT: IT IS THE INTENT OF THE LEGISLATURE THAT D.E.C. CONDUCT A STUDY TO IDENTIFY SITES THROUGHOUT SOUTHEASTERN ALASKA WHERE OLD WASTE OIL, ABANDONED TANKS OR BARRELS OF OIL (SUCH AS AT ABANDONED CARRIAGES), OR OTHER WASTE FUEL IS STORED, AND TO DEVELOP A PLAN TO COLLECT AND PROPERLY DISPOSE OF IT. THE DEPARTMENT SHOULD REPORT BACK TO THE LEGISLATURE WITH ITS FINDINGS, AND PROPOSAL FOR HANDLING THE TASK, IN JANUARY OF 1992.

AGENCY RESPONSE: ALL THE INFORMATION NEEDED TO COMPILE THIS REPORT HAS BEEN GATHERED. IT IS ANTICIPATED THAT THE REPORT WILL BE SUBMITTED TO THE LEGISLATURE BY THE 20TH OF JANUARY.

NOTE: NEW BRU CREATED FOR SPILL PREVENTION AND RESPONSE PROGRAMS WITH 3 NEW COMPONENTS. THE SPILL PREVENTION AND RESPONSE DIRECTOR COMPONENT HAS BEEN TRANSFERRED OUT OF THE ENVIRONMENTAL QUALITY PROJECTS BRU AND INTO THIS NEW BRU.

S T A T E O F A L A S K A
BOARD OF STORAGE TANK ASSISTANCE



**UNDERGROUND
STORAGE TANK FINANCIAL
ASSISTANCE PROGRAM**

1992 ANNUAL REPORT

FISCAL YEAR 1991

FISCAL YEAR 1992 TO DATE



*Submitted to the Second Session of the Seventeenth Alaska Legislature, January 23, 1992,
by the Board of Storage Tank Assistance*

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MESSAGE FROM THE CHAIRMAN

During the past two to three years, businesses and municipal governments of all sizes from all areas of Alaska have learned that the old adage "out of sight, out of mind" no longer applies to their underground tanks, commonly referred to as UST's. The concerns surrounding the UST's are literally causing many to come to the surface along with new issues that include pollution, regulations, high costs, bankruptcy, environmental liability, emotional stress and the list goes on. These issues directly impact the survival of many of the long time Alaskan businesses that have depended on the past use and future use of an UST.

In the past, the primary concern about an UST that leaked petroleum product was usually in regard to the cost of replacing the lost fuel. Only recently have we developed an acute awareness of the risks associated with the contamination of our drinking water resources from underground fuel spills. The financial and liability impacts from a leaking UST could be devastating to the UST owner or operator.

The passage of HB 220 during the 1990 State Legislative session brought hope to UST owners. The bill also created the Board of Storage Tank Assistance. The Board has been charged with the responsibility to develop UST regulations that establishes criteria or UST improvements and financial assistance. The regulatory issues of the UST program are very complicated as well as controversial. The Board has diligently taken on the task with an earnest commitment to develop regulations that are reasonable for Alaskans, and yet, satisfy the minimum Federal UST requirements.

The Board has come to the realization that the most pressing problem with the implementation of the state UST program is cost. As many businesses and municipalities have come to learn, the cost associated with UST removal, upgrade, replacement and cleanup are staggering. Often times, the existing UST has caused extensive contamination of the subsurface soils and groundwater aquifers. The cost of cleanup typically ranges from \$50,000 to \$1,000,000, and may require several years of remediation if the groundwater was contaminated. The cost associated with the installation of new UST's that meet the minimum State and Federal requirements typically are over 10 times the cost for an UST that was installed, of similar size, several years ago.

Financial assistance from the State UST program is essential to soften the blow to the Alaskan community impacted from the implementation of the new regulations. It is imperative that the program provide UST owners with sound technical and financial assistance in the most efficient and cost effective manner possible. The Board is prepared to meet these challenges as envisioned under the enactment of HB 220. The Board keenly recognizes that legislative support is crucial for the success of the UST program. To this end, the Board looks forward to working with the Legislature to accomplish this goal.

Robert Gilfillian, Chairman
Board of Storage Tank Assistance



SUMMARY

The Board of Storage Tank Assistance, in cooperation with the Department of Environmental Conservation, has successfully developed a regulatory program for underground petroleum storage tanks, termed UST's, and has been instrumental in establishing technical and financial assistance mechanisms to help UST owners and operators come into compliance with state and federal regulatory requirements.

The Storage Tank Assistance Fund had received an initial capitalization of \$6,009,200 in FY 91. During FY 91 \$409,514 was expended on program administration and \$109,460 was expended on an emergency cleanup grant. The grant was authorized by the Board of Storage Tank Assistance based on allocations to the cleanup program from the Fund.

In FY 92, no new monies were appropriated to the Fund. The Fund has received \$942,817 in registration receipts to date, \$525,577 from the 1991 tank registration year and \$417,240 from the 1992 registration year. The registration fees are derived from UST owners and operators that are eligible to participate in the financial assistance programs. In addition, \$5,462,884 in unused FY 91 funds were rolled forward for use during FY 92. The Board allocated a total of \$5.3 million for disbursement as grants and loans to the various financial assistance programs administered by the Department of Environmental Conservation. Applications and intents to apply were received for a total of \$13,316,667. During the first half of FY 92, \$754,173 was expended or encumbered for grants to cover the costs of tank tightness tests, site assessments, cleanup, upgrade and closure. Anticipated grant and loan awards for cleanup in FY 92 equals \$1,292,451, and authorized grant awards for upgrade and closure equal \$1,462,148.

For activities that will be funded from the FY 93 appropriation, a total of \$30,710,885 has been received in financial assistance requests. The Tank Cleanup Grant and Loan Program received 172 applications to date for financial assistance for cleanups during FY 93. The dollar amount of cleanup application requests was \$25,441,202. A total of 367 applications to the Tank Upgrade and Closure Program were received requesting \$5,269,683 for projects during FY 93. Estimated revenue from tank registration receipts expected to be received during FY 93 is approximately \$430,000.

The financial responsibility requirements were delayed for owners of 1 to 12 tanks. Most tank owners will be required to demonstrate \$1 million of financial responsibility per occurrence and \$2 million aggregate. The final date for tank owners to meet this requirement was recently delayed to December, 1993. Pollution liability insurance is presently available but very expensive for most small tank owners. The minimum average premiums are \$1,500 per site, \$500 per tank and \$3,500 per policy.

As of January 15, 1992 a total of 65 applicants have been issued an UST Worker License in at least one or more categories. Another 125 persons have passed the state certification exam but are still awaiting approval by the Division of Occupational Licensing.

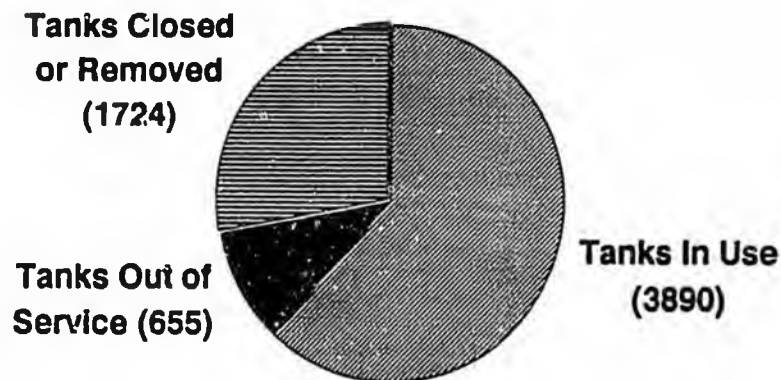
Introduction

This report has been prepared pursuant to AS 46.03.363, requiring an Annual Report to the Legislature, to describe activities of the Board of Storage Tank Assistance for the preceding fiscal year. A separate report has also been filed by the Department of Environmental Conservation for activities related to the Underground Storage Tank Program and the Storage Tank Assistance Fund.

The Underground Storage Tank Program was implemented to assist owners and operators of regulated underground petroleum storage tanks, predominately motor fuel tanks, to meet the requirements to upgrade their tanks to federally mandated 1998 standards, to close out of use or outdated facilities and to aid in assessing and cleaning up soil and groundwater contamination resulting from leaking underground storage tanks. The work is accomplished through educational, technical, and financial assistance mechanisms that have been developed by the Board of Storage Tank Assistance and the Department of Environmental Conservation.

Underground Storage Tanks (UST) have become a concern throughout the United States due to their potential for undetected leaks that might result in the contamination of soils and groundwater, especially drinking water supplies. The Alaska Department of Environmental Conservation reports that there are approximately 4,545 underground tanks in Alaska, located at approximately 1,600 facilities.

Status of Underground Storage Tanks in Alaska



Most of the tanks in the state are located at gas and service stations, commercial facilities, such as trucking firms, and contractor and utility facilities. There are also hundreds of additional tanks reported at facilities such as air taxi and air craft owner facilities, city and borough facilities, federal institutions and military installations. Most tanks are concentrated in major population or industrial areas such as Anchorage and Fairbanks.



The Problem

In 1984 Federal Law (Subtitle I of the Resource Conservation and Recovery Act) mandated that owners of certain kinds of underground storage tanks (UST) containing petroleum products and other regulated substances meet standards which would prevent leaks and assure adequate cleanup where leaks occurred. That law was followed by federal UST regulations in December of 1988.

Over 4,500 underground storage tanks have been identified in the state of Alaska. Other tanks probably exist which have not been reported. Most of these tanks are not protected from leaks and spills and may be unknowingly damaging the states drinking water supplies. Groundwater provides drinking supplies for nearly 70% of the population in Alaska. Additionally, the vapors from leaks may seep into basements of homes and buildings and cause other safety and health hazards.

Headlines are commonplace throughout the state concerning pollution resulting from underground storage tanks. Many service stations are reducing their liability and cutting back on services while others have simply gone out of business altogether.

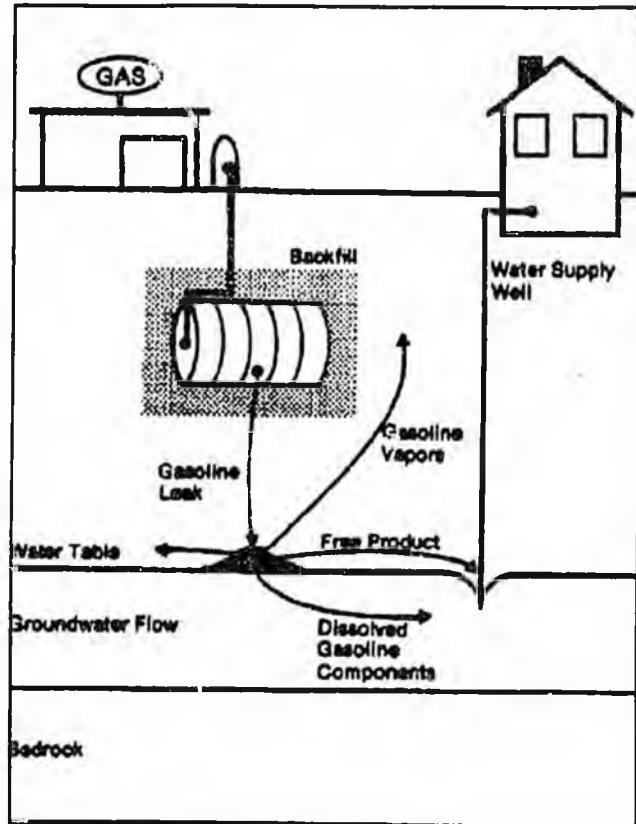




Leaks, overfills and spillage during deliveries to Underground Storage Tanks or UST's are the crux of the problem.

A leaking tank can be nearly impossible to detect without special equipment. A considerable number of leaks occur due to failed fittings between the tank and piping, spillage during filling or overfilling, or corrosion.

Corrosion holes in steel tanks cannot be seen until the tank or piping has been removed or exposed. A corrosion hole that causes a tenth of a gallon per hour leak would release over 800 gallons of fuel per year into the lands of the state. The leak could go unnoticed for years, slowly percolating through the soil and possibly into the water table. This leaking fuel can eventually migrate toward a draw down point such as a private or municipal drinking water well.



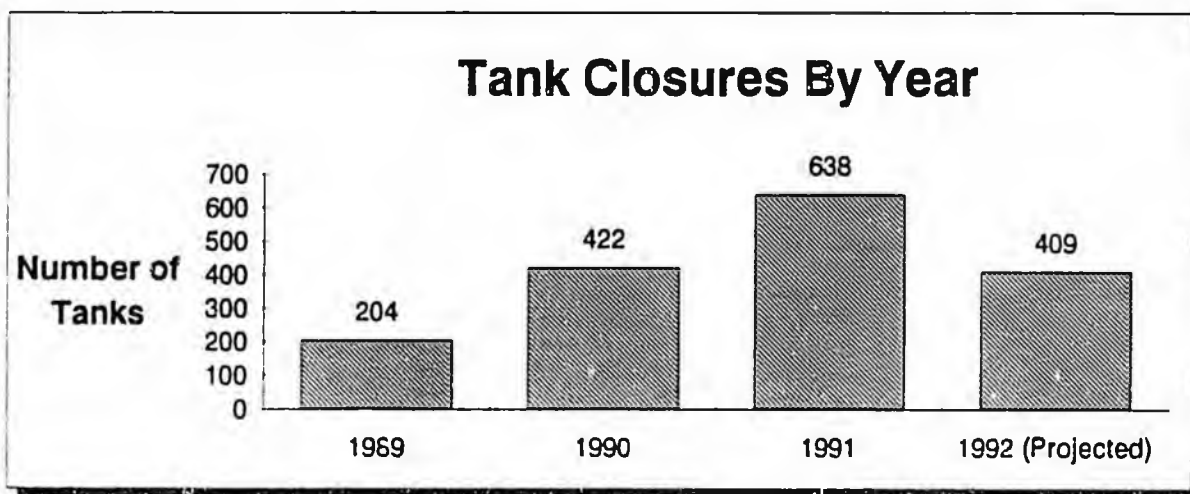
Once a tank has leaked the cost to investigate the leak can be a tremendous burden on the tank owner. The typical cost to cleanup contaminated soils may range from \$10,000 to \$50,000 while the cost to clean up one underground drinking water supply may range from \$300,000 to \$1,000,000 or more! Numerous small businesses in Alaska have been forced to sell out or go into bankruptcy when faced with the cost of environmental compliance.

This can be a serious and sometimes catastrophic event to the tank owner.

Although the leak originates from his facility, the leak is very rarely caused by negligence on the owners part. The facility was usually installed and operated to a standard of practice that was considered sound and conscientious. Many times the facility owner or operator is treated as a criminal, when in fact the leak or spill might have been caused by natural processes such as corrosion over time or by an accident caused by a passerby.



Alaska has seen a dramatic increase in the number of closures, partially the result of the availability of financial assistance to close a tank, but also in part due to the need for tank owners and operators to reduce their environmental liability. Many closures are the result of old tanks in need of replacement or upgrading, while others are just no longer convenient due to the high cost of regulatory compliance. Some however, have been closed because of extensive contamination discovered from a leaking tank system.



Federal Underground Storage Tank Laws

The EPA was directed to develop regulations for design, construction, and installation of new tanks as well as the addition of leak detection, corrosion prevention and spill and overfill protection to existing tanks. Certain tank systems are specifically excluded from federal law. The most common exemptions are 1) farm or residential tanks of 1,100 gallons or less capacity storing motor fuels for noncommercial purposes; and 2) tanks storing heating oil for consumptive use on the premises where stored. The EPA regulations went into effect on December 22, 1988.

Congress also mandated that all UST owners, except that state and federal governments, be able to demonstrate specific levels of financial responsibility for corrective action and cleanup associated with releases from their UST's, including third party loss and bodily injury.

FINANCIAL RESPONSIBILITY

THE TANK OWNER AND OPERATOR MUST ENSURE MONEY IS AVAILABLE TO PAY THE COSTS OF:

- A. CLEANUP OF TANK LEAKS AND
- B. THIRD PARTY LIABILITY CAUSED BY LEAKS

The financial responsibility requirements were phased in for all tank owners, according to the type of owner and the number of tanks owned. Most tank owners will be required to demonstrate \$1 million of financial responsibility per occurrence and \$2 million aggregate. The final date for all tank owners to meet this requirement was recently delayed to December, 1993.

UST OWNERS MUST HAVE THIS MUCH COVERAGE

PETROLEUM MARKETER, 1 - 100 TANKS

\$1,000,000 Per Occurrence
\$1,000,000 Annual Aggregate

PETROLEUM MARKETER, 100+ TANKS

\$1,000,000 Per Occurrence
\$2,000,000 Annual Aggregate

PETROLEUM NON-MARKETER 1-10,000 Gal/Mo

\$500,000 Per Occurrence
\$1,000,000 Annual Aggregate

PETROLEUM NON-MARKETER, 10,000+ Gal/Mo

\$1,000,000 Per Occurrence
\$1,000,000 Annual Aggregate

WHEN UST OWNERS MUST HAVE IT

JANUARY 1989

- Marketers with 1,000+ Tanks
- Non-Marketers, \$20,000,000+ Net Worth

OCTOBER 1989

- Marketers with 100 to 999 Tanks

APRIL 1991

- Marketers with 13 to 99 Tanks

DECEMBER 1993

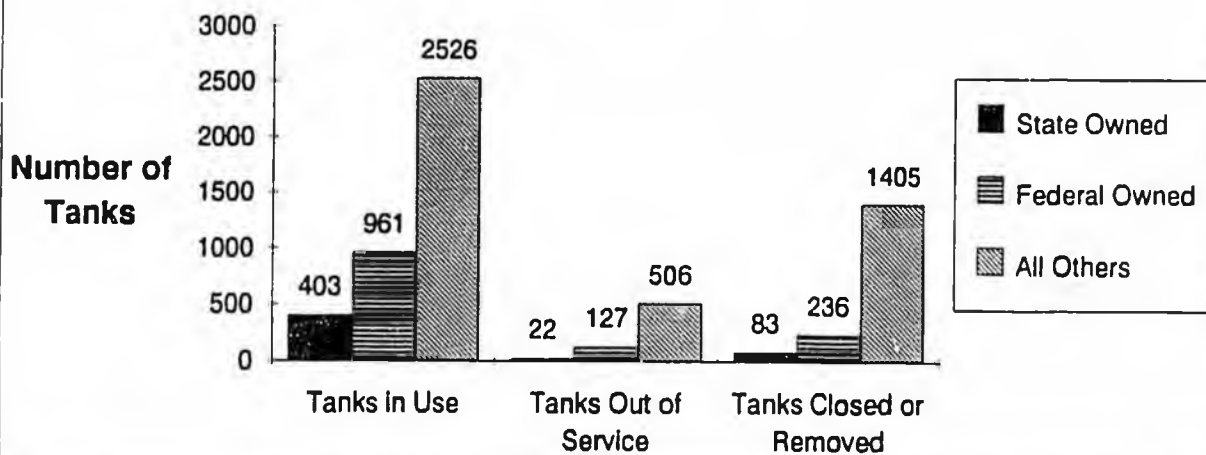
- Marketers with 1 to 12 Tanks
- All other Tanks



Alaska's Underground Storage Tank Laws

Most businesses covered by the EPA's UST regulations are small, "Mom-and-Pop" businesses who cannot afford to meet the financial responsibility requirements, pay the fine or clean up contaminated sites. ADEC estimates that of the 4,545 tanks that are in the ground in Alaska, there are 3,032 privately owned UST's in Alaska, of which approximately 2,700 are owned by small, independent companies.

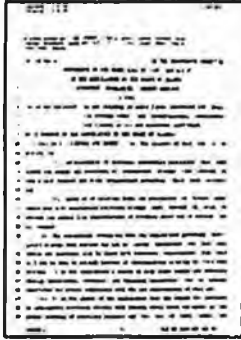
Ownership of Underground Storage Tanks in Alaska



On June 7, 1990, former Governor Cowper signed into law a comprehensive bill pertaining to the UST community. This enabling and extensive legislation set performance standards for both new and existing installations, mandated reporting and corrective action when leaks occur and directed owners and operators to demonstrate their ability to respond financially to a leak or spill.



The bill, known then as HB 220, dealt with both the new UST performance standards and the problems with financial responsibility compliance. It sets out the authority for a regulatory program covering, in addition to the performance standards, registration of tanks with an associated registration fee, corrective action in case of UST releases, enforcement of regulations, and certification of tank workers.



In 1990 and 1991, the Department of Environmental Conservation, in conjunction and with guidance from the Board of Storage Tank Assistance, fully developed and implemented the regulatory program for underground storage tanks as mandated by the Alaska State Legislature.

As was the legislature's intent, the Board took a lead role in developing and implementing a program to help owners and operators of UST's that emphasized educational, technical and financial assistance.

The UST Financial Assistance Programs

- (1) **TANK TIGHTNESS TESTING AND SITE ASSESSMENT INCENTIVE PROGRAM:** Reimbursement for up to 50% of the eligible costs to conduct a tank tightness test or a site assessment. This work must be completed within one year of registration in order to be considered for reimbursement. Limited to \$300 per tank up to \$1200 per facility for tightness tests and \$800 per tank and \$3200 per facility for site assessments. To remain eligible for reimbursement application or intent must be made prior to March 5, 1992.
- (2) **UPGRADE AND CLOSURE GRANT PROGRAM:** Grants for 60%, up to \$60,000, for the costs of either upgrading (including replacing) or closing (including removing) a pre-1988 UST. Upgrading an UST would include adding leak detection, spill and overflow prevention, or cathodic protection. This money will be available to owners and operators either as an upfront grant or as a reimbursement for work done prior to application. All work must meet the performance standards set out in Article 1 in order to qualify.
- (3) **CLEANUP GRANT AND LOAN PROGRAM:** Grants for 90% up to \$1 million per occurrence for the cost of cleanup associated with a release from an UST. The owner is responsible for 10% of the cost up to a maximum of \$25,000. That amount may be loaned at no interest. Loans must be repaid to the state within 5 years. The grant will be available to owners and operators either as an upfront grant or as a reimbursement for work done prior to application.
- (4) **RETROACTIVE REIMBURSEMENT PROGRAM:** Reimbursement for upgrading, closing, or cleanup of an UST done after the effective date of the EPA regulations (December 22, 1988) and before September 5, 1990 must have been applied for on or before March 5, 1991. Amounts are limited to 60% of upgrading or closing, 90% of cleanup, to a dollar maximum of \$200,000 per owner and operator. This program has the lowest priority and no funds can be allocated until all other requests in all other programs have been satisfied.



Board of Storage Tank Assistance

Introduction

The original enabling legislation established a seven-member Board of Storage Tank Assistance. The commissioners of the departments of Environmental Conservation and Transportation and Public Facilities are the government members. Each of the five public members are required to have special knowledge in the UST field. There is to be a registered engineer, a general contractor, a person from the insurance industry, a owner of more than 10 tanks, and an owner of 10 or less tanks. Members serve staggered 4 year terms with the Board scheduled to sunset on June 30, 1996. Former-Governor Cowper appointed the original board members on September 5, the effective date of the legislation. Shortly after taking office Governor Hickel replaced one member by appointed Ward Livingston as the representative of the insurance industry.

Board Members

Bob Gilfilian, Wasilla - Registered Professional Engineer. Mr. Gilfilian is the owner and principal of Gilfilian Engineering, Inc. and Mat-Su Test Lab, Inc. These firms provide professional consulting services in the areas of civil and environmental engineering and quality control testing. Mr. Gilfilian is also Chairman of the Board.

Ed Anders, Fairbanks - Tank owner, under 10 tanks. Owner and manager of Chena Valley Development, Valley Center, and Anders Cache. These include facilities with underground storage tanks. Mr Anders is Vice-Chairman of the Board

Earl Billingslea, Soldotna - Tank owner, over 10 tanks. Mr. Billingslea is the President and Chief Executive Officer of Alaska Oil Sales, Inc., a position he has held for 17 years.

John Bertholl, Juneau - General Contractor. Registered General Contractor, owner and operator of Douglas Oil Heat, tank sales and installation, and president of Petroleum Services, Inc., which works with tank installation, upgrade, removal and closure.

Ward Livingston, Anchorage - Insurance Industry Representative. Account Executive and Vice-President of Willis Carroon Corporation, actively involved with underground storage tank pollution liability insurance.

Janice Adair, Juneau - ADEC Representative. Special Assistant to the Commissioner of the Alaska Department of Environmental Conservation.

Keith Gerken, Juneau - DOT/PF Representative. Deputy Commissioner of the Alaska Department of Transportation and Public Facilities.

Board Responsibilities

The Board of Storage Tank Assistance has three basic roles which have been mandated by the legislature. The first duty of the Board was to write regulations relating to financial assistance for UST owners and operators. The Board also jointly developed regulations with ADEC pertaining to cleanup standards and allowable technologies to be used in the cleanup of contamination resulting from leaking tanks. The Board is responsible for writing the regulations dealing with the financial assistance programs. The department is to implement the regulations.

The Board is to resolve any disputes between the department and owners or operators of UST's relating to cleanup activities. The Board is directed to write jointly with the department any regulations as to acceptable methodologies for testing, containment and cleanup of corrective action of UST sites. The department is to consult with the Board before adopting any regulations on cleanup standards, i.e. the level of a contaminant that is allowed to remain in the soil or groundwater after cleanup.

The second duty of the Board directly relates to the allocation of funds to the various financial assistance programs. These allocations may be performed one or more times per year, based upon the total or estimated financial needs of each respective program and the availability of funds.

The third, and by far the most important duty the Board must undertake, is to mediate disputes between the Department of Environmental Conservation and regulated underground petroleum storage tank owners and operators. In regard to disputes arising over priority rankings and eligible costs, the Board's decisions are binding upon the department and the owner or operator. For corrective action plan disputes, or denials for payment under the retroactive reimbursement program (sec. 7, ch.96, SLA 1990), the board may only issue recommendations.

It is the Board's highly influential role as mediator that UST owners and operators will be seeking when they contact the Board of Storage Tank Assistance. Although the Board developed the financial assistance regulations, the Department of Environmental Conservation actually implements those regulations, i.e. physically processes each applicant's request for financial assistance. This enables the Board to remain objective and unbiased when a dispute arises. The Board is then tasked with resolving the matter in a prompt and conscientious manner.

The Board has met with DEC staff on numerous occasions since being appointed. A decision was made early on to approach the writing of the entire regulatory package and to set overall program implementation policy jointly.



FY 91 Activities

HIGHLIGHTS

Played a major role in the development and adoption of a regulatory program similar to the current federal program aimed at the overall upgrade of tank systems and the prevention, detection, and correction of leaks from underground storage tanks.

Developed and adopted regulations for financial assistance for UST owners and operators that wish to test, upgrade, close or cleanup contamination.

Initiated a public outreach program for educating tank owners or operators on the requirements of State and federal underground storage tank regulations.

Coordinated and took a lead role in the development of a program for certification of storage tank workers.

Establish policies for implementation and disbursement of Storage Tank Assistance Fund monies to partially reimburse the costs of tests for eligible tank systems.

Established policies for the grant and loan program from the Storage Tank Assistance Fund to help pay for the costs to assess, contain, correct, and clean up underground storage tank petroleum releases.

Establish policies for the grant program from the Storage Tank Assistance Fund to help pay for the costs to upgrade or close an underground storage tank system.

Participated in six informational workshops in October and November, 1990 in Juneau, Anchorage, Fairbanks, Kodiak, Kenai and Dillingham. ADEC personnel presented information pertaining to HB 220, the federal laws and regulations, tank tightness testing, site assessments, closure, registration, certification and financial assistance.

Participated in the development of a Cleanup Standards Working Group comprised of oil industry professionals and consultants, the public, and ADEC.

Participated in the development of an information video concerning development of Alaska's Underground Storage Tank Program for presentation to the legislature, staff training and future public workshops.

Allocated monies to the various financial assistance programs based upon the FY 91 initial capitalization of \$6 million.

In consultation with ADEC Financial Assistance staff, authorized an emergency cleanup grant to a facility in Wasilla, Alaska.

Funds Allocated in FY 91

Funds appropriated by the legislature to the Storage Tank Assistance Fund are allocated annually by the Board of Storage Tank Assistance to the tank tightness and site assessment incentive program, the tank cleanup program, the tank upgrading and closure program and reimbursement program. The Storage Tank Assistance Fund had received an initial capitalization of \$6,009,200 in FY 91.

As the program had not yet been fully implemented by the close of FY 91, the Board of Storage Tank Assistance allocated funds equally to the cleanup grant and loan program and the upgrade and closure grant program. The allocation was based upon the initial FY 91 capitalization less the program development costs. The only grant issued during FY 91 was an Emergency Grant for tank cleanup activities for \$109,460 issued to Wasilla Stop and Shop in Wasilla, Alaska. Total expenditures for FY 91 were \$518,974. FY 91 expenditures mainly supported program administration for a total of \$409,514. Total revenue greater than expenditures for FY 91 was \$5,490,227.

The Board makes annual allocations from the Fund to the four programs listed in (a) of this section, taking into consideration the amount of money in the fund, the money required to meet the needs for each program, as supported by approved applications, that tank tightness testing and site assessment must be completed by March 5, 1992, the requirement that the greatest priority be given to funding UST's that present the greatest threat or potential threat to human health, the requirement under sec. 7(e)(3), ch. 96, SLA 1990, that work completed before September 5, 1990, receive the lowest priority for reimbursement, the ability to phase the costs of grants for corrective action, the need to reserve at least 15 percent of each year's allocation to the tank cleanup program for cost increases, emergency grants, contingencies, and audits of final cost statements and the need to reserve at least 10 percent of each year's allocation to the tank upgrading and closure program for cost increases and contingencies.



**Storage Tank Assistance Fund Summary for FY 91****FY 91 Funding**

| | |
|------------------------------|-------------------------|
| Initial Capitalization | 6,000,000 |
| SLA 90 Ch. 209 Pg. 78 Li. 14 | |
| | |
| FY 91 Payroll Supplemental | |
| SLA 90 Ch. 45 | <u>9,200</u> |
| | |
| Total FY 91 Funding | <u><u>6,009,200</u></u> |

Less: FY 91 Expenditures

| | |
|--|-------------------------|
| Program Administration AR 48879-91 | |
| Personnel | 253,924 |
| Travel | 67,501 |
| Contractual | 65,274 |
| Supplies | 12,273 |
| Equipment | <u>10,541</u> 409,514 |
| | |
| Grants (Tank Cleanup Program) AR 48411-91 | <u>109,460</u> |
| | |
| Total Expenditures | <u><u>518,974</u></u> |
| | |
| Total Revenue Greater Than Expenditures | <u><u>5,490,227</u></u> |
| | |
| Reserve For Encumbrances | -27,343 |

Emergency Cleanup Grant

During the week of April 8-15, 1991, damage at a vehicle fueling facility in Wasilla resulted in a subsurface discharge of approximately 2400 gallons of regular gasoline to soil and groundwater from a malfunctioning turbine pump connection associated with a 12,000 gallon underground storage tank. The facility, Stop N Shop, is a property belonging to the partnership of Worrell, Illies, and Riley. It is located immediately adjacent to the railroad tracks and the Parks Highway and is approximately 1/2 mile from Lake Lucille. Groundwater in the immediate area was contaminated by this release. Although no drinking water sources were affected, there are several active wells in the immediate vicinity.

The owners made a request for assistance to the Board of Storage Tank Assistance at a regularly scheduled meeting on April 26, 1991. The Department issued an emergency grant to Stop N Shop for a total of \$109,460. This grant paid for the eligible project costs of initial abatement and release investigation, which included the removal of product and testing of soil and groundwater. Funding for the remainder of the work required on the site was to be obtained through the Department's general financial application and loan process. Although the Wasilla Stop and Shop facility did have pollution liability insurance for situations such as this, the policy only covered expenses incurred to a total of \$10,000. This amount was deducted from the total grant award made by the ADEC.

The Department of Environmental Conservation provided critical guidance and oversight during the early stages of release investigation and initial corrective action. The Contaminated Sites Section of ADEC coordinated the installation of a pumping system that successfully lowered the drawdown point and temporarily reversed the normal groundwater flow direction, thereby enabling released product to be recovered. After an initial response effort that was extremely successful in recovering nearly 50% of the product that was lost, a continued effort was made to determine the overall extent of contamination in the area. A total of nine groundwater monitoring wells were to be installed at the site. Additional wells may be required to facilitate pumping equipment for groundwater pump and treat remediation or possible in-situ bioremediation methods.





State UST Program Regulation Development

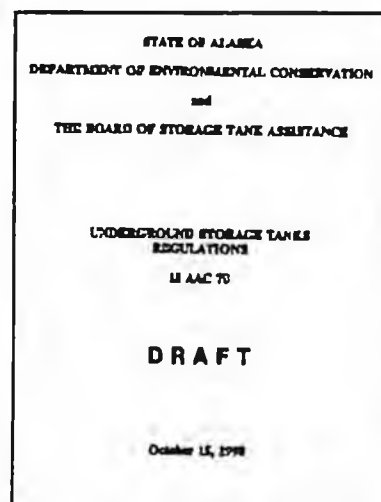
Alaska Statutes 46.03.360, 46.03.365, 46.03.375, 46.03.415, 46.03.420, 46.03.430 and SLA Section 7 provided authority for the Department and the Board to adopt regulations governing underground petroleum storage tanks in Alaska. The Board was mandated to adopt regulations dealing with financial assistance, eligibility and priority ranking, and the Department is mandated to adopt regulations dealing with installation, closure, technical and performance standards, corrective action for leaking underground storage tanks, cleanup standards, and certification of underground storage tank workers.

After the signing of HB 220, ADEC set up a regulatory development team. The plan was to develop a program prior to the construction season in 1991. The legislation also set deadlines for tank registration and submission of applications for reimbursement. The legislation prohibited the operation of an unregistered UST.

A team was formed from a number of people with particular expertise from within the department as well as a legislative assistant to the Senate Finance Subcommittee on HB 220. The team started work in the middle of July 1990 and, after meetings with the Board, went to public comment with a comprehensive regulatory package in October.

The state UST regulations cover the following general topics: Article 1, Underground Storage Tanks, sets out the registration requirements, performance standards, methodology for conducting a site assessment and reporting of releases; Article 2, Corrective Action for Leaking Underground Storage Tanks, covers investigation of a release or suspected release and the requirements for corrective action; Article 3, Cleanup Standards sets out the cleanup levels for soil and groundwater; Article 4, Certification of Storage Tank Workers, establishes the program for certifying those people who supervise the various aspects of UST installation, closure and testing; and Article 5, Storage Tank Assistance Fund, sets up the operation of the four different financial assistance programs created in HB 220. Article 9 contains the General Provisions and definitions.

The regulations were subjected to extensive public notice and public review. The first public review draft was available October 15, 1990.



The regulations were then reviewed at full day workshops held in October, 1990 at six locations across the state in Anchorage, Dillingham, Juneau, Fairbanks, Kodiak and Kenai.

The workshops were well attended and extensive comments from those workshops were received and considered. Public hearings were held in Fairbanks on November 15, 1990, Anchorage on November 17, 1990, and Juneau on November 19, 1990. Although the public comment period was to end November 23, 1990, the comment period for Articles 1, 2, 4, 5 and 9 was extended to December 10 and the public comment period for Article 3, pertaining to Cleanup Standards, was extended to February 22, 1991 and then yet further to March 13, 1991. Furthermore, ADEC and the Board of Storage Tank Assistance had continued to accept, consider and incorporate comments during the entire regulation development process. The Board considered all public comments received by the Department and allowed public testimony at all meetings. The Board and the department had also reviewed the additional testimonies delivered in February 1991 at the House Oil and Gas Committee and House Finance DEC Budget Subcommittee meetings.

Many people submitted written comments on the regulations. Most of the comments were very constructive and have been adopted into the regulations. The department also held three public hearings in mid-November. The Board found that one of the articles elicited the most comment. That was Article 3, relating to cleanup standards. It was decided to form a task force made up of oil industry representatives, environmental consultants, the environmental community and DEC personnel to develop a technology-based, cost-effective cleanup matrix. The task force developed a matrix which scores soil type, depth to groundwater, precipitation and aquifer use, giving a site a specific target cleanup level. Such an approach will set cleanup goals that are flexible enough to recognize Alaska's varying geography and population distribution while still protecting the public and its enjoyment and use of the environment.

The regulations provided a framework for fair treatment of tank owners and operators through considerations of operating conditions unique to Alaska, allowances for waivers, modifications, and extensions of reporting requirements. Most importantly, the regulations revolve around a principal founded upon technical, educational and financial assistance.

The regulations are believed by the Board to be beneficial to underground storage tank owners and operators in providing mechanisms that assist them to meet federal requirements in a timely manner without jeopardizing their livelihoods. The regulations also provided opportunities for underground storage tank owners and operators to assess and clean up contamination with assistance from the Department and without the involvement or enforcement by the Environmental Protection Agency. Above all, the regulations are beneficial to the people of Alaska in setting performance standards for underground storage tanks to protect Alaska's drinking water supplies from petroleum contamination.



FY 92 Activities

HIGHLIGHTS

The Board of Storage Tank Assistance allocated monies to the various financial assistance programs based upon unused funds remaining from the initial FY 91 capitalization combined with tank registration receipts received during the 1991 tank registration year.

The Board resolved to ask the EPA to extend the deadline for UST owners and operators to meet Financial Responsibility. The Board asked the Alaska State Legislature to pass a similar resolution. The EPA subsequently extended the Financial Responsibility deadline for owners of 1 to 12 tanks to December 31, 1993.

The Board of Storage Tank Assistance continued with a public outreach program for educating tank owners or operators on the requirements of state and federal laws and regulations.

The Board maintained a lead role in coordinating efforts with the Division of Occupational Licensing to certify underground storage tank workers.

The Board resolved numerous minor grievances and misunderstandings between UST owners and operators and the Department of Environmental Conservation.

The Board continued to make itself available at all times to assist owners and operators in resolving disputes pertaining to corrective action plans for leaking tanks.

The Board continued with policy development for implementation and disbursement of Storage Tank Assistance Fund monies to partially reimburse the costs of tests for eligible tank systems.

The Board continued with policy development for the grant and loan program from the Storage Tank Assistance Fund to help pay for the costs to assess, contain, correct, and clean up underground storage tank petroleum releases.

The Board continued with policy development for the grant program from the Storage Tank Assistance Fund to help pay for the costs to upgrade or close an underground storage tank system.

The Board coordinated and participated in seven informational workshops in November and December, 1991 in Juneau, Anchorage, Fairbanks, Kodiak, Homer, Soldotna and Ketchikan. Board and ADEC personnel presented information pertaining to the federal and state UST laws and regulations, tank tightness testing, site assessments, closure, registration, certification and financial assistance.

The Board continued to allow public participation at its meetings and continues to encourage public testimony and input on the UST Program in general.

Funds Allocated in FY 92

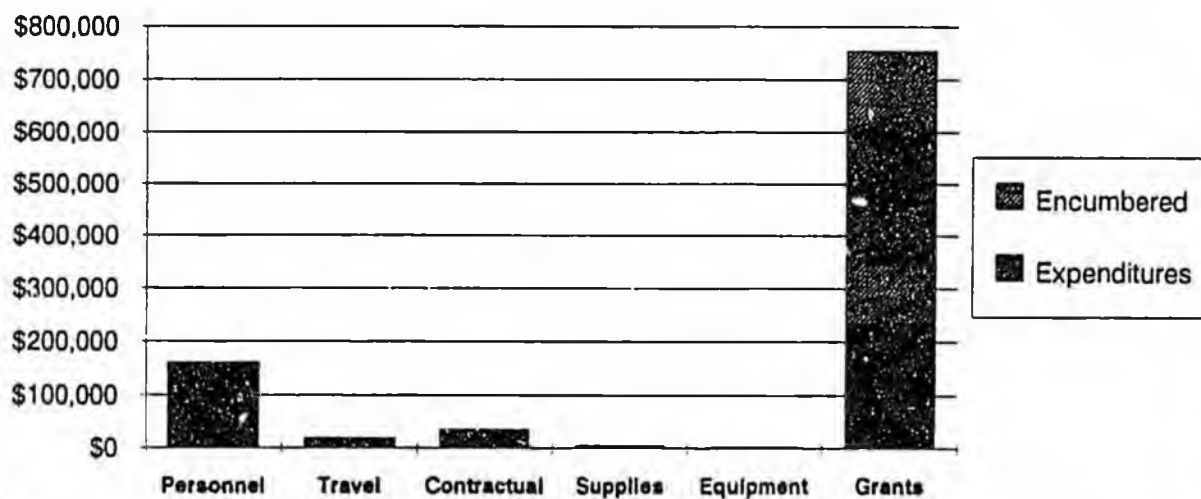
As was the case in FY 91, funds appropriated by the legislature to the Storage Tank Assistance Fund are allocated annually by the Board of Storage Tank Assistance to the tank tightness and site assessment incentive program, the tank cleanup program, the tank upgrading and closure program and reimbursement program.

In FY 92, no new monies were appropriated to the Fund. The Fund has received \$942,817 in registration receipts to date, \$525,577 from the 1991 tank registration year and \$417,240 from the 1992 registration year. The registration fees are derived from UST owners and operators that are eligible to participate in the financial assistance programs. In addition, \$5,462,884 in unused FY 91 funds were rolled forward for use during FY 92.

The Board allocated a total of \$5.3 million to the Department of Environmental Conservation for disbursement to three of the four financial assistance programs. The Board allocated \$1.5 million to the Cleanup Grant and Loan Program, \$1.5 million to the Closure and Upgrade Program and \$2.3 million to the Tank Tightness Testing and Site Assessment Incentive Program. The Board did not allocate monies to the retroactive reimbursement program.

Applications and intents to apply were received for a total of \$13,316,667. During the first half of FY 92, \$754,173 was expended or encumbered for grants to cover the costs of tank tightness tests, site assessments, cleanup, upgrade and closure. Authorized grant and load allocations for cleanup in FY 92 equals \$1,292,451, and authorized grant allocations for upgrade and closure equal \$1,462,148.

UST FINANCIAL ASSISTANCE PROGRAM FY 92 EXPENDITURES TO JANUARY, 1992





Storage Tank Assistance Fund Summary for FY 92

FY 92 Funding Sources

| | | |
|--|----------------|----------------|
| FY 91 Registration Receipts (SLA 91/73/34) | 525,577 | |
| FY 92 Registration Receipts to 1/6/92 (SLA 91/23/33) | <u>417,240</u> | |
| Total FY 92 Funding to 1/6/92 | | <u>942,817</u> |

FY 92 Appropriations

| | | |
|--------------------------------------|------------------------|-------------------------------|
| Storage Tank Assistance Fund Program | 6,700,000 (5,462,884)* | |
| Budgeted RSA w/ Div. A/S | <u>67,800</u> | |
| Total Appropriated | | <u>6,767,800 (5,462,884)*</u> |

Total Including Registration Receipts

6,767,800 (6,405,701)**

Status of FY 92 Appropriations

| | Auth. | Restrict.*** | Expend. | Enc. | Balance |
|--------------------------------------|-----------|--------------|---------|---------|-----------|
| <u>AR 48340 Storage Tank Program</u> | 6,700,000 | 800,000 | 448,770 | 526,802 | 4,924,428 |
| Personnel | 526,600 | | 159,991 | | 366,609 |
| Travel | 31,000 | | 19,717 | | 11,283 |
| Contractual | 85,500 | | 32,356 | 2,849 | 50,295 |
| Supplies | 7,000 | | 3,873 | 83 | 3,044 |
| Equipment | 25,000 | | 0 | 2,530 | 22,470 |
| Grants | 6,024,900 | 800,000 | 232,832 | 521,341 | 4,470,727 |
| Tightness Tests | | | 22,023 | 600 | |
| Site Assessments | | | 13,758 | 0 | |
| Cleanup | | | 181,541 | 302,245 | |
| Upgrade | | | 9,150 | 37,530 | |
| Closure | | | 6,361 | 180,966 | |
| <u>AR 48127-92 RSA w/Div. of A/S</u> | 67,800 | 0 | 0 | 0 | 67,800 |

* July 1, 1991 Actual is \$5,462,884 The reason for this discrepancy is that no new capitalization occurred in FY 92, i.e. residual FY 91 funds were rolled over into FY 92. Expenditures and obligations in the amount of \$546,316 were incurred against the initial FY 91 capitalization amount of \$6,009,200.

** January 6, 1992 actual is \$6,405,701 Registration receipts for FY 91 and FY 92 (\$942,817) were added to the FY 91 Storage Tank Fund rollover amount of \$5,462,884.

