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**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 1/24/94

FURTHER:

DATE TURNED INTO OFFICE: 2-17-94

The Finance Committee considered **SENATE BILL NO. 33**

"An Act relating to grants for local emergency planning committees and emergency response organizations; and providing for an effective date."

and recommends:

replace with CS SB 33 (FINANCE)  
or  adopt previous CS (        )  
 attaches amendment(s)

same title  
 new title  
 technical title change (HB only)

adopts          Letter of Intent

further referral to the         

do pass

do not pass

no recommendation

individual recommendations

### NEW FISCAL NOTES

Department	Date	Zero	Fiscal
Dm & VA (1808)	2-16-94		646.7

### PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DEC	1-13-94		646.7

Appropriation No Fiscal Note

DO PASS:

Tim Kelly

OTHER RECOMMENDATIONS:

John R. [Signature]  
NO Rec

1. Ina Pearce, DoRec

2. John NO Rec

FISCAL NOTE

REQUEST:

Revision Date: 16-Feb-94 Affected Agency: DM&VA  
 Title: An Act relating to emergency planning & response. BRU: Disaster Planning & Control  
 Sponsor: Senator Leman Component: 1808  
 Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services	181.3					
Travel	24.4					
Contractual	435.2					
Supplies	4.0					
Equipment	1.8					
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>646.7</b>					

CAPITAL						
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REVENUE						
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
1052 oil/haz"470" fund	646.7					
<b>TOTAL</b>	<b>646.7</b>					

Estimate of any current year (FY94) cost: \$ n/a

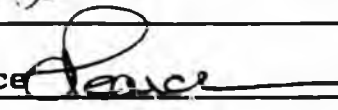
POSITIONS:

Full-Time	3.0					
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

Two new G.F. positions requested in DM&VA fiscal note of 1/14/94 are disallowed.

Prepared By: Co-chair Frank  Date: 2/16/94  
 Senate Finance Committee Phone: x3709

Prepared By: Co-chair Pearce  Date: 2/16/94  
 Senate Finance Committee Phone: x4993

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REQUESTOR  
 OFFICE OF MANAGEMENT AND BUDGET  
 AGENCY(IES)

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSSB33 (FIN)

Revision Date: \_\_\_\_\_ Dept. Affected: Environmental Conservation  
 Title: An Act relating to disaster emergency planning and BRU: Spill Prevention and Response  
response. Component: Government Preparedness and Response  
 Sponsor: Senator Leman  
 Requestor: Senator Leman COMPONENT SERIAL NO. 1923

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	(181.3)	0.0	0.0	0.0	0.0	0.0
TRAVEL	(24.4)	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	(135.2)	0.0	0.0	0.0	0.0	0.0
SUPPLIES	(4.0)	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	(1.8)	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(346.7)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other: 1052 Oil/Haz "470" Fund	(346.7)	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>(346.7)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY94) cost: \$ not applicable

POSITIONS

FULL-TIME	(3.0)	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)  
 See attached pages for analysis

Prepared by: Robert Poe, Director  
 Division: Information and Administrative Services  
 Approved by: John Sandor, Commissioner  
 Agency: Environmental Conservation

Phone: 465-5010  
 Date: 4/20/94  
 Date: 4/20/94

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## ATTACHMENT TO FISCAL NOTES TO CSSB 33 (STA)<sup>1</sup>

### DEPARTMENT OF ENVIRONMENTAL CONSERVATION Division of Spill Prevention and Response (SPAR)

By amending the Alaska Disaster Act, CSSB 33 (STA) will expand the responsibility of the State Emergency Response Commission (SERC), and Local Emergency Planning Committees (LEPC) to prepare plans for local and State government response to declared disasters or emergencies. Staff support for the SERC would be transferred from the Department of Environmental Conservation (DEC) to the Department of Military and Veterans Affairs (DMVA). CSSB 33 would additionally direct DMVA to provide financial assistance to LEPCs and require all State agencies to provide technical planning assistance to the LEPCs.

CSSB 33 would reduce DEC staff assistance to the SERC and administrative assistance to LEPC on behalf of the SERC. This workload reduction would also reduce the level of funding proposed for the State Emergency Response Commission project (PJ # 5503), and the Local Planning Project (PJ #5502) proposed in DEC's FY 95 budget under the Government Preparedness and Response Component. The following briefly describes the proposed FY 95 project tasks that DEC would no longer be required to perform under CSSB 33, the corresponding reduction in funding and staff positions budgeted for that work, and the associated work and resources retained by DEC.

#### **SERC Project**

DEC's FY 95 budget request includes \$105,800 and 1.1 FTE to provide staff support to the State Emergency Response Commission (SERC), public member travel costs, and SERC meeting expenses. Since CSSB 33 would eliminate DEC's staff responsibility for the SERC, DEC's FY 95 SERC project request would be eliminated.

#### **Local Planning Project**

DEC's FY 95 local planning project budget request includes \$807,900 and 4.9 FTE to provide technical and financial assistance to LEPCs established by the SERC for preparing plans in compliance with State and federal requirements. Of this request, \$100,000 is for LEPCs to develop plans, and \$140,900 with 1.9 FTE is for DEC to administer the funds awarded to LEPCs by the SERC, and to assist communities wishing to form LEPCs. Since CSSB 33 would eliminate DEC's administrative assistance to LEPC's on behalf of the SERC, DEC's FY 95 request would be reduced by \$240,900 and 1.9 FTE.

The remaining budget request for the local planning project (\$567,000 and 3.0 FTE) is for DEC to provide technical assistance to LEPCs and local governments in identifying local, State and federal response resources necessary to implement a local response plan. DEC also assists local communities in designing spill response drills to test local response readiness and provides communities with information regarding local oil and hazardous risks, and ways to prevent or reduce identified risks. CSSB 33 would not affect DEC's current responsibilities or budget request for this element of the local planning project.

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<sup>1</sup>This fiscal note revises the fiscal note dated January 13, 1994 to reflect cuts by the House and the Senate to the Department's request for Local Emergency Planning Committee (LEPC) funding support in FY 95. This results in an overall reduction of 346.7 to the Department's FY 95 budget request under the Government Preparedness and Response Component which includes \$100,000 for LEPC funding.



# SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189 Session: State Capitol, Juneau AK 99801 465-2095

## SPONSOR STATEMENT

CSSB33(STA): An Act relating to emergency planning and response; transferring the Hazardous Substance Spill Technology Review Council to the Department of Environmental Conservation; transferring the State Emergency Response Commission, including its duty to designate local emergency planning districts and appoint local emergency planning committees, to the Department of Military and Veterans' Affairs; and eliminating a requirement that the state and regional oil discharge prevention and contingency plans be revised annually."

## WHY SB 33?

SB 33 is introduced at the request of the departments of Environmental Conservation and Military and Veterans' Affairs. The intent of this legislation is to facilitate a better working relationship between the Local Emergency Planning Committees and local governments; to more efficiently accomplish the goals of emergency planning and planning for oil and hazardous substance discharges by reducing opportunities for duplication of effort at the state level; and to enhance the abilities of local communities to plan for disasters.

## HISTORY

The Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C.A. ss 11001-11050 (1991) (Title III of the Superfund Amendments and Reauthorization Act of 1986), commonly known as SARA Title III, was passed largely in response to the chemical accident in 1984 at Bhopal, India.

SARA Title III has two distinct parts: an emergency planning mechanism and community right-to-know provisions. The emergency planning provisions require each state's governor to establish an emergency planning commission. The commission sets up emergency planning districts and appoints an emergency planning committee for each district. The committees are required to prepare emergency plans.

In 1990, the Legislature created the State Emergency Response Commission. The SERC has appointed to date 18 emergency planning committees.

#### WHERE WE ARE NOW

In 1990, SB 503 and HB 566 provided ample opportunity for the Legislature to discuss where the response corps and depots ought to be located, how the SERC should operate and where the Hazardous Substance Technology Review Council fit in to the statewide picture.

Moving the SERC and the LEPCs into DMVA/DES should not be construed as legislative pingpong. In the aftermath of a disaster there is always a debriefing - a session where the participants review how well the response system works and what could be done to make it work more efficiently.

Soon it will be five years since the Exxon Valdez oil spill. It's time to review the process and make adjustments for a more streamlined, more efficient planning and response system. The departments have reviewed their responsibilities and have made recommendations to improve the process, the State Emergency Response Commission has reviewed the process, the local emergency planning committees have reviewed the process as have local governments. They all feel improvements can be made to the system and that is why Senate Bill 33 is before you now. I appreciate the efforts of the volunteers at the local level and the local governments to plan for their fellow citizens. I want to make their jobs less difficult as I'm sure you do, too.

Back-up

SPONSOR SECTIONAL ANALYSIS  
Senate Bill 33

FOR CS SB 33 (STA): 1/24/94  
DISTRIBUTION: Senate Finance Committee

BY: Annette Kreitzer, Aide

Title

Transfers SERC and its responsibilities from DEC to DMVA; transfers the Hazardous Substance Spill Technology Review Council to DEC; and it eliminates the annual revision requirement for the state and regional oil discharge prevention plans (annual REVIEW still necessary).

Section 1:

Amendment 2/3/94 for 26.23.040(b)(c)(e)

\*Amends DES duties to include granting authority (to the extent that money is available) for:

1. Forming LEPCs,
2. Awarding federal Hazardous Materials Transportation Uniform Safety Act (HMTUSA) funds to LEPCs for developing and maintaining emergency plans,
3. Making funds available to comply with Community Right-to-Know criteria (including Tier II information); and
4. Awarding grants for training LEPCs, training and equipping emergency response organizations and for executing the plans developed by the LEPCs.

Sections 2, 5, and 6:

These sections result from repealing AS 26.23.215 which says that all related plans must mesh. New language is inserted in AS 26.23.040 to ensure cohesion in all plans prepared within the duties of ADES and in those plan's relationship to DEC's state and regional master plans. New language is inserted under AS 26.23.060 and AS 26.23.070 for the same purpose.

Section 3:

Adds response corps and depots into the explicit responsibilities of DMVA.

Section 4:

Amends AS 26.23.060(a) to reflect coordination of LEPCs with interjurisdictional disaster agencies/services established under DMVA/DES. *Amendment of 2/3/94 rewrites AS 26.23.060.*

Section 7:

(a) \*Establishes the SERC under the Department of Military and Veterans' Affairs;

(b) \*Defines SERC membership, specifies 4 LEPC members to be on SERC, two from rural LEPC and two from urban LEPC; specifies two seats for political subdivisions; leaves one unspecified public seat.

(c) \*Removes the requirement for the oil and hazardous substance response office (AS 46.08.100) to serve as staff for the commission. DMVA shall provide staff support. The proposed fiscal note shows three positions from DEC would transfer to DMVA/ADES, with DMVA/ADES asking for two additional planners.

(d) Keeps requirement that SERC is co-chaired by DMVA and DEC. Keeps the current staggered terms, per diem and travel.

(e) Commission duties -

(1) Meets SARA Title III requirement;

(2) \*References the ALL HAZARDS clause (8), maintains the SERC's responsibility for hazardous substance discharge and prevention contingency state and regional master plans (46.04.200-210) and ALL plans prepared under AS 26.23.;

(3) SERC should consider incident command system, and integration of LEPC plan with related plans; removes SERC approval authority for these plans, retains review and recommendation authority. Local governments found the approval authority of the SERC to be a stumbling block. Emphasis is on planning at the local level, local governments have an approval process with public input. SERC approval/disapproval complicates that local planning and approval process.

(4) Designate LEPC boundaries; the SERC retains the ability to mandate boundaries IF political subdivisions CANNOT come to agreement on boundaries; removes previous requirement that the boundaries be based on DEC's oil and hazardous substance regions (of which there are 10).

(5) Same as current law - SERC must create an LEPC for each LEPC (SARA Title II);

(6) Same as current law (wording comes from SARA Title III 11001(a));

(7) Same as current law.

(8) \*SERC presently does not review reports about responses, if it is to make appropriate recommendations, it should review how the plan worked in a disaster.

(9) \*Makes the SERC an ALL HAZARDS COMMISSION;

(10) Integration of federal planning with state plan.

(11) Same as current law; and

(12) ADOPT REGULATIONS TO CARRY OUT THESE DUTIES.

**\*Sec. 26.27.073: EMERGENCY PLANNING DISTRICTS AND COMMITTEES**

(a) \*Commission sets boundaries of LEPCs; (current law). Intent is to make boroughs the LEPCs, but if the Commission wants to set boundaries other than borough lines, it must consult the local emergency response organizations and any governing body of political subdivisions in the proposed district.

(b) \*Creates one single LEPD out of what is left.

(c) \*If political subdivisions are combined into one LEPD, the Commission shall recommend the governor designate the area an interjurisdictional disaster planning and service area, also. This facilitates the all hazards planning concept. The LEPCs are only responsible for oil and hazardous substance planning, so although the LEPC could elect to also plan for other disasters/emergencies, it doesn't have to take on that burden. The coextensive interjurisdictional disaster planning and service area allows ADES to assist in disaster/emergency planning for the same area served by the LEPC. This should result in a ordered planning approach.

(d) \*SERC APPOINTS members of LEPCs. SERC SHALL follow recommendations of the governing body of the political subdivision for the LEPD. In the case of an LEPD made up of several political subdivisions, the SERC will consider the recommendations of each political subdivision to the extent that the political subdivisions are in agreement and the recommendations would constitute a legal committee. Also, the political subdivisions must devise a process of working together to coordinate their recommendations. IF the LEPD is not affiliated with a political subdivision, the SERC will consider recommendations of emergency response organizations in the district. For the single, rest-of-state LEPD, the SERC will strive for equitable geographic representation on the LEPC.

\*COMMITTEE MEMBERSHIP: 7 categories (Meets Sara Title III requirements) No state elected officials in Alaska may constitutionally hold a seat on an LEPC; added categories six and seven; *Amendment of 2/3/94 removes disaster agency.*

(e) Media position has been the most difficult to fill, this allows the LEPCs to continue operating.

(f) Allows for individual petitions to the SERC over membership (SARA Title III).

(g) LEPCs shall -

(1). Same as current law.

(2). \*ADDS "public advertising of positions available on the committee".

(3). \*ADDS "...in a manner that includes coordination with the political subdivisions covered by the plan", to ensure cooperation between the LEPCs and the local governments.

(4). \*REWRITTEN to reflect that evaluating the need for resources necessary to the plan doesn't necessarily mean ADDING resources - it could mean scaling down response if there aren't sufficient responders - but this is and should be a LOCAL decision to be made with all parties knowing the cost of the decision.

(5). Same as current law (delete [and])

(6). \*Allows LEPCs to not have to become all hazards, they can participate in community planning to the extent they are capable. *Amendment of 2/3/94 removes disaster agencies.*

(7). \*NEW LANGUAGE: puts in statute the cooperation between the LEPC and the political subdivision. Makes the LEPC an

"advisory committee" to the benefit of the political subdivisions and the LEPCs.

(h) \*All agencies represented on the SERC shall provide technical assistance to LEPCs if requested by the LEPC. There is no additional funding for this section, but it is anticipated that the primary agencies requested to provide assistance would be DEC/DMVA-DES.

**Section 26.23.075: EMERGENCY PLANS**

Same as current law (46.13.090), except the cite for 42 U.S.C. 11002(a) is corrected from 42 U.S.C. 302(a); and in (3) the designation of emergency coordinator as required under 26.23.060(d), is added. 26.23.075(b) references the coordination of hazardous substance planning with disaster planning.

**Section 26.23.077 PLAN REVIEW; INCIDENT COMMAND SYSTEMS.**

(a) \*Reflects the change from a commission charged only with hazardous substance release planning to an ALL HAZARDS SERC. Current law (46.13.045) stipulates the commission reviews and exercises approval authority over plans for "hazardous substance discharge response". \*Changes SERC's authority to review and recommend instead of "approve".

(c) Changes ADES to DMVA, assures DMVA/DES role in a[n imminent or actual hazardous substance discharge] disaster or other emergency.

*Amendment - 2/3/94 creates new Sections 8 and 9 to delete disaster agency.*

Section 8. AS 26.23.150 is amended to substitute environmental for [air].

Section 9. AS 26.23.900 is amended to define the SERC, interjurisdictional planning and disaster agency and hazardous substance in DMVA statutes.

Section 10. AS 46.03.865(a) The incident command system no longer exists under 46.13.

Section 11. AS 46.03.865(c) The incident command system no longer exists under 46.13.

Section 12. AS 46.04.200 - (a) State Master Plan -Deletes the requirement to annually revise the master plan. Intent is to annually review and revise if necessary. In 46.04.200(F), ICS identifies other state agencies' responsibilities only if the release involves a declared disaster; removes requirement for DEC to designate in the state master plan where oil and hazardous substance emergency response depots and corps should be located.

(a)(5)(c)(1) \*ADDS LOCAL EMERGENCY PLANNING COMMITTEE officials to those the Commissioner will consult if plan is revised.

Section 13. Criteria for deciding plan revision.

Section 14. AS 46.04.210(a) is amended -Same changes to the Regional master plan - revise as necessary instead of revise

annually.

Section 15. AS 46.04.210(c)

\*ADDS NEW SECTION - giving the department latitude to group communities which likely would work together in responding to a discharge.

Section 16. AS 46.08.040 - Amendment *470 Fund*

2) \*Adds the costs incurred under current statutes for depots and corps set up by DEC in cooperation with DMVA.

3) \*Pay the expenses incurred by ADES for "SERC activities, including staff support, and for the costs of being prepared for and responding to a request by the DEC for support in response and restoration activities; EXCEPT the costs of the response corps and emergency response depots".

Section 17. AS 46.08.150

Deletes DEC's authority to enter into contractual agreements to establish depots and corps, notwithstanding AS 46.04.090 and 46.09.040.

Section 18. AS 46.09.040

This parallels the language in AS 46.04.090 which calls for coordination with DMVA to avoid duplication of effort.

Sections 19 and 20. AS 46.13.100-110

Refers to the Hazardous Substance Spill Technology Review Council and establishing it within DEC.

Section 21.

Repeal: 26.23.190(b) - Emergency powers dealing with actual or imminent discharge of oil or hazardous substance is redundant to AS 26.23.040(d).

Repeal: 26.23.195(a) - Is redundant to language in AS 26.23.070(d), as added by SB 33. **AMENDMENT 2/3/94 would repeal all of 26.23.195.**

Repeal: 26.23.195(c) - Is redundant to multiple portions of AS 26.23.040. **AMENDMENT 2/3/94 would repeal all of 26.23.195.**

Repeal: 26.23.215 - Relationship to other planning statutes, relationship has been further defined in 26.23.040, 26.23.060 and 26.23.070.

Repeal: 46.08.110, 46.08.120, 46.08.130(1), (2) and (3): Deletes reference of response corp and depots and takes DES out of definitions section of DEC statutes.

Repeal: 46.13.010 - 46.13.090 - Repeals establishment of SERC and LEPCs under DEC.

Repeal: 46.13.120(6) - Repeals responsibility for the Hazardous Substance Technology Review Council to accept assignments from SERC.

Repeal: 46.13.900(1) - Removes SERC from definitions section of DEC statute.

Section 22. TRANSITION:

DEC should explain what litigation, hearings, investigations and other proceedings are pending under law.

What contracts, liabilities, obligations are outstanding?

Back-up

8-LS0324J  
Lauterbach  
2/16/94

*Phoned  
Lauterbach  
2/17/94*

*MOVED by Sen.  
FRANK  
REPORTED  
OUT*

CS FOR SENATE BILL NO. 33(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATOR LEMAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to emergency planning and response; transferring the Hazardous  
2 Substance Spill Technology Review Council to the Department of Environmental  
3 Conservation; transferring the Alaska State Emergency Response Commission,  
4 including its duty to designate local emergency planning districts and appoint local  
5 emergency planning committees, to the Department of Military and Veterans'  
6 Affairs; and eliminating a requirement that the state and regional oil discharge  
7 prevention and contingency plans be revised annually."

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

9 \* Section 1. AS 26.23.040(b) is amended to read:

10 (b) The Alaska division of emergency services shall play an integral part in  
11 the development and revision of local and interjurisdictional disaster plans prepared  
12 under AS 26.23.060. To this end, it may employ or otherwise secure the services of  
13 professional and technical personnel capable of providing expert assistance to political

1 subdivisions, their disaster agencies, and representatives of interjurisdictional disaster  
2 planning and service areas [DISASTER AGENCIES]. These personnel shall consult  
3 with political subdivisions and agencies on a regular basis and shall make field  
4 examinations of the areas, circumstances, and conditions to which particular local and  
5 interjurisdictional disaster plans are intended to apply and may suggest or require  
6 revisions.

7 \* Sec. 2. AS 26.23.040(c) is amended to read:

8 (c) In preparing and maintaining the state emergency plan, the Alaska division  
9 of emergency services shall seek the advice and assistance of local government,  
10 business, labor, industry, agriculture, civic and volunteer organizations and community  
11 leaders. In advising local and interjurisdictional disaster planners [AGENCIES], the  
12 office shall encourage them also to seek advice from these sources.

13 \* Sec. 3. AS 26.23.040(e) is amended to read:

14 (e) The Alaska division of emergency services shall

15 (1) determine requirements of the state and its political subdivisions for  
16 food, clothing, and other necessities in the event of a disaster emergency;

17 (2) procure and pre-position supplies, medicines, materials, and  
18 equipment;

19 (3) adopt standards and requirements for local and interjurisdictional  
20 disaster plans;

21 (4) periodically review local and interjurisdictional disaster plans;

22 (5) establish and operate, or assist political subdivisions, their disaster  
23 agencies, and representatives of interjurisdictional disaster planning and service  
24 areas [AGENCIES] to establish and operate, training programs;

25 (6) plan and make arrangements for the availability and use of any  
26 private facilities, services, and property and, if necessary and if in fact used, provide  
27 for payment for use under terms and conditions agreed upon by the parties;

28 (7) establish a register of persons with types of training and skills  
29 important in disaster prevention, preparedness, response, and recovery;

30 (8) prepare, for issuance by the governor, orders, proclamations, and  
31 regulations as necessary or appropriate in coping with disasters;

1 (9) cooperate with the federal government and any public or private  
2 agency or entity in achieving any purpose of this chapter and in implementing  
3 programs for disaster prevention, preparedness, response and recovery;

4 (10) develop and carry out procedures and policies to effectively  
5 employ disaster relief funds made available by the governor's authority or by special  
6 legislative action; these procedures shall include application and documentation by  
7 disaster victims or applicants, review, verification and funding approval, and  
8 processing of appeals;

9 (11) do other things necessary or proper for the implementation of this  
10 chapter;

11 (12) to the extent that money is available from an appropriation for  
12 the purposes of this paragraph.

13 (A) award grants for the purpose of forming local  
14 emergency planning committees under AS 26.23.073:

15 (B) in order to comply with 49 U.S.C. Appx. 1815(a)(3),  
16 make funds available to local emergency planning committees for  
17 developing and maintaining emergency plans under AS 26.23.073 and  
18 26.23.075:

19 (C) make funds available to local emergency planning  
20 committees to implement 42 U.S.C. 11022(e) and 42 U.S.C. 11044; and

21 (D) award grants for training local emergency planning  
22 committees and for training and equipping the emergency response  
23 organizations that execute the plans developed by the committees under  
24 AS 26.23.073 and 26.23.075.

25 \* Sec. 4. AS 26.23.040 is amended by adding a new subsection to read:

26 (f) To the extent that the plan prepared under this section relates to action  
27 required to avert human injury or other damage from a release of a hazardous  
28 substance, the plan must be substantially equivalent in relevant respect to the local  
29 emergency plans prepared under AS 26.23.073 and 26.23.075 and the state and  
30 regional master plans prepared by the Department of Environmental Conservation  
31 under AS 46.04.200 - 46.04.210. The plan must use an incident command system

1 comparable to the system used in those plans and must be reviewed by the Alaska  
2 State Emergency Response Commission under AS 26.23.077.

3 \* Sec. 5. AS 26.23 is amended by adding a new section to read:

4 Sec. 26.23.045. RESPONSE CORPS; DEPOTS. (a) The department shall  
5 establish a response corps. The corps consists of volunteers who register with the  
6 department and agree to be trained in techniques for emergency and disaster response  
7 and to be available on short notice to carry out responsibilities of the corps under an  
8 applicable incident command system. Members of the corps are entitled to per diem  
9 and expenses as determined by the department for training and for days spent in  
10 service to the state.

11 (b) The department shall maintain emergency response depots in areas of the  
12 state identified for that purpose in the state emergency plan developed under  
13 AS 26.23.040. The depots shall be equipped and staffed in a manner that ensures  
14 prompt response to emergencies and disasters.

