

ALASKA LEGISLATURE COMMITTEE FILES 1903-1900 00/2

3895 SCRA HB 647



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

10/31/89
Date

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....
CSHB 647 (Lin) am

Bill Drafter
Ed Hein

4/16

Requested sectional analysis Ed
Hein, Legal Svcs

✓ Requested position paper from
Dept of Safety and update of fiscal note
if appropriate in light of amendment.

✓ Requested position paper from Dept
of Labor

✓ Requested position paper from Dept. of
Environ. Conservation

✓ Informed Rep. Hurley that bill was
scheduled Tue, 4/22 - she said
she had backup info. she would
send us.

Nevette, Rep. Hurley's Office

4/25 Contacted Sam Neal, State Fire Marshall
(Auc 269-5604) who will participate
by teleconf at C&RA Comi Mtg 4/29.

✓ spoke w/ Jim Sweeney, Munic of Auc
(561-1906). He will participate in
Tue, 4/29 Comi Mtg by teleconf.
Requested that copy of new CFS
& any draft amendment(s) be telecopied
to him.

STATE OF ALASKA
THE LEGISLATURE

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate Community & Regional Affairs

4/22/86, 3:36 am.

5/1/86, 3:30,

4/29/86, 3:38 pm

4/24/86, 3:34 pm.



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Staff

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

COMMITTEE MEETING -- May 1, 1986

CS HB 476 (Jud) -- An Act relating to automobile
insurance premiums

CS HB 647 (Fin) am -- Requirements; warning placards,
CONT'D FROM municipal reporting, hazardous
4/29/86 materials and waste

Materials attached:

Ltr from Michael Lessmeier to Sen. DeVries dtd 4-23-86
on HB 476.

Fiscal note and position paper from Div. of Insurance
on HB 476.

Work draft Committee Substitute for HB 647 (C&RA) dated
4-30-86 prepared by Senator Coghill's subcommittee.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST <u>DRAFT</u>	FISCAL DETAIL
Bill/Resolution No. : <u>SCSCSHB 647 (C&RA)</u>	Agency Affected: <u>Public Safety</u>
Title: <u>An act establishing requirements for warning placards and for municipal reporting programs for hazardous materials...</u>	BRU: <u>Fire Prevention</u>
Sponsor: <u>Representative Hurley</u>	Components : _____
Requestor: <u>Senate Community & Regional Affairs</u>	_____
Date of Request: <u>5/1/86</u>	_____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		23.7	24.9	26.1	27.4	28.8
SUPPLIES		9.9	10.4	10.9	11.5	12.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		33.6	35.3	37.0	38.9	40.8

CAPITAL						
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REVENUE		50.0	50.0	50.0	50.0	50.0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		33.6	35.3	37.0	38.9	40.8
TOTAL		33.6	35.3	37.0	38.9	40.8

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

Prepared by: Gordon E. Brunton Phone: 465-4331
 Division: Fire Prevention Date: 5/1/86

Approved by Commissioner: [Signature] Date: 5/1/86
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SCSCSHB 647 (C&RA)

ASSUMPTIONS

The magnitude of the hazardous materials and wastes handled in Alaska is unknown, but estimated to be in the thousands.

The Department of Environmental Conservation estimates that there are between 5,000 and 10,000 hazardous waste producers.

The program will be in position to start up on January 1, 1987.

Persons requesting placards will be charged \$10.00 each, in order to recover costs associated with the program.

A 5% inflation factor was used for succeeding years.

CONTRACTUAL

73322	Telephones \$100/month	1.2
73381	Postage, mailing lists, forms, placards	4.0
73540	Advertising: hearing notices, public awareness messages	2.6
73560	Printing:	
	Typesetting placards, lists, forms	1.5
	Print 20,000 summary lists, 2 pages ea.	1.0
	Print 2,000 comprehensive lists, 100 pages ea.	5.3
	Print 10,000 initial inventory forms (3 pt carbon)	0.6
	Print 5,000 continuation inventory forms (3 pt carbon)	0.3
	Print 5,000 placards	2.9
73563	Subscriptions	
	Trade Journals	0.3
	Safety Sheets on Micro Fiche	4.0
	TOTAL CONTRACTUAL	\$23.7

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill Resolution No. SCSCSHB 647 (C&RA)

SUPPLIES

74220	Educational/Instructional training materials, pamphlets, books, guides	2.0
74229	Stationery & office supplies	0.4
	Mailing tubes for placards 5K X \$1.00	5.0
74609	Audio Visual training supplies, films, videos, 5 ea X \$500	2.5
	TOTAL SUPPLIES	<u>\$9.9</u>

REVENUE

5,000 placards per year X \$10.00	50.0
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DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SCSCSHB ^{DRAFT} 647 (C&RA)

May 1, 1986

SUPPORT

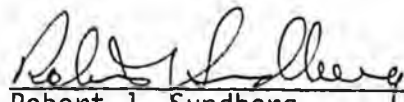
SCSCSHB 647 (C&RA) - "An Act establishing requirements for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date."

The Department of Public Safety supports SCSCSHB 647 (C&RA).

The bill will provide a common framework for placarding structures housing hazardous materials and wastes which will alert emergency services responders and the public of potential dangers associated with its contents.

Municipalities which establish programs for the reporting of hazardous materials and wastes will receive reports of these on a standard inventory form developed by the Division of Fire Prevention and furnished to the handlers of hazardous materials and wastes.

The bill establishes a uniform approach to allow the recognition and identification of places handling hazardous materials and wastes.


Robert J. Sundberg
Commissioner

Hein ✓
4/30/86

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 647 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing requirements for warning plac-
7 ards; establishing requirements and limiting liabil-
8 ity for municipal reporting programs for hazardous
9 materials and hazardous waste; and providing for an
10 effective date."

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

12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to

14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;

17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;

21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and

23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.

25 * Sec. 2. AS 18.70 is amended by adding a new section to read:

26 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire prevention, in accordance with

1 regulations adopted by the department under this section.

2 (b) The Department of Public Safety, division of fire preven-
3 tion, shall adopt the United States Department of Transportation
4 warning placards for hazardous materials and hazardous wastes. A
5 municipality that establishes a program for the reporting of hazardous
6 materials and hazardous wastes may, with the approval of the Depart-
7 ment of Public Safety, division of fire prevention, adopt and use an
8 alternative design for warning placards.

9 (c) The Department of Public Safety shall adopt regulations for
10 the posting of placards that will give adequate warning to the public
11 and to emergency response personnel of the type of hazardous materials
12 and hazardous wastes. ^(location)

13 (d) The Department of Public Safety shall establish a fee sched-
14 ule to fully compensate for the costs of enforcement of, and placards
15 provided under, this section. Fees collected under this subsection
16 shall be deposited in the general fund. The commissioner of adminis-
17 tration shall account separately for fees collected and deposited
18 under this subsection. The annual estimated balance in the account
19 may be appropriated by the legislature to the Department of Public
20 Safety to carry out the purposes of this section.

21 (e) In this section, "handles," "hazardous material," and "haz-
22 arduous waste" have the meanings given in AS 29.35.590.

23 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

24 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
25 wastes).

26 * Sec. 4. AS 29.35 is amended by adding new sections to read:

27 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

28 Sec. 29.35.500. REPORTING. (a) If a municipality establishes a
29 program for the reporting of hazardous materials and hazardous wastes,

1 then the municipality shall require a business or a government agency;
2 that handles hazardous materials or hazardous wastes to submit to
3 designated person or office of the municipality, on a form provided by
4 the Department of Public Safety, division of fire prevention, a
5 inventory of the hazardous materials and hazardous wastes the business
6 or government agency handles.

7 (b) An inventory required under this section shall include a
8 least the following information about each of the hazardous material
9 and hazardous wastes that the business or government agency handles:

- 10 (1) hazard class;
- 11 (2) proper chemical name;
- 12 (3) maximum estimated quantity;
- 13 (4) location;
- 14 (5) method of disposal.

15 (c) The following quantities of hazardous materials and hazard
16 ous wastes shall be reported in an inventory required under thi
17 section, and the division of fire prevention or a municipality ma
18 require the reporting of smaller quantities:

19 (1) any quantity of a hazardous material of the hazar
20 class of

- 21 (A) Poison A;
- 22 (B) Poison B;
- 23 (C) Class A explosive;
- 24 (D) Class B explosive;
- 25 (E) Flammable solid (dangerous when wet); or
- 26 (F) Radioactive;

27 (2) a consumer commodity in a quantity of more than 1,00
28 pounds;

29 (3) other hazardous materials handled, stored, used

1 processed, or disposed of at one time and place in an aggregate quan-
2 tity of more than

3 (A) 500 pounds of materials of a single hazard class;

4 or

5 (B) 1,000 pounds of materials of more than one hazard
6 class;

7 (4) acute hazardous waste in a quantity of 2.2 pounds or
8 more; and

9 (5) another hazardous waste in a quantity of 220 pounds or
10 more.

