

LEGISLATIVE FINANCE-HOUSE / SENATE FINANCE COMM. FILES 8879

HB 560 cont.

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ensure coordination and implementation of the Act.

**Section 3. *Annual Report.*** The Commission shall prepare an annual report describing its activities for the preceding year. Upon approval by the Commission, the report shall be transmitted by the chair to the Governor and then made available to other state and local agencies, including the local emergency planning committees. The report shall be made available to the general public upon request.

**Section 4. *Legislative Recommendations.*** The Commission may make recommendations under its name to the Governor for new or revised legislation which bears upon the duties and responsibilities of the Commission. Such recommendations shall not be considered as final until approved by a majority of the members following a reasonable period of review. Upon request of the governor, the Commission shall, in its name, formulate and make recommendation for new or revised legislation.

## ARTICLE XI

### AMENDMENTS

These bylaws may be amended or replaced upon the affirmative vote of a majority of the members of the Commission at any regular meeting of the commission provided that any proposed changes have been circulated to all members two weeks prior to any action thereon.

# SARA Title III Factsheet

## Meaning

- ◆ SARA stands for the *Superfund Amendments & Reauthorization Act of 1986*.
- ◆ The *Superfund* was established by the *Comprehensive Environmental Response, Compensation and Liability Act of 1980* or *CERCLA*. It provides for the investigation and cleanup of sites contaminated with hazardous substances at the worst hazardous waste sites in the U.S. and for emergency response for acute releases of hazardous substances.
- ◆ *Title III* refers to the third part of SARA, also known as the *Emergency Planning and Community Right-to-Know Act*.
- ◆ *Emergency Planning* refers to the emergency operations plan that local communities are required to develop and maintain.
- ◆ *Community Right-to-Know* (CRTK) refers to disclosure of chemical information about chemicals stored and used in communities to local agencies and/or the public.

## Purpose

- ◆ An outcome of the December 1984 methyl isocyanate gas leak at an Union Carbide plant in Bhopal, India that killed more than 2,500 people and injured more than 200,000.
- ◆ To protect public health and safety by providing a nationwide framework for emergency chemical response.
- ◆ *Community right-to-know* reports prepare a community to respond to chemical emergencies through *emergency planning* provisions.

## Parts

- ◆ *Subtitle A - Emergency Planning and Notification*
- ◆ *Subtitle B - Reporting Requirements*
  - Material Safety Data Sheets (MSDSs) - Section 311
  - Emergency and Hazardous Chemical Inventory forms - Section 312
  - Toxic Chemical Inventory Release (TRI) forms - Section 313
- ◆ *Subtitle C - General Provisions*

## Key Players

- ◆ *National Level*
  - Environmental Protection Agency (EPA)
  - Federal Emergency Management Agency (FEMA)
  - Regional Response Team (RRT)
    - Co-Chairs: EPA, Coast Guard
- ◆ *State Level*
  - **State Emergency Response Commission (SERC) - 13 governor-appointed members**
    - **Alaska Department of Environmental Conservation (ADEC)**
      - SERC Chair: Commissioner Dennis Kelso
      - Responsible for *Community Right-to-Know*
      - Receives *emergency planning* and *emergency release notifications*
      - Staff: Linda Van Houten, SARA Title III Coordinator
    - **Alaska Division of Emergency Services (ADES)**
      - SERC Vice-Chair: Director Erv Martin
      - Responsible for *Emergency Planning*
      - Develops and coordinates *emergency planning* and *training*
      - Staff: David McDowell, Hazardous Materials Coordinator
    - **Other State Departments** (Health & Social Services, Transportation & Public Facilities, Public Safety, Community & Regional Affairs)
    - **Seven Public Members** (Local Government, Public Interest, Fire Chief, Rural Area, Hazardous Waste Generator)

#### **Local Level**

- **Local Emergency Planning Committees (LEPCs)**
- **Local fire departments**
- **Businesses/Facilities that store, handle, manufacture, use, transport or process chemicals covered by SARA Title III**

#### **SERC Role**

- ◆ *Guide/Coordinate program implementation*
- ◆ *Work closely with all LEPCs, EPA and FEMA*
- ◆ *Designate Local Emergency Planning Districts (LEPDs)*
- ◆ *Approve LEPCs*
- ◆ *Review/Comment on LEPC Plans*
- ◆ *Provide technical assistance to LEPCs*
- ◆ *Receive/Manage CRTK reports*
- ◆ *Coordinate education efforts for the public and involved parties*

#### **LEPC Role**

- ◆ *Work closely with SERC*
- ◆ *Develop LEPC Plan*
- ◆ *Submit LEPC Plan to SERC for review*
- ◆ *Exercise LEPC Plan*
- ◆ *Receive/Manage CRTK reports*

#### **SERC/LEPC Relationship**

- ◆ *Two-way communication*
  - LEPCs comment on SERC Work Plan
  - LEPC members volunteer for SERC Work Groups
- ◆ *Prevent duplication of efforts*
  - Work to streamline management of CRTK reports
  - Coordinate local plans with federal/state plans
  - Coordinate training standards and curriculum
- ◆ *Technical Assistance*
  - Training courses for LEPCs (Orientation, Hazards Analysis)
  - Resource library
  - Two full-time, cooperative staff people

#### **Reasons for Local Government Involvement**

- ◆ *It's the law*
  - Federal mandate via SARA Title III
  - State disaster emergency plan requirement
    - AS 26.23.020(e); AS 26.23.060(a)-(f)
- ◆ *Liability issues*
- ◆ *Participation in state and regional contingency planning, including establishment of response equipment depots and training of volunteer response corps via LEPC*
- ◆ *Prevention save lives*

#### **LEPC Application Process**

- ◆ *Checklist of required steps*

#### **Contacts**

- ◆ Alaska Department of Environmental Conservation - Linda Van Houten, 465-2630
- ◆ Alaska Division of Emergency Services - David McDowell, 376-2337

November 24, 1989

# SARA Title III UPDATE

January 29, 1990

## LEPD/LEPC Status

- ◆ Four Local Emergency Planning Districts (LEPDs) and Committees (LEPCs) -- *the Fairbanks North Star Borough, the Kenai Peninsula Borough, the Kodiak Island Borough, and the City of Yakutat* -- have been sanctioned by the State Emergency Response Commission.
- ◆ One LEPC -- *the Fairbanks North Star Borough* -- has submitted a local emergency response plan. This document is in draft form and is currently being reviewed by the Commission's LEPC Review Committee.
- ◆ Ten local governments -- *Alakanuk, Bethel, Emmonak, New Stuyahok, the North Slope Borough, St. Paul, Scammon Bay, Shishmaref, Sitka and Unalakleet* -- have applied for LEPC designation but have deficiencies in their applications.
- ◆ Sixteen jurisdictions -- *the Aleutians East Borough, the Municipality of Anchorage, the Bristol Bay Borough, Cantwell, Chignik, Haines, Healy, the City & Borough of Juneau, the Ketchikan Gateway Borough, the Lake & Peninsula Borough, the Matanuska-Susitna Borough, McKinley, New Stuyahok, the Northwest Arctic Borough, Quinhagak and Valdez* -- have inquired about the LEPC application process but have yet to formally apply.

## SERC Status

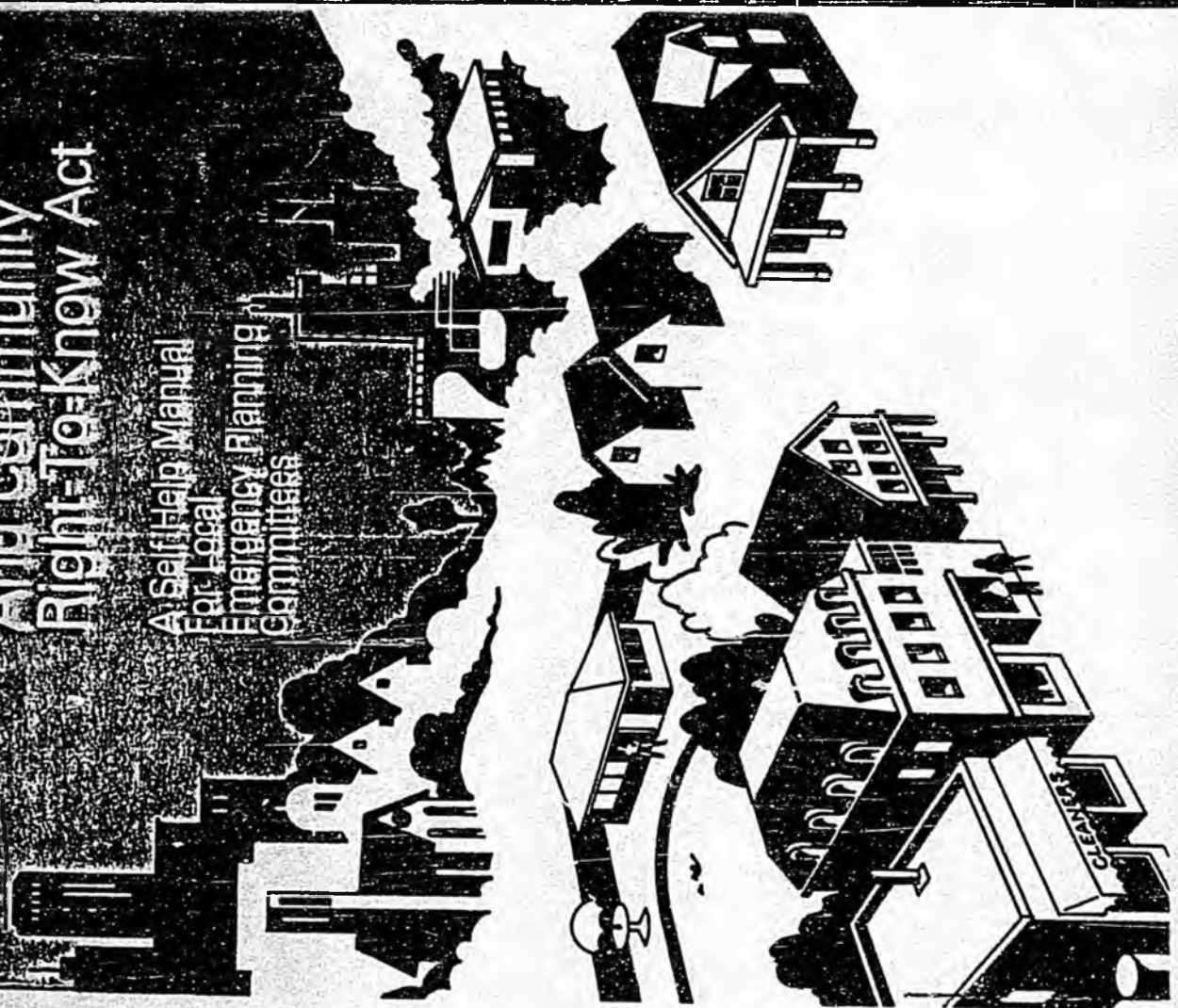
- ◆ The sixth State Emergency Response Commission (SERC) Meeting was held on January 12 in Anchorage. A draft action summary can be obtained by calling 465-2630 and requesting a copy.
- ◆ Two of the five SERC Committees have Anchorage meetings scheduled in March. The *LEPC Review and the Work Plan Committees* will meet on *March 14*. Agendas can be obtained by calling 465-2630 or 376-2337.
- ◆ The Commission meets next on *April 6* in Juneau. Call 465-2630 for agenda information.

United States  
Environmental Protection  
Agency  
September 1979  
Solid Waste and Emergency Response (OS-120)



# When All Else Fails! Enforcement Of The Emergency Planning And Community Right-To-Know Act

A Self-Help Manual  
For Local  
Emergency Planning  
Committees



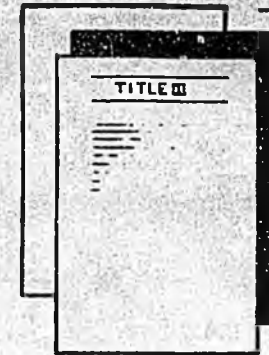
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United States  
Environmental Protection  
Agency  
Washington DC 20460

Official Business  
Penalty for Private Use  
\$300

**D**oes your emergency plan address the key preparedness problems in your area? Do your first responders know what chemical hazards they face when arriving at the scene of an emergency? Has missing information limited your emergency preparedness? Have all affected facilities reported? What steps are you planning to take in the future to improve emergency preparedness? What can you do to ensure that facilities are complying with the law?

During the next few years, many Local Emergency Planning Committees (LEPCs) will look to improve the quality of their communities' chemical emergency response plans and to reduce chemical risks. One of the most significant ways to improve overall planning is to ensure that all the facilities have reported and, where appropriate, are participating in the emergency planning process. Only then can the local community completely understand and prepare for potential chemical accidents.

The Emergency Planning and Community Right-to-know Act (EPCRA or SARA Title III) grants specific state and local authority to request information from facilities and to take enforcement actions in those situations where voluntary compliance has not occurred. This pamphlet contains information on these authorities and provides tips to help LEPCs ensure that facilities covered by SARA Title III are complying with the law. The material presented outlines the enforcement authorities granted to citizens, local governments, States, and EPA.



Under this law, facilities that store extremely hazardous substances are required to report the presence of those substances and participate in the planning process. Your experience may indicate that there are facilities in your community that have not yet come forward with the required information. As an LEPC, you have many options for promoting voluntary compliance or compelling compliance.

**What is the role of the LEPC in obtaining compliance?** This question can only be answered by the LEPC itself. The Act offers many opportunities and obligations. It also provides enforcement mechanisms. In addition, citizens may compel you to obtain information for them. How actively you choose to pursue these opportunities or how you will respond to citizen inquiries will depend on your situation. As you work to implement the program, you will find that some facilities have not complied with the law. There will be two main reasons. Either the facility was unaware that it was subject to the law, or the facility simply did not report based on the assumption it would not be found and penalized. As LEPCs,

you may find the lack of cooperation from some facilities frustrating. You can do something about it — you have options. You may want to take an enforcement action or work with the State and EPA to enforce the provisions of the Act.

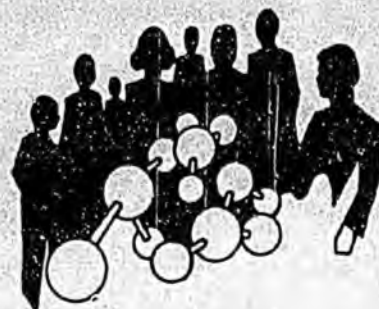
**What is the role of the SERC?** Under SARA Title III, the State Emergency Response Commission (SERC) is the focal point for emergency planning at the State level. You should look upon your SERC as a resource that can provide support. The law requires SERCs to provide oversight and coordination of LEPCs. They will be able to serve as your link to State law enforcement and emergency management offices. They should also be your link to the federal government (i.e., EPA) for enforcement requests.