15 \* Sec. 6. AS 26.23.060(a) is amended to read:

16 (a) Each political subdivision in the state is within the jurisdiction of, and shall  
17 be served by, the Alaska division of emergency services. [A MUNICIPALITY ALSO  
18 MAY BE SERVED BY A LOCAL OR INTERJURISDICTIONAL AGENCY  
19 RESPONSIBLE FOR DISASTER PREPAREDNESS AND COORDINATION OF  
20 RESPONSE].

21 \* Sec. 7. AS 26.23.060(b) is amended to read:

22 (b) Each political subdivision is responsible for disaster preparedness and  
23 coordination of response

24 (1) by itself;

25 (2) in conjunction with other political subdivisions by establishing  
26 an [BOROUGH MAY MAINTAIN A DISASTER AGENCY, OR PARTICIPATE IN  
27 A LOCAL OR] interjurisdictional planning and service area under AS 26.23.070;  
28 or

29 (3) in conjunction with the Alaska division of emergency services  
30 [DISASTER AGENCY THAT, EXCEPT AS OTHERWISE PROVIDED IN THIS  
31 CHAPTER, HAS JURISDICTION OVER AND SERVES THE ENTIRE BOROUGH].

1 \* Sec. 8. AS 26.23.060(c) is amended to read:

2 (c) Each political subdivision that has not established the ability to mitigate,  
3 prepare for, respond to, and recover from disasters [DOES NOT HAVE A  
4 DISASTER AGENCY AND HAS NOT MADE ARRANGEMENTS TO SECURE OR  
5 PARTICIPATE IN THE SERVICES OF A DISASTER AGENCY] shall designate,  
6 and provide to the Alaska division of emergency services the name of, a liaison  
7 officer to facilitate the cooperation and protection of that political subdivision in the  
8 work of disaster prevention, preparedness, response, and recovery.

9 \* Sec. 9. AS 26.23.060(e) is amended to read:

10 (e) Each political subdivision [LOCAL AND INTERJURISDICTIONAL  
11 AGENCY] shall ensure that [PREPARE AND KEEP CURRENT] a written local or  
12 interjurisdictional disaster emergency plan for its area is prepared, maintained, and  
13 distributed to all appropriate officials. The disaster emergency plan must include  
14 a clear and complete statement of the emergency responsibilities of all local  
15 agencies and officials.

16 \* Sec. 10. AS 26.23.060 is amended by adding a new subsection to read:

17 (g) To the extent that a plan prepared under this section relates to action  
18 required to avert human injury or other damage from a release of a hazardous  
19 substance, the plan must be substantially equivalent in relevant respects, including the  
20 use of a comparable incident command system, to the local emergency plans prepared  
21 under AS 26.23.073 and 26.23.075 and the state and regional master plans prepared  
22 by the Department of Environmental Conservation under AS 46.04.200 - 46.04.210.  
23 The plan must use an incident command system comparable to the system used in  
24 those plans and must be reviewed by the Alaska State Emergency Response  
25 Commission under AS 26.23.077.

26 \* Sec. 11. AS 26.23.070 is amended by adding a new subsection to read:

27 (d) To the extent that a plan prepared under this section relates to action  
28 required to avert human injury or other damage from a release of a hazardous  
29 substance, the plan must be substantially equivalent in relevant respect to the local  
30 emergency plans prepared under AS 26.23.073 and 26.23.075 and the state and  
31 regional master plans prepared by the Department of Environmental Conservation

1 under AS 46.04.200 - 46.04.210. The plan must use an incident command system  
2 comparable to the system used in those plans and must be reviewed by the Alaska  
3 State Emergency Response Commission under AS 26.23.077.

4 \* Sec. 12. AS 26.23 is amended by adding new sections to read:

5 Sec. 26.23.071. ALASKA STATE EMERGENCY RESPONSE  
6 COMMISSION. (a) There is established in the Department of Military and Veterans'  
7 Affairs the Alaska State Emergency Response Commission.

8 (b) The commission consists of the commissioners of community and regional  
9 affairs, environmental conservation, fish and game, health and social services, labor,  
10 natural resources, public safety, and transportation and public facilities, or the  
11 designees of the commissioners, the adjutant general of the Department of Military and  
12 Veterans' Affairs or a designee, and seven members of the public appointed by the  
13 governor, two of whom must be members of a local emergency planning committee  
14 for an emergency planning district that is predominantly rural in character and two of  
15 whom must be members of a local emergency planning committee for an emergency  
16 planning district that is predominantly urban in character. Two of the other three  
17 members of the public who are appointed to the commission must be members of the  
18 governing body of, or the mayor of, a political subdivision that has a local emergency  
19 planning committee or a person nominated by the governing body or the mayor to  
20 represent the political subdivision. To the extent practicable, the commission must  
21 include members with expertise in the emergency response field.

22 (c) The adjutant general of the Department of Military and Veterans' Affairs,  
23 or the adjutant general's designee, and the commissioner of environmental  
24 conservation, or the commissioner's designee, shall co-chair the commission. The  
25 Department of Military and Veterans' Affairs shall provide staff support to the  
26 commission.

27 (d) Members of the commission other than those from the designated state  
28 departments serve at the pleasure of the governor for staggered terms of three years.  
29 Members of the commission serve without compensation but are entitled to per diem  
30 and travel expenses authorized for members of boards and commissions under  
31 AS 39.20.180.

1 (e) The commission shall

2 (1) serve as the state emergency response commission required under  
3 42 U.S.C. 11001 - 11005;

4 (2) facilitate the preparation and implementation of all emergency  
5 plans, including the statewide, interjurisdictional, and local plans prepared under this  
6 chapter and the state and regional plans prepared under AS 46.04.200 - 46.04.210;

7 (3) review the plans described in (2) of this subsection according to the  
8 criteria established in AS 26.23.077;

9 (4) designate, and revise as necessary, the boundaries of emergency  
10 planning districts under AS 26.23.073;

11 (5) establish a local emergency planning committee under  
12 AS 26.23.073(d) for each emergency planning district;

13 (6) supervise and coordinate the activities of local emergency planning  
14 committees;

15 (7) establish procedures for receiving and processing requests from the  
16 public for information under 42 U.S.C. 11044, including tier II information under 42  
17 U.S.C. 11022;

18 (8) review reports about responses to disaster emergencies and make  
19 recommendations to the appropriate parties involved in the response concerning  
20 improved prevention and preparedness;

21 (9) perform other coordinating, advisory, or planning tasks related to  
22 emergency planning and preparedness for all types of hazards, community  
23 right-to-know reporting, toxic chemical release reporting, or management of hazardous  
24 substances;

25 (10) recommend procedures to integrate, as appropriate, hazardous  
26 substance response planning under 42 U.S.C. 11001 - 11005, federal contingency  
27 planning under 33 U.S.C. 1321 and other federal laws applicable to hazardous  
28 substance discharges, and state, regional, and local planning under this chapter and  
29 AS 46.04.200 - 46.04.210;

30 (11) to the extent consistent with the constitution and law of the state,  
31 perform all other functions prescribed for state emergency response commissions under

1 42 U.S.C. 11001 - 11005; and

2 (12) adopt regulations necessary to carry out the purposes of  
3 AS 26.23.071 - 26.23.077 and 42 U.S.C. 11001 - 11005.

4 Sec. 26.23.073. EMERGENCY PLANNING DISTRICTS AND  
5 COMMITTEES. (a) The commission shall set the boundaries of local emergency  
6 planning districts. The commission shall set the boundaries of a district so that they  
7 are coextensive with the boundaries of a single political subdivision except when it  
8 would be more appropriate, based on findings of the commission, for the district to  
9 include more than one political subdivision or some area that is not contained within  
10 a political subdivision. Before the commission sets the boundaries for a district under  
11 this subsection so that it includes more than one political subdivision or some area that  
12 is not within a political subdivision, the commission shall consult the emergency  
13 response organizations and the political subdivisions in the proposed district.

14 (b) If, after the commission sets boundaries for districts under (a) of this  
15 section, there remain areas of the state that are not included in any district, those areas  
16 constitute a local emergency planning district.

17 (c) If the commission sets boundaries for a district under this section that  
18 includes more than one political subdivision, the commission shall recommend to the  
19 governor the designation of an interjurisdictional disaster planning and service area  
20 under AS 26.23.070 whose boundaries are coextensive with the boundaries of the local  
21 emergency planning district established under this section.

22 (d) The commission shall appoint the members of a local emergency planning  
23 committee for each emergency planning district established under (a) and (b) of this  
24 section. In making appointments for a district that contains only one political  
25 subdivision, the commission shall follow the recommendations of the political  
26 subdivision if those recommendations would constitute a committee that meets the  
27 requirements of this subsection. In making appointments for a district that contains  
28 more than one political subdivision, the commission shall consider the  
29 recommendations of each political subdivision and follow the recommendations to the  
30 extent that the political subdivisions are in agreement and their recommendations  
31 would constitute a committee that meets the requirements of this subsection. To the

1 extent required under regulations that may be adopted by the commission, the political  
2 subdivisions in a district that includes more than one political subdivision shall follow  
3 a process under which they develop coordinated recommendations to submit to the  
4 commission under this subsection. In making appointments for a district that includes  
5 some area that is not contained within a political subdivision, the commission shall  
6 consider the recommendations of emergency response organizations in the district. In  
7 making appointments for the district formed under (b) of this section, the commission  
8 shall attempt to achieve equitable geographical representation on the committee.  
9 Except as provided in (e) of this section, each committee must include, at a minimum,  
10 representatives of each of the following seven categories:

- 11 (1) elected local officials;
- 12 (2) law enforcement, civil defense, fire fighting, first aid, health, local  
13 environmental, hospital, and transportation personnel;
- 14 (3) broadcast or print media;
- 15 (4) community groups;
- 16 (5) owners and operators of facilities subject to the requirements of 42  
17 U.S.C. 11001 - 11005;
- 18 (6) representatives of a local or interjurisdictional disaster planning and  
19 service area if one has been established that includes part of the district; and
- 20 (7) members of the public that are not described in (1) - (6) of this  
21 subsection.

22 (e) If advertisement and the commission's own initiative do not result in the  
23 acceptance of appointment to a committee by at least one person from a category  
24 under (d)(1) - (7) of this section, the requirement of (d) of this section that there be  
25 representation of that category on that committee is suspended until sufficient willing  
26 appointees become available.

27 (f) A person may request the commission to change the membership of a local  
28 emergency planning committee.

29 (g) Each local emergency planning committee shall

30 (1) establish procedures for receiving and processing requests from the  
31 public for information under 42 U.S.C. 11044, including tier II information under 42

1 U.S.C. 11022;

2 (2) appoint a chair and establish rules by which the committee shall  
3 function, including provisions for public notification of committee activities, public  
4 advertising of positions available on the committee, public meetings to discuss the  
5 emergency plan, public comments, response to the comments by the committee,  
6 distribution of the emergency plan, and designation of an official to serve as  
7 coordinator for information;

8 (3) prepare and periodically review an emergency plan in accordance  
9 with 42 U.S.C. 11003(a) in a manner that includes coordination with the political  
10 subdivisions covered by the plan;

11 (4) evaluate the need for resources necessary to develop, implement,  
12 and exercise the emergency plan, and submit recommendations to the political  
13 subdivisions in the emergency planning district with respect to the resources that may  
14 be required and the means for providing the resources;

15 (5) to the extent consistent with the constitution and law of the state,  
16 perform all other functions prescribed for emergency planning committees in 42 U.S.C.  
17 11001 - 11005;

18 (6) to the extent considered advisable by the committee, make  
19 recommendations to political subdivisions, representatives of interjurisdictional disaster  
20 planning and service areas, and state agencies about the preparation of local, state, and  
21 interjurisdictional plans; and

22 (7) serve as an advisory committee to the political subdivisions within  
23 the emergency planning district or the interjurisdictional planning and service area  
24 established under AS 26.23.070 with respect to emergency planning, training, and  
25 response.

26 (h) A state agency represented on the commission shall, upon request, provide  
27 technical assistance to a local emergency planning committee in the performance of  
28 its duties under this section.

29 Sec. 26.23.075. EMERGENCY PLANS. (a) An emergency plan prepared  
30 under AS 26.23.073 must include

31 (1) identification of facilities subject to the requirements of 42 U.S.C.

1 11001 - 11005 that are within the emergency planning district, identification of routes  
2 likely to be used for the transportation of substances on the list of extremely hazardous  
3 substances referred to in 42 U.S.C. 11002(a), and identification of additional facilities  
4 contributing or subjected to additional risk due to their proximity to facilities subject  
5 to the requirements of 42 U.S.C. 11001 - 11005 such as hospitals or natural gas  
6 facilities;

7 (2) methods and procedures to be followed by facility owners and  
8 operators and local emergency and medical personnel to respond to a release of  
9 hazardous substances or a release of substances on the list of extremely hazardous  
10 substances referred to in 42 U.S.C. 11002(a);

11 (3) designation of an emergency coordinator, as required under  
12 AS 26.23.060(d), and facility emergency coordinators, who shall make determinations  
13 necessary to implement the emergency plan;

14 (4) procedures providing reliable, effective, and timely notification by  
15 the facility emergency coordinators to persons designated in the emergency plan, and  
16 to the public, that a release has occurred, consistent with the emergency notification  
17 requirements of 42 U.S.C. 11004;

18 (5) methods for determining the occurrence of a release and the area  
19 or population likely to be affected by that release;

20 (6) a description of emergency equipment and facilities in the  
21 community and at each facility in the community subject to the requirements of 42  
22 U.S.C. 11001 - 11005, and an identification of the persons responsible for the  
23 equipment and facilities;

24 (7) evacuation plans, including provisions for a precautionary  
25 evacuation and alternative traffic routes;

26 (8) training programs, including schedules for training of local  
27 emergency response and medical personnel; and

28 (9) methods and schedules for exercising the emergency plan.

29 (b) An emergency plan prepared under AS 26.23.073 may include descriptions,  
30 procedures, and programs related to disasters other than those caused by releases of  
31 hazardous substances.

1 (c) Each emergency plan prepared under AS 26.23.073 must incorporate within  
2 it an incident command system. The incident command system must be substantially  
3 equivalent in relevant respects to the incident command systems established under  
4 AS 46.04.200 - 46.04.210 and meet the requirements of AS 26.23.077.

5 Sec. 26.23.077. PLAN REVIEW; INCIDENT COMMAND SYSTEMS. (a)  
6 The commission shall review and make recommendations about local,  
7 interjurisdictional, regional, and state emergency plans, including plans prepared under  
8 this chapter and AS 46.04.200 - 46.04.210.

9 (b) When making recommendations about a plan, the commission shall suggest  
10 changes that ensure that the plan includes an incident command system that describes  
11 the respective roles of affected persons and agencies in a clear and specific manner and  
12 that the respective roles of state agencies are consistent with their statutory duties. The  
13 commission shall also suggest changes that ensure that the plans are well-integrated  
14 with related plans.

15 (c) To the extent consistent with other law, an incident command system  
16 recommended under this section or included in a plan reviewed under this section must  
17 provide that the Department of Military and Veterans' Affairs has a major role in  
18 mobilization of personnel and resources, communications, transportation planning, and  
19 other logistics involved in a state response to a disaster or other emergency.

20 \* Sec. 13. AS 26.23.140(c) is amended to read:

21 (c) A representative of an [AN] interjurisdictional disaster planning and  
22 service area [AGENCY OR OFFICIAL OF AN AGENCY] may not declare a local  
23 disaster emergency unless expressly authorized by the principal executive officer of  
24 each political subdivision in the emergency area [AGREEMENT UNDER WHICH  
25 THE AGENCY FUNCTIONS. AN INTERJURISDICTIONAL DISASTER AGENCY  
26 SHALL PROVIDE AID AND SERVICES IN ACCORDANCE WITH THE  
27 AGREEMENT UNDER WHICH IT FUNCTIONS].

28 \* Sec. 14. AS 26.23.150(a) is amended to read:

29 (a) In addition to disaster prevention measures as included in the state, local,  
30 and interjurisdictional disaster plans, the governor shall consider, on a continuing basis,  
31 steps that could be taken to prevent or reduce the harmful consequences of disasters.

1 At the governor's direction, and under any other authority and competence they have,  
2 state agencies, including but not limited to those charged with responsibilities in  
3 connection with flood plain management, stream encroachment and flow regulation,  
4 weather modification, fire prevention and control, environmental [A. T.] quality, public  
5 works, land use and land use planning, and construction standards, shall make studies  
6 of disaster-prevention-related matters. The governor, from time to time, shall make  
7 recommendations to the legislature, local governments, and other appropriate public  
8 and private entities as may facilitate measures for the prevention or reduction of the  
9 harmful consequences of disasters.

10 \* Sec. 15. AS 26.23.180(c) is amended to read:

11 (c) It is a sufficient reason for the governor to require an interjurisdictional  
12 agreement or arrangement under AS 26.23.070 that the area involved and political  
13 subdivisions in it have available equipment, supplies, and forces necessary to provide  
14 mutual aid on a regional basis, and that the political subdivisions have not already  
15 made adequate provision for mutual aid; but in requiring an interjurisdictional  
16 arrangement in order to accomplish the purpose of this section, the governor need not  
17 require establishment and maintenance of an interjurisdictional disaster planning and  
18 service area [AGENCY] or arrangement for any other disaster purposes.

19 \* Sec. 16. AS 26.23.900 is amended by adding new paragraphs to read:

20 (8) "commission" means the Alaska State Emergency Response  
21 Commission;

22 (9) "hazardous substance" has the meaning given in AS 46.03.826.

23 \* Sec. 17. AS 46.03.865(a) is amended to read:

24 (a) When the department finds that an actual or imminent discharge of oil, a  
25 hazardous substance, or low level radioactive materials to the air, water, land, or  
26 subsurface land of the state poses an immediate threat to the public health or welfare  
27 or the environment of the state, it may issue an order declaring an emergency and  
28 directing a person or persons to take action the department believes necessary to meet  
29 the emergency, and protect the public health, welfare, or environment. If there is an  
30 incident command system established under AS 26.23 or [,] AS 46.04.200 - 46.04.210  
31 [, OR AS 46.13] that is applicable to the situation for which the department issues an

1 order under this subsection, the department's exercise of authority under this  
2 subsection shall be guided by the relevant provisions of the incident command system.

3 \* Sec. 18. AS 46.03.865(c) is amended to read:

4 (c) During a period of emergency declared under (a) of this section, each state  
5 agency shall take whatever action the department finds necessary to meet the  
6 emergency and to protect the public health, welfare, or environment, consistent with  
7 the responsibilities assigned to them under an incident command system established  
8 under AS 26.23 or [,] AS 46.04.200 - 46.04.210 [, OR AS 46.13] if one is applicable  
9 to the situation.

10 \* Sec. 19. AS 46.04.200 is amended to read:

11 Sec. 46.04.200. STATE MASTER PLAN. (a) The department shall prepare,  
12 [AND] annually review, and revise as necessary a statewide master oil and hazardous  
13 substance discharge prevention and contingency plan.

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

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

17 (2) include incident command systems that clarify and specify the  
18 respective responsibilities of each of the following in the assessment, containment, and  
19 cleanup of various types and sizes of discharges of oil or a hazardous substance into  
20 the environment of the state:

21 (A) the Department of Environmental Conservation [, THE  
22 DIVISION OF EMERGENCY SERVICES IN THE DEPARTMENT OF  
23 MILITARY AND VETERANS' AFFAIRS, AND OTHER AGENCIES OF  
24 THE STATE; RESPONSIBILITIES ASSIGNED TO EACH AGENCY MUST  
25 BE CONSISTENT WITH ITS STATUTORY AUTHORITY];

26 (B) municipalities of the state;

27 (C) appropriate federal agencies;

28 (D) operators of facilities;

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

31 (F) if the release involves a disaster declared by a state or

1           local official. the duties of all appropriate state agencies [OTHER PARTIES  
2 IDENTIFIED BY THE COMMISSION AS HAVING AN INTEREST IN OR  
3 THE RESOURCES TO ASSIST IN THE CONTAINMENT AND CLEANUP  
4 OF AN OIL OR HAZARDOUS SUBSTANCE DISCHARGE];

5           (3) include incident command systems that specify the respective  
6 responsibilities of parties identified in (2) of this subsection in an emergency response  
7 under AS 26.23, AS 46.03.865, [OR] AS 46.04.080, or AS 46.09.030; responsibilities  
8 assigned to each state agency must be consistent with its statutory authority; and

9           (4) identify actions necessary to reduce the likelihood of  
10 [CATASTROPHIC OIL DISCHARGES AND SIGNIFICANT] discharges of oil or  
11 hazardous substances [; AND

12           (5) DESIGNATE THE LOCATIONS WHERE OIL AND  
13 HAZARDOUS SUBSTANCE EMERGENCY RESPONSE DEPOTS SHOULD BE  
14 ESTABLISHED IN THE STATE AND WHERE EMERGENCY RESPONSE CORPS  
15 PERSONNEL SHOULD BE AVAILABLE].

16           (c) If the commissioner determines that [IN PREPARING AND  
17 ANNUALLY REVIEWING] the state master plan should be revised, the  
18 commissioner shall

19           (1) consult with municipal, [AND] community, and local emergency  
20 planning committee officials, and with representatives of affected regional  
21 organizations;

22           (2) submit the draft plan with revisions to the public for review and  
23 comment; and

24           (3) submit to the legislature for review, not later than the 10th day  
25 following the convening of each regular session, [THE PLAN AND] any [ANNUAL]  
26 revision of the plan;

27           (4) [REQUIRE OR SCHEDULE UNANNOUNCED OIL SPILL  
28 DRILLS TO TEST THE SUFFICIENCY OF AN OIL DISCHARGE PREVENTION  
29 AND CONTINGENCY PLAN APPROVED UNDER AS 46.04.030 OR OF THE  
30 CLEANUP PLANS OF A PARTY IDENTIFIED UNDER (b)(2) OF THIS SECTION;

31           (5)] submit [THE PLAN AND] any revision of the plan to the Alaska

1 State Emergency Response Commission for its review [AND APPROVAL] under  
2 AS 26.23.077 [AS 46.13.045].

3 \* Sec. 20. AS 46.04.200 is amended by adding a new subsection to read:

4 (d) In order to determine whether the state master plan should be revised, or  
5 at any other time, the commissioner may require or schedule unannounced oil spill  
6 drills to test the sufficiency of an oil discharge prevention and contingency plan  
7 approved under AS 46.04.030 or of the cleanup plans of a party identified under (b)(2)  
8 of this section.

9 \* Sec. 21. AS 46.04.210(a) is amended to read:

10 (a) For any region of the state, the boundaries of which are determined by the  
11 commissioner by regulation, in which the department is required to review and approve  
12 an oil discharge prevention and contingency plan submitted by a person under  
13 AS 46.04.01, the department shall prepare, [AND] annually review, and revise as  
14 necessary a regional master oil and hazardous substance discharge prevention and  
15 contingency plan.

16 \* Sec. 22. AS 46.04.210 is amended by adding a new subsection to read:

17 (c) In setting boundaries under (a) of this section, the department shall, when  
18 possible, group together communities that are likely to require coordination of their  
19 efforts to respond effectively to a discharge.

20 \* Sec. 23. AS 46.08.040(a) is amended to read:

21 (a) In addition to money in the fund that is transferred to the commissioner of  
22 community and regional affairs to make grants under AS 29.60.510 and to pay for  
23 impact assessments under AS 29.60.560, the commissioner of environmental  
24 conservation may use money from the fund to

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

30 (2) pay all costs incurred to

31 (A) establish and maintain the oil and hazardous substance

1 response office, including costs incurred under an agreement entered into  
2 under AS 46.04.090 or AS 46.09.040:

3 (B) review oil discharge prevention and contingency plans  
4 submitted under AS 46.04.030;

5 (C) conduct training, response exercises, inspections, and tests,  
6 in order to verify equipment inventories and ability to prevent and respond to  
7 oil and hazardous substance release emergencies, and to undertake other  
8 activities intended to verify or establish the preparedness of the state, a  
9 municipality, or a party required by AS 46.04.030 to have an approved  
10 contingency plan to act in accordance with that plan; and

11 (D) verify or establish proof of financial responsibility required  
12 by AS 46.04.040;

13 (3) pay the expenses incurred by the Department of Military and  
14 Veterans' Affairs [ALASKA DIVISION OF EMERGENCY SERVICES] for Alaska  
15 State Emergency Response Commission activities, including staff support, when  
16 the activities and staff support relate to oil and hazardous substances and for the  
17 costs of being prepared for and responding to a request by the Department of  
18 Environmental Conservation for support in response and restoration activities,  
19 but not including the costs of maintaining the [OIL AND HAZARDOUS  
20 SUBSTANCE] response corps and the emergency [OIL AND HAZARDOUS  
21 SUBSTANCE] response depots under AS 26.23.045, when presented with appropriate  
22 documentation by the Department of Military and Veterans' Affairs [DIVISION];

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

26 (5) recover the costs to the state, a municipality, or a village of a  
27 containment and cleanup resulting from the release or the threatened release of oil or  
28 a hazardous substance;

29 (6) prepare, review, and revise

30 (A) the state's master oil and hazardous substance discharge  
31 prevention and contingency plan required by AS 46.04.200; and

1 (B) a regional master oil and hazardous substance discharge  
2 prevention and contingency plan required by AS 46.04.210; and

3 (7) restore the environment by addressing the effects of an oil or  
4 hazardous substance release.

