

**S B**

**39**



# SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Suite 520, Anchorage, AK 99501 (907) 258-8189 Session: State Capitol, Juneau, AK 99801 (907) 465-2095

## SPONSOR STATEMENT SB 39

"An Act relating to hazardous chemicals, hazardous materials, and hazardous waste."

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As we downsize government, and make it more user friendly, we must assess the efficacy of current statutes and regulations. SB 39 consolidates reporting requirements and includes a section that protects the state from strict liability for oil spills or other environmental releases at the REAA schools. It is part of the state's response to the Toksook Bay lawsuit.

Many times state and federal governments ask businesses to report information without a lot of thought about how that information will be used when it is received. That is the case with the "Placarding Statute" under AS 18.70.310.

We need to stop asking business to provide unnecessary information and concentrate on what it is the state needs to know. If communities, businesses and the state are not benefiting from the reporting, the information may not be necessary.

Currently, businesses in Alaska must report virtually the same information about hazardous chemicals, materials and wastes, in four different formats to four different entities. This bill eliminates three formats and one entity.

The bill was crafted with input from industry, fire departments, and the departments of Environmental Conservation, Law and Public Safety, Division of Fire Prevention.

The information to be reported is streamlined to one form which satisfies federal, state and local reporting requirements.

**FACT SHEET FOR SB 69**

**Hazardous Chemical Reporting**

Reduces current requirements to no stricter than federal law.

What businesses face now:

Local Municipal placarding reporting requirements (currently Municipality of Anchorage, Fairbanks, and Kenai Borough)

State Fire Marshal placarding reporting requirements

Emergency Planning and Community Right to Know reporting requirements (EPCRA)

OSHA Hazard Communications Standard (MSDS sheets)

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)

Businesses, state agencies, etc., are required to report certain hazardous substances to local fire departments, local emergency planning committees, the state fire marshal's office, and to DEC on behalf of the State Emergency Response Commission.

The problem is that all of the above referenced laws have different substances and reporting thresholds. **What SB 39 does:**

a) delete the fire marshal's ineffective placarding program (Division of Fire Prevention supports; division doesn't have the personnel to do this program.) Deleting the program deletes the requirement for business to report to State Fire Marshal.

b) modify substances and amounts currently required to be reported to municipalities to be the same as those required under EPCRA and CERCLA. Leaves door open to municipalities with their own placarding program to add substances to be reported if the municipality feels it is a public safety issue. This is done through a public process. Also the State Emergency Response Commission may add substances, but only after notifying facilities (this is current federal law).

c) Creates one form sent out by DEC to cover:

1) Municipal placarding reporting requirements

2) EPCRA/CERCLA reporting requirements to:

local fire departments

local emergency planning committees (LEPCs)

DEC for the SERC

NOTE: DEC currently sends out Tier II form for the EPCRA/CERCLA reporting.

d) While the bill doesn't specifically state it, the thought is that businesses could move to electronic filing with this one form; those needing the information (usually fire departments and LEPCs (all of this info is public whether on paper format or electronic); could download the info into their computers. Most fire departments and LEPCs received from the state computers and plume modeling software several years ago.

Senator Leman has been a member of Anchorage's Hazardous Materials Commission and is a past member of Anchorage's Local Emergency Planning Committee. He recognizes the morass of reporting requirements and is seeking to streamline the process. Please feel free to call me with questions about this bill - with all of the separate, underlying, interrelated reporting requirements it can be frustrating and confusing.

Annette Kreitzer, Aide to  
Senator Loren Leman

(907) 465-3844 PH  
(907) 465-3810 Fax

(01/15/97)

**SECTIONAL ANALYSIS**  
**SB 39: Reporting of Hazardous Substances**

**Section 1:**

This section adds an immunity to Title 9 protecting the state from strict liability for oil spills or other environmental releases at the REAA schools. Without this change, the state and school districts can each be liable for 100% of damages claimed from environmental problems on school sites, even if they are not at fault in any way or bear only a small portion of the fault. This section was added at the request of DEC, DOE, and the Department of Law and approved by the sponsor as part of the state's response to the Toksook Bay lawsuit.