*** Restriction will be reduced to reflect program receipts.

**Grant Funds For Financial Assistance Program Allocated For FY 92****PROGRAM SUMMARY FOR FY 92**

| | |
|--|--------------|
| Number Applications Received for FY 92 Funding | 454 |
| Total Dollar Amount of Application Requests | \$10,287,352 |
| Total Dollar Amount of Application Requests Including TTT/SA Intents | \$13,316,667 |
| Funds Allocated FY 92 | \$5,300,000 |
| Authorized Allocations to 12/31/91 | \$2,790,380 |

TANK TIGHTNESS TESTING AND SITE ASSESSMENT INCENTIVE PROGRAM**Tank Tightness Testing**

| | |
|---------------------------------------|----------|
| Total Number Applications Received | 131 |
| Dollar Amount of Application Requests | \$95,008 |
| Authorized Allocations to 12/31/91 | \$22,023 |

Site Assessment

| | |
|---------------------------------------|----------|
| Total Number Applications Received | 29 |
| Dollar Amount of Application Requests | \$45,257 |
| Authorized Allocations to 12/31/91 | \$13,758 |

Program Total

| | |
|--|-------------|
| Dollar Amount of Intents from 1991 Registrations | \$3,029,315 |
| Funds Allocated FY 92 | \$2,300,000 |
| Authorized Allocations to 12/31/91 | \$35,781 |

TANK CLEANUP GRANT AND LOAN PROGRAM

| | |
|--|-------------|
| Total Number Applications Received | 30 |
| Dollar Amount of Application Requests | \$4,907,197 |
| Funds Allocated FY 92 | \$1,500,000 |
| Authorized Grant Allocations to 12/31/91 | \$1,173,429 |
| Authorized Loan Allocations to 12/31/91 | \$119,022 |

TANK UPGRADING AND CLOSURE PROGRAM**Tank Upgrading**

| | |
|---------------------------------------|-----------|
| Total Number Applications Received | 28 |
| Dollar Amount of Application Requests | \$806,037 |
| Authorized Allocations to 12/31/91 | \$676,108 |

Tank Closure

| | |
|---------------------------------------|-----------|
| Total Number Applications Received | 74 |
| Dollar Amount of Application Requests | \$946,785 |
| Authorized Allocations to 12/31/91 | \$786,040 |

Program Total

| | |
|------------------------------------|-------------|
| Funds Allocated FY 92 | \$1,500,000 |
| Authorized Allocations to 12/31/91 | \$1,462,148 |

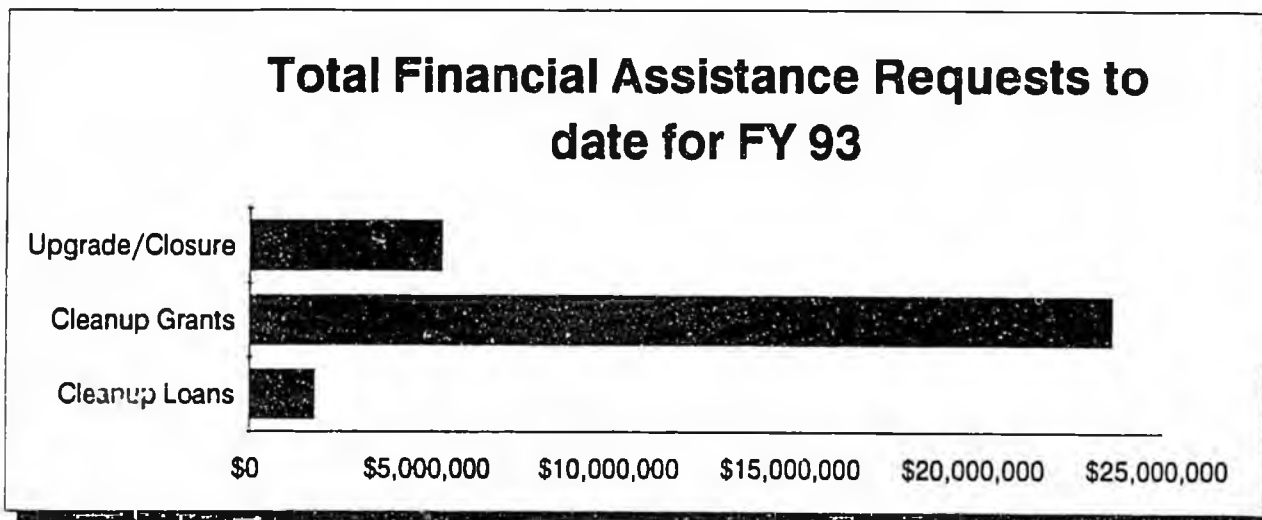
REIMBURSEMENT PROGRAM

| | |
|---------------------------------------|-------------|
| Total Number Applications Received | 162 |
| Dollar Amount of Application Requests | \$3,487,068 |
| Funds Allocated FY 92 | \$0 |
| Authorized Allocations to Date | \$0 |



FY 93 Requests for Financial Assistance

For activities that will be funded from the FY 93 appropriation, a total of \$30,710,885 has been received in financial assistance requests. The Tank Cleanup Grant and Loan Program received 172 applications to date for financial assistance for cleanups during FY 93. The dollar amount of cleanup application requests was \$25,441,202. A total of 367 applications to the Tank Upgrade and Closure Program were received requesting \$5,269,683 for projects during FY 93. Estimated revenue from tank registration receipts expected to be received during FY 93 is approximately \$430,000.



**Projected Costs For Financial Assistance Program For FY 93****PROGRAM SUMMARY FOR FY 93**

| | |
|--|--------------|
| Number Applications Received for FY 93 Funding | 539 |
| Total Dollar Amount of Application Requests | \$30,710,885 |

TANK CLEANUP GRANT AND LOAN PROGRAM

| | |
|--|--------------|
| Total Number Applications Received | 172 |
| Dollar Amount of Application Requests (Grants) | \$23,663,538 |
| Dollar Amount of Application Requests (Loans) | \$1,777,664 |
| Total Dollar Amount of Application Requests | \$25,441,202 |

TANK UPGRADING AND CLOSURE PROGRAM**Tank Upgrading**

| | |
|---------------------------------------|-------------|
| Total Number Applications Received | 101 |
| Dollar Amount of Application Requests | \$2,264,799 |

Tank Closure

| | |
|---------------------------------------|-------------|
| Total Number Applications Received | 266 |
| Dollar Amount of Application Requests | \$3,004,884 |

Program Total

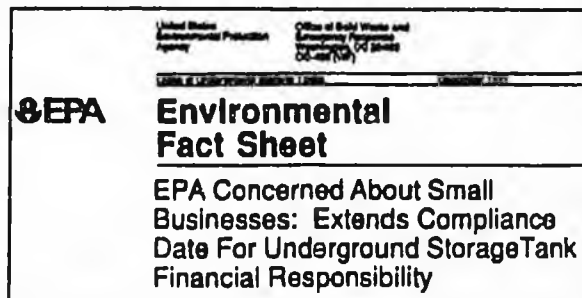
| | |
|---|-------------|
| Total Number Applications Received | 367 |
| Total Dollar Amount of Application Requests | \$5,269,683 |



UST INSURANCE

Financial Responsibility Deadline

The Board of Storage Tank Assistance supported House Joint Resolution Number 32 and Senate Joint Resolution 25 pertaining to underground petroleum storage tanks. The Board and the legislature recognized the concerns of Alaskan underground petroleum storage tank owners and operators in regard to the October 26, 1991 deadline for meeting the EPA financial responsibility requirement. Although insurance was steadily becoming available, thereby enabling owners and operators to meet the federal financial responsibility requirement, the insurance was limited to only those owners and operators demonstrating that their site was free from petroleum contamination. Although the state financial assistance program had been implemented to assist owners and operators determine the extent and subsequently clean up contamination resulting from underground petroleum storage tanks, a considerable amount of time and effort was still needed to achieve that goal.



EPA received a considerable number of requests from other states as well as Alaska and subsequently extended the deadline for meeting financial responsibility to December 31, 1993.



EPA Financial Responsibility Rule

The purpose of the Federal Financial Responsibility Regulations is to have owners and operators show that they can pay for costs associated with leaks from Underground Storage Tanks (UST's). The rule also protects the owner/operator as it assures that money will be available should there be high cleanup costs or lawsuits from third parties.

COSTS THAT MUST BE COVERED BY FINANCIAL RESPONSIBILITY:

Costs of cleaning up the spilled substance
Costs of cleaning up the property (corrective action)
Cost of third party damages

Failure to meet the federal financial responsibility requirement could result in daily fines of up to \$10,000!



The EPA regulations set out in eight methods by which financial responsibility can be met. (Four additional methods have just been added for local governments). Owners must be able to meet this requirement by December 31, 1993 whether they have contamination or not. There is currently only one method which is at all possible for a small Alaska business to use - private insurance.



Pollution liability insurance is available but very expensive for most small tank owners. The minimum average premiums are \$1,500 per site, \$500 per tank and \$3,500 per policy. The minimum deductible is \$5,000. An owner can expect to be required to submit satisfactory results of both tank tightness test and a site assessment with the application. The site assessment must show that there is no contamination. It is this requirement which makes pollution liability insurance impossible for most UST owners to obtain.

**WAYS TO MEET FINANCIAL
RESPONSIBILITY
REQUIREMENTS:**

**Commercially available
Insurance
Self Insurance
Guarantee
Surety Bond
Letter of Credit
Combination of Above**

The problem still involves the question of eligibility for insurance. That is, Is a facility actually insurable? Many insurance plans call for a clean site to be demonstrated, no previous contamination. Many of Alaska's facilities are older, "mom & pop" type business's that have operated continuously for years. Most of these facilities have had numerous incidents of overfilling, spillage during fuel deliveries or in some cases, even previous leaks have occurred.

The Storage Tank Assistance Fund will help owners help themselves by assisting owners of contaminated sites to undertake proper cleanup and become insurable.

Availability of Insurance for Alaska UST Owners

Tank owners and operators demand for environmental impairment (pollution) liability insurance to meet the EPA financial responsibility requirement has been very low. This is due primarily to the EPA again extending the deadline to December 31, 1993 for petroleum marketers owning 1 to 12 tanks, non-marketers with less than \$20,000 in net worth and local governments.

Despite the "mixed messages" sent to tank owners and operators by the EPA's deadline extensions, UST owners and operators still have a common-law exposure. In the event a tank leaks, they're looking at contamination costs that could lead to third-party lawsuits from property damage or bodily injury.

General Star has dropped out of the environmental liability insurance market citing further extensions in tank owners deadlines for complying with government financial responsibility requirements. With demand for coverage so low they could not hold the reinsurance support needed to continue their program. However, some new underwriters have entered the market, despite warnings that the markets capacity greatly exceeds demand at this time. Generally the market capacity is the same or slightly increased over last year.



Underwriters for all types of tank owners:

Agricultural Excess and Surplus Insurance (A Great American Company)
Lloyd's of London
National Union - EnviroGuard
Illinois Union Insurance (A CIGNA Company)

Underwriters for tank owners of specific types:

John Deere Insurance Co. (if they write your auto, RV, boat or equipment dealer insurance)
Oilmen's Insurance - Fireman's Fund (for petroleum distributors)

Coverage:

Liability - Claims Made (claim must occur and be reported during the policy period; some extended reporting periods may be available)
Clean Up Costs
Defense Costs

Limits:Liability: From \$ 500,000 per occurrence
1,000,000 aggregate

To

\$20,000,000 per occurrence
20,000,000 aggregate

Clean Up Costs: \$250,000 to be included in liability limit

Defense Costs: \$100,000 to outside of limits

Deductibles: All coverages \$5,000 to \$50,000

Premiums: All coverages \$1,000 to \$3,500

Application Process:

Written application through an insurance broker licensed in the state
Tank Tightness Test - required by most underwriters
Site Assessment - may be required
Inventory Information - may be required

Estimate of time currently required to obtain coverage:

7-90 days depending on completeness and accuracy of application and information submitted.



UST INSURANCE IN ALASKA

Agricultural Excess & Surplus Insurance Co. (AESIC), a Great American company, offers UST pollution policies. For information, contact the Crump E & S Group (800/888-7126).

Illinois Union Insurance Co. a CIGNA company has entered the UST pollution market and will provide either full or just third party coverage. Contact Montgomery & Collins (303/751-7974) for information.

John Deere Insurance Co. continues to offer UST pollution coverage as part of its insurance package for auto, boat, RV and equipment dealers. To talk with a local representative, call 800/654-9391.

Lloyd's of London underwriters offer a UST pollution program. Either full or third party coverage is available.

National Union Fire Insurance Co., a member of the American International Group (AIG), has two programs. One program is for tank owners with over 25 tanks and is available through agents working with AIG. The other program, available to large and small tank owners, is offered through the Sedgwick James Co. (800/255-7112). These AIG programs offer third party coverage; as a general rule, they do not cover on-site cleanup.

Oilman's Insurance Plan offers a policy written by Firemen's Fund.



UST Worker Certification Program

Alaska Statute 46.03.375 requires certification of those who supervise a regulated underground petroleum storage tank (UST) installation or closure, or who conduct tank tightness tests or cathodic protection testing. Persons supervising such work must be certified by the state within one year after the regulations are adopted. The regulations were adopted on March 25, 1991. This means that those who supervise on-site work on tanks MUST be certified after March 25, 1992. Failure to be certified will result in a Class B misdemeanor penalty. By ensuring the people who are responsible for the work being done on USTs are properly trained, the state will protect its financial investment in the UST program.

The state UST regulations established four types of certifications:

Installation, which includes upgrading (such as retrofitting spill and overfill protection equipment, etc.) and repair.

Closure, which includes removal.

Tank tightness testing, for existing tanks (does not apply to the pre-installation air test, which must be done by a person certified to install)

Cathodic protection testing, for testing and monitoring previously installed tanks. (this is not required for installing cathodic protection equipment on a new tank at the time of installation, a person certified to install UST's can test a system at installation according to the manufacturers instructions)

People wishing to be certified must pass the certification exam and will need to demonstrate successful completion of at least two projects in the past three years in the relevant field.



As of January 15, 1992 a total of 65 applicants have been issued an UST Worker License in at least one or more categories. Another 125 persons have passed the state certification exam but are still awaiting approval by the Division of Occupational Licensing (D.O.L.).



The certification exam has been scheduled to be conducted at a number of locations throughout the state during the spring of 1992. Other locations and dates may occur as requested and as determined necessary by D.O.L.

TEST SCHEDULE:

LOCATIONS

| | |
|----------------|---|
| March 13, 1992 | Anchorage, Fairbanks, Juneau, Dillingham, Ketchikan, Kodiak |
| April 17, 1992 | Anchorage, Fairbanks, Juneau, Dillingham, Ketchikan, Kodiak |
| May 22, 1992 | Anchorage, Fairbanks, Juneau, Dillingham, Ketchikan, Kodiak |

Training for UST Workers

Hartmann Management Corporation of Barrington, Illinois is conducting a 4 day UST training course April 13-16, 1992 at the Sheraton Hotel in Anchorage. Although it is not mandatory to take the course to become certified, the course has proven to be invaluable to persons wishing to become certified in Alaska. This comprehensive course includes coverage of such topics as codes and regulations, contract documents, project management, UST systems and components, material handling, excavating and trenching, supplemental holdown, backfilling and compaction, secondary containment, piping, electrical, safety, tank closure, testing, release detection, corrosion control, site assessments and corrective action.

The Plumbers and Pipefitters Joint Apprenticeship Committee in Fairbanks have organized a training seminar exclusively for their members in the Fairbanks area. They are bringing Hartmann Management Corporation to Fairbanks May 4-7, 1992.

The Division of Occupational Licensing, ADEC and the Board of Storage Tank Assistance have encouraged the private sector to develop other training programs devoted to Alaskan UST workers. At this time however, no other groups have come forward to offer training for UST workers in Alaska.

Future Certification Developments

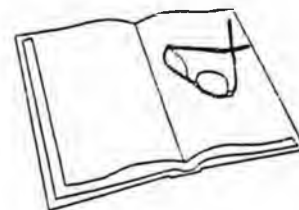
The Board of Storage Tank Assistance has taken the lead role in insuring the success of the Certification Program by working closely with the Division of Occupational Licensing staff for the issuance of licenses. Board staff have coordinated training classes, acted as lecturer's and assisted contractors and UST service providers in obtaining the proper forms and explaining the regulatory requirements. The Board has met with regulatory staff from other states to share ideas and develop concepts for improving the state UST Certification Program. Major obstacles that still must be overcome relate to insuring that UST Workers can receive reciprocity from other states. The EPA staff in Region 10 in Seattle have been sympathetic to this concern and are committed to helping the Board, ADEC and the Division of Occupational Licensing meet the needs of Alaskan UST workers. A joint and concerted effort will be made during FY 93 to raise the standard of Alaska's program such that it is acceptable to Oregon, Washington and Idaho. This will enable Alaskan's that have been certified in Alaska to also conduct similar work elsewhere in the Northwest.

UST Cleanups and Innovative Treatment Technologies

The Alaska Department of Environmental Conservation requires that any firm wishing to collect soil and water samples while undertaking site assessments, release investigations, corrective action or cleanups must develop a Quality Assurance Program Plan (QAPP) and have it approved by ADEC. The QAPP outlines the standard operating procedures, quality control procedures and data quality objectives for regulated underground storage tank (UST) site assessments. It directs the collection, interpretation, and reporting of data. This data will enable tank owners and operators and the Alaska Department of Environmental Conservation (ADEC) to evaluate the presence and extent of any groundwater and soil contamination and to determine if further action is necessary.

Quality Assurance Program Plans developed by engineering and environmental consulting firms operating in Alaska outlines a systematic approach to conducting UST site assessments. This approach is based on scientific studies, EPA guidance and methods, Alaska's UST regulations, and assessment and cleanup strategies currently used in Alaska and other states.

One means by which many of these firms can learn and apply technologies that are being developed outside of Alaska is through the Technology Information Office (TIO) of the U.S. Environmental Protection Agency.



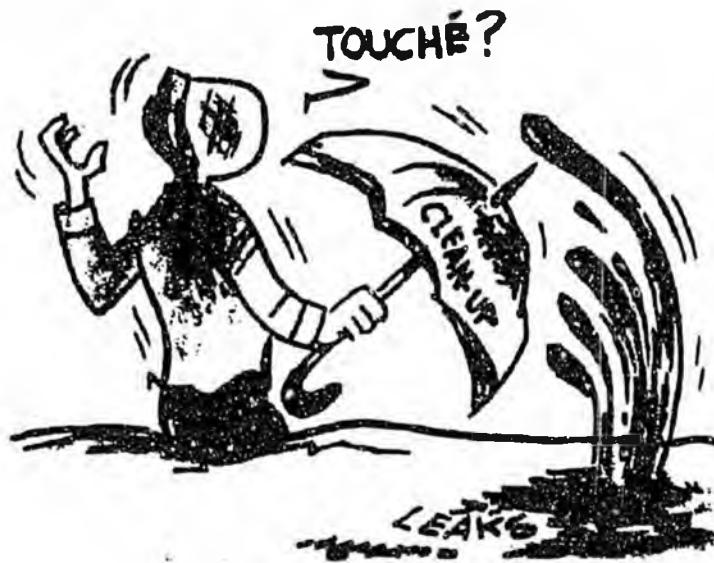
The TIO office presently reports that approximately 60% of the cleanup technologies that have been applied between 1982 and 1991 were based on established technologies such as on-site or off-site incineration and solidification/stabilization methods. The balance of ongoing or completed cleanups are based on innovative technologies such as soil washing, solvent extraction, in-situ and ex-situ bioremediation, in-situ soil flushing, vacuum extraction, dechlorination, in-situ vitrification, chemical treatment and thermal desorption methods. Most, if not all, of these methods are being applied in Alaska with varying degrees of success. The Technology Information Office has developed a number of initiatives for dealing with improving technology transfer mechanisms.

- Innovative Hazardous Waste Treatment Technologies: A Developer's Guide to Support Services (EPA/540/2-91/012) identifies programs and services that support technology development and commercialization. This includes Federal and State programs, facilities that can provide services related to technology development and testing, and university-affiliated research centers. This information targets the technology developer who needs help validating or commercializing his technology, and in understanding permitting and other regulatory requirements.



- A Vendor Information System on Innovative Treatment Technologies (VISITT) is a new database to provide screening level information on cost and performance from vendors and their clients. This information will provide a clearinghouse of innovative technology information for companies, consulting engineers, and state and federal project managers.
- The Bioremediation Field Initiative is a joint effort between TIO and the Office of Research and Development. The program is designed to more fully document performance of full-scale applications of bioremediation, provide technical assistance for treatability studies and field pilot studies, and enhance cross-regional information transfer on bioremediation. Applications are documented in a regular newsletter of the same name (EPA/540/2-91/018).
- A Market Assessment Project is underway to profile the remediation market retrospectively and over the next several years. The objective is to provide developers and investors with information on the type and size of site problems so that development dollars can be channelled more productively. Information on specific sites may also help vendors market their technologies to site managers.
- The Federal Remediation Technologies Roundtable serves as an information exchange network for and about Federal agencies conducting applied research and development on innovative remediation technologies. The Roundtable has recently published summary reports of federal demonstrations (EPA/540/8-91/009) and federal databases (EPA/540/8-91/008), and a bibliography of federal reports (EPA/54/8-91/007) concerning innovative treatment. Future efforts will focus on joint or collaborative demonstration projects.
- Identification and removal of regulatory impediments is an ongoing function of TIO. The same regulatory framework which essentially established the market for remedial technologies unfortunately hampers the development and application of innovative technologies. These include the cost and timing to a research permit, unfamiliarity of permit writers with new technology, site-specific permitting for transportable units, and stringent cleanup levels under the Land Disposal Restrictions.
- Information dissemination is one of TIO's major initiatives. TIO compiles a bibliography of all significant EPA publications on innovative technologies (EPA/540/8-91/006) and a periodic bulletin, Tech Trends, (EPA/540/M-91/004) which communicates experiences encountered in applying innovative technologies in the field.

- TIO has sponsored three Forums on Innovative Hazardous Waste Treatment Technologies: Domestic and International. International and domestic vendors of innovative technologies present papers and posters with an emphasis on actual field applications. Abstracts are available (EPA/540/2-91/016) for the most recent of these conferences, which was held in Dallas in June 1991. Documentation is also available for the first forum in 1989 (EPA/540/2-89/055) and the second in 1990 (EPA/290/010).
 - Because one of the largest markets for remediation technologies may be the states, TIO has an initiative to encourage states to promote innovation. State regulatory requirements and remediation programs will have a major impact on the pace and extent of innovation. TIO is working with a number of interested states to explore opportunities to establish a regulatory environment which not only tolerates, but actively encourages innovation.
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APPENDICES

APPENDIX A

Tank Tightness Testing And Site Assessment Incentive Program For FY 92

| OWNER NAME | FACILITY NAME | FAC ID# | TIGHTNESS TESTING | SITE ASSESSMENT | FINANCIAL ASSISTANCE | | COMMENTS | ORIGINAL REQUEST |
|-----------------------------|---------------------------------|---------|-------------------|------------------|----------------------|---------|----------|------------------|
| | | | | | AWARDED | PENDING | | |
| Ak Sales & Service | National Car Rental | 1255 | 300.00 | | 300.00 | | Complete | 300.00 |
| Andres, Robert E. | Bob's Corner Service Station | 2340 | 600.00 | 1,600.00 | 2,200.00 | | Complete | 2,200.00 |
| Borden, Shelby | Borden's Roadside | 1630 | 900.00 | | 900.00 | | Complete | 900.00 |
| Central Motor Inn | Central Motor Inn | 2506 | 300.00 | | 300.00 | | Complete | 300.00 |
| Cohen, David | Sheep Mt Lodge | 2005 | | 1,275.00 | 1,275.00 | | Complete | 1,405.00 |
| Crabb, Sandra | Crabb's Corner | 341 | 600.00 | | 600.00 | | Complete | 600.00 |
| Daniel G. Cox | Granite Creek Gen Store | 899 | 900.00 | | 900.00 | | Complete | 900.00 |
| Enstar | Anchorage Ops Ctr | 120 | 1,186.40 | | 1,186.40 | | Complete | 1,186.40 |
| Enstar | Sterling Gudenrath | 1640 | 300.00 | | 300.00 | | Complete | 300.00 |
| Enstar | Soldotna Ops Ctr | 1639 | 600.00 | | 600.00 | | Complete | 600.00 |
| Enstar | Spenard Rd Office Bldg | 133 | 296.60 | | 296.60 | | Complete | 296.60 |
| Enstar | Eagle River Operations | 141 | 890.00 | | 890.00 | | Complete | 890.00 |
| Furlong, Dan | Short Stop | 643 | 600.00 | | 600.00 | | Complete | 600.00 |
| Garrett's Tesoro | Garrett's Tesoro Int'l Blvd | 2527 | 600.00 | | 600.00 | | Complete | 600.00 |
| Homer Electric Assoc | HEA-Kenai | 231 | 900.00 | | 900.00 | | Complete | 900.00 |
| Howe, John | Wizard Wash | 2551 | | 2,599.32 | 2,599.32 | | Complete | 2,599.32 |
| Ken Bunch, Inc | Gulkana Air Service | 1700 | 900.00 | | 900.00 | | Complete | 900.00 |
| Ketchikan Public Util | KPU-Telephone | 238 | 600.00 | | 600.00 | | Complete | 600.00 |
| Ketchikan Public Util | KPU-Electric | 1724 | 600.00 | | 600.00 | | Complete | 600.00 |
| Kim, Ok Y. | Oceanview Texaco | 762 | 735.00 | | 735.00 | | Complete | 735.00 |
| Lucile E. Smith | Igloo City | 297 | 1,100.00 | | 1,100.00 | | Complete | 1,100.00 |
| Mike's University Svc | Mike's University Service, Inc. | 956 | 1,200.00 | | 1,200.00 | | Complete | 1,200.00 |
| Milco, Inc. | Frontier Service Texaco | 2483 | 825.00 | | 825.00 | | Complete | 825.00 |
| O.Kraft & Son, Inc. | Speedee Krafts | 1967 | 1,200.00 | | 1,200.00 | | Complete | 1,200.00 |
| Renner, Darrel | Renner's Chevron | 2324 | | 2,619.26 | 2,619.26 | | Complete | 2,619.26 |
| Renner, Terry | Renner's Gas & Save | 2326 | | 1,964.47 | 1,964.47 | | Complete | 1,964.47 |
| Smyth(Playle, James) | Smyth Moving Service, Inc. | 1445 | 540.00 | | 540.00 | | Complete | 540.00 |
| SouthCentral Air, Inc. | SouthCentral Air, Inc. | 431 | | 1,200.00 | 1,200.00 | | Complete | 1,200.00 |
| Tesoro Ak Petroleum | Garrett's #3(Muldoon) | 1502 | 900.00 | | 900.00 | | Complete | 900.00 |
| Tesoro Ak Petroleum | Homer Spit | 1125 | 1,200.00 | | 1,200.00 | | Complete | 1,200.00 |
| Tesoro Ak Petroleum | Rodger's Tesoro(Kenai) | 1127 | 900.00 | | 900.00 | | Complete | 900.00 |
| Tesoro Ak Petroleum | Seward Tesoro | 1122 | 850.00 | | 850.00 | | Complete | 850.00 |
| Weber, Gary | Wasilla Chevron | 1896 | 1,200.00 | 2,500.00 | 3,700.00 | | Complete | 4,400.00 |
| World Wide Movers | World Wide Movers | 381 | 300.00 | | 300.00 | | Complete | 300.00 |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| TOTAL GRANTS AWARDED | | | 22,023.00 | 13,758.05 | 35,781.05 | | | 36,611.05 |

APPENDIX A

Tank Tightness Testing And Site Assessment Incentive Program For FY 92

| OWNER NAME | FACILITY NAME | FAC ID# | TIGHTNESS TESTING | SITE ASSESSMENT | FINANCIAL ASSISTANCE | | COMMENTS | ORIGINAL REQUEST |
|------------------------|----------------------------|---------|-------------------|-----------------|----------------------|-------------|-------------------|------------------|
| | | | | | AWARDED | PENDING | | |
| Aero Flight Tech Svc | Aero Flight Tech Svc, Inc | 2131 | 742.50 | | | 742.50 | Received 12/30/91 | 742.50 |
| AK Farmer's Co-op | Mile 267.5 Richardson Hwy | 1076 | 750.00 | | | 750.00 | Received 12/11 | 750.00 |
| AK Transfer & Storage | AK Transfer & Storage | 2465 | 900.00 | | | 900.00 | Received 12/23/91 | 900.00 |
| Alamo Rent-A-Car, Inc. | Alamo Rent-A-Car, Inc | 1893 | 250.00 | | | 250.00 | Received 10/28 | 250.00 |
| Bally, Christine A. | Ace Supply | 2464 | 300.00 | | | 300.00 | Received 11/18 | 300.00 |
| Benco Inc | Big Wheel Tire | 868 | 900.00 | | | 900.00 | Received 12/31/91 | 900.00 |
| Big Delta Enterprises | Tarana Trading Post | 2559 | 600.00 | | | 600.00 | Received 12/18/91 | 600.00 |
| Bradford, Gary D | Penninsula Automotive | UNK | | | | No Cost Est | Received 12/30/91 | |
| Brunquist, Norm | 4618 Lk Spenard | 1479 | | | | No Cost Est | Received 12/31/91 | |
| Carlson Enterprises | Carlson Enterprises | 1504 | 600.00 | | | 600.00 | Received 12/30/91 | 600.00 |
| CEM Leasing Inc | Gas 'n Go | 1473 | 885.00 | | | 885.00 | Received 1/8/92 | 885.00 |
| CEM Leasing Inc | Market Basket/Plaza Gas | 2513 | 885.00 | | | 885.00 | Received 1/8/92 | 885.00 |
| CEM Leasing Inc | Hub Gas | 2519 | 885.00 | | | 885.00 | Received 1/8/92 | 885.00 |
| Childers, Dorothy | The Treasure Cache | 1191 | 600.00 | | | 600.00 | Received 12/11 | 600.00 |
| Chumley's Inc | Chumley's Inc | UNK | | | | No Cost Est | Received 12/31/91 | |
| City & Boro of Juneau | Busbarn | 2171 | | 1,923.66 | | 1,923.66 | Received 12/30/91 | 1,923.66 |
| City & Boro of Juneau | Fleet Maintenance | 2169 | | 1,100.00 | | 1,100.00 | Received 12/31/91 | 1,100.00 |
| City of Craig | Public Works | 1708 | | 334.47 | | 334.47 | Received 12/26/91 | 334.47 |
| City of Skaway | PW Maintenance Shop | 1978 | | 1306.84 | | 1,306.84 | Received 9/17 | 1,306.84 |
| City of Skaway | Sewage Treatment | 1979 | | 1306.85 | | 1,306.85 | Received 9/17 | 1,306.85 |
| Dyn Air Services Inc | Dyn Air Services Inc | 2517 | 825.00 | | | 825.00 | Received 12/30/91 | 825.00 |
| Eames, Mike | St. Elias Auto Ctr | 536 | | 1,511.87 | | 1,511.87 | Received 12/18/91 | 1,511.87 |
| Ellis Air Taxi, Inc. | Ellis Air TAXI(Gulkana) | 353 | 600.00 | | | 600.00 | Received 12/23/91 | 600.00 |
| Ellis, W. T. | Duffy's Roadhouse | 2497 | 600.00 | | | 600.00 | Received 12/31/91 | 600.00 |
| ERA Aviation Inc | ERA Aviation Center | 1476 | 1,200.00 | | | 1,200.00 | Received 12/31/91 | 1,200.00 |
| ERA Aviation Inc | ERA Helicopters Valdez | 1080 | 900.00 | | | 900.00 | Received 12/31/91 | 900.00 |
| ERA Aviation Inc | ERA Helicopters Juneau | 477 | 900.00 | | | 900.00 | Received 12/31/91 | 900.00 |
| ERA Aviation Inc | ERA Helicopters Fairbanks | 223 | 600.00 | | | 600.00 | Received 12/31/91 | 600.00 |
| Fairbanks U Drive Inc | Hertz Rent-a-Car | 806 | 600.00 | | | 600.00 | Received 12/20/91 | 600.00 |
| Fbks North Star Boroug | Chena Lks Rec Area | 1248 | 467.70 | | | 467.70 | Received 12/18/91 | 467.70 |
| Fbks North Star Boroug | North Star VFD Station #1 | 951 | 701.55 | | | 701.55 | Received 12/18/91 | 701.55 |
| Fbks North Star Boroug | Steese Area VFD Sta#1 | 2208 | 467.70 | | | 467.70 | Received 12/18/91 | 467.70 |
| Fbks North Star Boroug | Moose Creek VFD Station | UNK | 233.85 | | | 233.85 | Received 12/18/91 | 233.85 |
| Fbks North Star Boroug | Alaskaland | 2205 | 233.85 | | | 233.85 | Received 12/18/91 | 233.85 |
| Fbks North Star Boroug | FNSB Transit Garage | 2209 | 935.40 | | | 935.40 | Received 12/18/91 | 935.40 |
| Fbks North Star Boroug | Big Dipper Ice Arena | 1260 | 935.40 | | | 935.40 | Received 12/18/91 | 935.40 |
| Fbks North Star Boroug | Old University Park School | 2207 | 233.85 | | | 233.85 | Received 12/18/91 | 233.85 |
| Fbks North Star Boroug | North Pole High School | 2569 | 233.85 | | | 233.85 | Received 12/18/91 | 233.85 |
| Fbks North Star Boroug | North Pole Elem School | 2211 | 233.85 | | | 233.85 | Received 12/18/91 | 233.85 |

APPENDIX A

Tank Tightness Testing And Site Assessment Incentive Program For FY 92

| OWNER NAME | FACILITY NAME | FAC ID# | TIGHTNESS TESTING | SITE ASSESSMENT | FINANCIAL ASSISTANCE | | COMMENTS | ORIGINAL REQUEST |
|--------------------------|-----------------------------|---------|-------------------|-----------------|----------------------|----------|---------------------|------------------|
| | | | | | AWARDED | PENDING | | |
| Fbks North Star Boroug | Lathrop High School | 2212 | 233.85 | | | 233.85 | Received 12/18/91 | 233.85 |
| Fbks North Star Boroug | Hutchison Career Ctr | 2213 | 233.85 | | | 233.85 | Received 12/18/91 | 233.85 |
| Fbks North Star Boroug | Hunter Elementary School | 2629 | 233.85 | | | 233.85 | Received 12/18/91 | 233.85 |
| Fbks North Star Boroug | Main Admin Bldg | 2216 | 233.85 | | | 233.85 | Received 12/18/91 | 233.85 |
| Fbks North Star Boroug | School Dist Svc Facility | 199 | 701.55 | | | 701.55 | Received 12/18/91 | 701.55 |
| Frontier Bldg Partnershl | Frontier Building | 2489 | 300.00 | | | 300.00 | Received 12/19/91 | 300.00 |
| Gerik Inc. | Ride N Shine | 2186 | 900.00 | | | 900.00 | Received 12/24/91 | 900.00 |
| Greer Tank&Welding | Greer Tank&Welding | 154 | | 900.00 | | 900.00 | Received 12/31/91 | 900.00 |
| Gregoire, Richard | Homer Rental Ctr | 2365 | 900.00 | | | 900.00 | Received 12/23/91 | 900.00 |
| Hanauer, Ellen | Cushman Box Boy Grocery | 1089 | | 2,400.00 | | 2,400.00 | Need paid invoices | 2,400.00 |
| Homer Electric Assoc | HEA-Homer | 1261 | 900.00 | | | 900.00 | Received 11/1 | 900.00 |
| Int'l In-Flight Catering | Int'l In-Flight Catering | 449 | 300.00 | | | 300.00 | Received 12/31/91 | 300.00 |
| John T. Cunningham | Laidlaw Transit - Homer | 1581 | 300.00 | | | 300.00 | Need paid invoices | 300.00 |
| Johnson's Fuel Svc Inc | Johnson's Fuel Svc Inc | UNK | 600.00 | | | 600.00 | Received 1/8/92 | 600.00 |
| Jones, Troy | Blg Su Lodge | 2320 | 900.00 | 2,400.00 | | 3,300.00 | Received 12/30/91 | 3,300.00 |
| Korovin Corp | Olson's Texaco #1 | | 1,200.00 | | | 1,200.00 | Received 12/31/91 | 1,200.00 |
| Korovin Crnp | Olson's Texaco #2 | | 900.00 | | | 900.00 | Received 12/31/91 | 900.00 |
| Laidlaw Transit | Soldotna | 1254 | 825.00 | | | 825.00 | Need notif & pd inv | 825.00 |
| Lot Inc | Hatcher Pass Gateway Ctr | 123 | 600.00 | | | 600.00 | Received 12/31/91 | 600.00 |
| Magoffin, James(MarkA) | MarkAir Aircraft Hanger | 2371 | 300.00 | | | 300.00 | Received 12/23/91 | 300.00 |
| Mapco Express | #5003 2730 Spenard(Anch) | 14 | 850.86 | | | 850.86 | Received 12/19/91 | 850.86 |
| Mapco Express | #5004 5159 Old Seward(Anch) | 1500 | 850.86 | | | 850.86 | Received 12/19/91 | 850.86 |
| Mapco Express | #5006 1501 E Dimond(Anch) | 1505 | 850.86 | | | 850.86 | Received 12/19/91 | 850.86 |
| Mapco Express | #5007 5497 E No Lts(Anch) | 1510 | 850.86 | | | 850.86 | Received 12/19/91 | 850.86 |
| Mapco Express | #5008 717 E No Lts(Anch) | 50 | 850.86 | | | 850.86 | Received 12/19/91 | 850.86 |
| Mapco Express | #5010 1500 E 5th(Anch) | 1512 | 1,200.00 | | | 1,200.00 | Received 12/19/91 | 1,200.00 |
| Mapco Express | #5014 1900 Muldoon(Anch) | 1517 | 850.86 | | | 850.86 | Received 12/19/91 | 850.86 |
| Mapco Express | #5017 1773 College Rd(Fbks) | 1333 | 850.86 | | | 850.86 | Received 12/19/91 | 850.86 |
| Mapco Express | #5018 205 E 3rd(Fbks) | 966 | 900.00 | | | 900.00 | Received 12/19/91 | 900.00 |
| Mapco Express | #5020 2900 E Tudor(Anch) | 2545 | 850.86 | | | 850.86 | Received 12/19/91 | 850.86 |
| Mapco Express | #5021 6010 Old Seward(Anch) | 727 | 1,134.48 | | | 1,134.48 | Received 12/19/91 | 1,134.48 |
| Mapco Express | #5022 2300 Cushman(Fbks) | 2546 | 1,200.00 | | | 1,200.00 | Received 12/19/91 | 1,200.00 |
| Mapco Express | #5024 8803 Jewel Lk(Anch) | 1521 | 850.86 | | | 850.86 | Received 12/19/91 | 850.86 |
| Mapco Express | #5005 491 E Parks(Wasilla) | 2372 | 1,034.48 | 3,200.00 | | 4,234.48 | Received 12/19/91 | 4,234.48 |
| Mapco Express | #5011 1530 Huffman(Anch) | 2373 | 850.86 | 2,400.00 | | 3,250.86 | Received 12/19/91 | 3,250.86 |
| Mapco Express | #5016 12021 Glenn Hwy(ER) | 1907 | 850.86 | 2,400.00 | | 3,250.86 | Received 12/19/91 | 3,250.86 |
| Mark Air Inc | 4100 W Int'l Airport-Anch | 611 | 300.00 | | | 300.00 | Received 12/30/91 | 300.00 |
| Mark Air Inc | 5441 So Air Park Dr | UNK | 300.00 | | | 300.00 | Received 12/30/91 | 300.00 |
| MarkAir, Inc | Cargo Terminal, Fbks | 1110 | 1,200.00 | | | 1,200.00 | Received 12/23/91 | 1,200.00 |

APPENDIX A

Tank Tightness Testing And Site Assessment Incentive Program For FY 92

| OWNER NAME | FACILITY NAME | FAC ID# | TIGHTNESS TESTING | SITE ASSESSMENT | FINANCIAL ASSISTANCE | | COMMENTS | ORIGINAL REQUEST |
|-------------------------|-------------------------------|---------|-------------------|-----------------|----------------------|--------------|----------------------------|------------------|
| | | | | | AWARDED | PENDING | | |
| Aero Tech Flight | | 2131 | 742.50 | | Ineligible | | Work done prior to Sep-90 | 742.50 |
| Benshoof, Lyman | | 2402 | | | Ineligible | | No work done | |
| Blackard, Joe&Mary | Bus Barn | 324 | 517.50 | | Ineligible | | Work done prior to Sep-90 | 517.50 |
| Copper Basin Dist. | Tazlina Service | 1949 | 600.00 | | Ineligible | | Work done prior to Sep-90 | 600.00 |
| Fbks Daily News Minor | Fairbanks Daily News Minor | 2188 | 600.00 | | Ineligible | | Work done prior to Sep-90 | 600.00 |
| Fbks Motors, Inc. | Fairbanks Motors, Inc. | 1483 | 400.00 | | Ineligible | | Not an approved method | 400.00 |
| Gartz, Albert | OK Fuel Co. | 1594 | 1,500.00 | | Ineligible | | Work done prior to Sep-90 | 1,500.00 |
| Hammon, Fred | Soldotna Y Chevron | 518 | | | Ineligible | | Tanks out of use on 9/5/90 | |
| Horrell Investments | Glennallen Chevron | 2292 | 1,200.00 | | Ineligible | | Work done prior to Sep-90 | 1,200.00 |
| Interior Fuels | Interior Fuels - Discount Trk | 84 | 1,200.00 | | Ineligible | | Work done prior to Sep-90 | 1,200.00 |
| Interior Fuels | Interior Fuels - Heating Oil | 84 | 1,200.00 | | Ineligible | | Work done prior to Sep-90 | 1,200.00 |
| McMahan, R.S. | Ron's Service & Towing | 1478 | 900.00 | | Ineligible | | Work done prior to Sep-90 | 900.00 |
| Peters, Ken | Tudor Car Wash | 2451 | 850.00 | | Ineligible | | Work done prior to Sep-90 | 850.00 |
| Tesoro Ak Petroleum | Alaska Mechanical | 125 | 1,200.00 | | Ineligible | | Work done prior to Sep-90 | 1,200.00 |
| Tesoro Ak Petroleum | Garrett's New Seward | 1404 | 900.00 | | Ineligible | | Work done prior to Sep-90 | 900.00 |
| Tesoro Ak Petroleum | Willner's Mini Mart | 112 | 600.00 | | Ineligible | | Work done prior to Sep-90 | 600.00 |
| | | | | | | | | |
| | | | | | | | | |
| TOTAL INELIGIBLE | | | 12,410.00 | | | | | |
| | | | | | | | | |
| GRAND TOTAL | | | 95,007.63 | 45,256.79 | 35,781.05 | 3,121,388.69 | | 128,684.42 |
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APPENDIX B

TANK CLEANUP PROGRAM FINANCIAL ASSISTANCE (FA) FOR FY 92

| OWNER NAME | FACILITY NAME | FAC ID# | FY 92 APPLICATION | | FY 92 APPROVED FA | | ACTIVITIES FUNDED |
|------------------------------|---------------------------------|---------|-------------------|----------------|-------------------|----------------|-------------------|
| | | | GRANT | LOAN | GRANT | LOAN | |
| Illies, Riley, Worrell | Stop N Shop-Emergency Grt | 2315 | 121,623 | 12,163 | 109,460 | 12,163 | C, T |
| Nixon, William | Anchorage Clean Sweep | 1233 | 247,995 | 25,000 | 61,000 | 6,778 | CA, CU, SA |
| Kelly, Bud | Kelly's Tire & Wheel | 1460 | 949,600 | 25,000 | 68,967 | 7,663 | CA, CL, CU, SA, T |
| Wilson, Don | Don Wilson | 2529 | 100,000 | 11,111 | 64,000 | 7,111 | SA, T |
| Decker, Robert | University Car Care | 2285 | 142,003 | 15,778 | 110,800 | 12,311 | C, CL, SA, T |
| Cook, John | Sterling Tesoro | 2286 | 33,165 | 3,685 | 32,709 | 3,634 | C, CL, CU, SA, T |
| Continental Baking Co. | Sunrise Bakery | 330 | 95,655 | 10,628 | 95,655 | 10,628 | C, CL, CU, SA, T |
| Miller, Dale | Alaska Chevron | 556 | 800,148 | 25,000 | 95,000 | 10,556 | C, CL, CU, SA, T |
| John, Alec&Ruby | Tsesyu Tesoro | 1224 | 18,828 | 2,092 | 22,661 | 2,518 | SA, T |
| Illies, Riley, Worrell | Wasilla Stop-N-Shop | 2315 | 674,516 | 25,000 | 130,796 | 12,837 | C, CL, SA, T |
| Cohen, David | Sheep Mtn. Lodge | 2005 | 349,000 | 25,000 | 30,923 | 3,436 | CL, SA, T |
| Weber, Gary | Wasilla Chevron | 1896 | 18,315 | 2,035 | 22,760 | 2,529 | SA, T |
| Hanauer, Ellen | Cushman Box Boy Grocery | 1089 | 35,500 | 2,500 | 35,500 | 3,944 | C, CL, CU, SA, T |
| Alaskan Federal Credit Unio | Kender Enterprises | 2422 | 239,000 | 25,000 | 65,000 | 7,222 | SA, T |
| Northstore Ventures | Seven - 11 #105 | 1983 | 98,100 | 10,900 | 49,500 | A | CA, CU, T |
| Alaska Sightseeing, Inc | Alaska Sightseeing | 1657 | 109,460 | 12,162 | 45,000 | 5,000 | CU, SA, T |
| Garrett, Nelson | Garrett's Tesoro | 2527 | 225,000 | 25,000 | 54,014 | 6,002 | C, CL, SA, T |
| K & L Distributors, Inc | K & L Distributors (Anchorage) | 1503 | 15,523 | 1,725 | 20,000 | 2,222 | CA, CU, SA, T |
| Young, E.J. | Young Investment | 13 | 6,884 | 765 | 2,003 | 223 | C, CA, CU, SA, T |
| Alaska Sales & Service, Inc. | Alaska Sales & Service, Inc. | 1919 | 25,055 | 2,784 | 8,291 | A | CA, CU, SA, T |
| Benward, Roy | Lot 2A Jeanie Subdiv | 2582 | 2,005 | 223 | 1,871 | A | SA, T |
| Byers, Andrea&William | A & B Tool & Equip Rental, Inc. | 105 | 947 | 105 | 861 | A | CA, CU, SA, T |
| Allinger, Leroy | Mt. McKinley Rental | 2528 | 6,014 | 668 | 7,196 | A | CA, CU, T |
| Fairbanks Daily News-Miner | Fairbanks Daily News-Miner | 2188 | 29,579 | 3,287 | 19,266 | A | C, CA, CU, SA, T |
| K & L Distributors, Inc | K & L Distributing (Fairbanks) | 1958 | 16,200 | 1,800 | 13,293 | 1,477 | CA, CU, T |
| McMahan, Ronald | Ron's Service & Towing | 1478 | 6,903 | 767 | 6,903 | 767 | CA, CU, SA, T |
| TOTAL | | | 4,367,019 | 270,178 | 1,173,429 | 119,021 | |

| FY 92 Tank Cleanup Program Allocation | FY92 Allocation | Approved FA | Allocation Balance | Explanation- Activities Funded Codes |
|---------------------------------------|-----------------|-------------|--------------------|---------------------------------------|
| Total FY92 Allocation | 1,500,000 | 1,292,451 | 207,549 | C- Containment; CA- Corrective Action |
| Financial Assistance | 1,275,000 | 1,292,451 | -17,451 | CL- Closure; CU- Clean up activities |
| 15 Percent Reserve | 225,000 | | 225,000 | RA- Risk Assessment |
| | | | | SA- Site Assessment; T- Testing |

FOOTNOTES:

A-Project is complete and loan financial assistance not requested.

B-Approved FA assumes all loans will be financed, however no loan applications have been requested.

Allocation estimate shown in the first column is based on initial review of application and priority ranking.

Due to limited funding approved FA is for abatement and containment only. Final remediation and cleanup may be funded at a later date.