5 \* Sec. 24. AS 46.08.150 is amended to read:

6 Sec. 46.08.150. CONTRACTS. The department [OFFICE OR THE  
7 DIVISION, AS APPLICABLE,] may enter into agreements with agencies of the state  
8 and federal government, political subdivisions, the University of Alaska, or private  
9 persons or entities to

10 [(1) PROVIDE THE PERSONNEL, EQUIPMENT, OR OTHER  
11 SERVICES OR SUPPLIES NECESSARY TO ESTABLISH AND MAINTAIN  
12 REGIONAL OIL AND HAZARDOUS SUBSTANCES DEPOTS AND  
13 AS NECESSARY FOR RESPONSE READINESS;

14 (2) TRAIN MEMBERS OF RESPONSE CORPS; AND

15 (3)] conduct research into oil and hazardous substances spill  
16 technology; the department [OFFICE] shall include in the research topics for which  
17 it conducts or contracts for research, the research topics recommended to it by the  
18 Hazardous Substance Spill Technology Review Council under AS 46.13.120.

19 \* Sec. 25. AS 46.09.040 is amended to read:

20 Sec. 46.09.040. HAZARDOUS SUBSTANCES CONTAINMENT AND  
21 CLEANUP. The department [COMMISSIONER] may contract with a person or a  
22 municipality for personnel, equipment, or services that may be useful to carry out the  
23 requirements of this chapter. If the department [COMMISSIONER] determines that  
24 it is infeasible to contract with a person or a municipality, the department  
25 [COMMISSIONER] may establish and maintain containment and cleanup personnel,  
26 equipment, and supplies necessary to carry out the requirements of this chapter. When  
27 exercising its authority under this section, the department shall coordinate with  
28 the Department of Military and Veterans' Affairs to avoid duplication of efforts.

29 \* Sec. 26. AS 46.13.100 is amended to read:

30 Sec. 46.13.100. FINDINGS AND PURPOSE. The legislature

31 (1) finds and declares that there exists a lack of scientific knowledge

1 concerning the availability, properties, and effectiveness of various hazardous substance  
2 containment and cleanup technologies; and

3 (2) concludes that it is in the best interest of the state and its citizens  
4 to establish a Hazardous Substance Spill Technology Review Council [IN THE  
5 ALASKA STATE EMERGENCY RESPONSE COMMISSION] to assist in the  
6 identification of containment and cleanup products and procedures for arctic and  
7 sub-arctic hazardous substance releases and make recommendations to the departments  
8 and agencies of the state regarding their use and deployment.

9 \* Sec. 27. AS 46.13.110(a) is amended to read:

10 (a) There is established in the Department of Environmental Conservation  
11 [ALASKA STATE EMERGENCY RESPONSE COMMISSION] the Hazardous  
12 Substance Spill Technology Review Council.

13 \* Sec. 28. AS 26.23.060(f), 26.23.190(b), 26.23.195, 26.23.215; AS 46.08.110, 46.08.120,  
14 46.08.190(1), 46.08.190(2), 46.08.190(3); AS 46.13.010, 46.13.020, 46.13.030, 46.13.040,  
15 46.13.045, 46.13.050, 46.13.060, 46.13.070, 46.13.080, 46.13.090, 46.13.120(6), and  
16 46.13.900(1) are repealed.

17 \* Sec. 29. TRANSITION. (a) Litigation, hearings, investigations, and other proceedings  
18 pending under a law amended or repealed by this Act, or in connection with functions  
19 transferred by this Act, continue in effect and may be continued and completed  
20 notwithstanding a transfer or amendment or repeal provided for in this Act.

21 (b) Contracts, rights, liabilities, and obligations created by or under a law amended  
22 or repealed by this Act, and in effect on the effective date of this Act, remain in effect  
23 notwithstanding this Act's taking effect.

24 (c) Regulations adopted under sections amended or repealed by this Act remain in  
25 effect until superseded by new regulations adopted under sections amended or enacted by this  
26 Act.

# FISCAL NOTE

No. 4  
 Bill Version: CSSB 33 (STA)  
 (S) Publish Date: 1-24-94

STATE OF ALASKA  
 1994 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Environmental Conservation  
 Title: An Act relating to disaster emergency planning and response. BRU: Spill Prevention and Response  
 Component: Government Preparedness and Response  
 Sponsor: Senator Leman  
 Requestor: Senator Leman COMPONENT SERIAL NO. 1923

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	(181.3)	0.0	0.0	0.0	0.0	0.0
TRAVEL	(24.4)	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	(435.2)	0.0	0.0	0.0	0.0	0.0
SUPPLIES	(4.0)	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	(1.8)	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(646.7)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHT/A						
Other: 1052 Oil/Haz "470" Fund	(646.7)	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>(646.7)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY94) cost: \$ not applicable

**POSITIONS**

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME	(3.0)	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

See attached pages for analysis

Prepared by: Robert Poe, Director RGP  
 Division: Information and Administrative Services  
 Approved by: John Sandor, Commissioner RGP  
 Agency: Environmental Conservation

Phone: 465-5010  
 Date: 1/13/94  
 Date: 1/13/94

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ATTACHMENT TO FISCAL NOTES TO CSSB 33 (STA)

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Division of Spill Prevention and Response (SPAR)

By amending the Alaska Disaster Act, CSSB 33 (STA) will expand the responsibility of the State Emergency Response Commission (SERC), and Local Emergency Planning Committees (LEPC) to prepare plans for local and State government response to declared disasters or emergencies. Staff support for the SERC would be transferred from the Department of Environmental Conservation (DEC) to the Department of Military and Veterans Affairs (DMVA). CSSB 33 would additionally direct DMVA to provide financial assistance to LEPCs and require all State agencies to provide technical planning assistance to the LEPCs.

CSSB 33 would reduce DEC staff assistance to the SERC and administrative assistance to LEPC on behalf of the SERC. This workload reduction would also reduce the level of funding proposed for the State Emergency Response Commission project (PJ # 5503), and the Local Planning Project (PJ #5502) proposed in DEC's FY 95 budget under the Government Preparedness and Response Component. The following briefly describes the proposed FY 95 project tasks that DEC would no longer be required to perform under CSSB 33, the corresponding reduction in funding and staff positions budgeted for that work, and the associated work and resources retained by DEC.

**SERC Project**

DEC's FY 95 budget request includes \$105,800 and 1.1 FTE to provide staff support to the State Emergency Response Commission (SERC), public member travel costs, and SERC meeting expenses. Since CSSB 33 would eliminate DEC's staff responsibility for the SERC, DEC's FY 95 SERC project request would be eliminated.

**Local Planning Project**

DEC's FY 95 local planning project budget request includes \$1,107,900 and 4.9 FTE to provide technical and financial assistance to LEPCs established by the SERC for preparing plans in compliance with State and federal requirements.

Of this request, \$400,000 is for LEPCs to develop plans, and \$140,900 with 1.9 FTE is for DEC to administer the funds awarded to LEPCs by the SERC, and to assist communities wishing to form LEPCs. Since CSSB 33 would eliminate DEC's administrative assistance to LEPC's on behalf of the SERC, DEC's FY 95 request would be reduced by \$540,900 and 1.9 FTE.

The remaining budget request for the local planning project (\$567,000 and 3.0 FTE) is for DEC to provide technical assistance to LEPCs and local governments in identifying local, State and federal response resources necessary to implement a local response plan. DEC also assists local communities in designing spill response drills to test local response readiness and provides communities with information regarding local oil and hazardous risks, and ways to prevent or reduce identified risks. CSSB 33 would not affect DEC's current responsibilities or budget request for this element of the local planning project.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSSB33 (FIN)

Revision Date: \_\_\_\_\_ Dept. Affected: Environmental Conservation  
 Title: An Act relating to disaster emergency planning and response. BRU: Information and Administrative Services  
 Component: Response Fund Administration  
 Sponsor: Senator Leman  
 Requestor: Senator Leman COMPONENT SERIAL NO. 1624

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	646.7	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>646.7</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other: 1052 Oil/Haz "470" Fund	646.7	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>646.7</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY94) cost: \$ not applicable

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)  
 See attached pages for analysis

Prepared by: Robert Foe, Director Phone: 465-5010  
 Division: Information and Administrative Services Date: 4/20/94  
 Approved by: John Sandor, Commissioner Date: 4/20/94  
 Agency: Environmental Conservation

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**ATTACHMENT TO FISCAL NOTES TO CSSB 33 (STA)**

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Division of Information and Administrative Services  
Response Fund Administration**

The Department has included requests for funding from the Response Fund for other agencies under the Response Fund Administration component of its FY 95 budget. This fiscal note reflects an increase in the Department's FY 95 funding request under the Response Fund Administration component to provide \$646,700 in funding to the Department of Military and Veterans Affairs for implementation of CSSB 33(FIN).

This fiscal note includes \$400,000 in funding for Local Emergency Planning Committees (LEPC), and would in effect restore the \$300,000 cut made by the House and Senate to the Department's FY 95 request for LEPC funding under the Government Preparedness and Response (GPRP) component.

Under a separate fiscal note, the Department's FY 95 budget under the GPRP component would be reduced by \$346,700 which includes \$100,000 in LEPC funding and \$246,000 for other operating expenses as described in the attachment to that document.

SENATE FINANCE  
COMMITTEE

Amendment Number: 1  
Bill Number: CS SB 33 (STA)  
Sponsor: February 3, 1994 Date: 2-2-93  
Logged In By: JLJ

PROPOSED AMENDMENT FOR CS SB 33(STA):

*Sen. Lemon prepared*

Page 1, Line 9 Section 1 INSERT:

AS 26.23.040(b) is amended to read: The Alaska division of emergency services shall play an integral part in the development and revision of local and interjurisdictional disaster plans prepared under AS 26.23.060. To this end, it may employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions, their disaster agencies, and **representatives of interjurisdictional disaster planning and service areas [DISASTER AGENCIES]**. These personnel shall consult with political subdivisions and agencies on a regular basis and shall make field examinations of the areas, circumstances, and conditions to which particular local and interjurisdictional disaster plans are intended to apply and may suggest or require revisions.

AS 26.23.040(c) is amended to read: In preparing and maintaining the state emergency plan, the Alaska division of emergency services shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations and community leaders. In advising local and interjurisdictional **disaster planners [AGENCIES]**, the office shall encourage them also to seek advice from these sources.

Page 1, Line 9: DELETE:

[AS 26.23.040(e) IS AMENDED BY ADDING A NEW PARAGRAPH TO READ:]

INSERT as Section 2 and renumber following sections accordingly:

AS 26.23.040(e) is amended to read:

- (e) The Alaska division of emergency services shall
- (1) determine requirements of the state and its political subdivisions for food, clothing, and other necessities in the event of a disaster emergency;
  - (2) procure and preposition supplies, medicines, materials, and equipment;
  - (3) adopt standards and requirements for local and interjurisdictional disaster plans;
  - (4) periodically review local and interjurisdictional disaster plans;
  - (5) establish and operate, or assist political subdivisions, their disaster agencies, and **representatives of interjurisdictional disaster planning and service areas [AGENCIES]** to establish and operate, training programs;
  - (6) plan and make arrangements for the availability and use of any private facilities, services, and property and, if necessary and if in fact used, provide for payment for use under terms and conditions agreed upon by the parties;
  - (7) establish a register of persons with types of training and skills important in disaster prevention, preparedness, response, and recovery;
  - (8) prepare, for issuance by the governor, orders, proclamations, and regulations as necessary or appropriate in coping with disasters;

AMENDMENT - CS SB 33(STA) 2/3/94

(9) cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, preparedness, response and recovery;

(10) develop and carry out procedures and policies to effectively employ disaster relief funds made available by the governor's authority or by special legislative action; these procedures shall include application and documentation by disaster victims or applicants, review, verification and funding approval, and processing of appeals;

(11) do other things necessary or proper for the implementation of this chapter.

Page 2, Line 31 and Page 3, Lines 1-15: DELETE AND INSERT THE FOLLOWING:

AS 26.23.060 is amended to read:

AS 26.23.060 Local and interjurisdictional disaster **[AGENCIES AND]** services.

(a) Each political subdivision in the state is within the jurisdiction of, and shall be served by, the Alaska division of emergency services. **[A MUNICIPALITY ALSO MAY BE SERVED BY A LOCAL OR INTERJURISDICTIONAL AGENCY RESPONSIBLE FOR DISASTER PREPAREDNESS AND COORDINATION OF RESPONSE.]**

(b) Each political subdivision is responsible for disaster preparedness and coordination of response. This may be accomplished unilaterally, in conjunction with other political subdivisions by establishing an interjurisdictional planning and service area under AS 26.23.070, or in conjunction with the Alaska division of emergency services **[BOROUGH MAY MAINTAIN A DISASTER AGENCY, OR PARTICIPATE IN A LOCAL OR INTERJURISDICTIONAL DISASTER AGENCY WHICH, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, HAS JURISDICTION OVER AND SERVES THE ENTIRE BOROUGH].**

(c) Each political subdivision that has not established the ability to mitigate, prepare for, respond to and recover from disasters **[DOES NOT HAVE A DISASTER AGENCY AND HAS NOT MADE ARRANGEMENTS TO SECURE OR PARTICIPATE IN THE SERVICES OF A DISASTER AGENCY]** shall designate and identify to the Alaska division of emergency services, a liaison officer to facilitate the cooperation and protection of that political subdivision in the work of disaster prevention, preparedness, response, and recovery.

(d) The principal executive officer of each political subdivision in the state shall notify the Alaska division of emergency services of the manner in which the political subdivision is providing or securing disaster planning and intends to provide or secure emergency services, identify the person who heads the agency from which the services are or will be obtained, and furnish additional information relating to the services as the Alaska division of emergency services requires.

(e) Each political subdivision **[LOCAL AND INTERJURISDICTIONAL AGENCY]** shall ensure that **[PREPARE AND KEEP CURRENT]** a written local or interjurisdictional disaster emergency plan for its area is prepared, maintained and distributed to all appropriate officials. The disaster

emergency plan shall include a clear and complete statement of the emergency responsibilities of all local agencies and officials.

(f) To the extent that a plan prepared under this section relates to action required to avert human injury or damage from a release of a hazardous substance, the plan must be substantially equivalent in relevant respects including the use of a comparable incident command system, to the local emergency plans prepared under AS 26.23.073 and 26.23.075 and the state and regional master plans prepared by the Department of Environmental Conservation under AS 46.04.200 - 46.04.210. The plan must use an incident command system comparable to the system used in those plans and must be reviewed by the Alaska State Emergency Response Commission under AS 26.23.077. [THE LOCAL OR INTERJURISDICTIONAL DISASTER AGENCY, AS THE CASE MAY BE, SHALL PREPARE AND DISTRIBUTE TO ALL APPROPRIATE OFFICIALS IN WRITTEN FORM A CLEAR AND COMPLETE STATEMENT OF THE EMERGENCY RESPONSIBILITIES OF ALL LOCAL AGENCIES AND OFFICIALS.]

Page 7, Lines 9-10:

(6) representatives [MEMBERS] of a local or interjurisdictional disaster planning and [DISASTER AGENCY] service area if one has been established that includes part of the district; and

Page 8, Lines 9-12:

(6) to the extent considered advisable by the committee, make recommendations to political subdivisions, representatives of interjurisdictional disaster planning and [DISASTER AGENCIES] service areas, and state agencies about the preparation of local, state, and interjurisdictional plans;

Page 10, Section 8:

AS 26.23.140(c) is amended to read:

No representative of an interjurisdictional disaster planning and service area [AGENCY OR OFFICIAL] may declare a local disaster emergency unless expressly authorized by the principal executive officer of the political subdivision of subdivisions affected [AGREEMENT UNDER WHICH THE AGENCY FUNCTIONS. AN INTERJURISDICTIONAL DISASTER AGENCY SHALL PROVIDE AID AND SERVICES IN ACCORDANCE WITH THE AGREEMENT UNDER WHICH IT FUNCTIONS].

Renumber following sections accordingly.

Page 10, Section 9.

AMENDMENT - CS SB 33(STA) 2/3/94

AS 26.29.180(c) is amended to read:

It is sufficient reason for the governor to require an interjurisdictional agreement or arrangement under AS 26.23.070 that the area involved and political subdivision in it have available equipment, supplies, and forces necessary to provide mutual aid on a regional basis, and that the political subdivisions have not already made adequate provision for mutual aid; but in requiring an interjurisdictional arrangement in order to accomplish the purpose of this section, the governor need not require establishment and maintenance of an interjurisdictional disaster planning and service area [AGENCY] or arrangement for any other disaster purposes.

*Page 10. Lines 28-30: DELETE*

**[(10) " INTERJURISDICTIONAL PLANNING AND DISASTER AGENCY" MEANS AN INTERJURISDICTIONAL AGENCY AUTHORIZED UNDER AS 26.23.060 OR AN INTERJURISDICTIONAL RELATIONSHIP CREATED BY ORDER OF THE GOVERNOR UNDER AS 26.23.070(a).]**

*Page 16. Line20: DELETE AND INSERT:*

**[AS 26.23.195(a), 26.23.195(c)]**

**AS 26.23.195**



# SENATOR LOREN LEMAN

Northwest Anchorage

3111 "C" Street Anchorage, AK 99503 561-7614 During Session: State Capitol Juneau, AK 99801 465-2095

## MEMORANDUM

TO: Bill Miles, Aide  
Senate Finance Committee

FROM: Annette Kreitzer, Aide *AK*  
Senator Lemman, Sponsor

DATE: February 7, 1994

RE: Amendments to CS SB33(STA)

\*\*\*\*\*

**The following are the only amendments Senator Lemman has for CS SB33(STA):**

- 1) The DMVA amendment presented in committee 2/3/94.
- 2) Amendment from Terri Lauterbach re: governing body (8-LS0324\D.4)
- 3) Amendment from Terri Lauterbach re: 470 fund (Section 16) (8-LS0324\D.2)

Some people were concerned about defining "emergency". In SB 33, it is not a good idea to define emergency, because then you have to define a response to an "emergency". A definition of emergency could not possibly cover the things which constitute emergencies in the minds of those who contact the state for advice or assistance. Currently, the departments have the discretion to NOT act, but to only give advice or guidance. Trying to narrow this discretion would add administrative burdens, and would not be efficient.

**SENATE FINANCE  
COMMITTEE**

Amendment Number: (2) + (3)

Bill Number: SB 33

Sponsor: \_\_\_\_\_ Date: 2/14/94

Logged In By: RM

AMENDMENT

#2

OFFERED IN THE SENATE

TO: CSSB 33(STA)

Page 4, line 8, after "body of":

Insert ", or the mayor of,"

Page 4, line 9, after "committee":

Insert "or a person nominated by the governing body or the mayor to represent the political subdivision"

Page 6, line 2:

Delete "the governing body of"

Page 6, line 15:

Delete "of the governing body"

Page 6, line 19:

Delete "of the governing body"

Page 6, line 20:

Delete "governing bodies"

Insert "political subdivisions"

SENATE FINANCE  
COMMITTEE  
Amendment Number: 2  
Bill Number: JK 33  
Sponsor: \_\_\_\_\_ Date: 2/14/94  
Logged In By: (RM)

#3

AMENDMENT

OFFERED IN THE SENATE  
TO: CSSB 33(STA)

Page 14, line 23, after "support.":

Insert "when the activities and staff support relate to oil and hazardous substances"

SENATE FINANCE  
COMMITTEE (43)  
Amendment Number: \_\_\_\_\_  
Bill Number: SB 33  
Sponsor: \_\_\_\_\_ Date: 2/14/94  
Logged In By: (B.M.)



Regional Citizens' Advisory Council / 750 W. 2nd Ave., Suite 100 / Anchorage, Alaska 99501-2168 / (907) 277-7222 / FAX (907) 277-4523

*"Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."*

## **Overview and Testimony: CS for Senate Bill 33 (STA), An Act Relating to Emergency Planning and Response (1/24/94)**

Senate Bill 33, sponsored by Senator Leman, was introduced February 24, 1993 as a mechanism for providing grants to facilitate the formation of Local Emergency Planning Committees (LEPC) and for LEPC local training and emergency plan development. Local Emergency Planning Committees were established under federal Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III), the Emergency Planning and Community Right-to-Know Act (CRTK). This legislation was passed as a result of chemical releases throughout the world, most notably the Bhopal, India chemical release that killed thousands of people. In 1989, the Alaska Legislature adopted and expanded on the federal law when it enacted Alaska Statute 46.13. The primary focus of the state and federal legislation is planning for chemical hazardous substances, which include oil.

Additional work on Senate Bill 33 over the interim has resulted in a significantly expanded bill passed by the Senate State Affairs Committee on January 24, 1994. The bill is currently in the Senate Finance Committee with a hearing scheduled for February 3.

The CS for Senate Bill 33 (STA):

- 1) transfers the Hazardous Substance Spill Technology Review Council (HSSTRC) from the Alaska Department of Military and Veteran Affairs (DMVA) to the Alaska Department of Environmental Conservation (DEC);
- 2) transfers the State Emergency Response Commission (SERC), including its duties to designate local emergency planning districts, authorize local emergency planning committees, and appoint local emergency planning committee members, to the DMVA;
- 3) establishes the SERC as an "all-hazards" SERC with the authority to establish all-hazards response depots and corps;
- 4) eliminates the requirement that the state and regional master oil and hazardous substance discharge prevention and contingency plan be revised annually; and
- 5) removes the requirement for DEC to designate in the state master plan where oil and hazardous substance emergency response depots and corps should be located.

The following sections discuss in more detail the sections of the bill pertaining to oil and hazardous substance response depots and corps and state and regional master oil and hazardous substance discharge prevention and contingency planning requirements.

**Oil and Hazardous Substance Response Depots and Corps.** Section 3 (AS 26.23.045) authorizes the DMVA to establish and equip response corps and depots, and locate depots in areas identified in the state emergency plan developed under AS 26.23.040. Section 12 eliminates the requirement that DEC identify in the state master contingency plan locations for the oil and hazardous substance response depots and corps. However, AS 46.04.090 authorizing DEC to establish response depots and corps is not amended. Therefore, it is assumed that oil and hazardous substance response depots and corps will be developed in the areas designated by DMVA and be part of the all-hazards depots.

The CSSB 33 (STA) does not clarify, and may further confuse the use of the Oil and Hazardous Substance Release Response Fund (OHSRRF) as a source of funding to purchase equipment for oil and hazardous substance depot equipment. Section 16 (AS 46.08.040(a)(3)) states that the DMVA costs of maintaining the response corps and emergency response depots under AS 26.23.045 can not be funded with the OHSRRF. However, in the same section SERC costs can be funded with OHSRRF despite the SERC being established as an all-hazards commission.

**State and Regional Master Planning.** The CSSB 33 (STA) removes the requirement for annual revision of the state and regional master plans. It also 1) removes the requirement that incident command systems clarify and specify state agency responsibilities, other than DEC, if a spill does not involve a disaster declaration; 2) adds the requirement that LEPCs (in addition to local governments and the public) be consulted during plan revisions; 3) removes the requirement for SERC approval of plan revisions; and 4) as discussed above, removes the requirement that DEC designate locations of response depots in the state master plan.

The Regional Citizens' Advisory Council of Prince William Sound would like to emphasize the following points:

- That DEC should remain the lead agency on the development, review, and revisions of statewide master and regional oil and hazardous substance discharge prevention and contingency plans. While DMVA may be the lead agency on disaster planning, DEC clearly has the expertise on oil and hazardous substances.
- It might be more appropriate to leave changes to master and regional planning efforts in SB 215 since SB 215 refers to a number of DEC programs. However, if these provisions are left in CSSB 33 (STA), rather than changing plan revision from annually to solely at commissioner discretion, revisions be at commissioner discretion or at least every three years---this is consistent

with vessel and facility contingency plan revisions and ensures that plans will not become obsolete as state revenues decline.