**Why does facility noncompliance matter?** Facility compliance with reporting requirements is central to what the Act is all about: emergency preparedness and right-to-know. Since the enactment of SARA Title III in 1986, LEPCs across the country have spent considerable time and energy assessing the chemical hazards in their communities. To a great degree, this planning has enhanced the safety of the emergency responders and citizens of the community. Yet, many facilities still present unnecessary risks to those who arrive first on the scene of a chemical accident and to the community by not providing the required information on chemical use and storage. The quality of your plan may be compromised by the missing information. The safety of your local fire fighters may be in

jeopardy because a facility has not complied. Additionally, a facility that refuses to cooperate or that fails to report denies you and citizens in your community your legal right to have that information.

**How can compliance be achieved?** In the context of SARA Title III and the local emergency planning committees, encouraging compliance can include many types of activities—from outreach to enforcement. LEPCs can work with local organizations such as Chambers of Commerce to get the message out to small businesses, as well as large companies, to encourage their compliance. Site visits and community meetings may be helpful. LEPCs, SERCs, State and local governments, and citizen groups can use informal mechanisms such as warning letters and are given authority to file civil enforcement actions in the U.S. District Courts. The Act provides, and State and local laws may further provide, other mechanisms to be used by State and local committees to compel facility compliance with the law. Knowledge of your authorities under the law will help you in your efforts to gain the cooperation you need.

## Where To Start— Education And Outreach



The process of improving facility compliance may involve four steps: outreach to inform facilities of requirements; identification of facilities required to report; communication, education and persuasion; and enforcement actions where necessary.

Everyone prefers that facilities comply voluntarily. Voluntary compliance depends, in part, on efforts made to educate local facility owners about the Act, its reporting requirements, and how the information collected can benefit the community. Enlisting the local news media, cable television stations, fire departments, the Chamber of Commerce, local Rotary clubs and any other business organizations is a starting point. Speaking to meetings of these groups and using their newsletters can help get the message out effectively and inexpensively. Some LEPCs have conducted extensive letter-writing campaigns. Others have visited facilities and spoken directly to the owners about their reporting obligations. Once owners learn of their reporting obligations, most will provide the necessary information quickly and accurately.

## What Next — Identifying And Persuading Noncompliers

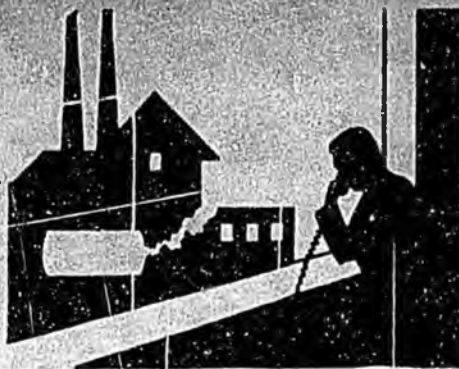
To reach facilities that are not complying, you can use general outreach or target your efforts to facilities that may be covered. Unfortunately, no comprehensive set of data exists that will identify every facility that is required to comply. However, sources of information such as water permits, air permits, SARA Title III §313 toxic release inventory reports, and other data housed by your State or local authorities (e.g., hazardous materials permits) may help to identify facilities potentially required to report. Working in coordination with local fire departments will also help identify facilities that store large quantities of chemicals.

In addition, EPA has developed a cross-listing of Standard Industrial Classification (SIC) Codes and the SARA Title III §302 extremely hazardous substances (EHS). This list, together with county or city specific information on businesses, should aid in identifying facilities that may be required to report under the planning provisions. Contact your SERC for copies of the SIC code/EHS cross-listing.

**When you identify a facility that is out of compliance, what are your options?** Direct contact with the facility owner or operator may be the easiest and most effective way to persuade the facility to comply. If the facility comes into compliance and the LEPC has received all the information it needs, no further action may be necessary. However, if the LEPC is unsatisfied with the results of its efforts or the facility refuses to comply, the LEPC may want to take further action.

What tools does the law provide to help the LEPC obtain information from a facility? Two provisions in SARA Title III authorize the LEPC to obtain information from facilities. If the LEPC needs additional information from a facility to assist the LEPC in its planning, the authority of SARA Title III §303(d)(3) can be used. Section 303(d)(3) requires facilities to promptly provide information the LEPC deems necessary for developing and implementing its emergency response plan. This authority is broad in the sense that it may be used to obtain a variety of information related to the identity and location of extremely hazardous substances, existence of facility emergency plans, and additional information needed to develop the LEPC plan.

Section 303(d)(3) is an enforceable provision. Failure to comply with the LEPC request could result in a penalty of up to \$25,000 per day. An LEPC should document the information request in a letter to the company. The request letter should: be sent to the owner or operator; cite the authority the LEPC has to request information (§303(d)(3)); be as specific as possible regarding the information requested; allow the facility a reasonable amount of time in which to reply (e.g., 30 days); and inform the facility owner or operator that failure to comply with the request is a violation of the law which could result in a \$25,000 per day penalty. LEPCs should consider the use of certified mail (return receipt requested) for these requests.



Many facilities required to report under the planning provisions are also covered by SARA Title III §312. Under §312, covered facilities must report to the SERC, LEPC, and fire department annually (every March 1) their inventories of hazardous chemicals. Section 312 also authorizes the SERC, LEPC, or a fire department to request information from a facility. Specifically, §312(e) authorizes these groups to request chemical specific forms on hazardous chemicals present at the facility above (§312(e)(3)(B)) or below (§312(e)(3)(C)) the 10,000 pound threshold.

Section 312(e) can be a powerful tool to get information from facilities that have not been cooperating with the LEPC. Like §303(d)(3), this, too, is an enforceable provision. If the owner or operator fails to provide the information, he or she may be liable for a penalty of up to \$25,000 per violation per day.

As with other requests made of a facility, the LEPC, SERC or fire department should formally request the information in a letter, cite the proper authorities, give ample time for the facility to reply (e.g., 30 days) and cite the potential penalty for failure to comply. Use of certified mail may again be appropriate.

If a company has filed a report under §312, SARA Title III authorizes local fire departments to inspect the facility to determine the specific location of hazardous

chemicals. LEPC members may want to accompany the fire department to promote a better understanding of the SARA Title III reporting requirements and to obtain information for planning purposes. In planning inspections, try to give the owner or operator advance notice. Should you encounter problems gaining access to the facility, contact your SERC and the Regional EPA office that has jurisdiction in your area.

These "enforcement" tools may never be needed if a facility is cooperating in the planning process. However, they are available to SERCs, LEPCs, and fire departments should a specific facility be unwilling to provide the necessary information.

If a facility fails to respond to your information request, what are the next steps? If your attempts to obtain information are disregarded or the information is not submitted in a timely manner, you have several options. First, you can work with your SERC to try to get the facility to cooperate. Second, you can notify the facility of your intention to:

- File a civil action in the U.S. District Court for violations of SARA Title III; or
- Assist the SERC and EPA in the enforcement of the provision(s) violated.

If an LEPC decides to cooperate with the SERC and EPA in an enforcement action, it is important that its efforts to bring the facility into compliance be documented. Establishing a record of efforts will aid the State and EPA in taking an enforcement action. LEPCs should maintain records of phone contacts, direct contacts, any letters that were sent to the company, etc. In developing enforcement actions, EPA will need your support in providing any evidence you have that the facility is in violation. The Agency will also request affidavits from you certifying that the required reports were not filed by the appropriate deadline. Contact your SERC and the Regional EPA office for additional information.

EPA is looking forward to cooperating with SERCs and LEPCs in the effort to make the Emergency Planning and Community Right-to-Know Act a success. EPA wants to establish enforcement ties with every SERC. This network of people will help to set priorities for enforcement actions within the State and provide a mechanism through which LEPCs can elevate and resolve compliance problems. It is only through our combined efforts that facilities will come to know and comply with this important law.

## Enforcement Authorities

SARA Title III contains provisions to ensure that citizens' rights to information are backed by the legal tools needed to obtain cooperation of facility owners and operators. Congress included stiff penalties for failure of owners and operators to comply with the law's reporting requirements.

SARA Title III contains two sections dealing with enforcement: §325 Federal Enforcement and §326 Civil Actions. Actions initiated by LEPCs would likely fall under the civil category, but as described above, LEPCs could cooperate with the State and EPA.



## Civil Actions (§326)

SARA Title III provides States, local groups, and citizens the authority to file civil actions in the U.S. District Court against owners and operators if they fail to comply with the law. The Act gives the public the right to access information and the legal remedies to make information available if an owner or operator is unwilling to cooperate in the emergency planning process or submit the required reports. These provisions emphasize that everyone has a role in ensuring that facilities comply with the Act.

**Citizen Suits.** Under SAFA Title III §326(a)(1), any person has the authority to file a civil action in the U.S. District Court against owners or operators of facilities for their failure to submit: §304(c) follow-up reports; §311 MSDSs or lists of MSDSs; §312 Tier I forms; and §313 Toxic Chemical Release forms.

For any civil action described above, the plaintiff must notify the EPA, the State in which the alleged violation occurs, and the alleged violator 60 days prior to initiating a suit. On January 26, 1989 EPA issued a Proposed Rule on Prior Notice for Citizen Suits under CERCLA and SARA Title III (See the Federal Register Vol. 54 Page 3913). Consult this rule if you plan to bring a civil suit.

**State and Local Suits.** Section 326(a)(2) authorizes State and local suits. State and local governments have the authority to bring civil actions in the U.S. District Court for: failure to notify under §302; failure to provide information under §303; failure to submit MSDSs or a list of MSDSs as required under §311; and failure to submit Tier I information required under §312. These actions do not require notification prior to commencement.

SARA Title III §329(7) defines "person" as any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, *State, municipality, commission, political subdivision of a State, or interstate body* [emphasis added]. Because §326 authorizes any "person" to bring a civil action against owners and operators for their failure to submit reports specified under §326(a)(1), this definition suggests that State and local governments, SERCs, and LEPCs could take action under the citizen suit provisions in addition to the suits authorized under §326(a)(2).

## FEDERAL ENFORCEMENT (§325)



Under SARA Title III §325, the Federal government has the authority to bring administrative, and civil or criminal judicial actions against violators. EPA's ability to handle SARA Title III cases administratively means that the delays and expenses associated with judicial cases can be avoided. The enforcement authorities available to EPA and the maximum penalties vary by each reporting requirement.

Section 325(a) authorizes the EPA Administrator to order owners or operators of facilities to comply with §§302 and 303. The local U.S. District Court has jurisdiction to enforce the order and assess a civil penalty of up to \$25,000 per violation for each day the violation continues. EPA cannot assess these penalties administratively.

Violation of the §304 emergency notification requirements can be addressed through administrative or judicial enforcement. SARA Title III also establishes criminal penalties for knowingly and willfully failing to provide notice or providing false or misleading information. Section 304 violations can carry a Class I civil penalty of not more than \$25,000 per violation or a Class II civil penalty of not more than \$25,000 per violation per day. In the case of subsequent violations, Class II penalties of up to

\$75,000 for each day a violation continues may be assessed. Any person who knowingly and willfully fails to provide notice in accordance with SARA Title III §304 could receive a fine of up to \$25,000 or be imprisoned for not more than two years, or both. For second or subsequent convictions, the violator will be subject to a fine of not more than \$50,000 or imprisoned for not more than five years, or both.

For violations of SARA Title III §§311, 312, and 313, EPA can assess civil penalties by issuing administrative orders or by filing actions in the U.S. District Court to enforce compliance and assess penalties. Violation of §311 subjects the violator to a civil penalty of up to \$10,000 for each violation. Sections 312 and 313 violations subject the violator to civil penalties of not more than \$25,000 for each violation. The statute establishes that every day a violation continues is considered a separate violation.

Under §325(d), EPA may assess a penalty of \$25,000 for each trade secret claim that is found to be frivolous. The statute also provides criminal penalties for disclosure of trade secret information. Any person who knowingly and willfully divulges trade secret information will be subject, upon conviction, to a fine of not more than \$20,000 or to imprisonment for not more than one year, or both.

SARA Title III provides a special enforcement authority for health professionals. Whenever an owner or operator of a facility fails to provide information to the health professional as required under §323

of the Act, the health professional may bring action in the U.S. District Court to require the owner or operator to comply. The U.S. District Court has the jurisdiction to issue orders and take other actions as may be necessary to enforce §323.

### **It's In The Federal Register**

You can find detailed information on the various provisions of the Emergency Planning and Community Right-to-know Act in the *Federal Register*, which is available at public or university libraries. Here are the citations for the EPA regulations covering various sections of the Act.

- Sections 301-303 (emergency planning): April 22, 1987; December 17, 1987; February 25, 1988 (40 CFR 300 and 355)
- Section 304 (emergency release notification): April 22, 1987; December 17, 1987; February 25, 1988 (40 CFR 300 and 355)
- Sections 311-312 (hazardous chemical reporting): October 15, 1987; August 4, 1988 (40 CFR 370)
- Section 313 (toxic chemical release reporting): February 16, 1988; June 20, 1988 (40 CFR 372)
- Section 322 (trade secrets): July 29, 1988 (40 CFR 350)
- Section 325 (Federal Enforcement) May 16, 1989 (40 CFR 22)
- Section 326 (Citizen Suits): January 26, 1989 (40 CFR 373 and 374)

## **Conclusion**

The Emergency Planning and Community Right-to-know Act is unique among Federal environmental statutes in providing numerous opportunities for active participation at the local level. It is designed to enhance local emergency preparedness and awareness of chemical hazards at the community level. The benefits of a successful program can be many, ranging from reducing the potential for injuries and deaths relating to chemical accidents to designing effective city planning standards for air, water and waste management.

The LEPC is the focus of this effort for a community to better understand and prevent chemical accidents. Understanding the authorities that SARA Title III provides will make you better able to carry out an effective chemical awareness and emergency planning program.

Your efforts to implement the program need not be hindered by facilities that are unwilling to cooperate. SARA Title III provides the information gathering and enforcement tools you need to ensure that you can obtain the information that you and your community have a right to know.

Who can I contact for more information or enforcement assistance? For more information or assistance with a specific enforcement-related problem, contact the State Emergency Response Commission of your State and/or your U.S. EPA regional office. There are ten EPA regional

offices that serve the States and U.S. territories. Consult the following list to identify the EPA office for your State.