11 (d) A business or government agency required to submit an inven-
12 tory under this section shall submit the first inventory within 30
13 days after the municipality's reporting requirements take effect or
14 within 30 days after beginning to handle the hazardous materials or
15 hazardous wastes. Thereafter, the business or government agency shall
16 submit an inventory annually.

17 (e) A municipality that establishes a program for the reporting
18 of hazardous materials and hazardous wastes shall also require a
19 business or government agency that handles hazardous materials or
20 hazardous wastes to report

21 (1) significant change in the location of hazardous mate-
22 rials or hazardous wastes within 24 hours after moving the materials
23 or wastes; and

24 (2) additions of hazardous materials or hazardous wastes
25 within 30 days after the addition is made.

26 (f) A municipality that establishes a program for the reporting
27 of hazardous materials may require a business or government agency
28 that handles hazardous materials to submit a federal Occupational
29 Safety and Health Administration (OSHA) form 20 (Material Data Safety

1 Sheet) or equivalent information for each of the materials or wastes
2 handled.

3 (g) The requirements of this section may be imposed by a munic-
4 ipality on a business or government agency that handles hazardous
5 materials or hazardous wastes outside of the boundaries of the munici-
6 pality if a fire or other emergency involving the materials or wastes
7 would be

8 (1) likely to adversely affect persons or property in the
9 municipality; or

10 (2) responded to by emergency response personnel whose
11 service area includes all or a part of the municipality.

12 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
13 conduct inspections, and establish and impose penalties, necessary to
14 ensure compliance with reporting requirements adopted under AS 29.35.
15 500 and placarding requirements adopted under AS 18.70.310.

16 Sec. 29.35.520. FEES. A municipality may impose appropriate
17 fees to fully or partially compensate for the cost of processing
18 reports and administering inspections under AS 29.35.500 - 29.35.510.

19 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
20 Department of Public Safety, division of fire prevention, at the
21 request of a business or government agency required to submit a
22 inventory under AS 29.35.500 or of a municipality, shall provide

23 (1) a descriptive summary of the hazardous materials and
24 hazardous wastes that are required to be included in an inventory; and

25 (2) inventory forms.

26 (b) The division of fire prevention, at the request of a busi-
27 ness or government agency required to submit an inventory unde-
28 AS 29.35.500 or of a municipality, shall provide a list of the hazard-
29 ous materials and hazardous wastes that are required to be included in

1 an inventory.

2 (c) The division of fire prevention, the Department of Environ-
3 mental Conservation, the Department of Health and Social Services, or
4 the Department of Labor may

5 (1) request copies of inventories submitted under AS 29.-
6 35.500; and

7 (2) provide educational materials related to hazardous
8 materials and hazardous wastes.

9 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
10 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
11 530 shall be made readily available to the public for inspection and
12 copying.

13 Sec. 29.35.550. APPLICATION. AS 29.35.500 - 29.35.590 apply to
14 home rule and general law municipalities.

15 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a
16 municipality of a program for the reporting of hazardous materials and
17 hazardous wastes does not increase the liability that may otherwise be
18 imposed on the municipality for damages resulting from hazardous
19 materials or hazardous waste.

20 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

21 (1) "acute hazardous waste" means a waste listed by the
22 administrator of the Environmental Protection Agency in accordance
23 with the criteria in 40 C.F.R. 261.11(a)(2);

24 (2) "consumer commodity" means a material that is packaged
25 and distributed in a form intended or suitable for sale through retail
26 sales agencies or instrumentalities for consumption by individuals for
27 purposes of personal care or household use, including a drug or medi-
28 cine;

29 (3) "handles" includes disposes of, generates, processes,

1 stores, treats, and uses hazardous materials or wastes, but does not
2 include the handling of hazardous materials or hazardous wastes while
3 they are in transit and before they reach the final destination indi-
4 cated on the shipping paper accompanying the shipment; in this para-
5 graph, "shipping paper" has the meaning given in 49 C.F.R. 171.8;

6 (4) "hazard class" means the class of a hazardous material
7 defined in 49 C.F.R. 173;

8 (5) "hazardous material" means a toxic or hazardous materi-
9 al or substance, as defined in 49 C.F.R. 171.8, and any other sub-
10 stance determined by the division of fire prevention, or by a munic-
11 ipality for purposes of its own reporting program, to pose a signif-
12 icant health and safety hazard; "hazardous material" does not include
13 food, drugs, alcoholic beverages, cosmetics, tobacco, or tobacco
14 products intended for personal consumption;

15 (6) "hazardous waste" means a hazardous waste as identified
16 by the Environmental Protection Agency under 40 C.F.R. 261, and any
17 other hazardous waste defined by the division of fire prevention or by
18 a municipality for purposes of its own reporting program;

19 (7) "quantity" means the total amount of a material or
20 waste handled at a time and includes the aggregate of a material or
21 waste that is divided among multiple containers.

22 * Sec. 5. This Act takes effect January 1, 1987.
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C&RA Mtg 4/29/86

CS HB 647 (Zin) am Estab. reqmnts for warning placards, limiting liability for on-site reporting programs for hazardous materials + hazardous waste

Jim Sweeney, Minic. of Ans. —
Supportive of having statewide bill. End goal is to provide information to responders.

Sam Neal, State Fire Marshal —
Recommended U.S. DOT placarding be used.

Jim Sellers, Ans Fire Dept. —
DOT only has one placarding system —
did not suggest that DOT placarding be adopted — that reporting schedule should be established + Ans has done this so all the info doesn't come in at the same time.

Over

Ed Hein

Gordon Brunton, Deputy Fire
Marshal

Bill Cont'd for subcommittee work on bill
(Sen Cochill, Rep Hurley, Jim Sweeney)
v bring it back on Thu, May 1

Staff

*(Changes / New Language)
Amendments
highlighted*

WORK DRAFT

WORK DRAFT

WORK DRAFT

Hein
4/26/86

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 647 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing requirements for warning plac-
7 ards; establishing requirements and limiting liabil-
8 ity for municipal reporting programs for hazardous
9 materials and hazardous waste; and providing for an
10 effective date."

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

12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to

14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;

17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;

21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and

23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.

25 * Sec. 2. AS 18.70 is amended by adding a new section to read:

26 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire prevention, in accordance with

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regulations adopted by the department under this section.

(b) The Department of Public Safety, division of fire prevention, shall adopt a design approved by the United States Department of Transportation for warning placards for hazardous materials and hazardous wastes.

(remove) →
seller

(c) The Department of Public Safety shall adopt regulations for the posting of placards that will give adequate warning to the public and to emergency response personnel of the type and location of hazardous materials and hazardous wastes.

(d) The Department of Public Safety shall establish a fee schedule to fully compensate for the costs of enforcement of, and placards provided under, this section. Fees collected under this subsection shall be deposited in the general fund. The commissioner of administration shall account separately for fees collected and deposited under this subsection. The annual estimated balance in the account may be appropriated by the legislature to the Department of Public Safety to carry out the purposes of this section.

(e) In this section, "handles," "hazardous material," and "hazardous waste" have the meanings given in AS 29.35.590.

* Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

(47) AS 29.35.500 - 29.35.590 (hazardous materials and wastes).

* Sec. 4. AS 29.35 is amended by adding new sections to read:

ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

Sec. 29.35.500. REPORTING. (a) If a municipality establishes a program for the reporting of hazardous materials and hazardous wastes, then the municipality shall require a business or a government agency that handles hazardous materials or hazardous wastes to submit to a designated person or office of the municipality, on a form provided by

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the Department of Public Safety, division of fire prevention, an inventory of the hazardous materials and hazardous wastes the business or government agency handles.

(b) An inventory required under this section shall include at least the following information about each of the hazardous materials and hazardous wastes that the business or government agency handles:

*Coghill mod --
amendment adopted*

(2) chemical proper chemical name

- (1) hazard class;
- 3(2) maximum estimated quantity;
- 4(3) location;
- 5(4) method of disposal.

(c) The following quantities of hazardous materials and hazardous wastes shall be reported in an inventory required under this section, and the division of fire prevention or a municipality may require the reporting of smaller quantities:

(1) any quantity of a hazardous material of the hazard class of

- (A) Poison A;
- (B) Poison B;
- (C) Class A explosive;
- (D) Class B explosive;
- (E) Flammable solid (dangerous when wet); or
- (F) Radioactive;

(2) a consumer commodity in a quantity of more than 1,000 pounds;

(3) other hazardous materials handled, stored, used, processed, or disposed of at one time and place in an aggregate quantity of more than

(A) 500 pounds of materials of a single hazard class;

or

1 (B) 1,000 pounds of materials of more than one hazard
2 class;

3 (4) acute hazardous waste in a quantity of 2.2 pounds or
4 more; and

5 (5) another hazardous waste in a quantity of 220 pounds or
6 more.