**Section 2:**

Deletes reference to AS 18.70.310 - the placarding program within the state fire marshal's office.

**Section 3:**

Deletes reference to AS 18.70.310 - the placarding program within the state fire marshal's office.

**Section 4:**

Subsection (a) makes the State Emergency Response Commission the agency to approve a form to be used for the reporting of placarding information under a municipal placarding program. This ensures that if the form needs to be changed, this commission can coordinate with all agencies that receive such reports.

**Section 5:**

Subsection (c) refers to the existing MUNICIPAL placarding program. Currently under state or federal law, either a municipality or the SERC may add substances to those already required to be reported. This section ensures a public process for adding or removing substances required to be reported.

Subsection (c)(1) standardizes the substances and their threshold amounts to be reported under a municipal placarding program, and to fire departments and Local Emergency Planning Committees under Emergency Planning and Community Right-to-Know requirements. The "hazard classes" conform to the new classification system passed by Congress in 1993 recognizing the UN Identification system that enables the same classification to be used for national and international shipments of hazardous materials.

Subsection (c)(2) deletes from the municipal placarding program the requirement that businesses report consumer commodities of hazardous materials. These businesses are readily identified by fire departments in Alaska as handling large quantities of consumer commodities. Deleted also is requirement to report compressed gases, which exceeds federal reporting requirements.

**Section 6:**

Deletes reference to the state fire marshal's placarding program under AS 18.70.310.

**Section 7:**

Deletes reference to the Municipality having to obtain placards from the state fire marshal's office. Retains ability for the Municipality to charge fees to compensate for the costs of a Municipal placarding program.

**Section 8:**

Makes the Department of Environmental Conservation the one-stop agency to provide lists of reportable substances under the Municipal placarding, and the federal/state Emergency Planning and Community Right-to-Know laws. DEC would also provide the single form approved by the SERC for these reporting purposes.

**Section 9:**

Subsection (6) makes the Municipal placarding definition of hazardous chemical the same as the definition of hazardous chemical under the Emergency Planning and Community Right-to-Know Act, with the same exceptions as under federal law.

**Section 10:**

Subsection (7) allows the State Emergency Response Commission to add hazardous materials to the Emergency Planning reporting requirements. Removes the exceptions which are not mentioned in federal law, but which are probably covered by the reference in federal law to "substances capable of posing an unreasonable risk".

**Section 11:**

Subsection (8) adds in the DEC definition of hazardous waste and allows the SERC to define additional hazardous wastes to be reported under Emergency Planning and Community Right-to-Know requirements. This is to ensure continuity in definitions and reporting thresholds.

**Section 12:**

Applies strict statutory liability and liability for damages to the amendment in Section 1.

**Section 13:**

Deletes the fire marshal's placarding program (AS 18.70.310).

Deletes responsibilities of the fire marshal under the Municipal placarding program (AS 29.35.530(b)).

Deletes definition of consumer commodity from definitions section of Municipal placarding program (AS 29.35.590(2)).

**Section 14:**

The amendment in Section 1 applies only to future claims, not past claims.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSSB 39(JUD)

Revision Date: 14-Feb-97  
 Title: An act relating to hazardous chemicals,  
hazardous materials, and hazardous waste  
 Sponsor: Senator Leman  
 Requestor: Senate Judiciary

Department Affected: Environmental  
Conservation  
 BRU: Spill Prevention and Response  
 Component: Prevention and Emergency Response

COMPONENT SERIAL NO. 2064

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
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**FUND SOURCE**

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 Receipt	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other (Response Fund)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</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 (FY96) cost: \$ 0.0

**POSITIONS:**


FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0	0	0	0	0	0

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

This legislation will have no impact on the Department of Environmental Conservation

Prepared by: Kurt Fredriksson  
 Division: Spill Prevention and Response

Phone: 465-5250  
 Date: 2/14/97

Approved by Commissioner:   
 Agency: Department of Environmental Conservation

Date: 2/14/97

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# FISCAL NOTE

No. 4

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO Bill Version: SB 39

(S) Publish Date: 2-6-97

Revision Date: \_\_\_\_\_  
Title: An act relating to hazardous chemicals, hazardous materials, and hazardous waste  
Sponsor: Senator Leman  
Requestor: Senate Resources Judiciary