- If the depots and corps program remains with DMVA and is expanded to all-hazards, there should continue to be a provision in the master plan for DEC to at least make recommendations to DMVA for locating oil and hazardous substance response depots since corps and depots activities will be coordinated with DMVA.
- RCAC is concerned that so little progress has been made by DMVA on the development of the response depots and corps and whether additional changes will further delay implementation of this program. (see attached DEC report on response depot and corps program) This also brings into question the appropriateness of moving another program that focuses on hazardous substances to DMVA.
- CSSB 33 (STA) allows all SERC activities and support staff to be funded by the OHSRRF. Since the SERC is being changed to an all-hazards commission, this does not seem appropriate. Given current debates regarding appropriate uses of the OHSRRF, only SERC activities related to oil and hazardous substances should be supported by the OHSRRF.
- The language in CSSB 33 (STA) that does not allow the OHSRRF to be used to maintain all-hazards response corps and depots is clear and appropriate. It should also be clarified that purchasing of equipment for oil and hazardous substance response depots and corps are appropriate uses of the fund.

# Petersburg - Wrangell

## Local Emergency Planning Committee

---

P.O. Box 329  
Petersburg, Alaska 99833  
(907) 772-3355  
FAX: (907) 772-4102

TO: Senate Finance Committee,

The Petersburg/Wrangell LEPC Supports  
SB 33 with Senator Lewan's  
AMENDMENTS only! We urge  
your support of same.

Thank you for your time and  
consideration of this matter.

Sincerely

Douglas Welbe, Chairman  
Petersburg/Wrangell LEPC



# NORTHERN SOUTHEAST LEPC

Roc Ahrens, Chair / Charlie Fannon, Vice Chair

P.O. Box 1049

Haines, Alaska 99827

Phone (907) 766-3377 Fax 766-3373

Senator Drue Pearce  
State Senate  
Juneau, Alaska

Feb. 11, 1994

Dear Senator Pearce;

The Northern Southeast LEPC is a district which contains the communities of Kake, Hoonah, Gustavus, Haines, Skagway, Elfin Cove, Tenakee Springs, Port Alexander, and Pelican, also the fishing village of Excursion Inlet, and the logging camps of Rowan Bay, and Fresh Water Bay.

We support the passage of SB 33 and the amendments from Senator Lemun. We hope the finance committee will endorse this bill without any other changes. We do not support the recommendations of the DEC. This bill also has the support of the entire state organizations of LEPC's and recommends its passage as presented by Senator Lemun and the Senate Resource Committee.

This bill has the best interests of the in mind state and as individuals responsible for the emergency planning process we urge it passage.

Thank You

James Studley  
Secretary

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Division of Spill Prevention and Response**

**Comments on CSSB 33(STA) (1/6/94 Work Draft)**

*January 19, 1994*

- State laws passed after the Exxon Valdez spill in 1989 focused the State's attention on local, regional and state preparedness for potential oil and hazardous substance releases. The State Emergency Response Commission (SERC) was established to ensure that government plans for oil and hazardous substance response are coordinated and integrated.
- Oil and hazardous substance releases do happen in the state, and DEC is the lead agency for oil and hazardous substance pollution control and response. During FY 93, approximately 2,200 oil spills and 400 hazardous substance releases were reported to the Department.
- The vast majority of releases are not "disasters emergencies" as defined in Alaska Statutes. The Department's "response actions" usually consist of overseeing the responsible party to ensure that adequate cleanup is completed or hiring a contractor to conduct the cleanup.
- Other state agencies are rarely are involved in a response to a "typical" oil or hazardous substance release.
- Preliminary results from studies analyzing the oil and hazardous substance threats in the state indicate that the threat is managable. In fact, the risk associated with many of the most serious potential releases can be significantly reduced -- or even eliminated -- through prevention.
- Natural disasters pose a much greater threat to communities in Alaska than do oil and hazardous substance releases. Alaska faces a broad spectrum of possible disaster emergencies: earthquakes, fires, floods, storms, electrical power outages, water and sewer failure, and bridge failure. Overall, potential oil and hazardous substances releases pose less threat to Alaskans than do other potential disaster emergencies. Since 1977, two of the 166 declared disasters (1.2%) resulted solely from an an oil or hazardous substance release (Exxon Valdez and the Crown Point formaldehyde release).
- Current statutes contain duplicative or unclear provisions regarding the roles of state and local planning agencies. The Department hopes proposed legislation will improve the State's preparedness for all potential disasters by:
  1. clarifying state agency responsibilities for planning for potential disasters and non-disasters; and,
  2. integrating (consolidating) local planning requirements.

## **General Comments and Recommendations on CSSB 33 (1/6/94 Work Draft)**

### **1. Define the responsibilities of state agencies or the SERC in disaster planning and preparedness.**

As detailed in the State Emergency Plan, each State agency is responsible for certain aspect(s) of the State's response to a declared disaster. One of the limitations cited in the plan is the failure of State agencies to prepare for carrying out their assigned duties. DEC, and probably most other agencies are not fully prepared to carry out their responsibilities in the event of a disaster.

By establishing the SERC as an all-hazards commission, CSSB 33 would institute changes that raise the profile of disaster preparedness issues and increase the perception that State agencies are meeting their disaster planning responsibilities. However, the bill falls short of giving the mandates to State agencies that are needed to accomplish one of the bill's primary goals -- to improve preparedness for disasters.

**Recommendation:** To the extent that this legislation is intended to improve the State's preparedness for disaster response -- i.e., that all State agencies are prepared individually and collectively -- the bill's language needs to explicitly require State agencies to develop agency-specific plans that coordinate with the State Emergency Plan and ensure that staff are designated and trained for carrying out those agencies responsibilities.

### **2. Describe the relationship between local disaster plans prepared under AS 26.23 and local plans prepared under the federal law, SARA Title III.**

Potential emergencies or disasters which result from natural events such as earthquakes or flooding pose a greater public health threat than potential oil or hazardous substance releases. DEC and DMVA have agreed that consolidating the local planning requirements for oil and hazardous substance releases with the local disaster planning requirements under AS 26.23 would simplify coordination and integration of local emergency planning efforts, and would improve overall preparedness of Alaskan communities to respond to all potential disasters.

CSSB 33 would partially accomplish that goal by transferring LEPC planning requirements to AS 26.23 and amending State law to authorize LEPCs to serve as the local or interjurisdictional disaster agency, and establishing them as advisors to local government. However, the proposed amendments still leave the option for maintaining a planning group for local response to oil and hazardous substance releases, the LEPC, which is essentially separate from the local or interjurisdictional disaster planning agency (usually local government).

**Recommendation:** Include language which would clearly consolidate local disaster planning and local planning under SARA Title III. Do not restate federal law. Additional sections or subsections could be added to define or clarify requirements

for specific types of disasters (eg, fires, floods, earthquakes, volcanoes).

### 3. Define "emergency"

As opposed to the term "disaster", "emergency", "emergency response organization" and "emergency planning" are not clearly defined in CSSB 33 (1/6/94 Work Draft).

Non-disaster oil and hazardous substance response is managed on a day-to-day, routine basis by DEC by overseeing the responsible party's cleanup of a spill, or employing contractors or local governments to cleanup a spill if the responsible party refuses or can't be found. Most responses do not involve another state agency or local responders. Without specific definition in the bill, the term "emergency" suggests, for example, that the SERC would be required to facilitate the preparation and implementation of state agency response plans such as DEC's oil and hazardous substance response plans or DNR's fire suppression plans.

**Recommendation:** Include a clear and specific definition of "emergency", "emergency response organization", and specify which "emergency plans" are subject to the provisions in the law.

### 4. Include authorization for direct appropriations from the Response Fund to DMVA.

The Department has transferred response funds to DMVA via an RSA. Directly appropriating the funds would considerably reduce staff time spent developing and managing the RSA and paying bills. DEC will have no oversight role over DMVA and it will be inappropriate for DEC to manage the funds through an RSA for this purpose.

**Recommendation:** Include language which authorizes direct appropriation of response funds to DMVA.

### 5. Emphasize disaster emergencies, putting oil and hazardous substance responses in context with other disaster emergencies.

The current work draft language places most of the emphasis on oil and hazardous substance planning and preparedness. Many other potential disasters pose a greater threat to Alaskans and planning and preparedness for these events should be balanced.

**Recommendation:** Include additional provisions that give appropriate emphasis to all types of disasters (e.g., earthquakes).

## DIVISION OF SPILL PREVENTION AND RESPONSE

### CS FOR SENATE BILL NO. 33(STA)

#### MAJOR ISSUES AND SECTIONAL COMMENTS ON 1/6/94 WORK DRAFT

##### MAJOR ISSUES

1. The primary purpose of the bill should be to enhance State and local preparedness for all declared disasters due to natural or man-made causes. Specific references to oil and hazardous substance disasters should be balanced in perspective with other types of disasters.
2. The Alaska Disasters Act clearly defines what a disaster emergency is and how it is declared. A comparable definition for an "emergency" independent of a disaster does not exist and the term should not be included in the preparedness amendments proposed in CSSB 33 unless when used in the full context of disaster emergency.
3. Staffing an interagency SERC and coordinating the development of interagency response plans is not necessary for the majority of oil and hazardous response plans. Directing limited staff resources to prepare for a disaster level oil and hazardous substance release limits the Department of Environmental Conservation's (DEC) ability to prepare for more frequent oil and hazardous substance releases. DEC needs to be relieved of the responsibility for interagency disaster planning so that it can focus its limited resources on the daily threat of oil and hazardous substance releases.

##### SECTIONAL COMMENTS AND RECOMMENDATIONS

###### SECTION 1:

**p 2 line 7-8:** The term "emergency response organizations" is not defined. CSSB needs to add a definition or reference a definition in the bill to identify what organizations would be eligible.

**SECTION 2:** No comment

###### SECTION 3:

**p 2 line 19-30:** The term "emergency" is used throughout the bill amendments and is not defined. Since the amendments are intended to enhance state and local preparedness and response to all disasters, references to "emergency" should be

deleted. However, if the term is retained it should be defined in terms of the circumstances it applies to and the procedures for how it is declared (see AS 26.23.900).

Section 4: No comment

Section 5: No comment

Section 5: No comment

Section 7:

**p 4 line 24-26:** Delete the requirement for "emergency" plans and rely on current requirements for disaster emergency plans under AS 26.23.060. "All emergency plans" is not defined to specify which State, interjurisdictional or local plans the SERC would facilitate. As noted above, "emergency" must be defined for State and local agencies to know the response circumstances they are required to plan. The specific reference to plans prepared under AS 46.04.200 - 46.04.210 should be deleted unless the statutory authorities of all State and local emergency response plans are referenced. By only referencing oil and hazardous substance release authorities, the importance of other State and local emergency authorities is diminished.

**p 5 line 12-13:** Delete "or management of hazardous substances;". This provision is unnecessarily broad and too focused on oil and hazardous substances. Revise to read, "emergency planning, preparedness and prevention"

**p 6 line 30-31, p 7 line 1-17:** Revise to read, " (e) If advertisement and commission's own initiative do not result in the nomination of an eligible [acceptance of] appointment to the commission..." The requirement for equal representation should only be suspended if an eligible person can not be found for a particular category.

**p 8 line 9-16:** These two provisions are redundant in that they both reference LEPC advisory roles. Revise (6) to read, "...local, state, and interjurisdictional plans; and training, and response.". With this revision, all of (7) should be deleted.

**p 8 line 20-31, p 9 line 1-19:** Delete the specific requirements under subsections (a) (1), (2), (4), and (5) for oil and hazardous substance plans. Since local plans would be required to address preparedness for all disasters, oil and hazardous substance releases should be balanced with other hazards warranting special attention. The bill should clearly consolidate local emergency planning requirements for all hazards and, if necessary, sections or subsections could be added to define or clarify requirements for specific types of emergency disasters (e.g., fires, floods, earthquakes, volcanoes, or hazardous substance releases).

**p 10 line 6-10:** Current statutory language ("a major role") does not clearly convey DMVA's responsibility for logistics and communications in a state response to a disaster. Suggest revising to read: "...lead responsibility for". Also, suggest deleting "or other emergency" on line 10 since many state agencies respond to "emergencies" on a daily basis that do not require DMVA/DES to provide logistical support.

**p 10 line 27-30:** This definition excludes RCRA hazardous wastes. While many hazardous wastes are of relatively less concern for purposes of emergency planning, others are serious. The definition of this term essentially establishes the scope of substances that local plans must consider--currently very broad under AS 46.03.826. Suggest that if a definition for hazardous substance is included under AS 26.23, that the definition match the federal definition of "extremely hazardous substance" in SARA Title III. The Federal list of extremely hazardous substances (EHS) includes certain RCRA substances. This would also help focus LEPC planning on the most critical hazardous substances in terms of human health and safety. The EHS list includes the substances that pose most of the threat in Alaska (i.e., chlorine and ammonia).

Section 8: No comment

Section 9:

**p 11 line 1:** Insert definition for "local response organization" and "emergency"

Section 10: No comment

Section 11: No comment

Section 12:

**p 12 line 10-14:** Delete proposed amendment to (F) which would direct DEC to prepare a State Master Plan that would specify the respective duties of all state agencies involving a declared oil and hazardous substance release disaster. DMVA/DES is currently responsible for including disaster provisions in the State Disaster Plan for all state agencies (AS 26.23.040). DMVA should continue to be responsible for interagency disaster planning and response coordination regardless of the circumstance necessitating the disaster declaration.

Section 13:

**p 13 line 13-18:** Suggest minor revision as follows to clarify that drill exercises serve two basic purposes, 1) training for responders to maintain readiness to respond, and 2) determine the sufficiency of response plan and the need for revisions.

"(d) the commissioner may require or schedule unannounced oil or

hazardous substance release drills to ensure preparedness to respond to potential oil or hazardous substance releases and to test the sufficiency of the state master plan prepared under this section, an oil discharge prevention and contingency plan approved under AS 46.04.030 or of the cleanup plans of a party identified under (b)(2) of this section."

Section 14: No comment

Section 15:

**p 13 line 27-29:** Recommend deleting proposed amendment. This provision is not needed since the Department recognizes the need to coordinate local and regional planning boundaries as reflected in the current regional boundaries. In establishing the existing boundaries in regulation (18 AAC 75.495), the Department took into consideration the boundaries of existing LEPDs, local political subdivisions, native corporations, disaster emergency planning areas and coastal management districts. Most importantly, the Department set the boundaries such that facility contingency plan holders who are required to maintain response equipment within their "region of operation" [AS 46.04.030(q)(4)] have equipment immediately available in the areas threatened by a release.

Section 16:

**p 13 line 31, p 14 line 1-3:** Revise as follows to allow for direct appropriation of response funds to DMVA. In addition, the reference to the costs of being prepared for and responding to a request from DEC for support in response activities is unnecessary since existing law allows the costs a state agency incurs for response to be paid from the spill reserve (AS 46.08.040).

46.08.040(a) is amended to read: In addition to money in the fund that is transferred to the commissioner of the department of community and regional affairs to make grants under AS 29.60.510 and to pay for impact assessments under AS 29.60.560 or the funding directly allocated by the legislature to the commissioner of the department of military and veterans affairs to pay the expenses incurred for Alaska State Emergency Response Commission activities, including staff support, the commissioner of environmental conservation may use money from the fund to...

**p 14, line 23-31:** Delete (3) and include at 46.08.040(a) -- see proposed revision above.

Sections 17-22: No comment

G:/SPAR/MAC/CSSB33/COMMENTS

February 16, 1994

Senator Frank  
Finance Committee  
Juneau, Alaska

Dear Senator Frank,

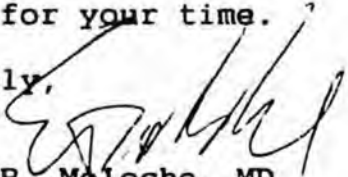
The Association of Local Emergency Planning Committees supports Senate Bill 33, including the recent amendments proposed by Senator Leman. Passing this bill out of the finance committee and through the Senate will facilitate disaster planning in our state. It is a complex bill involving many changes which improve our ability to plan for disasters on a local level.

Please support this bill and assist in solving any funding problems. It will help the local planners prepare for the inevitable disasters which are certain to confront us in the future.

I would be happy to discuss this bill with you at any time to clarify issues if needed. Feel free to contact me at any time.

Thanks for your time.

Sincerely,



Ernest B. Meloche, MD  
Chair, Alaska LEPC Association  
Chair, Ketchikan LEPC  
Director, Ketchikan General Hospital  
Emergency Department  
PO Box 6058, Ketchikan, Alaska, 99901  
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# EMERGENCY PREPAREDNESS PLANNING

## Direction & Control

- Establish Control Mgmt. Center
- Organize
- System to Gather/Analyze Info  
Damage Assessment & Impacts
- Decision Making (Strategic)
- Required Personnel/Facility

## Warning & Notification

- Warning Received - How?
- Warnings Disseminated - Who?
- Emergency Workers - How?
- Public - How?
- Special Groups - How?

## Communications

- Who Talks to Whom?
- Primary & Back-up Methods
- Augment/Redistribute Assets
- Maintenance - Installation
- Required Personnel

## Emergency Public Information

- Response to Public & Media Inquiry
- Use of Broadcast & Print Media
- Enhance Public Awareness/  
Rumor Control
- Minimize Public Dysfunctional  
Reaction

## Reception/Care/Feeding

- Shelter Locations
- Shelter Management:  
Register/Feeding/Sleeping/Sanitation  
Special Needs & Services
- Shelter Upgrading

## Law Enforcement (Maintain Order)

- Scene Security
- Traffic Management
- Search & Rescue
- Care of Deceased
- Investigative
- Public Warning

## Fire & Rescue

- Fire Containment & Suppression
- Rescue
- Hazard Substance Response
- Decontamination
- Public Warning

## Medical & Health

- Triage
- Casualty Transport & Distribution
- Treatment/Stabilization/Medivac
- Contamination/Disease Prevention

## Human Services

- Counseling
- Locate Missing/Loved Ones
- Emergency Food/Water Purification
- Baby-sitting/Clothing

## Resource Management

- Status(Plans)/Allocation(Ops)/  
Requisitioning(Logistics)
- Critical Assets/Vital Services
- Managing Volunteers
- Staging & Distribution Centers

## Hazardous Substances

- Initial Response/HAZMAT Teams
- ID Spiller/Report
- Decontamination/Disposal
- Documentation
- Clean-up/Restoration/Long-term  
Monitor

## Radiological Defense

- Public Protection
- Self-protection for Emergency  
Workers
- Fallout Condition Monitoring &  
Decontamination
- Long-term Cleanup & Monitoring
- Documentation
- ID Spiller/Report

## Evacuation/In-Place Sheltering

- Decision
- How to Move/Where/ Routing
- Notification
- What to Take
- Population Return
- People with Disabilities
- Transportation
- Animal Care



Department of Military and Veterans Affairs - Division of Emergency Services  
Five-Year Plan

**Plan Development and Maintenance:**

Of the 30 previously identified planning entities, no two are at the identical stage of their plan's development. They range from communities which have not yet established an emergency management agency or planning organization to those who are very close to finalizing their plans and submitting them for SERC review. For the purpose of this plan and as a guide to future local planning initiatives, the following systematic approach applies to development and upkeep of comprehensive, multi-hazard plans.

STEP 1: An initial offer of plan development/upgrade assistance from DMVA/DES to appropriate local chief executives in which DES explains the plan development and maintenance process. The reply from community leaders should state their desire to participate or not participate.

STEP 2: An on-site workshop conducted by the appropriate DES planning staff members to acquaint community leaders in greater detail as to the assistance being offered and the cooperative response and involvement needed on behalf of the community or communities involved. Part of this workshop will include a community survey of its hazards and resources to develop the planning factors necessary for full plan development. Additional time will be spent on a mutually agreeable work plan to cover the plan development period.

STEP 3: If not already available, the community will be expected to develop or make a serious start on local disaster legislation. Such legislation should:

- establish a local or interjurisdictional planning organization.
- give it authority for planning and coordinating resources.
- provide disaster proclamation authority, if other than chief executive, with a line of succession.
- provide for leadership of emergency organization with a line of succession and emergency powers.

STEP 4: Community takes needed steps to establish eligibility for EMA funding (see criteria, above).

STEP 5: DES planning staff visits community to train local planning staff. Training consists of a composite of the Introduction to Emergency Management Course and the Emergency Planning Course. Practical exercises conducted as part of the training will yield a draft Basic Plan and as many functional annexes (less the hazardous substance portions) as can be developed in one, six-day block or two, three-day increments with a mutually agreed upon time separation. **Note:** The incremental approach may not be economically feasible.

STEP 6: Community, with DES planning assistance, refines planning products before next training segment is delivered.

STEP 7: DES planning staff revisits community to deliver the Hazardous Materials Contingency Planning Course. Again, practical exercises, utilized to reinforce learning will be used to craft parts of the actual plan. The training will require four to five days.

STEP 8: Community, with DES planning assistance, refines all planning products and prepares the complete plan for review and signature.

STEP 9: The plan review process occurs at three levels of government. The local planning organization coordinates the plan with tasked agencies, obtains local approval/signature, and forwards the plan for SERC review. State level review is completed according to SERC policy (procedure). DMVA/DES will forward the plan to FEMA, Region 10 for federal review - a necessary element for complying with federal programs and obtaining federal funding.

STEP 10: The next step in a plan's "life cycle" is plan upkeep or maintenance. This step is unending; it continues until the plan is rescinded or replaced by another plan. There is, however, an established pattern that repeats at four-year intervals. The pattern contains two separate parts: a programmed approach to periodically exercise (practice) the plan and a prescribed method to reassess the hazards/ conditions that will cause plan implementation and the resources (people, equipment, facilities, systems) needed to carry out the plan. This reassessment process is contained in the Capability and Hazard Identification Program (CHIP). For State and local planning purposes, CHIP is accomplished every two years. The State and Local Exercise (SLE) program has five basic elements and is structured on a four-year cycle. Its elements consist of:

- Orientation seminars are used to indoctrinate new personnel and reinforce/refresh the knowledge of older personnel with respect to the plan's general contents and their assigned roles and responsibilities.
- Drills are used as brief, live tests of new or seldom used equipment, supplies, facilities, or procedures. (ie: telephone notification of key personnel, specialty team mobilization, set-up of emergency operations center)
- Table-top exercises are used to "debug" a procedure or solve new or recurring problems. Solutions are the by-products of table-tops; the participation of decision makers is essential.

**Note:** There are no suggested recurring times for orientation seminars, drills, and table tops. Each is a separate tool of the overall exercise program to be used as needed.

- Functional exercises are used at least once in each of the three years following a plan's development to practice and evaluate a group of

related emergency management functions, ie: (warning, notification, communications, coordination and control, and emergency public information) or (coordination and control, emergency services, emergency public information, communications, evacuation, sheltering, and human services). They are simulated, "on-paper" exercises, conducted at the command post or emergency operations center level. They involve no actual mobilizations or deployments of resources; hence, their cost in terms of manhours, currency, and consumed resources is comparatively small.

- Full-scale exercises, on the other hand, can be very expensive. They require more time to plan and conduct, their "live" activities must be sufficiently funded, and consumed resources must be replaced to avoid any degradation in response capability. Full scale exercises are the culmination of all the other exercise elements (drills, table tops, etc.) All exercise elements present an opportunity to evaluate some aspect of the plan, but the full scale exercise offers the best test, short of an actual event. One full scale exercise should be conducted every four years to practice and evaluate all emergency management functions.

Once a plan is completed, one of the initial activities of the plan maintenance step will be a DES staff visit to deliver the Exercise Design Course and assist local emergency managers develop a community exercise program. The exercise program and several scenarios to initiate the exercise program will be produced during practical exercises which commonly reinforce instruction.

The following chart illustrates this ten-step approach to plan development and maintenance. Subsequent charts indicate how this sequence will be applied to the local planning organizations expected to evolve in the state's Southeastern, Southwestern and Northern regions.