7 (d) A business or government agency required to submit an inven-
8 tory under this section shall submit the first inventory within 30
9 days after the municipality's reporting requirements take effect or
10 within 30 days after beginning to handle the hazardous materials or
11 hazardous wastes. Thereafter, the business or government agency shall
12 submit an inventory annually.

13 (e) A municipality that establishes a program for the reporting
14 of hazardous materials and hazardous wastes shall also require a
15 business or government agency that handles hazardous materials or
16 hazardous wastes to report

17 (1) significant change in the location of hazardous mate-
18 rials or hazardous wastes within 24 hours after moving the materials
19 or wastes; and

20 (2) additions of hazardous materials or hazardous wastes
21 within 30 days after the addition is made.

22 (f) A municipality that establishes a program for the reporting
23 of hazardous materials may require a business or government agency
24 that handles hazardous materials to submit a federal Occupational
25 Safety and Health Administration (OSHA) form 20 (Material Data Safety
26 Sheet) or equivalent information for each of the materials or wastes
27 handled.

28 (g) The requirements of this section may be imposed by a munic-
29 ipality on a business or government agency that handles hazardous

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materials or hazardous wastes outside of the boundaries of the municipality if a fire or other emergency involving the materials or wastes would be

(1) likely to adversely affect persons or property in the municipality; or

(2) responded to by emergency response personnel whose service area includes all or a part of the municipality.

Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may conduct inspections, and establish and impose penalties, necessary to ensure compliance with reporting requirements adopted under AS 29.35.500 and placarding requirements adopted under AS 18.70.310.

Sec. 29.35.520. FEES. A municipality may impose appropriate fees to fully or partially compensate for the cost of processing reports and administering inspections under AS 29.35.500 - 29.35.510.

Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The Department of Public Safety, division of fire prevention, at the request of a business or government agency required to submit an inventory under AS 29.35.500 or of a municipality, shall provide

(1) a descriptive summary of the hazardous materials and hazardous wastes that are required to be included in an inventory; and

(2) inventory forms.

(b) The division of fire prevention, at the request of a business or government agency required to submit an inventory under AS 29.35.500 or of a municipality, shall provide a list of the hazardous materials and hazardous wastes that are required to be included in an inventory.

(c) The division of fire prevention, the Department of Environmental Conservation, or the Department of Labor may

(1) request copies of inventories submitted under

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AS 29.35.500, and

(2) provide educational materials related to hazardous materials and hazardous wastes.

Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.530 shall be made readily available to the public for inspection and copying.

Sec. 29.35.550. APPLICATION. AS 29.35.500 - 29.35.590 apply to home rule and general law municipalities.

Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a municipality of a program for the reporting of hazardous materials and hazardous wastes does not increase the liability that may otherwise be imposed on the municipality for damages resulting from hazardous materials or hazardous waste.

Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

(1) "acute hazardous waste" means a waste listed by the administrator of the Environmental Protection Agency in accordance with the criteria in 40 C.F.R. 261.11(a)(2);

(2) "consumer commodity" means a material that is packaged and distributed in a form intended or suitable for sale through retail sales agencies or instrumentalities for consumption by individuals for purposes of personal care or household use, including a drug or medicine;

(3) "handles" includes disposes of, generates, processes, stores, treats, and uses hazardous materials or wastes that are not in transit and are not required by federal law to be accompanied by a shipping paper or manifest.

but does not include handling of hazardous materials and wastes while they are in transit and accompanied by a shipping paper or manifest.
"hazard class" means the class of a hazardous material defined in 49 C.F.R. 173. *before they reach final destination indicated on the shipping paper accompanying the shipment.*

1 (5) "hazardous material" means a toxic or hazardous materi-
2 al or substance, as defined in 49 C.F.R. 171.8, and any other sub-
3 stance determined by the division of fire prevention, or by a munic-
4 ipality for purposes of its own reporting program, to pose a signif-
5 icant health and safety hazard; "hazardous material" does not include
6 food, drugs, alcoholic beverages, cosmetics, tobacco, or tobacco
7 products intended for personal consumption;

8 (6) "hazardous waste" means a hazardous waste as identified
9 by the Environmental Protection Agency under 40 C.F.R. 261, and any
10 other hazardous waste defined by the division of fire prevention or by
11 a municipality for purposes of its own reporting program;

12 (7) "quantity" means the total amount of a material or
13 waste handled at a time and includes the aggregate of a material or
14 waste that is divided among multiple containers.

15 * Sec. 5. This Act takes effect January 1, 1987.
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To He 4/26/86
work draft
Proposed SCRA CS

REVISED SUGGESTED LANGUAGE BY THE DRAFTER

PAGE 6, LINE 24

"HANDLES" INCLUDES, DISPOSES OF, GENERATES, PROCESSES, STORES, TREATS, AND USES HAZARDOUS MATERIALS OR WASTES; BUT DOES NOT INCLUDE HANDLING OF HAZARDOUS MATERIALS OR HAZARDOUS WASTES WHILE THEY ARE IN TRANSIT AND BEFORE THEY REACH FINAL DESTINATION INDICATED ON THE SHIPPING PAPER ACCOMPANYING THE SHIPMENT.

ACCORDING TO ED HEIN, THE DRAFTER, HAZARDOUS SUBSTANCES IN TRANSIT MAY ONLY BE DELAYED IN SHIPMENT FOR 48 HOURS OR A FEW DAYS DEPENDING ON RAILROAD SCHEDULES ECT. OTHERWISE THEY ARE NOT IN COMPLIANCE WITH FEDERAL LAW.

THIS LANGUAGE MAY CLEAN THINGS UP A BIT.

ED WILL EXPLAIN THE SUGGESTED LANGUAGE IN MORE DETAIL DURING THE HEARING.

Nette

For Discussion

A M E N D M E N T

Offered in the SENATE

TO: SCS CMB 647(C&RA)

Page 2, line 5, after "wastes." insert:

"A municipality that establishes a program for the reporting of hazardous materials and hazardous wastes may, with the approval of the Department of Public Safety, division of fire prevention, adopt and use an alternative design for warning placards."

Offered: 4/10/86
Referred: Rules

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 647 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act establishing requirements for warning plac-
7 ards; establishing requirements and limiting liabil-
8 ity for municipal reporting programs for hazardous
9 materials and hazardous waste; and providing for an
10 effective date."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to
14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;
17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;
21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and
23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.
25 * Sec. 2. AS 18.70 is amended by adding a new section to read:
26 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire protection, in accordance with

1 regulations adopted by the department under this section.

2 (b) The Department of Public Safety, division of fire preven-
3 tion, shall adopt a design for warning placards for hazardous mater-
4 ials and hazardous wastes in conjunction with the Department of Labor
5 and the Department of Environmental Conservation.

6 (c) The Department of Public Safety shall adopt regulations for
7 the posting of placards that will give adequate warning to the public
8 and to emergency response personnel of the type and location of hazar-
9 dous materials and hazardous wastes.

10 (d) The Department of Public Safety shall establish a fee
11 schedule to fully compensate for the costs of enforcement of, and
12 placards provided under, this section. Fees collected under this
13 subsection shall be deposited in the general fund. The commissioner
14 of administration shall account separately for fees collected and
15 deposited under this subsection. The annual estimated balance in the
16 account may be appropriated by the legislature to the Department of
17 Public Safety to carry out the purposes of this section.

18 (e) In this section, "hazardous material" and "hazardous waste"
19 have the meanings given in AS 29.35.590.

20 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

21 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
22 wastes).

23 * Sec. 4. AS 29.35 is amended by adding new sections to read:

24 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

25 Sec. 29.35.500. REPORTING. (a) A municipality that establishes
26 a program for the reporting of hazardous materials and hazardous
27 wastes shall require a business or a government agency that handles
28 hazardous materials or hazardous wastes to submit to a designated
29 person or office of the municipality, on a form provided by the

1 Department of Public Safety, division of fire prevention, an inventory
2 of the hazardous materials and hazardous wastes the business or gov-
3 ernment agency handles.

4 (b) An inventory required under this section shall include at
5 least the following information about each of the hazardous materials
6 and hazardous wastes that the business or government agency handles:

- 7 (1) hazard class;
- 8 (2) maximum estimated quantity;
- 9 (3) location;
- 10 (4) method of disposal.

11 (c) The following quantities of hazardous materials and hazard-
12 ous wastes shall be reported in an inventory required under this
13 section, and the division of fire prevention or a municipality may
14 require the reporting of smaller quantities:

15 (1) any quantity of a hazardous material of the hazard
16 class of

- 17 (A) Poison A;
- 18 (B) Poison B;
- 19 (C) Class A explosive;
- 20 (D) Class B explosive;
- 21 (E) Flammable solid (dangerous when wet); or
- 22 (F) Radioactive;

23 (2) a consumer commodity in a quantity of more than 1,000
24 pounds;

25 (3) other hazardous materials handled, stored, used, pro-
26 cessed, or disposed of at one time and place in an aggregate quantity
27 of more than

28 (A) 500 pounds of materials of a single hazard class;

29 or

1 (B) 1,000 pounds of materials of more than one hazard
2 class;

3 (4) acute hazardous waste in a quantity of 2.2 pounds or
4 more; and

5 (5) another hazardous waste in a quantity of 220 pounds or
6 more.