APPENDIX C

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE (FA) FOR FY 92

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | REQUESTED FA | | ELIGIBLE FA | | TOTAL ELIGIBLE | RANK SCORE |
|--------------------------------|------------------------------------|------------|--------------|-----------|---------------------|----------|-------------------|---------------|
| | | | UPGRADE | CLOSURE | UPGRADE | CLOSURE | | |
| Agni, Steve | Carr Gottstein | | | \$15,600 | | | FA-3 | NE |
| AK USA Federal Credit Union | Big Lake | 2308 | | \$4,842 | | | NE | 25 |
| AK USA Federal Credit Union | Lamplight Chevron | 2307 | | \$39,825 | | | NE | NE |
| Alaskan Federal Credit Union | Kender Enterprises | 2422 | | \$57,000 | | \$57,000 | \$57,000 | 25 |
| Alaska Sightseeing Tours, Inc. | Alaska Sightseeing Tours, Inc. | 1657 | | \$14,854 | | \$14,854 | \$14,854 | 25 |
| Anchorage Chrysler Center | Anchorage Chrysler Center | 161 | | \$1,323 | | | FA-3,5 | NE |
| Asako Corporation Ltd. | Alaska Sportsman's Lodge | 2284 | | \$14,998 | | \$14,911 | \$14,911 | 25 |
| Blackard, Joe & Mary | Laidlaw Transit | 324 | | \$11,811 | | | | NE |
| Byers, William | A & B Tool & Equipment Rental | 105 | | \$19,585 | | \$12,678 | \$12,678 | 25 |
| City of Palmer | Public Works Shop/Airport Facility | 652/892 | | \$19,251 | | \$19,095 | \$19,095 | 25 |
| City of Unalaska | Dept of Public Works-Valley Rd. | 89 | \$16,372 | \$4,538 | NE | \$4,538 | \$4,538 | 25 |
| Cline's Texaco | Cline's Texaco | 31 | \$18,300 | | \$8,490 | | \$8,490 | 20 |
| Cohen, David | Sheep Mountain Lodge | 2005 | \$27,600 | \$8,700 | \$27,600 | \$8,700 | \$36,300 | 20 |
| Copper Valley Electric Ass'n. | Copper Valley Electric Assoc | 290/294 | | \$2,614 | | \$2,614 | \$2,614 | 25 |
| Cooper, Stephen | 3712 University Ave. Fbx | 2525 | | \$3,854 | | \$2,042 | \$2,042 | 25 |
| Courtney's Tudor Service | Courtney's Tudor Service | 2375 | \$51,000* | \$9,000* | \$51,000 | \$9,000 | \$60,000 | 25 |
| Dam, William E. | Government Hill Texaco | 2524 | \$60,000* | | \$60,000 | | \$60,000 | 45 |
| Deacon, Jacqueline | Sister's Construction | | | \$32,822 | | | FA-3 | NE |
| Decker, Robert | University Car Care | 2285 | \$40,285* | \$19,715* | \$40,285 | \$19,715 | \$60,000 | 45 |
| Denali Fuel Company | Denali Fuel Company | 537 | | \$59,145 | | \$59,145 | \$59,145 | 25 |
| Dennison, K.M. | Lake Hood, Space #603 | 323 | | \$1,200 | (Lk Hood Permittee) | | | NE |
| Dunham, Laverne C. | Pigs for Pets | | | \$30,240 | | \$30,240 | \$30,240 | |
| Fairbanks Daily News Miner | Fairbanks Daily News Miner | 2188 | \$16,584 | \$2,280 | \$11,146 | | \$11,146 | 55 |
| Fairbanks Motors, Inc. | Fairbanks Motors, Inc. | 1483 | | \$1,680 | | \$1,680 | \$1,680 | 25 |
| Fairbanks North Star Borough | Baler/Landfill | 941 | | \$22,316 | | \$22,316 | \$22,316 | 25 |
| Fairbanks North Star Borough | Big Dipper Ice Rink | 1260 | | \$19,178 | | \$19,178 | \$19,178 | 25 |
| Fairbanks North Star Borough | Chena Lakes Recreation Area | 1248 | | \$9,106 | | \$9,106 | \$9,106 | 25 |
| Fairbanks North Star Borough | Hunter Elementary | 2629 | | \$9,106 | | \$9,106 | \$9,106 | 25 |
| Fairbanks North Star Borough | Hutchison Career Center | 2213 | | \$9,106 | | \$9,106 | \$9,106 | 25 |
| Fairbanks North Star Borough | Lathrop High School | 2212 | | \$9,106 | | \$9,106 | \$9,106 | 25 |

APPENDIX C

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE (FA) FOR FY 92

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | REQUESTED FA | | ELIGIBLE FA | | TOTAL ELIGIBLE | RANK SCORE |
|------------------------------|------------------------------------|------------|--------------|----------|---------------------|----------|-------------------|---------------|
| | | | UPGRADE | CLOSURE | UPGRADE | CLOSURE | | |
| Fairbanks North Star Borough | North Pole High School | 2569 | | \$9,106 | | \$9,106 | \$9,106 | 25 |
| Fairbanks North Star Borough | North Pole Middle School | 2630 | | \$9,106 | | \$9,106 | \$9,106 | 25 |
| Fairbanks North Star Borough | North Pole Transfer Station | 2631 | | \$11,708 | | \$11,708 | \$11,708 | 25 |
| Fairbanks North Star Borough | Old Sewage Plant | 2206 | | \$11,708 | | \$11,708 | \$11,708 | 25 |
| Fairbanks North Star Borough | Steese Volunteer Fire Depart | 2436 | | \$13,800 | | \$13,800 | \$13,800 | 25 |
| Fairbanks North Star Borough | Westcott Pool | 1253 | | \$9,106 | | \$9,106 | \$9,106 | 25 |
| Fennimore, Ron | Fennimore Service Center | 386 | \$3,165 | | \$3,165 | | \$3,165 | 20 |
| Gana - A' Yoo | Fbks Int'l Airport | 2045 | | \$12,000 | | | | NE |
| Garrett, Nelson | Garrett's Tesoro | 2527 | \$39,600 | | \$39,600 | | \$39,600 | 20 |
| Golden Valley Electric Assoc | Golden Valley Electric Assoc | 123 | | \$5,152 | | \$5,152 | \$5,152 | 25 |
| Grasto, Gene & Jeanette | Valley View Center | 649 | | \$12,611 | | \$12,611 | \$12,611 | 25 |
| Greer Tank, Inc. | Greer Tank, Inc. | 1188 | \$14,635 | \$7,190 | \$14,635 | \$7,190 | \$21,825 | 55 |
| Haines Light & Power Co. | Haines Light & Power, Co., Inc. | 360 | | \$1,451 | | \$1,451 | \$1,451 | 25 |
| Hammers, Roger (Kurani?) | Kurani, Inc., Pizza Hut 210 Center | 1218 | | \$2,805 | | \$2,805 | \$2,805 | 25 |
| Haxby, John | 239 E. Int'l. Airport Road | 1922 | | \$5,280 | | \$5,280 | \$5,280 | 25 |
| Head, Henry P. | H.P. Head, Lake Spenard #113 | 1689 | | \$210 | (Lk Hood Permittee) | | | NE |
| Hiddleston, George & Mary | c/o John Starke | | | \$10,620 | | \$10,620 | \$10,620 | 25 |
| Higgins, Charles | Charles Higgins Company | 2127 | | \$5,534 | | \$5,219 | \$5,219 | 25 |
| Illies, Riley & Worrell | Wasilla Stop 'n' Shop | 2315 | \$60,000* | | \$60,000 | | \$60,000 | 20 |
| John, Alec & Ruby | Tsesyu Service Station | 1224 | \$3,576 | \$8,160 | \$3,576 | \$8,160 | \$11,736 | 20 |
| K & L Distributors, Inc. | K & L Distributors, Fbx. | | | \$12,000 | | | FA-3 | NE |
| K & L Distributors, Inc. | K & L Distributors, Inc. Anch. | 1503 | | \$9,408 | | \$3,264 | \$3,264 | 25 |
| Kardatzke, Mike | Aviation Insurance of Alaska, Inc. | 1694 | | \$5,751 | | \$5,586 | \$5,586 | 25 |
| Lynden Transport, Inc. | Lynden Transport, Inc. | 216 | | \$8,335 | | | | NE |
| Markley, Jack & Viola | 1208 Gambell | 2274 | | \$13,601 | | \$13,600 | \$13,600 | 25 |
| Matteson, Barry | House of Harley | 2608 | | \$6,841 | | \$6,268 | \$6,268 | 25 |
| McBride, Mike | McBride's Flight Operations | 1711 | \$5,031 | \$3,101 | NE | \$3,002 | \$3,002 | 25 |
| McManan, Ronald S. | Ron's Service and Towing | 1478 | \$1,645 | \$2,926 | \$2,173 | \$3,864 | \$6,037 | 45 |
| Miller, Dale | Alaska Chevron | 556 | \$29,603 | \$1,320 | \$29,603 | | \$29,603 | 20 |
| Moose Creek General Store | Moose Creek General Store | 2199 | \$59,092 | \$8,922 | \$52,200 | \$7,800 | \$60,000 | 45 |

APPENDIX C

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE (FA) FOR FY 92

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | REQUESTED FA | | ELIGIBLE FA | | TOTAL ELIGIBLE | RANK SCORE |
|---|---------------------------------|------------|------------------|------------------|------------------|------------------|--------------------|---------------|
| | | | UPGRADE | CLOSURE | UPGRADE | CLOSURE | | |
| Municipality of Anchorage | SW Services | | | \$26,453 | | \$25,104 | \$25,104 | 25 |
| Nenana Heating Services, Inc. | Nenana Heating Services, Inc. | 1626 | \$770 | | \$770 | | \$770 | 20 |
| Perkins, James & Barbara | Clear H-2-O | 1666 | | \$7,725 | | \$5,792 | \$5,792 | 25 |
| Petroleum Sales | Petroleum Sales | | | \$20,370 | | \$20,370 | \$20,370 | 25 |
| R & M Consultants | R & M Consultants | 249 | | \$10,876 | | | | NE |
| Rain Proof Roofing | Rain Proof Roofing | 286 | | \$5,340 | | \$6,772 | \$6,772 | 25 |
| Robbins, Mary L(No-Par Inc) | The Village Store | 219 | \$36,600 | \$23,400 | \$36,600 | \$23,400 | \$60,000 | 45 |
| Roderick, Paul | Anchor Point Texaco | 2432 | \$60,000 | | | | | NE |
| Schwankø, Roland | Sterling Chevron | 642 | | | | \$13,304 | \$13,304 | 25 |
| Second Ave. Service, Inc. | Second Avenue Service, Inc. | 2341 | \$35,444 | \$10,800 | \$35,444 | \$10,800 | \$46,244 | 45 |
| Skagway Fuels-Gordon, Alvin | Skagway Fuels | | | \$884 | | \$884 | \$884 | 25 |
| Soldotna Y Chevron | Soldotna Y Chevron | 518 | \$7,414 | | | | | NE |
| Summit Lake Lodge | Summit Lake Lodge | 1935 | \$10,667 | \$5,853 | | \$5,853 | \$5,853 | 25 |
| Sunrise Distributor, Inc. | Sunrise Distributor, Inc. | 2293 | | \$3,926 | | \$3,428 | \$3,428 | 25 |
| Superior Car Wash Systems | Alaska Auto Import Specialties | | | \$10,543 | \$10,543 | | \$10,543 | 25 |
| Superior Car Wash Systems | Wasilla Car Wash | 1283 | \$11,876 | | | \$11,876 | \$11,876 | 25 |
| T. C. T. Communication | T.C.T. Communications | 2271 | | \$4,990 | | \$4,914 | \$4,914 | 25 |
| Temsco Helicopters | Temsco Helicopters-Ketchikan | | \$41,678 | | \$41,678 | | \$41,678 | 65 |
| Trail Ridge Air | Trail Ridge Air | 896 | \$7,500 | \$6,513 | | \$4,440 | \$4,440 | 25 |
| Tundra Copters | Tundra Copters | 1681 | | \$2,256 | | \$2,256 | \$2,256 | 25 |
| United Lumber Co., Inc. | Soldotna | 761 | | \$6,000 | | \$6,000 | \$6,000 | 25 |
| United Lumber Co., Inc. | Anchorage | | | \$47,909 | | \$47,909 | \$47,909 | 25 |
| Valley Service Center, Inc. | Valley Chevron | 455 | \$57,600* | \$2,400* | \$57,600 | \$2,400 | \$60,000 | 65 |
| Vrem, Kelly L. | Birchwood Airport Lot 1 Bk 200 | | \$30,000* | \$30,000* | \$30,000 | \$30,000 | \$60,000 | 45 |
| Wadsworth, Norma | Camper City Super Service | 2530 | \$60,000* | | \$60,000 | | \$60,000 | 65 |
| Wise, Dennis | Astoria Limited/Cornerstone Gas | 66 | | \$60,000* | | \$60,000 | \$60,000 | 25 |
| *Application exceeded \$60,000, but limited to \$60,000 per statute | | | | | | | | |
| TOTALS | | | \$806,037 | \$946,785 | \$676,108 | \$786,040 | \$1,462,148 | |

NE = not eligible for assistance this program FA-3 = should apply for Tank Cleanup Program FA-5 = should apply for Reimbursement Program

APPENDIX D

REIMBURSEMENT PROGRAM FOR TANK CLEANUP, UPGRADE AND CLOSURE

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | UPGRADE & CLOSURE | CLEANUP | TOTAL REQUEST |
|---------------------------------------|---|--------------------|----------------------------------|----------------|--------------------------|
| Air Van Lines(Arrow Moving & Storage) | Arrow Moving & Storage (209 Post) | 1349 | \$3,978 | \$12,631 | \$16,609 |
| Air Van Lines(Arrow Moving & Storage) | Arrow Moving & Storage (209 Post) | 1349 | \$3,978 | \$12,631 | \$16,609 |
| Air Van Lines, Inc.(Bethco Conslid) | Anch Moving Svc (135 Post Rd) | 795 | \$3,974 | \$9,553 | \$13,527 |
| Air Van Lines, Inc.(Sumiko Grp) | Air Van Lines (2216 Post) | 1351 | \$8,394 | \$4,401 | \$12,795 |
| AK USA Federal Credit Union | Blg Lake Marina | 2308/2011 | \$4,271 | \$30,231 | \$34,502 |
| AK USA Federal Credit Union | Lamplight Chevron (Kenal) | 2307 | | \$20,253 | \$20,253 |
| Alascom, Inc | 12 Sites | 12 Sites | \$200,000 | | \$200,000 * |
| Alaska Airlines | Petersburg | 1354 | \$9,767 | \$7,054 | \$16,821 |
| Alaska Sales & Service | Geo Ctr | 1919 | \$28,689 | | \$28,689 |
| Allinger, Leroy | Mt. McKinley Rentals | 2528 | | \$24,779 | \$24,779 |
| Alyeska Pipeline Service | Van Horn Facility/Pump Sta #2 & #12 | 3 Sites | \$7,402 | \$91,229 | \$98,631 |
| Anchorage Chrysler Center | Anchorage Chrysler Center | NE | | | Not Eligible |
| Arctic Slope/Ocean Holdings | APC Fabrication Yard | | \$4,862 | | \$4,862 |
| Benward, Roy | Roy E. Benward | 2582 | | \$4,734 | \$4,734 |
| Blackard, Joe & Mary | Bus Barn(Laidlaw Transit) | 324 | \$5,120 | | \$5,120 |
| Blackard, Joe & Mary | Office/Shop (Mat Su Inc) | 570 | \$4,695 | | \$4,695 |
| Brannon, Ernest W. & Donna | Burkeshore Marina | 498 | | \$8,276 | \$8,276 |
| Butler Aviation | Anchorage Fueling & Service Co Plant #4 | 1270 | \$836 | \$130,392 | \$131,228 |
| Carr Gottstein, Inc. | 6441 C St (J.B. Gottstein & Co.) | 830 | | \$25,340 | \$25,340 |
| Central Plumbing & Heating, Inc. | Central Plumbing & Heating, Inc. | 2290 | \$6,556 | | \$6,556 |
| City of Fairbanks | 10 Sites | 10 Sites | \$29,358 | | \$29,358 |
| Cohen, David | Sheep Mt Lodge | 2005 | | \$2,199 | \$2,199 |
| Continental Baking Co. | Sunrise Bakery | 330 | \$14,200 | \$79,622 | \$93,822 |
| Continental Motor Co | 4940 Old Seward | 52 | \$25,345 | \$9,048 | \$34,393 |
| Continental Motor Co | 6239 McKay | 647 | \$2,236 | | \$2,236 |
| Continental Motor Co | 6255 McKay | 2201 | \$5,138 | \$1,835 | \$6,973 |
| Cook, John | Sterling Tesoro | 2286 | | \$29,658 | \$29,658 |
| Copper Valley Electric | Valdez & Glennallen | 290/294 | \$4,356 | | \$4,356 |
| Culhane Brothers | Culhane Brothers | 1725 | | \$200,000 | \$200,000 * |
| Denali Fuel Co | Consolidated Freightways 801 1st Ave | 305 | \$3,035 | \$48,055 | \$51,090 |
| Eastwind, Inc | Old Crowley Shop | 397 | \$12,999 | \$78,800 | \$91,799 |
| Enstar Natural Gas Co. | Beaver Creek | 1648 | \$2,492 | \$12,881 | \$15,373 |
| Enstar Natural Gas Co. | Kenai Operations | 1637 | \$825 | | \$825 |

APPENDIX D

REIMBURSEMENT PROGRAM FOR TANK CLEANUP, UPGRADE AND CLOSURE

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | UPGRADE & CLOSURE | CLEANUP | TOTAL REQUEST |
|---------------------------------------|--------------------------------------|--------------------|----------------------------------|----------------|--------------------------|
| Air Van Lines(Arrow Moving & Storage) | Arrow Moving & Storage (209 Post) | 1349 | \$3,978 | \$12,631 | \$16,609 |
| Fairbanks Daily News Miner | Fairbanks Daily News Miner | 2188 | \$19,098 | | \$19,098 |
| FDIC/St of AK Teachers Retirement | Seair Ak Airlines | 1179 | | \$36,127 | \$36,127 |
| Fennimore, Ron | Fennimore Service Ctr (#21 Front St) | 386 | \$7,023 | | \$7,023 |
| Gana A'Yoo Ltd | Fbks Int'l Airport | 2045 | | \$9,527 | \$9,527 |
| Garrett, Nelson | Garrett's Tesor | 2527 | | \$37,517 | \$37,517 |
| GO Invest dba B&B Tool | B&B Tool Supply, Inc. | 1914 | | \$22,238 | \$22,238 |
| Golden Valley Electric | Usibell Spur Rd | 128 | \$3,361 | | \$3,361 |
| Head, H.P. | Lake Spenard #113 | 1689 | | | Not Eligible |
| Healy Roadhouse, Inc. | Healy Roadhouse Inc. | 404 | \$2,505 | | \$2,505 |
| Hess, Jerry | Katmai Oil & Gas | | | \$6,818 | \$6,818 |
| Illies, Dennis | Valley Country Store | 1988 | \$1,848 | | \$1,848 |
| John, Alec & Ruby | Tsesyu Service Station | 1224 | \$33,121 | | \$33,121 |
| K&L Distributors, Inc. | K&L Distributors - Fairbanks | 1958 | | \$7,850 | \$7,850 |
| K&L Distributors, Inc. | K&L Distributors - Anchorage | 1503 | | \$79,934 | \$79,934 |
| Kenai Peninsula Borough | Homer Maintenance Shop | 1881 | \$674 | \$14,308 | \$14,982 |
| Kenai Peninsula Borough | School Warehouse | 1880 | \$22,633 | | \$22,633 |
| Lefever, Darrel | Topper's 4th & Ingra | 1920 | | | Not eligible |
| Lynden Transport | 3001 Peger Rd, Fbks | 216 | \$8,335 | | \$8,335 |
| Mapco Express, Inc. | 15 Sites | 15 Sites | | \$200,000 | \$200,000 * |
| Mark Air Inc | Mark Air - 1400 W. Int'l Airport Rd | 611 | \$14,887 | | \$14,887 |
| Matanuska Electric | 3 Facilities | 3 Sites | \$49,316 | \$35,670 | \$84,986 |
| MPH Trust (Transpacific Resources) | Loomis Armored | 394 | \$1,120 | \$15,603 | \$16,723 |
| Municipality of Anchorage | Landfill & Central Transfer Station | 2086/1306 | \$4,050 | | \$4,050 |
| Nenana Heating Service | A Frame Services | 1623 | | \$2,025 | \$2,025 |
| Ninilchik Native Association | Clam Gulch Service Station | 1592 | | \$14,804 | \$14,804 |
| Nixon, William | Anchorage Clean Sweep | 1233 | \$17,850 | | \$17,850 |
| Northstore Ventures | 7-Eleven 28 Facilities | 28 Sites | \$112,000 | \$88,000 | \$200,000 * |
| Nye Frontier Ford | Nye Frontier Ford | 2313 | \$49,911 | | \$49,911 |
| Our Lady of Compassion Care Ctr | Our Lady of Compassion Care Ctr | 1691 | \$15,891 | | \$15,891 |
| Parker Drilling Co. | Parker Drilling Co. | 40 | \$50,993 | | \$50,993 |
| Petro Products Co. Inc. | Renner's Gas & Save #5 | 1421 | \$79,254 | \$30,870 | \$110,124 |
| Phillips Petroleum | Phillips Kenai Plant | 610 | | \$6,392 | \$6,392 |

APPENDIX D

REIMBURSEMENT PROGRAM FOR TANK CLEANUP, UPGRADE AND CLOSURE

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | UPGRADE & CLOSURE | CLEANUP | TOTAL REQUEST |
|---------------------------------------|-------------------------------------|----------------|------------------------------|--------------------|----------------------|
| Air Van Lines(Arrow Moving & Storage) | Arrow Moving & Storage (209 Post) | 1349 | \$3,978 | \$12,631 | \$16,609 |
| Pink Elephant Stores, Inc. | Pink Elephant Stores, Inc. | 1452 | \$650 | | \$650 |
| R&M Consultants | R&M Consultants | NE | | | Not Eligible |
| Roderick, Paul | Anchor Pt Texaco | 2432 | | \$200,000 | \$200,000 * |
| Rol-Don's Inc | Sterling Chevron | 642 | | \$119,582 | \$119,582 |
| Russell, Darrell | | NE | | | Not Eligible |
| Sister's Construction | Sister's Construction | NE | | | Not Eligible |
| Skagway Fuels | 8th Ave & AK St | 981 | | \$27,000 | \$27,000 |
| Stoner, Vern | Goldpanner Service, Inc. | 1339 | | \$5,716 | \$5,716 |
| Suburban Propane Gas Co. | Suburban Propane Gas Co. | 963 | \$3,587 | | \$3,587 |
| Temscos Helicopters | Juneau | 270 | \$31,412 | | \$31,412 |
| Temscos Helicopters | Wrangel | 1775 | \$2,365 | | \$2,365 |
| Temscos Helicopters | Ketchikan | 1768 | \$33,455 | | \$33,455 |
| Transpacific Resources, Inc. | USPS Annex - 3719 Arctic Blvd | 2051 | \$7,299 | \$18,649 | \$25,948 |
| Troy Air, Inc | Ak Airlines Anchorage Int'l Airport | | \$20,425 | \$32,121 | \$52,546 |
| Tundra Tours, Inc. | Industrial Ave/Badger Rd | 1671/1675 | \$7,786 | \$10,412 | \$18,198 |
| U.S. Small Business Admin | Den Tech (Rent a Wreck 1313 Laona) | 2004 | | \$19,796 | \$19,796 |
| United Lumber Co. | Millwork Plant 160 W. 68th | 1030 | \$47,910 | | \$47,910 |
| United Utilities | Manley Electric | 70 | | \$8,134 | \$8,134 |
| Usibelli Coal Mine, Inc. | Usibelli Healy Creek Facility | 267 | | \$11,079 | \$11,079 |
| Vangas, Inc. | Petrolane - 2550 Cushman, Fbks | 519 | \$45,114 | | \$45,114 |
| Waldec Enterprises, Inc. | Eastside Anch Auto Svc | 320 | \$7,082 | \$67,225 | \$74,307 |
| Waldron Corp. | Waldron Corp. | 668 | \$23,929 | | \$23,929 |
| Westours, Inc | Gray Line of Ak - Skagway | 308 | \$168,000 | \$32,000 | \$200,000 * |
| Wilson, Donald | Spenard Property | 2529 | | \$29,036 | \$29,036 |
| Wortham, William & Carol | College Service Station | | \$1,866 | \$10,961 | \$12,827 |
| Young, E.J. | Young Investments | 13 | | \$21,935 | \$21,935 |
| Young, John & Jacques | Diamond Chevron | 2444 | \$6,729 | \$42,210 | \$48,939 |
| Matanuska Electric Assoc | Matanuska Electric Assoc | 2425 | \$11,200 | \$35,670 | \$46,870 |
| TOTALS | | | \$1,349,252 | \$2,137,816 | \$3,487,068 |

*Maximum allowable per statute

APPENDIX E

TANK CLEANUP PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|----------------------------|--------------------------------|---------|---------------|----------------|--------|------------------|
| | | | | GRANT | LOAN | TOTAL |
| A & M Investments | Continental Motor Co. | 2201 | 12/31/91 | 1,128 | 125 | 1,253 |
| Ak Farmers Co-op, Inc | Mile 267.5 Richardson Hwy | 1076 | 12/20/91 | 48,600 | 5,400 | 54,000 |
| AK Railroad Corp | Various Sites | UNK | 12/31/91 | 407,582 | 25,000 | 432,582 |
| Ak Sales & Service | National Car Rental | 1255 | 11/13/91 | 12,068 | 1,341 | 13,409 |
| AK Sales & Service | 1300 E 5th | 1952 | 12/2/91 | 65,431 | 7,270 | 72,701 |
| AK Sales & Service, Inc. | Truck Center-1345 E. 8th Ave | 1959 | 11/18/91 | 7,233 | 804 | 8,037 |
| Ak Sightseeing Tours | Ak Sightseeing Tours | 1657 | 12/31/91 | 199,912 | 22,213 | 222,125 |
| Alascom Inc. | Eagle River Earth Station | 1155 | 12/31/91 | 15,941 | 1,771 | 17,712 |
| Alascom Inc. | Glennallen | 333 | 12/31/91 | 16,241 | 1,805 | 18,046 |
| Alascom Inc. | Pedro Dome | 1674 | 12/31/91 | 14,587 | 1,621 | 16,208 |
| Alascom Inc. | Sawmill | 367 | 12/31/91 | 17,294 | 1,922 | 19,216 |
| Alascom Inc. | Sitka | 114 | 12/31/91 | 28,273 | 3,141 | 31,414 |
| Alascom Inc. | Talkeetna Bartlett | 1139 | 12/31/91 | 18,046 | 2,005 | 20,051 |
| Alascom Inc. | Tok | 319 | 12/31/91 | 13,535 | 1,504 | 15,039 |
| Alascom Inc. | Tolsona | 322 | 12/31/91 | 14,888 | 1,654 | 16,542 |
| Alaska Airlines | Ak Airlines Term-Wrangell | 1359 | 12/30/91 | 41,355 | 4,595 | 45,950 |
| Alaska Mechanical, Inc. | Alaska Mechanical, Inc. | UNK | 12/30/91 | 13,500 | 1,500 | 15,000 |
| Alaska West Express | Alaska West Express | UNK | 1/3/92 | 4,267 | 474 | 4,741 |
| Alaskan Federal Cr Union | SJ Chapman Subdiv | 2422 | 12/19/91 | 292,658 | 18,500 | 311,158 |
| Alyeska Seafoods, Inc | Alyeska Seafoods, Inc | UNK | 12/31/91 | | | No Cost Estimate |
| AMP Industries | AMP Warehouse | UNK | 12/24/91 | 14,897 | 1,655 | 16,552 |
| Anch Baptist Temple Inc | ABT Preschool & Bus shop | 1144 | 12/31/91 | 27,000 | 3,000 | 30,000 |
| Anch Baptist Temple Inc | Anch Baptist Temple Inc | 1145 | 12/31/91 | 31,500 | 3,500 | 35,000 |
| Anch Fueling&Service Co | AFSC Plant No.4 | 1270 | 12/26/91 | 443,139 | 25,000 | 468,139 |
| Anderson Trucking Svc | Anderson Trucking Service, Inc | 2008 | 12/24/91 | 38,652 | 4,295 | 42,947 |
| Arctic Slope Regional Corp | Executone, Inc-Fbks | UNK | 12/30/91 | 49,006 | 5,445 | 54,451 |
| Arnoldy, Marty | Summit Lk Lodge | 818 | 12/17/91 | 279,563 | 25,000 | 304,563 |
| B-J's Services, Inc | B-J's Services, Inc | 2463 | 12/30/91 | | | No Cost Estimate |
| Bailey, Frederick | Bailey's Rental | UNK | 12/31/91 | 20,012 | 2,223 | 22,235 |
| Battrud, Robert | 3002 Spenard, Anchorage | UNK | 9/19/91 | 7,894 | 877 | 8,771 |
| Bettles Lodge Inc | Bettles Lodge Inc | 1535 | 12/30/91 | | | No Cost Estimate |
| Bigfoot Auto Svc, Inc | Bigfoot Auto Svc-Haines | 1235 | 12/30/91 | 18,409 | 2,045 | 20,454 |
| Bradford, Gary | Penninsula Automotive | UNK | 12/30/91 | | | No Cost Estimate |
| Brunquist, Norm | 4618 Lk Spenard | 1479 | 12/31/91 | | | No Cost Estimate |
| Butler, Roger | R & J Enterprises | UNK | 12/31/91 | 22,500 | 2,500 | 25,000 |
| Campbell, David | Campbell & Sons Fuel | 741 | 12/30/91 | 722,749 | 25,000 | 747,749 |

APPENDIX E

TANK CLEANUP PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|---------------------------|--------------------------------|---------|---------------|----------------|--------|------------------|
| | | | | GRANT | LOAN | TOTAL |
| CDE Co. | The Office Place 116 Minnie St | UNK | 10/3/91 | 14,706 | 1,634 | 16,340 |
| CEM Leasing | Gate 29 W Ramp, Fbks Airpt | 201 | 12/27/91 | 12,699 | 1,411 | 14,110 |
| Chuck Higgins Co. | Princess Tours Bus Maint | 2127 | 12/31/91 | 39,016 | 4,335 | 43,351 |
| Chumbley's Inc | Chumbley's Inc | UNK | 12/31/91 | | | No Cost Estimate |
| City of Craig | Public Works | 1708 | 12/26/91 | 7,315 | 813 | 8,128 |
| City of Homer | Public Works | 2522 | 12/27/91 | 13,021 | 1,447 | 14,468 |
| City of Palmer | Equipment Yard | 652 | 12/27/91 | 354,945 | 25,000 | 379,945 |
| City of Seward | Public Works Shop | 1491 | 12/23/91 | 166,320 | 18,480 | 184,800 |
| City of Unalaska | Unalaska Dept of Public Wks | 89 | 12/31/91 | 58,725 | 6,525 | 65,250 |
| City & Borough of Juneau | PW Utilities Div | 1177 | 12/30/91 | 5,850 | 650 | 6,500 |
| City & Borough of Juneau | Juneau Airport | 2157 | 12/30/91 | | | No Cost Estimate |
| City & Borough of Juneau | Eaglecrest Ski Area | 1891 | 12/30/91 | 8,059 | 895 | 8,954 |
| City & Borough of Juneau | Parks & Recreation | 2158 | 12/30/91 | 8,231 | 914 | 9,145 |
| Cohen, David | Sheep Mt Lodge | 2005 | 12/30/91 | | | No Cost Estimate |
| Columbus Distributing Co. | Soldotna Texaco | 1391 | 12/31/91 | 237,325 | 25,000 | 262,325 |
| Continental Motor Co. | 6239 Mackay St | 647 | 12/31/91 | 542 | 60 | 602 |
| Continental Motor Co. | 4940 Old Seward | 52 | 12/31/91 | 173,093 | 19,233 | 192,326 |
| Cook, John | Cook's Sterling Tesoro | 2286 | 12/31/91 | 425,000 | 25,000 | 450,000 |
| Cordova Outboard Shop | Cordova Outboard Shop | UNK | 12/31/91 | 67,500 | 7,500 | 75,000 |
| Coutney, Estate of | Courtney's Tudor Service | UNK | 12/31/91 | 32,400 | 3,600 | 36,000 |
| Darby, Ted | Space 424, Lake Hood | UNK | 10/11/91 | | | No Cost Estimate |
| Decker, Robert | University Car Care | 2285 | 12/31/91 | 184,061 | 20,451 | 204,512 |
| Denall Fuel Co. | Hartzell Road | 542 | 12/27/91 | 42,008 | 4,667 | 46,675 |
| Denall Fuel Co. | Equipment Sales, Inc | 537 | 12/27/91 | 76,862 | 8,540 | 85,402 |
| Dentech | Dentech | UNK | 12/31/91 | 4,981 | 554 | 5,535 |
| Empire Airlines Inc. | Empire Airlines Inc. | 2615 | 12/27/91 | 7,236 | 804 | 8,040 |
| Empire Airlines Inc. | Empire Airlines Inc. | 2615 | 12/27/91 | 4,522 | 503 | 5,025 |
| ERA Aviation Inc | ERA Helicopters-Juneau | 477 | 12/31/91 | 438,879 | 25,000 | 463,879 |
| ERA Aviation Inc | ERA Helicopters-Fbks | 223 | 12/31/91 | 420,715 | 25,000 | 445,715 |
| Estate of Wm G Knight | Rampart Property | 1121 | 12/31/91 | 139,212 | 15,468 | 154,680 |
| Falcon Properties | Gate 28 West Ramp Fbks Airpt | UNK | 12/31/91 | 2,899 | 322 | 3,221 |
| Fbks North Star Borough | Westcott Pool | 1253 | 12/30/91 | 32,804 | 3,645 | 36,449 |
| Foster, Corrine | Cache Creek Chevron | UNK | 12/31/91 | | | No Cost Estimate |
| Gana A Yoo Ltd | Fbks Int'l Airport Bk 101 Lt 1 | 2045 | 8/28/91 | 83,597 | 9,289 | 92,886 |
| Garrett, Nelson | Garrett's Tesoro | 2527 | 12/18/91 | 239,795 | 25,000 | 264,795 |
| Gavrilovich, Loule | Lake Air Complex | 2450 | 12/18/91 | 64,783 | 7,198 | 71,981 |

APPENDIX E

TANK CLEANUP PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|------------------------------|---------------------------------|---------|---------------|----------------|--------|-----------|
| | | | | GRANT | LOAN | TOTAL |
| GO Investments | B&B Tool Supply | 1914 | 12/30/91 | 37,992 | 4,221 | 42,213 |
| Hammon, Fred | Soldotna Y Chevron | 518 | 12/30/91 | 94,761 | 10,529 | 105,290 |
| Hefflinger, Carl | Northside Grocery & Gas | 204 | 12/23/91 | 383,380 | 25,000 | 408,380 |
| Hermon Bros Costr Co. | Hermon Brothers Equip Yard | 787 | 12/31/91 | 27,000 | 3,000 | 30,000 |
| Homer Electric Assoc | 3977 Lake St, Homer | 1261 | 12/20/91 | 48,187 | 5,354 | 53,541 |
| Hull, Ron | Former H&H Tesoro | UNK | 12/27/91 | 198,171 | 22,019 | 220,190 |
| Hutchison, Harry | Hutchison Chevron | 1462 | 12/31/91 | 28,912 | 3,212 | 32,124 |
| Illies, Worrell & Riley | Stop N Shop | 2315 | 12/31/91 | 425,000 | 25,000 | 450,000 |
| Int'l In-Flight Catering Co. | Int'l In-Flight Catering Co. | 449 | 12/31/91 | 76,235 | 8,471 | 84,706 |
| IvW Partnership | 700 I street | UNK | 1/9/91 | 6,962 | 774 | 7,736 |
| JD&S Rentals | Kodlak Rental Center | 639 | 12/31/91 | 42,641 | 4,738 | 47,379 |
| Jones, Troy | Big Su Lodge | 2320 | 12/30/91 | 90,000 | 10,000 | 100,000 |
| K&L Distributors, Inc | K & L Anchorage | 1503 | 12/31/91 | 135,000 | 15,000 | 150,000 |
| Kelly, Bud | Kelly's Tire & Wheel | 1460 | 12/31/91 | 425,000 | 25,000 | 450,000 |
| Kenai Airport Fuel Svc Inc | Kenai Airport Fuel Service Inc | 2187 | 12/31/91 | 40,241 | 4,471 | 44,712 |
| Ketchum Air Service, Inc | Ketchum Air Service Lk Hood | 1143 | 12/31/91 | 165,150 | 18,350 | 183,500 |
| Laidlaw Transit | Laidlaw Transit, Soldotna | 1254 | 12/27/91 | 195,444 | 21,716 | 217,160 |
| Laidlaw Transit(FDIC) | Laidlaw Transit, Eagle River | 93 | 12/27/91 | 135,253 | 15,028 | 150,281 |
| Lefever, Darrel | 3rd&Ingra,4th&Ingra(Anch) | UNK | 12/23/91 | 416,253 | 25,000 | 441,253 |
| Lovejoy, Dorthea | Bailey's Rent-All | 329 | 12/27/91 | 975,000 | 25,000 | 1,000,000 |
| Lynden Transport | Lynden Transport-Fbks | 216 | 12/30/91 | 20,526 | 2,281 | 22,807 |
| Lynden Transport Inc | 3001 Peger Rd Fbks | UNK | 12/31/91 | 10,512 | 1,168 | 11,680 |
| Mammoth of Alaska, Inc | Mammoth of Alaska, Inc | UNK | 12/31/91 | 310,000 | 25,000 | 335,000 |
| Mapco Express Inc. | #5001 1405 Bragaw(Anch) | 1496 | 12/20/91 | 235,973 | 25,000 | 260,973 |
| Mapco Express Inc. | #5002 Mile 7.5 Old Seward(Anch) | 1498 | 12/20/91 | 377,656 | 25,000 | 402,656 |
| Mapco Express Inc. | #5003 2730 Spenard(Anch) | 14 | 12/20/91 | 263,739 | 25,000 | 288,739 |
| Mapco Express Inc. | #5004 5159 Old Seward(Anch) | 1500 | 12/20/91 | 220,685 | 24,520 | 245,205 |
| Mapco Express Inc. | #5006 1501 E Dimond(Anch) | 1505 | 12/20/91 | 226,855 | 25,000 | 251,855 |
| Mapco Express Inc. | #5007 5497 E No Lights(Anch) | 1510 | 12/20/91 | 297,146 | 25,000 | 322,146 |
| Mapco Express Inc. | #5008 717 E. No. Lights(Anch) | 50 | 12/20/91 | 354,417 | 25,000 | 379,417 |
| Mapco Express Inc. | #5009 1209 Gambel(Anch) | 756 | 12/20/91 | 153,361 | 17,040 | 170,401 |
| Mapco Express Inc. | #5010 1500 E 5th(Anch) | 1512 | 12/20/91 | 277,493 | 25,000 | 302,493 |
| Mapco Express Inc. | #5012 150 W Tudor(Anch) | 1513 | 12/20/91 | 198,945 | 22,105 | 221,050 |
| Mapco Express Inc. | #5014 1900 Muldoon(Anch) | 1517 | 12/20/91 | 208,618 | 23,180 | 231,798 |
| Mapco Express Inc. | #5015 S/E Minn/No Lts(Anch) | UNK | 12/20/91 | 49,964 | 5,551 | 55,515 |
| Mapco Express Inc. | #5017 1773 College(Fbks) | 1333 | 12/20/91 | 211,582 | 23,509 | 235,091 |

APPENDIX E

TANK CLEANUP PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|--------------------------|-------------------------------|---------|---------------|----------------|--------|------------------|
| | | | | GRANT | LOAN | TOTAL |
| Mapco Express Inc. | #5018 205 E Third(Fbks) | 966 | 12/20/91 | 158,206 | 17,578 | 175,784 |
| Mapco Express Inc. | #5021 6010 Old Seward(Anch) | 727 | 12/20/91 | 632,632 | 25,000 | 657,632 |
| Mapco Express Inc. | #5022 2300 Cushman(Fbks) | 2546 | 12/20/91 | 356,262 | 25,000 | 381,262 |
| Marley, William&Judy | The Roost | 359 | 12/30/91 | 12,011 | 1,335 | 13,346 |
| McMahan, Ronald | Ron's Service | 1478 | 12/31/91 | | | No Cost Estimate |
| Miller, Dale | Alaska Chevron | 556 | 12/23/91 | 641,835 | 15,500 | 657,335 |
| Mindro Partners | 775 E 100th Ave Anchorage | 2541 | 12/31/91 | | | No Cost Estimate |
| MOA ATU | 600 Telephone Ave | UNK | 12/31/91 | 227,391 | 25,000 | 252,391 |
| MOA AWWU | Pump Station #12 | 1292 | 12/31/91 | 381,000 | 25,000 | 406,000 |
| MOA AWWU | Pump Station #2 | 1288 | 12/31/91 | 93,420 | 10,380 | 103,800 |
| MOA Facility Maintenance | Klatt Maintenance | 1415 | 12/26/91 | 121,368 | 13,486 | 134,854 |
| Mountain Corp | Mountain Market | 2616 | 12/26/91 | 49,254 | 5,473 | 54,727 |
| MPH Trust%Hodge&Lokisch | Loomis Armored Inc | 394 | 12/31/91 | 10,082 | 1,120 | 11,202 |
| Myers, Carole | Aerotwin(Merrill Field) | 2404 | 12/30/91 | 8,957 | 995 | 9,952 |
| Nenana Heating Svcs | A-Frame Services | 1623 | 12/20/91 | 49,500 | 5,500 | 55,000 |
| Ninilchik Nativ Assoc | Ididastop, Clam Gulch | 1592 | 12/31/91 | 11,610 | 1,290 | 12,900 |
| Nistler Enterprises | Nistler Enterprises | 594 | 12/31/91 | 69,300 | 7,700 | 77,000 |
| Nixon, William | Anchorage Clean Sweep | 1233 | 12/30/91 | 106,650 | 11,850 | 118,500 |
| Olson Gas Service #1 | Olson Gas Service #1 | 2288 | 12/31/91 | 225,000 | 25,000 | 250,000 |
| Olson Gas Service #2 | Olson Gas Service #2 | 2287 | 12/31/91 | 375,000 | 25,000 | 400,000 |
| Omni Enterprises, Inc. | DeHart's Store | 107 | 12/31/91 | 102,458 | 11,384 | 113,842 |
| Petro Products | Renner's Gas N Save | 1421 | 12/31/91 | 74,520 | 8,280 | 82,800 |
| Petro Products | Petro 1 | 1418 | 12/31/91 | 53,530 | 5,948 | 59,478 |
| Petro Star Fuel, Inc | Sourdough Fuel Inc | 90 | 12/31/91 | 247,951 | 25,000 | 272,951 |
| Prato, Marcel | Cascade Liquor | 2508 | 12/27/91 | 12,180 | 1,353 | 13,533 |
| Renner, Terry | Renner's Gas & Save #3 | 2327 | 12/31/91 | 225,000 | 25,000 | 250,000 |
| Renner, Terry | Renner's Chevron Full Service | 2324 | 12/31/91 | 225,000 | 25,000 | 250,000 |
| Rountree, Richard | Aero Services | 1960 | 11/18/91 | 10,602 | 1,178 | 11,780 |
| Schwanke, Roland | Sterling Chevron | UNK | 12/31/91 | | | No Cost Estimate |
| SEND International | SEND Int'l Glennallen | UNK | 12/31/91 | 10,800 | 1,200 | 12,000 |
| Sister's Construction | Sister's Construction | UNK | 11/29/91 | 49,472 | 5,497 | 54,969 |
| Spenard Builders Supply | Spenard Builders Supply | UNK | 12/31/91 | 22,500 | 2,500 | 25,000 |
| Stephens, Ronald | Peters Creek Chevron | UNK | 12/31/91 | | | No Cost Estimate |
| Temsco Helicopters Inc | Temsco-Ketchikan | UNK | 12/31/91 | 5,443 | 605 | 6,048 |
| Temsco Helicopters Inc | Temsco-Ketchikan | UNK | 12/31/91 | 13,786 | 1,532 | 15,318 |
| Tesoro | Former 7-11 #104(550 3rdFbks) | 1098 | 12/31/91 | 134,100 | 14,900 | 149,000 |