**EPA Region 1**  
Preparedness Coordinator  
617/860-4385  
ME, VT, NH, MA, CT, RI

**Region 2**  
Preparedness Coordinator  
201/321-6656  
NY, NJ, Puerto Rico, Virgin Islands

**Region 3**  
Preparedness Coordinator  
215/597-3184  
PA, WV, VA, DE, DC, MD

**Region 4**  
Preparedness Coordinator  
404/347-3931  
NC, SC, GA, FL, TN, MS, KY, AL

**Region 5**  
Preparedness Coordinator  
312/886-1964  
MI, WI, MN, IN, OH, IL

**Region 6**  
Preparedness Coordinator  
214/665-2277  
NM, TX, OK, AR, LA

**Region 7**  
Preparedness Coordinator  
913/236-2806  
NE, KS, IA, MO

**Region 8**  
Preparedness Coordinator  
303/293-1723  
ND, SD, WY, CO, UT, MT

**Region 9**  
Preparedness Coordinator  
415/974-7477  
CA, AZ, NV, HI, Guam, American Samoa, Commonwealth of the Northern Mariana Islands

**Region 10**  
Preparedness Coordinator  
206/442-1263  
WA, ID, OR, AK

## State Emergency Response Commission Telephone Numbers

Alabama	(205) 834-1375 (205) 271-7700	New Mexico	(505) 827-3375
Alaska	(907) 465-2600	New York	(518) 457-2222
American Samoa	(684) 633-2331	North Carolina	(919) 733-3867
Arizona	(602) 244-0504	North Dakota	(701) 224-2348 (701) 224-2111
Arkansas	(501) 562-7444	Ohio	(614) 644-2200
California	(916) 427-4201	Oklahoma	(405) 521-2481
Colorado	(303) 273-1622 (303) 331-4600	Oregon	(503) 378-3473
Connecticut	(203) 566-4856	Pennsylvania	(717) 783-8150
Delaware	(302) 736-4321	Puerto Rico	(809) 725-5140 (809) 722-1175
District of Columbia	(202) 727-6161	Rhode Island	(401) 421-7333
Florida	(904) 488-1900	South Carolina	(803) 734-0442
Georgia	(404) 656-3500	South Dakota	(605) 773-3153
Guam	(671) 477-9841	Tennessee	(615) 252-3300
Hawaii	(808) 548-5832	Texas	(512) 465-2138
Idaho	(208) 342-0031	Utah	(801) 533-5271 (801) 538-6121
Illinois	(217) 782-2700	Vermont	(802) 828-2286
Indiana	(317) 243-5176	Virgin Islands	(809) 774-3320
Iowa	(515) 281-6175	Virginia	(804) 225-2667
Kansas	(913) 296-1690	Washington	(206) 753-2200
Kentucky	(502) 564-8680	West Virginia	(304) 348-2755
Louisiana	(504) 925-6113	Wisconsin	(608) 266-3232
Maine	1-800-452-8735		
Northern Mariana Islands	(670) 322-9274		
Maryland	(301) 225-5780		
Massachusetts	(617) 727-7775 (617) 875-1381 (617) 292-5810		
Michigan	(517) 373-8481		
Minnesota	(612) 296-0481		
Mississippi	(601) 960-9000		
Missouri	(314) 751-7929		
Montana	(406) 444-3111		
Nebraska	(402) 471-4230		
Nevada	(702) 885-5375		
New Hampshire	(603) 271-2231		
New Jersey	(609) 882-2000 (609) 292-6714		

## State Designated TRI Contacts

Alabama	(205) 271-7931	Oklahoma	(405) 521-2481
Alaska	(907) 465-2600	Oregon	(503) 378-2885
American Samoa	(684) 633-2682	Pennsylvania	(717) 783-8150
Arizona	(602) 244-0504	Puerto Rico	(809) 724-6045
Arkansas	(501) 562-7444	Rhode Island	(401) 277-2808
California	(916) 324-8124	South Carolina	(803) 734-0425
Colorado	(303) 331-4858	South Dakota	(605) 773-3153
Connecticut	(203) 566-4856	Tennessee (Within State)	800 1 262-3300
Delaware	(302) 736-4764	Tennessee (Out of State)	800 1 258-3300
District of Columbia	(202) 727-6161	Texas	(512) 463-7727
Florida	(904) 487-4915	Utah	(801) 538-6121
Georgia	(404) 656-6905	Vermont	(802) 863-7281
Guam	(671) 646-8863	Virginia	(804) 786-3017
Hawaii	(808) 548-6505	Virgin Islands	(809) 774-3320
Idaho	(208) 334-5898	Washington	(206) 459-6303
Illinois	(217) 782-3637	West Virginia	(304) 348-2901
Indiana	(317) 243-5167	Wisconsin	(608) 266-3232
Iowa	(515) 281-5385	Wyoming	(307) 777-7566
Kansas	(913) 296-1522		
Kentucky	(502) 564-8684		
Louisiana	(504) 342-6363		
Maine	(207) 289-4080		
Northern Mariana Islands	(670) 234-6984		
Maryland	(301) 225-5780		
Massachusetts	(617) 556-1029		
Michigan	(517) 373-8481		
Minnesota	(612) 296-0481		
Mississippi	(601) 352-9100		
Missouri	(314) 751-7929		
Montana	(406) 444-3948		
Nebraska	(402) 471-4230		
Nevada	(702) 885-4240		
New Hampshire	(603) 271-2231		
New Jersey	(609) 292-6714		
New Mexico	(505) 827-3375		
New York	(518) 457-4107		
North Carolina	(919) 733-3867		
North Dakota	(701) 224-2374		
Ohio	(614) 481-7050		

## Title III EPCRA Enforcement Authorities

Requirement	Federal	State and Local	Citizen
§302(c) o/o with EHS>TPQ notify SFRC by 5/17/87 (or 6 mos. after EHS>TPQ becomes present) that facility is subject to Act.	§325(a) EPA may order o/o to comply. USDC has authority to enforce and assess a penalty of up to \$25k per day.	§326(a)(2)(A)(i) State & Local Governments can file civil action in USDC for failure of o/o to notify SFRC.	No authority under §326(a)(1).
§303(d) o/o must appoint facility representative to participate in planning by 9/17/87 & provide info for planning when requested.	§325(a) EPA may order o/o to comply. USDC has authority to enforce and assess a penalty of up to \$25k per day.	§326(a)(2)(B) SERC or LEPC can file civil action in USDC against o/o for failure to provide information.	No authority under §326(a)(1).
§304(b) o/o must notify SERC & LEPC immediately after release of EHS or CERCLA HS RQ. §304(c) o/o must provide follow-up report as soon as practicable.	§325(b)(1) & (b)(2) Class I & Class II penalties of up to \$25k/day (up to \$75k/day for second or after) by Administrative Order or in USDC. Criminal penalty: up to \$25k per day and/or 2 years.	No authority under §326(a)(2). See §326(a)(1).	§326(a)(1)(A)(i) any person can file civil action in USDC against o/o for failure to submit follow-up report.
§311 o/o who must prepare MSDS for OSHA must submit MSDS/list to SERC, LEPC & fire department by 10/17/87 or 3 months after newly subject to OSHA.	§325(C)(2),(4) EPA can assess penalty of up to \$10k per violation per day by Administrative Order or in USDC.	§326(a)(2)(A)(ii) & (iii) State & Local Governments can file civil action in USDC against o/o for failure to submit MSDS or list or make available information requested under §311(c).	§326(a)(1)(A)(ii) any person can file civil action in USDC against o/o for failure to submit MSDS or list.
§312(a) o/o who must prepare MSDS under OSHA must also submit Tier I form on 3/1/88, then annually. For newly covered facilities, first forms due 3/1/90.	§325(c)(1),(4) EPA can assess penalty of up to \$25k per violation per day by Administrative Order or in USDC.	§326(a)(2)(A)(iv) State & Local Governments can file civil action in USDC against o/o for failure to submit Tier I form. §326(a)(2)(B) SERC & LEPC can file action for failure to submit Tier II form under §312(e)(1).	§326(a)(1)(A)(iii) any person can file civil action in USDC against o/o for failure to submit Tier I information.
§313 o/o of facility that manufactured, processed or used a toxic chemical in previous year must submit TRI form annually starting 7/1/88.	§325(c)(1),(4) EPA can assess penalty of up to \$25k per violation per day by Administrative Order or in USDC.	No authority under §326(a)(2). See §326(a)(1).	§326(a)(1)(A)(iv) anyone can file a civil action in USDC against an o/o for failure to submit a TRI form under §313.
§322(a)(2) o/o must submit information to support a trade secret claim.	§325(c)(2) EPA can assess a penalty of up to \$10k per violation per day by Administrative Order or in USDC.	No authority.	No Authority.
§325(d) claim must not be frivolous.	§325(d)(1) EPA can assess penalty of \$25k per claim for claim that is unsubstantiated or not a trade secret and frivolous by Administrative Order or in USDC.	No Authority	No Authority
§323(b) o/o must submit a MSDS, inventory form, and a TCR form to physician who requests information in an emergency situation.	§325(c)(2) EPA can assess a penalty of up to \$10k per violation by Administrative Order or in USDC.	No Authority	§325(e) Health professional can file action in USDC to compel o/o to comply. USDC may issue order and enforce.

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL QUALITY**

**OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION  
AND RESPONSE PROGRAM**

**PREVENTION**

**PREPAREDNESS**

**RESPONSE**

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL QUALITY  
OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION  
AND RESPONSE PROGRAM**

**PREVENTION**

**VESSEL TRAFFIC SYSTEMS**

**TANKER DESIGN AND CONSTRUCTION**

**MANNING STANDARDS**

**IMPROVED RADAR**

**PILOTS**

**SUBSTANCE ABUSE TESTING**

**VESSEL ESCORTS**

**UNLIMITED LIABILITY**

**RESTRICT MOVEMENTS DURING BAD WEATHER**

**PENALTIES THAT PROVIDE INCENTIVES**

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL QUALITY**

**OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION  
AND RESPONSE PROGRAM**

**PREPAREDNESS**

**STATE EMERGENCY RESPONSE COMMISSION**

**LOCAL EMERGENCY PLANNING COMMITTEES**

**INTERSTATE COMPACTS**

**RESPONSE PLANNING**

**TRAINING**

**DRILLS**

**INSPECTIONS**

**FINANCIAL RESPONSIBILITY**

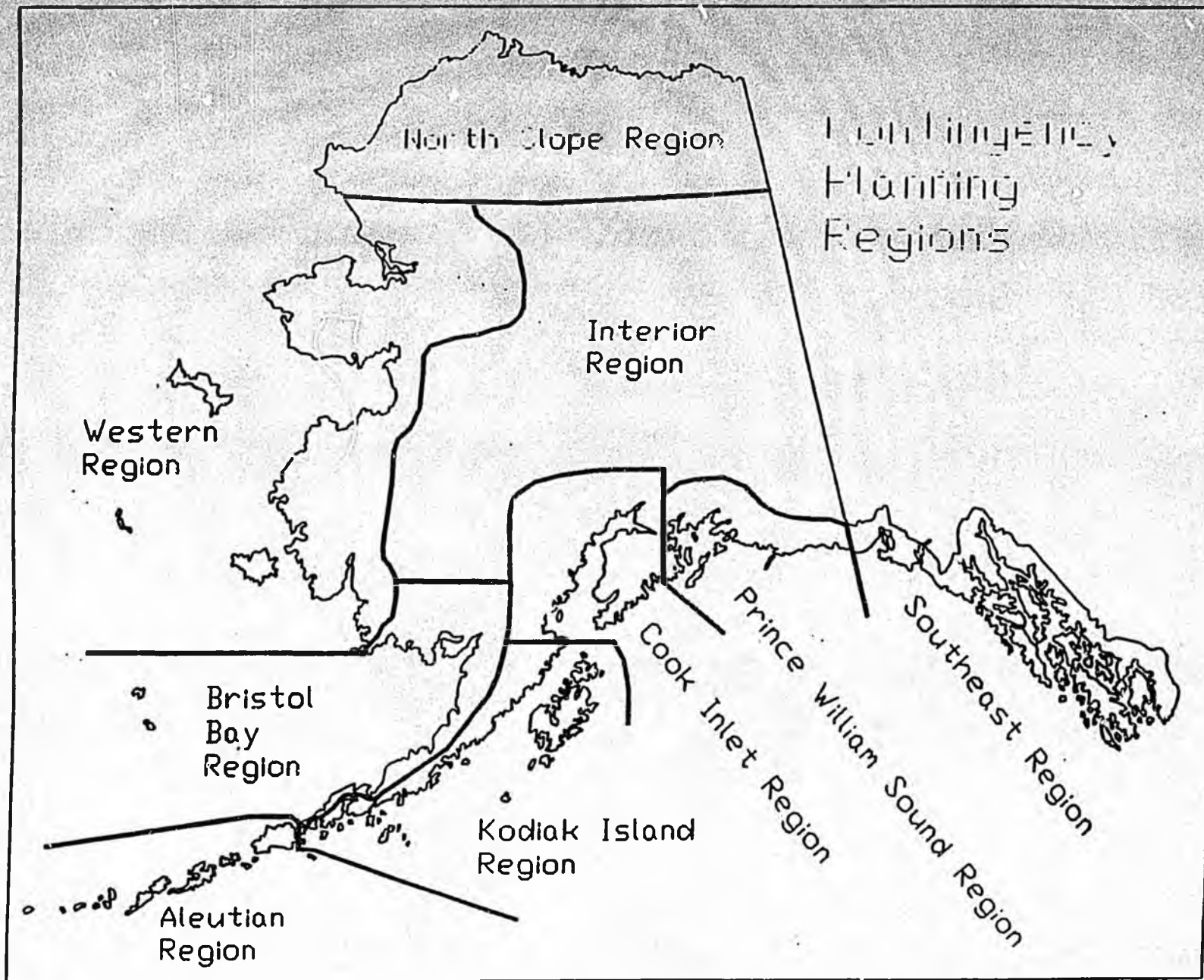
**RESPONSE FUNDING**

**RESPONSE CORPS**

**RESPONSE DEPOTS**

**LOCAL AGREEMENTS**

**OIL DISCHARGE CONTINGENCY PLANS**



# STATE EMERGENCY RESPONSE PLANNING ORGANIZATION

**Role:**

(1) Develop State and  
Regional Oil and Hazardous  
Substance Discharge  
Contingency Plans

(2) Implement the federal  
Emergency Planning and  
Community Right to Know  
Act (SARA Title III)  
-fact sheet attached