7 (d) A business or government agency required to submit an inven-
8 tory under this section shall submit the first inventory within 30
9 days after the municipality's reporting requirements take effect or
10 within 30 days after beginning to handle the hazardous materials or
11 hazardous wastes. Thereafter, the business or government agency shall
12 submit an inventory annually.

13 (e) A municipality that establishes a program for the reporting
14 of hazardous materials and hazardous wastes shall also require a
15 business or government agency that handles hazardous materials or
16 hazardous wastes to report

17 (1) significant change in the location of hazardous mate-
18 rials or hazardous wastes within 24 hours after moving the materials
19 or wastes; and

20 (2) additions of hazardous materials or hazardous wastes
21 within 30 days after the addition is made.

22 (f) A municipality that establishes a program for the reporting
23 of hazardous materials may require a business or government agency
24 that handles hazardous materials to submit a federal Occupational
25 Safety and Health Administration (OSHA) form 20 (Material Data Safety
26 Sheet) or equivalent information for each of the materials or wastes
27 handled.

28 (g) The requirements of this section may be imposed by a munic-
29 ipality on a business or government agency that handles hazardous

1 materials or hazardous wastes outside of the boundaries of the munici-
2 pality if a fire or other emergency involving the materials or wastes
3 would be

4 (1) likely to adversely affect persons or property in the
5 municipality; or

6 (2) responded to by emergency response personnel whose
7 service area includes all or a part of the municipality.

8 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
9 conduct inspections, and establish and impose penalties, necessary to
10 ensure compliance with reporting requirements adopted under AS 29.35.-
11 500 and placarding requirements adopted under AS 18.70.310.

12 Sec. 29.35.520. FEES. A municipality may impose appropriate
13 fees to fully or partially compensate for the cost of processing
14 reports and administering inspections under AS 29.35.500 - 29.35.510.

15 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
16 Department of Public Safety, division of fire prevention, at the
17 request of a business or government agency required to submit an
18 inventory under AS 29.35.500 or of a municipality, shall provide

19 (1) a descriptive summary of the hazardous materials and
20 hazardous wastes that are required to be included in an inventory; and

21 (2) inventory forms.

22 (b) The division of fire prevention, at the request of a busi-
23 ness or government agency required to submit an inventory under
24 AS 29.35.500 or of a municipality, shall provide a list of the hazard-
25 ous materials and hazardous wastes that are required to be included in
26 an inventory.

27 (c) The division of fire prevention, the Department of Environ-
28 mental Conservation, or the Department of Labor may

29 (1) request copies of inventories submitted under

1 AS 29.35.500; and

2 (2) provide educational materials related to hazardous
3 materials and hazardous wastes.

4 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
5 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
6 530 shall be made readily available to the public for inspection and
7 copying.

8 Sec. 29.35.550. APPLICATION. AS 29.35.500 - 29.35.590 apply to
9 home rule and general law municipalities.

10 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a
11 municipality of a program for the reporting of hazardous materials and
12 hazardous wastes does not increase the liability that may otherwise be
13 imposed on the municipality for damages resulting from hazardous
14 materials or hazardous waste.

15 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

16 (1) "acute hazardous waste" means a waste listed by the
17 administrator of the Environmental Protection Agency in accordance
18 with the criteria in 40 C.F.R. 261.11(a)(2);

19 (2) "consumer commodity" means a material that is packaged
20 and distributed in a form intended or suitable for sale through retail
21 sales agencies or instrumentalities for consumption by individuals for
22 purposes of personal care or household use, including a drug or medi-
23 cine;

24 (3) "handles" includes disposes of, generates, processes,
25 stores, treats, and uses, but does not include transports;

26 (4) "hazard class" means the class of a hazardous material
27 defined in 49 C.F.R. 173;

28 (5) "hazardous material" means a toxic or hazardous materi-
29 al or substance, as defined in 49 C.F.R. 171.8, and any other

1 substance determined by the division of fire prevention, or by a
2 municipality for purposes of its own reporting program, to pose a
3 significant health and safety hazard; "hazardous material" does not
4 include food, drugs, cosmetics, tobacco, or tobacco products intended
5 for personal consumption;

6 (6) "hazardous waste" means a hazardous waste as identified
7 by the Environmental Protection Agency under 40 C.F.R. 261, and any
8 other hazardous waste defined by the division of fire prevention or by
9 a municipality for purposes of its own reporting program;

10 (7) "quantity" means the total amount of a material or
11 waste handled at a time and includes the aggregate of a material or
12 waste that is divided among multiple containers.

13 * Sec. 5. This Act takes effect January 1, 1987.



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

April 29, 1986

TO: Juneau LIO

FROM: Trudie Alford, Aide
Senator Edna DeVries

SUBJ: Telecopy to Anchorage LIO
Work Draft Senate CS for CS for HB 647 (C&RA) and
draft amendment.

The enclosed subject documents should be telecopied to the Anchorage Legislative Information Office to be picked up by Sam Neal, State Fire Marshall and Jim Sweeney, Municipality of Anchorage.

Please request the Anchorage Information Officer to call the 2 gentleman after she receives the documents so they may review them before today's teleconference at 3:30p.m.

Sam Neal -- 269-5604
Jim Sweeney -- 561-1906

P.S. To Messrs. Neal and Sweeney: Please pick up a copy of the House Finance CS (if you do not already have a copy), CS for HB 647 (Fin) am, from the Anc LIO so you have it for discussion purposes at the 3:30 p.m. teleconference this afternoon.

8 pages + cover
Koster

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 647 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing requirements for warning plac-
7 ards; establishing requirements and limiting liability
8 for municipal reporting programs for hazardous
9 materials and hazardous waste; and providing for an
10 effective date."

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

12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to

14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;

17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;

21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and

23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.

25 * Sec. 2. AS 18.70 is amended by adding a new section to read:

26 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire prevention, in accordance with

1 regulations adopted by the department under this section.

2 (b) The Department of Public Safety, division of fire preven-
3 tion, shall adopt a design approved by the United States Department of
4 Transportation for warning placards for hazardous materials and hazar-
5 dous wastes.

6 (c) The Department of Public Safety shall adopt regulations for
7 the posting of placards that will give adequate warning to the public
8 and to emergency response personnel of the type and location of hazar-
9 dous materials and hazardous wastes.

10 (d) The Department of Public Safety shall establish a fee sched-
11 ule to fully compensate for the costs of enforcement of, and placards
12 provided under, this section. Fees collected under this subsection
13 shall be deposited in the general fund. The commissioner of adminis-
14 tration shall account separately for fees collected and deposited
15 under this subsection. The annual estimated balance in the account
16 may be appropriated by the legislature to the Department of Public
17 Safety to carry out the purposes of this section.

18 (e) In this section, "handles," "hazardous material," and "haz-
19 ardous waste" have the meanings given in AS 29.35.590.

20 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

21 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
22 wastes).

23 * Sec. 4. AS 29.35 is amended by adding new sections to read:

24 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

25 Sec. 29.35.500. REPORTING. (a) If a municipality establishes a
26 program for the reporting of hazardous materials and hazardous wastes,
27 then the municipality shall require a business or a government agency
28 that handles hazardous materials or hazardous wastes to submit to a
29 designated person or office of the municipality, on a form provided by

1 the Department of Public Safety, division of fire prevention, an
2 inventory of the hazardous materials and hazardous wastes the business
3 or government agency handles.

4 (b) An inventory required under this section shall include at
5 least the following information about each of the hazardous materials
6 and hazardous wastes that the business or government agency handles:

- 7 (1) hazard class;
- 8 (2) maximum estimated quantity;
- 9 (3) location;
- 10 (4) method of disposal.

11 (c) The following quantities of hazardous materials and hazard-
12 ous wastes shall be reported in an inventory required under this
13 section, and the division of fire prevention or a municipality may
14 require the reporting of smaller quantities:

15 (1) any quantity of a hazardous material of the hazard
16 class of

- 17 (A) Poison A;
- 18 (B) Poison B;
- 19 (C) Class A explosive;
- 20 (D) Class B explosive;
- 21 (E) Flammable solid (dangerous when wet); or
- 22 (F) Radioactive;

23 (2) a consumer commodity in a quantity of more than 1,000
24 pounds;

25 (3) other hazardous materials handled, stored, used, pro-
26 cessed, or disposed of at one time and place in an aggregate quantity
27 of more than

- 28 (A) 500 pounds of materials of a single hazard class;

29 or

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(B) 1,000 pounds of materials of more than one hazard class;

(4) acute hazardous waste in a quantity of 2.2 pounds or more; and

(5) another hazardous waste in a quantity of 220 pounds or more.