# Southeastern Planning Organizations

	95	96	97	98	99							
<i>Whittier</i>				1 thru 9								
<i>Valdez</i>		1 thru 9			C	FE						
<i>Cordova</i>		1 thru 9			C	FE						
<i>Yakutat</i>				1 thru 9								
<i>Northern SE Dist.</i>	2 thru 9			C		FE						
<i>Juneau</i>	C	FE	5 thru 9		FE	C		FE				
<i>Sitka</i>	2-4	6 thru 9		C	FE		FE	C	FE	FSE		
<i>Petersburg</i>	9	C	FE		FE	C	FE	FSE	C		FE	
<i>Wrangell</i>		1 thru 9			C		FE				FE	
<i>So. SE Dist</i>		1 thru 9			C		FE				FE	
<i>Greater Ketchikan Dist.</i>	9	3-4	C	FE		FE	C		FE	FSE	C	FE

Numbers = Step    C = CHIP    FE = Functional Exercise    FSE = Full Scale Exercise

# Southwestern Planning Organizations

	95	96	97	98	99
<i>Anchorage</i>	9 (C) (FE)	(FE) (C)	◆	(FE) (C)	(FE)
<i>Kenai Peninsula Borough</i>	(C) (FE)	6 7 8 9 (C)	◆	(FE) (C)	(FE)
<i>Kodiak Island Borough</i>	(FE) 7 8 9 (C)	(FE)	◆ (C)	(FE)	(FE)
<i>Bristol Bay Borough</i>	(C) (FE)	◆	2, 3 6 (C) (FE) 7 8 9 (FE) (C)		(FE)
<i>Dillingham</i>	(C) (FE)	◆	2, 3 6 (C) (FE) 7 8 9 (FE) (C)		(FE)
<i>Lake and Peninsula Borough</i>				1 thru 9	
<i>Bethel</i>	(C) (FE)	◆	2, 3 6 (C) (FE) 7 8 9 (FE) (C)		(FE)
<i>Aleutians E. Borough</i>				1 thru 9	
<i>Aleutian Islands-Pribilof</i>			1 thru 9		(C) (FE)

Numbers = Step    (C) =CHIP    (FE) =Functional Exercise    ◆ = Full Scale Exercise

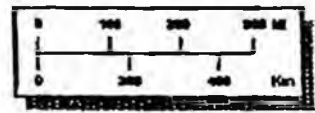
# Northern Planning Organizations

	95	96	97	98	99
<i>NW Arctic Borough</i>			1 thru 9		(C) FE
<i>North Slope Borough</i>	(C) FE 2,3 6 7 FE 8 9		FSE	(C) FE	FE
<i>Prudhoe Bay District</i>			1 thru 9		(C) FE
<i>Nome</i>	(C) FE 2,3 6 7 FE 8 9		FSE	(C) FE	FE
<i>McGrath</i>				1 thru 9	
<i>Delta Junction</i>				1 thru 9	
<i>Denali Borough</i>			1 thru 9		(C) FE
<i>Copper River</i>				1 thru 9	
<i>Mat-Su Borough</i>	2,3 6 (C) FE 7 8 9 FE		(C) FSE	FE	(C) FE
<i>Fairbanks North Star Borough</i>	2,3 6 (C) FE 7 8 9 FE		(C) FSE	FE	(C) FE

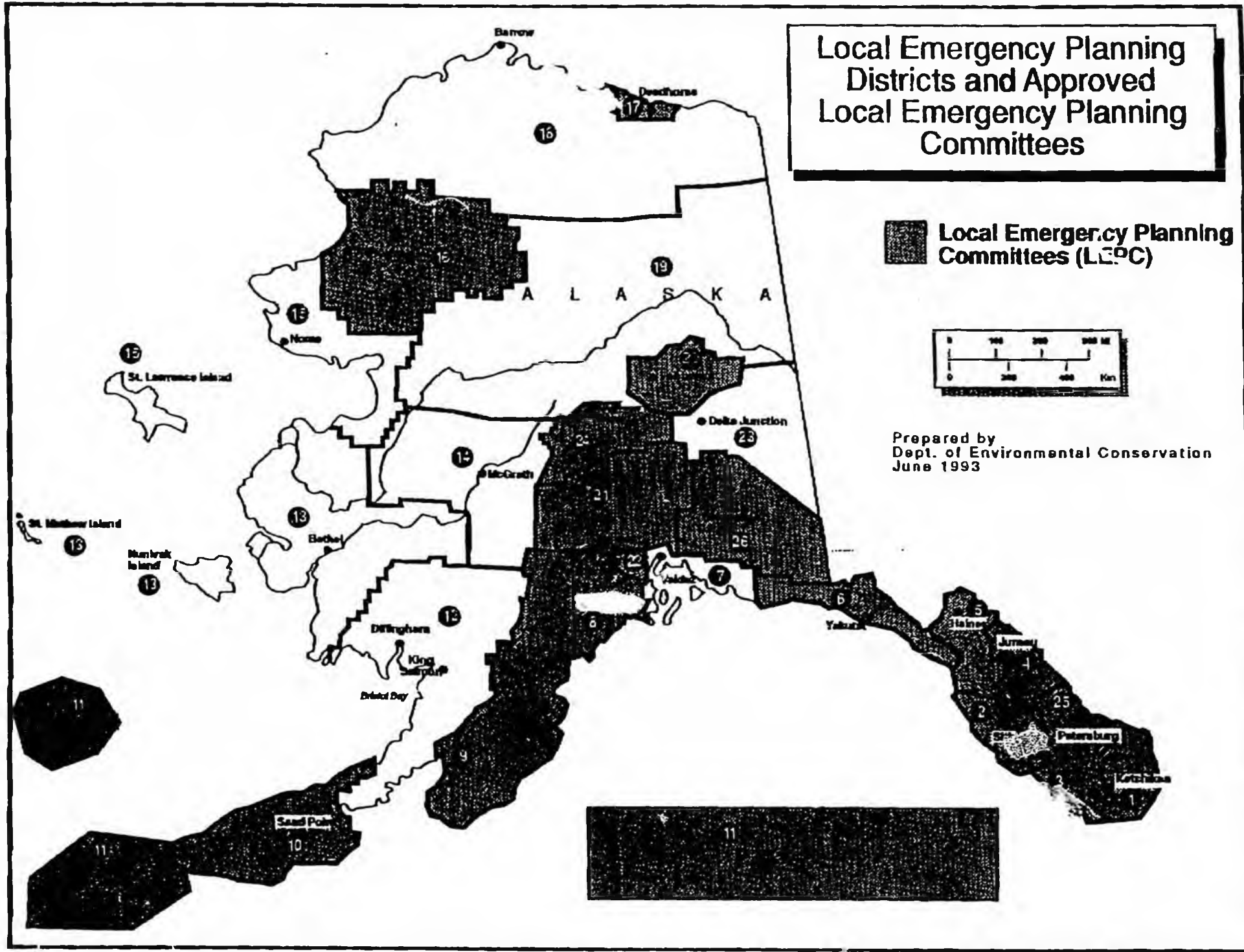
Numbers = Step    (C) =CHIP    FE =Functional Exercise    FSE = Full Scale Exercise

# Local Emergency Planning Districts and Approved Local Emergency Planning Committees

 Local Emergency Planning Committees (LEPC)



Prepared by  
Dept. of Environmental Conservation  
June 1993



Map Key	Local Emergency Planning District (LEPD)	Date LEPC Approved
1	Ketchikan Gateway Borough	4/4/90
2	City and Borough of Sitka	5/14/90
3	Southern Southeast	1/13/93
4	City and Borough of Juneau	1/29/92
5	Northern Southeast	1/13/93
6	Yakutat Borough	9/18/89
7	Prince William Sound	
8	Kenai Peninsula Borough	6/9/89
9	Kodiak Island Borough	6/9/89
10	Aleutians East Borough	1/13/93
11	Aleutians and Pribilof Islands	1/13/93
12	Bristol Bay	
13	Yukon Delta	
14	Southwestern Interior	
15	Northwestern	
16	Northwest Arctic Borough	6/14/91
17	Prudhoe Bay	6/14/91
18	North Slope Borough	
19	Interior Alaska	
20	Fairbanks North Star Borough	6/9/89
21	Matanuska Susitna Borough	6/14/91
22	Municipality of Anchorage	6/14/91
23	Southeastern Interior	
24	Denali Borough	6/24/93
25	Petersburg/Wrangell	9/25/92
26	Copper River	6/18/92

Prepared by the Department of Environmental Conservation  
revised June 1993

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TO Annette Kreitzer	FROM Annie Stephens
Co. Gen. Leman	Co.
Dept.	Phone # 465-5220
Fax # 258-3768	FAX #

**EVALUATION OF ALASKA SPILL RESPONSE  
DEPOTS AND CORPS: A REVIEW OF  
LEGISLATIVE INTENT AND ACTIVITIES**

*submitted to:*

**Alaska Department of Environmental Conservation  
Division of Spill Prevention and Response  
Government Preparedness and Response**

November 20, 1993



1407 W. 31 Ave., 100  
ANCHORAGE, AK 99503  
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## INTRODUCTION

The Department of Environmental Conservation's (DEC) Government Preparedness and Response Program is currently preparing a strategic plan for state spill response. The strategic plan will identify all state spill response resources that DEC has available to use in responding to spills and will define a strategy for implementing resources.

To aid in the preparation of the strategic plan, DEC contracted with North Coast Research Group to research spill response depots and corps. This report provides an analysis of the legislative intent regarding the response depots and corps, a review of other states' and Canada's programs similar to the response depots and corps, and a chronology of actions taken to date in Alaska regarding the response depots and corps.

Section I of this report provides an in-depth analysis of the legislative actions taken regarding the response depots and corps. This analysis — including a review of legislative minutes; surveys of legislators, staff and members of the administration; review of actual legislation, and review of committee records — recreates in detail the legislature's intent regarding the role and funding of the response depots and corps.

Section II of this report outlines programs in other states and Canada using state-owned or volunteer resources for spill response. Four states and several Canadian provinces were contacted to determine the types of programs each area has using volunteers and local resources for spill response.

Section III provides a chronology of actions taken to date to develop the response depots and corps program. This chronology includes reports and audits by state agencies and citizens' groups and actions taken by these entities to implement a depots and corps program.

## SECTION I: LEGISLATIVE INTENT FOR RESPONSE DEPOTS AND CORPS

### Background

In 1989, immediately following the *Exxon Valdez* oil spill, Alaska State Senator Tim Kelly introduced Senate Bill 264 (SB 264) (Chapter 113 SLA 1989) which created the Oil and Hazardous Substances Response Office (SRO) in the Alaska Department of Environmental Conservation. This Spill Response Office was responsible for the development of the oil and hazardous substance spill response depots and volunteer spill response corps. SB 264 authorized funding for the office, depots and corps

from the Oil and Hazardous Substance Release Response Fund (Response Fund). The legislature passed SB 264 in 1989 along with several other pieces of legislation included in what was then popularly referred to as the "Oil-Spill Package."

The original provisions of SB 264 were amended in 1990 by House Bill 566 (HB 566) (Chapter 190 SLA 1990). House Bill 566 was originally sponsored by the Governor, but the Senate substantially changed the bill. The bill transferred implementation of the oil and hazardous substance response depots and corps from DEC to the Division of Emergency Services in the Department of Military and Veterans Affairs. This was in part due to recommendations 43 and 44 of the Alaska Oil Spill Commission's Report. In recommendation 43 the Oil Spill Commission proposed that the state establish community-based response depots under the management of the Department of Military and Veterans Affairs. In recommendation 44 the Oil Spill Commission proposed that local volunteer and part-time spill response units be established, trained and equipped under the direction of the State Department of Military and Veterans Affairs. Other than this transfer of authority, however, HB 566 did very little to change the actual intent of the original legislation as it related to response depots and corps.

## Overview

Senate Bill 264 was introduced on April 5, 1989. The bill was referred to the Senate Oil and Gas, Resources, and Finance Committees, and reviewed and passed the legislature in a relatively brief period of time. The Senate Finance Committee conducted the most thorough review of the bill and made significant amendments to it. The Senate Finance Committee version was passed by a fifteen-to-five floor vote and transmitted to the House on April 29, 1989.

The House Resources Committee quickly reviewed SB 264 and made only slight amendments. Senate Bill 264 passed on the House floor with little debate, and was transmitted back to the Senate on May 9, 1989. The Senate concurred on the House changes on the same date and transmitted the bill to the Governor on May 26, 1989. The final bill establishing the spill response office and the depots and corps program became law effective June 16, 1989 as HCS CSSB 264 (FIN).

In the Committee discussions on SB 264, Senator Kelly summarized the main objectives of the legislation:

- 1) To establish an oil-spill response office in DEC;
- 2) To create an oil-spill response corps composed of volunteers from around the state who would be trained to respond rapidly to oil and hazardous substance spills; and
- 3) To establish a series of depots around the state for stockpiling containment and clean-up equipment (Senate Finance Cmte. mtg. minutes, 4/22/89, p.22).

In 1990, Governor Steve Cowper introduced House Bill 566 as part of his package of oil-spill legislation. It remained basically unchanged as it passed through the House, but received major revisions during its review in the Senate. The final version set up the State Emergency Response Commission (SERC) as the primary coordinating body for spill response and planning and gave the SERC the authority to approve state and regional oil and hazardous substance contingency plans developed by DEC. House Bill 566 also provided that depots be located in areas identified in the state and regional contingency plans.

Specifically, HB 566 (Section 19) provided:

**AS 46.08.120. RESPONSE DEPOTS.** The division [of emergency services] shall maintain emergency response depots in areas of the state determined in the plans prepared under AS 46.04.200 to be potential sites of releases or threatened releases of oil or hazardous substances. The depots shall be equipped and staffed in a manner that ensures prompt response when containment and cleanup action are necessary.

The House Resources Committee extensively reviewed HB 566 and took significant public and agency testimony. A slightly amended House Finance Committee Substitute passed the House on April 5, 1990, after a number of failed amendments regarding who would be in charge of a spill response. The Senate Oil and Gas and Finance Committees also reviewed and amended the bill. SCS for CSHB 566 (FIN) passed the Senate on May 8, 1990, by a 19-to-one vote, and passed the House on a concurrence vote of 22-18 on the same day. The bill was signed into law on June 26, 1990.

### **Issues To Be Addressed**

As DEC's strategic planning for oil and hazardous substances has progressed it has become important to analyze the legislature's intent in order to properly implement the depots and corps program. In planning for spill response resources, DEC is taking steps to analyze and determine the following key areas of legislative intent:

- A) Funding for the depots and corps
- B) Defining characteristics of the depots and corps
  - Location of depots and corps
  - Volunteer corps — participants and compensation
  - Depots — structure and type of equipment
  - Impact the depots and corps may have on relieving responsible parties of their planning or clean-up requirements
- C) Size of spills for which the depots and corps would be activated
- D) Type of spills for which the depots and corps would be activated

## **Funding for Depots and Corps**

The amount and source of funding the legislature intended for the depots and corps is the determining factor in how and to what degree the depots and corps will be implemented. Use of funds from the Oil and Hazardous Substance Release Response Fund (Response Fund) continues to be a highly debated topic in legislative budget discussions and it is critical to determine the legislative intent regarding funding.

The source of funding for the original fiscal note for SB 264 was the Response Fund. In the committee discussions it was clear that future funding for the depots and corps would come from the Response Fund. Additionally, SB 264 added to the purposes of the Response Fund costs incurred to establish and maintain the oil and hazardous substance response office and depots and corps established by the office.

Senator Kelly, in his Senate Finance Committee presentation on SB 264 on April 22, 1989, estimated it would cost \$20 million to implement the depots and corps program in the first year, and stated that funding would come from the existing Response Fund. He also stated that once the equipment is in place it would cost approximately \$3 million a year to maintain the office and the response corps and that funding would come from the Response Fund. He further stated in his presentation that: "The oil industry will, in fact, in effect, pay for the establishment of this office and the upkeep."

Senate Bill 264 was accompanied in final passage by a fiscal note for FY 90 in the amount of \$3,909,900 which funded the director, employees and contractual needs of the oil and hazardous substance response office, depots and corps. The fiscal note for SB 264 estimated appropriation needs through FY 94 and also identified two million dollars in estimated capitalization costs to outfit a minimum of two depots with spill response equipment (Senate Cmte. report, 4/28/89, with 4/27/89 fiscal note). Specific statutory language and legislative history clearly identified the Response Fund as the designated funding source (AS 46.08.040(2); Senate Finance Cmte. minutes, 4/27/89, pp. 23-27; 4/28/89, pp. 7-9).

DEC planning processes would be used to calculate the exact cost of implementing the proposed system; the DEC fiscal note attached to the bill was conservative and anticipated more detailed implementation costs to be determined through the master and regional planning processes (House Finance Cmte. minutes, SB 264, 5/6/89, p.9).

The legislature clearly intended that funding for the Spill Response Office, Depots and Corps come from the Response Fund. The fiscal note for SB 264 identified two million dollars in capitalization costs to outfit a minimum of two equipment depots with spill equipment. These costs were to be paid from the Response Fund. In addition, specific statutory language in SB 264 clearly identifies the Response Fund

as the designated source of funding for the oil and hazardous substances spill response office, depots and corps.

### **Defining Characteristics of the Depots and Corps**

In order for the department to develop a strategic plan, it is important to determine what characteristics the legislature intended for the depots and corps to include. These primary areas of interest include:

- location of depots and corps;
- compensation of corps members; and
- equipment for depots and corps.

Although some locations were identified in the hearing process, the intent of the legislature, based on the committee hearing record, shows that the location for the depots and corps was to be left up to the state and regional contingency planning process and that each region of the state threatened by oil or hazardous substance spills should have a spill response depot. In regard to compensation of the corps, the legislative record showed that the corps are intended to consist of local residents with local knowledge, specifically identifying fishermen. However, the legislative history is not clear on the type and amount of equipment that would be involved in stocking the depots, although there were general references to the need for boom.

In 1989, Senate Bill 261, which established master and regional oil and hazardous substance planning requirements in Alaska, accompanied SB 264 through the legislative process. The two bills were referred to and discussed together in many committee hearings. The legislative discussion surrounding both of these bills was that depots and corps be specifically planned through the DEC master and regional contingency planning process. (Senate Finance Cmte. mtg. minutes, SB 264, 4/22/89, pp. 25 and 4/27/89, pp. 25-26)

HB 566 set up the State Emergency Response Committee (SERC) in statute and included planning for oil spills as part of their duties. SERC was established as the coordinating body with authority to facilitate and approve state and regional plans developed by DEC (Senate Finance Cmte. minutes, HB 566, 5/6/90).

The legislative history for SB 264 and HB 566 is clear that the depots and corps are to be specifically planned through the DEC master and regional contingency planning and the SERC approval process. Legislative history describes the intent to leave determination of the depot sites to DEC and the state and regional planning processes, although specific sites were identified as potential locations for depots.

### Location of Response Depots and Corps

According to SB 264, the emergency response depots shall be maintained in areas of the state determined by the director of the response office to be potential sites of releases or threatened releases of oil or hazardous substances. The depots shall be equipped and staffed in a manner that ensures prompt response when containment and clean-up actions are necessary. This language was changed with the passage of HB 566 to read, "The division [of emergency services] shall maintain emergency response depots in areas of the state determined in the plans prepared under AS 46.04.200-210 to be potential sites of releases or threatened releases of oil or hazardous substances. The depots shall be equipped and staffed in a manner that ensures prompt response when containment and clean up actions are necessary."

Location of the depots and corps was to be left up to the department and the State and Regional Contingency Planning Process which would be approved by SERC. However, the legislature recommended that DEC set up a spill response depot in every region, mentioning some potential locations. The language from the legislation provides some clear intent under 46.08.150. Although the section deals with contracts it allows the office to enter into agreements to establish and maintain regional oil and hazardous substances depots.

During Senate Finance Committee debate, Senator Kelly stated that "while possible [depot] placement lists had been prepared, the ultimate decision would be made by the department as it constructs its master plan" (Senate Finance Cmte. minutes, 4/27/89, pp. 25-26,33). Specific Alaskan communities were identified and discussed as potential depot sites, including Prudhoe Bay, Fairbanks, Valdez, Kenai, Kodiak, Sitka, Unalaska, Seward, Ketchikan, Cordova, Yakutat and Homer (Sen. Fin. Cmte. Minutes, 4/22/89, p 23-24, 26 and 4/27/89, p. 25, 33-34). DEC also identified Valdez and an unspecified location on the Kenai Peninsula as potential depot locations in their fiscal analysis accompanying SB 264 (Senate Cmte. Rpt. dated 4/28/89 with fiscal analysis).

DEC was instructed to utilize the planning process to determine where equipment would best be located. Senator Fisher concurred with committee members that depots should be established in accordance with the master plan. Senator Kelly stated that every community should not have a depot but every region should have one (Senate Finance Cmte. minutes, 4/27/89, p.33).

Although some locations were identified in the committee hearings on SB 264, the intent of the legislature, based on the committee hearing record, shows that the location for the depots and corps was to be left up to the State and Regional Contingency Planning Process developed by DEC and approved by the SERC, and that each region of the state threatened by oil or hazardous substance spills should have a spill response depot.

### Volunteer Corps — Participants and Compensation

According to SB 264, the corps consists of volunteers who register with the office,

agree to be trained by the office in techniques for containment and clean-up, and agree to be available on short notice to assist the office in containment and clean-up. Members of the corps are entitled to per diem and expenses as determined by the commissioner for training and for days spent in service to the state in containment and clean-up actions.

AS 46.08.110 now reads, "The division of emergency services, Department of Military and Veterans' Affairs, shall establish an oil and hazardous substance corps. The corps consists of volunteers who register with the office and agree to be trained by the office in techniques for containment and clean up and to be available on short notice to assist the office in containment and clean up consistent with the responsibilities assigned to the corps under an applicable incident command system. Members of the corps are entitled to per diem and expenses as determined by the division for training and for days spent in service to the state in containment and clean up actions."

During the debate on SB 264, it was discussed that the Response office would identify volunteers in communities selected as depot sites, paying them when necessary to combat a spill or participate in training. According to the Senate Oil and Gas and Finance Committee minutes, the intent was to have individuals listed in each regional plan or community that would comprise the trained volunteer "strike forces." These strike forces would be made up of individuals with local expertise, such as fishermen, and be similar to fire departments. These local volunteer response teams would be trained and equipped to immediately respond and contain oil and hazardous substance spills or to mitigate potential spills and threats (Senate Oil & Gas Cmte. minutes, 4/12/89, pp. 4, 6-7; Senate Finance Cmte. mtg. minutes, SB 264, 4/27/89, pp. 28-32).

Senate Finance Committee minutes and specific statutory language in SB 264 identify many of the details envisioned for the volunteer response corps and depots. Specifically, the state would pay expenses for training volunteers in communities selected as depot sites and pay them when necessary to combat a spill or participate in training. Volunteers would be trained in programs and technology relating to the containment and clean-up of oil and hazardous substances (AS 46.08.110; Senate Finance Cmte minutes, 4/22/89, pp. 23, 25 and 4/27/89, pp. 22, 26-27).

Mike Harmon, aide to Senator Kelly, stated in committee that the intent is for volunteer members of the corps to be trained volunteers, not full-time state employees, who will only be called out and paid for training and when necessary to combat a spill. Senator Kelly pointed out that, although the corps are not state employees, if volunteers are injured while performing corps duties they would be covered by worker's compensation (AS 46.08.150 (1); Senate Finance Cmte. minutes, SB 264, 4/22/89, pp. 23-24, and 4/27/89, p.22).

There were several references during the committee discussions regarding fishermen and their expertise in responding to spills. The legislative intent

according to the hearing record is clear that the corps be made up of local residents with local knowledge, specifically identifying fishermen in coastal communities.

#### Depots — Structure and Type of Equipment

The legislative history is not clear regarding the specific quantity and type of spill containment equipment and materials which the legislature intended to be stored at depot sites. General references were made by the public, agency staff and legislators throughout the legislative history to spill response equipment, particularly "boom," without further specificity.

Language in SB 264 regarding contracts states: "The office may enter into agreements with agencies of the state and federal government, political subdivisions, the University of Alaska, or private entities to establish and maintain regional oil and hazardous substances depots and to acquire the supplies and equipment necessary for response readiness; train members of the response corps; and conduct research into oil and hazardous substances spill technology."

House Bill 566 amended AS 46.08.150 only slightly. The legislative intent remained the same regarding the Spill Response Office's or DES's ability to contract for the depots.

Senate Finance Committee minutes and specific statutory provisions document the Legislature's intent to make private "contractual arrangements with political subdivisions, private, state or federal entities, and/or the University of Alaska to establish and maintain regional oil and hazardous substance depots." The legislature intended for the depots to be contracted according to comments made by Mike Harmon, aide to Senator Kelly, in the Senate Finance Committee record .

#### Relief of Liability of the Responsible Party

There was no reference in any committee discussion about relieving the responsible parties of their planning or clean-up requirements nor was any statutory language adopted.

#### Size of Spills for which the depots and corps would be activated

The size of spill the legislature intended the depots and corps to respond to is critical for DEC to verify and confirm while implementing the strategic plan. This was the most debated topic of this legislation. Many legislators wanted to limit the use of the response depots and corps to catastrophic spills. However, the bill was changed in Senate Finance to give the DEC Commissioner the final determination regarding when the depots and corps could be deployed. The deciding factor was finally determined to be if the Commissioner reasonably believes that the discharge or potential discharge poses an imminent and substantial threat to public health or welfare or to the environment.

From the committee minutes it can be concluded that although size of spill was an issue, after much discussion and the adoption of amendments, size becomes irrelevant in determining use of the depots and corps. Instead, the determining

factor becomes when the spill poses a threat to public health or welfare or to the environment.

There was a great deal of debate regarding the size of a spill to which the SRO would have authority to respond. The critical discussions on this topic took place in the Senate Resources Committee on April 19, 1989 and in the Senate Finance Committee on April 22 and 27, 1989.