(3) Preparedness

## STATE EMERGENCY RESPONSE COMMISSION (SERC)

**Chair - DEC**  
**Vice-chair - DES**

**Members:**

**DPS**  
**DOT&PF**  
**DHSS**  
**DCRA**  
**Oil Industry Representative**  
**Municipality of Anchorage**  
**Kenai Peninsula Borough**  
**Fairbanks N.S. Borough**  
**Alaska Fire Chiefs Ass'n.**  
**Rural Representatives**  
**Public Interest Group**  
**DNR\***  
**ADF&G\***  
**DOL\***

**Role:**

(1) Develop Local  
Emergency Response  
Plans

(2) Spill Response  
Preparedness

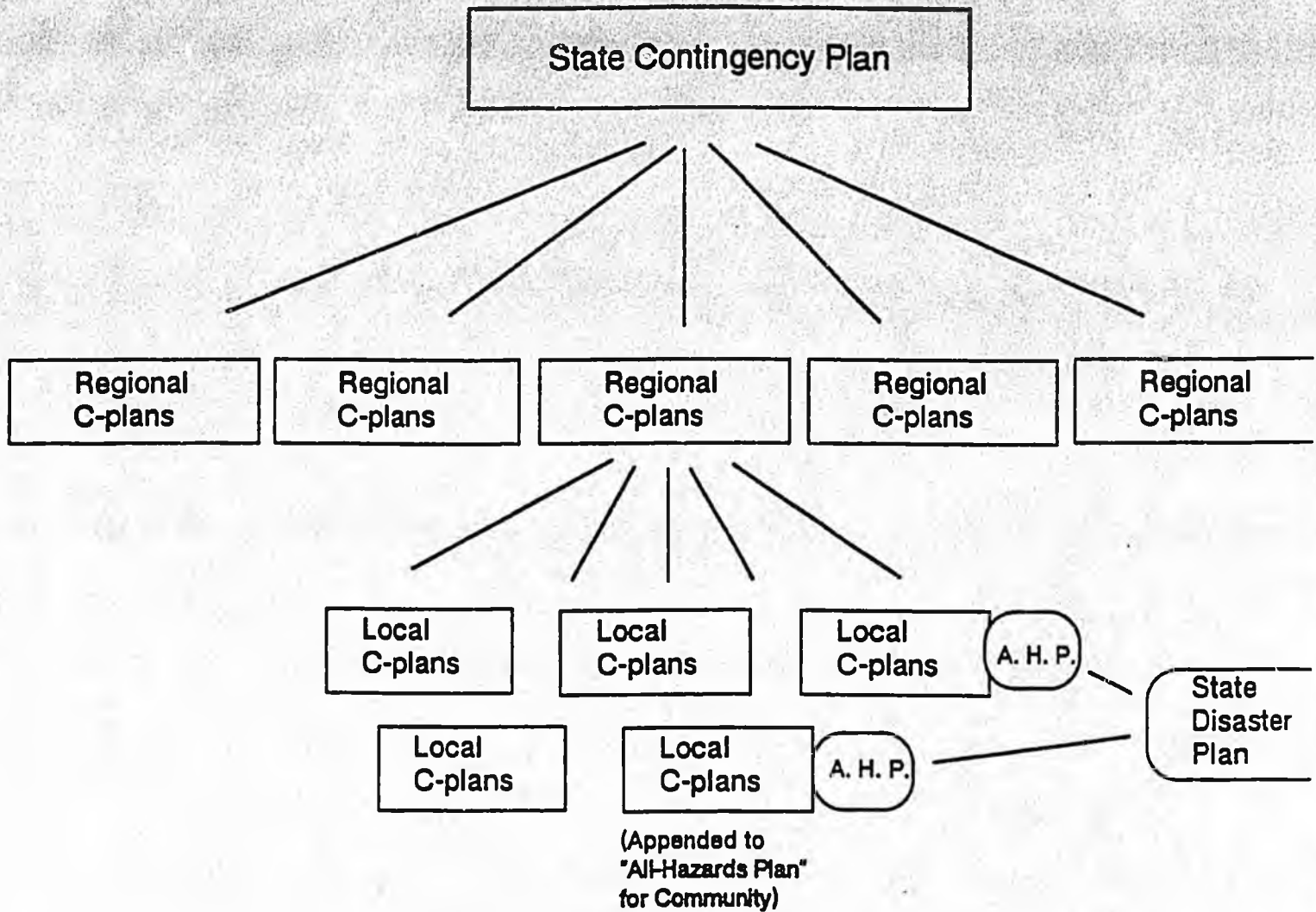
## LOCAL EMERGENCY PLANNING COMMITTEE

**Chair: Elected Official**

**Members:**

**Law Enforcement**  
**Civil Defense /**  
**Emergency Management**  
**Firefighting**  
**First Aid**  
**Health**  
**Hospital**  
**Local Environmental**  
**Transportation Personnel**  
**Broadcast and Print Media**  
**Community Groups**  
**Owners / Operators of**  
**Applicable Facilities**  
**Other**

# CONTINGENCY PLANS



- (1) Local plans are appended to the regional oil and hazardous substances contingency plans
- (2) Regional oil and hazardous substances plans are appended to the state oil and hazardous substances contingency plan
- (3) Community "All Hazards" plans are appended to the State Disaster Plan

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL QUALITY**

**OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION  
AND RESPONSE PROGRAM**

**RESPONSE**

**DEC-STATE ON SCENE COORDINATOR**

**INCIDENT COMMAND SYSTEM**

**UNIFIED COMMAND STRUCTURE**

**SAFETY**

**PUBLIC INFORMATION**

**RESPONSE DEPOTS**

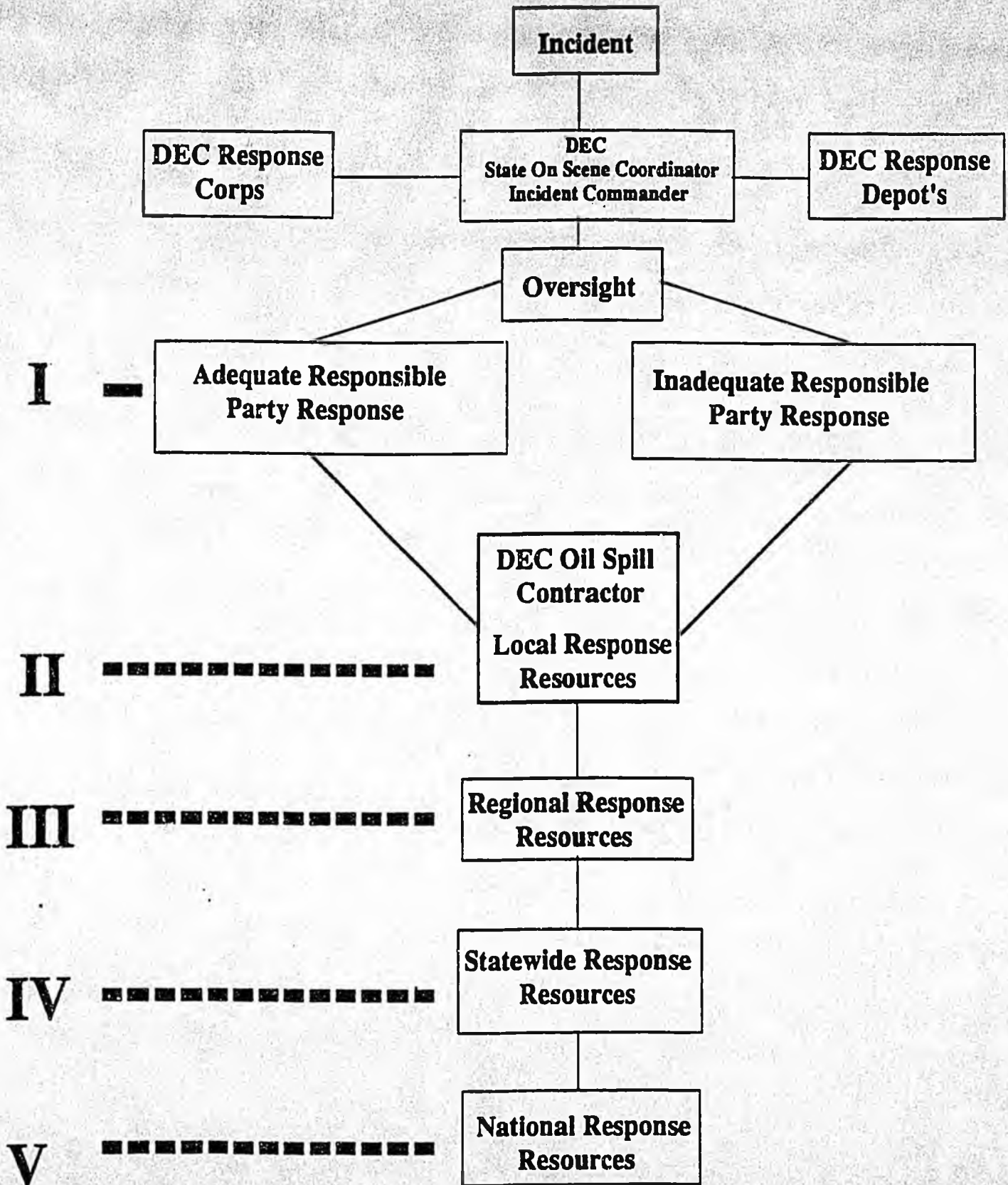
**DEC RESPONSE OFFICE**

**OIL AND HAZARDOUS SUBSTANCE RESPONSE CORPS**

**COORDINATION WITH LOCAL, REGIONAL, STATE, FEDERAL  
AND PRIVATE PARTIES**

**DEC CONTRACTOR MOBILIZATION**

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL QUALITY**





# RESPONSE ORGANIZATION

for Oil and Hazardous Substance Discharges

Texas Department of Environmental Conservation (TDEC)

## COMMAND

On Scene Coordinator (OCDF)

DUTIES - see annex  
- establish and lead

As of 10/1/88, the following agencies are designated as "SILVER" Command - see annex

ADG ADNR ICS  
ADNR ADNR DCA  
ADNR LEPC DCS

Other state agencies, the LSCG/PA, and other federal agencies, the police, local NGOs, and other agencies may be added to it in an on-scene meeting as needed.

## STAFF

Information Officer (ACIC)

- public information  
- media liaison

Liaison Officer (ADEC)

- contact with local agencies  
- resource groups, other agencies

Community Liaison Officer

- contact with local agencies  
- resource groups, other agencies

Legal Advisor (ADOLM)

- advice on legal implications

Project Coordinator (ADRC)

- liaison between Command and MACs

Safety Officer (DOLabor)

- overall health and safety

## LOGISTICS

DMVA (Group Head)  
ADOT/TP  
ADNR  
ADNR  
LEPC

- DUTIES
- communications
  - cleanup and staging area selection
  - air, ground and water transportation and support
  - equipment and fuel needs
  - location
  - fuel
  - procurement of equipment and supplies
  - on-scene medical services
  - security

Note: During a large incident there will be a unit head and staff for each duty.

## AVAIL

ADEC (Group Head)  
ADNR  
ADNR  
ADNR  
LEPC  
DES

- DUTIES
- all incident response planning
  - provide information to command
  - identify support and communications needs for logistics
  - spot shortages, backlog and diversion prediction
  - identify and provide environmental sensitive areas
  - identify nonstructural resources of concern
  - customize emergency response strategy
  - staging and inventory
  - staging assessment and

Note: During a large incident there will be a unit head and staff for each duty.

## OPERATIONS

ADEC (Group Head)

- DUTIES
- implement policy, objectives, plans
  - hold meetings to coordinate and organize response operations with all Operations groups and Planning and Logistics sectors

## PLANNING

OCDF / ADOA / ADEC  
ADOL  
ADOLM  
ADNR  
ADNR  
DES

- DUTIES
- office management
  - case management
  - document creation
  - contracting
  - inventory management
  - status
  - accounting / fiscal

Note: During a large incident there will be a unit head and staff for each duty.

## ADEC (Group Head)

ADEC (Group Head)  
ADNR  
ADNR  
ADNR  
VOL. COOPS  
ADNR

- DUTIES
- oil and hazardous substance containment
  - oil and hazardous substance clean-up
  - shoring clean-up
  - debris handling
  - oil and hazardous substance disposal

Note: During a large incident there will be a unit head and staff for each duty.

## ADNR (Group Head)

ADNR (Group Head)  
ADNR  
ADNR  
ADNR  
LEPC  
ADNR  
DES

- DUTIES
- medical services
  - safety
  - community service projects
  - on-scene health

Note: During a large incident there will be a unit head and staff for each duty.

## ADNR (Group Head)

ADNR (Group Head)  
ADNR  
ADNR  
ADNR  
ADNR  
ADNR  
LEPC

- DUTIES
- injury determination and documentation
  - environmental impact assessment
  - restoration

Note: During a large incident there will be a unit head and staff for each duty.

## ADNR (Group Head)

ADNR (Group Head)  
ADNR  
VOL. COOPS

- DUTIES
- emergency treatment centers
  - waste search and removal
  - primary care and testing

Note: During a large incident there will be a unit head and staff for each duty.