APPENDIX E

TANK CLEANUP PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|---|-------------------------------|---------|---------------|-------------------|------------------|-------------------|
| | | | | GRANT | LOAN | TOTAL |
| Tesoro Ak Petroleum Co | Former Eagle River Auto Parts | UNK | 12/31/91 | 61,159 | 6,795 | 67,954 |
| Tesoro Ak Petroleum Co | North Rd Kena, Tesoro | 173 | 12/31/91 | 68,400 | 7,600 | 76,000 |
| Tesoro Northstore | 7-11 #65 (Wasilla) | 1981 | 12/31/91 | 37,800 | 4,200 | 42,000 |
| Tesoro Northstore | 7-11 #105(1246 Noble-Fbks) | 1983 | 12/31/91 | 112,902 | 12,545 | 125,447 |
| Tesoro(Carr Gottstein) | Tesoro Huffman Carwash | 1984 | 12/31/91 | 7,095 | 788 | 7,883 |
| Tesoro(Interior Fuels) | Interior Fuels | UNK | 12/31/91 | 99,697 | 11,077 | 110,774 |
| Tesoro(Laurence Intl) | 7-11 #59 (12870 Old Seward) | UNK | 12/31/91 | 12,419 | 1,380 | 13,799 |
| Tesoro(Petro Products) | Petro #1 | 1399 | 12/31/91 | 18,258 | 2,029 | 20,287 |
| Tesoro(R. Cosgrave) | 7-11 #111(3679 College-Fbks) | 112 | 12/31/91 | 545,250 | 25,000 | 570,250 |
| Texaco Refining& Mktg | Sand Lake Texaco | 912 | 12/24/91 | 975,000 | 25,000 | 1,000,000 |
| Texaco Refining& Mktg | Boniface Texaco | 878 | 12/24/91 | 191,520 | 21,280 | 212,800 |
| Transpacific Resources | USPS-Arctic Carrier Annex | 2051 | 12/31/91 | 57,884 | 6,431 | 64,315 |
| Tundra Tours | Tundra Tours | UNK | 12/31/91 | | | No Cost Estimate |
| Tyonek Native Corp | Native Village-Timber Camp | UNK | 12/20/91 | 49,050 | 5,450 | 54,500 |
| Unocal Corp | #5057 4351 Int'l Airpt-Anch | UNK | 12/31/91 | 348,000 | 25,000 | 373,000 |
| Unocal Corp | #4854 2730 Spenard-Anch | UNK | 12/31/91 | 70,200 | 7,800 | 78,000 |
| Unocal Corp | #4581 636 C St-Anch | UNK | 12/31/91 | 91,800 | 10,200 | 102,000 |
| Unocal Corp | #4652 1441 C St-Anch | UNK | 12/31/91 | 166,500 | 18,500 | 185,000 |
| Usibelli Coal Mine Inc. | Lignite Creek | UNK | 12/31/91 | 301,958 | 25,000 | 326,958 |
| Usibelli Coal Mine Inc. | Healy Creek | UNK | 12/31/91 | 975,000 | 25,000 | 1,000,000 |
| Valley Service Ctr, Inc | Valley Chevron | 455 | 8/22/91 | 114,192 | 12,688 | 126,880 |
| Wards Cove Packing | WCP Kenai | UNK | 12/31/91 | 62,403 | 6,934 | 69,337 |
| Weber, Gary | Wasilla Chevron | 1896 | 12/31/91 | 425,000 | 25,000 | 450,000 |
| Wilson, Don | Wilson/Bahner | 2529 | 12/31/91 | 26,550 | 2,950 | 29,500 |
| World Wide Movers | World Wide Movers | 1890 | 12/30/91 | 408,000 | 25,000 | 433,000 |
| Wortham, William C | College Ctr Svc Station | UNK | 12/30/91 | 46,886 | 5,209 | 52,095 |
| Wright Air Service | Wright Air Service | 563 | 12/27/91 | 14,261 | 1,584 | 15,845 |
| Yukon Equipment Co., Inc | Yukon Equip Co. | UNK | 12/30/91 | 20,519 | 2,280 | 22,799 |
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| | | | | | | |
| TOTAL NEW APPLICATIONS SUBMITTED FOR FY 93 FUNDING | | | | 23,663,538 | 1,777,664 | 25,441,202 |

APPENDIX F

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|--------------------------|------------------------------|------------|------------------|----------------|----------|----------|
| | | | | UPGRADE | CLOSURE | TOTAL |
| 40-Mile Air Ltd. | Tanacross Hanger | UNK | 12/17/91 | | \$4,920 | \$4,920 |
| A & W Services | 2425 Merrill Field Dr (Anch) | 2426 | 10/28/91 | | \$3,241 | \$3,241 |
| Abbott, Robin D. | Shannon & Wilson-Fbks | 609 | 12/30/91 | | \$846 | \$846 |
| Air Tek Inc | Air Tek Inc | UNK | 12/31/91 | | \$8,541 | \$8,541 |
| AK Childrens Services | Jesse Lee Home | UNK | 10/16/91 | | \$7,789 | \$7,789 |
| AK Farmers Co-op | Mile 267.5 Richardson Hwy | 1076 | 12/20/91 | | \$9,250 | \$9,250 |
| AK Helicopters, Inc | AK Helicopters, Inc | 1345 | 12/31/91 | | \$19,874 | \$19,874 |
| Ak Industrial Hardware | Ak Industrial Hardware | 178 | 12/30/91 | | \$18,000 | \$18,000 |
| Ak Sales & Service | National Car Rental | 1255 | 11/13/91 | | \$18,012 | \$18,012 |
| AK Sales & Service, Inc. | Truck Ctr-1345 E 8th Ave | 1959 | 11/18/91 | | \$25,640 | \$25,640 |
| AK Sales & Service, Inc. | 1300 E. 5th | 1952 | 12/2/91 | | \$33,995 | \$33,995 |
| Alascom Inc | Bird Point | 549 | 12/31/91 | | \$4,540 | \$4,540 |
| Alascom Inc | Cordova Earth Station | 487 | 12/31/91 | | \$10,280 | \$10,280 |
| Alascom Inc | Eagle River Earth Station | 1155 | 12/31/91 | \$27,976 | \$14,584 | \$42,560 |
| Alascom Inc | Juneau Toll Ctr | 227 | 12/31/91 | \$28,697 | \$20,324 | \$49,021 |
| Alascom Inc | Ketchikan Toll Ctr | 1017 | 12/31/91 | | \$6,927 | \$6,927 |
| Alascom Inc | Haines | 2018 | 12/31/91 | | \$8,245 | \$8,245 |
| Alascom Inc | Neklasson Lake | 364 | 12/31/91 | \$29,059 | \$15,706 | \$44,765 |
| Alascom Inc | Nikishka | 1024 | 12/31/91 | | \$6,692 | \$6,692 |
| Alascom Inc | Pedro Dome | 1674 | 12/31/91 | | \$8,897 | \$8,897 |
| Alascom Inc | Sawmill | 367 | 12/31/91 | \$29,416 | \$11,060 | \$40,476 |
| Alascom Inc | Sitka | 114 | 12/31/91 | | \$8,794 | \$8,794 |
| Alascom Inc | Talkeetna/Bartlett | 1139 | 12/31/91 | | \$20,664 | \$20,664 |
| Alascom Inc | Tern Lake | 319 | 12/31/91 | | \$5,975 | \$5,975 |
| Alascom Inc | Windy Point | 312 | 12/31/91 | | \$5,257 | \$5,257 |
| Alascom Inc | Yakutat | 213 | 12/31/91 | | \$10,397 | \$10,397 |
| Alaska Aerofuel Inc | FAI Gate #38 | UNK | 12/31/91 | \$39,600 | \$20,400 | \$60,000 |
| Alaska Cleaners | Ak Cleaners, 610 W. Fireweed | 821 | 12/20/91 | | \$28,889 | \$28,889 |
| Alaska Pacific Transport | Alaska Pacific Transport | UNK | 12/31/91 | | \$7,500 | \$7,500 |
| Alaska Railroad Corp | Anchorage Yard, MP 114 | 1474 | 12/31/91 | | \$3,643 | \$3,643 |
| Alaska Railroad Corp | Tunnel Section MP 51 | 1186 | 12/31/91 | | \$3,643 | \$3,643 |
| Alaska Railroad Corp | Moose Pass Sec MP 29 | 1184 | 12/31/91 | | \$3,643 | \$3,643 |

APPENDIX F

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|----------------------------------|------------------------------|------------|------------------|----------------|----------|------------------|
| | | | | UPGRADE | CLOSURE | TOTAL |
| Alaska Railroad Corp | Carlo Section MP 334 | 244 | 12/31/91 | | \$3,643 | \$3,643 |
| Alaska Railroad Corp | Healy Section MP 358 | 247 | 12/31/91 | | \$3,643 | \$3,643 |
| Alaska Railroad Corp | Ferry Section MP 371 | 248 | 12/31/91 | | \$3,643 | \$3,643 |
| Alaska Railroad Corp | Nenana Section MP 412 | 252 | 12/31/91 | | \$3,643 | \$3,643 |
| Alaska Railroad Corp | Hurricane Section MP 281 | 1371 | 12/31/91 | | \$5,056 | \$5,056 |
| Alaska Railroad Corp | Gold Creek Section | 1366 | 12/31/91 | | \$5,056 | \$5,056 |
| Alaska Railroad Corp | Talkeetna Section MP 227 | 1361 | 12/31/91 | | \$5,056 | \$5,056 |
| Alaska Railroad Corp | Portage Section MP 64 | 1189 | 12/31/91 | | \$5,056 | \$5,056 |
| Alaska Railroad Corp | 800 Delaney St | UNK | 12/31/91 | | \$5,056 | \$5,056 |
| Alaska Railroad Corp | 786 Delaney St | UNK | 12/31/91 | | \$5,056 | \$5,056 |
| Alaska Railroad Corp | 1628 Post Road | UNK | 12/31/91 | | \$5,056 | \$5,056 |
| Alaska USA Federal Cr Union | 777 Juneau ST, Anchorage | 1970 | 12/31/91 | | \$12,548 | \$12,548 |
| Alaska West Express | Alaska West Express | UNK | 1/3/92 | | \$2,037 | \$2,037 |
| Allwine, Steven/Tollefson, Karla | Mendenhall Auto Ctr | 2146 | 12/23/91 | | \$12,193 | \$12,193 |
| Alyeska Seafoods, Inc | Alyeska Seafoods, Inc | UNK | 12/31/91 | | | No Cost Estimate |
| America Rents | America Rents | 240 | 12/30/91 | | \$2,142 | \$2,142 |
| AMP Industries Inc. | AMP Warehouse | UNK | 12/24/91 | | \$3,840 | \$3,840 |
| Anch Baptist Temple, Inc | ABT Preschool & Bus Shop | 1144 | 12/31/91 | | | No Cost Estimate |
| Anch Baptist Temple, Inc | Anch Baptist Temple, Inc | 1145 | 12/31/91 | | | No Cost Estimate |
| Anch Fueling & Service Co. | AFSC Plant #4 | 1270 | 12/26/91 | | \$57,240 | \$57,240 |
| Anchorage Chrysler Center | 2601 E 5th Ave | UNK | 10/21/91 | | \$57,420 | \$57,420 |
| Anderson Trucking Svc Inc | K&W Trucking (Fbks) | UNK | 12/31/91 | | \$14,135 | \$14,135 |
| Apling, Floyd | Plaschem Supply & Consulting | UNK | 12/31/91 | | \$1,710 | \$1,710 |
| Arnoldy, Marty | Summit Lake Lodge | 818 | 12/17/91 | | \$17,572 | \$17,572 |
| B-J's Services, Inc | B-J's Services | 2463 | 12/30/91 | | | No Cost Estimate |
| Bettles Lodge, Inc | Bettles Lodge, Inc | 1535 | 12/30/91 | \$60,000 | | \$60,000 |
| Bigfoot Auto Svc., Inc | Bigfoot Auto Svc | 1235 | 12/30/91 | \$45,600 | \$14,400 | \$60,000 |
| Billy E. Thompson | Thompson's Gas Service | 1172 | 12/26/91 | \$60,000 | | \$60,000 |
| Birchwood Camp of AkMIsConf | Birchwood Methodist Camp | 2460 | 12/27/91 | | \$4,942 | \$4,942 |
| Boyd, Roger | One Stop Grocery | 2266 | 12/11/91 | \$1,668 | | \$1,668 |
| Bradford, Gary | Penninsula Automotive | UNK | 12/30/91 | | | No Cost Estimate |
| Brady's Floor Covering, Inc. | Brady's Floor Covering, Inc. | 992 | 12/30/91 | | \$5,400 | \$5,400 |

APPENDIX F

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|------------------------------|----------------------------|------------|------------------|----------------|----------|------------------|
| | | | | UPGRADE | CLOSURE | TOTAL |
| Branham Adventures | Branham Adventures | 207 | 12/31/91 | \$4,740 | \$1,530 | \$6,270 |
| Brannon, Ernest & Donna | Burkeshore Marina | 498 | 12/26/91 | | \$4,555 | \$4,555 |
| Bratrud, R(c/o Marston Prop) | 3002 Spenard Road | UNK | 9/16/91 | | \$7,844 | \$7,844 |
| Brunquist, Norm | Brunquist, Norm | 1479 | 12/31/91 | | | No Cost Estimate |
| Budlona Inc | Budlona Inc | 2567 | 12/31/91 | | \$9,000 | \$9,000 |
| C.R. Lewis Co., Inc. | C.R. Lewis Co., Inc. | 768/1432 | 12/30/91 | | \$30,000 | \$30,000 |
| Canbay, Phillip | Gold Hill | UNK | 12/31/91 | | | No Cost Estimate |
| CDE Co. | The Office Place(Fbks) | UNK | 10/3/91 | | \$1,455 | \$1,455 |
| CEM Leasing Inc | Gas n Go | 1473 | 12/27/91 | \$48,000 | \$12,000 | \$60,000 |
| CEM Leasing Inc | Hub Gas | 2519 | 12/27/91 | \$48,000 | \$12,000 | \$60,000 |
| CEM Leasing Inc | Plaza Gas | 2518 | 12/27/91 | \$46,800 | \$13,200 | \$60,000 |
| CEM Leasing, Inc | Gate 28 Fbks Int'l Airport | 201 | 12/30/91 | | \$8,369 | \$8,369 |
| Central Plumbing & Heating | Central Plumbing & Heating | 2290 | 12/19/91 | | \$20,381 | \$20,381 |
| Charlie's Sport Shop | Charlie's Sport Shop | 1777 | 10/14/91 | | \$5,727 | \$5,727 |
| Chris Berg Inc | Chris Berg Inc - Fbks | UNK | 12/31/91 | | \$3,194 | \$3,194 |
| Chris Berg, Inc | Chris Berg, Inc | 807 | 12/31/91 | | \$13,948 | \$13,948 |
| City of Fairbanks | MUS Telecommunications | 376 | 12/31/91 | | \$3,000 | \$3,000 |
| City of Kenai | Kenai Public Safety Bldg | 526 | 12/31/91 | \$1,980 | \$12,600 | \$14,580 |
| City of Kenai | Kenai Municipal Airport | 532 | 12/31/91 | \$1,980 | \$6,000 | \$7,980 |
| City of North Pole | North Pole Police Station | 352 | 12/23/91 | | \$4,500 | \$4,500 |
| City of Seward | PW Yard, 6th & Madison | 1491 | 9/24/91 | | \$60,000 | \$60,000 |
| City of Seward | Public Works Shop | 1491 | 12/23/91 | | \$17,647 | \$17,647 |
| City of Soldotna | Central Emergency Services | 1211 | 12/20/91 | | \$12,147 | \$12,147 |
| City of Soldotna | City Shop | 1215 | 12/20/91 | | \$12,147 | \$12,147 |
| Commercial Contractors, Inc. | Allen & Petersen Co. | 266 | 12/20/91 | | \$13,800 | \$13,800 |
| Copper Center Lodge | Copper Center Lodge | UNK | 12/31/91 | \$48,000 | \$12,000 | \$60,000 |
| Cordova Outboard Shop | Cordova Outboard Shop | UNK | 12/31/91 | | | No Cost Estimate |
| Coulter, Maurice | Parks Highway Truck Stop | 1206 | 12/18/91 | | \$10,709 | \$10,709 |
| Crabb's Corner | Crabb's Corner | 341 | 12/27/91 | | \$7,085 | \$7,085 |
| Dan's Aircraft Repair | Dan's Aircraft Repair | UNK | 12/27/91 | | \$9,420 | \$9,420 |
| Dancing Eagles Corp | 12512 Old Glenn Hwy | 180 | 12/12/91 | | \$18,000 | \$18,000 |
| Darby, Ted | Space 424 Lake Hood | UNK | 10/11/91 | | \$750 | \$750 |

APPENDIX F

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|----------------------------|--------------------------------------|------------|------------------|----------------|----------|------------------|
| | | | | UPGRADE | CLOSURE | TOTAL |
| Denall Fuel Co. | Hartzell Road | 340 | 12/27/91 | | \$2,018 | \$2,018 |
| Denall Fuel Co. | Equipment Sales Inc | 537 | 12/27/91 | | \$9,233 | \$9,233 |
| Denall National Park Hotel | Denall National Park Hotel | #1 | 12/31/91 | | | No Cost Estimate |
| Denall National Park Hotel | Denall National Park Hotel | #2 | 12/31/91 | | | No Cost Estimate |
| Douglas Trucking, Inc | Douglas Trucking, Inc | 1266 | 12/31/91 | | \$3,360 | \$3,360 |
| DOWL, Inc | DOWL Engrs/Ak Testlab | 747 | 12/31/91 | | \$8,956 | \$8,956 |
| Eames, Mike | St. Elias Auto Center | 536 | 1/10/92 | | \$1,566 | \$1,566 |
| Earth Movers of Fbks, Inc | Earth Movers of Fbks, Inc. | 631 | 10/14/91 | \$12,420 | | \$12,420 |
| Empire Airlines | Empire Airlines | 2615 | 12/27/91 | | \$3,504 | \$3,504 |
| Enterprise Co. | SKW Constructors, Inc | 805 | 12/31/91 | | \$5,569 | \$5,569 |
| ERA Aviation Inc | ERA Helicopters-Valdez | 1080 | 12/31/91 | \$45,600 | \$14,400 | \$60,000 |
| ERA Aviation Inc | ERA Helicopter Tours-Anch | 1480 | 12/31/91 | | \$36,542 | \$36,542 |
| ERA Aviation inc | ERA Helicopter-Juneau | 477 | 12/31/91 | \$60,000 | | \$60,000 |
| ERA Aviation Inc | ERA Helicopter-Fbks | 223 | 12/31/91 | \$52,200 | \$7,800 | \$60,000 |
| Estate of Don C Chandler | Chandler Plumbing & Heating | 2384 | 12/30/91 | | \$1,815 | \$1,815 |
| Estate of Don C Chandler | Acme Elect Bldg | 2384 | 12/30/91 | | \$6,118 | \$6,118 |
| Estate of Wm G Knight | Moosehorn Property | 1124 | 12/31/91 | | \$40,014 | \$40,014 |
| Ev-Jo Inc | Columbus Dist Co., Inc | 2085 | 12/31/91 | | \$6,555 | \$6,555 |
| Fairbanks U-Drive, Inc | Hertz Rent A Car | 806 | 12/31/91 | \$18,920 | \$10,383 | \$29,303 |
| Falcon Properties | Gate 28 West Ramp Fbks Airpt | UNK | 12/31/91 | | \$4,576 | \$4,576 |
| Fbks North Star Borough | FNSB Transit Garage | 2209 | 12/23/91 | | \$12,482 | \$12,482 |
| Fbks Street Investor's | Fbks St Investor's Commercial Buildi | 2485 | 12/31/91 | | \$6,000 | \$6,000 |
| Floyd & Sons, Inc | Thrifty Car Rental-Anchorage | 825 | 12/30/91 | | \$5,625 | \$5,625 |
| Foster, Corine | Cache Creek Chevron | UNK | 12/31/91 | | | No Cost Estimate |
| Four Aces | Four Aces | 172 | 12/24/91 | | \$7,200 | \$7,200 |
| Fox General Store, Inc | Fox General Store, Inc | 49 | 12/30/91 | \$60,000 | | \$60,000 |
| Frederick, Richard | Sportsmen's Paradise | 2314 | 12/20/91 | | \$6,243 | \$6,243 |
| Gamble, Edward | Fritz Creek General Store | UNK | 12/31/91 | | \$6,000 | \$6,000 |
| Gavrilovich, Louie | Lake Air Complex | 2450 | 12/17/91 | | \$14,797 | \$14,797 |
| Generator Venture-KAKM | Goose Bay Tower | 1050 | 12/31/91 | \$19,500 | | \$19,500 |
| Geri, Warren | Hangar-Merrill Field | 2601 | 12/31/91 | | \$2,520 | \$2,520 |
| Gills, Ray | Lake Spenard | 2558 | 12/31/91 | | | No Cost Estimate |

APPENDIX F

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|------------------------------|-------------------------------|------------|------------------|----------------|----------|------------------|
| | | | | UPGRADE | CLOSURE | TOTAL |
| Grant, Hugh N. | Gas 'n Go | 2269 | 12/31/91 | | | No Cost Estimate |
| Grate Land Auto | Grate Land Auto | UNK | 12/31/91 | | | No Cost Estimate |
| Greer Tank & Welding Inc | Greer Tank & Welding Inc | 154 | 12/31/91 | \$24,307 | \$10,860 | \$35,167 |
| Halliburton Co. | Halliburton Geophysical Svcs | 1886 | 10/22/91 | | \$19,928 | \$19,928 |
| Haltness, Erik | Johnson Sand & Gravel | 1393 | 12/31/91 | | \$6,606 | \$6,606 |
| Hammon, Fred | Soldotna Y Chevron | 518 | 9/27/91 | | \$19,029 | \$19,029 |
| Harri Plumbing & Heating Inc | Ak Laundry & Cleaners Inc | 512 | 12/31/91 | | \$2,400 | \$2,400 |
| Heflinger, Carl | Northside Grocery & Gas | 204 | 12/23/91 | | \$2,128 | \$2,128 |
| Hermon Bros Constr Co. | Hermon Bros Constr Shop | 787 | 12/23/91 | | \$17,380 | \$17,380 |
| Herrick, James | Herrick's Aero-Auto-Aqua | 493 | 12/31/91 | | \$15,600 | \$15,600 |
| Homer Electric Assoc | HEA-Saldovia | UNK | 9/30/91 | | \$2,326 | \$2,326 |
| Homer Electric Assoc | HEA-Homer | 1261 | 11/1/91 | | \$14,958 | \$14,958 |
| Homer Electric Assoc | HEA-Kenai | 231 | 11/1/91 | | \$34,406 | \$34,406 |
| Horrell Investments | Glennallen Chevron | 2292 | 11/7/91 | \$26,249 | | \$26,249 |
| Hudson Air Svc & Sons Inc | Hudson Air Service & Sons Inc | UNK | 12/31/91 | | | No Cost Estimate |
| Hull, Ronald | Former H&H Tesoro | UNK | 1/8/92 | | \$1,993 | \$1,993 |
| Hutchison, Harry | Hutchison Chevron | 1462 | 12/31/91 | | \$14,474 | \$14,474 |
| Int'l Aviation Service, Inc | Int'l Aviation Service, Inc | 409 | 12/30/91 | | \$4,320 | \$4,320 |
| Int'l In-Flight Catering | Int'l In-Flight Catering | 449 | 12/31/91 | \$5,870 | | \$5,870 |
| Ivey, Rose Mary | Chitna Fuel & Grocery | UNK | 12/31/91 | | | No Cost Estimate |
| IWW Partnership | 700 I Street | UNK | 1/9/92 | | \$21,094 | \$21,094 |
| JD & S Rentals | Kodiak Auto Center | 1645 | 12/31/91 | | \$9,033 | \$9,033 |
| JD&S Rentals | Kodiak Auto Ctr #2 | 1643 | 12/31/91 | | \$5,841 | \$5,841 |
| Johnston, William N. Jr | B.J.'s Gas & Grocery | UNK | 12/30/91 | \$50,400 | \$9,600 | \$60,000 |
| Jones, Troy C. | Big Su Service | 2320 | 12/30/91 | \$30,000 | \$30,000 | \$60,000 |
| Juneau Ready-Mix Inc. | Juneau Ready-Mix Inc. | 317 | 12/31/91 | | \$6,300 | \$6,300 |
| Kenai Air Ak, Inc | Kenai Air Ak, Inc | 985 | 12/31/91 | | \$6,600 | \$6,600 |
| Kenai Airport Fuel Svc Inc | Kenai Airport Fuel Svc Inc | 2187 | 12/31/91 | \$39,600 | \$20,400 | \$60,000 |
| Kenai Natives Assoc | Kenai Natives Assoc | 1686 | 12/31/91 | | \$10,560 | \$10,560 |
| Kenley, Fred | Lake Hood Slip 601 | UNK | 12/31/91 | | | No Cost Estimate |
| Ketchikan Air Service | Ketchikan Air Service | 1335 | 12/31/91 | \$25,200 | \$34,800 | \$60,000 |
| Ketchum Air Service, Inc | Ketchum Air Service, Inc | 1143 | 12/31/91 | | \$12,900 | \$12,900 |

APPENDIX F

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|----------------------------|--------------------------------|------------|------------------|----------------|----------|------------------|
| | | | | UPGRADE | CLOSURE | TOTAL |
| Kim, Il Soo | Speedy Auto Glass | UNK | 12/31/91 | | \$60,000 | \$60,000 |
| Kobuk Inc. | Kobuk Inc | 1173 | 12/20/91 | | \$15,052 | \$15,052 |
| Kodiak Electric Assoc, Inc | Kodiak Electric Assoc, Inc | 606 | 12/31/91 | | | No Cost Estimate |
| Laidlaw Transit | Laidlaw Transit-Soldotna | 1254 | 12/27/91 | | \$29,913 | \$29,913 |
| Laidlaw Transit (FDIC) | Laidlaw Transit-Eagle River | 93 | 12/27/91 | | \$17,151 | \$17,151 |
| Lake Hood Air Harbor Inc | Lake Hood Air Harbor Inc | 1728 | 12/31/91 | | \$6,603 | \$6,603 |
| Lovejoy, Dorthea | Bailey's Rent-All | 329 | 12/27/91 | \$9,996 | \$24,104 | \$34,100 |
| Lowell-Maher Co. | 1885 Marica, Fairbanks | UNK | 12/31/91 | | \$4,200 | \$4,200 |
| Lower Kuskokwim Schl Dist | Nelson Island Area HS | UNK | 12/27/91 | | \$60,000 | \$60,000 |
| Lynden Transport, Inc. | Lynden Transport, Inc. | 216 | 12/30/91 | | \$5,141 | \$5,141 |
| M&M Constructors | M&M Constructors | UNK | 12/31/91 | | | No Cost Estimate |
| Mapco Express Inc. | #5001 1405 S. Bragaw(Anch) | 1496 | 12/30/91 | \$49,200 | \$10,800 | \$60,000 |
| Mapco Express Inc. | #5005 491 E Parks Hwy(Wasilla) | 2370 | 12/30/91 | \$49,200 | \$10,800 | \$60,000 |
| Mapco Express Inc. | #5006 1501 E Diamond(Anch) | 1505 | 12/30/91 | \$49,200 | \$10,800 | \$60,000 |
| Mapco Express Inc. | #5021 6010 old Seward(Anch) | 727 | 12/30/91 | \$49,200 | \$10,800 | \$60,000 |
| Mapco Express Inc. | #5024 8803 Jewel Lk(Anch) | 1521 | 12/30/91 | \$49,200 | \$10,800 | \$60,000 |
| MarkAir Inc | 6311 S Air Park Pl Anchorage | UNK | 12/31/91 | | \$41,070 | \$41,070 |
| MarkAir Inc | Bethel Passenger & Cargo Term | 1392 | 12/31/91 | | \$1,516 | \$1,516 |
| MarkAir Inc | Bethel Aircraft Maintenance | 2370 | 12/31/91 | | \$7,018 | \$7,018 |
| MarkAir Inc | 4100 w Int'l Airport Anchorage | 611 | 12/31/91 | | \$23,387 | \$23,387 |
| Marley, William & Judy | The Roost | 359 | 12/30/91 | \$5,109 | \$867 | \$5,976 |
| Matanuska Telephone Assoc | Healy Facility | 1556 | 1/7/92 | | \$12,000 | \$12,000 |
| Matanuska Telephone Assoc | Palmer Plant | 535 | 1/7/92 | | \$15,000 | \$15,000 |
| Matanuska-Susitna Borough | Willow Public Safety Bldg#121 | UNK | 12/31/91 | | \$9,246 | \$9,246 |
| Matanuska-Susitna Borough | Animal Control Shelter | UNK | 12/31/91 | | \$2,115 | \$2,115 |
| Matanuska-Susitna Borough | Big Lake Elementary | UNK | 12/31/91 | | \$6,836 | \$6,836 |
| Matanuska-Susitna Borough | Big Lake Public Safety Bldg#81 | UNK | 12/31/91 | | \$3,058 | \$3,058 |
| Matanuska-Susitna Borough | Butte Public Safety Bldg#21 | UNK | 12/31/91 | \$12,917 | | \$12,917 |
| Matanuska-Susitna Borough | Cottonwood Public Sfty Bldg#65 | UNK | 12/31/91 | \$18,566 | | \$18,566 |
| Matanuska-Susitna Borough | Fishhook Public Safety Bldg#41 | UNK | 12/31/91 | \$8,042 | | \$8,042 |
| Matanuska-Susitna Borough | Lakes Public Safety Bldg #51 | UNK | 12/31/91 | | \$3,379 | \$3,379 |
| Matanuska-Susitna Borough | Lakes Public Safety Bldg #52 | UNK | 12/31/91 | | \$2,853 | \$2,853 |

APPENDIX F

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|--------------------------------|--------------------------------|------------|------------------|----------------|----------|------------------|
| | | | | UPGRADE | CLOSURE | TOTAL |
| Matanuska-Susitna Borough | Meadow Lakes PSB #71 | UNK | 12/31/91 | \$7,955 | \$1,624 | \$9,579 |
| Matanuska-Susitna Borough | MSB Maintenance Facility | UNK | 12/31/91 | | \$4,172 | \$4,172 |
| Matanuska-Susitna Borough | MSB School District Maint Yard | UNK | 12/31/91 | | \$7,044 | \$7,044 |
| Matanuska-Susitna Borough | MSB School District Auto Shop | UNK | 12/31/91 | | \$6,387 | \$6,387 |
| Matanuska-Susitna Borough | Sutton Public Sarety Bldg #11 | UNK | 12/31/91 | \$13,045 | | \$13,045 |
| Matanuska-Susitna Borough | Talkeetna PSB #111 | UNK | 12/31/91 | \$23,198 | | \$23,198 |
| Matanuska-Susitna Borough | Wasilla PSB #61 | UNK | 12/31/91 | | \$1,876 | \$1,876 |
| McBirney, Derrall&Winona | CJM Construction Inc | 420 | 12/31/91 | | \$3,237 | \$3,237 |
| McLane & Associates | McLane & Associates | 307 | 12/30/91 | \$1,152 | \$2,382 | \$3,534 |
| McMahan, Ronald | Ron's Service | 1478 | 12/31/91 | \$52,800 | \$7,200 | \$60,000 |
| Miller, Dale | Alaska Chevron | 556 | 12/23/91 | \$30,923 | | \$30,923 |
| Mindoro Partners | 775 E 100th Ave | 2541 | 12/31/91 | | | No Cost Estimate |
| Missionary Aviation Repair Ctr | Municipal Airport-Soldotna | 158 | 12/31/91 | | \$1,557 | \$1,557 |
| Missionary Aviation Repair Ctr | Municipal Airport-Soldotna | 158 | 12/31/91 | | | No Cost Estimate |
| MOA Facility Maintenance | Girdwood Fire Station | 1429 | 12/18/91 | | \$16,257 | \$16,257 |
| MOA Facility Maintenance | Muldoon St Maintenance | 1417 | 12/18/91 | | \$23,997 | \$23,997 |
| MOA Facility Maintenance | Fire Station #1 | 1347 | 12/18/91 | | \$17,100 | \$17,100 |
| MOA Facility Maintenance | Cemetery | 2304 | 12/18/91 | | \$8,406 | \$8,406 |
| MOA Facility Maintenance | Old Transit Maintenance | 1448 | 12/18/91 | | \$50,517 | \$50,517 |
| MOA Facility Maintenance | Public Health Facility | 1312 | 12/18/91 | | \$10,230 | \$10,230 |
| MOA Facility Maintenance | Northwood St Maintenance | 1409 | 12/18/91 | | \$19,050 | \$19,050 |
| MOA Facility Maintenance | New Transit Maintenance | 585 | 12/18/91 | | \$15,111 | \$15,111 |
| MOA Facility Maintenance | Fire Maintenance | 1436 | 12/18/91 | | \$7,680 | \$7,680 |
| MOA Facility Maintenance | Fire Station #10 | 1444 | 12/18/91 | | \$7,680 | \$7,680 |
| MOA Facility Maintenance | Fire Station #11 | 1439 | 12/18/91 | | \$16,602 | \$16,602 |
| MOA Facility Maintenance | 4th & Post St Maintenance | 1411 | 12/18/91 | | \$22,017 | \$22,017 |
| MOA Facility Maintenance | Latimer Fire Station | 1426 | 12/18/91 | | \$15,777 | \$15,777 |
| MOA- ATU | Anch Telephone Utility | UNK | 10/31/91 | \$60,000 | | \$60,000 |
| MOA- AWWU | AWWU-Operations Facility | 1945 | 12/31/91 | | \$13,365 | \$13,365 |
| MOA- AWWU | AWWU-Headquarters Facility | 1281 | 12/31/91 | | \$16,590 | \$16,590 |
| MOA- AWWU | Pt Woronzof | 1284 | 12/31/91 | | \$16,065 | \$16,065 |
| MOA-Merrill Field Airport | Aircraft Apron | UNK | 11/13/91 | | \$8,100 | \$8,100 |

APPENDIX F

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|----------------------------|---------------------------------|------------|------------------|----------------|----------|------------------|
| | | | | UPGRADE | CLOSURE | TOTAL |
| MOA-Merrill Field Airport | Snow Equipment Bldg | UNK | 11/13/91 | | \$6,270 | \$6,270 |
| Nenana Heating Services | A-Frame Services | 1623 | 12/20/91 | \$44,400 | \$15,600 | \$60,000 |
| Nickerson, Vickl | Goldstream Gen Store | 1068 | 12/31/91 | \$3,618 | | \$3,618 |
| Nistler Enterprises | Nistler Enterprises | 594 | 12/31/91 | \$30,000 | \$30,000 | \$60,000 |
| North Star Aviation Inc | Willow Airport | 1327 | 12/30/91 | | \$5,400 | \$5,400 |
| Northern Air Cargo | NAC-3488 W. Int'l Airport | UNK | 11/1/91 | | \$3,593 | \$3,593 |
| Northern Energy | Northern Energy | 284 | 12/31/91 | \$13,357 | \$3,881 | \$17,238 |
| OMB Realty Inc | OMB Realty Inc | UNK | 12/31/91 | | \$36,000 | \$36,000 |
| Orville D. Arnold Estate | Butte Quick Shop | UNK | 11/15/91 | | \$6,000 | \$6,000 |
| Ounalashka Corp | Tony's Service Center | 1271 | 12/31/91 | | \$15,000 | \$15,000 |
| Paratex Pled Piper | Paratex Pled Piper | 1925 | 12/11/91 | | | No Cost Estimate |
| Paxson Lodge, Inc | Paxson Lodge | 1938 | 12/30/91 | \$36,000 | \$24,000 | \$60,000 |
| Peninsula Plumbing&Heating | Peninsula Plumbing&Heating | 2453 | 12/31/91 | | \$2,340 | \$2,340 |
| Peter Pan Seafoods | Dillingham Cold Storage | 1915 | 12/26/91 | | \$4,618 | \$4,618 |
| Peters, Kingston | Tudor Car Wash | 2451 | 12/31/91 | | \$24,000 | \$24,000 |
| Petersburg Motors Inc | Petersburg Motors Inc | 206 | 12/30/91 | \$10,966 | | \$10,966 |
| Petro Star Fuel | Sourdough Fuel | 1926 | 12/24/91 | | \$13,597 | \$13,597 |
| Petro Star Fuel Inc | Sourdough Fuel Inc | 90 | 12/31/91 | \$60,000 | | \$60,000 |
| Pietrok, Michael | Chickaloon General Store | UNK | 12/31/91 | \$20,865 | | \$20,865 |
| Plunkett, James | Former Willow Cache Realty | UNK | 12/30/91 | | \$10,800 | \$10,800 |
| Plunkett, James | Former Willow Cache Realty | UNK | 12/31/91 | | \$10,800 | \$10,800 |
| Powell, Fran | Ak State Troopers Bldg-Kodiak | 476 | 12/30/91 | | \$3,780 | \$3,780 |
| Prato, Marcel | Cascade Liquor | 2508 | 12/27/91 | \$35,448 | | \$35,448 |
| Providence Hospital | Providence Hospital | 1947 | 12/30/91 | \$15,618 | \$5,452 | \$21,070 |
| Rabbage, Terrance | Chinook Chevron Svc | 926 | 12/30/91 | | | No Cost Estimate |
| Renner's Gas & Save | Renner's Gas & Save | 2327 | 9/17/91 | | \$5,964 | \$5,964 |
| Renner, Darrel | Renner's Chevron Full Svc | 2324 | 12/31/91 | | | No Cost Estimate |
| Renner, Terry | Renner's Gas&Save #1 | 2325 | 12/31/91 | | \$60,000 | \$60,000 |
| Renner, Terry | Renner's Gas&Save #2 | 2326 | 12/31/91 | | \$60,000 | \$60,000 |
| Rent ACan Toilet Co. Inc | Rent ACan Toilet Co. Inc | 462 | 12/31/91 | | \$2,490 | \$2,490 |
| Rodeheaver, Sallie | Hertz Car & Truck Rental-Kodiak | UNK | 12/31/91 | \$8,142 | \$2,550 | \$10,692 |
| Russell, Darrell | Russell's Texaco | 962 | 12/27/91 | \$48,000 | \$12,000 | \$60,000 |

APPENDIX F

TANK UPGRADE AND CLOSURE PROGRAM FINANCIAL ASSISTANCE REQUESTS FOR FY 93

| OWNER/OPERATOR NAME | FACILITY NAME | FAC ID# | DATE RECEIVED | FY 93 REQUESTS | | |
|-----------------------------|-------------------------------|------------|------------------|----------------|----------|------------------|
| | | | | UPGRADE | CLOSURE | TOTAL |
| Rust's Flying Service, Inc. | Rust's Flying Service, Inc. | 2473 | 12/30/91 | | | No Cost Estimate |
| Scott, John H. | Scotty's Chevron | UNK | 12/31/91 | \$22,180 | | \$22,180 |
| Sea-Land Freight Services | Sea-Land Services - Anchorage | 43 | 12/27/91 | \$26,956 | \$3,987 | \$30,943 |
| Second Avenue Service | Second Avenue Service, Inc | 2341 | 12/26/91 | \$16,338 | | \$16,338 |
| SEND International of AK | SEND Hanger - Gulkana | 1913 | 12/30/91 | | \$5,532 | \$5,532 |
| Seven W dba Hilltop | Seven W dba Hilltop | 2442 | 12/31/91 | | \$5,726 | \$5,726 |
| Sig Wold Storage& Transfer | Sig Wold Storage & Transfer | 68/1589 | 12/24/91 | | \$7,004 | \$7,004 |
| Sky Harbor Prop Owners | Sky Harbor Airstrip | 142 | 12/24/91 | | \$5,037 | \$5,037 |
| Smyth Moving(Payle,James) | Smyth Moving Service, Inc. | 1445 | 12/23/91 | | \$6,559 | \$6,559 |
| Sourdough Properties, Inc | Sourdough Express | 881/1199 | 12/30/91 | | \$11,405 | \$11,405 |
| Spenard Builders Supply | Spenard Builders Supply | UNK | 12/31/91 | | | No Cost Estimate |
| Stanger, Joseph | Eyak Air - Willow Airport | 662 | 12/11/91 | | \$1,632 | \$1,632 |
| Star Flite Inc | Star Flite Inc | UNK | 12/31/91 | | \$37,200 | \$37,200 |
| Stelling, John D. | Stelling Enterprises | 2203 | 12/11/91 | \$13,033 | \$1,545 | \$14,578 |
| Stephens, Ronald | Peters Creek Chevron | UNK | 12/31/91 | | | No Cost Estimate |
| Tack, Stephen & Cyndie | Tack's General Store | 793 | 12/31/91 | \$19,500 | \$16,947 | \$36,447 |
| Teich-Butler, Judy | R&J Enterprises | UNK | 11/18/91 | | \$7,297 | \$7,297 |
| Temsco Helicopters | Temsco - Petersburg | 1763 | 12/23/91 | \$51,592 | \$5,920 | \$57,512 |
| Texaco Refining&Marketing | Boniface Texaco | 878 | 12/24/91 | \$60,000 | | \$60,000 |
| Totem Services Inc | Totem Services Inc | 234 | 12/27/91 | \$51,600 | \$8,400 | \$60,000 |
| Troy Air Inc | Troy Air Inc | UNK | 12/31/91 | | \$60,000 | \$60,000 |
| Tundra Tours, Inc. | Tundra Tours, Inc. | UNK | 12/31/91 | | | No Cost Estimate |
| Usibelli Coal Mine Inc | Lignite Creek | UNK | 12/31/91 | | \$42,570 | \$42,570 |
| Usibelli Coal Mine Inc | Healy Creek | 267 | 12/31/91 | | \$60,000 | \$60,000 |
| Utopia Inc | Quinnat Landing Hotel | 2367 | 12/27/91 | | | No Cost Estimate |
| Vend Alaska | Vend Alaska | 686 | 12/31/91 | | \$4,800 | \$4,800 |
| Wainer, H Erling | Peters Creek Texaco | 25 | 12/31/91 | \$8,630 | | \$8,630 |
| Warning Lites of Alaska Inc | Warning Lites of Alaska Inc | 1735 | 12/31/91 | \$22,244 | \$4,820 | \$27,064 |
| Warren, Stephen | C & W Repair | 363 | 12/26/91 | \$21,630 | \$2,580 | \$24,210 |
| Wilbur, Joseph | Flight Safety AK | 448 | 12/31/91 | | | No Cost Estimate |
| William T Heisler Corp | Sand Lake Service | UNK | 12/31/91 | \$48,000 | \$12,000 | \$60,000 |
| Wilson, Mark&Dolores | Hamilton's Place | 2561 | 12/31/91 | \$34,597 | \$12,334 | \$46,931 |

APPENDIX G

BOARD MEMBERS:

Janice Adair Juneau 465-5050 FAX 4655070
ADEC, 410 Willoughby Ave. Juneau, AK 99801

Ed Anders Fairbanks 488-6547 or 488-9501
7785 Chena Hot Springs Rd, Fairbanks AK 99712

John Bertholl Juneau 789-1917 FAX 7890432
P.O. Box 210103, Auke Bay, AK 99821

Earl Billingslea Soldotna 262-2250 FAX 2627180
P.O. Box 76, Soldotna, AK 99669

Keith Gerken Juneau 465-3900 FAX 5868365
DOT, Box Z, Juneau, AK 99811

Bob Gilfilian * Anchorage 277-2021 FAX 2748683
255 E. Fireweed Lane, Suite 102, Anch. AK, 99503

Ward Livingston Anchorage 562-2266 FAX 5636483
4220 B Street, Anchorage, AK 99503

* Board Chairman

EXECUTIVE DIRECTOR: **John Barnett** Juneau 465-5200 FAX 4655218
UST Program, 410 Willoughby Ave. Juneau, AK 99801

APPENDIX H

Firms with Approved Quality Assurance Plans for Site Assessment Work

A.G. Midland
1625 Richardson Hwy
North Pole, AK 99705
(907) 488-6183

Arctic Slope Consulting Group
301 Danner Avenue
Anchorage, AK 99578
(907) 349-5148
Attn: Michael Mooney

Dowl Engineers
4040 B Street
Anchorage, AK 99503-5999
(907) 562-2000
Attn: Corey Loyd

ENSR Consulting & Engineering
750 W. 2nd Ave, Suite 100
Anchorage, AK 99501
(907) 276-4302
Attn: David Nyman

Fryer Pressley Engineering/Roen Inc.
1028 Aurora Drive
Fairbanks, AK 99709
(907) 452-1414

Harding Lawson Associates
601 E. 57th Place
Anchorage, AK 99502
(907) 563-8102
Attn: George Drewett

Howard Grey and Associates
711 H Street, Suite 480
Anchorage, AK 99501
(907) 276-6561
Attn: Howard Grey

Locher Interests Limited
165 E. Northern Lights Blvd
Anchorage, AK 99503
(907) 561-2200

America North Inc.
201 E. 56th Ave, Suite 200
Anchorage, AK 99518
(907) 562-3452
Attn: Brad Authier

Dames & Moore
5761 Silverado Way, Suite P
Anchorage, AK 99518-1657
(907) 562-3366
Attn: Jim Armstrong

Ecology and Environment
1057 W. Fireweed Lane, Suite 102
Anchorage, AK 99503
(907) 257-5000
Attn: Brian Miskill

Environmental Services, Ltd.
4201 Tudor Center Drive
Anchorage, AK 99508
(907) 563-1912
Attn: Mark Perry

Gilfillian Engineering
5751 Mayflower Court
Wasilla, AK 99654-7880
(907) 376-3005
Attn: Robert Gilfillian

Hart Crowser
2550 Denali
Anchorage, AK 99503
(907) 276-7475
Attn: James Gill

James M. Montgomery
4000 Credit Union Drive, Suite 635
Anchorage, AK 99503
(907) 561-5829
Attn: Bill Pyle

New Horizons
PO Box 2409
Palmer, AK 99645
(907) 746-6022
Attn: Jon Shepherd

Northern Test Lab
35186 Kenai Spur Hwy
Soldotna, AK 99669
(907) 262-4624

Quest Environmental
709 W. International Airport Road
Anchorage, AK 99502
(907) 563-0050

Randolph Bayliss, PE
119 Seward Street #10
Juneau, AK 99801
(907) 586-6813
Attn: Randolph Bayliss

RZA Consulting Inc.
711 H Street, Suite 450
Anchorage, AK 99501-3442
(907) 276-6480
Attn: Michael Travis

Shannon & Wilson
5430 Fairbanks Street, Suite 3
Anchorage, AK 99518
(907) 561-2120
Attn: Tim Terry

Waste Technology
PO Box 83381
Fairbanks, AK 99708
(907) 488-8383
Attn: Jonny Napier

PolarConsult Alaska Inc
1503 W. 33rd Avenue
Anchorage, AK 99503
(907) 258-2420

R & M Consultants
9101 Vanguard Drive
Anchorage, AK 99507
(907) 522-1707

Rozak Consulting
PO Box 350
Kenai, AK 99611
(907) 283-5640
Attn: Ron Rozak

S & S Engineering
17034 Eagle River Loop, Suite 204
Eagle River, AK 99577
(907) 694-2979
Attn: Robert Shafer

Terrasat
4203 Iowa Drive
Anchorage, AK 99517
(907) 243-7870
Attn: Dan Young

Western Environmental Consultants
2900 Boniface Parkway, Suite 740
Anchorage, AK 99504
(907) 333-8452
Attn: Mark Massengale