Department Affected: Environmental Conservation  
BRU: Spill Prevention and Response  
Component: Prevention and Emergency Response

COMPONENT SERIAL NO. 2064

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**FUND SOURCE**

100 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
100 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
100 GF	0.0	0.0	0.0	0.0	0.0	0.0
100 GF/Program Receipt	0.0	0.0	0.0	0.0	0.0	0.0
100 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other (Response Fund)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</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 (FY96) cost: \$ 0.0

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0	0	0	0	0	0

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

SB 39 amends statutes which authorize local governments to establish a placarding program to require the use of a standard reporting form provided by the State Emergency Response Commission (SERC) and expand the substances that are to be reported.

SB 39 requires the Department of Environmental Conservation, at the request of a business or government agency subject to the reporting requirement, to distribute the SERC-approved reporting form and a descriptive summary of reportable chemicals. The Department proposes an amendment to this section of the bill making the municipality responsible for distribution of the reporting form and descriptive summary of reportable chemicals established by the municipality and approved by the SERC.

**Fiscal Analysis**  
With the proposed amendment, this legislation will result in no additional cost to the State.

Prepared by: Kurt Fredriksson  
Division: Spill Prevention and Response

Phone: 465-5250  
Date: 2/3/97

Approved by Commissioner: [Signature]  
Agency: Department of Environmental Conservation

Date: 2/3/97

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# FISCAL NOTE

No. 3

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

E Bill Version: SB 39

(S) Publish Date: 2-6-97

Revision Date: _____	Dept. Affected: <u>EDUCATION</u>
Title: <u>An Act relating to hazardous chemicals, hazardous materials, and hazardous waste.</u>	BRU: <u>Educational Facilities Support</u>
Sponsor: <u>Sen. Leman</u>	Component: <u>School Finance</u>
Requester: <u>(S)JUD</u>	COMPONENT SERIAL NO. <u>1957</u>

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</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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CHANGES IN REVENUES						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other:						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of current year (FY97) cost: \$

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: <u>Mike Morgan, Special Projects Manager</u> <i>mm</i>	Phone: <u>465-1858</u>
Division: <u>School Facilities</u>	Date: <u>2/3/97</u>
Approved by Commissioner: <u>Shirley J. Holloway, Ph.D.</u> <i>Shirley Holloway</i>	Date: <u>2/3/97</u>
Agency: <u>Department of Education</u>	

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# FISCAL NOTE

No. 2

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Bill Version: SB.39

(S) Publish Date: 2-6-97

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "An Act relating to hazardous chemicals, hazardous materials, and hazardous waste." BRU: Civil Division  
 Sponsor: Senator Leman Component: General Legal Services  
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2087

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson*  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho*  
 Agency: Department of Law

Phone: 465-5370  
 Date: 2/3/97  
 Date: 2/3/97

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# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

No. 1  
**BILL NO:** \_\_\_\_\_  
 Bill Version: SB 39  
 (S) Publish Date: 2-6-97

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Reporting of Hazardous Substances BRU: Fire Prevention  
 Component: Fire Prevention Operations  
 Sponsor: Senator Leman  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 0494

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( ) Revenue Code	(1.1)	(1.1)	(1.1)	(1.1)	(1.1)	(1.1)

**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-

Estimate of current year (FY 97) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

The average fees collected by the placarding program over the last 3 fiscal years was \$1500.00. The average cost of materials to conduct the program was \$400.00.

No economic impact on industry is anticipated in as much as the program is simply being transferred to others and changed to follow federal law.

Prepared By: Chester E Weger Phone: 907-269-5905  
 Division: Fire Prevention Date: 1/21/97  
 Approved by Commissioner: *Ronald L. Otte* Date: 1/31/97  
 Agency: Ronald L. Otte, Dept. of Public Safety

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