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL QUALITY**

**OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION  
AND RESPONSE PROGRAM**

**LAWS PERTAINING TO PREVENTION**

**Prior to 1989**

- o Oil pollution prohibited
- o Ballast water discharge prohibited
- o Criminal penalties
- o Civil penalties for discharge of oil
  - > 18,000 gallons...up to \$10/gallons
  - five times multiplier for negligence
- o Liability limit of 100,000,000 for oil
- o Strict Liability
- o Recovery of costs to state for oversight,  
cleanup, damages, restoration
- o Detention of vessels as security for damages
- o Emergency powers
- o Injunctive powers

**1989**

- o Increased civil penalties for crude oil spills
  - > 18,000 gallons...\$8 for first 420,000 gallons
  - \$12.50 > 420,000 gallons
  - Four times multiplier for negligence
  - Credit applied for amount of oil recovered  
in first 36 hours
- o Liability limit of \$500,000 for crude oil spills

**1990**

- o Strengthen financial responsibility requirements

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL QUALITY**

**OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION  
AND RESPONSE PROGRAM**

**LAWS PERTAINING TO PREPAREDNESS**

**Prior to 1989**

- o Oil Discharge contingency plans required
  - Terminals > 10,000 bbls
  - Offshore exploration or production facilities
  - Tank vessels
  - Oil Barges
- o Proof of Financial Responsibility
- o Inspection Authority
- o Compacts authorized
- o Contracting Authority
- o Perform DES role in declared disaster emergencies

**1989**

- o State Master Oil and Hazardous Substance Discharge and Prevention Contingency Plan
- o Regional Master Oil and Hazardous Subsurface Discharge and Prevention Contingency Plan
- o Unannounced spill drills
- o Spill technology research
- o Response corps training

**1990**

- o Use of response fund during declared disaster emergencies.
- o Expand role of Division of Emergency Services
- o Establish State Emergency Response Commission and Local Emergency Planning Districts and Committees
- o Extend the requirement for Contingency Plans
- o Strengthen inspection authority to include structural integrity of tank vessels

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL QUALITY**

**OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION  
AND RESPONSE PROGRAM**

**LAWS PERTAINING TO RESPONSE**

**Prior to 1989**

- o Discharge notification required
- o Provide for containment and cleanup of discharges of unknown origin
- o Require maximum practicable use of private services and resources
- o Ensure cleanup is initiated and adequate
- o Identify source, cause and responsible party

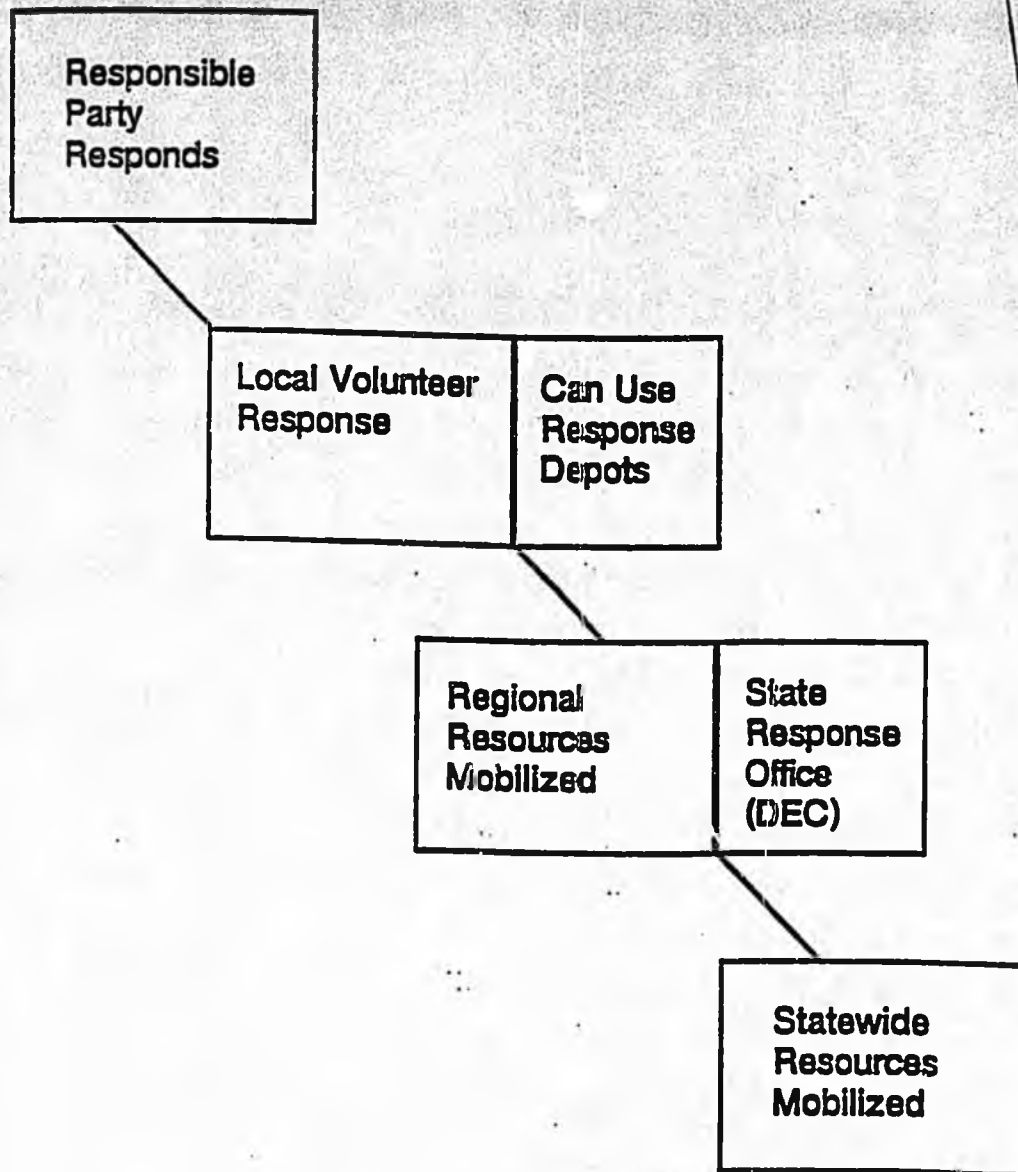
**1989**

- o Established response office for spills that present a grave and substantial threat
- o Established response corps
- o Established response depot

**1990**

- o Define "realistic maximum oil discharge"

# SPILL RESPONSE





# Oil Reform Alliance



TESTIMONY BEFORE HOUSE RESOURCES COMMITTEE  
ON

HB 565, HB 566, AND HB567

March 9, 1990

My name is Riki Ott. I am a commercial fisherman and Cordova resident. My training is in marine pollution: I have a Masters in oil pollution and a doctorate in sediment pollution. I am President of the Oil Reform Alliance, which is a grassroots coalition among commercial fishermen, environmentalist, and others within and outside Alaska who are dedicated to reforming oil industry practices that impact communities on social, economic, and environmental levels.

The Oil Reform Alliance (ORA) supports the intention of House Bills 565, 566, and 567. In the wake of the Exxon Valdez, we find that existing laws are clearly inadequate regarding the State's role in prevention and management of catastrophic oil spills from large facilities and tankers. In addition, we find that there are serious problems with spills, leaks, and illegal dumping of oil and hazardous wastes from numerous smaller facilities and operators statewide. We are very pleased with and strongly support the intent of this package to comprehensively address all polluters.

First, some general statements; then, some specific language changes.

Strengthening the state's role in prevention of oil spills seems to be the main theme of HB567. I find it an appalling state of affairs that the State has allowed the oil industry to proceed without common sense safeguards like state-approved contingency plans in place to protect other resources, the public, and the environment. Such oversight sends a clear message to industry that we don't care.

The public needs the assurance that industry has considered its safety and the environment in the event of an emergency as evidenced by an approved contingency plan. If DEC is currently a bottleneck in the approval process, then we ask the legislature to find out why and address this problem.

700 H Street, #4 Anchorage, Alaska 99501 • (907) 274-3621

However, we urge caution on two accounts: 1) that DEC should not be forced to approve a contingency plan within a set time frame as this could result in industry pressuring DEC to approve a faulty plan; and 2) that the review process should NOT be extended to the Depts. of Fish and Game and Natural Resources as this would only further lengthen the approval process by including reviewers with limited expertise in this area.

We recommend the following specific language changes: to cover all facilities, on page 1, line 20, delete the word "offshore;" and on page 2, delete section (e) in its entirety which refers to multiple department review of contingency plans.

After the Exxon Valdez spill, Alyeska now claims they are prepared to respond to a maximum spill of 250,000 barrels. During testimony on these bills in the Senate Oil and Gas Committee, it was evident that 250,000 barrels has become the new industry standard.

This is NOT acceptable to the ORA. The Exxon Valdez only spilled one fifth of its cargo and tankers up to fifty percent larger than the Exxon Valdez carry oil from the terminal.

We ask that the industry assume a greater share of the inherent risk associated with transportation/production of oil -- as they have done in other parts of the world -- rather than push off this risk on the public. This is not an unrealistic request. In an area of northern Europe the geographic equivalent of Alaska, the combined response from scattered depots is 500,000 bbl/hr or 50 times the current capacity in the state.

We recommend that the language on page 2, lines 21-23, read: "...manpower and resources to rapidly respond to a maximum oil discharge in the time frame specified by the oil discharge contingency plan(s), but not to exceed 72 hours."

We can't require the oil industry to contain a spill because this may be impossible due to weather or other forces beyond their control. We can't require the oil industry to remove a discharge because this would eliminate the potential for dispersant use or burning as these methods do not remove oil, but instead force it into the air or water column.

But we can require the oil industry to stockpile the necessary equipment and pre-train the necessary manpower for rapid response to a maximum oil discharge. We stress that this language should apply to any applicants for an oil discharge contingency plan.

The current evacuation of the Drift River terminal is a forceful reminder that contingency plans must encompass total contents of terminals and tankers. What the oil industry calls redundancy, the public calls safety.

On page 2, lines 24-25, we recommend the following wording: "(g) An oil discharge contingency plan must be reviewed by DEC and upgraded, if necessary, by the applicant at least every three years."

We bring to the committee members' attention a booklet entitled: "A Citizen's Guide to Hazardous and Toxic Waste Sites of Fairbanks, Alaska" prepared for the Northern Alaska Environmental Center. This booklet documents and ranks 33 toxic waste problems ranging from a residential yard sprayed with PCBs to buried experimental military nuclear reactors. Twenty-five of the 33 toxic waste problems involved some form of petroleum hydrocarbons.

Ranked No. 1 was the Fairbanks MUS city wells: "the sole source of all Fairbanks public water is contaminated with fuel. Benzene is present in city wells up to 13 ppb (the drinking water standard is 5 ppb.)

Ranked No. 2 was MAPCO which were "fined for polluting drinking water, not reporting spills, selling improperly identified fuel and dumping hazardous waste. Benzene contaminates the groundwater 4,000 times in excess of drinking water standards."

Ranked No. 3 was the Fort Wainwright Army Base which contaminated over 40 acres in a single gasoline/diesel spill and has at least nine leaking underground fuel storage tanks.

Ranked No. 5 was the Eielson Air Force Base which reportedly had the largest underground fuel spill in North America: over 10 million gallons on 2.7 acres. "The pollution is so widespread a lake on base is nicknamed "POL lake;" short for "petroleum, oil and lubricants. Eielson has a proposal to DEC to inject 12 million tons/yr of waste water underground."

Ranked No. 9 was PetroStar with fuel spills contaminating soils and groundwater. "Monitoring wells between MAPCO and PetroStar are now contaminated."

It is quite clear that spilling oil is not a phenomenon specific to tankers in Valdez or big operators like Alyeska. Nor is Fairbanks alone in this problem. A similar booklet on hazardous and toxic waste sites is available for the Kenai area. We also bring to the committee's attention a compliance chronology on the Tesoro refinery and a New York Times article on a fuel oil barge explosion in Arthur Kill.

Little operators as well as big operators have accidents and the ORA insists that legislators address all polluters to minimize risks to the public and environment. Don't cop out and pass a bill that only protects us from part of the problem.

There is a general misconception that refined products are less toxic than crude oil. In reality, refined products contain the most toxic fraction of crude oil. This fraction is also the most volatile and soluble. For example, benzene dissolves rapidly into groundwater. Comparative toxicity of refined versus unrefined oil depends upon physical and biological parameters of the environment in which the discharge occurred.

So work for full protection. Consider options. For example, the American Petroleum Institute or the oil industry within the state could form a PIRO type depot with equipment located throughout the state. This could be a cooperative effort with participation from all applicants of oil discharge contingency plans.

A similar type of cooperative cooperation could be used to address industry concerns in the section on financial responsibility. Proof of financial responsibility should be evaluated based on size of operation with limits increased for large operators to the maximum allowed by the state (\$500,000). Decreases could be awarded for good behavior based on past performance.

Requiring adequate proof of financial responsibility is well within the capability of the industry. Last September, fishermen, environmentalists, and tourism/recreational groups held a marine demonstration in front of Alyeska protesting Amerada Hess charters of Liberian-flagged, Israeli-registered, Italian-crewed tankers, some of which were up to 50% larger than the Exxon Valdez. We demanded a billion dollar bond for these tankers and Amerada Hess posted it. Amerada Hess is only a minor owner (1.5%) of Alyeska: surely the other owners could post similar bonds.

And finally the scope of Sec. 4, which deals with DEC inspections of oil industry operations, needs to be increased by adding this language after (2) on line 16: "(3) examine the structural integrity of terminals, pipelines, and other facilities related to the exploration, production, and transportation of oil."

The fleet carrying North Slope crude accounts for 13% of the U.S. tanker fleet. but this same 13% accounts for 52% of the structural failures in the fleet. Tankers are supposedly inspected by the Coast Guard. The Alyeska facility and Trans-Alaska Pipeline are also supposedly

inspected by federal agencies, but the Alyeska facility has never been inspected in 12 years of operation and recent tests for corrosion in the pipeline have revealed extensive problems in 300 of the 800 miles.

Clearly, there is something very wrong with the federal inspection programs. Until such time as the federal government strengthens these programs and carries out its duties, the ORA strongly supports state (DEC) oversight in all these areas, either directly or as part of a joint state/federal effort. The legislature should provide DEC with the funds to contract expertise to conduct these inspections.

Last in HB567, the ORA recommends the following wording on page 8, line 18, for section (5): "(18) "maximum oil discharge" means the maximum oil discharge that could occur during the lifetime of the vessel or facility.

Very briefly, in HB566, there is confusion within the ranks of the ORA as to the language and intent of the sections dealing with duties of DEC versus DES. However, there is a strong consensus that we want DEC telling DES what to do during an oil or hazardous substance discharge emergency, not vice versa.

Thank you for the opportunity to testify.

M

MICHAEL S. O'MEARA  
P.O. BOX 1125  
HOMER, ALASKA 99603

MARCH 18, 1990

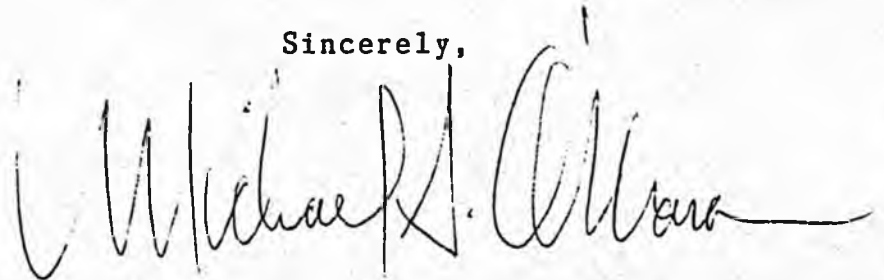
REPRESENTATIVE CURT MENARD  
ALASKA STATE LEGISLATURE  
P.O. BOX V (MS 3100)  
JUNEAU, ALASKA 99811

DEAR REPRESENTATIVE MENARD:

Last year the legislature mandated the development of an Oil and Hazardous Substance Release Repose Office under the Department of Environmental Conservation. In my opinion that was a excellent idea. As you may recall, I suggested that this should be made a Division of the ADEC and should act as the lead agency in all state spill response activity.