APPENDIX I

Firms with Licensed Underground Storage Tank Workers

INSTALLATION

| <u>Firm Name</u> | <u>Licensed UST Worker(s)</u> |
|--|---|
| Anchorage Area | |
| Petroleum Service Inc PO Box 112583 Anchorage, AK 99511 (907) 349-8265 | Dwayne Bertholl Richard Stragler |
| B.C. Excavating, Inc 2251 Cinnabar Loop Anchorage, AK 99507 (907) 344-4490 | Shane Burgess Russell Butler Dale Fairclough Robert Haines Dave Zimmerman |
| Statewide Petroleum Service 7337 E.6th Avenue, Unit A Anchorage, AK 99504 (907) 333-5300 | John Hillborn Jed Henning John Lennartson |
| Hankal Construction, Inc. 157 Dean Place Anchorage, AK 99504 (907) 349-8431 | David Mallars |
| Consolidated Enterprises 1934 Beaver Place Anchorage, AK 99504 (907) 344-4567 | Lary Sheffert |
| S & S Engineering 17034 Eagle River Loop Rd, Suite 201 Eagle River, AK 99577 (907) 694-2979 | Robert Shafer |
| Tweed Excavating & Construction 17034 Eagle River Loop Rd, Suite 204 Eagle River, AK 99577 | Richard Shafer James Newman |
| Fairbanks Area | |
| Bryan Borjesson, PE PO Box 74715 Fairbanks, AK 99707 (907) 451-4482 | Bryan Borjesson |
| Station Maintenance & Equipment PO Box 60481 Fairbanks, AK 99706 (907) 456-1919 | Steve Coleman |

Industrial & Commercial Construction
PO Box 71063
Fairbanks, AK 99707
(907) 479-3312

Maurice Coulter
Maurice Coulter, Jr.
William Langley
Jim Masek

Western Mechanical, Inc.
PO Box 66067
Fairbanks, AK 99706
(907) 452-1831

Michael Desmond

Exclusive Landscaping Inc.
PO Box 72103
Fairbanks, AK 99707
(907)

Daniel Himebaugh

TCI, Ltd.
PO Box 74335
Fairbanks, AK 99707
(907) 452-1792

Michael McGlinchy

B & B Excavation
PO Box 80010
Fairbanks, AK 99708
(907) 457-7777

Gary Powell

Petro Star Inc.
PO Box 56239
North Pole, AK 99705
(907) 488-0730

Walter Gore

Kodiak

Kodiak Tank Service
PO Box 979
Kodiak, AK 99615
(907)

C.F. Lottsfeldt

Mat-Su Valley

Hermon Brothers Construction
111 West Elmond
Palmer, AK 99645
(907) 745-3249

Ben Hermon

New Horizons
PO Box 2049
Palmer, AK 99645
(907) 746-6022

Jon Shepherd
Darrell Lankford
John Lee
Mark Ogle
Richard Stragier
Dave Zimmerman

Brown and Root Services Corp.
411 Jerome Drive
Wasilla, AK 99654
(907)

Herb Dunham

Kodiak Peninsula

Chumley's Inc.
PO Box 753
Sterling, AK 99672
(907) 262-4668

Donald McCloud

Seattle-Tacoma Area

Standard Mechanical Inc.
1200 S. Tacoma Way
Tacoma, WA 98409
(206) 472-9651

Fred Ducolon

Firms with Licensed Underground Storage Tank Workers

TANK TIGHTNESS TESTING

Firm

Licensed UST Worker

Anchorage Area

Jensen Consultants
7390-A Little Dipper Ave
Anchorage, AK 99504
(907) 337-1254

Jerry Jensen

Firms with Licensed Underground Storage Tank Workers

CATHODIC PROTECTION TESTING

Firm

Licensed UST Worker

Anchorage Area

Coffman Engineering, Inc.
550 W. 7th Street
Anchorage, AK 99501
(907) 276-6664

David Williams

Firms with Licensed Underground Storage Tank Workers

CLOSURE

Firm

Licensed UST Worker

Anchorage Area

Arctic Slope Consulting
301 Danner Avenue, Suite 200
Anchorage, AK 99518
(907) 349-5148

Rena Anderson

Northwest EnviroService, Inc.
1813 E. First Avenue
Anchorage, AK 99501
(907) 272-9007

Robert Arnold
Bob Dore'

GEI
PO Box 111221
Anchorage, AK 99511
(907)

Kenneth Don

Petroleum Service Inc
PO Box 112583
Anchorage, AK 99511
(907) 349-8265

Dwayne Bertholl
Richard Stragier

B.C. Excavating, Inc
2251 Cinnabar Loop
Anchorage, AK 99507
(907) 344-4490

Shane Burgess
Russell Butler
Dale Fairclough
Robert Haines

Asbestos General, Inc.
6108 McKay Street
Anchorage, AK 99518
(907) 563-2267

Harvey Frankel
Bill Waite

Central Environmental, Inc.
PO Box 92164
Anchorage, AK 99509
(907) 272-9511

Glenn Fulbright

Statewide Petroleum Service
7337 E. 6th Avenue, Unit A
Anchorage, AK 99504
(907) 333-5300

John Hillborn
Jed Henning
John Lennartson

Hankal Construction, Inc.
157 Dean Place
Anchorage, AK 99504
(907) 349-8431

David Mallars

Consolidated Enterprises
1934 Beaver Place
Anchorage, AK 99504
(907) 344-4567

Lary Sheffert

S & S Engineering
17034 Eagle River Loop Rd, Suite 201
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Richard Shafer
James Newman

Fairbanks Area

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PO Box 74715
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(907) 451-4482

Bryan Borjesson

Station Maintenance & Equipment
PO Box 60481
Fairbanks, AK 99706
(907) 456-1919

Steve Coleman

Industrial & Commercial Construction
PO Box 71063
Fairbanks, AK 99707
(907) 479-3312

Maurice Coulter
Maurice Coulter, Jr.
William Langley
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PO Box 56239
North Pole, AK 99705
(907) 488-0730

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PO Box 74335
Fairbanks, AK 99707
(907) 452-1792

Michael McGlinchy

B & B Excavation
PO Box 80010
Fairbanks, AK 99708
(907) 457-7777

Gary Powell

Exclusive Landscaping Inc.
PO Box 72103
Fairbanks, Ak 99707
(907) 451-8585

Daniel Himebaugh

Kodiak

Kodiak Tank Service
PO Box 979
Kodiak, AK 99615
(907)

C.F. Lottsfeldt

Mat-Su Valley

Fisher Fuels, Inc.
PO Box 520209
Big Lake, AK 99652
(907) 892-6359

Brad Fisher

Brown and Root Services Corp.
411 Jerome Drive
Wasilla, AK 99654
(907)

Herb Dunham

Hermon Brothers Construction
111 West Eimond
Palmer, AK 99645
(907) 745-3249

Ben Hermon

New Horizons
PO Box 2049
Palmer, AK 99645
(907) 746-6022

Jon Shepherd
Darrell Lankford
John Lee
Mark Ogle
Richard Stragier

Kenai Peninsula

Bundy & Associates
PO Box 3164
Soldotna, AK 99669
(907)

Tim Bundy

Chumley's Inc.
PO Box 753
Sterling, AK 99672
(907) 262-4668

Donald McCloud

Glennallen - Valdez Area

Copper Valley Enterprises
HC 60 Box 252
Copper Center, AK 99573
(907) 822-3614

Edwin Carnes

**STATE TAX REVENUE SOURCES FOR UNDERGROUND STORAGE TANKS
(UST) CLEANUP TRUST FUNDS**

The Federal Superfund Reauthorization Legislation enacted October 17, 1986, has a provision to impose a .1 cent per gallon motor fuels excise tax as a revenue source to fund a separate Federal Leaking Underground Storage Tank fund. Under certain conditions, that fund can pay up to 90% of any state's cost for cleanup resulting from a discharge from an underground storage tank (UST), which monies should be taken into consideration by states when determining their revenue needs. This paper addresses the possible need for additional or supplemental state revenues beyond Federal revenues.

Supplemental Revenue Sources (in order of preference):**1. General State Revenues**

Recognizing that the problem of leaking underground tanks is societal and sometimes cannot be identified to a specific responsible party (orphan tanks), it is preferred that the monies needed for the cleanup be made available through the creation of a cleanup fund financed by appropriations from the state's general revenues.

2. Tank Fees

A tank registration fee and/or an annual per tank operating fee is an acceptable means of providing the necessary funding. However, some states may find that more funding is needed than can be provided by the tank fees.

3. Taxes on Motor Fuels ("Piggybacking")

API recognizes that a tax of some kind on petroleum products may be inevitable in states where tank registration fees or general revenue funding are politically unattainable or insufficient to fund UST cleanup. In those states, a tax on motor fuel, or "piggybacking," is a funding mechanism preferred over other kinds of taxes on petroleum products. Taxes other than taxes on motor fuels can take a variety of forms which can be difficult to administer, may be imposed upon petroleum products that do not contribute to UST leaks and could create competitive imbalances. The following guidelines take into account the fact that legal and/or political constraints may make piggybacking difficult to achieve in some states.

- In states where there are no constitutional or statutory provisions prohibiting the proceeds of a tax on motor fuels from being used for nonhighway purposes, the UST fee should be tied

directly to the existing Motor Fuel Tax (MFT). This can often be accomplished by an amendment to the MFT statute requiring the UST fee to be imposed and collected in the same manner as the MFT. Piggybacking is most appropriate in states where the MFT is well constructed and forcefully administered with few opportunities for tax evasion.

- In states where diversion of highway funds is prohibited by statute, rather than by constitution, it may be appropriate to amend the statute to allow for an UST fee piggyback provided the diversion can be limited to UST funding. In states where piggybacking of the MFT is not possible, some other kind of tax on petroleum products becomes necessary.
- In states that require by constitution that taxes on motor fuels must be dedicated to highways, thereby prohibiting piggybacking for UST purposes, other kinds of funding mechanisms can be devised. For example, Georgia has enacted an insurance program which permits a tank owner/operator to opt for premium payments in the form of a cents per gallon fee on motor fuels. Texas has enacted a graduated UST fee which is imposed on the person ordering withdrawal of the product from bulk, and is collected by the bulk facility operator. The proposed legislation should provide that:
 1. The point of collection is clearly defined, preferably upon physical withdrawal through the terminal rack based on delivery to supplier's customers.
 2. Consistent with 1., above, transfers and exchanges between licensed distributors are not taxed so as to avoid double taxation and the need for a complex credit system.
 3. The identity of the tax collector/payer is clearly defined.
 4. The rate is based on volume rather than value.
 5. Taxable products are clearly defined, preferably to include only those products which pass through underground tanks that are subject to federal UST regulations.
 6. Exports are exempted either explicitly or effectively by the application of the point of collection.
 7. The state's department of revenue will administer the tax.
 8. General tax laws concerning appeals, penalties, etc., will apply.

Adopted 1/8/87
Revised Oct/Nov 1989
WOR/15

TESTIMONY OF KENNETH M. REITHER
TAX COUNSEL, EXXON CORPORATION

SENATE RESOURCES COMMITTEE
1:30 P.M., MARCH 9, 1992

SB 384

MY NAME IS KENNETH REITHER. I AM APPEARING ON BEHALF OF MY EMPLOYER, EXXON CORPORATION.

IN 1989, AFTER THE OIL SPILL IN PRINCE WILLIAM SOUND, THE LEGISLATURE PASSED THREE RELATED BILLS:

- THE FIRST WAS SB 261, WHICH REQUIRED THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO PREPARE STATE AND REGIONAL OIL AND HAZARDOUS SUBSTANCE RELEASE CONTINGENCY PLANS. THE COST OF DOING SO WAS TO BE PAID OUT OF THE 470 FUND.
- THE SECOND WAS SB 264, WHICH ESTABLISHED THE OIL AND HAZARDOUS SUBSTANCE RESPONSE OFFICE, CORPS AND DEPOTS. THIS BILL LIKEWISE AUTHORIZED USE OF 470 FUND MONEYS TO PAY FOR SUCH COSTS.
- THE THIRD WAS SB 260, WHICH ESTABLISHED A FIVE CENTS PER BARREL CONSERVATION SURCHARGE ON OIL PRODUCED IN ALASKA, THE REVENUES TO GO INTO THE 470 FUND.

ONE PURPOSE OF THE SURCHARGE WAS TO PAY FOR THE ADDITIONAL COSTS RESULTING FROM SB 261 AND SB 264 JUST MENTIONED. BUT THE PRIMARY PURPOSE, AS I READ THE COMMITTEE MINUTES AND OTHER LEGISLATIVE MATERIAL FROM THE DAY, WAS TO BUILD A \$50 MILLION FUND SO THAT THE STATE COULD HAVE AN INDEPENDENT SPILL CONTAINMENT AND CLEANUP CAPABILITY.

REVENUES FROM THE 5 CENTS PER BARREL SURCHARGE WERE PROJECTED TO BE MORE THAN \$25 MILLION A YEAR. THE EXPECTATION AT THE TIME WAS THAT THE \$50 MILLION CAP WOULD SOON BE REACHED, SUSPENDING THE SURCHARGE.

IN 1990, HOWEVER, THE LEGISLATURE PASSED THREE BILLS EXPANDING THE PERMISSIBLE USES OF MONEYS IN THE 470 FUND. THESE INCLUDED:

- HB 566, WHICH, AMONG OTHER THINGS, ESTABLISHED THE ALASKA STATE EMERGENCY RESPONSE COMMISSION,
- HB 567, UNDER WHICH 470 FUNDS WERE TO BE USED BY DEC FOR REVIEW OF OIL DISCHARGE PREVENTION AND CONTINGENCY PLANS, TO CONDUCT TRAINING AND RESPONSE EXERCISES, INSPECTIONS, TESTS AND OTHER COSTS, AND

- HB 578, CREATING A CITIZENS' OVERSIGHT COUNCIL ON OIL AND OTHER HAZARDOUS SUBSTANCES.

SIMILARLY IN 1991, THE LEGISLATURE PASSED TWO BILLS FURTHER EXPANDING THE USES OF 470 FUND MONEYS. THESE WERE:

- SB 25, ALLOWING ADVANCES OF MONEY TO VILLAGES AND MUNICIPALITIES TO CARRY OUT AN EMERGENCY FIRST RESPONSE TO A RELEASE OR THREATENED RELEASE OF OIL OR A HAZARDOUS SUBSTANCE, AND

- SB 165, COVERING COSTS TO DESIGN, RETROFIT AND CONSTRUCT VESSELS OF THE ALASKA MARINE HIGHWAY TO HAVE SPILL RESPONSE CAPABILITY.

THERE ARE SEVERAL BILLS UNDER CONSIDERATION IN THIS LEGISLATIVE SESSION WHICH WOULD FURTHER EXPAND THE USES OF MONEYS IN THE 470 FUND. SB 384 BEFORE THIS COMMITTEE TODAY WOULD INCLUDE COSTS RELATING TO UNDERGROUND STORAGE TANKS. OTHERS ADDRESS PUBLIC DRINKING WATER SUPPLIES, GRANTS FOR LOCAL EMERGENCY SERVICES, AND COSTS RELATING TO AIR QUALITY.

I AM NOT HERE TO COMMENT ON THE NEED TO ADDRESS UNDERGROUND STORAGE TANKS OR THE MERITS OF THE OTHER PROPOSALS, ONLY TO COMMENT ON FUNDING SOURCES.

CONTINUED EXPANSION OF THE USES OF 470 FUND MONEYS WILL RESULT IN THE \$50 MILLION CAP NEVER BEING REACHED, WHICH WILL IN TURN MEAN A CONTINUING TAX INCREASE ON THE OIL INDUSTRY.

WITH ALASKA OIL PRODUCTION DECLINING, COUPLED WITH THE CURRENT SOFT OIL MARKET, NOW IS NOT THE TIME FOR ALASKA TO PASS ANOTHER TAX INCREASE ON THE OIL INDUSTRY. AS WE HAVE PREVIOUSLY TESTIFIED, TAX STABILITY IS CRUCIAL TO THE FUTURE OF THE OIL INDUSTRY IN ALASKA.

IN THE CASE OF THE UNDERGROUND STORAGE TANKS, THERE ARE MORE APPROPRIATE FUNDING SOURCES, SUCH AS GENERAL FUND REVENUES OR THE MOTOR FUEL TAX. ATTACHED TO MY TESTIMONY IS A PAPER PREPARED BY THE AMERICAN PETROLEUM INSTITUTE WHICH ADDRESSES ALTERNATE REVENUE SOURCES FOR UNDERGROUND STORAGE TANKS CLEANUP TRUST FUNDS.



BP EXPLORATION

David Pritchard
Senior Vice President
Prudhoe Bay Unit
Alaska

BP Exploration (Alaska) Inc.
990 East Benson Boulevard
P.O. Box 196612
Anchorage, Alaska 99519-6612
(907) 564-4029

March 6, 1992

The Hon. Jalmar Kerttula, Co-Chair
The Hon. Pat Pourchot, Co-Chair
Senate Finance Committee
P. O. Box V
Juneau, AK 99811

New Uses of the Oil Spill Response Fund (AS 46.08.010)

Dear Senator Kerttula and Senator Pourchot:

As Senior Vice President of BP Exploration (Alaska) Inc. with responsibility for the Prudhoe Bay field, I am writing to express BP's concern about the new proposals under consideration to expand the uses of the oil spill response fund (the "470 fund") under AS 46.08.010.

The principal source of funding for the 470 fund is the nickel-a-barrel oil conservation surcharge to the production tax under AS 43.55.-200 - .240. Under these statutes the surcharge is to be suspended when the balance in the 470 fund exceeds \$50 million and is to be temporarily reimposed as needed to replenish the fund to \$50 million when its balance falls below that level.

When the conservation surcharge was enacted as part of a package of oil spill legislation in 1989, the fiscal notes for that legislation indicated that the revenues from the surcharge through FY 92 would be enough to cover the additional demands on the 470 fund for over 25 years. However, since 1989 several new uses have been created for the 470 fund. These new uses have delayed the time when the surcharge goes into suspension and will shorten the time it will be suspended before being needed to replenish the fund. To date more than \$60 million has been paid under the surcharge.

If enacted, the new uses being proposed for the 470 fund would ensure that the conservation surcharge will continue indefinitely. Rather than begin a limited duration surcharge to raise \$50 million to be readily available for the State to respond to a spill, the conservation surcharge begins to look like a permanent tax increase aimed at the exploration and production industry.

The Hon. Jalmar Kertula, Co-Chair
The Hon. Pat Pourchot, Co-Chair
Page 2

We are striving to reduce costs as much as we can at Prudhoe Bay and the other North Slope fields, consistent with safe and prudent operations. The ongoing decline in production means we cannot afford to let costs rise, nor even let them remain flat. Only by actively reducing our costs of operating will we be able to develop and recover the full potential of the resources on the Slope. Making the oil conservation surcharge a permanent tax increase runs counter to the need to reduce costs. And although it may seem modest, it will probably be viewed inside and outside the oil industry as a sign of instability in Alaska's tax structure.

We are not questioning the need to clean up leaking underground storage tanks, nor are we doubting the merits of the other uses that have been proposed for the 470 fund. The worthiness of these environmental initiatives is not the issue. The issue is whether Alaska needs to raise oil taxes in order to address these initiatives. We at BP believe it is neither necessary nor prudent to raise oil taxes at this time.

Very truly yours,

BP EXPLORATION (ALASKA) INC.



David J. Pritchard
Senior Vice President

cc: Finance Committee Members



March 4, 1992

Position Paper

SB 384 - Amending Purposes for Which Money in Oil and Hazardous Substance Release Fund May Be Expended

The Alaska Municipal League supports SB 384, which would add regulation and pollution prevention activities involving underground petroleum storage tanks to the list of purposes for which the oil and hazardous substance release response ("470") fund may be used, to the extent that the bill is a clear recognition of the need for meeting the federal financial responsibility requirements and for funding underground storage tank assessment, cleanup, and upgrading or closure under state and federal law.

The 1992 *Policy Statement* of the Alaska Municipal League states: "The League strongly encourages the State to develop regulations to implement the Underground Storage Tank Assistance Program created by the Legislature and to adequately fund programs necessary to mitigate the impact of EPA underground tank regulations on municipal budgets and facilities." SB 384 would provide access to some funds for this purpose.

It should be noted that the Underground Storage Tank Assistance Program, created by the Legislature by passage of HB 220 during the 1990 session, provides assistance to municipalities as owners of underground storage tanks as well as to private owners. Of over 2,800 tanks registered with the program last year, 14 percent, or nearly 400 of them, are owned by 45 municipalities. Data presented this year by the Board of Storage Tank Assistance indicates there are 3,890 tanks in use and 655 tanks out of service. Of these, 3,032 are owned by municipalities and private businesses and potentially in need of assistance to avoid environmental damage or health problems in the event of a leak.

The League and its members support providing funding to assist these municipal owners deal with their abatement and pollution prevention efforts, tank tightness and site assessment, tank cleanup, and tank upgrading and closure, as well as meeting the federal financial responsibility requirements. To the extent that SB 384 would provide a stable funding mechanism for these related purposes, the Alaska Municipal League supports its passage.

sab6:SB384 34

Alaska Oil and Gas Association



121 West Fireweed Lane, Suite 207
Anchorage, Alaska 99503-2035
Phone: (907) 272-1481 Fax: (907) 279-8114

March 9, 1992

VIA FACSIMILE

The Honorable Lloyd Jones, Chairman
Resources Committee
Alaska State Senate
Room 30, Capitol Building
P. O. Box V
Juneau, Alaska 99811

SB384, Response Fund: Use for Tank
Programs

Dear Mr. Chairman:

Thank you for the invitation to testify via teleconference from the Anchorage Legislative Information Office at today's hearing of the Senate Resources Committee. AOGA will be submitting the attached testimony for the hearing record.

Sincerely,

A handwritten signature in cursive script, appearing to read 'William W. Hopkins', is written above the typed name.

WILLIAM W. HOPKINS
Executive Director

WWH:MC13:SB384
Attachment

Testimony of the
Alaska Oil and Gas Association
before the
Alaska State Senate
Resources Committee
on
SB 384, An Act amending the
purposes for which money in
the oil and hazardous substance
release response fund may be expended
and to reimbursements due to that fund;
and providing for an effective date

March 9, 1992

I am William W. Hopkins, Executive Director of the Alaska Oil and Gas Association (AOGA). Our members conduct the majority of oil and gas exploration, production and transportation in Alaska. We appreciate this opportunity to express our position regarding SB 384.

AOGA strongly opposes SB 384 for several important reasons. This bill would, in effect, impose a hidden but real tax increase on all oil production in Alaska. It would impose unfair costs to the oil producers in Alaska to fund a program to correct underground storage tank problems over which they have no control and which are not associated with crude oil production. Those costs are largely unknown but could be potentially significant based on the thousands of various underground tanks throughout Alaska. In addition, the bill does not require the state to seek reimbursement for costs of expenditures from responsible parties. We urge the state to consider alternatives and the potential impact of this proposed legislation on the oil producers.

Alaska Oil and Gas Association
Testimony on CSHB 264
March 6, 1992
Page 2

We understand that the Federal Superfund Reauthorization Legislation enacted in October 1986 has a provision to impose a 0.1 cent per gallon motor fuels excise tax as a revenue source to fund a separate Federal Leaking Underground Storage Tank Fund. Under certain conditions, that fund can pay up to 90% of any state's cost for cleanup resulting from a discharge from an underground storage tank. To use the federal fund, Alaska may need to establish its own fund to cover its 10% corrective action costs, but the 470 Fund is not the appropriate source.

In summary, SB 384 would place an unfair tax burden on oil producers to pay for problems not related to production. We urge Senate Resources Committee to reject it. Thank you for this opportunity to comment.



Alaska State Legislature

SENATE

Official Business

SENATOR CURT MENARD

P.O. Box V
State Capitol
Juneau, Alaska 99801

SPONSOR STATEMENT

SB 384 amends the purposes for which money in the oil and hazardous substance release response fund (.470 Fund) may be expended to include technical, educational and financial assistance to underground tank owners/operators under Alaska's Underground Storage Tank Program.

The new underground storage tank program was created in 1990 to assist Alaskan underground storage tank owners/operators comply with federal law mandating tank tightness testing, site assessment, tank upgrades, cleanup of petroleum contaminated soils and groundwater and to protect our environment and public water supplies.

To date, the Department of Environmental Conservation has received financial assistance requests from owner/operators of regulated underground storage tanks in excess of \$ 30 million. Applications are being received by the department on a daily basis and the trend is expected to continue through the 1992 and 1993 construction seasons.

Of the \$5.3 million appropriated for grants and loans in FY 91, the Board of Storage Tank Assistance allocated \$1.5 million to closures and upgrades, \$2.3 million to site assessments and tightness tests and \$1.5 million for cleanups.

The uncertainty of annual appropriations from the general fund to support the upgrade of tanks and cleanup of contaminated sites raises serious concerns for Alaskan small business, local governments and the public. I believe that it is imperative that a secure alternative funding source be put in place to address the intent and purpose of the underground storage tank program and assist in the cleanup and protection of our public water supplies.

I would appreciate your consideration and support of this legislation.



March 4, 1992

Position Paper

SB 384 - Amending Purposes for Which Money in Oil and Hazardous Substance Release Fund May Be Expended

The Alaska Municipal League supports SB 384, which would add regulation and pollution prevention activities involving underground petroleum storage tanks to the list of purposes for which the oil and hazardous substance release response ("470") fund may be used, to the extent that the bill is a clear recognition of the need for meeting the federal financial responsibility requirements and for funding underground storage tank assessment, cleanup, and upgrading or closure under state and federal law.

The 1992 *Policy Statement* of the Alaska Municipal League states: "The League strongly encourages the State to develop regulations to implement the Underground Storage Tank Assistance Program created by the Legislature and to adequately fund programs necessary to mitigate the impact of EPA underground tank regulations on municipal budgets and facilities." SB 384 would provide access to some funds for this purpose.

It should be noted that the Underground Storage Tank Assistance Program, created by the Legislature by passage of HB 220 during the 1990 session, provides assistance to municipalities as owners of underground storage tanks as well as to private owners. Of over 2,800 tanks registered with the program last year, 14 percent, or nearly 400 of them, are owned by 45 municipalities. Data presented this year by the Board of Storage Tank Assistance indicates there are 3,890 tanks in use and 655 tanks out of service. Of these, 3,032 are owned by municipalities and private businesses and potentially in need of assistance to avoid environmental damage or health problems in the event of a leak.

The League and its members support providing funding to assist these municipal owners deal with their abatement and pollution prevention efforts, tank tightness and site assessment, tank cleanup, and tank upgrading and closure, as well as meeting the federal financial responsibility requirements. To the extent that SB 384 would provide a stable funding mechanism for these related purposes, the Alaska Municipal League supports its passage.

sab6:SB384.34

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 384

Revision Date: _____ Department Affected: Environmental
 Title: Amending Purposes of OHSRRI Conservation
 BRU: Spill Prevention & Response
 Sponsor: Senator Menard Component Storage Tank Assistance Program
 Requestor: Senator Menard

COMPONENT SERIAL NO. 1 | 6 | 2 | 3

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | | | | | |

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

| | | | | | | |
|--------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
| FUND SOURCE: | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-------------------|-----------|---------|---------|---------|---------|---------|
| GENERAL FUND | (6,715.8) | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| FUND SOURCE: 1052 | 6,715.8 | 6,715.8 | 6,715.8 | 6,715.8 | 6,715.8 | 6,715.8 |
| TOTAL | 6715.8 | 6715.8 | 6715.8 | 6715.8 | 6715.8 | 6715.8 |

POSITIONS: 0.0

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

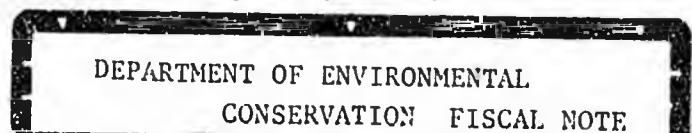
Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

This Fiscal note is intended to show only a change in funding source for the department's underground storage tank program. We have used the amount requested for FY 93 as the amount anticipated for each subsequent fiscal year.

Prepared by: Janice Adair Phone: 465-5050
 Division: Commissioner's Office Date: 2/20/92
 Approved by Commissioner: *Jan D. Foulds*
 Agency: Environmental Conservation Date: 2/20/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
410 Willoughby Avenue, Suite 105
Juneau, AK 99801-1795

Phone: (907) 465-5000
Fax: (907) 465-5070

March 23, 1992

The Honorable Lloyd Jones
Chairman
Senate Resources Committee
State Capitol
Juneau, AK 99801

Dear Senator Jones:

During the Senate Resources Committee meeting on March, 9, 1992, I was asked to provide follow-up information on two questions regarding Senate Bill 384. The first had to do with a survey of state Underground Storage Tank programs and the second with the ranking process to be used for the FY93 Underground Storage Tank grant applications.

Underground Storage Tank financial assistance programs vary from state to state as can be seen from the enclosed summary of state tank trust fund laws. Most states have financial assistance programs funded by a combination of tank registration fees and fuel taxes. Approximately seventy-five percent of the states have loan programs and twenty-five percent have grant programs. Please note that Alaska's tank cleanup grant program is a combination 90 percent grant and 10 percent loan program.

The State of California was of special interest to your committee. California does not have a cap on their fund and currently has accumulated \$80 million in a growing fund supported by a \$0.006/gal UST fuel tax which is accessed by lottery. Again, please see the enclosed summary of state tank trust fund laws for more information on specific states.

Alaska does not have sufficient numbers of tanks to support a financial assistance program through registration fees alone, and therefore, must rely on some other funding source. To that end, the department supports Senate Bill 384 as a logical extension of the Oil and Hazardous Release Response Fund.

In regard to the grant application ranking process, I have enclosed several attachments for your information. Included is the priority ranking score system as developed by the Board of Storage Tank Assistance, the Preliminary Risk Evaluation form, and the list of sites which were priority ranked for FY92 tank cleanup grants. I have also included three examples of applications from the FY93 priority ranking process to illustrate scoring based upon different types of facilities.

Honorable Lloyd Jones

-2-

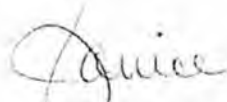
March 23, 1992

As you review the attachments, you will see that the priority ranking score assigned to an application is primarily driven by the factors of risk and insurability. Facilities that display high risk and are unable to obtain insurance will have the best chance at grant awards.

Unfortunately, I know that the Committee was interested in a more specific priority list for the FY 93 applications. There is an April 1 deadline to provide the department with all of the information required, thus many of the FY93 applications are incomplete. It is our hope that the enclosed information will provide you with a sense of the ranking process.

Thank you for the opportunity to provide this information to you.

Sincerely,



Janice Adair
Assistant Commissioner

JH\jh (SPAR/CS-senator.2)

ATTACHMENTS: Summary of State Tank Trust Fund Laws
Financial Assistance Ranking Procedure
Preliminary Risk Evaluation Form
Priority Ranking for Upgrade and Closure Applications
Priority Ranking of FY92 Cleanup Applications
Example Facilities Priority Ranked for FY93

SUMMARY OF STATE TANK TRUST FUND LAWS

| State | Effective Date | EPA Approval | Fund Coverage (Per occurrence unless otherwise noted) | | Deductible (Per occurrence unless otherwise noted) | | Fund Size or Cap | Fund Source | Mandatory Participation |
|-------------|----------------|--------------|---|-----------|---|------------|------------------|--|--|
| | | | Cleanup | 3rd Party | Cleanup | 3rd Party | | | |
| Alabama* | 10/1/88 | Approved | \$1M** | \$1M** | \$5K | \$5K/claim | \$10M | \$150/tank annual fee in 1991; \$10-\$150 thereafter depending on fund balance | Yes |
| Alaska* | 9/5/90 | | \$1M | No | 10% of first \$250K | N/A | None established | \$50/tank annual fee for fully upgraded tanks; if not fully upgraded, \$150/tank <1,000 gals., \$300/tank 1,000-5,000 gals., \$500/tank >5,000 gals. | Fees are mandatory. Financial assistance participation is voluntary. |
| Arizona* | 7/1/90 | Submitted | \$150K or \$250K, depending on deductible, through 1991; \$135K or \$225K thereafter | No | \$5K or \$25K | N/A | None established | 1¢/gal. fee on regulated substances placed in tanks; \$100/tank annual fee | Yes |
| Arkansas* | 2/22/89 | Approved | \$1M | \$1M | \$25K | \$25K | \$15M | 0.2¢/gal. fee on motor fuels | Fees are mandatory. Trust fund participation is voluntary. |
| California* | 1/1/88 | Submitted | \$1M | \$1M | \$10K | \$10K | None established | 0.6¢/gal. fee on all petroleum products (except heating oil) placed in a permitted UST | Yes |
| Colorado* | 7/1/89 | Submitted | \$1M; Annual Aggregate: \$1M<100 tanks; \$2M≥100 tanks for both cleanup and third-party | | \$10K | \$25K | \$11M | \$25-\$50 variable environmental surcharge per tanker load of gasoline | Yes |

*Check Tab 900 for further information.

**Updated, February 1992.

SUMMARY OF STATE TANK TRUST FUND LAWS

| State | Effective Date | EPA Approval | Fund Coverage (Per occurrence unless otherwise noted) | | Deductible (Per occurrence unless otherwise noted) | | Fund Size or Cap | Fund Source | Mandatory Participation |
|-----------------------|------------------|------------------|--|---|---|------------------|------------------|---|---|
| | | | Cleanup | 3rd Party | Cleanup | 3rd Party | | | |
| Connecticut* | 7/5/89 | Approved** | \$1M for both cleanup and third-party | | \$10K for both cleanup and third-party | | \$15M | 3% of gross earnings at first point of sale of petroleum products in state | Yes |
| Delaware* | 1/16/89 | | \$1M | \$1M | \$100K | \$300K | None established | No current funding** | No |
| District of Columbia* | 3/8/91** | Not applicable** | Emergency costs and costs exceeding required financial responsibility coverage** | No | None established | None established | \$3M | \$500/tank registration fee, \$200/tank annual fee for tanks over 10,000 gals.; \$200/tank registration fee, \$100/tank annual fee for tanks under 10,000 gals. | Yes |
| Florida* | 7/1/86 | Submitted | \$1M; \$2M Annual Aggregate | No (Covered under separate insurance program) | \$500 in 1991; up to \$25K thereafter | N/A | \$50M (per year) | \$50/tank registration fee; \$25/tank annual fee; \$25/tank replacement fee; 10-30¢/bbl. production/import tax on petroleum | Fees are mandatory. Liability insurance and restoration coverage are voluntary. |
| Georgia* | 7/1/88 | Approved | 1-100 tanks \$1M; 101 or more tanks \$2M for both cleanup and third-party** | | \$10K for both cleanup and third-party | | \$20M | 0.2¢/gal. fee for petroleum products stored in USTs** | No |
| Hawaii* | No trust fund.** | | | | | | | | |

*Check Tab 900 for further information.

**Updated, January 1992.

SUMMARY OF STATE TANK TRUST FUND LAWS

| State | Effective Date | EPA Approval | Fund Coverage (Per occurrence unless otherwise noted) | | Deductible (Per occurrence unless otherwise noted) | | Fund Size or Cap | Fund Source | Mandatory Participation |
|-----------|---|--------------|--|---|---|---|------------------|--|-------------------------|
| | | | Cleanup | 3rd Party | Cleanup | 3rd Party | | | |
| Idaho* | 4/1/90 | Approved | Insurance policies up to \$1M issued; Annual Aggregate: ASTs and 1-100 USTs: \$1M; 101 or more USTs: \$2M | Insurance policies up to \$500K issued; Annual Aggregate: ASTs and 1-100 USTs: \$1M; 101 or more USTs: \$2M | \$10K | \$10K | \$30M | \$25 annual tank registration fee; 1¢/gal. transfer fee on petroleum coming into state in containers over 55 gals. | Yes |
| Illinois* | 7/28/89 (Releases occurring before 7/28/89 may be covered) | Approved | \$1M for both cleanup and third-party | | \$10K (if tank is registered and owner had no knowledge of release at time of registration) | \$10K (if tank is registered and owner had no knowledge of release at time of registration) | None established | 0.3¢/gal. motor fuel tax | Yes |
| Indiana* | 12/31/92** | Submitted** | \$1M for both cleanup and third-party | | \$35K, \$30K, or \$25K, depending on tank upgrade status, for both cleanup and third-party | | \$10M | \$290/tank annual fee | Yes |
| Iowa* | 5/5/89 | Approved | 75% up to a maximum of \$1M; Annual Aggregate: \$1M ≤ 100 tanks, \$2M > 100 tanks; (insurance program is also offered) | No | Co-payment of \$5K or 25% of total cost, whichever is greater | N/A | \$17.5M** | \$50 of \$65/tank annual fee; 1¢/gal. environmental protection charge on petroleum products effective 10/1/91 | Yes |

*Check Tab 900 for further information.

**Updated, January 1992.

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January 1992

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SUMMARY OF STATE TANK TRUST FUND LAWS

| State | Effective Date | EPA Approval | Fund Coverage (Per occurrence unless otherwise noted) | | Deductible (Per occurrence unless otherwise noted) | | Fund Size or Cap | Fund Source | Mandatory Participation |
|------------|---------------------|--------------|--|------------------------|--|--|---------------------|--|-------------------------|
| | | | Cleanup | 3rd Party | Cleanup | 3rd Party | | | |
| Kansas* | 12/22/88 | Submitted | \$1M; Annual Aggregate: \$1M<100 tanks, \$2M≥100 tanks | Not yet established | Non-marketer with 1-4 tanks: \$5K; non-marketers with 5-12 tanks and marketers with 1-12 tanks: \$10K, 13-99 tanks: \$20K, >99 tanks: \$60K | N/A | \$5M | 1¢/gal. environmental assurance fee on petroleum products distributed, manufactured, or imported | Yes |
| Kentucky* | To be determined | Submitted | \$1M for both cleanup and third-party | | Less than 6 tanks: \$10K; ≥6 tanks: \$25K | Less than 6 tanks: \$10K; ≥6 tanks: \$25K | \$10M | 0.4¢/gal. fee on gasoline and special fuels received in state | Yes |
| Louisiana* | 7/15/88 | Approved | \$1M for both cleanup and third-party | | \$15K | \$15K | \$20M | \$13.50/9,000 gals. of motor fuel loaded at bulk plant; \$250/new or used oil tank annual fee** | Yes |
| Maine* | 4/1/90 | Approved | \$1M; \$2M annual aggregate for both cleanup and third- party (with limit of \$200K per claimant for third-party) | | For both cleanup and third- party: 1 facility: \$2,500; 2-5 facilities: \$5K; 6-10 facilities: \$10K; 11-30 facilities: \$50K; over 30 facilities: \$100K | | None established | 44¢/bbl. fee on gasoline; 25¢/bbl. on other refined products imported in state; \$35/tank annual registration fee; \$13¢-\$500 annual fee for non-conforming tank | Yes |
| Maryland* | No trust fund. | | | | | | | | |

*Check Tab 900 for further information.

**Updated, January 1992.

SUMMARY OF STATE TANK TRUST FUND LAWS

| State | Effective Date | EPA Approval | Fund Coverage (Per occurrence unless otherwise noted) | | Deductible (Per occurrence unless otherwise noted) | | Fund Size or Cap | Fund Source | Mandatory Participation |
|----------------|---|--------------|--|-----------------------------|---|---|------------------|---|--|
| | | | Cleanup | 3rd Party | Cleanup | 3rd Party | | | |
| Massachusetts* | None established | Submitted | \$1M | \$1M | 1 facility: \$5K; 2 facilities: \$7.5K; 3 facilities: \$10K | 1 facility: \$5K; 2 facilities: \$7.5K; 3 facilities: \$10K | \$30M | \$200/tank annual fee; \$50/load delivery fee on motor fuels | Yes |
| Michigan* | 7/18/89 | Approved | \$1M for both cleanup and third-party | | \$10K for both cleanup and third-party | | None established | 0.875¢/gal. fee on refined petroleum products consumed in state | Yes |
| Minnesota* | 6/4/87 | Approved | \$1M for both cleanup and third-party; \$2M/facility** | | 10% of cost, up to \$100K, for both cleanup and third-party | | \$5M | 1¢/gal. fee (collected at rack) | Yes |
| Mississippi* | 5/18/88 | Approved | \$1M | \$1M | \$0 thru 6/30/92; \$5K thereafter | \$0 thru 6/30/92; \$10K thereafter | \$6M | 0.2¢/gal. fee on motor fuels | Yes |
| Missouri* | 4/92 (estimate) | | State issues insurance contracts up to \$1M for both cleanup and third-party; \$2M annual aggregate (\$100K limit on bodily injury claims)** | | \$25K for cleanup** | | \$20M | \$100/tank one-time fee for all owners; \$100-\$300/tank annual fee for members; \$25 per 8,000 gal. petroleum transport load fee** | One-time fee is mandatory; annual fee is voluntary |
| Montana* | 4/13/89 | Approved | \$1M for both cleanup and third-party | | 50% of first \$35K for both cleanup and third-party | | \$8M | 0.75¢/gal. fee on gasoline distributed** | Yes |
| Nebraska* | 7/17/83 for cleanup; 1/1/90 for third-party | Submitted | \$1M; \$2M Annual Aggregate | \$1M; \$2M Annual Aggregate | \$5K-\$10K; 25% of next \$40K to \$60K | \$5K-\$10K; 25% of next \$40K to \$60K | \$5M | \$75/tank annual fee and per gal. fee of 0.3¢ on motor fuels and 0.1¢ on other petroleum products | Yes |
| Nevada* | 10/1/89 | Approved | \$1M; \$2M Annual Aggregate | \$1M; \$2M Annual Aggregate | \$25K | \$25K | \$7.5M | \$50/tank annual registration fee; 0.6¢/gal. fee on gasoline, diesel and heating oil | Yes |

*Check Tab 900 for further information.

**Updated, January 1992.

SUMMARY OF STATE TANK TRUST FUND LAWS

| State | Effective Date | EPA Approval | Fund Coverage (Per occurrence unless otherwise noted) | | Deductible (Per occurrence unless otherwise noted) | | Fund Size or Cap | Fund Source | Mandatory Participation |
|-----------------|----------------|--------------|--|--|---|--|------------------|--|-------------------------|
| | | | Cleanup | 3rd Party | Cleanup | 3rd Party | | | |
| New Hampshire* | 7/1/88 | Approved | \$1M per facility for both cleanup and third-party | | 1 facility: \$5K; 2-19 facilities: \$20K; 20 or more facilities: \$30K | 1 facility: \$5K; 2-19 facilities: \$20K; 20 or more facilities: \$30K | \$10M | 0.6¢/gal. fee on gasoline or diesel fuel transferred within or into state | Yes |
| New Jersey* | N/A | N/A | State only | No | N/A | N/A | \$50M | Variable per bbl. fee on petroleum | N/A |
| New Mexico* | 7/1/90 | Approved | No established limit | No | \$0, if in compliance, fees paid and minimum site assessment done | N/A | \$25M | \$80/8,000 gal. loading fee on all gasoline and special fuels sold or produced and sold in the state | Yes |
| New York* | 4/1/78 | N/A | State only | No | N/A | N/A | \$25M | 4¢/bbl. fee on petroleum imported to state | N/A |
| North Carolina* | 6/30/88 | Approved | \$1M for cleanup and third-party combined** | | \$20K/tank** | \$100K | \$15M | Annual tank fee: \$100/tank ≤ 3,500 gal.; \$150/tank > 3,500 gal.** | Yes |
| North Dakota* | 6/30/88 | Approved | 90% of \$50K-\$100K, 100% of \$100K-\$1M | 90% of \$50K-\$100K, 100% of \$100K-\$1M | \$5K | \$5K | None established | Annual fee of \$125 per UST and \$75 per aboveground tank | Yes |
| Ohio* | 7/11/89 | Approved | \$1M for both cleanup and third-party | | For both cleanup and third-party \$10K or \$50K per tank depending on annual tank fee: \$10K/tank 6 tanks or less; \$50K/tank 7 tanks or more | | \$30M | \$150-\$300 per tank annual fee | Yes |

*Check Tab 900 for further information.

**Updated, February 1992.

SUMMARY OF STATE TANK TRUST FUND LAWS

| State | Effective Date | EPA Approval | Fund Coverage (Per occurrence unless otherwise noted) | | Deductible (Per occurrence unless otherwise noted) | | Fund Size or Cap | Fund Source | Mandatory Participation |
|-----------------|---|--------------|---|---|---|-----------|------------------|---|-------------------------|
| | | | Cleanup | 3rd Party | Cleanup | 3rd Party | | | |
| Oklahoma* | 12/23/88 (Releases occurring before 12/23/88 may be covered) | Approved | \$1M for mktg. fac. or throughput $\geq 10,000$ gal./mo.; \$500K for throughput $< 10,000$ gal./mo. | \$1M for mktg. fac. or throughput $\geq 10,000$ gal./mo.; \$500K for throughput $< 10,000$ gal./mo. | \$5K | \$5K | \$10M | 1¢/gal. fee at wholesale level on motor and diesel fuels and blending materials | Yes |
| Oregon* | N/A | N/A | State only | No | N/A | N/A | None established | Cost recoveries; disposal tax on hazardous waste | N/A |
| Pennsylvania* | 6/20/91 | Submitted | \$1M | \$1M | \$75K | \$150K | None established | \$100/tank annual fee; 2¢/gal. fee on petroleum | Yes |
| Rhode Island* | Legislation is pending. | | | | | | | | |
| South Carolina* | 1/1/88 | Approved | \$1M | No | \$25K (\$0 if qualifies under amnesty period) | N/A | \$15M | \$50 of \$100/tank annual fee; 0.5¢/gal. environmental fee | Yes |
| South Dakota* | 4/1/90 | Approved | \$1M for both cleanup and third-party (third-party not covered until rules become effective) | | \$10K for both cleanup and third-party | | \$5M | One-time inspection fee (1¢/gal. stored) on gasoline and diesel | Yes |

*Check Tab 900 for further information.

SUMMARY OF STATE TANK TRUST FUND LAWS

| State | Effective Date | EPA Approval | Fund Coverage (Per occurrence unless otherwise noted) | | Deductible (Per occurrence unless otherwise noted) | | Fund Size or Cap | Fund Source | Mandatory Participation |
|------------|----------------|--------------|--|-----------|--|--|------------------|---|------------------------------|
| | | | Cleanup | 3rd Party | Cleanup | 3rd Party | | | |
| Tennessee* | 7/1/88 | Approved | \$1M | \$1M | 1-12 tanks: \$10K; 13-999 tanks: \$20K; 1,000 or more tanks: \$50K | 1-12 tanks: \$10K; 13-999 tanks: \$25K-\$50K; 1,000 or more tanks: \$50K | \$50M | \$125/tank annual fee; 0.4¢/gal. environmental assurance fee | Yes |
| Texas* | 9/1/89 | Approved | \$1M | No | \$10K | N/A | \$125M | Loading fees for gasoline and diesel fuel collected at rack: \$12.50-\$50 per tank depending upon tank size | Yes |
| Utah* | 7/1/90 | Approved | \$1M for both cleanup and third-party | | \$25K for both cleanup and third-party | | \$17.5M | \$250/tank annual fee through 7/93, \$150/tank thereafter (fees may be less for non-marketers, depending on monthly throughput); 0.5¢/gal. environmental surcharge on all petroleum sold, used or received for sale or use in state | Yes |
| Vermont* | 1/1/87 | Approved | \$1M | \$1M | \$10K | \$0 (no deductible) | None established | 1¢/gal. fee on gasoline and diesel fuel (collected at rack); variable annual tank fee based on throughput for retail marketers, otherwise \$200/tank | Yes (unless can self-insure) |
| Virginia* | 12/22/89 | Submitted | \$1M for both cleanup and third-party | | \$50K; \$200K Aggregate | \$150K; \$200K Aggregate | \$20M | 0.2¢/gal. tax on motor fuels | Yes |

*Check Tab 900 for further information.