(d) A business or government agency required to submit an inventory under this section shall submit the first inventory within 30 days after the municipality's reporting requirements take effect or within 30 days after beginning to handle the hazardous materials or hazardous wastes. Thereafter, the business or government agency shall submit an inventory annually.

(e) A municipality that establishes a program for the reporting of hazardous materials and hazardous wastes shall also require a business or government agency that handles hazardous materials or hazardous wastes to report

(1) significant change in the location of hazardous materials or hazardous wastes within 24 hours after moving the materials or wastes; and

(2) additions of hazardous materials or hazardous wastes within 30 days after the addition is made.

(f) A municipality that establishes a program for the reporting of hazardous materials may require a business or government agency that handles hazardous materials to submit a federal Occupational Safety and Health Administration (OSHA) form 20 (Material Data Safety Sheet) or equivalent information for each of the materials or wastes handled.

(g) The requirements of this section may be imposed by a municipality on a business or government agency that handles hazardous

1 materials or hazardous wastes outside of the boundaries of the munici-
2 pality if a fire or other emergency involving the materials or wastes
3 would be

4 (1) likely to adversely affect persons or property in the
5 municipality; or

6 (2) responded to by emergency response personnel whose
7 service area includes all or a part of the municipality.

8 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
9 conduct inspections, and establish and impose penalties, necessary to
10 ensure compliance with reporting requirements adopted under AS 29.35.-
11 500 and placarding requirements adopted under AS 18.70.310.

12 Sec. 29.35.520. FEES. A municipality may impose appropriate
13 fees to fully or partially compensate for the cost of processing
14 reports and administering inspections under AS 29.35.500 - 29.35.510.

15 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
16 Department of Public Safety, division of fire prevention, at the
17 request of a business or government agency required to submit an
18 inventory under AS 29.35.500 or of a municipality, shall provide

19 (1) a descriptive summary of the hazardous materials and
20 hazardous wastes that are required to be included in an inventory; and

21 (2) inventory forms.

22 (b) The division of fire prevention, at the request of a busi-
23 ness or government agency required to submit an inventory under
24 AS 29.35.500 or of a municipality, shall provide a list of the hazard-
25 ous materials and hazardous wastes that are required to be included in
26 an inventory.

27 (c) The division of fire prevention, the Department of Environ-
28 mental Conservation, or the Department of Labor may

29 (1) request copies of inventories submitted under

1 AS 29.35.500; and

2 (2) provide educational materials related to hazardous
3 materials and hazardous wastes.

4 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
5 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
6 530 shall be made readily available to the public for inspection and
7 copying.

8 Sec. 29.35.550. APPLICATION. AS 29.35.500 - 29.35.590 apply to
9 home rule and general law municipalities.

10 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a
11 municipality of a program for the reporting of hazardous materials and
12 hazardous wastes does not increase the liability that may otherwise be
13 imposed on the municipality for damages resulting from hazardous
14 materials or hazardous waste.

15 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

16 (1) "acute hazardous waste" means a waste listed by the
17 administrator of the Environmental Protection Agency in accordance
18 with the criteria in 40 C.F.R. 261.11(a)(2);

19 (2) "consumer commodity" means a material that is packaged
20 and distributed in a form intended or suitable for sale through retail
21 sales agencies or instrumentalities for consumption by individuals for
22 purposes of personal care or household use, including a drug or medi-
23 cine;

24 (3) "handles" includes disposes of, generates, processes,
25 stores, treats, and uses hazardous materials or wastes that are not in
26 transit and are not required by federal law to be accompanied by a
27 shipping paper or manifest;

28 (4) "hazard class" means the class of a hazardous material
29 defined in 49 C.F.R. 173;

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(5) "hazardous material" means a toxic or hazardous material or substance, as defined in 49 C.F.R. 171.8, and any other substance determined by the division of fire prevention, or by a municipality for purposes of its own reporting program, to pose a significant health and safety hazard; "hazardous material" does not include food, drugs, alcoholic beverages, cosmetics, tobacco, or tobacco products intended for personal consumption;

(6) "hazardous waste" means a hazardous waste as identified by the Environmental Protection Agency under 40 C.F.R. 261, and any other hazardous waste defined by the division of fire prevention or by a municipality for purposes of its own reporting program;

(7) "quantity" means the total amount of a material or waste handled at a time and includes the aggregate of a material or waste that is divided among multiple containers.

* Sec. 5. This Act takes effect January 1, 1987.

Hein

*Senate C&RA
Committee*

A M E N D M E N T

Offered in the SENATE

TO: SCS CSHB 647(C&RA)

Page 2, line 5, after "wastes." insert:

"A municipality that establishes a program for the reporting of hazardous materials and hazardous wastes may, with the approval of the Department of Public Safety, division of fire prevention, adopt and use an alternative design for warning placards."

COMMITTEE REPORT

SENATE

FURTHER: STATE AFFAIRS
FINANCE

4/16/86

Date 5/1/86

Mr. President

The Committee on C&RA considered CSHB 647(Fin)am

establishing requirements for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt ^{Senate} CS for CS HB 647 (C&RA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
Chairman

[Signature]
Chairman recommendation



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Cognill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

COMMITTEE MEETING -- April 29, 1986

CS HB 558 (Fin) -- An Act relating to time periods to be used for administering the tax equalization program and the municipal assistance program; efd.

CS HB 312 (Fin) -- An Act establishing the Dude Creek Critical Habitat Area.

CS HB 647 (Fin) am -- An Act establishing requirements (CONT'D FROM 4-24-86) for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; efd.

CS HB 558 (Fin) would change DC&RA procedures for the collection of data and calculation of revenue sharing entitlements and provide for earlier disbursement to municipalities.

CS HB 312 (Fin) was considered by the Committee on March 6. A proposed C&RA Committee Substitute, agreed to by Rep. Goll, deleting all mental health land from the legal description of the habitat area has been prepared.

Hearing on CS HB 647 (Fin) will continue for consideration of a CS work draft and draft amendment, and to receive testimony from Sam Neal, State Fire Marshall, and Jim Sweeney, Municipality of Anchorage, by teleconference.

Materials attached are:

- (1) Section analysis from LAA, Legal Svcs., dtd 4-18-86 on CS HB 558 (Fin).
- (2) DC&RA Position Paper dtd 2-26-86 on HB 558.
- (3) Ltr from Commissioner Notti, DC&RA to Sen. DeVries dtd 4-23-86 with 4 atchs. on HB 558.
- (4) Memo from Rep. Goll to Sen. DeVries dtd 4-7-86 with attached map on CS HB 312 (Fin).
- (5) Ltr from Commissioner Wunnicke, DNR, to Sen. DeVries dtd 4-21-86 with attachment on CS HB 312 (Fin).
- (6) A CS work draft and amendment on CS HB 647 (Fin) am, (Requirements; hazardous materials and waste.)

WORK DRAFT

WORK DRAFT

WORK DRAFT

Hein
4/26/86

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 647 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing requirements for warning plac-
7 ards; establishing requirements and limiting liabil-
8 ity for municipal reporting programs for hazardous
9 materials and hazardous waste; and providing for an
10 effective date."

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

12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to

14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;

17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;

21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and

23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.

25 * Sec. 2. AS 18.70 is amended by adding a new section to read:

26 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire prevention, in accordance with

1 regulations adopted by the department under this section.

2 (b) The Department of Public Safety, division of fire preven-
3 tion, shall adopt a design approved by the United States Department of
4 Transportation for warning placards for hazardous materials and hazar-
5 dous wastes.

6 (c) The Department of Public Safety shall adopt regulations for
7 the posting of placards that will give adequate warning to the public
8 and to emergency response personnel of the type and location of hazar-
9 dous materials and hazardous wastes.

10 (d) The Department of Public Safety shall establish a fee sched-
11 ule to fully compensate for the costs of enforcement of, and placards
12 provided under, this section. Fees collected under this subsection
13 shall be deposited in the general fund. The commissioner of adminis-
14 tration shall account separately for fees collected and deposited
15 under this subsection. The annual estimated balance in the account
16 may be appropriated by the legislature to the Department of Public
17 Safety to carry out the purposes of this section.

18 (e) In this section, "handles," "hazardous material," and "haz-
19 ardous waste" have the meanings given in AS 29.35.590.

20 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

21 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
22 wastes).

23 * Sec. 4. AS 29.35 is amended by adding new sections to read:

24 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

25 Sec. 29.35.500. REPORTING. (a) If a municipality establishes a
26 program for the reporting of hazardous materials and hazardous wastes,
27 then the municipality shall require a business or a government agency
28 that handles hazardous materials or hazardous wastes to submit to a
29 designated person or office of the municipality, on a form provided by

1 the Department of Public Safety, division of fire prevention, an
2 inventory of the hazardous materials and hazardous wastes the business
3 or government agency handles.