Currently there is a move afoot to make the Department of Military and Veterans Affairs the lead agency for spill response. I am opposed to that and would hope that you will not support SB 468 or any other legislation which would seek to remove that responsibility/authority from the ADEC. We need the perspective of people dedicated to protecting the environment for guidance of all state spill response efforts. Establishment of the Response Office as a Division of ADEC would assure that perspective and would provide a vehicle for coordinating the efforts of all agencies.

Sincerely,



MICHAEL S. O'MEARA

1

**Testimony before the Alaska Senate  
Special Committee on Oil and Gas**

**on SB 503 and SB 504**

**Walter B. Parker, Chairman  
Alaska Oil Spill Commission**

**1 March 1990**

**SB 503**

In general, SB 503 reflects several of the major thrusts of recommendations by the Alaska Oil Spill Commission. Mainly, it brings oil spill response into the state's emergency response network and mandates strong cooperation between those state agencies concerned with emergency response to hazardous substances, including crude oil and refined petroleum products. Most important, it concentrates on establishing immediate response at the local level, something addressed by several of the commission's recommendations, most strongly Recommendations 27 and 49.

**Section 1, 2 and 4**

Recommendations 52 and 53 address the need for an immediately available oil or hazardous substance response fund. Broadening the use of the 470 fund and providing the governor with the flexibility to use those funds in addressing oil spills and other emergencies is directly consistent with the commission's intent in these recommendations.

**Section 3**

The problem the commission wrestled with in the relationships between the Department of Environmental Conservation and Division of Emergency Services was ultimately the determination of who would be in charge of a catastrophic spill response and at what level the response authority of DES would be implemented. Our recommendation on the use of the Incident Command System (Recommendation 48) is our major response to this problem. The key element is having an on-scene commander in each emergency response district that has the authority to bring the Incident Command System into operation.

The bill recognizes DES expertise in communications, logistics, equipment procurement, manpower and community liaison. This is supported by our Recommendations 50 and 51. DEC expertise in providing measurement and evaluations of environmental conditions is in the bill, but their role in directing initial response and later cleanup is not absolutely clear. The commission believed that use of the ICS would clarify the difference between oversight roles and management roles in a response mobilization at any level. It also would clarify federal and private participation in response, beyond the responsibilities outlined in the district contingency plan. In the best of worlds, each district will have a contingency plan that is absolutely clear on what role each party will play. We found that the Incident Command System does the best job of this.

Each district may have different structures that reflect the differences in state agency structure, federal agency structure, local government capabilities and private capabilities. We felt that maximizing the use of existing governmental and private capabilities through the ICS would be the most cost-effective and efficient way to achieve an oil spill response system that can meet the target of responding to a worst-case situation within 72 hours.

The commission did not address the formation of the State Emergency Response Commission. The SERC does carry out the intentions of Recommendations 27 and 49 on local involvement and Recommendations 45 and 50 on allocation of state response authority. Most importantly, it provides the structure for developing effective regional response plans. These plans are the most critical element of the entire response structure because it is in the region that the ability to respond quickly and effectively must be lodged.

## **SB 504**

### **Section 1**

Our Recommendation 55 should be considered. We feel that contingency plans should be based on the ability to respond to a "worst-case spill" within 72 hours. The language in the bill of a "realistic maximum" oil discharge and to remove that discharge "within the shortest possible time" does not provide a firm mandate for private contingency plans. It does not do enough to mitigate the risk oil shipment imposes on residents of adjacent coasts. It is not in line with our overall policy Recommendations 1, 2 and 3.

The requirement that contingency plans be properly implemented is a longstanding loophole that needs to be closed. If private plans are not implemented the government will have to take up the slack or we will have regional response plans whose effectiveness is as suspect as those that failed last March 24.

### **Section 2**

The commission did not address in its report any amounts for financial responsibility. We did make the point in Recommendation 21 that the state should require the shipping industry to insure the state and its citizens against risk and this section carries out that idea.

### **Section 4**

Providing DEC with the authority to inspect tankers, terminals, exploration and production facilities is, in many ways, the most important regulatory prevention measure that must be undertaken if the system is to truly improve. We address this in Recommendation 14, with other aspects addressed in Recommendations 11 and 13.

## **Recommendations not contained in SB 502, SB 503 or SB 504**

**Recommendation 9—Tank farm capacity at Valdez.**

**Recommendation 12—A citizens advisory council to oversee the safe transportation of oil, gas and other hazardous substances.**

**Recommendation 16—State licensing of private personnel involved in oil transportation.**

**Recommendation 25—Harbor Administration.**

**Recommendation 47—A system for emergency economic maintenance.**

**Recommendation 57—In-state research institute.**

**TESTIMONY BEFORE THE ALASKA HOUSE  
RESOURCES COMMITTEE**

**HB 565, HB 566 & HB 567**

**WALTER B. PARKER, CHAIRMAN  
ALASKA OIL SPILL COMMISSION**

**8 MARCH 1990**

**HB 565**

The Commission did not address penalty amounts. The general thrust of the legislation is not directly addressed in any of our recommendations since our emphasis was on system improvement and not on penalties incurred for system violation.

**Section 5 (F)**

The elimination of all presently utilized means, other than mechanical recovery, could have an inhibiting effect on using best available technology in contingency plans. In particular, we would like to see the use of gelling agents promoted.

**Section 6 (B)**

Same comment as above.

**HB 566**

In general, HB 566 reflects several of the major thrusts of recommendations by the Alaska Oil Spill Commission. Mainly, it brings oil spill response into the state's emergency response network and mandates strong cooperation between those state agencies concerned with emergency response to hazardous substances, including crude oil and refined petroleum products. Most important, it concentrates on establishing immediate response at the local level, something addressed by several of the commission's recommendations, most strongly Recommendations 27 and 49.

**Section 1, 2 and 4**

Recommendations 52 and 53 address the need for an immediately available oil or hazardous substance response fund. Broadening the use of the 470 fund and providing the governor with the flexibility to use those funds in addressing oil spills and other emergencies is directly consistent with the commission's intent in these recommendations.

**Section 3**

The problem the commission wrestled with in the relationships between the Department of Environmental Conservation and Division of Emergency Services was ultimately the determination of who would be in charge of a catastrophic spill response and at what level the response authority of DES would be implemented. Our recommendation on the use of the Incident Command System (Recommendation 48) is our major response to this problem. The key element is having an on-scene commander in each emergency response district that has the authority to bring the Incident Command System into operation.

The bill recognized DES expertise in communications, logistics, equipment procurement, manpower and community liaison. This is supported by our Recommendations 50 and 51. DEC expertise in providing measurement and evaluations of environmental conditions is in the bill, but their role in directing initial response and later cleanup is not absolutely clear. The commission believed that use of the ICS would clarify the difference between oversight roles and management in response, beyond the responsibilities outlined in the district contingency plan. In the best of worlds, each district will have a contingency plan that is absolutely clear on what role each party will play. We found that the Incident Command System does the best job of this.

Each district may have different structures that reflect the differences in state agency structure, federal agency structure, local government capabilities and private capabilities. We felt that maximizing the use of existing governmental and private capabilities through the ICS would be the most cost-effective and efficient way to achieve an oil spill response system that can meet the target of responding to a worst-case situation within 72 hours.

The commission did not address the formation of the State Emergency Response Commission. The SERV does carry out the intentions of Recommendations 27 and 49 on local involvement and Recommendations 45 and 50 on allocation of state response authority. Most importantly, it provides the structure for developing effective regional response plans. These plans are the most critical element of the entire response structure because it is in the region that the ability to respond quickly and effectively must be lodged.

RB 567

**Section 1**

Our Recommendation 55 should be considered. We feel that contingency plans should be based on the ability to respond to a "worst-case spill" within 72 hours. The language in the bill of a "realistic maximum" oil discharge and to remove that discharge

"within the shortest possible time" does not provide a firm mandate for private contingency plans. It does not do enough to mitigate the risk oil shipment imposes on residents of adjacent coasts. It is not in line without overall policy Recommendations 1, 2 and 3.

A "worst case" would be 1.8 million barrels for Prince William Sound and 500,00 barrels for Cook Inlet. The oil industry claims this cannot be recovered. It can, however, be done by a regional response plan which brings in the capabilities of all concerned--industry, state, and federal.

The following have been offered by industry:

Alyeska Contingency Plan submitted the recovery of 10K barrels per hour name plate capacity. Allowing for 35% best case recovery in 72 hours	252,000
ARCO, per recent testimony, with a 24-hour lag to allow for mobilization from West Coast	250,000
Other 5 Alyeska owners	<u>(unknown)</u>
Barrels	502,000

The above figures are for containment and best case recovery situations, ie. less than six foot sea state and no more than 1 knot currents.

ARCO's proposed 70,000 ton skimmer could be built to recover 25,000 barrels per hour based on it having half the capacity to pump oil out of the water that is common at the Valdez terminal for pumping oil into tankers. This would have a capacity of 600,000 barrels per day and allowing for a 35% best case recovery rate, it would recover 630,000 barrels in 72 hours. Our total best 72-hour case recovery is now 1,132,000. Thus the remaining question is how to make up the 670,000 barrel difference. Allowing for 20% evaporation of the light ends during this period, or 360,000 barrels, we can see that we are approaching our goal and have 310,000 barrels remaining for which capability must be demonstrated. Here is where the API/PIRO response may come in, also federal response from the Navy, the Corp of Engineers, the Coast Guard, and if necessary further Alyeska response. In any case, by a combination of new technology already being proposed by ARCO and by accumulation of other sources into a regional response plan, we have come close to a creditable "worst case response" capability.

The next question is why must this response be mounted in 72 hours. If you examine the oil spill simulations in our report, you

will note that it is after 72 hours that the greatest impact on the beaches occurs. Once the oil is on the beach, the Commission considers the battle lost. Therefore, our strong recommendations are on the immediacy of the response efforts.

As our report shows, Exxon Valdez is only 34th on the list of 65 great oil spills. Thus, the possibility of spills where the entire tanker load is lost, 1,800,000 barrels for Prince William Sound or 500,000 barrels for Cook Inlet, is still a very real worst case situation.

There are presently 94 tankers licensed for operation into Alaskan ports. Only 10 are covered by Alyeska's present plan for a "worst case" loss; 43 are covered by combining the Alyeska and ARCO plans, adding the large skimmer as described covers 70 tankers leaving only 24 uncovered.

What are the costs of achieving this level of protection, remembering we are only achieving worst case protection by mechanical containment and recovery in good weather conditions? The costs included here are estimated by me based on our contractors estimates for similar equipment.

#### One Time Costs

Alyeska Costs (already committed but no cost breakdown yet provided, so this is my estimate based on our contractor's estimates)	\$60,000,000
ARCO Costs (less 4 ERV and 4 other vessels in Alyeska Costs, note that this system serves entire West Coast)	\$ 32,000,000
70,000 Ton Skimmer Costs (\$93 million for new ship by Commission estimate plus \$20 million for skimmer conversion by ARCO estimates)	<u>\$ 113,000,000</u>
1.132.000 barrels in 72 hours recovery	\$ 205,000,000
Full Worst Case, another 310,000 barrels	80,000,000
Full Worst Case Recovery System in good weather	<u>\$ 285,000,000</u>

#### Annual Costs

Alyeska	\$10,000,000
ARCO	5,000,000

70,000 Ton Skimmer	10,000,000
Additional Recovery	<u>5,000,000</u>
TOTAL	\$30,000,000

Operating costs as above should cover 72 hour initial period but do not cover beach cleanup costs.

Assuming a 10-year depreciation on one time costs, the annual costs for "worst case" mechanical recovery in Prince William Sound are \$58,500,000 or the industry profits on 5 days throughput at the Valdez terminal.

\*\$6 X 9,750,000 barrels

\*From Deakins Report

Now the question is, what is the cost of "worst case recovery" in bad weather. The present options are burning or dispersants. Future options may include gelling agents as described in our report. The costs of bad weather treatment are:

Burning, the loss of the ship and cargo	
250,000 T Tanker, new	\$192,000,000
cargo 1.8 million barrels @ \$20	<u>36,000,000</u>
Total	\$218,000,000

70,000 T Tanker, new	\$ 93,000,000
cargo, 500,000 barrels @ \$20	<u>10,000,000</u>
Total	\$103,000,000

The costs of the flights and igniting agents plus recovery of crew	\$ 250,000
--	------------

Dispersants: Following the British method of aerial application and the most favorable 1 to 20 crude to dispersant ratio, we require for the worst case 1,800,000 barrels, some 90,000 barrels of dispersant or 3,780,000 gallons @ \$3/gal \$ 11,340,000

Costs of 700 C130 flights of 5 hour duration or 3,500 flight hours @ \$3500 per hour\* \$ 12,250,000

Worst Case by dispersant \$ 23,590,000

Gelling agents: This method is untried, untested, and wholly hypothetical. The ratio of 40 to 1, agent to oil, is the best known and the costs are in the ballpark of what is being paid by the US Navy for gelling agents.

Gelling agents 45,000 barrels, 6,250 tons or 1,890,000 gal @ \$12/gal	\$ 22,680,000
Costs of 350 C130 flights of 5 hours duration @ \$3500 per hour*	<u>6,125,000</u>
Total	\$ 28,805,000

\* Assumes dispersants or gelling agents are located at Anchorage or Kenai.

Thus, it is true that the costs of a worst case response are large, whatever method is used. The alternative of avoiding it is equally costly in the long run. The size of the worst case scenario for each region will be governed by how much risks the industry places on the region. Exxon Valdez has shown us that the area at risk can be very large if response is not immediate enough to keep the oil from migrating to near and distance beaches.

The requirement that contingency plans be properly implemented is a longstanding loophole that needs to be closed. If private plans are not implemented the government will have to take up the slack or we will have regional response plans whose effectiveness is as suspect as those that failed last March 24.

**Section 2**

The commission did not address in its report any amounts for financial responsibility. We did make the point in Recommendation 21 that the state should require the shipping industry to insure the state and its citizens against risk and this section carries out that idea in part.

**Section 4**

Providing DEC with the authority to inspect tankers, terminals, exploration and production facilities is, in many ways, the most important regulatory prevention measure that must be undertaken if the system is to truly improve. We address this in Recommendation 14, with other aspects addressed in Recommendations 11 and 13.