SUMMARY OF STATE TANK TRUST FUND LAWS

| State | Effective Date | EPA Approval | Fund Coverage (Per occurrence unless otherwise noted) | | Deductible (Per occurrence unless otherwise noted) | | Fund Size or Cap | Fund Source | Mandatory Participation |
|----------------|--|--------------|---|-----------|--|-----------|------------------|---|--|
| | | | Cleanup | 3rd Party | Cleanup | 3rd Party | | | |
| Washington* | 11/1/90 | | State reinsures insurer up to \$1M; \$2M annual aggregate for both cleanup and third-party | | Deductible specified in insurance contract | | \$15M | Premium paid by insurer; 0.5% tax on petroleum products at first introduction into state | Yes |
| West Virginia* | 10/1/90; coverage begins on date of issuance of policy | | State issues insurance policies up to \$1M; \$2M annual aggregate for both cleanup and third-party | | Option of two deductibles: \$5K and \$50K for both cleanup and third-party | | None established | Annual premiums are based on age of tank and deductibles: \$150-\$1500/tank; \$100/tank fee assessed periodically | Periodic tank fee is mandatory. Insurance fund coverage is optional. |
| Wisconsin* | 8/1/87 | Submitted | USTs: marketers: \$1M; non-marketers >10,000 gal./mo.: \$1M, ≤10,000 gal./mo.: \$500K for both cleanup and third-party; Annual Aggregate: ≤100 tanks: \$1M, >100 tanks: \$2M; ASTs: \$200K for cleanup only | | USTs: \$5K or 5%, whichever is more, for both cleanup and third-party; ASTs: \$5K through 6/93, \$10K thereafter, for cleanup only | | \$25M | 1¢/gal. inspection fee on product imported in state | Yes |
| Wyoming* | 3/21/90** | Approved | No limit; complete remediation covered** | \$1M | \$0, if tank is registered and all tank registration fees paid** | \$30K | \$10M | \$200/tank annual fee; 1¢/gal. tax on gasoline; \$200 annual contaminated site fee | Yes |

[The next page is Tab 800, Page 1.]

*Check Tab 900 for further information.

**Updated, February 1992.



Board of Storage Tank Assistance

410 WILLOUGHBY AVENUE
 JUNEAU, ALASKA 99801
 (907) 465-5200
 FAX (907) 465-5218

Walter J. Hickel, Governor

FINANCIAL ASSISTANCE RANKING PROCEDURE

PRIORITY RANKING FOR CLEANUP APPLICATIONS

(1) RISK

| | |
|---|---------------|
| PRELIMINARY RISK EVALUATION SCORE | MAXIMUM |
| (BASED UPON ALASKA HAZARD RANKING MODEL SCORE - AHRM) | <u>50 PTS</u> |

The Alaska Hazard Ranking Model (AHRM) was developed by the Department of Environmental Conservation (ADEC) as a priority ranking tool which allows the Department to identify contaminated sites which threaten public health and the environment. Since many contaminated sites in Alaska are remote and have had limited site investigation performed to date, the model was developed with the specific goal of allowing the Department to rank sites with limited environmental data.

Final ranking value exposure indices are evaluated based on environmental data gathered at the site. Toxicity, quantity, air exposure, ground water exposure, and surface water exposure as well as population information and environmental targets are all assigned a value based on the level of contamination and the location of the site. When ranking leaking tank sites the most important variables are the quantity of material and the existence of groundwater contamination.

(2) INSURABILITY

| | |
|---|--------|
| INABILITY TO MEET FINANCIAL RESPONSIBILITY | 20 PTS |
| (EPA SELF INSURABILITY TEST) | |

(3) DISTANCE/ACCESSIBILITY

DISTANCE TO ALTERNATIVE FUEL SOURCE

| | |
|-----------------|--------------|
| >50 MI..... | <u>5 PTS</u> |
| >25 <50 MI..... | <u>3 PTS</u> |
| <25 MI..... | <u>1 PT</u> |

ACCESSIBILITY TO ALTERNATIVE FUEL SOURCE

| | |
|-------------------------------|--------------|
| NO ROAD OR >5 MILE FERRY | <u>5 PTS</u> |
|-------------------------------|--------------|

(4) FACILITY TYPE

| | |
|--|--------------|
| COMMERCIAL SERVICE STATION (RETAILER)..... | <u>5 PTS</u> |
| COMMERCIAL FACILITY | <u>3 PTS</u> |
| PRIVATE FACILITY..... | <u>2 PTS</u> |
| MUNICIPAL FACILITY..... | <u>1 PT</u> |

(5) OPERATIONAL STATUS

| | |
|--|--------------|
| > 75% OF TANKS OUT-OF-SERVICE..... | <u>5 PTS</u> |
| > 50% <75% TANKS OUT-OF-SERVICE..... | <u>3 PTS</u> |
| > 25% <50% OF TANKS OUT-OF-SERVICE | <u>2 PTS</u> |
| < 25% OF TANKS OUT-OF-SERVICE..... | <u>1 PT</u> |

(6) FUNDS AWARDED

NO CLEANUP FUNDS PRESENTLY ALLOCATED.....
(EXCLUSIVE OF PHASED GRANTS
OR EMERGENCY AWARDS)

5 PTS*

*APPLICANTS WOULD NOT RECEIVE THESE POINTS IN THE CASE OF A SECOND RELEASE AND SUBSEQUENT SECOND APPLICATION FROM THE SAME SITE. AMENDED APPLICATIONS, PHASED GRANT AWARDS, EMERGENCY GRANTS, OR OTHER FINANCIAL ASSISTANCE AWARDS ARE NOT CONSIDERED APPLICABLE.

(7) EFFECTIVENESS / PHASING COSTS

ABILITY TO STABILIZE SITE / FREE PRODUCT
RECOVERY CAN OCCUR.....

5 PTS

**PRIORITY RANKING
FOR CLEANUP APPLICATIONS**

SUMMARY

| | |
|------------------------|--------------|
| (1) PUBLIC HEALTH RISK | 50 POINT MAX |
| (2) SELF INSURABILITY | 20 POINT MAX |
| (3) DISTANCE/ACCESS | 10 POINT MAX |
| (4) FACILITY TYPE | 5 POINT MAX |
| (5) OPERATING STATUS | 5 POINT MAX |
| (6) FUNDS RECEIVED | 5 POINT MAX |
| (7) EFFECTIVENESS | 5 POINT MAX |

TOTAL MAXIMUM SCORE100 POINTS*

* **BOARD** RESERVES THE RIGHT TO CONSIDER OTHER CRITERIA, AS PROVIDED FOR IN 18 AAC 78.540(b)(8), WHICH MAY RESULT IN A SCORE HIGHER THAN 100 POINTS.

Alaska Department of Environmental Conservation

Underground Storage Tank Program

Preliminary Risk Evaluation Form

Purpose of this form

This form is used only for sites with Underground Storage Tanks that are regulated by AS 46.03.450(12). It is used to collect preliminary information on the relative risk a contaminated site may pose to human health and the environment. The form is based on the "Alaska Hazard Ranking Model" which the department uses to prioritize it's investigation and cleanup efforts.

Explanation of how sites are scored

The box below explains how a site will be scored after the department receives this form. This scoring procedure may change as the ranking model is refined. Note that although the form contains values for unknown elements, a minimum combination of the following data elements are needed for adequately distinguishing between sites: toxicity; quantity; air exposure; groundwater exposure; and surface water exposure. Also note that scores cannot be calculated in the following instances:

1. If too many data elements are unknown; or
2. If both the toxicity and quantity data elements are unknown; or
3. If all exposure elements are unknown.

Scoring procedure for preliminary risk evaluation form

The preliminary risk evaluation form contains 17 different questions. Each question deals with a particular "data element" (shown below) that is considered in scoring the site. The alternatives to each question are assigned a value and then these values are entered into the formulas below to calculate the score. The values for the alternatives may change and therefore are not given here.

| Question # <u>Data Element</u> | Question # <u>Data Element</u> |
|-----------------------------------|------------------------------------|
| 1. Toxicity | 10. Surface water use |
| 2. Quantity | 11. Surface water exposure |
| 3. Release confirmation | 12. Surface water environment |
| 4. Site Access | 13. Critical terrestrial area * |
| 5. Air Exposure | 14. Observed effects |
| 6. Land use w/in 1 mile | 15. Multiple contaminants |
| 7. Land use w/in 500 ft | 16. Separate releases |
| 8. Groundwater use | 17. Regulated tank |
| 9. Groundwater exposure | |

* Critical terrestrial environment is defined in 18 AAC 75.530(1). It includes named State game reserves, refuges and sanctuaries; State and municipal parks, park reserves campgrounds; National Parks, preserves, wilderness areas, monuments, recreation areas and refuges, National Historic sites; and National Forests.

Substance factor = (Toxicity) X (Quantity) X (Release confirmation)
 Human target = (Site access) + (Air target population) + (Local groundwater use) + (Local surface water use)
 Air target population = (Air Exposure) X (Land use w/in 1 mile) X (Land use w/in 500 feet)
 Local groundwater use = (Groundwater use) X (Groundwater exposure) X (Land use w/in 1 mile)
 Local surface water use = (Surface water use) X (Surface water exposure) X (Land use w/in 1 mile)
 Environmental Target = (Surface water environment) + (Critical terrestrial area)
 = Observed Effects IF (Surface water environment) + (Critical terrestrial area)
 Multiplier = Higher of (Multiple contaminants) or (Separate releases)

RANKING SCORE = (Substance factor) X (Human target + Environmental target) X (Multiplier)

Return completed form to: ADEC, Underground Storage Tank Financial Assistance Program
 3601 "C" Street Suite 1334 Anchorage AK 99503
 Phone: 563-6529 Fax: 562-4026

ADEC Underground Storage Tank Program

Preliminary Risk Evaluation Form (page 2)

How to fill out this form:

Please type or print in ink all the requested information. On pages 3-5, please fill in the letter of the correct choice on the line at the end of the question.

Facility ID Number _____

Tax ID Number _____

Applicant:

Facility:

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Owner of Tank (If Not Same As Applicant):

Owner of Land (If Not Same As Applicant):

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Preparer:

Name: _____

Title: _____

Firm: _____

Phone: _____

Comments:

Please give any additional information you may have that may assist in processing the Risk Evaluation form (i.e. directions to the site if it does not have a physical address, uncertainties over how to answer particular questions, etc.). Please use additional pages, if necessary.

ADEC Underground Storage Tank Program

Preliminary Risk Evaluation Form (page 3)

State use

1. What type of product was released or detected? _____
 - a. Chlorinated solvents, halogenated hydrocarbons, chlorinated pesticides.
 - b. Gasoline, aviation gasoline (avgas), metals, naphtha, non-chlorinated pesticides.
 - c. Diesel, crude oil, Jet fuels (JP-4, JP-5), kerosene, non-chlorinated solvents/phenols.
 - d. Waste oil, heavy fuel oils (No. 6 etc), tar, inorganic acids/bases.
 - e. Unknown; or other _____

2. What quantity of the product was released?
 - a. Unknown; estimate of contaminated soil is: _____ cubic yards; or contamination is estimated to be present over _____ square feet.
 - b. Less than 10 gallons
 - c. 10 - 550 gallons
 - d. 551 - 5,500 gallons
 - e. 5,501 - 55,000 gallons
 - f. More than 55,000 gallons

3. Has a release at the site been documented? _____
 - a. There has been a documented release of contaminants at the site. The level of contamination is currently either unknown or above cleanup guideline levels.
 - b. Contamination at the site is suspected due to inadequate containment or management practices. Contamination has not yet been confirmed.
 - c. Contamination has been documented to be currently below cleanup guidelines.
 - d. It is unknown if there has been a release of contaminants at the site.

4. How controlled is access to the site?
 - a. Access to site is not fully controlled AND school is within 500 feet of site AND wastes are present on the surface of the site.
 - b. Access to site is uncontrolled AND wastes are present at the site's surface.
 - c. Access to site is partially controlled by artificial or natural barriers; OR contaminated soil has been excavated and placed in covered stockpile on-site; OR contaminated soils are being bioremediated above ground.
 - d. Release is confined underground; OR site is completely controlled AND no wastes are migrating on the surface outside of the controlled area of site.

5. Have contaminants been released to the atmosphere? _____
 - a. A particulate release to the air has been documented; or large ongoing releases of volatile organics from the site have been confirmed.
 - b. Releases of particulates or volatile organics to the air is suspected due to evidence of contamination at the ground surface but releases have not been documented; OR site has uncovered stockpiles of contaminated soils.
 - c. There is an unknown potential for release of contaminants to the air; or site has partially covered stockpiles of contaminated soil which are not known to be completely, effectively and permanently covered; or site is being bioremediated above ground.
 - d. There is no potential for release; OR contaminants are entirely underground; OR completely, effectively, and permanently covered.

6. What is the predominant land use within one mile of the site?
 - a. The site is in an urban area with a population greater than 35,000 people.
 - b. The site is in a suburban residential area (lot sizes generally 1/4 - 1 acre) OR a city with 2,000-35,000 people OR an industrial/commercial area.
 - c. The site is in a village of less than 2,000 people OR in an area where density is less than one housing unit per acre, OR low-density commercial areas within one mile of site, OR area has few permanent residents but intensive seasonal use.
 - d. The site is in a rural area; some occupied buildings are within one mile of the site; no small villages or associated commercial areas are within one mile of site.
 - e. There is no population present within one mile of the site.

(Please enter your letter choice on the line at the end of each question)

ADEC Underground Storage Tank Program

Preliminary Risk Evaluation Form (page 5)

State use

- _____
- _____
- _____
- _____
- _____
14. Have wildlife, fish, or plant life been affected by contamination from the site? _____
- The site is in a critical terrestrial environment or within 1/4 mile of wetlands or surface waters. (If this is true, ignore alternatives b, c, and d.)
 - Wildlife or fish are strongly suspected to have been affected by contamination from the site.
 - Plant life is strongly suspected to have been affected by contamination from the site.
 - Wildlife, fish and plant life are not suspected to have been affected by contamination from the site.
15. Were multiple types of contaminants released at the site? _____
- More than one type of contaminant is KNOWN to have been released at the site. If so, please list the types _____
 - Only one type of contaminant has been released at the site; OR site has suspected but NOT known multiple contaminants; OR only contaminant released is drilling mud; OR site has only one contaminant that is present at levels above applicable cleanup levels;
16. Were contaminants released from separate sources at the site? _____
- Contaminants have been released at more than point at the site; the sources are geographically isolated from each other (by hundreds of feet or acres); if so please list the distance between sources of contamination: _____ feet.
 - Contaminants have been released at only one point at the site; OR site has multiple types of contaminants which have commingled in the same area.
17. Was the contamination released from a regulated underground petroleum storage tank? _____
- The only contaminant released was from a regulated underground petroleum storage tank.
 - No contamination occurred as a result of a release from a regulated underground petroleum storage tank.
 - Contamination occurred from regulated underground petroleum storage tanks AND from other sources.

State Use



Board of Storage Tank Assistance

410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801
(907) 465-5200
FAX (907) 465-5218

Walter J. Hickel, Governor

PRIORITY RANKING FOR CLOSURE AND UPGRADE APPLICATIONS

(1) SECONDARY CONTAINMENT

| | |
|---|-----------|
| DOUBLE WALLED UST PLUS DOUBLE WALLED PIPING | 50 POINTS |
| DOUBLE WALLED PIPING ONLY | 40 POINTS |
| DOUBLE WALLED UST ONLY | 30 POINTS |

(2) TANK REMOVAL

| | |
|--|-----------|
| OLD TANKS REMOVED FROM THE GROUND INSTEAD OF CLOSED IN PLACE | 25 POINTS |
|--|-----------|

(3) INSURABILITY

| | |
|---|-----------|
| INABILITY TO MEET FINANCIAL RESPONSIBILITY (EPA SELF INSURABILITY TEST) | 20 POINTS |
|---|-----------|

(4) INSTALLATION DESIGN

| | |
|---|----------|
| UST SYSTEM UPGRADE INCORPORATES SPECIAL OR UNIQUE DESIGN FEATURES EXCEEDING NORMAL STANDARDS OR CODES OF PRACTICE TO COMPENSATE FOR CLIMATIC INFLUENCES, VERIFIED OR DOCUMENTED BY A REGISTERED ENGINEER. | 5 POINTS |
|---|----------|

PRIORITY RANKING FOR CLOSURE AND UPGRADE APPLICATIONS

SUMMARY

| | |
|------------------------------|--------------|
| (1) SECONDARY CONTAINMENT | 50 POINT MAX |
| (2) TANK REMOVAL | 25 POINT MAX |
| (3) FINANCIAL RESPONSIBILITY | 20 POINT MAX |
| (4) INSTALLATION DESIGN | 5 POINT MAX |

TOTAL MAXIMUM SCORE100 POINTS*

* **BOARD** RESERVES THE RIGHT TO CONSIDER OTHER CRITERIA, AS PROVIDED FOR IN 18 AAC 78.540(c)(5), WHICH MAY RESULT IN A SCORE HIGHER THAN 100 POINTS. TIES WILL BE BROKEN BY SITES WITH SUSPECTED CONTAMINATION, PAST RELEASES, OR POSTMARK DATE.

PRIORITY RANKING OF FY92 CLEANUP APPLICATIONS

PRESENTED TO THE BOARD OF STORAGE TANK ASSISTANCE AS OF JULY 25, 1991

| APPLICANT (by facility) | FAC. I.D. | COMMENTS | REQUEST \$ | REQ LOAN \$ | AHRM | RISK | INSUR. | DIST. | TYPE | OPER. | FUNDS | PHASE | TOTAL | RANK |
|--------------------------------|-----------|----------|--------------------|------------------|------|------|--------|-------|------|-------|-------|-------|-------|------|
| Anchorage Clean Sweep | 1233 | | \$247,995 | \$0 | 124 | 50 | 20 | 1 | 3 | 5 | 5 | 5 | 89 | 1 |
| Kelly's Tire & Wheel | 1460 | | \$877,140 | \$25,000 | 108 | 43 | 20 | 1 | 5 | 5 | 5 | 5 | 84 | 2 |
| Don Wilson | 2529 | | \$100,000 | \$0 | 100 | 40 | 20 | 1 | 5 | 5 | 5 | 5 | 81 | 3 |
| University Car Care | 2285 | | \$142,003 | \$0 | 108 | 43 | 20 | 1 | 5 | 1 | 5 | 5 | 80 | 4 |
| Sterling Tesoro | 2286 | | \$33,165 | \$3,685 | 95 | 38 | 20 | 1 | 5 | 5 | 5 | 5 | 79 | 5 |
| Sunrise Bakery | 330 | | \$95,655 | \$0 | 95 | 38 | 20 | 1 | 3 | 1 | 5 | 5 | 73 | 6 |
| Alaska Chevron | 556 | | \$742,633 | \$25,000 | 76 | 30 | 20 | 1 | 5 | 1 | 5 | 5 | 67 | 7 |
| Tsesyu Tesoro | 1224 | | \$18,828 | \$0 | 63 | 25 | 20 | 1 | 5 | 2 | 5 | 5 | 63 | 8 |
| Wasilla Stop-N-Shop | 2315 | | \$499,181 | \$25,000 | 54 | 22 | 20 | 1 | 5 | 5 | 5 | 5 | 63 | 9 |
| Sheep Mtn. Lodge | 2005 | | \$336,600 | \$0 | 47 | 19 | 20 | 3 | 5 | 5 | 5 | 5 | 62 | 10 |
| Wasilla Chevron | 1896 | | \$18,315 | \$2,035 | 57 | 23 | 20 | 1 | 5 | 1 | 5 | 5 | 60 | 11 |
| Cushman Box Boy Grocery | 1089 | | \$62,716 | \$6,968 | 40 | 16 | 20 | 1 | 5 | 5 | 5 | 5 | 57 | 12 |
| Kender Enterprises | 2422 | | \$293,333 | \$0 | 35 | 14 | 20 | 1 | 5 | 5 | 5 | 5 | 55 | 13 |
| Seven - 11 #105 | 1983 | | \$98,100 | \$0 | 72 | 29 | 0 | 1 | 5 | 5 | 5 | 5 | 50 | 14 |
| Alaska Sightseeing | 1657 | | \$109,460 | \$12,162 | 24 | 10 | 20 | 1 | 3 | 5 | 5 | 5 | 49 | 15 |
| Garrett's Tesoro | 2527 | | \$225,000 | \$25,000 | 25 | 10 | 20 | 1 | 5 | 2 | 5 | 5 | 48 | 16 |
| K & L Distributing (Anchorage) | 1503 | | \$272,358 | \$25,000 | 67 | 27 | 0 | 1 | 3 | 5 | 5 | 0 | 41 | 17 |
| Young Investment | 13 | | \$6,884 | \$0 | 18 | 7 | 20 | 1 | 3 | 5 | 5 | 0 | 41 | 18 |
| Alaska Sales & Service | 1952 | | \$25,055 | \$0 | 16 | 6 | 20 | 1 | 3 | 5 | 5 | 0 | 40 | 19 |
| Roy Benward | 2582 | | \$2,228 | \$0 | 14 | 6 | 20 | 1 | 3 | 5 | 5 | 0 | 40 | 20 |
| A & B Tool | 105 | | \$947 | \$0 | 9 | 4 | 20 | 1 | 3 | 5 | 5 | 0 | 38 | 21 |
| Mt. McKinley Rental | 2528 | | \$6,014 | \$0 | 9 | 4 | 20 | 1 | 3 | 5 | 5 | 0 | 38 | 22 |
| Fairbanks Daily News-Miner | 2188 | | \$29,579 | \$0 | 9 | 4 | 20 | 1 | 3 | 3 | 5 | 0 | 36 | 23 |
| K & L Distributing (Fairbanks) | 1958 | | \$16,200 | \$0 | 5 | 2 | 0 | 1 | 3 | 5 | 5 | 0 | 16 | 24 |
| TOTAL | | | \$4,259,389 | \$149,850 | | | | | | | | | | |

| LEGEND | | |
|---------------------------------|---------------------------------|--|
| AHRM.....AK Hazard Rank Model | DIST.....Distance/Accessibility | FUND.....Previous Funds or Grants Allocated |
| RISK.....Risk evaluation points | TYPE.....Type of Facility | PHASE.....Ability to Phase Corrective Action |
| INSUR.....Self-Insurability | OPER.....UST's Operating | TOTAL..... Total Priority Ranking Points |

UST FACILITY APPLICATIONS ARE SCORED BY A.D.E.C. ON A POINT SYSTEM ESTABLISHED BY THE BOARD OF STORAGE TANK ASSISTANCE

UNDERGROUND PETROLEUM STORAGE TANK PROGRAM 1-800-478-4974

FY93 PRIORITY RANKING
EXAMPLE FACILITIES

Below are examples of applications for financial assistance from the Tank Cleanup Grant and Loan Program for FY93. The scores listed below are preliminary, raw scores out of a possible hundred points. They are not relatively ranked and in no way imply eligibility for funding of these sites.

All Preliminary Risk Evaluation scores were divided by a factor of 2.4. This is because the total points available for Preliminary Risk Evaluation was 50 points. Since the highest ranking LUST site in FY92 was 120, all values were divided by 2.4 so that the site with the highest risk received the full 50 points. The Preliminary Risk Evaluation scores listed below were also divided by 2.4.

Some examples:

1. Soldotna Service Station. Total score is 53.

This is a "Mom and Pop" commercial service station. Facility gets 15 points for Preliminary Risk Evaluation, 20 points for lack of ability to self insure, 1 point for distance to other service stations which is less than 25 miles, 2 points because tanks are between 25% and 50% out of use, 5 points because this is the first release at this station, and 5 points because project can be phased to remove released product initially.

2. Airlines Terminal, Wrangell. Total score is 30.

This is an example of a large corporation which is using a small gas tank to fuel own vehicles. The facility gets 11 points for Preliminary Risk Evaluation, 0 points for ability to self insure, 1 point for distance to the nearest alternative fuel source, 3 points for being a commercial facility, but not a retail fuel facility. In this case, all tanks are out, facility receives 5 points for operational status, 5 points for first release, and 5 points because project can be phased to remove product.

Note, that the score is low due to low risk and ability to self insure. Other large companies, including petroleum sales companies, would score at the low end due primarily to ability to self insure.

3. Small Municipality, Equipment Yard - Total score is 52.

This is a municipal facility that has storage tanks for its own equipment use. Facility gets 21 points for Risk. The city receives 20 points for not meeting the EPA insurability test, 1 point for distance to nearest alternative fuel source, 1 point for type of facility (municipality), 5 points for first release and 5 points because project can be phased to remove product.

Larger municipalities that are capable of self-insurance will not receive the 20 points for the insurance category. Therefore, the larger municipalities will rank lower than most small businesses with equivalent risks.

Alaska State Legislature

Legislative Research Agency



130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Phone: (907) 465-3991
Fax: (907) 463-3351

March 12, 1992

MEMORANDUM

TO: Senator Curt Menard

FROM: Gordon S. Harrison, Director *gsh*

RE: Proportion of Alaska Gasoline Refined from Alaska Crude Oil
Research Request 92.202

You inquired about the proportion of gasoline consumed in Alaska that is refined from Alaska crude oil. The proportion is substantial, although hard data on the subject are not available. We estimate that approximately three-quarters of the gasoline consumed by retail customers in Alaska is refined from Alaska crude oil.

Gasoline Consumption in Alaska

Good information is available about the total fuel consumption in Alaska. The Alaska Department of Revenue monitors all fuel sales for tax collection purposes. The department publishes the data in *Report of Fuel Sold or Distributed in Alaska*. Attachment A is the report for the month ending June 30, 1991, which shows the most recent *annual* figures (fiscal year 1991). Thus, in FY 1991, taxable (i.e., nongovernmental, noncharitable, nonexport) sales of aviation gasoline were 19.6 million gallons; marine gasoline, 10.1 million gallons; and other (automotive) gasoline, 213.5 million gallons. These sales total 243.2 million gallons.

Railbelt and Nonrailbelt Consumption of Gasoline

Virtually all of the gasoline now consumed in the Alaska railbelt is refined from Alaska crude oil by the Tesoro refinery at Kenai and the MAPCO refinery near Fairbanks. These refineries now produce a full range of gasoline products and grades of gasoline, and imports of gasoline into the region for retail sale have virtually ceased.

Therefore, the minimum proportion of gasoline consumed in Alaska that is refined from Alaska crude is that portion of the total state consumption that occurs in the railbelt. Unfortunately, the Department of Revenue statistical series does not allocate sales to geographical regions of the state. However, a report by the Alaska Department of Natural Resources estimates fuel consumption in the railbelt and the remainder of the state. The estimate is in the attached table "Projected Consumption of Oil and Natural Gas"

Senator Menard
March 12, 1992
Page 2

(Attachment B) contained in the report *Historical and Projected Oil and Gas Consumption* (June 1991, pp. 25 - 26). According to this table, in 1991, 83 percent of aviation gasoline was consumed in the railbelt, 67 percent of the marine gasoline, and 74 percent of the highway (automotive) gasoline.¹

Some gasoline products refined by Tesoro and MAPCO are sold in markets outside the railbelt. For example, Petro Marine Services barges Tesoro products to the Kodiak and Unalaska markets. Tesoro occasionally ships its product to markets in southeast Alaska. Nenana Fuels barges MAPCO fuels to rural markets up and down the Yukon River. There is no public source of data about the composition of these fuels (gasoline, diesel and heating fuel), or about the share of the market captured by these suppliers.

Also, it is probable that some of the gasoline that is imported from outside Alaska into the nonrailbelt markets is refined from Alaska crude oil, but no public source of information is available about the origin of refinery feedstock used to produce this fuel.

Conclusion

From the foregoing information it seems safe to assume that at approximately three-quarters of the gasoline consumed in Alaska is refined from Alaska crude oil.

I hope this estimate is sufficient for your purposes. If you have any questions do not hesitate to call.

Attachments

¹The consumption estimates used in the table are slightly lower than the FY 91 sales figures reported by the Department of Revenue. However, of interest here is the relative *proportion* of gasoline products estimated to be consumed in the railbelt and elsewhere in Alaska.

ATTACHMENT A
Report of Fuel Sold or Distributed in Alaska
Department of Revenue

ALASKA DEPARTMENT OF REVENUE

REPORT OF FUEL SOLD OR DISTRIBUTED IN ALASKA

DURING THE MONTH OF JUNE 1991

| | Aviation Gasoline Gallons | Aviation Jet Fuel Gallons | Marine Gasoline Gallons | Marine Diesel Gallons | Other Gasoline Gallons | Other Diesel Gallons |
|---|---------------------------------|---------------------------------|-------------------------------|-----------------------------|------------------------------|----------------------------|
| Sold for Heating Use | | | | | | 7,216,895 |
| Federal Government | 149,083 | 11,586,534 | 11,199 | 189,671 | 210,326 | 446,414 |
| State/Local Government | 43,335 | 65,127 | 6,118 | 681,498 | 250,423 | 966,773 |
| Charitable Institution | 2,094 | | 277 | | 3,203 | 183,612 |
| Public Utility/non-profit power | | | | | | 1,822,445 |
| Exempt Power Plant | | | | | 12,639 | 1,390,616 |
| Jet Fuel Foreign Flight | | 18,560,479 | | | | |
| Bonded Jet Fuel | | | | | | |
| Consigned to Foreign Countries | | | | | | |
| Exported as Cargo | 1,201 | | | 116,612 | 172,268 | 35,339,888 |
| Gasohol | | | | | | |
| Actual Losses | | | | | | |
| Other | | | | | | |
| Total Exempt Distributions | 195,713 | 30,212,140 | 17,594 | 987,781 | 648,859 | 47,366,644 |
| ===== | | | | | | |
| Total taxable Distributions | 1,908,800 | 36,431,321 | 2,018,871 | 18,945,639 | 21,894,628 | 24,406,696 |
| ===== | | | | | | |
| ===== | | | | | | |
| Accumulative total of Exempt Distributions from 07/01/90 to 06/30/91 | 947,415 | 340,939,029 | 196,510 | 15,195,535 | 6,987,160 | 535,392,318 |
| ===== | | | | | | |
| Accumulative total of Taxable Distributions from 07/01/90 to 06/30/91 | 19,687,607 | 388,537,008 | 10,099,759 | 190,808,187 | 213,507,305 | 278,053,678 |
| ===== | | | | | | |

ATTACHMENT B
"Historical and Projected Oil and Gas Consumption,"



STATE OF ALASKA

HISTORICAL AND PROJECTED
OIL AND GAS CONSUMPTION

Walter J. Hickel
Governor

Harold C. Heinze
Commissioner
Department of Natural Resources

June 1991

Prepared for the First Session
Seventeenth Alaska Legislature

SECTION 7

PROJECTED CONSUMPTION OF OIL AND NATURAL GAS

In the eleven years between 1991 and 2001 Alaska is forecast to consume 21 billion gallons of fuel and 4.6 trillion cubic feet of natural gas. Details of the projected consumption of oil and gas are tabulated in Tables 7.1 and 7.2.

The base projections were compiled in December 1986 by the Institute of Social and Economic Research (ISER) and DO&G printed them, with accompanying assumptions and methodology, in the January 1987 edition of this report. ISER's projection covered the 15 year period from 1986

through 2001. In 1987, 1988, 1989, and 1990, however, actual fuel sales exceeded the projected consumption so in our report for each of those years we adjusted the projection upward to meet the actual sales. While this arithmetic adjustment of the projection is not technically appropriate, we are presenting it again along with the pertinent section of the original projection. The figures for the eleven year period between 1991 and 2001 and the adjustment factors are shown in Tables 7.1 and 7.2.

PROJECTED DEMAND FOR OIL

TABLE 7.1

MILLIONS OF GALLONS PER YEAR

| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | TOTAL |
|----------------------------|------------|------------|------------|------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| RAILBELT | | | | | | | | | | | | |
| Vehicle Transportation | 901 | 909 | 919 | 929 | 940 | 951 | 965 | 981 | 999 | 1,017 | 1,038 | 10,549 |
| Jet Fuel | 494 | 504 | 514 | 524 | 535 | 546 | 559 | 573 | 588 | 604 | 620 | 6,081 |
| Civilian Domestic | 270 | 278 | 286 | 295 | 303 | 312 | 323 | 334 | 346 | 359 | 373 | 3,479 |
| Military and International | 224 | 225 | 227 | 230 | 232 | 234 | 237 | 239 | 242 | 244 | 247 | 2,581 |
| Gasoline | 182 | 181 | 180 | 179 | 178 | 178 | 177 | 178 | 178 | 178 | 179 | 1,968 |
| Aviation | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 165 |
| Highway | 162 | 160 | 160 | 159 | 158 | 157 | 157 | 157 | 157 | 157 | 158 | 1,742 |
| Marine | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 66 |
| Diesel | 224 | 224 | 225 | 226 | 226 | 227 | 228 | 230 | 233 | 235 | 238 | 2,516 |
| Highway | 147 | 147 | 147 | 147 | 147 | 147 | 147 | 148 | 149 | 150 | 151 | 1,627 |
| Marine | 77 | 77 | 78 | 79 | 79 | 80 | 81 | 82 | 84 | 85 | 87 | 889 |
| Space Heat | 57 | 57 | 57 | 57 | 57 | 57 | 57 | 58 | 58 | 59 | 59 | 633 |
| Utility Generation | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 110 |
| Industry | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 967 | 975 | 985 | 996 | 1,008 | 1,018 | 1,032 | 1,049 | 1,067 | 1,088 | 1,107 | 11,288 |

| | | | | | | | | | | | | |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|
| NON-RAILBELT | | | | | | | | | | | | |
| Vehicle Transportation | 327 | 330 | 337 | 339 | 341 | 345 | 349 | 353 | 358 | 360 | 363 | 3,800 |
| Jet Fuel | 105 | 108 | 112 | 114 | 117 | 120 | 123 | 128 | 128 | 131 | 133 | 1,317 |
| Civilian Domestic | 60 | 62 | 65 | 67 | 69 | 71 | 74 | 76 | 78 | 81 | 83 | 789 |
| Military and International | 45 | 46 | 47 | 47 | 48 | 49 | 49 | 50 | 50 | 50 | 50 | 531 |
| Gasoline | 64 | 64 | 65 | 65 | 64 | 64 | 64 | 64 | 64 | 64 | 64 | 706 |
| Aviation | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 33 |
| Highway | 57 | 57 | 58 | 57 | 57 | 57 | 57 | 57 | 57 | 58 | 58 | 628 |
| Marine | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 44 |
| Diesel | 158 | 158 | 160 | 160 | 160 | 161 | 162 | 163 | 164 | 165 | 166 | 1,777 |
| Highway | 124 | 124 | 125 | 125 | 125 | 126 | 126 | 127 | 127 | 128 | 128 | 1,385 |
| Marine | 33 | 34 | 34 | 35 | 35 | 36 | 36 | 37 | 37 | 37 | 38 | 392 |
| Space Heat | 102 | 103 | 104 | 105 | 105 | 105 | 106 | 106 | 108 | 107 | 107 | 1,158 |
| Utility Generation | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 38 | 39 | 383 |
| Southeast | 9 | 10 | 11 | 11 | 12 | 12 | 13 | 13 | 14 | 14 | 15 | 134 |
| Rest of State | 21 | 21 | 22 | 22 | 22 | 23 | 23 | 24 | 24 | 24 | 25 | 251 |
| Industry | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 1,155 |
| TOTAL | 564 | 569 | 578 | 582 | 585 | 590 | 596 | 601 | 605 | 610 | 614 | 6,494 |

| | | | | | | | | | | | | |
|----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| STATE | | | | | | | | | | | | |
| Vehicle Transportation | 1,227 | 1,239 | 1,255 | 1,269 | 1,281 | 1,296 | 1,313 | 1,334 | 1,354 | 1,377 | 1,400 | 14,345 |
| Jet Fuel | 599 | 611 | 626 | 639 | 652 | 666 | 682 | 699 | 716 | 734 | 753 | 7,377 |
| Civilian Domestic | 330 | 339 | 351 | 362 | 372 | 384 | 396 | 410 | 424 | 440 | 458 | 4,264 |
| Military and International | 268 | 272 | 274 | 277 | 280 | 283 | 286 | 288 | 291 | 294 | 297 | 3,111 |
| Gasoline | 247 | 245 | 245 | 244 | 243 | 242 | 241 | 242 | 242 | 242 | 243 | 2,676 |
| Aviation | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 19 | 19 | 19 | 201 |
| Highway | 219 | 218 | 217 | 216 | 215 | 214 | 214 | 214 | 214 | 214 | 214 | 2,369 |
| Marine | 9 | 9 | 9 | 9 | 9 | 9 | 9 | 10 | 10 | 10 | 10 | 103 |
| Diesel | 382 | 382 | 385 | 386 | 386 | 388 | 390 | 393 | 396 | 400 | 404 | 4,292 |
| Highway | 272 | 271 | 272 | 272 | 272 | 272 | 273 | 274 | 276 | 277 | 279 | 3,010 |
| Marine | 110 | 111 | 112 | 113 | 114 | 116 | 117 | 119 | 121 | 123 | 125 | 1,281 |
| Space Heat | 159 | 159 | 161 | 161 | 162 | 162 | 163 | 164 | 164 | 165 | 166 | 1,786 |
| Utility Generation | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 495 |
| Industry | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 105 | 1,155 |
| Pipeline Fuel | 84 | 84 | 84 | 84 | 84 | 84 | 84 | 84 | 84 | 84 | 84 | 924 |
| Electricity Generation | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 21 | 231 |
| TOTAL [1] | 1,531 | 1,544 | 1,564 | 1,578 | 1,591 | 1,608 | 1,627 | 1,650 | 1,671 | 1,696 | 1,720 | 17,780 |
| ADJUSTED TOTAL [2] | 1,862 | 1,875 | 1,895 | 1,909 | 1,922 | 1,939 | 1,958 | 1,981 | 2,002 | 2,027 | 2,051 | 21,421 |

[1] Projected demand calculated 12/86.

[2] Projected demand plus 331 million gallons to adjust projection to 1990 Adjusted Total in Table 5.

7:05/28/91

Citizens' Groups in Alaska with Duties Related to Oil and Hazardous Substances

FEDERAL

■ Regional Citizens' Advisory Councils (RCAC)

The federal Oil Pollution Act (OPA) of 1990 established RCACs in Prince William Sound and Cook Inlet to oversee crude oil tanker and terminal operations in those areas. RCACs serve as advisory groups to the President, U.S. Congress, and industry.

RCACs are funded by industry as required in OPA 90.

STATE

LEGISLATIVE BRANCH

■ Citizens' Oversight Council (COC)

The COC is an advisory group to the Legislature established by HB 578 in 1990. The Council is responsible for evaluating whether state and federal agencies are carrying out legislatively mandated programs related to oil and hazardous substance discharge prevention, and response. The COC may also make recommendations to the State regarding ways to prevent releases. [AS 24.20.600]

The COC is funded by the Oil and Hazardous Substance Release Response Fund. [AS 46.08]

EXECUTIVE BRANCH

■ State and Local Oil and Hazardous Substance Emergency Planning

The federal Emergency Planning and Community Right-to-Know Act (EPCRA) required states to establish a **State Emergency Response Commission (SERC)** to oversee local hazardous substance emergency planning programs. [42 USC 11001-11050]

Under Alaska law, the SERC oversees the development of response plans for oil and hazardous substance releases which are prepared by LEPCs and the State, and reviews and approves them as specified in state law. [AS 46.13]

The SERC appoints **Local Emergency Planning Committees (LEPC)**. LEPCs are responsible for developing a local response plan for oil and hazardous substance releases.

■ Hazardous Substance Spill Technology Review Council (HSSTRC)

The HSSTRC evaluates existing cleanup technologies for potential application in arctic/sub-arctic conditions and proposes research to development new ones.

- The SERC, LEPCs, and the HSSTRC are funded by the Oil and Hazardous Substance Release Response Fund [AS 46.08].

Citizens' Groups in Alaska with Duties Related to Oil and Hazardous Substances

Federal and state laws passed since 1986 provide citizens with greater opportunities to play an active role in making sure that Alaskans and their environment are safer from the negative impacts of hazardous substance releases. These groups and a brief description of their responsibilities are summarized below.

OVERSIGHT GROUPS

□ Citizen Oversight of Industry Operations

Regional Citizens' Advisory Councils (RCAC) in Prince William Sound and Cook Inlet were created under the federal Oil Pollution Act of 1990. Their primary responsibility is to monitor crude oil tanker and terminal operations. These Councils serve in an advisory capacity to industry and the federal government on issues related to crude oil tanker and terminal operations. RCACs are funded by industry.

□ Legislative Oversight of State Programs

Citizens' Oversight Council (COC) was established in the Legislature in 1990. Their chief function is to monitor and evaluate state and federal agencies efforts to carry out their responsibilities for programs related to preventing and responding to oil and hazardous substance releases. The Council may recommend to the Legislature, the Governor, the federal government, and private entities, policies and actions for preventing releases. [AS 24.20.600] The COC is funded by the Oil and Hazardous Substance Release Response Fund.

STATE AND LOCAL HAZARDOUS SUBSTANCE PLANNING GROUPS

□ State Planning

As required by federal law, the State Emergency Response Commission (SERC) was established in 1990. The Commission has sixteen members, including seven representing the public. The SERC is primarily responsible for ensuring that response plans for oil and hazardous substance releases prepared by Local Emergency Planning Committees (below) and the State are effective and coordinated. [AS 46.13]

□ Local Planning

Local Emergency Planning Committees (LEPC) are appointed by the State Emergency Response Commission (SERC). LEPCs are responsible for developing local response plans for oil and hazardous substances. [AS 46.13]

TECHNOLOGY REVIEW AND DEVELOPMENT

□ Hazardous Substance Spill Technology Review Council

The Hazardous Substance Spill Technology Review Council is responsible for reviewing existing spill containment and cleanup technology or procedures for their potential use in arctic/sub-arctic conditions. The Council may recommend research projects to develop new technology. The Council is also responsible for proposing ways to improve the ability of government agencies and industry to prevent and respond to releases. [AS 46.13]

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986 [EPCRTKA § _____]

(42 U.S.C.A. §§ 11001 to 11050)

CHAPTER 116—EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

SUBCHAPTER I—EMERGENCY PLANNING AND NOTIFICATION

- | | |
|--|---|
| <p>Sec. 11001. Establishment of State commissions, planning districts, and local committees. (a) Establishment of State emergency response commissions. (b) Establishment of emergency planning districts. (c) Establishment of local emergency planning committees. (d) Revisions. 11002. Substances and facilities covered and notification. (a) Substances covered. (b) Facilities covered. (c) Emergency planning notification. (d) Notification of Administrator. 11003. Comprehensive emergency response plans. (a) Plan required. (b) Resources. (c) Plan provisions. (d) Providing of information. (e) Review by the State emergency response commission. (f) Guidance documents. (g) Review of plans by regional response teams. 11004. Emergency notification. (a) Types of releases. (b) Notification. (c) Followup emergency notice. (d) Transportation exemption not applicable. 11005. Emergency training and review of emergency systems. (a) Emergency training. (b) Review of emergency systems.</p> <p>SUBCHAPTER II—REPORTING REQUIREMENTS 11021. Material safety data sheets. (a) Basic requirement. (b) Thresholds. (c) Availability of MSDS on request. (d) Initial submission and updating. (e) Hazardous chemical defined. 11022. Emergency and hazardous chemical inventory forms. (a) Basic requirement. (b) Thresholds.</p> | <p>Sec. 11022. Emergency and hazardous chemical inventory forms. (c) Hazardous chemicals covered. (d) Contents of form. (e) Availability of tier II information. (f) Fire department access. (g) Format of forms. 11023. Toxic chemical release forms. (a) Basic requirement. (b) Covered owners and operators of facilities. (c) Toxic chemicals covered. (d) Revisions by Administrator. (e) Petitions. (f) Threshold for reporting. (g) Form. (h) Use of release form. (i) Modifications in reporting frequency. (j) EPA management of data. (k) Report. (l) Mass balance study.</p> <p>SUBCHAPTER III—GENERAL PROVISIONS 11041. Relationship to other law. (a) In general. (b) Effect on MSDS requirements. 11042. Trade secrets. (a) Authority to withhold information. (b) Trade secret factors. (c) Trade secret regulations. (d) Petition for review. (e) Exception for information provided to health professionals. (f) Providing information to the Administrator; availability to public. (g) Information provided to State. (h) Information on adverse effects. (i) Information provided to Congress. 11043. Provision of information to health professionals, doctors, and nurses. (a) Diagnosis or treatment by health professional. (b) Medical emergency. (c) Preventive measures by local health professionals. (d) Confidentiality agreement. (e) Regulations. 11044. Public availability of plans, data sheets, forms, and followup notices. (a) Availability to public. (b) Notice of public availability.</p> |
|--|---|

1034

1035

COMMUNITY RIGHT-TO-KNOW

42 § 11001
EPCRTKA § 301

- Sec.**
11045. Enforcement.
(a) Civil penalties for emergency planning.
(b) Civil, administrative, and criminal penalties for emergency notification.
(c) Civil and administrative penalties for reporting requirements.
(d) Civil, administrative, and criminal penalties with respect to trade secrets.
(e) Special enforcement provisions for section 11043.
(f) Procedures for administrative penalties.
11046. Civil actions.
(a) Authority to bring civil actions.
(b) Venue.
(c) Relief.
(d) Notice.
(e) Limitation.
(f) Costs.
(g) Other rights.
(h) Intervention.
11047. Exemption.
11048. Regulations.
11049. Definitions.
11050. Authorization of appropriations.

WESTLAW Electronic Research

See WESTLAW guide following the Explanation pages of this pamphlet.