4 (b) An inventory required under this section shall include at
5 least the following information about each of the hazardous materials
6 and hazardous wastes that the business or government agency handles:

- 7 (1) hazard class;
- 8 (2) maximum estimated quantity;
- 9 (3) location;
- 10 (4) method of disposal.

11 (c) The following quantities of hazardous materials and hazard-
12 ous wastes shall be reported in an inventory required under this
13 section, and the division of fire prevention or a municipality may
14 require the reporting of smaller quantities:

15 (1) any quantity of a hazardous material of the hazard
16 class of

- 17 (A) Poison A;
- 18 (B) Poison B;
- 19 (C) Class A explosive;
- 20 (D) Class B explosive;
- 21 (E) Flammable solid (dangerous when wet); or
- 22 (F) Radioactive;

23 (2) a consumer commodity in a quantity of more than 1,000
24 pounds;

25 (3) other hazardous materials handled, stored, used, pro-
26 cessed, or disposed of at one time and place in an aggregate quantity
27 of more than

- 28 (A) 500 pounds of materials of a single hazard class;

29 or

1 (B) 1,000 pounds of materials of more than one hazard
2 class;

3 (4) acute hazardous waste in a quantity of 2.2 pounds or
4 more; and

5 (5) another hazardous waste in a quantity of 220 pounds or
6 more.

7 (d) A business or government agency required to submit an inven-
8 tory under this section shall submit the first inventory within 30
9 days after the municipality's reporting requirements take effect or
10 within 30 days after beginning to handle the hazardous materials or
11 hazardous wastes. Thereafter, the business or government agency shall
12 submit an inventory annually.

13 (e) A municipality that establishes a program for the reporting
14 of hazardous materials and hazardous wastes shall also require a
15 business or government agency that handles hazardous materials or
16 hazardous wastes to report

17 (1) significant change in the location of hazardous mate-
18 rials or hazardous wastes within 24 hours after moving the materials
19 or wastes; and

20 (2) additions of hazardous materials or hazardous wastes
21 within 30 days after the addition is made.

22 (f) A municipality that establishes a program for the reporting
23 of hazardous materials may require a business or government agency
24 that handles hazardous materials to submit a federal Occupational
25 Safety and Health Administration (OSHA) form 20 (Material Data Safety
26 Sheet) or equivalent information for each of the materials or wastes
27 handled.

28 (g) The requirements of this section may be imposed by a munic-
29 ipality on a business or government agency that handles hazardous

1 materials or hazardous wastes outside of the boundaries of the municipi-
2 pality if a fire or other emergency involving the materials or wastes
3 would be

4 (1) likely to adversely affect persons or property in the
5 municipality; or

6 (2) responded to by emergency response personnel whose
7 service area includes all or a part of the municipality.

8 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
9 conduct inspections, and establish and impose penalties, necessary to
10 ensure compliance with reporting requirements adopted under AS 29.35.-
11 500 and placarding requirements adopted under AS 18.70.310.

12 Sec. 29.35.520. FEES. A municipality may impose appropriate
13 fees to fully or partially compensate for the cost of processing
14 reports and administering inspections under AS 29.35.500 - 29.35.510.

15 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
16 Department of Public Safety, division of fire prevention, at the
17 request of a business or government agency required to submit an
18 inventory under AS 29.35.500 or of a municipality, shall provide

19 (1) a descriptive summary of the hazardous materials and
20 hazardous wastes that are required to be included in an inventory; and

21 (2) inventory forms.

22 (b) The division of fire prevention, at the request of a busi-
23 ness or government agency required to submit an inventory under
24 AS 29.35.500 or of a municipality, shall provide a list of the hazard-
25 ous materials and hazardous wastes that are required to be included in
26 an inventory.

27 (c) The division of fire prevention, the Department of Environ-
28 mental Conservation, or the Department of Labor may

29 (1) request copies of inventories submitted under

1 AS 29.35.500; and

2 (2) provide educational materials related to hazardous
3 materials and hazardous wastes.

4 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
5 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
6 530 shall be made readily available to the public for inspection and
7 copying.

8 Sec. 29.35.550. APPLICATION. AS 29.35.500 - 29.35.590 apply to
9 home rule and general law municipalities.

10 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a
11 municipality of a program for the reporting of hazardous materials and
12 hazardous wastes does not increase the liability that may otherwise be
13 imposed on the municipality for damages resulting from hazardous
14 materials or hazardous waste.

15 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

16 (1) "acute hazardous waste" means a waste listed by the
17 administrator of the Environmental Protection Agency in accordance
18 with the criteria in 40 C.F.R. 261.11(a)(2);

19 (2) "consumer commodity" means a material that is packaged
20 and distributed in a form intended or suitable for sale through retail
21 sales agencies or instrumentalities for consumption by individuals for
22 purposes of personal care or household use, including a drug or medi-
23 cine;

24 (3) "handles" includes disposes of, generates, processes,
25 stores, treats, and uses hazardous materials or wastes that are not in
26 transit and are not required by federal law to be accompanied by a
27 shipping paper or manifest;

28 (4) "hazard class" means the class of a hazardous material
29 defined in 49 C.F.R. 173;

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(5) "hazardous material" means a toxic or hazardous material or substance, as defined in 49 C.F.R. 171.8, and any other substance determined by the division of fire prevention, or by a municipality for purposes of its own reporting program, to pose a significant health and safety hazard; "hazardous material" does not include food, drugs, alcoholic beverages, cosmetics, tobacco, or tobacco products intended for personal consumption;

(6) "hazardous waste" means a hazardous waste as identified by the Environmental Protection Agency under 40 C.F.R. 261, and any other hazardous waste defined by the division of fire prevention or by a municipality for purposes of its own reporting program;

(7) "quantity" means the total amount of a material or waste handled at a time and includes the aggregate of a material or waste that is divided among multiple containers.

* Sec. 5. This Act takes effect January 1, 1987.

For Discussion

A M E N D M E N T

Offered in the SENATE

TO: SCS CSHB 647(C&RA)

Page 2, line 5, after "wastes." insert:

"A municipality that establishes a program for the reporting of hazardous materials and hazardous wastes may, with the approval of the Department of Public Safety, division of fire prevention, adopt and use an alternative design for warning placards."

Offered: 4/1/86
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 558 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to time periods to be used for
7 administering the tax equalization program and the
8 municipal assistance program; and providing for an
9 effective date."

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

11 * Section 1. AS 29.60.010 is amended to read:

12 Sec. 29.60.010. STATE EQUALIZATION OF TAX RESOURCES FOR MUNICI-
13 PAL SERVICES. (a) During each fiscal year the department shall
14 compute an equalization entitlement for municipal services provided by
15 a taxing unit for payment the following fiscal year.

16 (b) The equalization entitlement computed for a taxing unit is
17 based on the population, relative ability to generate revenue, and
18 local tax burden of the taxing unit and is determined by the applica-
19 tion of the formula

20 Entitlement = P x R

21 where P = population, and

22 R = millage rate equivalent, determined by dividing the
23 sum of the locally generated revenue of the taxing unit by one-tenth
24 of one percent of the full and true value of assessed property of the
25 taxing unit determined under AS 29.60.030(d); however, the per capita
26 property value used under this subsection may not be less than 15
27 percent of the statewide average per capita full and true assessed
28 property value.

29 (c) For purposes of this section, locally generated revenue

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(1) includes

(A) the actual revenue derived from the levy and collection of local taxes in the taxing unit for municipal services [DURING THE PRECEDING FISCAL YEAR OF THE TAXING UNIT];

(B) motor vehicle payments received by the municipality [DURING THE PRECEDING FISCAL YEAR] under AS 28.10.431;

(C) revenue from fees, rentals, leases, penalties, licenses or permits received [DURING THE PRECEDING FISCAL YEAR] by the municipality for a function or service over which it has control, including revenues derived from parks and recreation services, mass transit, offstreet parking, and garbage and solid waste disposal services;

(D) special assessments received [DURING THE PRECEDING FISCAL YEAR]; and

(E) payments received by a municipality from a utility that are in place of taxes levied and collected by the municipality;

(2) excludes

(A) revenue derived from the levy and collection of municipal taxes and appropriated for the operating expenses and debt service of utilities;

(B) revenue from interest earned on investments and from the sale and lease of land or equipment; and

(C) all other revenue from whatever service derived;

(3) is calculated on the basis of the actual revenue received during the fiscal year of the taxing unit preceding the year in which the department's determination of the millage rate equivalent is made under AS 29.60.030.