Our report details the sorry history of how the Coast Guard backed off after 1979 when the Alyeska owners' law suit and later legislative action eliminated the state presence on tankers. The Coast Guard budget on marine safety, wherein ship inspections lie, was cut 28% between 1982 and 1989. Allowing for inflation this was a real cut of 40%. The fleet, meanwhile, aged another 7 years, with only two new additions Exxon Valdez and Exxon Long Beach, being added in this period. Thus, inspections dropped as the ships got older. The Coast Guard testified at length about its concerns with increasing hull fatigue before House Resources on January 24. Despite this concern of the Coast Guard, I view the chances of

major budget increases in marine safety as small unless the initiatives come Congress.

**RECOMMENDATIONS NOT CONTAINED IN HB 565, HB 566 OR HB 567**

**Recommendation 9: Tank farm capacity at Valdez.**

**Recommendation 12: A citizens advisory council to oversee the safe transportation of oil, gas and other hazardous substances.**

**Recommendation 16: State licensing of private personnel involved in oil transportation.**

**Recommendation 25: Harbor Administration**

**Recommendation 47: A system for emergency economic maintenance.**

**Recommendation 57: In-state research institute.**

# NORTH SLOPE BOROUGH

OFFICE OF THE MAYOR

P.O. Box 69  
Barrow, Alaska 99723

Phone: 907-852-2611

George N. Ahmaogak, Sr., Mayor



TO: Garrey Paska, Chief of Staff  
Office of the Governor

TO: Senator Al Adams

Rebecha Miller, Director  
Fairbanks Executive Office  
Office of the Governor

TO: Representative Eileen MacLean

✓ Mike Irwin, Special Staff Assistant  
Office of the Governor

FROM: Dennis Roper, State Government Affairs  
Juneau Office

DATE: February 23, 1990

SUBJ: ANAKTUVUK PASS - NORTH SLOPE BOROUGH  
DISASTER RELIEF

This will give you early notice that the North Slope Borough intends to request disaster relief from the Governor for the Borough village, Anaktuvuk Pass, for damage resulting from a fuel spill of approximately 40,000 gallons, and possibly for contamination of the village water supply.

At this time, the best estimate for the clean up is approximately \$750,000 and does not include pipe repair.

This notification is for your information prior to Mayor's Ahmaogak's formal request for a Declaration of Disaster.

# ALASKA STATE EMERGENCY RESPONSE COMMISSION

## FY 90 WORK PLAN

Interim Adoption: September 18, 1989

Committee Revisions as of December 6, 1989

The State Emergency Response Commission provisionally adopted the following mission statement:

*The mission of the Alaska State Emergency Response Commission is to protect public health, safety and the environment by ensuring effective and efficient use of resources to plan for and respond to incidents involving hazardous and other toxic substances. In carrying out this commitment, the Commission will foster coordination at the local, state and federal levels, and will provide information to citizens and other interested persons.*

This work plan implements the mission with objectives and activities outlined under five goals. The goals are:

- Goal 1: *Ensuring that the SERC meets the minimum responsibilities under Title III.*
- Goal 2: *Increasing the visibility of Title III in Alaska.*
- Goal 3: *Establishing mechanisms to support the implementation of Title III.*
- Goal 4: *Improving Alaska's response capability to hazardous and other toxic substances.*
- Goal 5: *Developing a long-term implementation and maintenance strategy.*

The work plan assigns responsibilities to five committees. The committees include:

- ◆ Legislation & Funding
- ◆ Work Plan
- ◆ LEPC Review
- ◆ Training & Emergency Response
- ◆ Public Awareness & Data Utilization

The following chart timelines each goal's objectives and activities, assigns a responsible committee for these actions and lists evaluation criteria for reviewing the SERC's progress. An annual report, summarizing each goal's progress, will be prepared at the end of the year.

The chart reads: *Goal 1 is to ensure that the SERC meets the minimum responsibilities under Title III. Goal 1's first objective is to establish LEPCs/LEPCs in boroughs and first class cities by June 30, 1990. The LEPC Review Committee is the responsible party for this objective, and the committee will report their progress at the September, December, March and June SERC Meetings. Objective 1's first activity is to evaluate the LEPC Review Committee membership. The activity should start in July and be completed by the December SERC Meeting.*

**Goal 1: Ensure that the SERC meets the minimum responsibilities under Title III.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

2. To develop a strategy that addresses establishing LEPCs in unorganized areas of the state by the March 1990 SERC Meeting:

- ◆ Analyze the current approach. ----->
- ◆ Initiate strategy development. ----->
- ◆ Identify communities and organizations requiring contact. ----->

■ ■

LEPC Review Committee

committee reports

3. To establish mechanisms for reviewing LEPC plans by the March 1990 SERC Meeting:

- ◆ Review other state approaches and the LEPC Guidebook to synthesize procedures. ----->
- ◆ Distribute guidance to the LEPCs. ----->
- ◆ Develop a computer program model. ----->

■ ■

LEPC Review Committee

- committee reports  
- LEPC plan review procedures

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

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**Goal 1: Ensure that the SERC meets the minimum responsibilities under Title III.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

- |    |   |                                     |                                     |                                     |                                     |                       |                   |  |
|----|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-----------------------|-------------------|--|
| 1. | To establish LEPDs/LEPCs in boroughs and first class cities by June 30, 1990:                   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | LEPC Review Committee | committee reports |  |
| ♦  | Evaluate the LEPC Review Committee membership.  | ----->                              |                                     |                                     |                                     |                       |                   |  |
| ♦  | Evaluate the current procedures for reviewing applications and designating LEPDs/LEPCs.         | ----->                              |                                     |                                     |                                     |                       |                   |  |
| ♦  | Continue providing support to local governments to encourage LEPD/LEPC formation.               | ----->                              |                                     |                                     |                                     |                       |                   |  |
| ♦  | Compile an LEPC status and membership report with recommendations for achieving this objective. | ----->                              |                                     |                                     |                                     |                       |                   |  |

**Goal 1: Ensure that the SERC meets the minimum responsibilities under Title III.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		
<p>2. To develop a strategy that addresses establishing LEPCs in unorganized areas of the state by the March 1990 SERC Meeting:</p> <ul style="list-style-type: none"> <li>◆ Analyze the current approach. -----&gt;</li> <li>◆ Initiate strategy development. -----&gt;</li> <li>◆ Identify communities and organizations requiring contact. -----&gt;</li> </ul>													<p>LEPC Review Committee</p>	<p>committee reports</p>
<p>3. To establish mechanisms for reviewing LEPC plans by the March 1990 SERC Meeting:</p> <ul style="list-style-type: none"> <li>◆ Review other state approaches and the LEPC Guidebook to synthesize procedures. -----&gt;</li> <li>◆ Distribute guidance to the LEPCs. -----&gt;</li> <li>◆ Develop a computer program model. -----&gt;</li> </ul>													<p>LEPC Review Committee</p>	<ul style="list-style-type: none"> <li>- committee reports</li> <li>- LEPC plan review procedures</li> </ul>

**Goal 1: Ensure that the SERC meets the minimum responsibilities under Title III.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA	
	J	A	S	O	N	D	J	F	M	A	M	J			
4. To notify the EPA Administrator of facilities subject to Title III reporting requirements by the December 1989 SERC Meeting:													■	Public Awareness & Data Utilization Committee	- committee report - EPA notification
◆ Develop a procedure.														----->	
◆ Send notification to the EPA Administrator.														*	
5. To develop a data management plan for community right-to-know information by the December 1989 SERC Meeting:													■	Public Awareness & Data Utilization Committee	- committee report - data management plan
◆ Research how other states manage, use and distribute data.														----->	
◆ Recommend an overall data management strategy.														----->	

**Goal 1: Ensure that the SERC meets the minimum responsibilities under Title III.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

6. To establish procedures for reviewing and processing community right-to-know requests by the December 1989 SERC Meeting:



Public Awareness & Data Utilization Committee

- committee report  
- CRTK procedures

♦ Research other state approaches.

----->

♦ Develop a procedure.

----->

**Goal 2: Increase the visibility of Title III in Alaska.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA	
	J	A	S	O	N	D	J	F	M	A	M	J			
1. To identify target audiences for dissemination of information by the December 1989 SERC Meeting:														Public Awareness & Data Utilization Committee	- committee report - Title III mailing list
◆ Contact all levels of government agencies and non-profit, consumer, special interest and industry groups, and secure lists for an all-encompassing Title III mailing list.															
◆ Identify the existing delivery mechanism for dissemination of information on hazardous materials.															
2. To evaluate the current public awareness system by the December 1989 SERC Meeting:														Public Awareness & Data Utilization Committee	committee report
◆ Document past outreach activities for Title III.															
◆ Propose future outreach activities.															

**Goal 2: Increase the visibility of Title III in Alaska.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

3. To market Title III with an introductory information campaign to sell the public and industry, and to promote active participation at all levels, by the December 1989 SERC Meeting:														Public Awareness & Data Utilization Committee	committee report
◆ Distribute the SERC fact sheet to all target audiences.															
◆ Prepare and disseminate a public information statement for the print and broadcast media.															
◆ Develop and distribute an industry-specific fact sheet.															
◆ Educate local governments about Title III requirements.															

**Goal 2: Increase the visibility of Title III in Alaska.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA	
	J	A	S	O	N	D	J	F	M	A	M	J			
4. To develop mechanisms to institutionalize the SERC by January 1, 1990:														Public Awareness & Data Utilization Committee	- committee report - SERC newsletter
◆ Produce a SERC logo and letterhead.															
◆ Produce and distribute statewide a SERC newsletter.															
◆ Draft proposed legislative authority and submit to the Governor.														Legislation & Funding Committee	- committee report

**Goal 2: Increase the visibility of Title III in Alaska.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

5. To develop mechanisms to exchange Title III information by June 30, 1989;														Public Awareness & Data Utilization Committee	committee reports
◆ Establish communication mechanisms encouraging intra-, inter- and extra-agency staff exchanges with groups interested in hazardous and other toxic substances.															
◆ Prepare and disseminate public information on an on-going basis.															
◆ Nominate to SERC working groups individuals from all levels of government and industry, consumers and representatives from various geographic areas.															
◆ Conduct an annual Title III conference to transfer information and provide a forum for development of long-term implementation strategies.															

**Goal 3: Establish mechanisms to support the implementation of Title III.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

- |  |  |                            |   |
|--|--|----------------------------|---|
| <p>1. To have in place guidance for SERC activities:</p> <p>◆ Adopt SERC bylaws by the March 1990 SERC meeting.</p> <p>◆ Finalize the FY 91 work plan by the June 1990 SERC Meeting.</p> <p>◆ Conduct a review of SERC activities and prepare status report by first FY 91 SERC Meeting.</p> | <p>■     ■     ■     ■</p> <p>-----&gt;</p> <p>-----&gt;</p> <p>----&gt;</p> | <p>Work Plan Committee</p> | <p>- committee reports</p> <p>- bylaws</p> <p>- FY 90 report</p> <p>- FY 91 work plan</p> |
|--|--|----------------------------|---|

**Goal 3: Establish mechanisms to support the implementation of Title III.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA			
	J	A	S	O	N	D	J	F	M	A	M	J					
2. To ensure interagency coordination during implementation of Title III at all levels of government (federal, state and local):							■						■			■	committee reports
◆ Inventory and review existing memoranda of agreements for consistency with Title III implementation strategies by the March 1990 SERC Meeting.																	Legislation & Funding Committee
◆ Identify need for additional memorandum of agreements by the March 1990 SERC Meeting.																	Legislation & Funding Committee
◆ Conduct regular conference calls with SERC Chair and Vice-Chair, appropriate Committee Chairs and SERC staff.																	SERC
◆ Send out draft FY 91 work plan to LEPCs for review and comment by the March 1990 SERC Meeting.																*	Work Plan Committee



**Goal 3: Establish mechanisms to support the implementation of Title III.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA			
	J	A	S	O	N	D	J	F	M	A	M	J					
4. To secure adequate funding for the SERC's mission:																	- committee reports - annual budget
♦ Obtain budget needs from LEPCs prior to the December 1989 SERC Meeting.														----->		Work Plan Committee	
♦ Prepare FY 91 budget, in conjunction with the annual work plan, by the December 1989 SERC Meeting.														----->		Work Plan Committee	
♦ Identify other groups, such as industry and non-profits, that may be able to augment the SERC and LEPCs budgets by the December 1989 SERC Meeting.														----->		Work Plan Committee	
♦ Communicate budget needs, both short- and long-term, to the Congressional delegation, EPA, etc., by June 30, 1990.														----->		Legislation & Funding Committee	
♦ Present to the Governor the annual work plan and report at the first FY 91 SERC Meeting.																SERC	

**Goal 3: Establish mechanisms to support the implementation of Title III.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

5. To ensure the availability of adequate Title III information in Alaska and the efficient use of this information, by the March 1990 SERC Meeting:



Work Plan Committee

committee report

◆ Review P.L. 99-499 and prepare recommendations for the optional SERC responsibilities.



**Goal 4: Improve Alaska's response capability to hazardous and other toxic substances incidents.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA	
	J	A	S	O	N	D	J	F	M	A	M	J			
1. To develop a regional emergency plan for incidents beyond first-responder capabilities by June 30, 1990:						■		■					■	Training & Emergency Response Committee	- committee reports - regional response plan
◆ Recommend boundaries for response regions.															----->
2. To increase personnel capability, both quantitatively and qualitatively, by June 30, 1990:						■		■					■	Training & Emergency Response Committee	committee reports
◆ Promote the implementation of the minimum training standards for all responders.															----->
◆ Encourage the training of first responders throughout the state.															----->
◆ Coordinate and support training opportunities that incorporate Alaska's unique conditions.															----->

**Goal 4: Improve Alaska's response capability to hazardous and other toxic substances incidents.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

3. To explore mutual-aid agreements with the military by June 30, 1990:

■            ■            ■

Training & Emergency Response Committee

- committee reports

♦ Form a working group with military personnel and other emergency responders to discuss the potential for developing mutual-aid agreements.

----->

**Goal 5: Develop a long-term implementation and maintenance strategy.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA					
	J	A	S	O	N	D	J	F	M	A	M	J							
1. To develop a long-term implementation plan by the June 1990 SERC Meeting.								■		■			■	Work Plan Committee	- committee reports - long-term planning guide				
◆ Coordinate among all SERC Committees.	----->																		
◆ Prepare a long-term planning guide.	----->																		
2. To ensure that local emergency response and planning needs are expressed in the long-term strategy by June 30, 1990:													■		■		■	Work Plan Committee	- committee reports
◆ Establish mechanisms, such as work groups, to ensure that local and regional needs are met.	----->																		

**Goal 5: Develop a long-term implementation and maintenance strategy.**

OBJECTIVE/ACTIVITIES	MONTH												RESPONSIBLE PARTY	EVALUATION CRITERIA
	J	A	S	O	N	D	J	F	M	A	M	J		

3. To ensure adequate resources to follow through with the strategy, by the June 1990 SERC Meeting:

■      ■      ■

Work Plan Committee

- committee reports
- long-term budget
- Title III use report

◆ Prepare a long-term budget.