SUBCHAPTER I—EMERGENCY PLANNING AND NOTIFICATION

§ 11001. Establishment of State commissions, planning districts, and local committees [EPCRTKA § 301]

(a) Establishment of State emergency response commissions

Not later than six months after October 17, 1986, the Governor of each State shall appoint a State emergency response commission. The Governor may designate as the State emergency response commission one or more existing emergency response organizations that are State-sponsored or appointed. The Governor shall, to the extent practicable, appoint persons to the State emergency response commission who have technical expertise in the emergency response field. The State emergency response commission shall appoint local emergency planning committees under subsection (c) of this section and shall supervise and coordinate the activities of such committees. The State emergency response commission shall establish procedures for receiving and processing requests from the public for information under section 11044 of this title, including tier II information under section 11022 of this title. Such procedures shall include the designation of an official to serve as coordinator for

information. If the Governor of any State does not designate a State emergency response commission within such period, the Governor shall operate as the State emergency response commission until the Governor makes such designation.

(b) Establishment of emergency planning districts

Not later than nine months after October 17, 1986, the State emergency response commission shall designate emergency planning districts in order to facilitate preparation and implementation of emergency plans. Where appropriate, the State emergency response commission may designate existing political subdivisions or multijurisdictional planning organizations as such districts. In emergency planning areas that involve more than one State, the State emergency response commissions of all potentially affected States may designate emergency planning districts and local emergency planning committees by agreement. In making such designation, the State emergency response commission shall indicate which facilities subject to the requirements of this subchapter are within such emergency planning district.

(c) Establishment of local emergency planning committees

Not later than 30 days after designation of emergency planning districts or 10 months after October 17, 1986, whichever is earlier, the State emergency response commission shall appoint members of a local emergency planning committee for each emergency planning district. Each committee shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of this subchapter. Such committee shall appoint a chairperson and shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan. The local emergency planning committee shall establish procedures for receiving and processing requests from the public for information under section 11044 of this title, including tier II information under section 11022 of this title. Such procedures shall include the designation of an official to serve as coordinator for information.

(d) Revisions

A State emergency response commission may revise its designations and appointments under subsections (b) and (c) of this section as it deems appropriate. Interested persons may petition the State emergency response commission to modify the membership of a local emergency planning committee.

(Pub.L. 99-499, Title III, § 301, Oct. 17, 1986, 100 Stat. 1729.)

Effective Date

Section 4 of Pub.L. 99-499, Oct. 17, 1986, 100 Stat. 1614, provided that title III of Pub.L. 99-499 (this chapter) is effective Oct. 17, 1986.

CERCLA and Administrator

Section 2 of Pub.L. 99-499, Oct. 17, 1986, 100 Stat. 1613, provided that, as used in this chapter—

(1) CERCLA.—The term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C.A. § 9601 et seq.]

(2) Administrator.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

Short Title

Section 300(a) of Pub.L. 99-499, Title III, Oct. 17, 1986, 100 Stat. 1729, provided that: "This title [enacting this chapter] may be cited as the 'Emergency Planning and Community Right-to-Know Act of 1986.'"

Library References

Health and Environment §§ 25-549
C.J.S. Health and Environment §§ 65, 66, 103, 107, 140 et seq.

§ 11002. Substances and facilities covered and notification [EPCRTKA § 302]

(a) Substances covered

(1) In general

A substance is subject to the requirements of this subchapter if the substance is on the list published under paragraph (2).

(2) List of extremely hazardous substances

Within 30 days after October 17, 1986, the Administrator shall publish a list of extremely hazardous substances. The list shall be the same as the list of substances published in November 1985 by the Administrator in Appendix A of the "Chemical Emergency Preparedness Program Interim Guidance".

(3) Thresholds

(A) At the time the list referred to in paragraph (2) is published the Administrator shall—

(1) publish an interim final regulation establishing a threshold planning quantity for each

substance on the list, taking into account the criteria described in paragraph (4), and

(B) initiate a rulemaking in order to publish final regulations establishing a threshold planning quantity for each substance on the list.

(B) The threshold planning quantities may, at the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(C) If the Administrator fails to publish an interim final regulation establishing a threshold planning quantity for a substance within 30 days after October 17, 1986, the threshold planning quantity for the substance shall be 2 pounds until such time as the Administrator publishes regulations establishing a threshold for the substance.

(4) Revisions

The Administrator may revise the list and thresholds under paragraphs (2) and (3) from time to time. Any revisions to the list shall take into account the toxicity, reactivity, volatility, dispersability, combustibility, or flammability of a substance. For purposes of the preceding sentence, the term "toxicity" shall include any short- or long-term health effect which may result from a short-term exposure to the substance.

(b) Facilities covered

(1) Except as provided in section 11001 of this title, a facility is subject to the requirements of this subchapter if a substance on the list referred to in subsection (a) of this section is present at the facility in an amount in excess of the threshold planning quantity established for such substance.

(2) For purposes of emergency planning, a Governor or a State emergency response commission may designate additional facilities which shall be subject to the requirements of this subchapter, if such designation is made after public notice and opportunity for comment. The Governor or State emergency response commission shall notify the facility concerned of any facility designation under this paragraph.

(c) Emergency planning notification

Not later than seven months after October 17, 1986, the owner or operator of each facility subject to the requirements of this subchapter by reason of subsection (b)(1) of this section shall notify the State emergency response commission for the State in which such facility is located that such facility is subject to the requirements of this subchapter. Thereafter, if a substance on the list of extremely hazardous substances referred to in subsection (a) of this section first becomes present at such facility in excess of the threshold planning quantity estab-

lished for such substance, or if there is a revision of such list and the facility has present a substance on the revised list in excess of the threshold planning quantity established for such substance, the owner or operator of the facility shall notify the State emergency response commission and the local emergency planning committee within 60 days after such acquisition or revision that such facility is subject to the requirements of this subchapter.

(d) Notification of Administrator

The State emergency response commission shall notify the Administrator of facilities subject to the requirements of this subchapter by notifying the Administrator of—

(1) each notification received from a facility under subsection (c) of this section, and

(2) each facility designated by the Governor or State emergency response commission under subsection (b)(2) of this section.

(Pub.L. 99-499, Title III, § 302, Oct. 17, 1986, 100 Stat. 1730.)

Library References

Health and Environment §§ 25-546-547
C.J.S. Health and Environment §§ 91, 92, 106, 109, 129 to 131

§ 11003. Comprehensive emergency response plans [EPCRTKA § 303]

(a) Plan required

Each local emergency planning committee shall complete preparation of an emergency plan in accordance with this section not later than two years after October 17, 1986. The committee shall review such plan once a year, or more frequently as changed circumstances in the community or at any facility may require.

(b) Resources

Each local emergency planning committee shall evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources.

(c) Plan provisions

Each emergency plan shall include (but is not limited to) each of the following:

(1) Identification of facilities subject to the requirements of this subchapter that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous

substances referred to in section 11002(a) of this title, and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this subchapter, such as hospitals or natural gas facilities.

(2) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.

(3) Designation of a community emergency coordinator and facility emergency coordinator, who shall make determinations necessary to implement the plan.

(4) Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of section 11004 of this title).

(5) Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.

(6) A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subchapter, and an identification of the persons responsible for such equipment and facilities.

(7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.

(8) Training programs, including schedules for training of local emergency response and medical personnel.

(9) Methods and schedules for exercising the emergency plan.

(d) Providing of information

For each facility subject to the requirements of this subchapter:

(1) Within 30 days after establishment of a local emergency planning committee for the emergency planning district in which such facility is located, or within 11 months after October 17, 1986, whichever is earlier, the owner or operator of the facility shall notify the emergency planning committee (or the Governor if there is no committee) of a facility representative who will participate in the emergency planning process as a facility emergency coordinator.

(2) The owner or operator of the facility shall promptly inform the emergency planning committee of any relevant changes occurring at such

facility as such changes occur or are expected to occur.

(3) Upon request from the emergency planning committee, the owner or operator of the facility shall promptly provide information to such committee necessary for developing and implementing the emergency plan.

(f) Review by the State emergency response commission

After completion of an emergency plan under subsection (a) of this section for an emergency planning district, the local emergency planning committee shall submit a copy of the plan to the State emergency response commission of each State in which such district is located. The commission shall review the plan and make recommendations to the committee on revisions of the plan that may be necessary to ensure coordination of such plan with emergency response plans of other emergency planning districts. To the maximum extent practicable, such review shall not delay implementation of such plan.

(f) Guidance documents

The national response team, as established pursuant to the National Contingency Plan as established under section 9605 of this title, shall publish guidance documents for preparation and implementation of emergency plans. Such documents shall be published not later than five months after October 17, 1986.

(g) Review of plans by regional response teams

The regional response teams, as established pursuant to the National Contingency Plan as established under section 9605 of this title, may review and comment upon an emergency plan or other issues related to preparation, implementation, or exercise of such a plan upon request of a local emergency planning committee. Such review shall not delay implementation of the plan.

[Pub. L. 99-499, Title III, § 303, Oct. 17, 1986, 100 Stat. 1731.]

Library References

Health and Environment §§ 25-59.
U.S. Health and Environment §§ 65, 66, 103, 107, 140 et seq.

§ 11004. Emergency notification [EPCRTKA § 301]

(a) Types of releases

(1) 11002(a) substance which requires CERCLA notice

If a release of an extremely hazardous substance referred to in section 11002(a) of this title occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release

requires a notification under section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C.A. § 9603(a)] (hereafter in this section referred to as "CERCLA") (42 U.S.C. 9601 et seq.), the owner or operator of the facility shall immediately provide notice as described in subsection (b) of this section.

(2) Other section 11002(a) substance

If a release of an extremely hazardous substance referred to in section 11002(a) of this title occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release is not subject to the notification requirements under section 103(a) of CERCLA [42 U.S.C.A. § 9603(a)] the owner or operator of the facility shall immediately provide notice as described in subsection (b) of this section, but only if the release—

(A) is not a federally permitted release as defined in section 101(10) of CERCLA [42 U.S.C.A. § 9601(10)],

(B) is in an amount in excess of a quantity which the Administrator has determined (by regulation) requires notice, and

(C) occurs in a manner which would require notification under section 103(a) of CERCLA [42 U.S.C.A. § 9603(a)].

Unless and until superseded by regulations establishing a quantity for an extremely hazardous substance described in this paragraph, a quantity of 1 pound shall be deemed that quantity the release of which requires notice as described in subsection (b) of this section.

(3) Non-11002(a) substance which requires CERCLA notice

If a release of a substance which is not on the list referred to in section 11002(a) of this title occurs at a facility at which a hazardous chemical is produced, used, or stored, and such release requires notification under section 103(a) of CERCLA [42 U.S.C.A. § 9603(a)], the owner or operator shall provide notice as follows:

(A) If the substance is one for which a reportable quantity has been established under section 102(a) of CERCLA [42 U.S.C.A. 9602(a)], the owner or operator shall provide notice as described in subsection (b) of this section.

(B) If the substance is one for which a reportable quantity has not been established under section 102(a) of CERCLA [42 U.S.C.A. § 9602(a)]—

(1) Until April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the same notice to the community emergency coordinator for the local emergency planning committee, at the same time and in the same form, as notice is provided to the National Response Center under section 103(a) of CERCLA [42 U.S.C.A. § 9603(a)].

(2) On and after April 30, 1988, the owner or operator shall provide, for releases of one pound or more of the substance, the notice as described in subsection (b) of this section.

(4) Exempted releases

This section does not apply to any release which results in exposure to persons solely within the site or sites on which a facility is located.

(b) Notification

(1) Recipients of notice

Notice required under subsection (a) of this section shall be given immediately after the release by the owner or operator of a facility (by such means as telephone, radio, or in person) to the community emergency coordinator for the local emergency planning committee, if established pursuant to section 11001(c) of this title, for any area likely to be affected by the release and to the State emergency planning commission of any State likely to be affected by the release. With respect to transportation of a substance subject to the requirements of this section, or storage incident to such transportation, the notice requirements of this section with respect to a release shall be satisfied by dialing 911 or, in the absence of a 911 emergency telephone number, calling the operator.

(2) Contents

Notice required under subsection (a) of this section shall include each of the following (to the extent known at the time of the notice and so long as no delay in responding to the emergency results):

(A) The chemical name or identity of any substance involved in the release.

(B) An indication of whether the substance is on the list referred to in section 11002(a) of this title.

(C) An estimate of the quantity of any such substance that was released into the environment.

(D) The time and duration of the release.

(E) The medium or media into which the release occurred.

(F) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.

(G) Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan).

(H) The name and telephone number of the person or persons to be contacted for further information.

(c) Followup emergency notice

As soon as practicable after a release which requires notice under subsection (a) of this section, such owner or operator shall provide a written followup emergency notice (or notices, as more information becomes available) setting forth and updating the information required under subsection (b) of this section, and including additional information with respect to—

(1) actions taken to respond to and contain the release,

(2) any known or anticipated acute or chronic health risks associated with the release, and

(3) where appropriate, advice regarding medical attention necessary for exposed individuals.

(d) Transportation exemption not applicable

The exemption provided in section 11017 of this title (relating to transportation) does not apply to this section.

[Pub. L. 99-499, Title III, § 304, Oct. 17, 1986, 100 Stat. 1733.]

Library References

Health and Environment §§ 25-59.
U.S. Health and Environment §§ 91, 92, 106, 107, 129 to 131

Code of Federal Regulations

Emergency planning and notification, see 40 CFR 355.10 et seq.

§ 11005. Emergency training and review of emergency systems [EPCRTKA § 305]

(a) Emergency training

(1) Programs

Officials of the United States Government carrying out existing Federal programs for emergency training are authorized to specifically provide training and education programs for Federal, State, and local personnel in hazard mitigation, emergency preparedness, fire prevention and con-

tol, disaster response, long-term disaster recovery, national security, technological and natural hazards, and emergency processes. Such programs shall provide special emphasis for such training and education with respect to hazardous chemicals.

(2) State and local program support

There is authorized to be appropriated to the Federal Emergency Management Agency for each of the fiscal years 1987, 1988, 1989, and 1990, \$5,000,000 for making grants to support programs of State and local governments, and to support university sponsored programs, which are designed to improve emergency planning, preparedness, mitigation, response, and recovery capabilities. Such programs shall provide special emphasis with respect to emergencies associated with hazardous chemicals. Such grants may not exceed 80 percent of the cost of any such program. The remaining 20 percent of such costs shall be funded from non-Federal sources.

(3) Other programs

Nothing in this section shall affect the availability of appropriations to the Federal Emergency Management Agency for any programs carried out by such agency other than the programs referred to in paragraph (2).

(b) Review of emergency systems

(1) Review

The Administrator shall initiate, not later than 30 days after October 17, 1986, a review of emergency systems for monitoring, detecting, and preventing releases of extremely hazardous substances at representative domestic facilities that produce, use, or store extremely hazardous substances. The Administrator may select representative extremely hazardous substances from the substances on the list referred to in section 11002(a) of this title, for the purposes of this review. The Administrator shall report interim findings to the Congress not later than seven months after October 17, 1986, and issue a final report of findings and recommendations to the Congress not later than 18 months after October 17, 1986. Such report shall be prepared in consultation with the States and appropriate Federal agencies.

(2) Report

The report required by this subsection shall include the Administrator's findings regarding each of the following:

(A) The status of current technological capabilities to (i) monitor, detect, and prevent, in a

timely manner, significant releases of extremely hazardous substances, (ii) determine the magnitude and direction of the hazard posed by each release, (iii) identify specific substances, (iv) provide data on the specific chemical composition of such releases, and (v) determine the relative concentrations of the constituent substances.

(B) The status of public emergency alert devices or systems for providing timely and effective public warning of an accidental release of extremely hazardous substances into the environment, including releases into the atmosphere, surface water, or groundwater from facilities that produce, store, or use significant quantities of such extremely hazardous substances.

(C) The technical and economic feasibility of establishing, maintaining, and operating perimeter alert systems for detecting releases of such extremely hazardous substances into the atmosphere, surface water, or groundwater, at facilities that manufacture, use, or store significant quantities of such substances.

(3) Recommendations

The report required by this subsection shall also include the Administrator's recommendations for—

(A) initiatives to support the development of new or improved technologies or systems that would facilitate the timely monitoring, detection, and prevention of releases of extremely hazardous substances, and

(B) improving devices or systems for effectively alerting the public in a timely manner, in the event of an accidental release of such extremely hazardous substances.

(Pub.L. 99-499, Title III, § 305, Oct. 17, 1986, 100 Stat. 1735.)

Library References

Health and Environment §§ 25 549, (10)
C.J.S. Health and Environment §§ 65, 66, 101 to 113, 119 to 120 et seq.

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Library References

Health and Environment §§ 25 545 5)
C.J.S. Health and Environment §§ 91, 92, 106 to 109, 129 to 131

§ 11021. Material safety data sheets
[EPCRTKA § 311]

(a) Basic requirement

(1) Submission of MSDS or list

The owner or operator of any facility which is required to prepare or have available a material

safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act [29 U.S.C.A. § 651 et seq.] shall submit a material safety data sheet for each such chemical, or a list of such chemicals as described in paragraph (2), to each of the following:

(A) The appropriate local emergency planning committee

(B) The State emergency response commission

(C) The fire department with jurisdiction over the facility.

(2) Contents of list

(A) The list of chemicals referred to in paragraph (1) shall include each of the following:

(i) A list of the hazardous chemicals for which a material safety data sheet is required under the Occupational Safety and Health Act of 1970 [29 U.S.C.A. § 651 et seq.] and regulations promulgated under that Act, grouped in categories of health and physical hazards as set forth under such Act and regulations promulgated under such Act, or in such other categories as the Administrator may prescribe under subparagraph (B).

(ii) The chemical name or the common name of each such chemical as provided on the material safety data sheet.

(iii) Any hazardous component of each such chemical as provided on the material safety data sheet.

(B) For purposes of the list under this paragraph, the Administrator may modify the categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 [29 U.S.C.A. § 651 et seq.] and regulations promulgated under that Act by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency.

(3) Treatment of mixtures

An owner or operator may meet the requirements of this section with respect to a hazardous chemical which is a mixture by doing one of the following:

(A) Submitting a material safety data sheet for, or identifying on a list, each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one material safety data sheet, or one listing, of the element or compound is necessary.

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(B) Submitting a material safety data sheet for, or identifying on a list, the mixture itself

(b) Thresholds

The Administrator may establish threshold quantities for hazardous chemicals below which no facility shall be subject to the provisions of this section. The threshold quantities may, in the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(c) Availability of MSDS on request

(1) To local emergency planning committee

If an owner or operator of a facility submits a list of chemicals under subsection (a)(1) of this section, the owner or operator, upon request by the local emergency planning committee, shall submit the material safety data sheet for any chemical on the list to such committee.

(2) To public

A local emergency planning committee, upon request by any person, shall make available a material safety data sheet to the person in accordance with section 11044 of this title. If the local emergency planning committee does not have the requested material safety data sheet, the committee shall request the sheet from the facility owner or operator and then make the sheet available to the person in accordance with section 11044 of this title.

(d) Initial submission and updating

(1) The initial material safety data sheet or list required under this section with respect to a hazardous chemical shall be provided before the later of—

(A) 12 months after October 17, 1986, or

(B) 3 months after the owner or operator of a facility is required to prepare or have available a material safety data sheet for the chemical under the Occupational Safety and Health Act of 1970 [29 U.S.C.A. § 651 et seq.] and regulations promulgated under that Act.

(2) Within 3 months following discovery by an owner or operator of significant new information concerning an aspect of a hazardous chemical for which a material safety data sheet was previously submitted to the local emergency planning committee under subsection (a) of this section, a revised sheet shall be provided to such person.

(e) "Hazardous chemical" defined

For purposes of this section, the term "hazardous chemical" has the meaning given such term by section 1910.1200(c) of title 29 of the Code of Fed-

al Regulations, except that such term does not include the following:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration

(2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.

(4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.

(5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

(Pub. L. 99-499, Title III, § 311, Oct. 17, 1986, 100 Stat. 1736)

§ 11022. Emergency and hazardous chemical inventory forms [EPCRTKA § 312]

(a) Basic requirement

(1) The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 [29 U.S.C.A. § 651 et seq.] and regulations promulgated under that Act shall prepare and submit an emergency and hazardous chemical inventory form (hereafter in this chapter referred to as an "inventory form") to each of the following:

(A) The appropriate local emergency planning committee.

(B) The State emergency response commission.

(C) The fire department with jurisdiction over the facility.

(2) The inventory form containing tier I information (as described in subsection (d)(1) of this section) shall be submitted on or before March 1, 1988, and annually thereafter on March 1, and shall contain data with respect to the preceding calendar year. The preceding sentence does not apply if an owner or operator provides, by the same deadline and with respect to the same calendar year, tier II information (as described in subsection (d)(2) of this section) to the recipients described in paragraph (1).

(3) An owner or operator may meet the requirements of this section with respect to a hazardous chemical which is a mixture by doing one of the following:

(A) Providing information on the inventory form on each element or compound in the mixture which is a hazardous chemical. If more than one mixture has the same element or compound, only one listing on the inventory form for the element or compound at the facility is necessary.

(B) Providing information on the inventory form on the mixture itself.

(b) Thresholds

The Administrator may establish threshold quantities for hazardous chemicals covered by this section below which no facility shall be subject to the provisions of this section. The threshold quantities may, in the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(c) Hazardous chemicals covered

A hazardous chemical subject to the requirements of this section is any hazardous chemical for which a material safety data sheet or a listing is required under section 11021 of this title.

(d) Contents of form

(1) Tier I information

(A) Aggregate information by category

An inventory form shall provide the information described in subparagraph (B) in aggregate terms for hazardous chemicals in categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 [29 U.S.C.A. § 651 et seq.] and regulations promulgated under that Act.

(B) Required information

The information referred to in subparagraph (A) is the following:

(i) An estimate (in ranges) of the maximum amount of hazardous chemicals in each category present at the facility at any time during the preceding calendar year.

(ii) An estimate (in ranges) of the average daily amount of hazardous chemicals in each category present at the facility during the preceding calendar year.

(iii) The general location of hazardous chemicals in each category.

(C) Modifications

For purposes of reporting information under this paragraph, the Administrator may—

(i) modify the categories of health and physical hazards as set forth under the Occupational Safety and Health Act of 1970 [29 U.S.C.A. § 651 et seq.] and regulations promulgated under that Act by requiring information to be reported in terms of groups of hazardous chemicals which present similar hazards in an emergency, or

(ii) require reporting on individual hazardous chemicals of special concern to emergency response personnel.

(2) Tier II information

An inventory form shall provide the following additional information for each hazardous chemical present at the facility, but only upon request and in accordance with subsection (e) of this section:

(A) The chemical name or the common name of the chemical as provided on the material safety data sheet.

(B) An estimate (in ranges) of the maximum amount of the hazardous chemical present at the facility at any time during the preceding calendar year.

(C) An estimate (in ranges) of the average daily amount of the hazardous chemical present at the facility during the preceding calendar year.

(D) A brief description of the manner of storage of the hazardous chemical.

(E) The location at the facility of the hazardous chemical.

(F) An indication of whether the owner elects to withhold location information of a specific hazardous chemical from disclosure to the public under section 11044 of this title.

(e) Availability of tier II information

(1) Availability to State commissions, local committees, and fire departments

Upon request by a State emergency planning commission, a local emergency planning committee, or a fire department with jurisdiction over the facility, the owner or operator of a facility shall provide tier II information, as described in subsection (d) of this section, to the person making the request. Any such request shall be with respect to a specific facility.

(2) Availability to other State and local officials

A State or local official acting in his or her official capacity may have access to tier II information by submitting a request to the State emergency response commission or the local emergency planning committee. Upon receipt of a re-

quest for tier II information, the State commission or local committee shall, pursuant to paragraph (1), request the facility owner or operator for the tier II information and make available such information to the official.

(3) Availability to public

(A) In general

Any person may request a State emergency response commission or local emergency planning committee for tier II information relating to the preceding calendar year with respect to a facility. Any such request shall be in writing and shall be with respect to a specific facility.

(B) Automatic provision of information to public

Any tier II information which a State emergency response commission or local emergency planning committee has in its possession shall be made available to a person making a request under this paragraph in accordance with section 11044 of this title. If the State emergency response commission or local emergency planning committee does not have the tier II information in its possession, upon a request for tier II information the State emergency response commission or local emergency planning committee shall, pursuant to paragraph (1), request the facility owner or operator for tier II information with respect to a hazardous chemical which a facility has stored in an amount in excess of 10,000 pounds present at the facility at any time during the preceding calendar year and make such information available in accordance with section 11044 of this title to the person making the request.

(C) Discretionary provision of information to public

In the case of tier II information which is not in the possession of a State emergency response commission or local emergency planning committee and which is with respect to a hazardous chemical which a facility has stored in an amount less than 10,000 pounds present at the facility at any time during the preceding calendar year, a request from a person must include the general need for the information. The State emergency response commission or local emergency planning committee may, pursuant to paragraph (1), request the facility owner or operator for the tier II information on behalf of the person making the request. Upon receipt of any information requested on behalf of such person, the State emergency response commission or local emergency planning com-

mittee shall make the information available in accordance with section 11044 of this title to the person.

(D) Response in 45 days

A State emergency response commission or local emergency planning committee shall respond to a request for tier II information under this paragraph no later than 45 days after the date of receipt of the request.

(E) Fire department access

Upon request to an owner or operator of a facility which files an inventory form under this section by the fire department with jurisdiction over the facility, the owner or operator of the facility shall allow the fire department to conduct an on-site inspection of the facility and shall provide to the fire department specific location information on hazardous chemicals at the facility.

(G) Format of forms

The Administrator shall publish a uniform format for inventory forms within three months after October 17, 1986. If the Administrator does not publish such forms, owners and operators of facilities subject to the requirements of this section shall provide the information required under this section by letter.

(Pub. L. 99-499, Title III, § 312, Oct. 17, 1986, 100 Stat. 1738.)

Code of Federal Regulations

Hazardous chemical reporting, community right to know, sec. 40
CFR 370.1 et seq.

**§ 11023. Toxic chemical release forms
[EPCRTKA § 313]****(a) Basic requirement**

The owner or operator of a facility subject to the requirements of this section shall complete a toxic chemical release form as published under subsection (g) of this section for each toxic chemical listed under subsection (c) of this section that was manufactured, processed, or otherwise used in quantities exceeding the toxic chemical threshold quantity established by subsection (f) of this section during the preceding calendar year at such facility. Such form shall be submitted to the Administrator and to an official or officials of the State designated by the Governor on or before July 1, 1988, and annually thereafter on July 1 and shall contain data reflecting releases during the preceding calendar year.

(b) Covered owners and operators of facilities**(1) In general**

(A) The requirements of this section shall apply to owners and operators of facilities that have 10 or more full-time employees and that are in Standard Industrial Classification Codes 20 through 39 (as in effect on July 1, 1985) and that manufactured, processed, or otherwise used a toxic chemical listed under subsection (c) of this section in excess of the quantity of that toxic chemical established under subsection (f) of this section during the calendar year for which a release form is required under this section.

(B) The Administrator may add or delete Standard Industrial Classification Codes for purposes of subparagraph (A), but only to the extent necessary to provide that each Standard Industrial Code to which this section applies is relevant to the purposes of this section.

(C) For purposes of this section—

(i) The term "manufacture" means to produce, prepare, import, or compound a toxic chemical.

(ii) The term "process" means the preparation of a toxic chemical, after its manufacture, for distribution in commerce—

(I) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such chemical, or

(II) as part of an article containing the toxic chemical.

(2) Discretionary application to additional facilities

The Administrator, on his own motion or at the request of a Governor of a State (with regard to facilities located in that State), may apply the requirements of this section to the owners and operators of any particular facility that manufactures, processes, or otherwise uses a toxic chemical listed under subsection (c) of this section if the Administrator determines that such action is warranted on the basis of toxicity of the toxic chemical, proximity to other facilities that release the toxic chemical or to population centers, the history of releases of such chemical at such facility, or such other factors as the Administrator deems appropriate.

(c) Toxic chemicals covered

The toxic chemicals subject to the requirements of this section are those chemicals on the list in Committee Print Number 99-169 of the Senate Committee on Environment and Public Works, titled

"Toxic Chemicals Subject to Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986" [42 U.S.C.A. § 11023] (including any revised version of the list as may be made pursuant to subsection (d) or (e) of this section).

(d) Revisions by Administrator**(1) In general**

The Administrator may by rule add or delete a chemical from the list described in subsection (c) of this section at any time.

(2) Additions

A chemical may be added if the Administrator determines, in his judgment, that there is sufficient evidence to establish any one of the following:

(A) The chemical is known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.

(B) The chemical is known to cause or can reasonably be anticipated to cause in humans—

(i) cancer or teratogenic effects, or

(ii) serious or irreversible—

(I) reproductive dysfunctions,

(II) neurological disorders,

(III) heritable genetic mutations, or

(IV) other chronic health effects.

(C) The chemical is known to cause or can reasonably be anticipated to cause, because of—

(I) its toxicity,

(II) its toxicity and persistence in the environment, or

(III) its toxicity and tendency to bioaccumulate in the environment,

a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section. The number of chemicals included on the list described in subsection (c) of this section on the basis of the preceding sentence may constitute in the aggregate no more than 25 percent of the total number of chemicals on the list.

A determination under this paragraph shall be based on generally accepted scientific principles or laboratory tests, or appropriately designed and conducted epidemiological or other population studies, available to the Administrator.

(3) Deletions

A chemical may be deleted if the Administrator determines there is not sufficient evidence to establish any of the criteria described in paragraph (2).

(4) Effective date

Any revision made on or after January 1 and before December 1 of any calendar year shall take effect beginning with the next calendar year. Any revision made on or after December 1 of any calendar year and before January 1 of the next calendar year shall take effect beginning with the calendar year following such next calendar year.

(e) Petitions**(1) In general**

Any person may petition the Administrator to add or delete a chemical from the list described in subsection (c) of this section on the basis of the criteria in subparagraph (A) or (B) of subsection (d)(2) of this section. Within 180 days after receipt of a petition, the Administrator shall take one of the following actions:

(A) Initiate a rulemaking to add or delete the chemical to the list, in accordance with subsection (d)(2) or (d)(3) of this section.

(B) Publish an explanation of why the petition is denied.

(2) Governor petitions

A State Governor may petition the Administrator to add or delete a chemical from the list described in subsection (c) of this section on the basis of the criteria in subparagraph (A), (B), or (C) of subsection (d)(2) of this section. In the case of such a petition from a State Governor to delete a chemical, the petition shall be treated in the same manner as a petition received under paragraph (1) to delete a chemical. In the case of such a petition from a State Governor to add a chemical, the chemical will be added to the list within 180 days after receipt of the petition, unless the Administrator—

(A) initiates a rulemaking to add the chemical to the list, in accordance with subsection (d)(2) of this section, or

(B) publishes an explanation of why the Administrator believes the petition does not meet the requirements of subsection (d)(2) of this section for adding a chemical to the list.

(f) Threshold for reporting**(1) Toxic chemical threshold amount**

The threshold amounts for purposes of reporting toxic chemicals under this section are as follows:

(A) With respect to a toxic chemical used at a facility, 10,000 pounds of the toxic chemical per year.

(B) With respect to a toxic chemical manufactured or processed at a facility—

(i) For the toxic chemical release form required to be submitted under this section on or before July 1, 1988, 75,000 pounds of the toxic chemical per year.

(ii) For the form required to be submitted on or before July 1, 1989, 50,000 pounds of the toxic chemical per year.

(iii) For the form required to be submitted on or before July 1, 1990, and for each form thereafter, 25,000 pounds of the toxic chemical per year.

(2) Revisions

The Administrator may establish a threshold amount for a toxic chemical different from the amount established by paragraph (1). Such revised threshold shall obtain reporting on a substantial majority of total releases of the chemical at all facilities subject to the requirements of this section. The amounts established under this paragraph may, at the Administrator's discretion, be based on classes of chemicals or categories of facilities.

(g) Form

(1) Information required

Not later than June 1, 1987, the Administrator shall publish a uniform toxic chemical release form for facilities covered by this section. If the Administrator does not publish such a form, owners and operators of facilities subject to the requirements of this section shall provide the information required under this subsection by letter postmarked on or before the date on which the form is due. Such form shall—

(A) provide for the name and location of, and principal business activities at, the facility;

(B) include an appropriate certification, signed by a senior official with management responsibility for the person or persons completing the report, regarding the accuracy and completeness of the report; and

(C) provide for submission of each of the following items of information for each listed toxic chemical known to be present at the facility:

(i) Whether the toxic chemical at the facility is manufactured, processed, or otherwise

used, and the general category or categories of use of the chemical.

(ii) An estimate of the maximum amounts (in ranges) of the toxic chemical present at the facility at any time during the preceding calendar year.

(iii) For each wastestream, the waste treatment or disposal methods employed, and an estimate of the treatment efficiency typically achieved by such methods for that wastestream.

(iv) The annual quantity of the toxic chemical entering each environmental medium.

(2) Use of available data

In order to provide the information required under this section, the owner or operator of a facility may use readily available data (including monitoring data) collected pursuant to other provisions of law, or, where such data are not readily available, reasonable estimates of the amounts involved. Nothing in this section requires the monitoring or measurement of the quantities, concentration, or frequency of any toxic chemical released into the environment beyond that monitoring and measurement required under other provisions of law or regulation. In order to assure consistency, the Administrator shall require that data be expressed in common units.

(h) Use of release form

The release forms required under this section are intended to provide information to the Federal, State, and local governments and the public, including citizens of communities surrounding covered facilities. The release form shall be available, consistent with section 11014(a) of this title, to inform persons about releases of toxic chemicals to the environment; to assist governmental agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines, and standards; and for other similar purposes.

(i) Modifications in reporting frequency

(1) In general

The Administrator may modify the frequency of submitting a report under this section, but the Administrator may not modify the frequency to be any more often than annually. A modification may apply, either nationally or in a specific geographic area, to the following:

(A) All toxic chemical release forms required under this section.

(B) A class of toxic chemicals or a category of facilities.

(C) A specific toxic chemical.

(D) A specific facility.

(2) Requirements

A modification may be made under paragraph (1) only if the Administrator—

(A) makes a finding that the modification is consistent with the provisions of subsection (b) of this section, based on—

(i) experience from previously submitted toxic chemical release forms, and

(ii) determinations made under paragraph (3), and

(B) the finding is made by a rulemaking in accordance with section 553 of Title 5.

(3) Determinations

The Administrator shall make the following determinations with respect to a proposed modification before making a modification under paragraph (1):

(A) The extent to which information relating to the proposed modification provided on the toxic chemical release forms has been used by the Administrator or other agencies of the Federal Government, States, local governments, health professionals, and the public.

(B) The extent to which the information is (i) readily available to potential users from other sources, such as State reporting programs, and (ii) provided to the Administrator under another Federal law or through a State program.

(C) The extent to which the modification would impose additional and unreasonable burdens on facilities subject to the reporting requirements under this section.

(4) 5-year review

Any modification made under this subsection shall be reviewed at least once every 5 years. Such review shall examine the modification and ensure that the requirements of paragraphs (2) and (3) still justify continuation of the modification. Any change to a modification reviewed under this paragraph shall be made in accordance with this subsection.

(5) Notification to Congress

The Administrator shall notify Congress of an intention to initiate a rulemaking for a modification under this subsection. After such notification, the Administrator shall delay initiation of the rulemaking for at least 12 months, but no more

than 24 months, after the date of such notification.

(6) Judicial review

In any judicial review of a rulemaking which establishes a modification under this subsection, a court may hold unlawful and set aside agency action, findings, and conclusions found to be unsupported by substantial evidence.

(7) Applicability

A modification under this subsection may apply to a calendar year or other reporting period beginning no earlier than January 1, 1993.

(8) Effective date

Any modification made on or after January 1 and before December 1 of any calendar year shall take effect beginning with the next calendar year. Any modification made on or after December 1 of any calendar year and before January 1 of the next calendar year shall take effect beginning with the calendar year following such next calendar year.

(9) EPA management of data

The Administrator shall establish and maintain in a computer data base a national toxic chemical inventory based on data submitted to the Administrator under this section. The Administrator shall make these data accessible by computer telecommunication and other means to any person on a cost reimbursable basis.

(k) Report

Not later than June 30, 1991, the Comptroller General, in consultation with the Administrator and appropriate officials in the States, shall submit to the Congress a report including each of the following:

(1) A description of the steps taken by the Administrator and the States to implement the requirements of this section, including steps taken to make information collected under this section available to and accessible by the public.

(2) A description of the extent to which the information collected under this section has been used by the Environmental Protection Agency, other Federal agencies, the States, and the public, and the purposes for which the information has been used.

(3) An identification and evaluation of options for modifications to the requirements of this section for the purpose of making information collected under this section more useful.

(1) Mass balance study

(i) In general

The Administrator shall arrange for a mass balance study to be carried out by the National Academy of Sciences using mass balance information collected by the Administrator under paragraph (3). The Administrator shall submit to Congress a report on such study no later than 5 years after October 17, 1986.

(2) Purposes

The purposes of the study are as follows:

(A) To assess the value of mass balance analysis in determining the accuracy of information on toxic chemical releases.

(B) To assess the value of obtaining mass balance information, or portions thereof, to determine the waste reduction efficiency of different facilities, or categories of facilities, including the effectiveness of toxic chemical regulations promulgated under laws other than this chapter.

(C) To assess the utility of such information for evaluating toxic chemical management practices at facilities, or categories of facilities, covered by this section.

(D) To determine the implications of mass balance information collection on a national scale similar to the mass balance information collection carried out by the Administrator under paragraph (3), including implications of the use of such collection as part of a national annual quantity toxic chemical release program.

(3) Information collection

(A) The Administrator shall acquire available mass balance information from States which currently conduct (or during the 5 years after October 17, 1986, initiate) a mass balance-oriented annual quantity toxic chemical release program. If information from such States provides an inadequate representation of industry classes and categories to carry out the purposes of the study, the Administrator also may acquire mass balance information necessary for the study from a representative number of facilities in other States.

(B) Any information acquired under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that the information (or a particular part thereof) to which the Administrator or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of Title 18, such information or part

shall be considered confidential in accordance with the purposes of that section, except that such information or part may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this section.

(C) The Administrator may promulgate regulations prescribing procedures for collecting mass balance information under this paragraph.

(D) For purposes of collecting mass balance information under subparagraph (A), the Administrator may require the submission of information by a State or facility.

(4) Mass balance definition

For purposes of this subsection, the term "mass balance" means an accumulation of the annual quantities of chemicals transported to a facility, produced at a facility, consumed at a facility, used at a facility, accumulated at a facility, released from a facility, and transported from a facility as a waste or as a commercial product or byproduct or component of a commercial product or byproduct.

(Pub.L. 99-499, Title III, § 313, Oct. 17, 1986, 100 Stat. 1741.)

SUBCHAPTER III—GENERAL PROVISIONS

§ 11011. Relationship to other law
(EPCRTKA § 321)

(a) In general

Nothing in this chapter shall—

(1) preempt any State or local law,

(2) except as provided in subsection (b) of this section, otherwise affect any State or local law or the authority of any State or local government to adopt or enforce any State or local law, or

(3) affect or modify in any way the obligations or liabilities of any person under other Federal law.

(b) Effect on MSDS requirements

Any State or local law enacted after August 1, 1985, which requires the submission of a material safety data sheet from facility owners or operators shall require that the data sheet be identical in content and format to the data sheet required under subsection (a) of section 11021 of this title. In addition, a State or locality may require the submission of information which is supplemental to the information required on the data sheet (including information on the location and quantity of hazardous chemicals present at the facility), through addi-

tional sheets attached to the data sheet or such other means as the State or locality considers appropriate.

(Pub.L. 99-499, Title III, § 321, Oct. 17, 1986, 100 Stat. 1747.)

Library References

Health and Environment 4-25:545-54

CJS Health and Environment §§ 91, 92, 106, 109, 129 to 131

§ 11012. Trade secrets (EPCRTKA § 322)

(a) Authority to withhold information

(1) General authority

(A) With regard to a hazardous chemical, an extremely hazardous substance, or a toxic chemical, any person required under section 11003(d)(2), 11003(d)(3), 11021, 11022, or 11023 of this title to submit information to any other person may withhold from such submitter the specific chemical identity (including the chemical name and other specific identification), as defined in regulations prescribed by the Administrator under subsection (e) of this section, if the person complies with paragraph (2).

(B) Any person withholding the specific chemical identity shall, in the place on the submittal where the chemical identity would normally be included, include the generic class or category of the hazardous chemical, extremely hazardous substance, or toxic chemical (as the case may be).

(2) Requirements

(A) A person is entitled to withhold information under paragraph (1) if such person—

(i) claims that such information is a trade secret, on the basis of the factors enumerated in subsection (b) of this section,

(ii) includes in the submittal referred to in paragraph (1) an explanation of the reasons why such information is claimed to be a trade secret, based on the factors enumerated in subsection (b) of this section, including a specific description of why such factors apply, and

(iii) submits to the Administrator a copy of such submittal, and the information withheld from such submittal.

(B) In submitting to the Administrator the information required by subparagraph (A)(iii), a person withholding information under this subsection may—

(i) designate, in writing and in such manner as the Administrator may prescribe by regulation, the information which such person believes is entitled to be withheld under paragraph (1), and

(ii) submit such designated information separately from other information submitted under this subsection.

(3) Limitation

The authority under this subsection to withhold information shall not apply to information which the Administrator has determined, in accordance with subsection (e) of this section, is not a trade secret.

(b) Trade secret factors

No person required to provide information under this chapter may claim that the information is entitled to protection as a trade secret under subsection (a) of this section unless such person shows each of the following:

(1) Such person has not disclosed the information to any other person, other than a member of a local emergency planning committee, an officer or employee of the United States or a State or local government, an employee of such person, or a person who is bound by a confidentiality agreement, and such person has taken reasonable measures to protect the confidentiality of such information and intends to continue to take such measures.

(2) The information is not required to be disclosed, or otherwise made available, to the public under any other Federal or State law.

(3) Disclosure of the information is likely to cause substantial harm to the competitive position of such person.

(4) The chemical identity is not readily discoverable through reverse engineering.

(c) Trade secret regulations

As soon as practicable after October 17, 1986, the Administrator shall prescribe regulations to implement this section. With respect to subsection (b)(1) of this section, such regulations shall be equivalent to comparable provisions in the Occupational Safety and Health Administration Hazard Communication Standard (29 C.F.R. 1910.1200) and any revisions of such standard prescribed by the Secretary of Labor in accordance with the final ruling of the courts of the United States in *United Steelworkers of America, AFL-CIO-CLC v. Thorne G. Auchter*.

(d) Petition for review

(1) In general

Any person may petition the Administrator for the disclosure of the specific chemical identity of a hazardous chemical, an extremely hazardous substance, or a toxic chemical which is claimed as

a trade secret under this section. The Administrator may, in the absence of a petition under this paragraph, initiate a determination, to be carried out in accordance with this subsection, as to whether information withheld constitutes a trade secret.

(2) Initial review

Within 30 days after the date of receipt of a petition under paragraph (1) (or upon the Administrator's initiative), the Administrator shall review the explanation filed by a trade secret claimant under subsection (a)(2) of this section and determine whether the explanation presents assertions which, if true, are sufficient to support a finding that the specific chemical identity is a trade secret.

(3) Finding of sufficient assertions

(A) If the Administrator determines pursuant to paragraph (2) that the explanation presents sufficient assertions to support a finding that the specific chemical identity is a trade secret, the Administrator shall notify the trade secret claimant that he has 30 days to supplement the explanation with detailed information to support the assertions.

(B) If the Administrator determines, after receipt of any supplemental supporting detailed information under subparagraph (A), that the assertions in the explanation are true and that the specific chemical identity is not a trade secret, the Administrator shall so notify the petitioner and the petitioner may seek judicial review of the determination.

(C) If the Administrator determines, after receipt of any supplemental supporting detailed information under subparagraph (A), that the assertions in the explanation are not true and that the specific chemical identity is not a trade secret, the Administrator shall notify the trade secret claimant that the Administrator intends to release the specific chemical identity. The trade secret claimant has 30 days in which he may appeal the Administrator's determination under this subparagraph to the Administrator. If the Administrator does not reverse his determination under this subparagraph in such an appeal by the trade secret claimant, the trade secret claimant may seek judicial review of the determination.

(4) Finding of insufficient assertions

(A) If the Administrator determines pursuant to paragraph (2) that the explanation presents insufficient assertions to support a finding that the specific chemical identity is a trade secret, the

Administrator shall notify the trade secret claimant that he has 30 days to appeal the determination to the Administrator, or, upon a showing of good cause, amend the original explanation by providing supplementary assertions to support the trade secret claim.

(B) If the Administrator does not reverse his determination under subparagraph (A) after an appeal or an examination of any supplementary assertions under subparagraph (A), the Administrator shall so notify the trade secret claimant and the trade secret claimant may seek judicial review of the determination.

(C) If the Administrator reverses his determination under subparagraph (A) after an appeal or an examination of any supplementary assertions under subparagraph (A), the procedures under paragraph (3) of this subsection apply.

(e) Exception for information provided to health professionals

Nothing in this section, or regulations adopted pursuant to this section, shall authorize any person to withhold information which is required to be provided to a health professional, a doctor, or a nurse in accordance with section 11043 of this title.

(f) Providing information to the Administrator; availability to public

Any information submitted to the Administrator under subsection (a)(2) of this section or subsection (d)(3) of this section (except a specific chemical identity) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that the information (or a particular part thereof) to which the Administrator has access under this section if made public would divulge information entitled to protection under section 1305 of Title 18, such information or part shall be considered confidential in accordance with the purposes of that section, except that such information or part may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this chapter.

(g) Information provided to State

Upon request by a State, acting through the Governor of the State, the Administrator shall provide to the State any information obtained under subsection (a)(2) of this section and subsection (d)(3) of this section.

(h) Information on adverse effects

(1) In any case in which the identity of a hazardous chemical or an extremely hazardous substance is claimed as a trade secret, the Governor or State

emergency response commission established under section 11001 of this title shall identify the adverse health effects associated with the hazardous chemical or extremely hazardous substance and shall assure that such information is provided to any person requesting information about such hazardous chemical or extremely hazardous substance.

(2) In any case in which the identity of a toxic chemical is claimed as a trade secret, the Administrator shall identify the adverse health and environmental effects associated with the toxic chemical and shall assure that such information is included in the computer database required by section 11023(j) of this title and is provided to any person requesting information about such toxic chemical.