* Sec. 2. AS 29.60.030(a) is amended to read:

1 (a) The department may require a municipality to return a certi-
2 fication, signed by the municipal treasurer or manager and the mayor,
3 that provides an estimate of the locally generated revenue received by
4 the municipality during the [PRECEDING] fiscal year preceding the year
5 in which the department's determination of the millage rate equivalent
6 is made under (c) of this section.

7 * Sec. 3. AS 29.60.030(c) is amended to read:

8 (c) As early as possible, but not later than January [DECEMBER]
9 15 of each year, the department shall make a [FINAL] determination of
10 the millage rate equivalent of each taxing unit to use to compute and
11 distribute equalization entitlements under AS 29.60.010 - 29.60.080
12 for the following state fiscal year. The department shall base the
13 determination on audits, financial statements, and other financial
14 reports prepared and submitted by a municipality. The department
15 shall adjust the locally generated revenue reported by a municipality
16 to exclude the municipal revenue claimed that does not qualify for
17 inclusion in or recognition as locally generated revenue for municipal
18 purposes under AS 29.60.010(c)(1). The adjustment shall be made by
19 deducting from total revenue claimed by the municipality the amount of
20 the department's estimate of revenue that is not recognized for munic-
21 ipal purposes.

22 * Sec. 4. AS 29.60.040 is amended to read:

23 Sec. 29.60.040. REPORTS. A payment of an equalization entitle-
24 ment may not be made to a municipality under AS 29.60.010 - 29.60.080
25 until the municipality has submitted its certificate of estimated
26 revenue and its financial report to the department for the fiscal year
27 preceding the year in [FOR] which the department's determination of
28 the millage rate equivalent is made under AS 29.60.30 [EQUALIZATION
29 ENTITLEMENT IS SOUGHT], together with the municipality's [A] budget

1 for the [MUNICIPALITY'S CURRENT] fiscal year for which an entitlement
2 is sought. The financial report must [SHALL] include a listing of
3 general revenue collected from taxes levied and assessed and any other
4 revenue that, in the opinion of the municipal officials, is eligible
5 for inclusion in computations of the locally generated revenue of the
6 taxing unit.

7 * Sec. 5. AS 29.60.290(a) is amended to read:

8 (a) A municipality qualifying for an entitlement under AS 29.-
9 60.010 - 29.60.080 or 29.60.100 - 29.60.180 shall receive a minimum
10 payment of \$25,000 plus an area cost-of-living differential for each
11 fiscal year if

12 (1) the municipality has conducted a regular election
13 during the fiscal year preceding the year in [FOR] which the depart-
14 ment's determination of the municipality's millage rate equivalent is
15 made under AS 29.60.030 [PAYMENT OF AN ENTITLEMENT IS AUTHORIZED BY
16 AS 29.60.010 - 29.60.080 OR 29.60.100 - 29.60.180] and has reported
17 the results of the election to the commissioner;

18 (2) regular meetings of the governing body are held in the
19 municipality during the fiscal year preceding the year in [FOR] which
20 the department's determination of the municipality's millage rate
21 equivalent is made under AS 29.60.030 [PAYMENT OF AN ENTITLEMENT IS
22 AUTHORIZED BY AS 29.60.010 - 29.60.080 OR 29.60.100 - 29.60.180] and a
23 record of the proceedings is maintained;

24 (3) a municipal budget has been adopted for the fiscal year
25 during which payment of an entitlement is authorized by AS 29.60.010 -
26 29.60.080 or 29.60.100 - 29.60.180 and an audit or financial statement
27 for the [PRECEDING] fiscal year preceding the year in which the de-
28 partment's determination of the municipality's millage rate equivalent
29 is made under AS 29.60.030 has been prepared and furnished to the

1 department in accordance with AS 29.20.640(a); and

2 (4) local ordinances adopted by the municipality have been
3 codified in accordance with AS 29.25.050.

4 * Sec. 6. AS 29.60 is amended by adding a new section to article 3 to
5 read:

6 Sec. 29.60.310. TIME OF PAYMENT. The department shall make
7 payments under AS 29.60.010 - 29.60.300 no later than July 31, based
8 upon the entitlement calculations made during the preceding fiscal
9 year.

10 * Sec. 7. AS 29.60.350(b) is amended to read:

11 (b) The department shall distribute money from the municipal
12 assistance fund to each municipality on an annual basis as provided in
13 AS 29.60.360 and 29.60.370. A municipality may not receive payment
14 until it submits to the department a resolution approved by the gov-
15 erning body of the municipality that requests the money. Distribution
16 of money from the municipal assistance fund to all municipalities [A
17 MUNICIPALITY WITH A FISCAL YEAR BEGINNING ON JANUARY 1] shall be made
18 on February 1 of the state fiscal year for which the appropriation to
19 the fund is made. [DISTRIBUTION OF MONEY FROM THE MUNICIPAL ASSIS-
20 TANCE FUND TO ALL OTHER MUNICIPALITIES SHALL BE MADE ON JUNE 1 OF THE
21 STATE FISCAL YEAR FOR WHICH THE APPROPRIATION TO THE FUND IS MADE.] A
22 municipality that incorporates after December 31 of a state fiscal
23 year is not eligible for a distribution under this section until the
24 following state fiscal year.

25 * Sec. 8. AS 29.60.030(b) is repealed.

26 * Sec. 9. Notwithstanding the provisions in secs. 1 - 8 of this Act,
27 the Department of Community and Regional Affairs and municipalities seeking
28 payments under AS 29.60.010 - 29.60.370 for the state fiscal year ending
29 June 30, 1987, shall follow the procedures set out in those sections before

1 amendment by this Act. The Department of Community and Regional Affairs
2 shall follow the deadlines and procedures established by this Act for the
3 state fiscal year ending June 30, 1988.

4 * Sec. 10. This Act takes effect July 1, 1986.

For Discussion

A M E N D M E N T

Offered in the SENATE

TO: SCS CSHB 647(C&RA)

Page 2, line 5, after "wastes." insert:

"A municipality that establishes a program for the reporting of hazardous materials and hazardous wastes may, with the approval of the Department of Public Safety, division of fire prevention, adopt and use an alternative design for warning placards."

Hein
4/26/86

Not Used
4/29/86

Original sponsors: Hurley, Koponen,
Davis, et al.

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 647 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing requirements for warning plac-
7 ards; establishing requirements and limiting liabil-
8 ity for municipal reporting programs for hazardous
9 materials and hazardous waste; and providing for an
10 effective date."

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

12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to

14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;

17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;

21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and

23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.

25 * Sec. 2. AS 18.70 is amended by adding a new section to read:

26 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire prevention, in accordance with

1 regulations adopted by the department under this section.

2 (b) The Department of Public Safety, division of fire preven-
3 tion, shall adopt a design approved by the United States Department of
4 Transportation for warning placards for hazardous materials and hazar-
5 dous wastes.

6 (c) The Department of Public Safety shall adopt regulations for
7 the posting of placards that will give adequate warning to the public
8 and to emergency response personnel of the type and location of hazar-
9 dous materials and hazardous wastes.

10 (d) The Department of Public Safety shall establish a fee sched-
11 ule to fully compensate for the costs of enforcement of, and placards
12 provided under, this section. Fees collected under this subsection
13 shall be deposited in the general fund. The commissioner of adminis-
14 tration shall account separately for fees collected and deposited
15 under this subsection. The annual estimated balance in the account
16 may be appropriated by the legislature to the Department of Public
17 Safety to carry out the purposes of this section.

18 (e) In this section, "handles," "hazardous material," and "haz-
19 ardous waste" have the meanings given in AS 29.35.590.

20 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

21 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
22 wastes).

23 * Sec. 4. AS 29.35 is amended by adding new sections to read:

24 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

25 Sec. 29.35.500. REPORTING. (a) If a municipality establishes a
26 program for the reporting of hazardous materials and hazardous wastes,
27 then the municipality shall require a business or a government agency
28 that handles hazardous materials or hazardous wastes to submit to a
29 designated person or office of the municipality, on a form provided by

1 the Department of Public Safety, division of fire prevention, an
2 inventory of the hazardous materials and hazardous wastes the business
3 or government agency handles.

4 (b) An inventory required under this section shall include at
5 least the following information about each of the hazardous materials
6 and hazardous wastes that the business or government agency handles:

- 7 (1) hazard class;
- 8 (2) maximum estimated quantity;
- 9 (3) location;
- 10 (4) method of disposal.

11 (c) The following quantities of hazardous materials and hazard-
12 ous wastes shall be reported in an inventory required under this
13 section, and the division of fire prevention or a municipality may
14 require the reporting of smaller quantities:

15 (1) any quantity of a hazardous material of the hazard
16 class of

- 17 (A) Poison A;
- 18 (B) Poison B;
- 19 (C) Class A explosive;
- 20 (D) Class B explosive;
- 21 (E) Flammable solid (dangerous when wet); or
- 22 (F) Radioactive;

23 (2) a consumer commodity in a quantity of more than 1,000
24 pounds;

25 (3) other hazardous materials handled, stored, used, pro-
26 cessed, or disposed of at one time and place in an aggregate quantity
27 of more than

- 28 (A) 500 pounds of materials of a single hazard class;

29 or

1 (B) 1,000 pounds of materials of more than one hazard
2 class;

3 (4) acute hazardous waste in a quantity of 2.2 pounds or
4 more; and

5 (5) another hazardous waste in a quantity of 220 pounds or
6 more.