In the original version of the bill there was no mention of the size of spill the spill response office, depots and corps would respond to. The Senate Resources version, however, put restrictions on when the response office corps and depots could respond. They could respond only if: (1) the oil discharge is a catastrophic oil discharge that constitutes an emergency under AS 46.04.08(a); (2) the discharge of oil or a hazardous substance is declared to be an emergency under AS 46.03.865; (3) the governor declares the discharge an emergency under 26.23; or (4) the commissioner reasonably believes that there has been a discharge of oil or a hazardous substance, or that there is a potential discharge of oil or a hazardous substance, and the discharge may qualify under (1) - (3) of this subsection.

The Senate Resources Committee made first reference to the size of a spill that SRO and the depots and corps would respond to. Bill Glude of the Alaska Environmental Lobby testified that he was opposed to limiting the response to a catastrophe. By not imposing this limit, the state could use the depots and corps more. However, Senator Tim Kelly responded that broadening the responsibilities might make the response team grow into more of a bureaucracy that would be hard to move in an emergency. (Senate Resources Cmte. mtg. minutes, SB 264, April 21, 1989, p.7)

Senator Kelly continued to express concern about use of the depots and corps for minor spills in both the Senate Resources and Finance Committees (Senate Resource Cmte. minutes, SB 264, 4/21/89, p.7; Senate Finance Cmte. minutes, SB 264, 4/22/89, p.24).

Later in the Senate Finance Committee, Senator Kelly showed that he was more concerned about the type of emergency rather than the size of the spill that the depots and corps should respond to. He stressed that the Legislature was relying on DEC's assurances that, "[t]he existing fund is only used for true emergencies which pose an imminent and substantial threat to the public health and welfare or the environment" (Senate Finance Cmte. mtg. minutes, SB 264, April 22, 1989, p.23)

Senator Kelly stated that there must be broad-based authority within the state to respond to spills and hazardous substances and that efforts in this regard should not be inhibited at this time. Senator Kelly advised the committee that the intent was to "give the Department of Environmental Conservation as much latitude as they feel they need to be able to respond to a potential danger to public health or welfare or the environment as opposed to an imminent danger or [an] already catastrophic spill" (Senate Finance Cmte. mtg. minutes, SB 264, April 27, 1989, pp. 27- 28).

Language changes were discussed in the Senate Finance Committee that would allow SRO and the depots and corps to be used when the "commissioner reasonably believes that the discharge or potential discharge poses an imminent and substantial threat to public health or welfare or to the environment" (A.S. 46.08.130(a)(5)). Senator Pearce was concerned that this language was too broad.

Amy Kyle, Deputy Commissioner of DEC, explained that the language set the same standard for response as the existing federal and state law. (Senate Finance Cmte. mtg. minutes, SB 264, April 27, 1989, p.27)

There were a few more questions regarding the Department's authority with the new language. Senator Pearce suggested that the language could be interpreted by the department to apply to underground storage tank releases, and stated that this was not the intent of the bill. Amy Kyle explained that the Department needed flexibility to allow the team to respond to something which posed a "real threat." She pointed out past problems such as Crown Point, Peters Creek and the Exxon Valdez oil spill. She also stated that there is no way to know what tomorrow's catastrophe will be.

Senator Duncan further allayed concerns when he referred to language in the Response Fund that required the Legislature to appropriate funds every year for the response office, depots and corps and therefore did not set up a "never ending funnel of money that we never have control over again" (Senate Finance Cmte. mtg. minutes, SB 264, April 27, 1989, p. 28 - 32).

The Senate Finance Committee approved the language giving the Commissioner of DEC broad discretion regarding when the depots and corps could be used. The version of the bill that passed the Senate Finance Committee and later passed the legislature added a fifth condition under which the depots and corps could be deployed. The fifth condition reads, "(5) the commissioner reasonably believes that the discharge or potential discharge poses an imminent and substantial threat to public health or welfare or to the environment" (A.S. 46.08.130(a)(5); Senate Finance Cmte. mtg. minutes, April 27, 1989, p.32).

The legislative history of SB 264 supports use of the response office, depots and corps for virtually all sizes of oil and hazardous-substance spills that could potentially pose an imminent and substantial threat to public health or welfare or the environment. Although certain senators expressed concerns about the depots and corps being used for small spills such as underground storage tank spills, they clearly agreed in Senate Finance that the Department should be given as much latitude as they feel they need to respond to a potential danger to the public health, welfare or the environment. In addition the language adopted in the Senate Finance Committee was the language that remained in the bill through final passage.

#### **Type of Spills for which the depots and corps would be activated**

The type of spill the depots and corps should respond to is important for determining the type of training the corps should have and equipment the depots

should contain. The statutory authority regarding the type of spill the depots and corps should be deployed for is clear and includes all types of oil and hazardous substances.

It is clear that it was the intent of the legislation is to use the response office, depots and corps for hazardous substances as well as oil. All versions of the legislation, including the final version, include the words "oil and hazardous substances" throughout the bills.

Clear statutory language and extensive legislative history support a broad grant of authority for response to all types of spills, including crude and non-crude oil and other hazardous substances. Deputy Commissioner Kyle successfully argued to the Senate Finance Committee that the state must respond in the event of a "problem" rather than be limited to specific types of releases. The state should not be precluded from response in the event of "some other kind of emergency" calling for trained people to help protect the public or contain possible damage (Senate Finance Cmte. minutes, SB 264, 4/22/89, p.26). The critical test of state response is "imminent and substantial threat to public health or welfare or to the environment" (Senate Finance Cmte. minutes, SB 264, 4/27/89, p.28).

On April 22, 1989, in the Senate Finance Committee, Senator Paul Fisher raised a question concerning "oil and hazardous substances" terminology. He was concerned that the oil industry not pay for spills of battery acid. Amy Kyle explained that a hazardous substance may cause a serious problem and therefore should not be precluded from being covered by the depots and corps.

On April 27, 1989, in the Senate Finance Committee, Deputy Commissioner Kyle was asked to define "hazardous substance." She stated the definition as "any kind of a substance, element, or compound when it enters into or on the surface or subsurface of the land or water of the state." The Committee did not change the title nor the language in the bill referring to hazardous substances after these discussions; the final version of the bill included hazardous substances (Senate Finance Cmte. minutes, SB 264, 4/22/89, p.26, and 4/27/89, p.7)

Senate Bill 264 passed the House without discussion or debate regarding size and types of releases.

### **Summary Of Interviews On Legislative Intent**

Interviews were conducted with legislative and administrative personnel who were most involved with the passage of either SB 264 in 1989 or HB 566 in 1990.

Senator Tim Kelly; Senator Drue Pearce; Representative Kay Brown; Deputy Commissioner Amy Kyle; David Rogers, aide to Senator Pearce, and Mike Harmon, aide to Senator Kelly were the six people interviewed. Each of these individuals played a major role in the development of either SB 264 or HB 566.

Although some of the responses in the interviews were different from the legislative record, there were some themes that the interviewees generally agreed with. All of the respondents agreed that the depots and corps were intended to respond to oil and hazardous substance releases.

The respondents all generally agreed that the number and location of the depots would be decided by the state and regional contingency planning process.

There was less consensus on the size of the spill the depots and corps should respond to. Senator Kelly, Representative Brown, and Mike Harmon (former aide to Senator Kelly) recalled that they would be used for catastrophic/major spills but Amy Kyle (former deputy commissioner of DEC) and Senator Pearce thought that the use of the depots and corps was more dependent on the situation, the threat it was posing, and if the responsible party failed to clean it up.

It was agreed by all the interviewees that the Response Fund was the source of funding to capitalize the purchase of equipment and also for operating costs involved with the depots and corps both start up and ongoing. Those that could remember the first year's costs stated it was approximately \$3-4 million.

The equipment purchased would be mostly smaller types of equipment that was easily transportable, including some boom and sorbents, small vessels, and emergency gear.

Interviews with legislative and administrative personnel involved with the passage of SB 264 and HB 566 are included in Appendix A.

## **SECTION II: APPROACHES USED BY OTHER STATES AND CANADA**

### **Introduction**

This section provides the information required under Task 2 of the contract: to research, identify, describe, and summarize approaches being used in other states and Canada for the development of oil and hazardous substance spill response corps and depots. The method used was telephone interviews with agencies and groups involved in oil spill response in Canada and other coastal states.

The following question set was developed to standardize the information gathered from each interview:

1. What is the name, phone number, address and position of a contact person in your organization?
2. Does there exist any government-sponsored and/or -operated oil or hazardous substance response capability in your state/country? Does this response capability include either depots (equipment) or volunteer or paid corps (responders)?
3. How are volunteer/citizen responders handled? Is there a database or call-out list for volunteers? Are they compensated in any way?
4. What is the source of training and what type of training is provided for responders?
5. What spill response equipment do you have (including personal protection gear)? What is the source of equipment for responders? How is it stored?
6. What types of spills (catastrophic, normal, crude, refined oil, hazardous substances) are responded to by your organization? Is this project involved in wildlife rescue operations?
7. How is your organization funded?
8. Can you send us any written information about your organization, i.e., mission statement, charter/bylaws, number of members, past experience in hazardous materials or oil spill response?
9. Do you know of any other groups or government-sponsored programs that provide similar services? If so, please list them.

Interviews were conducted with officials from the following agencies and organizations:

#### **State of Washington**

Department of Wildlife  
Islands Oil Spill Association (IOSA)  
Pacific Lake Environmental  
Department of Ecology

#### **State of Oregon**

Department of Environmental Quality  
Stop Oregon Litter and Vandalism (SOLV)

**State of Maine**

Department of Environmental Protection  
Department of Inland Fisheries and Wildlife  
Quoddy Spill Prevention Group

**State of California**

Department of Wildlife, Oil Spill Division  
Fishermen's Oil Response Team (FORT)

British Columbia, Canada, Ministry of Environment

New Brunswick, Canada, West Isles Clean Environment Association

Marine Spill Response Corporation (MSRC)

Appendix B contains the answers given by each interviewee along with any other information provided by the interviewee. The following is a summary and analysis of the information by state.

**State of Washington**

The State of Washington does not own oil or hazardous substance spill response equipment or depots. The Department of Wildlife has created the Washington Wildlife Rescue Coalition to develop the use of volunteers for wildlife rescue and treatment. The Department of Ecology and Office of Marine Safety use pre-approved oil spill response contractors if a state response is necessary. Two contractors are fishermen-based organizations, the Islands Oil Spill Association based in the San Juan Islands and Pacific Lake Environmental based in Bellingham. Some discussion is underway now at the Department of Ecology about developing volunteer response corps in the future.

The Island Oil Spill Association (IOSA) is a non-profit organization which brings local volunteer resources into oil spill response. IOSA is not government-sponsored but works closely with county, state, and federal agencies dealing with spill response. Government support includes depot space, dispatching, training, insurance, and spill response contracts. IOSA has 350 trained volunteers and about 40 vessels which can be called upon during an oil spill. Their services include oil spill assessment, primary and secondary oil spill response (on water and shorelines), wildlife rescue, response training, prevention education, and local contingency planning. IOSA owns and maintains four equipment depots and has agreements to access other private spill response equipment. IOSA responders volunteer all training time and respond whenever they are called. They may be paid for actual response time by the responsible party or by an agency, but they respond to all spills regardless of pay.

Pacific Lake Environmental is a new for-profit corporation which intends to offer response services in shallow water environments based from seiner fishing vessels. They are not oriented towards volunteerism.

The Wildlife Rescue Coalition was established by the Washington State Legislature (RCW 90.56.100) and is developing a network of trained volunteer responders to

provide wildlife rescue and primary care. The organization was originally funded as a provision of the legal settlement over the Nestucca oil spill. The Coalition is chaired by the Department of Wildlife and they hire a wildlife rescue coordinator which runs the program. The Coalition works as part of the incident command system during a spill. Volunteers must meet minimum requirements and complete eight hours of training before they are allowed to participate in rescue operations. There is a 1-800 number used by the volunteers during an actual spill to determine assignments.

The Department of Ecology is just beginning to put together a volunteer program for oil spills. They held a meeting in September of 1993 to develop a volunteer management plan and organize a volunteer management plan work group.

### **State of Oregon**

The State of Oregon established a steering committee to set up a volunteer program after receiving several hundred phone calls from volunteers during the 1991 Tenyo Maru spill. The committee included state and federal agencies and the non-profit organization Stop Oregon Litter and Vandalism (SOLV). SOLV carries out the program.

The program now includes a database of over 1,200 responders who may be called upon to assist in beach cleanup, wildlife rescue and rehabilitation, and other support services. SOLV does not conduct any on-water activities. The state provides worker's compensation insurance coverage, personal protective equipment, and staff time for training and supervision. The state also manages the database of volunteers, but the state does not provide any direct funding to SOLV or the volunteers.

SOLV maintains a 1-800 telephone number for class registration and information. This number would also be the main source of information in the event of an oil spill. Volunteers can call this number to obtain information on where and when they should report to respond to a spill.

Volunteers are trained by both state and federal agencies. Training consists of four hours per year of classroom training by DEQ, Oregon OSHA, and USCG, plus an additional four hours of site- and incident-specific training at the time of the event. The Oregon Department of Fish & Wildlife provides additional training to some volunteers on wildlife rescue techniques. Training sessions occur about five times per year.

The SOLV volunteers have never been called upon to respond to an actual spill. However, they will be exercised during a major drill planned for the Columbia River in early September, 1993.

Oregon does not have any state-owned equipment depots.

## State of Maine

The State of Maine, Department of Environmental Protection, owns equipment depots for oil and hazardous substance response, including boom, two 5,000-barrel barges, four boats for boom deployment, skimmers, and varying sorbents. This equipment will be used by state employees, but some equipment, such as skimmers, can be lent out to companies who need it for response. In this case, the company can use the equipment itself, or the state can assist. The state also owns equipment for hazardous substance response, including personal protective gear, air sampling equipment, and a decontamination trailer.

The state does not have a program for volunteer responders, although the Department of Environmental Protection contracted with International Bird Rescue and Research to provide training to volunteers in wildlife rescue and rehabilitation. The Department of Inland Fisheries and Wildlife is in charge of implementing this program. The state will provide training free of charge, although volunteers probably will not be compensated for their actual response time. The state is working to identify facilities that would be used for wildlife rehabilitation in the event of a spill, and would like to have equipment pre-positioned at these sites before a spill occurs. The state plans to hold an exercise next year.

The Quoddy Spill Prevention Group is a non-profit group formed to find out what the role of volunteers should be in a spill. The group is also involved in the development of an area contingency plan. The group is participating in the wildlife rehabilitation training, but is not anxious to participate in response activities. However, they might provide monitoring during a spill, and they are also involved with organizing and conducting spill drills.

## State of California

California's oil spill response system depends on the concept of "Best Coast-wide Protection." No contingency plans are approved until the Administrator certifies that the entire coast has adequate response resources. The spill response resources have been provided by a series of oil spill cooperatives which provide services all along the coast. This system can be activated by the state.

The Fishermen's Oil Response Team (FORT) is a fishermen-based response team in California that serves as a coordination liaison between the local spill cleanup cooperative, Clean Seas, and local fishermen. The state legislature provided liability relief for fishermen in SB 2040, clearing the way for FORT to participate in oil spill response. FORT's main activity is providing vessels with trained crews to assist industry-based response activities. Volunteers are not paid for their training time, but actual response time is paid for by a pre-arranged contract. The FORT system contains over 100 vessels and crews which may be employed for wildlife rescue, boom towing, shoreline protection, or support services.

## **Canada**

The Canadian government has both response depots and a paid response corps. Implementation of these programs varies by province.

### **British Columbia, Canada**

The British Columbia Oil Spill Work Force has been created to manage volunteer efforts for oil and hazardous substance response and cleanup. Three trained and equipped response teams are being assembled under the direction of the Canadian Coast Guard, Environment Canada, and the Province of British Columbia. Once trained, members of the Work Force will be paid a wage for involvement in spill response. Responder information will be tracked through a database. Training is being provided by a private contractor.

### **New Brunswick, Canada**

West Isles Clean Environment Association, Inc., has been formed to work with the volunteer response force. They are working closely with the Canadian Coast Guard and Environment Canada to establish local response corps throughout New Brunswick. A database and call out system are being developed at this time. Thirteen people are currently taking a six-week course at the St. Andrews, New Brunswick Community College. After their training, these people will return to coastal communities where they will organize and train the volunteer response corps. Equipment depots are owned by the Canadian Coast Guard and maintained by a private contractor.

## **Marine Spill Response Corporation (MSRC)**

The Marine Spill Response Corporation is working in each of its regions to establish relationships with vessels of opportunity such as fishing vessels. MSRC is working with existing organizations such as IOSA, SOLV, and FORT where such organizations exist. They are not working with any state or federal governments on volunteer response corps at this time.

## **Conclusions**

Many coastal states have recently recognized the need to train and equip volunteer responders for oil and hazardous substance spill response. They have also recognized the problems and liabilities inherent in developing such a program. Most have taken the approach of working through an independent non-profit organization to coordinate volunteers, maintain a database of volunteers and provide training. This approach allows both industry and government access to the same response network. Volunteers are usually not paid for training but usually are paid for actual response activities. Activities of these responders vary but usually include wildlife rescue, shoreline clean-up, and support services. Some states are purchasing response equipment for use by corps, others are not. Training requirements vary considerably from one location to another. Most programs are

aimed at oil spill response; few of the programs surveyed intended to become involved in hazardous substance response because of the liability involved.

### **Interviews**

Responses from the telephone interviews conducted for this report are included in Appendix B. Many states also provided written descriptions of their programs, including brochures, mission statements, and descriptions of past oil spill experience; these are attached in Appendix C.

## **SECTION III: ACTIONS TAKEN TO DATE IN ALASKA**

### **Chronology**

Below is a chronology of actions taken to date within Alaska to develop and implement the emergency response depots and corps, including actions taken by state agencies, the legislature, and other entities such as the Citizens Oversight Council on Oil and Other Hazardous Substances and the Prince William Sound Regional Citizens' Advisory Council.

**May 1989** The Alaska Legislature passed Senate Bill 264 creating an oil spill response office, response depots and volunteer response corps.

The Legislature made the first of a series of appropriations from the response fund for implementation of the depots and corps program. The initial appropriation was \$3.9 million.

**July - June 1989** DEC spent only \$349,425 and lapsed the remaining \$3.56 million. During FY 1990 DEC entered into a reimbursable services agreement (RSA) with the Division of Emergency Services to hire and train non-permanent employees to plan for depots and response corps. At the time DEC anticipated training at least 500 corps volunteers in spill response and the establishment of at least three depots by the end of FY 91.

**May 1990** The 1989 legislation was amended by House Bill 566 (Chapter 190 SLA 1990). New provisions included:

- transfer of the responsibility for the depots and corps program from the Department of Environmental Conservation (DEC) to the Department of Military and Veterans Affairs (DMVA);
- a requirement that depots be located in areas identified as potential oil and hazardous substance release sites in the State Master Plan and Regional Master Plans; and,
- authorization for the Division of Emergency Services (in the DMVA) to contract for personnel, equipment, and other services necessary to establish and maintain regional oil and hazardous substance depots.

The Alaska Legislature passed House Bill 567 (Chapter 191 SLA 1990) which included authorization for DEC to conduct a study and develop recommendations by 7/1/91 concerning appropriate locations for regional response depots, based on where noncrude oil discharges were most likely to occur as well as the needs of remote areas of the state.

For FY91, the Legislature appropriated \$3,169,900 from the response fund for the depot and corps program.

**August 1990** DEC signed an RSA with DES allocating \$98,000 to DES. This RSA was defined as Phase I of the project, and required DES to provide initial training and development and to draft plans for the depot and corps programs.

**December 1990** The original RSA was modified and the funding increased to a total of \$494,000. The purpose of the amendment was described as for Phase II work started in October 1990 including initial equipment for depots. The actual amount spent by DES only amounted to \$203,502.

**March 1991** The State Master Plan was granted interim approval by the State Emergency Response Commission (SERC) but did not include depots and corps locations as required by AS 46.04.200(b)(5).

**April 1991** Internal DEC memo that established a FY 92 plan for establishing depots and corps which included establishment of a regional depot in Anchorage and a response corps providing a pool of general laborers for call out by DEC.

**May 1991** For FY 92 the Legislature appropriated an additional \$2,911,400 to DEC for the depot and corps program, including \$2 million for DES.

The Department of Environmental Conservation released an internal audit titled, "Management of the Oil and Hazardous Substance Release Response Fund Needs Improvement." The report criticizes DEC for poor management of the Response Fund (see Appendix D).

**June 1991** DEC signed an RSA with DES giving DES \$2,000,000 for implementation of depots and corps. Memo attached to RSA called for an integrated resource data base.

**July 1991** DEC completed a study of non-crude tank vessels and barges (written by Arthur D. Little). The study identified southeast and western Alaska as the two highest priority areas for establishing depots to address the non-crude oil transportation threat.

**August 1991** An RSA transferred funding from DEC to DMVA "with the restriction that funds could be used only to hire four full-time employees until a scope of work was drawn up." This restriction was soon thereafter removed.

**November 1991** At a DEC budget hearing the Director of DEC's SPAR Division testified that the depots/corps program funding would be used by DES for personnel, an earth station and a hazards analysis report.

A proposed scope of work provided to DEC by DMVA describes an Anchorage Depot.

**December 1991** The \$2 million RSA between DEC and DES for FY 92 for depots and corps was reduced by \$300,000, so that DEC could use the money to do the statewide hazards analysis necessary for locating the response depots and corps.

DEC made a concurrent decision to allocate the funds directly to the LEPC's to conduct the hazards analysis.

**March 1992** DES submits a \$2 million request to establish the first depot, provide a list of inventory and prioritize inventory that will be purchased to equip the depot.

The Alaska Legislature's Division of Legislative Audit released an audit on the implementation of the response depots and corps program. Among the conclusions of this audit were:

- no noticeable steps were taken during FY 90 to implement the depots and corps program as envisioned in the initial \$3.9 million appropriation;
- the State Master Plan was not done by 7/1/90, the date for completion given in the legislation;
- the RSA between DEC and DMVA was basically unrestricted and without an authorized scope of work;
- insufficient accounting and documentation of expenditures was done by DES, as required by the RSA; and,
- actual spending differed drastically from the FY 92 budget request.

**April 1992** DEC Commissioner John Sandor responded to the legislative audit by agreeing that:

- the conceptual agreements should be formalized by 7/1/92;
- depot sites should be designated in the State Master Plan by 7/1/92; and,
- a long-term strategic plan should be developed by DEC and DMVA by 1/1/93 (see Appendix D for audit and response).

**March 1992** The Prince William Sound Regional Citizens' Advisory Council drafted a proposal to the legislature for a Demonstration Project for a Nearshore Strike Team. The elements of the proposal included:

- a nearshore strike team and equipment cache,
- oil spill training for six coastal communities,
- a statewide database of vessels,
- development of model contracts, and
- a public education program.

**May 1992** DES requested \$5,000,000 in funding for depots and corps with minimal informational backup. The Legislature appropriated \$800,000 for continued DES staff work in the FY 93 budget. In addition, a separate appropriation of \$1.2 million was made to DEC for a nearshore strike team demonstration project to be done in conjunction with the response depots and corps program.

**September 1992** The new State Master Plan was revised and included a plan to establish a central depot in Anchorage. Additional central depot locations being considered prior to the completion of the regional hazards analyses were Fairbanks and Juneau.

**October 1992** The FY 93 RSA between DEC and DMVA provided that DES will assist DEC in preparing a three-year strategic plan for the response depots and corps

program for FY 1994 and beyond. The RSA also provided that DES will make recommendations for establishing the portion of the response corps that must be prepared to respond to a non-oil hazardous substance release.

**February -May 1993 Procurement of Point to Point Satellite Communications Project**

**March 1993 - As of April, 1993, 825 people were trained by DES in the following areas:**

- 24 hour Hazwoper
- 40 hour hazmat
- Hazmat Technician

(There is a data base of people who have been trained. However, the database is not a data base of volunteers for the corps. It is solely a list of people who have been trained in the above listed courses.) "Preliminary report to Governor Hickel on Radiological Threats and Release Response Preparedness in the State of Alaska," prepared by the SERC. The goal of the review was to identify sources of radiation hazards, determine the level of preparedness to respond to these threats, and make recommendations for reducing risk and enhancing response. One of the objectives of the report was to recommend measures that the state could take to reduce the risks of radiological hazards, through such strategies as source control and reduction, public education, and improved monitoring and response capability (see Appendix D). Hazards Analysis for Sitka completed.

**April 1993** The Citizens' Oversight Council on Oil and Other Hazardous Substances issued a report entitled, "Oil Spill Prevention and Response Planning Legislation, An Assessment of Implementation." The report documents the status of implementation of certain statutory requirements pertaining to the state of Alaska's oil spill prevention and response preparedness program (see Appendix D).