----->

◆ Develop and disseminate a report that demonstrates the value of Title III information in protecting public health and the environment.

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# ALASKA STATE EMERGENCY RESPONSE COMMISSION

## Long-Term Planning Guide

December 6, 1989 Draft

The Alaska State Emergency Response Commission (SERC) has prepared a planning guide to direct the long-term implementation of our mission. The Commission was established by Governor Steve Cowper on October 21, 1987, in response to Title III of the Superfund Amendments and Reauthorization Act of 1986 or SARA. *The SERC's mission is to protect public health, safety and the environment by ensuring effective and efficient use of resources to plan for and respond to incidents involving hazardous and other toxic substances. In carrying out this commitment, the Commission will foster coordination at the local, state and federal levels, and will provide information to citizens and other interested persons.*

This guide recommends the implementation of the mission with objectives outlined under the five goals listed below.

- Goal 1: Ensure that the SERC meets the minimum responsibilities under SARA Title III.*
- Goal 2: Maintain the visibility of SARA Title III in Alaska.*
- Goal 3: Maintain mechanisms to support the implementation of SARA Title III.*
- Goal 4: Enhance Alaska's response capability to hazardous and other toxic substances.*
- Goal 5: Maintain a long-term implementation strategy.*

The recommendations in this document have been organized into six sections by audience. To see the continuum of services and the need for coordination, the Commission suggest users gain familiarity with the recommendations for all audiences. The sections include:

- ◆ *The Public*
- ◆ *Local Emergency Planning Committees*
- ◆ *Facilities*
- ◆ *Local Agencies*
- ◆ *State Agencies*
- ◆ *Federal Agencies*
- ◆ *State Emergency Response Commission*

Planning guidance to local communities will be based on the level of communities concept initially adopted by the Department of Health & Social Services for the *State Health Plan* and more recently adapted for the *Alaska Emergency Medical Services Goals: A Guide for Planning Emergency Medical Services in Alaska*. This concept groups Alaskan communities into four levels:

- ◆ *Level I - Small Villages*
- ◆ *Level II - Subregional Centers*
- ◆ *Level III - Regional Centers*
- ◆ *Level IV - Urban Centers*

The SERC will develop level-specific recommendations for Local Emergency Planning Committees for recognition and response to incidents involving hazardous and other toxic substances. For example, the guidelines for Level I communities may include a 24-hour emergency response contact, such as the Village Public

Safety Officer, with two-to-four hours of hazardous materials recognition training and an ability to implement a response through an emergency notification list. Higher levels have recommendations for progressively elevated response capabilities. For instance, a recommendation for an urban center might be a fully trained and equipped Level A hazardous materials response team and an integrated local emergency response plans.

The intent of this guide is to give an overall direction, and, although it contains no timeline, it is a fluid document subject to an annual review. The Commission welcomes your comments and can be contacted at:

**State Emergency Response Commission  
Alaska Department of Environmental Conservation  
P.O. Box 0  
Juneau, AK 99811  
(907) 465-2600**

## **STATE EMERGENCY RESPONSE COMMISSION**

The guidance for the State Emergency Response Commission is arranged by committee. The Committees include:

- ◆ Legislation & Funding
- ◆ LEPC Review
- ◆ Public Awareness & Data Utilization
- ◆ Training & Emergency Response
- ◆ Work Plan Committee

## *Legislation & Funding Committee*

**Goal 3: Maintain mechanisms to support the implementation of SARA Title III.**

**Objective 2:** Ensure interagency coordination for implementation of SARA Title III at all levels of government (federal, state and local).

**Objective 3:** Ensure legislative and statutory consistency for emergency response to hazardous and other toxic substances.

**Objective 4:** Secure adequate funding for the SERC's mission.

**STATE EMERGENCY RESPONSE COMMISSION**

*LEPC Review Committee*

**Goal 1: Ensure that the SERC meets the minimum requirements under SARA Title III.**

**Objective 1:** Maintain LEPDs/LEPCs to cover the entire state.

**Objective 2:** Review LEPC plans.

**STATE EMERGENCY RESPONSE COMMISSION**

*Public Awareness & Data Utilization Committee*

**Goal 1: Ensure that the SERC meets the minimum requirements under SARA Title III.**

**Objective 3:** Annually notify the EPA Administrator of facilities subject to Title III reporting requirements.

**Objective 4:** Maintain the community right-to-know data management plan.

**Objective 5:** Maintain procedures for reviewing and processing community right-to-know requests.

**STATE EMERGENCY RESPONSE COMMISSION**

*Public Awareness & Data Utilization Committee*

**Goal 2: Maintain the visibility of SARA Title III in Alaska.**

**Objective 1:** Maintain an on-going system for information dissemination.

**Objective 2:** Annually evaluate the current public awareness system.

**Objective 3:** Market SARA Title III with an annual October 17 anniversary information campaign to update the public and industry, and to promote active participation at all levels.

**Objective 4:** Maintain mechanisms to give visibility to the SERC.

**Objective 5:** Maintain mechanisms to exchange SARA Title III information.

**STATE EMERGENCY RESPONSE COMMISSION**

*Training & Emergency Response Committee*

**Goal 4: Enhance Alaska's response capability to hazardous and other toxic substances incidents.**

**Objective 1:** Maintain a regional emergency plan for incidents beyond first-responder capabilities.

**Objective 2:** Maintain personnel capability.

**Objective 3:** Update mutual-aid agreements with the military and between local government jurisdictions.

**Objective 4:** Maintain a comprehensive and consistent statewide emergency response protocol.

**STATE EMERGENCY RESPONSE COMMISSION**

*Work Plan Committee*

**Goal 3: Maintain mechanisms to support the implementation of SARA Title III.**

**Objective 1:** To have in place guidance for SERC activities.

**Objective 4:** Secure adequate funding for implementation of the SERC's mission.

**Objective 5:** Ensure the availability of adequate SARA Title III information in Alaska and the efficient use of this information.

**STATE EMERGENCY RESPONSE COMMISSION**

*Work Plan Committee*

**Goal 5: Maintain a long-term implementation strategy.**

**Objective 1:** Maintain and annually update a long-term implementation plan.

**Objective 2:** Ensure that local emergency response and planning needs are recognized and met in the long-term strategy.

**Objective 3:** Ensure adequate resources to follow through with the strategy.

ALASKA STATE EMERGENC. RESPONSE COMMISSION

**EMERGING ISSUES MATRIX**

<u>Emerging Issues</u>	<u>Agencies and Authorities</u>	<u>Products</u>	<u>Current Status of Activity</u>
Resolve inconsistencies in State regulations and statutes relating to emergency response for hazardous and toxic chemicals.	DEC SB 261 SB 264 AS 46.03.865 AS 46.04.080 AS 46.09.030	Emergency Response Authority/Plan/Funding	Under Development
	DMVA/ADES AS 26.23.040 AS 46.09.030	Emergency Response Authority/Plan	Guidelines being developed & implemented statewide
	DPS/DFP UFC Placarding Law	Storage/Reporting/Placarding of HazMat	Developing Implementation
	Municipalities AS 45.09.060	Emergency Response Authority	Anchorage & Fairbanks developing teams
	DOL/OSHA/EPA DOT/PF	Training Regulations	Regulations coming on line
Secure consistent and appropriate levels of funding in order for the SERC/LEPC to carry out its mission(s)	None: Need to be Developed	Under Development: Adequate Funding Mechanism	DEC - 1 staff member  DMVA/ADES - 1 staff member. SERC support thru DEC, ADES as interim. SERC subcommittee
	SB 261	DEC Funds	DEC Emergency Response Office under development.

**Emerging Issues****Agencies and Authorities****Products****Current Status of Activity**

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Promote a comprehensive and coordinated statewide hazardous chemical data management system.

DEC

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None Yet - Should Develop: Data Base, Citizen & Responder Requests. Have access to 1 chemical database.

---

None Yet - Should Develop: Data Base, Computers MSDS/ Information Tier II

Fire Marshal/No Funding

Developing placarding database.

Under Development

ADES

Comprehensive Emergency Management System

BB-Planning/Training/ Responder Information Network initiated and refining.

---

Ensure coordinated and comprehensive training for all levels of an integrated hazardous chemical emergency management system.

---

DEC Chair of SERC (SARA Title III) SB 264

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Requested 2 Training/Safety Officers

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Under Development

DMVA/ADES Vice Chair of SERC (SARA Title III)

Statewide Uniform Training Standards

Being developed for implementation: HazMat Technician I standards drafted/being field evaluated prior to finalization. HazMat Team under development.

Executive Order 103

Established Alaska SERC

Implementing LEPCs/HazMat Plans

Fire Marshall

Requesting HazMat Trainer

Waiting for Approval

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**Emerging Issues**

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**Agencies and Authorities**

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**Products**

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**Current Status of Activity**

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Encourage Active Participation by citizens, LEPCs, the SERC, industry and other affected parties in the long-term implementation of Title III.

SARA Title III:  
SERC/ADES

Informational  
Dissemination Program

- \* Written  
Pamphlets, SERC Overview, LEPC Guidance Documents, etc.
- \* Oral  
Workshops, Presentations, Local Government One-on-One

Ongoing - widening exposure:  
\* LEPC Guidebook  
\* LEPC Orientation  
\* SARA Title III Overview Pamphlet  
\* Ak. Municipal League Juneau, Nov 1989  
\* Local Government Emergency Planning Guidelines

SARA Title III:  
SERC/DEC

- \* SERC Notebook

Under Development

Develop a regional emergency response approach to incidents involving hazardous chemicals.

DEC SB 264

Regional Response Team(s)

Establishing Emergency Response Office Headquarters in Anchorage

SB 261

State & Regional Prevention and Contingency Plans

Under Development

DMVA/ADES AS 26.23.040

Training/Emergency Response Planning

Regional Response Team Comprehensive Training Program for 1st responders under development.

**Emerging Issues****Agencies and  
Authorities****Products****Current Status of  
Activity**

---

**Secure Military  
commitment to provide  
emergency response  
support during  
incidents involving  
hazardous and toxic  
chemicals.**

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**DEC  
Alaska RRT: EPA,  
Coast Guard**

**DMVA/ADES**

---

**Military Commitment -  
MOA**

**Working with Alaska  
Adjutant General for  
possible Solution.**

---

**Work thru the RRT rep  
to obtain commitment  
for assistance.**

**Working with local  
officials and adjacent  
local military base  
commanders on case-by-  
case basis, DOD  
letter to all base  
commanders to assist  
local/State  
authorities when able.**

---

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 21, 1990

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting three bills implementing recommendations made by the Alaska Oil Spill Commission.

One bill authorizes the governor to use the oil and hazardous substance release response fund, established under AS 46.08.010, to respond to declared disaster emergencies under AS 26.23.020(c). The bill also repeals the exception in AS 46.04.080(a) that requires the Department of Environmental Conservation (DEC) to perform the duties of the Division of Emergency Services during a catastrophic oil discharge. Finally, the bill creates in statute the State Emergency Response Commission, presently established by an administrative order.

Another bill extensively revises AS 46.03.758 - 46.03.763, which deals with civil penalties for oil spills. In general, the bill increases penalties for spills and eliminates unwarranted exemptions and defenses.

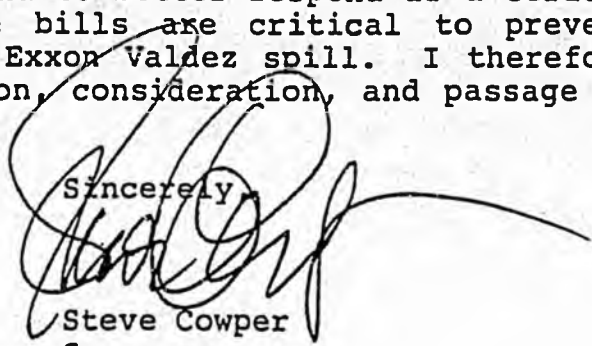
The third bill strengthens DEC's authority to require compliance with oil discharge contingency plans. Of particular significance is the requirement that applicants for contingency plans must maintain sufficient resources to contain and remove, within the shortest possible time, a realistic maximum oil discharge. Next, this bill increases the financial responsibility requirements for offshore oil exploration and production activities, to guarantee that in the event of another spill, significant financial resources will exist to compensate damaged parties, including the state. Finally, this bill authorizes DEC to inspect oil industry facilities and tankers to guarantee compliance with contingency plans and to assure structural integrity of the equipment.

Sectional analyses of each bill, describing the bills in detail, will be provided by my staff.

As you know, the Oil Spill Commission "Executive Summary," issued last month, includes over 50 recommendations. Through this legislation, as well as other bills already under consideration by the legislature (House Bill 409, Senate Bills 359, 421, and 497), most of those recommendations are being addressed. Furthermore, additional legislative proposals based upon these recommendations are still under consideration, and, after review of the full commission report, just released, additional proposals might be forthcoming.

The Oil Spill Commission, after extensive study, has identified several ways for the state to improve its ability to prevent future spills and to better respond if a serious spill occurs again. These bills are critical to prevent another disaster like the Exxon Valdez spill. I therefore urge your serious discussion, consideration, and passage of these measures.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Steve Cowper', with a long horizontal flourish extending to the right.

Steve Cowper  
Governor

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION : CSHB 566 (Res)

PUBLISH DATE : 3/23/90

FISCAL NOTE

REQUEST:

Revision Date: 3/30/90  
Title: An Act concerning Response Fund  
expenditures/DES's role in spill disaster/SERC  
Sponsor: Rules Committee  
Requestor: House Finance

Agency Affected: Environ Conservation  
BRU: Environmental Quality  
Components: Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	115.4	115.4	115.4	115.4	115.4	115.4
TRAVEL	80.4	80.4	80.4	80.4	80.4	80.4
CONTRACTUAL	143.0	143.0	143.0	143.0	143.0	143.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	10.0	10.0	10.0	10.0	10.0	10.0
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	350.8	350.8	350.8	350.8	350.8	350.8
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	350.8	350.8	350.8	350.8	350.8	350.8
FEDERAL FUNDS	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	350.8	350.8	350.8	350.8	350.8	350.8

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

See attached sheet.

Prepared by: Camille Stephens  
Division: Environmental Quality

Phone: 465-2630  
Date: 3/30/90

Approved by Commissioner: *A. D. Kyle*  
Agency: Department of Environmental Conservation

Date: 3/30/90

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