(i) Information provided to Congress

Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this chapter shall be made available to a duly authorized committee of the Congress upon written request by such a committee.

(Pub. L. 99-499, Title III, § 322, Oct. 17, 1986, 100 Stat. 1717)

¹ So in original. Probably should be "limitation".

Library References

Health and Environment 4-25 (43-5), (9)
C.F.S. Health and Environment §§ 65, 66, 91, 92, 100 to 109, 129 to 140 et seq.

§ 11043. Provision of information to health professionals, doctors, and nurses [EPCHTKA § 323]

(a) Diagnosis or treatment by health professional

An owner or operator of a facility which is subject to the requirements of section 11021, 11022, or 11023 of this title shall provide the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical to any health professional who requests such information in writing if the health professional provides a written statement of need under this subsection and a written confidentiality agreement under subsection (d) of this section. The written statement of need shall be a statement that the health professional has a reasonable basis to suspect that—

(1) the information is needed for purposes of diagnosis or treatment of an individual,

(2) the individual or individuals being diagnosed or treated have been exposed to the chemical concerned, and

(3) knowledge of the specific chemical identity of such chemical will assist in diagnosis or treatment.

Following such a written request, the owner or operator to whom such request is made shall promptly provide the requested information to the health professional. The authority to withhold the specific chemical identity of a chemical under section 11042 of this title when such information is a trade secret shall not apply to information required to be provided under this subsection, subject to the provisions of subsection (d) of this section.

(b) Medical emergency

An owner or operator of a facility which is subject to the requirements of section 11021, 11022, or 11023 of this title shall provide a copy of a material safety data sheet, an inventory form, or a toxic chemical release form, including the specific chemical identity, if known, of a hazardous chemical, extremely hazardous substance, or a toxic chemical, to any treating physician or nurse who requests such information if such physician or nurse determines that—

(1) a medical emergency exists,

(2) the specific chemical identity of the chemical concerned is necessary for or will assist in emergency or first aid diagnosis or treatment, and

(3) the individual or individuals being diagnosed or treated have been exposed to the chemical concerned.

Immediately following such a request, the owner or operator to whom such request is made shall provide the requested information to the physician or nurse. The authority to withhold the specific chemical identity of a chemical from a material safety data sheet, an inventory form, or a toxic chemical release form under section 11042 of this title when such information is a trade secret shall not apply to information required to be provided to a treating physician or nurse under this subsection. No written confidentiality agreement or statement of need shall be required as a precondition of such disclosure, but the owner or operator disclosing such information may require a written confidentiality agreement in accordance with subsection (d) of this section and a statement setting forth the items listed in paragraphs (1) through (3) as soon as circumstances permit.

(c) Preventive measures by local health professionals

(1) Provision of information

An owner or operator of a facility subject to the requirements of section 11021, 11022, or 11023 of

this title shall provide the specific chemical identity, if known, of a hazardous chemical, an extremely hazardous substance, or a toxic chemical to any health professional (such as a physician, toxicologist, or epidemiologist):

(A) who is a local government employee or a person under contract with the local government, and

(B) who requests such information in writing and provides a written statement of need under paragraph (2) and a written confidentiality agreement under subsection (d) of this section.

Following such a written request, the owner or operator to whom such request is made shall promptly provide the requested information to the local health professional. The authority to withhold the specific chemical identity of a chemical under section 11042 of this title when such information is a trade secret shall not apply to information required to be provided under this subsection, subject to the provisions of subsection (d) of this section.

(2) Written statement of need

The written statement of need shall be a statement that describes with reasonable detail one or more of the following health needs for the information:

(A) To assess exposure of persons living in a local community to the hazards of the chemical concerned.

(B) To conduct or assess sampling to determine exposure levels of various population groups.

(C) To conduct periodic medical surveillance of exposed population groups.

(D) To provide medical treatment to exposed individuals or population groups.

(E) To conduct studies to determine the health effects of exposure.

(F) To conduct studies to aid in the identification of a chemical that may reasonably be anticipated to cause an observed health effect.

(d) Confidentiality agreement

Any person obtaining information under subsection (a) or (c) of this section shall, in accordance with such subsection (a) or (c) of this section, be required to agree in a written confidentiality agreement that he will not use the information for any purpose other than the health needs asserted in the statement of need, except as may otherwise be authorized by the terms of the agreement or by the person providing such information. Nothing in this subsection shall preclude the parties to a confiden-

tiality agreement from pursuing any remedies to the extent permitted by law.

(e) Regulations

As soon as practicable after October 17, 1986, the Administrator shall promulgate regulations describing criteria and parameters for the statement of need under subsection (a) and (c) of this section and the confidentiality agreement under subsection (d) of this section.

(Pub.L. 99-499, Title III, § 323, Oct. 17, 1986, 100 Stat. 1750)

¹So in original. Probably should be "subsections"

§ 11044. Public availability of pins, data sheets, forms, and followup notices [EPCRTKA § 324]

(a) Availability to public

Each emergency response plan, material safety data sheet, list described in section 11021(a)(2) of this title, inventory form, toxic chemical release form, and followup emergency notice shall be made available to the general public, consistent with section 11042 of this title, during normal working hours at the location or locations designated by the Administrator, Governor, State emergency response commission, or local emergency planning committee, as appropriate. Upon request by an owner or operator of a facility subject to the requirements of section 11022 of this title, the State emergency response commission and the appropriate local emergency planning committee shall withhold from disclosure under this section the location of any specific chemical required by section 11022(d)(2) of this title to be contained in an inventory form as tier II information.

(b) Notice of public availability

Each local emergency planning committee shall annually publish a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted under this section. The notice shall state that followup emergency notices may subsequently be issued. Such notice shall announce that members of the public who wish to review any such plan, sheet, form, or followup notice may do so at the location designated under subsection (a) of this section.

(Pub.L. 99-499, Title III, § 324, Oct. 17, 1986, 100 Stat. 1752.)

Library References

Health and Environment 42-25 545-5
CJS Health and Environment §§ 91, 92, 106, 109, 129 to 131

Law Review Commentaries

Environmental liability and the limits of insurance. Kenneth S. Abraham, 88 Columbia L. Rev. 942 (1980)

§ 11045. Enforcement [EPCRTKA § 325]

(a) Civil penalties for emergency planning

The Administrator may order a facility owner or operator (except an owner or operator of a facility designated under section 11002(b)(2) of this title) to comply with section 11022(c) of this title and section 11003(d) of this title. The United States district court for the district in which the facility is located shall have jurisdiction to enforce the order, and any person who violates or fails to obey such an order shall be liable to the United States for a civil penalty of not more than \$25,000 for each day in which such violation occurs or such failure to comply continues.

(b) Civil, administrative, and criminal penalties for emergency notification

(1) Class I administrative penalty

(A) A civil penalty of not more than \$25,000 per violation may be assessed by the Administrator in the case of a violation of the requirements of section 11004 of this title.

(B) No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation.

(C) In determining the amount of any penalty assessed pursuant to this subsection, the Administrator shall take into account the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

(2) Class II administrative penalty

A civil penalty of not more than \$25,000 per day for each day during which the violation continues may be assessed by the Administrator in the case of a violation of the requirements of section 11004 of this title. In the case of a second or subsequent violation the amount of such penalty may be not more than \$75,000 for each day during which the violation continues. Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected under section 2615 of Title 15. In any proceeding for the assessment of a civil penalty under this subsection the Administra-

tor may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and may promulgate rules for discovery procedures

(3) Judicial assessment

The Administrator may bring an action in the United States District court for the appropriate district to assess and collect a penalty of not more than \$25,000 per day for each day during which the violation continues in the case of a violation of the requirements of section 11004 of this title. In the case of a second or subsequent violation, the amount of such penalty may be not more than \$75,000 for each day during which the violation continues.

(4) Criminal penalties

Any person who knowingly and willfully fails to provide notice in accordance with section 11004 of this title shall, upon conviction, be fined not more than \$25,000 or imprisoned for not more than two years, or both (or in the case of a second or subsequent conviction, shall be fined not more than \$50,000 or imprisoned for not more than five years, or both).

(c) Civil and administrative penalties for reporting requirements

(1) Any person (other than a governmental entity) who violates any requirement of section 11022 or 11023 of this title shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 for each such violation.

(2) Any person (other than a governmental entity) who violates any requirement of section 11021 or 11043(b) of this title, and any person who fails to furnish to the Administrator information required under section 11042(a)(2) of this title shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each such violation.

(3) Each day a violation described in paragraph (1) or (2) continues shall, for purposes of this subsection, constitute a separate violation.

(4) The Administrator may assess any civil penalty for which a person is liable under this subsection by administrative order or may bring an action to assess and collect the penalty in the United States district court for the district in which the person from whom the penalty is sought resides or in which such person's principal place of business is located.

(d) Civil, administrative, and criminal penalties with respect to trade secrets**(1) Civil and administrative penalty for frivolous claims**

If the Administrator determines—

(A) under section 11042(d)(4) of this title that an explanation submitted by a trade secret claimant presents insufficient assertions to support a finding that a specific chemical identity is a trade secret, or (ii) after receiving supplemental supporting detailed information under section 11042(d)(3)(A) of this title, that the specific chemical identity is not a trade secret; and

(B) that the trade secret claim is frivolous, the trade secret claimant is liable for a penalty of \$25,000 per claim. The Administrator may assess the penalty by administrative order or may bring an action in the appropriate district court of the United States to assess and collect the penalty.

(2) Criminal penalty for disclosure of trade secret information

Any person who knowingly and willfully divulges or discloses any information entitled to protection under section 11042 of this title shall, upon conviction, be subject to a fine of not more than \$20,000 or to imprisonment not to exceed one year, or both.

(e) Special enforcement provisions for section 11043

Whenever any facility owner or operator required to provide information under section 11043 of this title to a health professional who has requested such information fails or refuses to provide such information in accordance with such section, such health professional may bring an action in the appropriate United States district court to require such facility owner or operator to provide the information. Such court shall have jurisdiction to issue such orders and take such other action as may be necessary to enforce the requirements of section 11043 of this title.

(f) Procedures for administrative penalties

(1) Any person against whom a civil penalty is assessed under this section may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within 30 days after the date of such order and by simultaneously sending a copy of such notice by certified mail to the Administrator. The Administrator shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed. If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order or after the

appropriate court has entered final judgment in favor of the United States, the Administrator may request the Attorney General of the United States to institute a civil action in an appropriate district court of the United States to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty on the record.

(2) The Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this section. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(Pub. L. 99-499, Title III, § 325, Oct. 17, 1986, 100 Stat. 1753)

Library References

Health and Environment—4-25 5(10), 38.
C.J.S. Health and Environment §§ 49, 50, 101 et seq., 113, 114 to 156.

§ 11046. Civil actions [EPCRTKA § 326]**(a) Authority to bring civil actions****(1) Citizen suits**

Except as provided in subsection (e) of this section, any person may commence a civil action on his own behalf against the following:

(A) An owner or operator of a facility for failure to do any of the following:

(i) Submit a followup emergency notice under section 11004(c) of this title.

(ii) Submit a material safety data sheet or a list under section 11021(a) of this title.

(iii) Complete and submit an inventory form under section 11022(a) of this title containing tier I information as described in section 11022(d)(1) of this title unless such requirement does not apply by reason of the second sentence of section 11022(a)(2) of this title.

(iv) Complete and submit a toxic chemical release form under section 11023(a) of this title.

(B) The Administrator for failure to do any of the following:

(i) Publish inventory forms under section 11022(g) of this title.

(ii) Respond to a petition to add or delete a chemical under section 11023(c)(1) of this title within 180 days after receipt of the petition.

(iii) Publish a toxic chemical release form under 11023(g) of this title.

(iv) Establish a computer database in accordance with section 11023(g) of this title.

(v) Promulgate trade secret regulations under section 11042(e) of this title.

(vi) Render a decision in response to a petition under section 11042(d) of this title within 9 months after receipt of the petition.

(C) The Administrator, a State Governor, or a State emergency response commission, for failure to provide a mechanism for public availability of information in accordance with section 11044(a) of this title.

(D) A State Governor or a State emergency response commission for failure to respond to a request for tier II information under section 11022(e)(3) of this title within 120 days after the date of receipt of the request.

(2) State or local suits

(A) Any State or local government may commence a civil action against an owner or operator of a facility for failure to do any of the following:

(i) Provide notification to the emergency response commission in the State under section 11002(c) of this title.

(ii) Submit a material safety data sheet or a list under section 11021(a) of this title.

(iii) Make available information requested under section 11021(c) of this title.

(iv) Complete and submit an inventory form under section 11022(a) of this title containing tier I information unless such requirement does not apply by reason of the second sentence of section 11022(a)(2) of this title.

(B) Any State emergency response commission or local emergency planning committee may commence a civil action against an owner or operator of a facility for failure to provide information under section 11003(d) of this title or for failure to submit tier II information under section 11022(e)(1) of this title.

(C) Any State may commence a civil action against the Administrator for failure to provide information to the State under section 11042(g) of this title.

(b) Venue

(1) Any action under subsection (a) of this section against an owner or operator of a facility shall be brought in the district court for the district in which the alleged violation occurred.

(2) Any action under subsection (a) of this section against the Administrator may be brought in the United States District Court for the District of Columbia.

(c) Relief

The district court shall have jurisdiction in actions brought under subsection (a) of this section against an owner or operator of a facility to enforce the requirement concerned and to impose any civil penalty provided for violation of that requirement. The district court shall have jurisdiction in actions brought under subsection (a) of this section against the Administrator to order the Administrator to perform the act or duty concerned.

(d) Notice

(1) No action may be commenced under subsection (a)(1)(A) of this section prior to 60 days after the plaintiff has given notice of the alleged violation to the Administrator, the State in which the alleged violation occurs, and the alleged violator. Notice under this paragraph shall be given in such manner as the Administrator shall prescribe by regulation.

(2) No action may be commenced under subsection (a)(1)(B) or (a)(1)(C) of this section prior to 60 days after the date on which the plaintiff gives notice to the Administrator, State Governor, or State emergency response commission (as the case may be) that the plaintiff will commence the action. Notice under this paragraph shall be given in such manner as the Administrator shall prescribe by regulation.

(e) Limitation

No action may be commenced under subsection (a) of this section against an owner or operator of a facility if the Administrator has commenced and is diligently pursuing an administrative order or civil action to enforce the requirement concerned or to impose a civil penalty under this chapter with respect to the violation of the requirement.

(f) Costs

The court, in issuing any final order in any action brought pursuant to this section, may award costs

of litigation (including reasonable attorney and expert witness fees) to the prevailing or the substantially prevailing party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(g) Other rights

Nothing in this section shall restrict or expand any right which any person (or class of persons) may have under any Federal or State statute or common law to seek enforcement of any requirement or to seek any other relief (including relief against the Administrator or a State agency).

(h) Intervention

(1) By the United States

In any action under this section the United States or the State, or both, if not a party, may intervene as a matter of right.

(2) By persons

In any action under this section, any person may intervene as a matter of right when such person has a direct interest which is or may be adversely affected by the action and the disposition of the action may, as a practical matter, impair or impede the person's ability to protect that interest unless the Administrator or the State shows that the person's interest is adequately represented by existing parties in the action.

(Pub. L. 99-499, Title III, § 326, Oct. 17, 1986, 100 Stat. 1755.)

1 So in original. Probably should be preceded by "section".

Law Review Commentaries

Environmental liability and the limits of insurance. Kenneth S. Abraham, 88 Columbia L. Rev. 942 (1988).

§ 11047. Exemption [EPCRTKA § 327]

Except as provided in section 11004 of this title, this chapter does not apply to the transportation, including the storage incident to such transportation, of any substance or chemical subject to the requirements of this chapter, including the transportation and distribution of natural gas.

(Pub. L. 99-499, Title III, § 327, Oct. 17, 1986, 100 Stat. 1757.)

Library References

Health and Environment 4-25 5(5.5)
C.J.S. Health and Environment §§ 91, 92, 106, 109, 129 to 131

§ 11048. Regulations [EPCRTKA § 328]

The Administrator may prescribe such regulations as may be necessary to carry out this chapter. (Pub. L. 99-499, Title III, § 328, Oct. 17, 1986, 100 Stat. 1757.)

Library References

Health and Environment 4-25 5(1)
C.J.S. Health and Environment §§ 61 et seq., 91 et seq., 106 to 133 et seq.

§ 11049. Definitions [EPCRTKA § 329]

For purposes of this chapter—

(1) Administrator

The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Environment

The term "environment" includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

(3) Extremely hazardous substance

The term "extremely hazardous substance" means a substance on the list described in section 11002(a)(2) of this title.

(4) Facility

The term "facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). For purposes of section 11004 of this title, the term includes motor vehicles, rolling stock, and aircraft.

(5) Hazardous chemical

The term "hazardous chemical" has the meaning given such term by section 11021(e) of this title.

(6) Material safety data sheet

The term "material safety data sheet" means the sheet required to be developed under section 1910.1200(g) of title 29 of the Code of Federal Regulations, as that section may be amended from time to time.

(7) Person

The term "person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, associ-

tion, State, municipality, commission, political subdivision of a State, or interstate body.

(8) Release

The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely hazardous substance, or toxic chemical.

(9) State

The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction.

(10) Toxic chemical

The term "toxic chemical" means a substance on the list described in section 11023(e) of this title. (Pub. L. 99-499, Title III, § 329, Oct. 17, 1986, 100 Stat. 1757.)

Library References

Health and Environment 4-25 1(6.5)
C.J.S. Health and Environment §§ 91, 92, 106, 109, 129 to 131

§ 11050. Authorization of appropriations [EPCRTKA § 330]

There are authorized to be appropriated for fiscal years beginning after September 30, 1986, such sums as may be necessary to carry out this chapter. (Pub. L. 99-499, Title III, § 330, Oct. 17, 1986, 100 Stat. 1758.)

Library References

United States 4-85
C.J.S. United States § 123



Norman L. Stanley
Senator
Public and
Government Affairs
Natural Resources

Texaco Inc.

March 6, 1992

RE: STATE OF ALASKA - 1992 LEGISLATION
SENATE BILL 384

The Honorable Curt Menard
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senator Menard:

Texaco supports Senate Bill 384.

As you are well aware, this legislation allows for the funds available in the Oil and Hazardous Substance Response Release Fund, or "470 Fund", to be used for certain activities related to the underground petroleum storage tank program.

During the 1990 Alaska Legislative Session, HB220 (the Underground Storage Tank Statute) was passed authorizing the development of a comprehensive, state-managed UST Program. A portion of this program, Storage Tank Assistance Fund, was designed to provide grants and loans to tank owners and operators.

Financial assistance was offered to mitigate the often excessive financial encumbrances encountered when replacing and removing USTs, including the associated cleanup costs that often occur. These activities, of course, must achieve the standards set forth in the Alaska and Federal UST programs for soil and groundwater remediation. Originally, the entire program was to be funded by the financial resources generated from the fees collected annually from the registration of all USTs within the State. However, these revenues are not sufficient to meet the needs of the requests presented to the ADEC.

The "470 Fund", which is already in place, would help provide for those funds and preclude the necessity of establishing a new tax or increasing existing taxes. It would also help ensure that an adequate number of service stations remain open to care for the Alaskan consumer's energy needs.

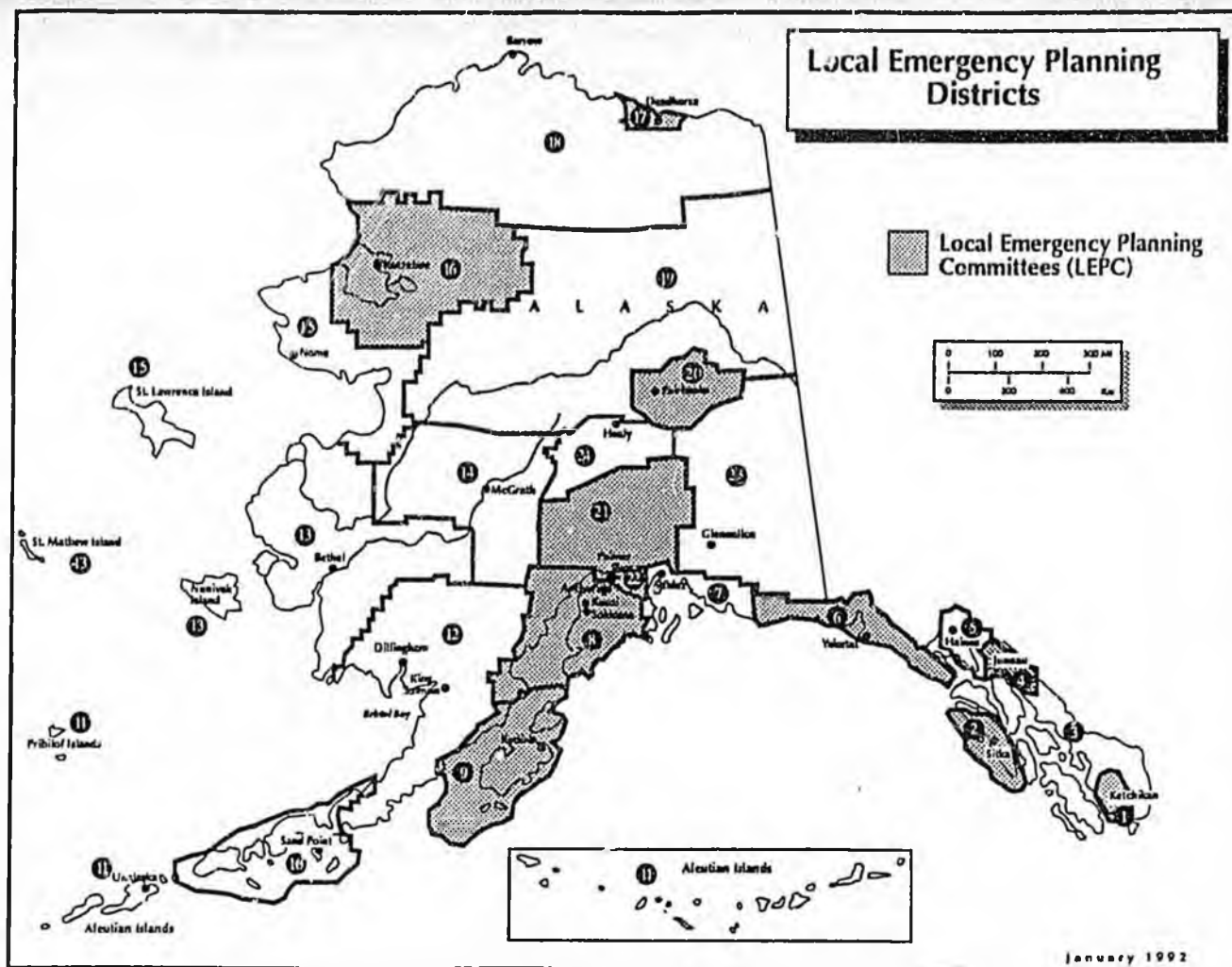
Accordingly, Texaco supports the measure, and respectfully requests your favorable vote for SB 384. Additionally, it is my understanding that a Committee Substitute (CS) is being considered that is identical to CS House Bill 264 (Resources). We are also supportive of that particular Committee Substitute.

Sincerely,

NLS

feb25-01.akhb264

cc: Senate Resources Committee Members



| Map Key | Local Emergency Planning District (LEPD) | Principal City | LEPC appointed by SERC |
|---------|--|----------------|------------------------|
| 1 | KETCHIKAN GATEWAY BOROUGH | Ketchikan | April 4, 1991 |
| 2 | CITY & BOROUGH OF SITKA | Sitka | May 14, 1990 |
| 3 | Southeast | Juneau | |
| 4 | CITY AND BOROUGH OF JUNEAU | Juneau | January 29, 1992 |
| 5 | Lynn Canal | Haines | |
| 6 | CITY OF YAKUTAI | Yakutat | September 18, 1989 |
| 7 | Prince William Sound | Valdez | |
| 8 | KENAI PENINSULA BOROUGH | Soldotna | June 9, 1989 |
| 9 | KODIAK ISLAND BOROUGH | Kodiak | June 9, 1989 |
| 10 | Aleutians East Borough | Sand Point | |
| 11 | Aleutian Islands | Unalaska | |
| 12 | Bristol Bay | Dillingham | |
| 13 | Yukon Delta | Bethel | |
| 14 | Southwestern Interior | McGrath | |
| 15 | Northwestern | Nome | |
| 16 | NORTHWEST ARCTIC BOROUGH | Katzebue | June 14, 1991 |
| 17 | PRUDHOE BAY | NA | June 14, 1991 |
| 18 | North Slope Borough | Barrow | |
| 19 | Interior Alaska | Fairbanks | |
| 20 | FAIRBANKS NORTHSTAR BOROUGH | Fairbanks | June 9, 1989 |
| 21 | MATANUSKA-SUSITNA BOROUGH | Palmer | June 14, 1991 |
| 22 | MUNICIPALITY OF ANCHORAGE | Anchorage | June 14, 1991 |
| 23 | Southeastern Interior | Glennallen | |
| 24 | Denali Borough | Healy | |

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSSB 384

Revision Date: May 8, 1992
Title: Oil and Hazardous Substance

Department Affected: Department of Revenue
BRU: Revenue Operations
Component: Income and Excise Audit

Sponsor: Sen. Menard
Requestor: Senate Resources

COMPONENT SERIAL NO. | 1 | 1 | 3 |

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LANDS & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CAPITAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| REVENUE | 4,600.0 | 4,600.0 | 4,600.0 | 4,600.0 | 0.0 | 0.0 |
| FUND SOURCE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| FUND SOURCE | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year impact: 0.0

ANALYSIS: Attach a separate page if necessary.

SEE ATTACHED

Prepared By: Paul E. Dick *PE* Phone: (907) 465-2320
Division: Income and Excise Audit Date: May 8, 1992

Approved by Commissioner: Darrel J. Rexwinkel *Darrel J. Rexwinkel*
Agency: Department of Revenue Date: 5/11/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legls. Ofc., & Impacted Agency(ies).

Fiscal Note Analysis, CSSB 384 (RES)
Income and Excise Audit Division
Prepared by Paul Dick
May 8, 1992
Page 2

Analysis

Section 2 of this bill adds a 1 cent per gallon surcharge on highway motor fuel sold, transferred or consumed in the state for funding the storage tank assistance fund under the Department of Environmental Conservation. The surcharge becomes effective July 1, 1992 and would be automatically repealed effective July 1, 1996 under section 9 of this bill.

Based on FY 91 consumption, the 1 cent surcharge would generate an additional \$4.6 million.

W. Gene Burden
Vice President
Environmental Affairs & Government Relations

March 23, 1992

Senator Curt Menard
Alaska State Legislature
P. O. Box V (MS 3100)
Juneau, Alaska 99811

SUBJECT: SB384 - Underground Tank Assistance Fund

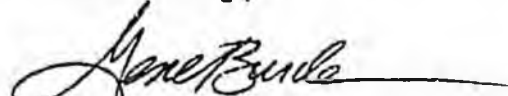
Dear Senator Menard:

I have been asked to provide Tesoro Alaska's position on SB384 regarding the inclusion of designated charges for underground storage tanks to the list of approved expenditures for "470 funds".

There is a definite need to have a secure funding source for this program to assure that the State's underground storage tank program is implemented uniformly throughout the state. The availability of such funding can make the difference in whether some small business people stay in business. This issue potentially affects Alaskans in all regions of the State. As a result Tesoro Alaska supports the present draft of SB384.

If there are any questions, please call.

Sincerely,



W. Gene Burden

WGB:mm



Era Aviation, Inc.

Wilbur O'Brien
President

VIA FACSIMILE

March 5, 1992

The Honorable Lloyd Jones, Chairman
Senate Resources Committee
Alaska State Capitol Building
Room 30
Juneau, AK 99801-1182

Ref: Support for Senate Bill 384; Funding for Underground
Storage Tank Program

Dear Senator Jones:

I would like to express Era's strong support for passage of Senate Bill 384. This would make the 470 Fund available for compliance with the HB220 Underground Storage Tank Program.

Without this funding, the Underground Storage Tank Program presents a nightmare to most Alaska businesses and individuals. In many cases, expensive remediation and cleanup will be required for leaks that occurred 30 and 40 years ago through no fault of the present owner. Compliance, cleanup, remediation and upgrade are designed to be for the benefit of the environment and all Alaska citizens. The costs then, should be borne in large measure by the State.

Thank you for considering our views on this matter.

Sincerely,

Wilbur O'Brien

WO/mg

cc: Senator Curt Menard

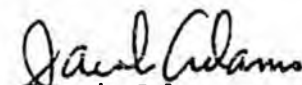


Dear Legislator:

The Arctic Slope Regional Corporation as a supporter of responsible resource development and as a land owner has grave concerns about the continued depletion of the 470 fund. You as a legislator know that this fund was intended for Alaska to be prepared for oil spills. Yet the administration and the legislature continue to abuse this fund and it is getting to a point where major resource developers are finding it difficult to spend investment dollars in Alaska. Investment dollars means jobs for Alaskans, profits for Alaskan companies and continued revenue for the State of Alaska. We as Alaskans cannot afford to risk our future by discouraging investors.

Would it be too hard to ask that the intend of the legislation creating the 470 fund be honored?

Sincerely yours,



Jacob Adams, President
Arctic Slope Regional Corporation



Alaska State Legislature

SENATE

Official Business

SENATOR CURT MENARD

P.O. Box V
State Capitol
Juneau, Alaska 99811

SPONSOR STATEMENT

SB 384 amends the purposes for which money in the oil and hazardous substance release response fund (.470 Fund) may be expended to include technical, educational and financial assistance to underground tank owners/operators under Alaska's Underground Storage Tank Program.

The new underground storage tank program was created in 1990 to assist Alaskan underground storage tank owners/operators comply with federal law mandating tank tightness testing, site assessment, tank upgrades, cleanup of petroleum contaminated soils and groundwater and to protect our environment and public water supplies.

To date, the Department of Environmental Conservation has received financial assistance requests from owner/operators of regulated underground storage tanks in excess of \$ 30 million. Applications are being received by the department on a daily basis and the trend is expected to continue through the 1992 and 1993 construction seasons.

Of the \$5.3 million appropriated for grants and loans in FY 91, the Board of Storage Tank Assistance allocated \$1.5 million to closures and upgrades, \$2.3 million to site assessments and tightness tests and \$1.5 million for cleanups.

The uncertainty of annual appropriations from the general fund to support the upgrade of tanks and cleanup of contaminated sites raises serious concerns for Alaskan small business, local governments and the public. I believe that it is imperative that a secure alternative funding source be put in place to address the intent and purpose of the underground storage tank program and assist in the cleanup and protection of our public water supplies.

I would appreciate your consideration and support of this legislation.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 384

Revision Date: _____ Department Affected: Environmental
 Title: Amending Purposes of OHSRRI Conservation
 Sponsor: Senator Menard BRU: Spill Prevention & Response
 Requestor: Senator Menard Component Storage Tank Assistance Program

COMPONENT SERIAL NO. 1 | 6 | 2 | 3

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | . | . | . | . | . | . |

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

| | | | | | | |
|--------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
| FUND SOURCE: | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| GENERAL FUND | (6,715.8) | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| FUND SOURCE: 1052 | 6,715.8 | 6,715.8 | 6,715.8 | 6,715.8 | 6,715.8 | 6,715.8 |
| TOTAL | 6715.8 | 6715.8 | 6715.8 | 6715.8 | 6715.8 | 6715.8 |

POSITIONS: 0.0

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

This Fiscal note is intended to show only a change in funding source for the department's underground storage tank program. We have used the amount requested for FY 93 as the amount anticipated for each subsequent fiscal year.

Prepared by: Janice Adair Phone: 465-5050
 Division: Commissioner's Office Date: 2/20/92
 Approved by Commissioner: *Janice Adair*
 Agency: Environmental Conservation Date: 2/20/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

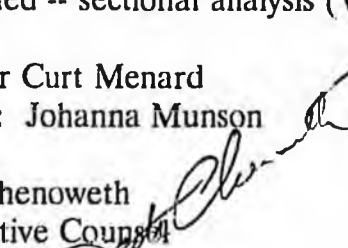
MEMORANDUM

February 18, 1992

SUBJECT: Senate Bill 384, amending the purposes for which money in the oil and hazardous substances release response fund may be expended -- sectional analysis (Work Order No. 7-LS1926\A)

TO: Senator Curt Menard
ATTN: Johanna Munson

FROM: Jack Chenoweth
Legislative Council



The measure expands use of the so-called "470 fund" -- properly called the oil and hazardous substance release response fund -- to allow its expenditure for the programs and administrative costs associated with ch. 96, SLA 1990, legislation relating to investigation, containment, and cleanup of leaking underground storage tanks.

The measure's principal operative provision is **bill section 3**. That bill section adds a new provision, paragraph 8, to AS 46.08.040, permitting use of the fund balance to pay costs of regulation and pollution prevention under various enumerated programs related to motor fuel, petroleum, and chemical storage tanks.

A related provision, **bill section 5**, exempts the payments made from the fund for purposes of storage tank cleanup from the requirement that the commissioner of environmental conservation seek reimbursement of the expenditures.

The remaining codified bill sections make necessary related changes. **Bill sections 1 and 4** make technical corrections. Current law limits use of the oil and hazardous substance release response fund for capital improvements; **bill section 2** makes an exception to that limitation, explicitly permitting use of the oil and hazardous substance release response fund for a capital improvement in conjunction with the storage tank program.

The changes made in the two uncodified substantive sections, bill sections 6 and 7, give the measure retrospective application. Section 7, ch. 96, SLA 1990 authorized

Senator Curt Menard

February 18, 1992

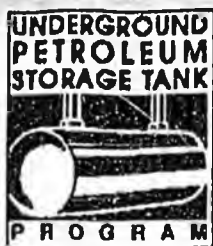
Page 2

an underground petroleum storage tank reimbursement assistance program to reimburse persons making expenditures relating to leaking tanks after December 21, 1988, and until six months after the effective date of the 1990 legislation. **Bill section 6** authorizes use of the fund balance to pay the expenses incurred under that reimbursement program, while **bill section 7** applies to any reimbursement payments that are payable on and after the date of enactment of that reimbursement program, in effect permitting payment from the fund of all claims for reimbursement allowed by sec. 7, ch. 96, SLA 1990.

Bill section 8 gives the measure an immediate effective date.

JBC:mi

92-027.mai



Board of Storage Tank Assistance

410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801
(907) 465-5200
FAX (907) 465-5218

Walter J. Hickel, Governor

POSITION PAPER

IN SUPPORT OF: Senate Bill No. 384 (SB384)

WITH AMENDMENTS

SUBJECT: "An Act amending the purposes for which money in the oil and hazardous substance release response fund may be expended and to reimbursements due to that fund; and providing for an effective date"

The Board of Storage Tank Assistance supports Senate Bill Number 384 amending the oil and hazardous substance release response fund with the following changes to be included as amendments.

(1) Limit expenditures from the oil and hazardous substance response fund to only pay for grants and loans described in AS 46.03.410 (b)(2) and (3); and

(2) Pay the expenses incurred under the underground petroleum storage tank reimbursement program authorized by sec. 7, ch.96, SLA 1990.

The state underground storage tank program has been implemented to assist owners and operators determine the extent and subsequently clean up contamination resulting from underground petroleum storage tanks (UST's), to close out their tanks properly if necessary and to upgrade existing tanks to new performance standards that will prevent future leaks. The UST Assistance Programs are pollution prevention and spill response activities that would be within the existing scope of the oil and hazardous substance release response fund.

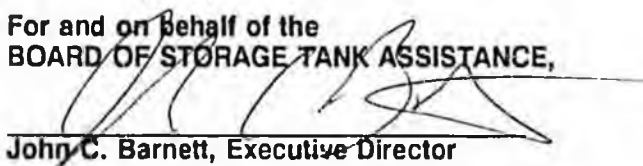
A considerable amount of time, effort and funds will need to be invested to assess, cleanup and upgrade these tanks to protect the public health and environment and keep Alaska's small business tank owners and operators in business. It is also important to provide sufficient funding for underground petroleum storage tank owners and operators to adequately clean up their sites to become insurable to satisfy the EPA's financial responsibility requirements.

The financial assistance programs established by the original enabling legislation passed in 1990 are (1) reimbursements for a portion of the costs to conduct a tank tightness test or a site assessment, (2) grants for a portion of the costs of either upgrading (including replacing) or closing (including removing) a pre-1988 tank, (3) grants and loans for the cost of cleanup associated with a release from an underground petroleum storage tank and (4) reimbursement for upgrading, closing, or cleanup of an UST done after the effective date of the EPA regulations (December 22, 1988) and before September 5, 1990, the effective date of Alaska's UST laws.

At the present time the grant requests far exceed the available funds. Concerns for continued appropriations from the general fund have prompted a need for identifying an alternative funding source for this program. The state underground petroleum storage tank program is based on providing technical, educational, and financial assistance to Alaska's underground tank owners. It is imperative that a secure funding source be in place to address the intent and purpose of that program. Senate Bill 384 provides assurance that the original intent and purpose of the Underground Storage Tank Program will be realized.

Dated: 2/24/92

For and on behalf of the
BOARD OF STORAGE TANK ASSISTANCE,


John C. Barnett, Executive Director

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
410 WILLOUGHBY AVENUE, SUITE 105
JUNEAU, AK 99801-1795

Phone: (907) 465-5000
Fax: (907) 465-5070

Date: 2-26-92

By: Joe L. Fender
Commissioner

POSITION PAPER

SB 384, amending the purposes for which money in the oil and hazardous substance release response fund may be expended and to reimbursements due to that fund; and providing for an effective date.

The Department of Environmental Conservation supports stable funding for the underground storage tank (UST) program in order to allow the owners and operators of regulated USTs to meet the financial responsibility requirements of the EPA. We believe the Oil and Hazardous Substance Release Response (470) Fund will meet the EPA's requirements as a state assurance fund, and thus support using it to cover some costs associated with the State's UST program. The Department's support for this legislation is conditioned on inclusion of the following amendments to SB 384:

1) Amend the title to read: "An Act authorizing use of the oil and hazardous substance release response fund for certain activities related to the underground petroleum storage tank program, and terminating that authorization; and providing for an effective date.

This amendment will change the title to accurately reflect the subject of the legislation.

2) On Page 4, change subparagraph 8 to read: "(8) pay for the grants and loans described in AS 46.03.410(b)(2) and (3);

3) Add a subparagraph (9) to Section 3 which would read: (9) pay for the cost of enforcement of AS 46.03.360 - 46.03.450."

The first of these two amendments will allow the 470 Fund to be used only for the grants and loans to UST owners, leaving the administration of the program to be funded through general funds and tank registration fees. The EPA requirements for financial responsibility dictate that owners and operators be able to demonstrate the financial ability to cleanup a release from a UST. Thus, the Department believes that the 470 Fund should not be used for the program's administrative costs.

We also believe however that we have a duty to protect the investment the state has made and will continue to make in the cleanup and replacement of USTs. This will be accomplished through enforcing the standards for UST maintenance and operation contained in DEC's UST regulations. Subsection 9 will ensure the Department has the continuing ability to ensure regulatory compliance.

4) Add a provision which would repeal the use of the 470 Fund for Subparagraph (8) on June 30, 1996.

The state's UST financial assistance program was envisioned as a time-limited program. Federal law requires that all tanks be upgraded to the new regulatory standards by 1998. State law requires that all applications for financial assistance be filed by July 1, 1994. In addition, the Board of Storage Tank Assistance sunsets on June 30, 1996. This amendment would have the authority for using the 470 Fund for the grants and loans expire on the same date as the Board, which is two years after the last of the applications will be filed. During those two years, the state will be able to wind up cleanup activities.



March 4, 1992

Position Paper

SB 384 - Amending Purposes for Which Money in Oil and Hazardous Substance Release Fund May Be Expended

The Alaska Municipal League supports SB 384, which would add regulation and pollution prevention activities involving underground petroleum storage tanks to the list of purposes for which the oil and hazardous substance release response ("470") fund may be used, to the extent that the bill is a clear recognition of the need for meeting the federal financial responsibility requirements and for funding underground storage tank assessment, cleanup, and upgrading or closure under state and federal law.

The *1992 Policy Statement* of the Alaska Municipal League states: "The League strongly encourages the State to develop regulations to implement the Underground Storage Tank Assistance Program created by the Legislature and to adequately fund programs necessary to mitigate the impact of EPA underground tank regulations on municipal budgets and facilities." SB 384 would provide access to some funds for this purpose.

It should be noted that the Underground Storage Tank Assistance Program, created by the Legislature by passage of HB 220 during the 1990 session, provides assistance to municipalities as owners of underground storage tanks as well as to private owners. Of over 2,800 tanks registered with the program last year, 14 percent, or nearly 400 of them, are owned by 45 municipalities. Data presented this year by the Board of Storage Tank Assistance indicates there are 3,890 tanks in use and 655 tanks out of service. Of these, 3,032 are owned by municipalities and private businesses and potentially in need of assistance to avoid environmental damage or health problems in the event of a leak.

The League and its members support providing funding to assist these municipal owners deal with their abatement and pollution prevention efforts, tank tightness and site assessment, tank cleanup, and tank upgrading and closure, as well as meeting the federal financial responsibility requirements. To the extent that SB 384 would provide a stable funding mechanism for these related purposes, the Alaska Municipal League supports its passage.

sab6:S3384.34



Norman L. Stanley
Manager
US Public and
Government Affairs
Western Region

Texaco Inc

300 University City Plaza
University City, CA 92037
San Diego, CA

March 6, 1992

RE: STATE OF ALASKA - 1992 LEGISLATION
SENATE BILL 384

The Honorable Lloyd Jones
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senator Jones:

Texaco supports Senate Bill 384.

As you are well aware, this legislation allows for the funds available in the Oil and Hazardous Substance Response Release Fund, or "470 Fund", to be used for certain activities related to the underground petroleum storage tank program.

During the 1990 Alaska Legislative Session, HB220 (the Underground Storage Tank Statute) was passed authorizing the development of a comprehensive, state-managed UST Program. A portion of this program, Storage Tank Assistance Fund, was designed to provide grants and loans to tank owners and operators.

Financial assistance was offered to mitigate the often excessive financial encumbrances encountered when replacing and removing USTs, including the associated cleanup costs that often occur. These activities, of course, must achieve the standards set forth in the Alaska and Federal UST programs for soil and groundwater remediation. Originally, the entire program was to be funded by the financial resources generated from the fees collected annually from the registration of all USTs within the State. However, these revenues are not sufficient to meet the needs of the requests presented to the ADEC.

The "470 Fund", which is already in place, would help provide for those funds and preclude the necessity of establishing a new tax or increasing existing taxes. It would also help ensure that an adequate number of service stations remain open to care for the Alaskan consumer's energy needs.

Accordingly, Texaco supports the measure, and respectfully requests your favorable vote for SB 384. Additionally, it is my understanding that a Committee Substitute (CS) is being considered that is identical to CS House Bill 264 (Resources). We are also supportive of that particular Committee Substitute.

Sincerely,

NLS
feb25-01.akhb264

cc: Senate Resources Committee Members



March 4, 1992

Position Paper

SB 384 - Amending Purposes for Which Money in Oil and Hazardous Substance Release Fund May Be Expended

The Alaska Municipal League supports SB 384, which would add regulation and pollution prevention activities involving underground petroleum storage tanks to the list of purposes for which the oil and hazardous substance release response ("470") fund may be used, to the extent that the bill is a clear recognition of the need for meeting the federal financial responsibility requirements and for funding underground storage tank assessment, cleanup, and upgrading or closure under state and federal law.

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The League and its members support providing funding to assist these municipal owners deal with their abatement and pollution prevention efforts, tank tightness and site assessment, tank cleanup, and tank upgrading and closure, as well as meeting the federal financial responsibility requirements. To the extent that SB 384 would provide a stable funding mechanism for these related purposes, the Alaska Municipal League supports its passage.

sab6:SB384.34

Alaska Oil and Gas Association



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Anchorage, Alaska 99503-2035
Phone: (907) 272-1481 Fax: (907) 279-8114

March 9, 1992

VIA FACSIMILE

The Honorable Lloyd Jones, Chairman
Resources Committee
Alaska State Senate
Room 30, Capitol Building
P. O. Box V
Juneau, Alaska 99811

SB384, Response Fund: Use for Tank
Programs

Dear Mr. Chairman:

Thank you for the invitation to testify via teleconference from the Anchorage Legislative Information Office at today's hearing of the Senate Resources Committee. AOGA will be submitting the attached testimony for the hearing record.

Sincerely,

WILLIAM W. HOPKINS
Executive Director

WWW-MC13-SB384
ATTACHED

Testimony of the
Alaska Oil and Gas Association
before the
Alaska State Senate
Resources Committee
on
SB 384, An Act amending the
purposes for which money in
the oil and hazardous substance
release response fund may be expended
and to reimbursements due to that fund;
and providing for an effective date

March 9, 1992

I am William W. Hopkins, Executive Director of the Alaska Oil and Gas Association (AOGA). Our members conduct the majority of oil and gas exploration, production and transportation in Alaska. We appreciate this opportunity to express our position regarding SB 384.

AOGA strongly opposes SB 384 for several important reasons. This bill would, in effect, impose a hidden but real tax increase on all oil production in Alaska. It would impose unfair costs to the oil producers in Alaska to fund a program to correct underground storage tank problems over which they have no control and which are not associated with crude oil production. Those costs are largely unknown but could be potentially significant based on the thousands of various underground tanks throughout Alaska. In addition, the bill does not require the state to seek reimbursement for costs of expenditures from responsible parties. We urge the state to consider alternatives and the potential impact of this proposed legislation on the oil producers.

Alaska Oil and Gas Association
Testimony on CSHB 264
March 6, 1992
Page 2

We understand that the Federal Superfund Reauthorization Legislation enacted in October 1986 has a provision to impose a 0.1 cent per gallon motor fuels excise tax as a revenue source to fund a separate Federal Leaking Underground Storage Tank Fund. Under certain conditions, that fund can pay up to 90% of any state's cost for cleanup resulting from a discharge from an underground storage tank. To use the federal fund, Alaska may need to establish its own fund to cover its 10% corrective action costs, but the 470 Fund is not the appropriate source.

In summary, SB 384 would place an unfair tax burden on oil producers to pay for problems not related to production. We urge Senate Resources Committee to reject it. Thank you for this opportunity to comment.