**May 1993** The Alaska Legislature appropriated \$600,000 in the operating budget for FY 94 for the Division of Emergency Services; \$430,000 was appropriated in the capital budget for emergency operations enhancements, furnishings, relocation of the troopers, and communications equipment. Hazards Analysis for Yakutat completed.

**June 1993** DEC issued a request for proposals for a Nearshore Demonstration Project, the purpose of which was to organize, procure equipment for, and conduct two Nearshore Demonstration Projects.

**July 1993** Southeast Area/Regional Contingency Plan draft completed.

**August 1993** Cook Inlet Area/Regional Contingency Plan draft completed. Hazards Analysis for Juneau completed. Contract awarded for completion of the statewide hazards analysis to Easton Environmental.

**September 1993** DEC awarded the contract for the Nearshore Demonstration Project to HARTEC. Working draft completed of the Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharge/Releases. Procurement of approximately two-thirds of the \$1.6 million mobile point to point satellite communications equipment including: earth stations, repeaters, hand held radios, video telecommunications, telephone and key systems for emergencies. Funded 50% Response Funds and 50% Federal Emergency Management Administration.

**Upcoming Dates:**

**June 1994** Hazards Analysis Statewide is slated to be completed.

**Summary of Expenditures to Date**

According to the Alaska State Legislature, Division of Finance, the Department of Environmental Conservation has expended a total of \$2,142,705 on Spill Response Depots and Corps and the Division of Emergency Services has expended a total of \$2,298,412 on Spill Response Depots and Corps to date.

*Executive Summary*

**EVALUATION OF ALASKA SPILL RESPONSE  
DEPOTS AND CORPS: A REVIEW OF  
LEGISLATIVE INTENT AND ACTIVITIES**

*submitted to:*

**Alaska Department of Environmental Conservation  
Division of Spill Prevention and Response  
Government Preparedness and Response**

November 20, 1993



1407 W. 31 Ave., 100  
ANCHORAGE, AK 99503  
PHONE (907) 272-3034  
FAX (907) 272-7122

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# **Evaluation of Alaska Spill Response Depots and Corps: A Review of Legislative Intent and Activities**

## *Executive Summary*

### *Background*

In 1989, immediately following the *Exxon Valdez* oil spill, Alaska State Senator Tim Kelly introduced Senate Bill 264 (SB 264) which created and authorized funding for emergency response depots and corps from the Oil and Hazardous Substance Release Response Fund (Response Fund).

In 1990, House Bill 566 transferred implementation of the oil and hazardous substance response depots and corps from the Department of Environmental Conservation to the Division of Emergency Services in the Department of Military and Veterans Affairs. Other than this transfer of authority, however, HB 566 did very little to change the actual intent of the original legislation as it related to response depots and corps.

Since the passage of SB 264 and HB 566, more than \$12.5 million has been appropriated from the Response Fund to the emergency response depots and corps (hereafter referred to as depots and corps). In that four-year period, very little progress has been made in actual development and implementation of the depots and corps. Now, as part of the effort to fully implement the legislation, the Department of Environmental Conservation's (DEC) Government Preparedness and Response Program has begun preparing a strategic plan for state spill response. The strategic plan will identify all state spill response resources that DEC has available to use in responding to spills and define a strategy for implementing resources, depots and corps in particular.

This report, *Evaluation of Alaska Spill Response Depots and Corps: A Review of Legislative Intent and Activities*, prepared by North Coast Research Group, provides an analysis of the legislative intent regarding the response depots and corps, a review of other states' and Canada's programs similar to the response depots and corps, and a chronology of actions taken to date in Alaska regarding the response depots and corps.

### *Legislative Intent*

As part of DEC's strategic planning process for oil and hazardous substances, the legislature's intent for implementation of the depots and corps is of primary concern. In order to determine the legislative intent, North Coast Research Group conducted a thorough review of legislative records, interviewed legislative and administrative

personnel who were most involved with the passage of either SB 264 in 1989 or HB 566 in 1990, and prepared the following findings of the key issues:

- **Funding for the depots and corps** — Committee minutes, as well as various interviews with policy makers, support the conclusion that funding for the depots and corps program would come from the Response Fund. Senator Kelly estimated it would cost \$20 million to implement the depot system in the first year, and that once the equipment is in place it would cost approximately \$3 million a year to maintain the Spill Response Office and the response corps.

The committee minutes, supported by the interview responses, clearly indicate that the Response Fund was the source of funding to capitalize the purchase of equipment as well as operating costs involved with the depots and corps, both start-up and ongoing.

- **Characteristics of the depots and corps** — The legislative history for SB 264 and HB 566 is clear that the depots and corps are to be planned through the DEC master and regional contingency planning and the State Emergency Response Committee (SERC) approval process. Although there was general legislative support for protecting the most vulnerable regions of the state with response depots and corps, the legislature left the determination of locations to the DEC and SERC planning process. The interview respondents generally agreed that the number and location of the depots would be decided by this planning process.

Also shown in the committee minutes and statutory language, the state was to pay for training volunteers in communities selected as depot sites and pay them when necessary to combat a spill or participate in training. There were several references during the committee discussions regarding fishermen and their expertise in responding to spills.

The legislative history is not clear regarding the specific quantity and type of spill containment equipment and materials which the legislature intended to be stored at depot sites. General references were made by the public, agency staff and legislators throughout the legislative history to spill response equipment, particularly "boom," without further specificity. Consistent with the legislative record, the interviews supported the purchase of smaller types of equipment with some boom, sorbents, and emergency gear.

There was no reference in either the legislative records or the interview discussions and no statutory language about relieving responsible parties of their planning or clean-up requirements.

- **Size of spills for which the depots and corps would be activated** — Although size of spill was an issue during the committee deliberations, it

became irrelevant in determining use of the depots and corps in the final version of SB 264. Rather than size, the determining factor became when the spill poses a threat to public health or welfare or to the environment.

The Commissioner of DEC has the final determination regarding when the depots and corps could be deployed — that is, when the Commissioner believes that the discharge or potential discharge poses an imminent and substantial threat to public health or welfare or to the environment.

- **Type of spills for which the depots and corps would be activated** — Clear statutory language and extensive legislative records support a broad grant of authority for response to all types of spills, including crude, non-crude oil or other hazardous substances. All versions of the legislation, including the final version, include the term “oil and hazardous substances.” All of the interview respondents agreed that the depots and corps were intended to respond to oil and hazardous substance releases.

### *A Review of Other States' and Canada's Programs*

Also important to the strategic planning process, North Coast Research Group reviewed the status of similar programs in other states and Canada. Many coastal states have recently recognized the need to train and equip volunteer responders for oil and hazardous substance spill response. They have also recognized the problems and liabilities inherent in developing such a program. Most have taken the approach of working through an independent non-profit organization to coordinate volunteers, maintain a database of volunteers and provide training. This approach allows both industry and government access to the same response network. Volunteers are usually not paid for training but usually are paid for actual response activities. Activities of these responders vary but usually include wildlife rescue, shoreline clean-up, and support services. Some states are purchasing response equipment for use by corps, others are not. Training requirements vary considerably from one location to another. Most programs are aimed at oil spill response; few of the programs surveyed intended to become involved in hazardous substance response because of the liability involved.

### *Actions Taken to Date in Alaska*

This section provides a chronology of actions taken to date to develop the response depots and corps program. This chronology includes reports and audits by state agencies, as well as citizens' groups and actions taken by these entities to implement a depots and corps program.

Some actions have been taken to implement SB 264. However, the process to develop the depots and corps program has been slower than anticipated when the enabling legislation was passed in 1989. This is partly due to the fact that both DEC

and DES needed more information, such as the statewide hazards analysis, before the depots and corps could be established. The most significant step toward implementing SB 264 was the request-for-proposals process and award of the Nearshore Demonstration Project contract in August 1993. The demonstration concept, promoted by the Prince William Sound Regional Citizens' Advisory Council, was funded by the legislature in May 1992.

The most significant actions taken to date include:

1) **DEC completed a study of non-crude tank vessels and barges**

July 1991 The study, prepared by Arthur D. Little, identified southeast and western Alaska as the two highest priority areas for establishing depots to address the non-crude oil transportation threat. The report also concluded that "the risk of non-crude spills greater than 1000 gallons and resultant damage to the environment, is extremely low."

2) **Portions of the hazards analyses conducted by DEC and the Local Emergency Planning Committees.**

March 1993 Hazards Analysis for Sitka completed.

May 1993 Hazards Analysis for Yakutat completed.

August 1993 Hazards Analysis for Juneau completed.

August 1993 Contract awarded for completion of the statewide hazards analysis to Easton Environmental.

June 1994 Statewide Hazards Analysis is slated to be completed.

3) **The Preliminary report to Governor Hickel on Radiological Threats and Release Response Preparedness in the State of Alaska.**

March 1993 "Preliminary report to Governor Hickel on Radiological Threats and Release Response Preparedness in the State of Alaska," prepared by the SERC. The goal of the review was to identify sources of radiation hazards, determine the level of preparedness to respond to these threats, and make recommendations for reducing risk and enhancing response. One of the objectives of the report was to recommend measures that the state could take to reduce the risks of radiological hazards, through such strategies as source control and reduction, public education, and improved monitoring and response capability (see Appendix D).

4) **Development of the State Oil and Hazardous Substance Response Master Plan and Regional/Area Plans coordinated by DEC and the U.S.C.G.**

March 1991 The State Master Plan was granted interim approval by the State Emergency Response Commission (SERC) but did not include depots and corps locations as required by AS 46.04.200(b)(5).

Sept. 1992 The new State Master Plan was revised and included a plan to establish a central depot in Anchorage. Additional central depot locations being considered prior to the completion of the regional hazards analyses were Fairbanks and Juneau.

July 1993 Southeast Area/Regional Contingency Plan draft completed.

August 1993 Cook Inlet Area/Regional Contingency Plan draft completed.

Sept. 1993 Working draft completed of the Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharge/Releases (the "Unified Plan").

5) **DES statewide training for volunteers**

April 1993 825 people have been trained by DES in the following areas:

- 24-hour Hazwoper
- 40-hour Hazmat
- Hazmat Technician

(There is a data base of people who have been trained. However, the database is not a data base of volunteers for the response corps. It is solely a list of people who have been trained in the above listed courses.)

6) **Nearshore Demonstration Project and award of contract**

March 1992 The Prince William Sound Regional Citizens' Advisory Council drafted a proposal to the legislature for a Demonstration Project for a Nearshore Strike Team. The elements of the proposal included:

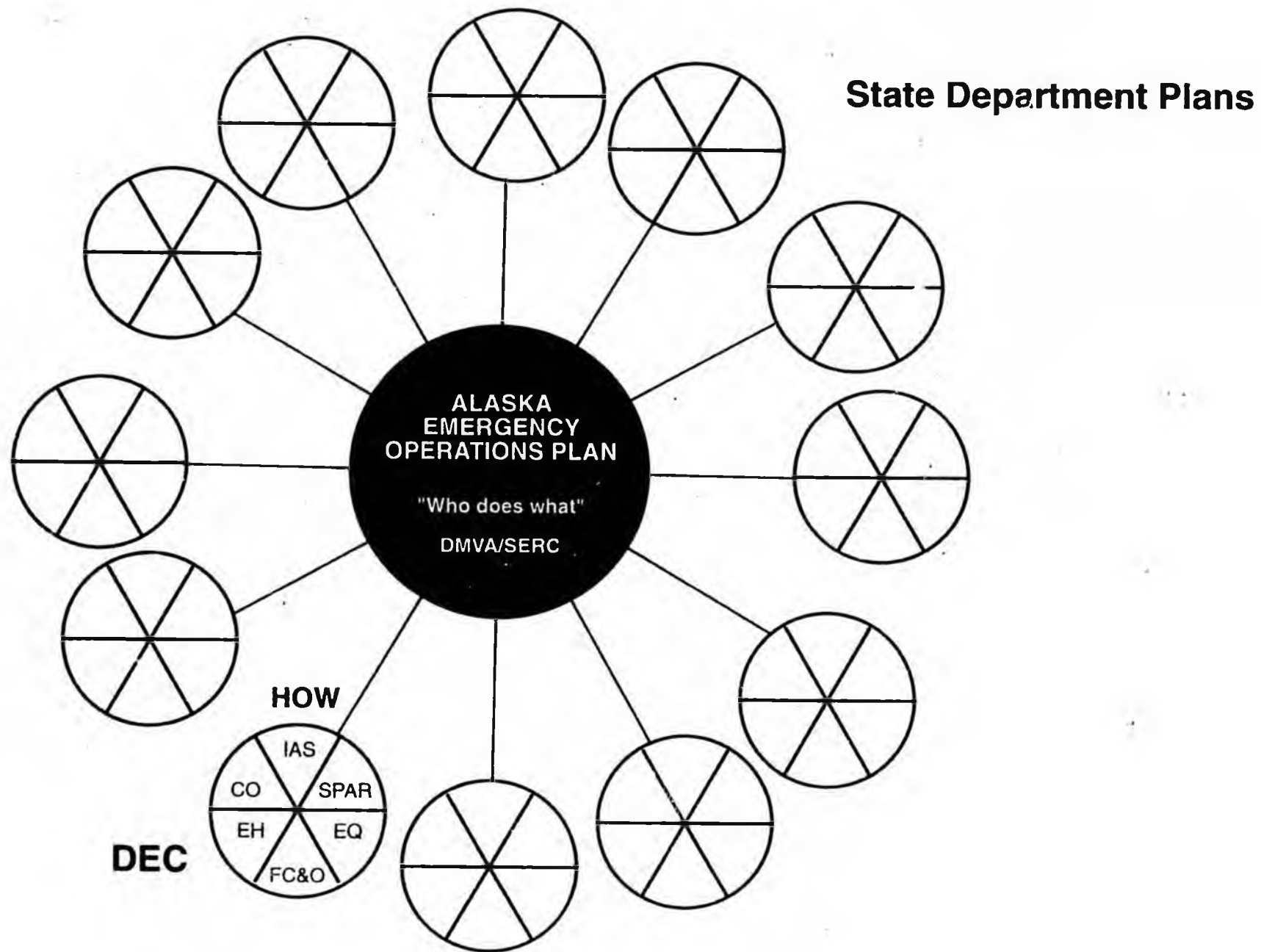
- a nearshore strike team and equipment cache,

- oil spill training for six coastal communities,
  - a statewide database of vessels,
  - development of model contracts, and
  - a public education program.
- May 1992 DES requested \$5,000,000 in funding for depots and corps with minimal informational backup. The Legislature appropriated \$800,000 for continued DES staff work in the FY 93 budget.
- May 1992 An appropriation of \$1.2 million was made to DEC for a nearshore strike team demonstration project to be done in conjunction with the response depots and corps program.
- June 1993 DEC issued a request for proposals for a Nearshore Demonstration Project, the purpose of which was to organize, procure equipment for, and conduct two Nearshore Demonstration Projects.
- August 1993 Contract awarded for completion of the statewide hazards analysis to Easton Environmental.
- Sept. 1993 DEC awarded the contract for the Nearshore Demonstration Project to HARTEC.
- 7) **Purchase of communications equipment by DES.**
- Sept. 1993 Procurement of approximately two-thirds of the \$1.6 million mobile point-to-point satellite communications equipment including: earth stations, repeaters, hand-held radios, video telecommunications, telephone and key systems for emergencies. Funded 50 percent Response Funds and 50 percent Federal Emergency Management Administration.

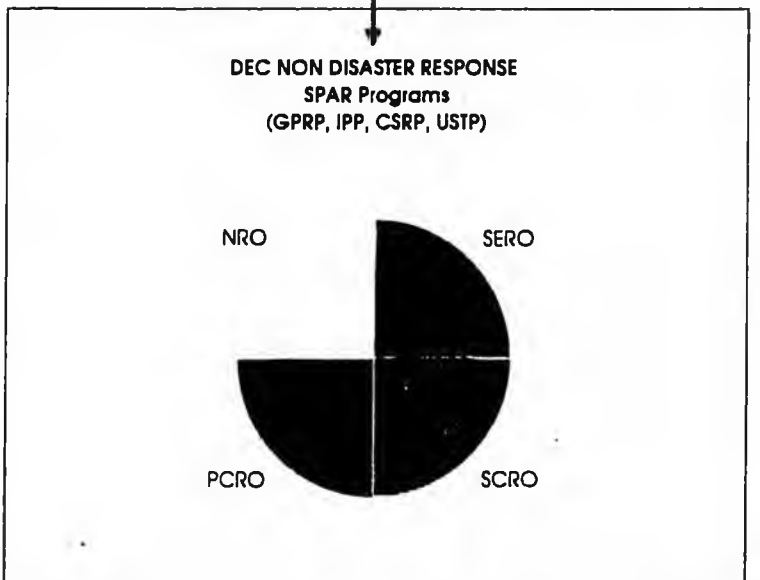
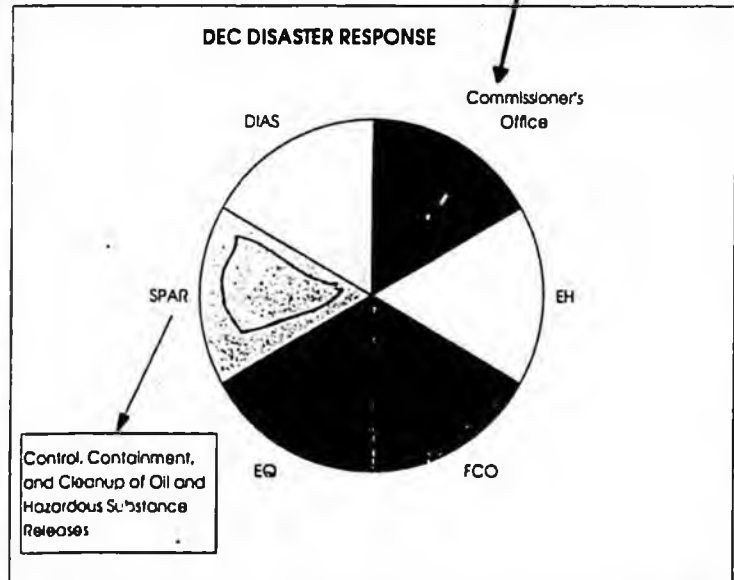
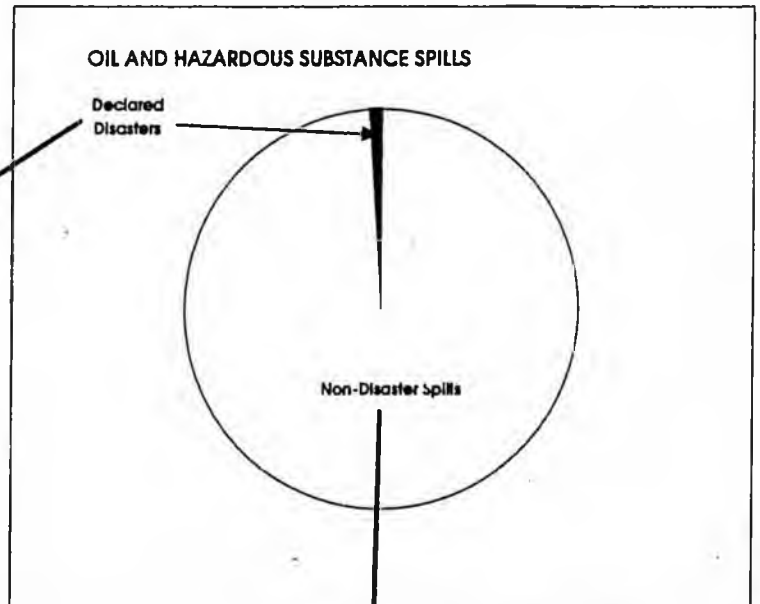
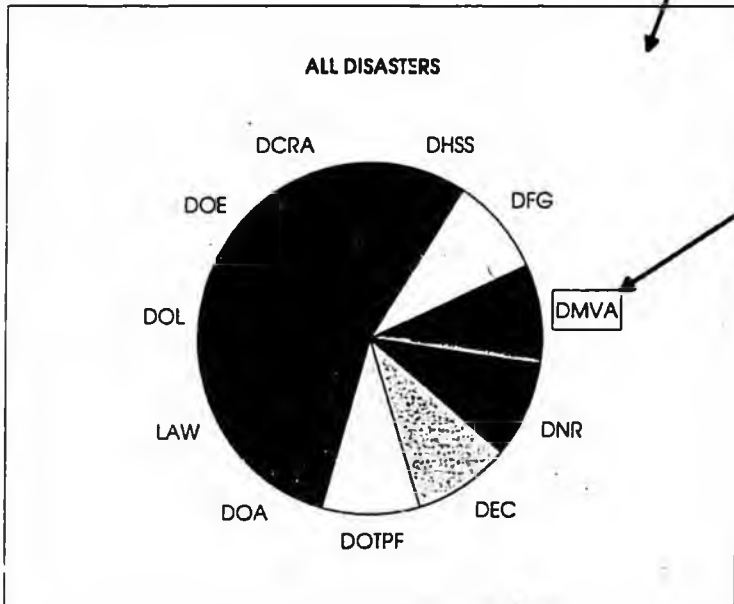
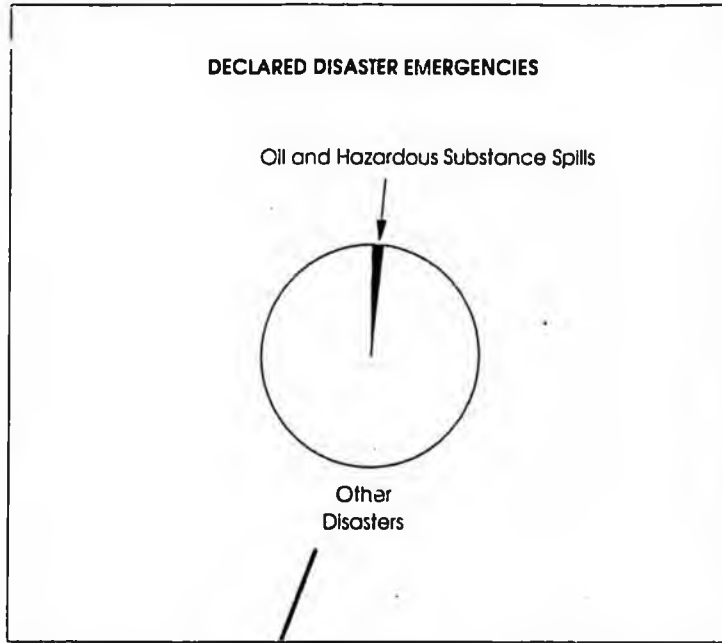
### Summary of Expenditures to Date

According to the Alaska State Legislature, Division of Finance, the Department of Environmental Conservation has expended a total of \$2,142,705 on Spill Response Depots and Corps and the Division of Emergency Services has expended a total of \$2,298,412 on Spill Response Depots and Corps to date.

# ALASKA DISASTER PLANNING



**DISASTER AND NON-DISASTER RESPONSE TO OIL AND HAZARDOUS SUBSTANCE RELEASES**



# FISCAL NOTE

# 5  
Revisions  
No. 2

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL Bill Version: SB 33  
(S) Publish Date: 2-24-93

Revision Date: \_\_\_\_\_  
Title: Relating to grants for LEPC's  
Sponsor: Leman  
Requestor: Leman

Department Affected: Environmental Conservation  
BRU: Spill Prevention & Response  
Component: Program Development

COMPONENT SERIAL NO. 1 1 8 1 1 4

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL

REVENUE  
FUND SOURCE:

FUNDING:	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
1002 FEDERAL RECEIPTS	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF MATCH	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECPT	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTLA	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:  
FULL-TIME  
PART-TIME  
TEMPORARY

Changes in CS BB 33 (CRA) have no fiscal impact. This fiscal note is appropriate.  
2/23/93 J. Amstrong  
date Comte Aide (initial)

Estimate of current year (FY93) impact: 5 None

ANALYSIS: (Attach a separate page if necessary.)  
This bill simply gives DEC and DMVA author ty to issue gran ts to LEPC's fo fromation and training purposes.  
Any funding of such grants would still be subj ected to the normal budgetary process.

Prepared by: Janice Adair  
Division: Commissioner's office

Phone: 465-5010  
Date: 1/26/93

Approved by Commissioner: Janice Adair  
Agency: Department of Environmental Conservation

Date: 1/26/93

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

# MEMORANDUM

State of Alaska

Department of Environmental Conservation  
Division of Spill Prevention and Response

TO: Janice Adair  
Assistant Commissioner

DATE: January 26, 1993

THRU: Michael A. Conway  
Director *MAC*

FILE NO: (serc\legpro\janice.33)

TELEPHONE NO: 465-5220

FROM: Camille Stephens *CSS*  
SERC Program Coordinator

SUBJECT: SB 33 Questions

1. What have the LEPCs requested in terms of funding?

For FY '94, the Department has requested \$1.2 million in funding for forming and operating LEPCs. This figure was based on estimates provided by LEPCs and communities currently in the process of organizing a Committee that received funding during FY '93, and staff estimates of funding that would be required for the remaining areas of the state.

2. What are the funds for?

The purpose of the funds in FY '94 will be the same as in previous years, i.e. to organize LEPCs and carry out the Committees' state and federally mandated responsibilities, including: conducting a hazards analysis; develop a local hazardous substance emergency response plan; implement, test, and revise those plans; and, encourage efforts to reduce risks to the community from hazardous materials.

Currently the Department uses two means of transferring the funds to LEPCs. A Memorandum of Understanding is used if a local government agrees to accept and manage the funds on behalf of the LEPC. If the local government is unwilling to provide this service, or no local government exists to provide the service, the Department will manage the funds on behalf of the LEPC. Four of the 20 funding recipients in FY '93 are on collocation codes (Anchorage, Fairbanks, Copper River, and Prudhoe Bay).

Since LEPCs are State entities according to an Attorney General's opinion, and since a State agency does not typically give a grant to another State agency, grant authority will not provide the universal solution to the problem of transferring funds to LEPCs. The grant authority legislation (SB 33) would, however, give the Department an alternative to an MOU as the means of making the funds available to an LEPC, and would broaden the possible entities that could receive and manage the funds on behalf an LEPC to certain non-governmental entities (e.g., non-profit groups).

3. What criteria are use to allocate the funds to the LEPCs and communities?

Although the guidelines for funding proposals and award criteria have not been set for FY '94, the criteria listed in the March 19, 1992 memo are not likely to change.

4. Do we have guidelines or regulations for how the money is used?

Unchanged from March 19, 1992 memo. To add an additional comment, the funds are from the Response Fund, so use is limited by statutes governing that funding source.

5. Do we have any limits?

Unchanged from March 19, 1992 memo.

6. Do we pay for travel and per diem?

Unchanged from March 19, 1992 memo.

7. How do we check them? What checks and balances exist?

Unchanged from March 19, 1992 memo. Terms contained in the FY '93 funding agreements specify deliverables that must be completed.

8. What federal sanctions, if any, would we face if we did not have a SERC or LEPCs?

Unchanged from March 19, 1992 memo.

9. If we grant the money to an organization, what would we do if they did not form an LEPC?

Unchanged from March 19, 1992 memo.

10. What would the grant agreement look like?

Unchanged from March 19, 1992 memo.

11. Would we have regulations for this?

Unchanged from March 19, 1992 memo. (Note: Ohio, and possibly other states have an LEPC grant program and regulations. These may serve as useful models on which to base Alaska's program.)

12. Why don't the local governments contribute money, or do they contribute something?

As last year, some local governments provide in-kind services, but typically do not receive local funding. The SERC recognizes that participation of local government is critical to the success of the LEPC, and we are actively working to enhance the working relationship between these two entities.

13. Do we have any limit on the number of members on an LEPC?

The SERC has not imposed a limit on the number of members on an LEPC. As pointed out in the March 19, 1992 memo, the number of Committees is more the deciding factor with regard to funding levels for the program. The SERC recognizes that the State cannot provide support for an unlimited number of Committees and is rethinking the current approach to establishing new LEPCs. Fiscal sustainability will be a key factor in determining the program's ultimate future.

14. What if the local fire department was all a community could get to do this?

The statutory requirements for membership composition of an "LEPC" have not changed.

cc: Lynn Kent, GPRP Program Manager

Funding Mechanism	Possible Recipients	Comments
MOU	Local Government	These are the only means currently used by the Department
Collocation Code	LEPC	
Grant	Non-profit Certain for-profit groups Local Government	Department needs grant authority as proposed in SB 33

FY 94 LEPC FUNDING REQUESTS (..)

LEPC/LEPD	Total Request	Mandated Responsibilities*	Response Equipment and Training
1 Anchorage	\$340,050	\$90,200	\$245,200
2 Bristol Bay	\$52,475	\$49,900	
3 Haines	\$220,531	\$170,100	\$41,500
4 Juneau	\$144,000	\$52,800	\$88,400
5 Petersburg	\$104,864	\$42,300	\$78,480
6 Sitka	\$148,900	\$86,400	\$58,000
7 Unalaska	\$101,000	\$77,000	\$20,000
8 Valdez	\$42,500	\$30,900	\$10,000
9 Kenai	\$205,000	\$137,800	\$60,000
10 Copper River	\$21,500	\$1,100	\$20,325
11 Kodiak	\$392,000	\$134,900	\$250,000
12 Mat-Su	\$100,500	\$19,500	\$80,000
13 Ketchikan	\$140,550	\$40,700	\$97,750
14 Fairbanks		\$47,500	
15 Prudhoe		\$23,800	
16 NW Arctic Borough		\$23,800	
17 Aleutians East		\$28,500	
18 Nome		\$23,800	
19 Yakutat		\$14,300	
20 SSE LEPD		\$14,300	
21 Unorg. LEPD		\$90,900	
TOTAL	\$2,013,870	\$1,200,500	\$1,049,655

\* Requirements under SARA Title III and AS 46.13

NOTE: shaded cells indicate no preliminary request submitted by LEPC; requests for these LEPCs are staff es

Prepared by DEC/November 2, 1992

# FISCAL NOTE

*#5 replace this*  
No. 1

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: SB 33  
(S) Publish Date: 2-24-93

Revision Date: \_\_\_\_\_ Dept. Affected: DMV/A  
 Title: Grants for Local Emergency BRU: Disaster Planning and Control  
Planning Committees Component: Hazardous Materials Response  
 Sponsor: Sen. Leman  
 Requestor: Sen. Leman COMPONENT SERIAL NO. 1211

Expenditures/Revenues: (Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact

Changes in CS SB 33 (CRM) have no fiscal impact. This fiscal note is appropriate.

2/23/93 Shirley Anthony  
date Comptroller (initial)

Prepared by: Jeff Morrison, Director  
 Division: Administrative & Support Services  
 Approved by Commissioner: Morrison for Hugh L. Cox III  
 Agency: Military & Veterans Affairs

Phone: 465-4730  
 Date: 10 Feb 93  
 Date: 2/16/93

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# FISCAL NOTE

No. 3

Replaced  
by #5

Bill Version: CSSB 33 (STA)

(S) Publish Date: 1-24-94

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Revision Date: January 12, 1994 Dept. Affected: Military and Veterans Affairs  
 Title: An Act relating to emergency planning and response BRU: Disaster Planning and Control  
 Sponsor: Senator Leman Component: Disaster Planning and Control  
 Requestor: Senator Leman COMPONENT SERIAL NO. 1808

(Thousands of Dollars)

Expenditures/Revenues	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES	240.0					(111.8)
TRAVEL	85.3					
CONTRACTUAL	423.2					
SUPPLIES	10.0					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>758.5</b>					<b>(111.8)</b>

CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

(Thousands of Dollars)

FUND SOURCE	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 Federal Receipts						
1003 GF Match						
1004 GF	111.8					(111.8)
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other: 1052 470 Fund	646.7					
<b>TOTAL</b>	<b>758.5</b>					<b>(111.8)</b>

Estimate of any current year (FY94) cost: \$ not applicable

**POSITIONS**

FULL-TIME	5.0					(2.0)
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)  
 See attached pages for analysis

Prepared by: Jeff Morrison, Director Phone: 485-4730  
 Division: Administrative Support Services Division Date: January 14, 1994  
 Approved by Commissioner: Morrison for Hugh L. Cox III Date: January 14, 1994  
 Agency: Military and Veterans Affairs

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ATTACHMENT TO FISCAL NOTE TO CSSB 33 (STA)  
 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS  
 Division of Emergency Services  
 Disaster Planning and Control Component

**Fiscal Summary:** This fiscal note combines the following: 1) the transfer of three positions and funding (\$241.9) from DEC to provide support to the State Emergency Response Committee (SERC); 2) the transfer in of 400.0 from DEC to fund Local Emergency Planning Committee (LEPC) direct assistance; and 3) the establishment of two new general funded positions to accomplish the additional work assisting LEPCs required by this legislation. This totals a transfer of 641.9 from DEC, with an additional 111.8 in state general funds. The funding being transferred from DEC comes from the Oil and Hazardous Substance Release Response Fund ("470 Fund"). The net result on this component of the fiscal actions required by this legislation is as follows:

Expenditure Account	SERC Support	LEPC Assistance	LEPC Staff	Total
Pers Svcs	128.2		111.8	240.0
Travel	85.3			85.3
Contractual	23.2	400.0		423.2
Supplies	10.0			10.0
<b>Total</b>	<b>246.7</b>	<b>400.0</b>	<b>111.8</b>	<b>758.5</b>
<b>Positions</b>	<b>3</b>		<b>2</b>	<b>5</b>

Please refer to the DEC fiscal notes for an explanation of the fiscal impact on DEC. There is a net zero effect on the 470 fund compared to the FY95 operating budget request; and a net savings of 396.6 in 470 funds compared to FY94 due to a 396.6 decrease in the DES operating budget funding from 470 Fund from FY94 to FY95. The following paragraphs explain in more detail each of the areas summarized above:

**SERC Support:** Three staff positions within DEC which provide support to the SERC will be transferred into this component. These positions are located in the Spill Prevention and Response BRU, Government Preparedness component. The DEC fiscal note identifies the separate projects in which these positions are budgeted (DEC uses project budgeting). The total amount of funds to be transferred from DEC for this function is \$241,900. The line-item breakout within the DMVA/DES budget has been adjusted in this fiscal note to show how the funds are projected to be needed.

The three transferred positions would continue to support the SERC through coordinating regularly scheduled meetings, implementing SERC decisions and directions, and staff review and preparation of agenda items. They would also work with the current DES staff to ensure integration of local (LEPC) plans with the state emergency operations plan. The remainder of the funding for SERC support is used for public members' travel, advertising, room rentals, and other meeting costs. Some of the funds transferred in for SERC support will also be used to support the two LEPC staff positions also created by this fiscal note (e.g. travel, communications).

The three transferred positions would be reclassified as needed in order to provide the best overall support to the SERC. The needed support can best be provided by a restructuring of the support staff to have one professional planner II (range 17, \$54,468), one administrative assistant III (range 14, \$45,241), and one clerk typist III (range 8, \$33,773). A 4% vacancy rate is built into the budgeted personal services costs of these positions for purposes of the fiscal note, for a total personal services budget of \$128,200.

**LEPC Assistance:** DMVA will assume responsibility for providing planning assistance to the LEPCs. This will be met by a combination of contracts with LEPCs and staff support to work directly with the LEPCs.

Contracts with LEPCs have been a major element of previous budget submissions from DEC. \$400,000 for LEPC contracts is currently included in the FY95 DEC budget (SPAR BRU, Government preparedness component). This money will be transferred to DMVA and administered by the Division of Emergency Services.

These contracts will be used by local groups to train community responders to respond to releases of hazardous substances and oil spills, and to provide for administrative support of local planning efforts related to disaster emergencies. The additional staff to be added to DES in this fiscal note will reduce or eliminate the need for local entities to contract for planning services.

**LEPC Staff:** The direct staff support to LEPCs will be accomplished by the addition of two new general funded planner positions: one range 17 planner II (\$54,468 annual salary cost), and one range 19 planner III (\$61,953 annual salary cost). A 4% vacancy rate is built into the budgeted personal services costs of these positions for purposes of the fiscal note, for a total personal services budget of \$111,800. The planners will work with LEPCs to perform on-site surveys to analyze local hazards and assess capabilities, write disaster response and mitigation plans, assist in local review, and promulgate the finished plans. The hazards included in the plans will include oil spills, hazardous substances, and all other types of natural and man-caused disasters. Travel and other support costs for the LEPC planners will be reallocated from the SERC support funds as needed.

With the staffing to be added by this fiscal note, combined with the technical staff currently in DEC and the current staff of DES, we project that the initial plans for the Local Emergency Planning Districts (LEPDs) established by the SERC will be completed by the end of FY99. The LEPDs will cover the entire state of Alaska. Developing the required plans will involve working closely with the political subdivisions of all sizes located throughout Alaska. There will be an ongoing need to periodically review and revise the plans, and to train and drill to test the adequacy of the plans. Annual local reviews are a federal requirement (SARA Title III).

It is likely that after the initial plans for the LEPDs are completed (FY99), the amount needed for state-provided planning support to LEPCs will decrease. DES staff will be reduced proportionately as the formalization of emergency planning capabilities is achieved in the anticipated 25-30 LEPCs by FY99. This fiscal note reflects that reduction by the elimination of two positions and 111.8 in general funds starting in FY 2000.

# FISCAL NOTE

3/30/93

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSSB 33 (STA)

STA then FIN

Revision Date: _____	Dept. Affected: <u>DEC</u>
Title: <u>An act relating to emergency planning and response.</u>	BRU: <u>Spill Prevention &amp; Response</u>
Sponsor: <u>Sen. Leman</u>	Component: <u>Government Preparedness</u>
Requestor: <u>Sen. Leman</u>	COMPONENT SERIAL NO. <u>1814</u>

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	(177.9)	(177.9)	(177.9)	(177.9)	(177.9)	(177.9)
TRAVEL	(39.1)	(39.1)	(39.1)	(39.1)	(39.1)	(39.1)
CONTRACTUAL	(1275.0)	(1275.0)	(1275.0)	(1275.0)	(1275.0)	(1275.0)
SUPPLIES	(4.0)	(4.0)	(4.0)	(4.0)	(4.0)	(4.0)
EQUIPMENT	(2.5)	(2.5)	(2.5)	(2.5)	(2.5)	(2.5)
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(1498.5)</b>	<b>(1498.5)</b>	<b>(1498.5)</b>	<b>(1498.5)</b>	<b>(1498.5)</b>	<b>(1498.5)</b>

CAPITAL						
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REVENUE FUND SOURCE						
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**FUNDING:**

(Thousands of Dollars)

FUNDING	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHT:A						
Other 1052 Oil/Haz Fund	(1498.5)	(1498.5)	(1498.5)	(1498.5)	(1498.5)	(1498.5)
<b>TOTAL</b>	<b>(1498.5)</b>	<b>(1498.5)</b>	<b>(1498.5)</b>	<b>(1498.5)</b>	<b>(1498.5)</b>	<b>(1498.5)</b>

**POSITIONS:**

POSITIONS	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME	(3)	(3)	(3)	(3)	(3)	(3)
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

**ANALYSIS:**

(Attach a separate page if necessary)

Total impact of CSSB 33(STA) on 470 fund:  
 Increase of 470 fund expenditures in the Response Fund Admin. Component: 698.5  
 Decrease of 470 fund expenditures in the Government Preparedness and Response Component (1498.5)  
 Total reduction in 470 funds expenditures: (800.0)  
 See attached analysis for detail

Prepared by: Janice Adair  
 Division: Assistant Commissioner, DEC  
 Approved by Commissioner: John Sandor  
 Agency: Environmental Conservation

Phone: 465-5010  
 Date: March 26, 1993  
 Date: 3/26/93

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSSB 33 (STA)

Revision Date: \_\_\_\_\_ Dept. Affected: DEC  
 Title: An act relating to emergency planning and response. BRU: Spill Prevention & Response  
 Component: Response Fund Administration  
 Sponsor: Sen. Leman  
 Requestor: Sen. Leman COMPONENT SERIAL NO. 1824

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	698.5	698.5	698.5	498.5	448.5	448.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>698.5</b>	<b>698.5</b>	<b>698.5</b>	<b>498.5</b>	<b>448.5</b>	<b>448.5</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1052 Oil/Haz Fund	698.5	698.5	698.5	498.5	448.5	448.5
<b>TOTAL</b>	<b>698.5</b>	<b>698.5</b>	<b>698.5</b>	<b>498.5</b>	<b>448.5</b>	<b>448.5</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

**ANALYSIS:** (Attach a separate page if necessary)  
 Total impact of CSSB 33 (STA) on 470 Fund:  
 Increase of 470 fund expenditures in the Response Fund Administration Component: 698.5  
 Decrease of 470 fund expenditures in the Government Preparedness and Response Component (1498.5)  
**Total Reduction in 470 fund expenditures: (800.0) See attached analysis for detail.**

Prepared by: Janice Adair Phone: 465-5010  
 Division: Assistant Commissioner, DEC Date: March 26, 1993  
 Approved by Commissioner: Janice Adair John Sandor Date: 3/26/93  
 Agency: Environmental Conservation

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ATTACHMENT TO FISCAL NOTES TO CSSB 33 (STA)  
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 Division of Spill Prevention and Response

CSSB 33 (STA) will transfer the responsibilities for the following program areas as indicated:

- 1) The State Emergency Response Commission (SERC) and the Local Emergency Planning Committees (LEPCs) established under the SERC will be transferred from DEC to DMVA.
- 2) Response Depots and Corps will be transferred from DMVA to DEC.

The FY94 fiscal impact of these transfers is summarized as follows:

Program Transferred	To/(From) DEC	To/(From) DMVA	To Savings
SERC Support	(298.5)	298.5	
LEPC Support (See Note 1)	(1200.0)	600.0	600.0
Depots & Corps (See Note 2)		(200.0)	200.0
Net Totals	(1498.5)	698.5	800.0

Note 1: The 600.0 for LEPC support is explained in detail in the DMVA fiscal note to CSSB 33 (STA).

Note 2: DEC will use the requested allocation of 500.0 for the Nearshore Demonstration Project to fund the response depot contract. Some budget documents show the amount going to DMVA for Depots and Corps to be 800.0. Of this amount, 600.0 is actually used for DMVA response preparedness and planning support to DEC, and is statutorily required by DMVA regardless of where the depots and corps are located.

**TOTAL IMPACT OF CSSB33 (STA) ON 470 FUND:**

Increase of 470 fund expenditures in the Response Fund Administration component:	698.5
Decrease of 470 fund expenditures in the Government Preparedness and Response component:	(1498.5)
Total Reduction in 470 Fund expenditures	(800.0)

[File: FNSB33B5] 3/26/93 1:30pm

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSSB 33 (STA)

Revision Date: \_\_\_\_\_ Dept. Affected: DMVA  
 Title: An act relating to emergency planning and response BRU: Disaster Planning & Control  
 Component: Hazardous Materials Response  
 Sponsor: Sen. Leman  
 Requestor: Sen. Leman COMPONENT SERIAL NO. 1211

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	370.8	370.8	370.8	370.8	370.8	370.8
TRAVEL	33.6	33.6	33.6	33.6	33.6	33.6
CONTRACTUAL	.6	.6	.6	.6	.6	.6
SUPPLIES	(21.0)	(21.0)	(21.0)	(21.0)	(21.0)	(21.0)
EQUIPMENT	114.5	114.5	114.5	14.5	(35.5)	(35.5)
LAND & STRUCTURES						
GRANTS, CLAIMS	200.0	200.0	200.0	100.0	100.0	100.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>698.5</b>	<b>698.5</b>	<b>698.5</b>	<b>498.5</b>	<b>448.5</b>	<b>448.5</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1055 I/A Oil/Haz	698.5	698.5	698.5	498.5	448.5	448.5
<b>TOTAL</b>	<b>698.5</b>	<b>698.5</b>	<b>698.5</b>	<b>498.5</b>	<b>448.5</b>	<b>448.5</b>

POSITIONS:

FULL-TIME	7	7	7	7	7	7
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

See attached analysis. Total net effect of fiscal notes from DMVA and DEC is reduction of 800.0 in 470 funds and increase of four positions.

Prepared by: Jeff Morrison, Director  
 Division: Administrative & Support Services  
 Approved by Commissioner: J Morrison for Hugh L. Cox III  
 Agency: Military & Veterans Affairs  
 a

Phone: 465-4730  
 Date: March 26, 1993  
 Date: 3/26/93

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ATTACHMENT TO FISCAL NOTE TO CSSB 33 (STA)  
 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS  
 Division of Emergency Services  
 Hazardous Materials Response Component

**Fiscal Summary:** This fiscal note combines the following: 1) the elimination of the response depots and corps project in the component (reduction of 200.0); 2) the transfer of three positions and funding from DEC to provide support to the SERC (increase of 298.5); and 3) the transfer in of 600.0 from DEC to fund LEPC support, including the establishment of four new positions. All of the funding for these functions comes from interagency receipts from DEC. The original source of funds for the interagency receipts is the "470 Fund." The net result of the fiscal actions required by this legislation is as follows:

Expenditure Account	Depots & Corps	DEC Support	SERC Support	LEPC Support	Total
Pers Svcs		177.9	192.9		370.8
Travel	(12.6)	39.1	7.1		33.6
Contractual	(74.4)	75.0			.6
Supplies	(25.0)	4.0			(21.0)
Equipment	(88.0)	2.5		200.0	114.5
Grants				200.0	200.0
Total	(200.0)	298.5	600.0		698.5
Positions		3	4		7

When the above changes are included into the component's budget, the total increases to 1509.5. All of these funds are interagency/470 funds received from DEC. Please refer to the DEC fiscal notes for an explanation of the fiscal impact on DEC. The following paragraphs explain in more detail each of the areas summarized above:

**Depots and Corps:** The current budget request for this component in the Division of Emergency Services (DES) includes 200.0 in interagency receipts from DEC (470 fund) for the depots and corps project. These budget figures are consistent with the budgeted amounts in the DEC budget. The depots and corps project will be assumed by DEC under this legislation, resulting in a reduction of the 200.0 budgeted in this component for this responsibility. Some budget documents in the DEC budget show the amount going to DMVA for Depots and Corps to be 800.0. Of this amount, 600.0 is actually used for DMVA response preparedness and planning support to DEC, and is statutorily required by DMVA regardless of where the depots and corps are located.

**DEC SERC Support (Transfer to DMVA):** There are currently three staff positions within DEC which provide support to the SERC. These positions will be transferred into this component from the DEC budget. They would continue to provide the support to the SERC that they now perform in DEC, and would also work as part of the DES staff to incorporate the oil and hazardous materials release elements into the emergency plans being developed by the DES planners and the LEPCs, in concert with local governments.

**DMVA LEPC Support:** DMVA will assume responsibility for providing planning support to the LEPCs. This will be accomplished by the addition of four

new positions: three planner II positions (Range 17, \$54,432 annual salary cost); and one Clerk V position (Range 10, \$37,665 annual salary cost). A 4% vacancy rate is built into the total personal services costs of these four positions. Travel costs are included to allow the planners to travel to and work with Local Emergency Planning Committees (LEPCs) statewide. The planners will work with LEPCs to perform on-site surveys to analyze local hazards and assess capabilities, write disaster response and mitigation plans, assist in local review, and promulgate the finished plans. The hazards included in the plans will include oil spills, hazardous materials, and all other types of natural and man-caused disasters.

The equipment portion of this budget element will purchase computer and communications hardware for local governments to provide electronic/automated links between LEPCs, local governments, DMVA, DEC, and other state agencies responsible for emergency planning, coordination, and review. This equipment will provide enhanced responsiveness at all levels.

The funding for this element of the fiscal note also includes 200.0 for grants to local entities. These grants will be used by local groups to train community responders to respond to releases of hazardous materials and oil spills, and to provide for administrative support in the planning effort. The additional staff to be added to DES in this fiscal note will eliminate the need for local entities to contract for planning services. Funds to grant to local groups for these services has been a major element of previous budget submissions from DEC.

With the staffing to be added by this fiscal note, combined with the technical staff currently in DEC and the current staff of DES, we project that the initial plans for the Local Emergency Planning Districts (LEPDs) established by the SERC will be completed by the end of FY96. The LEPDs will cover the entire state of Alaska. Developing the required plans will involve working closely with the political subdivisions of all sizes located throughout Alaska. There will be an ongoing need to periodically review and revise the plans, and to train and drill to test the adequacy of the plans. Annual local reviews are a federal requirement (SARA Title III).

It is likely that after the initial plans for the LEPDs are completed (FY96), the amount needed to provide LEPC support will decrease. At that point, the plans will need to be reviewed annually and updated as needed.

[File: FNSB33A3] 3/26/93 1:30pm

*JK*

**SENATE COMMITTEE REPORT**  
FIRST COMMITTEE OF REFERRAL

DATE: 1/11/93

FURTHER: STATE AFFAIRS  
FINANCE

Date of 5-Day Notice: 2/18/93  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-23-93

CRA Committee considered SENATE BILL NO. 33

"An Act relating to grants for local emergency planning committees and emergency response organizations; and providing for an effective date." ~~and recommends it be replaced with~~

and recommends:

replace with \_\_\_\_\_ CS SB33 (CRA)

attaches amendment(s)

and report it back as follows

same title  
 new title  
 technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

*2 of 1's*

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DEC SB40S		0	
DMVA SB40S		0	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Rich Halford  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

Robin L. Taylor NO Rec.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Paul F. [unclear] Do Pass

Chair: Signature and Recommendation