7 (d) A business or government agency required to submit an inven-
8 tory under this section shall submit the first inventory within 30
9 days after the municipality's reporting requirements take effect or
10 within 30 days after beginning to handle the hazardous materials or
11 hazardous wastes. Thereafter, the business or government agency shall
12 submit an inventory annually.

13 (e) A municipality that establishes a program for the reporting
14 of hazardous materials and hazardous wastes shall also require a
15 business or government agency that handles hazardous materials or
16 hazardous wastes to report

17 (1) significant change in the location of hazardous mate-
18 rials or hazardous wastes within 24 hours after moving the materials
19 or wastes; and

20 (2) additions of hazardous materials or hazardous wastes
21 within 30 days after the addition is made.

22 (f) A municipality that establishes a program for the reporting
23 of hazardous materials may require a business or government agency
24 that handles hazardous material, to submit a federal Occupational
25 Safety and Health Administration (OSHA) form 20 (Material Data Safety
26 Sheet) or equivalent information for each of the materials or wastes
27 handled.

28 (g) The requirements of this section may be imposed by a munic-
29 ipality on a business or government agency that handles hazardous

1 materials or hazardous wastes outside of the boundaries of the municipi-
2 pality if a fire or other emergency involving the materials or wastes
3 would be

4 (1) likely to adversely affect persons or property in the
5 municipality; or

6 (2) responded to by emergency response personnel whose
7 service area includes all or a part of the municipality.

8 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
9 conduct inspections, and establish and impose penalties, necessary to
10 ensure compliance with reporting requirements adopted under AS 29.35.-
11 500 and placarding requirements adopted under AS 18.70.310.

12 Sec. 29.35.520. FEES. A municipality may impose appropriate
13 fees to fully or partially compensate for the cost of processing
14 reports and administering inspections under AS 29.35.500 - 29.35.510.

15 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
16 Department of Public Safety, division of fire prevention, at the
17 request of a business or government agency required to submit an
18 inventory under AS 29.35.500 or of a municipality, shall provide

19 (1) a descriptive summary of the hazardous materials and
20 hazardous wastes that are required to be included in an inventory; and

21 (2) inventory forms.

22 (b) The division of fire prevention, at the request of a busi-
23 ness or government agency required to submit an inventory under
24 AS 29.35.500 or of a municipality, shall provide a list of the hazard-
25 ous materials and hazardous wastes that are required to be included in
26 an inventory.

27 (c) The division of fire prevention, the Department of Environ-
28 mental Conservation, or the Department of Labor may

29 (1) request copies of inventories submitted under

1 AS 29.35.500; and

2 (2) provide educational materials related to hazardous
3 materials and hazardous wastes.

4 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
5 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
6 530 shall be made readily available to the public for inspection and
7 copying.

8 Sec. 29.35.550. APPLICATION. AS 29.35.500 - 29.35.590 apply to
9 home rule and general law municipalities.

10 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a
11 municipality of a program for the reporting of hazardous materials and
12 hazardous wastes does not increase the liability that may otherwise be
13 imposed on the municipality for damages resulting from hazardous
14 materials or hazardous waste.

15 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

16 (1) "acute hazardous waste" means a waste listed by the
17 administrator of the Environmental Protection Agency in accordance
18 with the criteria in 40 C.F.R. 261.11(a)(2);

19 (2) "consumer commodity" means a material that is packaged
20 and distributed in a form intended or suitable for sale through retail
21 sales agencies or instrumentalities for consumption by individuals for
22 purposes of personal care or household use, including a drug or medi-
23 cine;

24 (3) "handles" includes disposes of, generates, processes,
25 stores, treats, and uses hazardous materials or wastes that are not in
26 transit and are not required by federal law to be accompanied by a
27 shipping paper or manifest;

28 (4) "hazard class" means the class of a hazardous material
29 defined in 49 C.F.R. 173;

1 (5) "hazardous material" means a toxic or hazardous materi-
2 al or substance, as defined in 49 C.F.R. 171.8, and any other sub-
3 stance determined by the division of fire prevention, or by a munic-
4 ipality for purposes of its own reporting program, to pose a signif-
5 icant health and safety hazard; "hazardous material" does not include
6 food, drugs, alcoholic beverages, cosmetics, tobacco, or tobacco
7 products intended for personal consumption;

8 (6) "hazardous waste" means a hazardous waste as identified
9 by the Environmental Protection Agency under 40 C.F.R. 261, and any
10 other hazardous waste defined by the division of fire prevention or by
11 a municipality for purposes of its own reporting program;

12 (7) "quantity" means the total amount of a material or
13 waste handled at a time and includes the aggregate of a material or
14 waste that is divided among multiple containers.

15 * Sec. 5. This Act takes effect January 1, 1987.
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C+R Mtg 4/24/86

FB647

Ed Hein - Explained changes in
CS work draft from bill which passed
the House

In Next Mtg Call:

Fire Marshall

Munc of Ana (Jim Sweeney)

Hein
4/24/86

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 647 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing requirements for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; and providing for an effective date."

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

12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to

14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;

17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;

21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and

23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.

25 * Sec. 2. AS 18.70 is amended by adding a new section to read:

26 Sec. 18.70.370. HAZARDOUS MATERIALS AND WASTES PLACARDS (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire prevention, in accordance with

1 regulations adopted by the department under this section.

2 (b) The Department of Public Safety, division of fire preven-
3 tion, shall adopt a design for warning placards for hazardous mater-
4 ials and hazardous wastes in conjunction with the Department of Labor
5 and the Department of Environmental Conservation.

6 (c) The Department of Public Safety shall adopt regulations for
7 the posting of placards that will give adequate warning to the public
8 and to emergency response personnel of the type and location of hazar-
9 dous materials and hazardous wastes.

10 (d) The Department of Public Safety shall establish a fee sched-
11 ular to fully compensate for the costs of enforcement of, and placards
12 provided under, this section. Fees collected under this subsection
13 shall be deposited in the general fund. The commissioner of adminis-
14 tration shall account separately for fees collected and deposited
15 under this subsection. The annual estimated balance in the account
16 may be appropriated by the legislature to the Department of Public
17 Safety to carry out the purposes of this section.

18 (e) In this section, ^{handles} "hazardous material" and "hazardous waste"
19 have the meanings given in AS 29.35.590.

20 * Sec. 3. AS 29.10.200 is amended by adding a new paragraph to read:

21 (47) AS 29.35.500 - 29.35.590 (hazardous materials and
22 wastes).

23 * Sec. 4. AS 29.35 is amended by adding new sections to read:

24 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

25 Sec. 29.35.500. REPORTING. (a) If a municipality establishes a
26 program for the reporting of hazardous materials and hazardous wastes,
27 then the municipality shall require a business or a government agency
28 that "handles" hazardous materials or hazardous wastes to submit to a
29 designated person or office of the municipality, on a form provided by

SCS CSHB 647(C&RA)

-2-

HB 673
HB 672

Relates to transportation of hazardous materials
materials under shippers manifest ^{and in temporary storage} are exempt from the bill

1 the Department of Public Safety, division of fire prevention, an
2 inventory of the hazardous materials and hazardous wastes the business
3 or government agency handles.

4 (b) An inventory required under this section shall include at
5 least the following information about each of the hazardous materials
6 and hazardous wastes that the business or government agency handles:

- 7 (1) hazard class;
- 8 (2) maximum estimated quantity;
- 9 (3) location;
- 10 (4) method of disposal.

11 (c) The following quantities of hazardous materia. and hazard-
12 ous wastes shall be reported in an inventory required under this
13 section, and the division of fire prevention or a municipality may
14 require the reporting of smaller quantities:

15 (1) any quantity of a hazardous material of the hazard
16 class of

- 17 (A) Poison A;
- 18 (B) Poison B;
- 19 (C) Class A explosive;
- 20 (D) Class B explosive;
- 21 (E) Flammable solid (dangerous when wet); or
- 22 (F) Radioactive;

23 (2) a consumer commodity in a quantity of more than 1,000
24 pounds;

25 (3) other hazardous materials handled, stored, used, pro-
26 cessed, or disposed of at one time and place in an aggregate quantity
27 of more than

- 28 (A) 500 pounds of materials of a single hazard class;

29 or

1 (B) 1,000 pounds of materials of more than one hazard
2 class;

3 (4) acute hazardous waste in a quantity of 2.2 pounds or
4 more; and

5 (5) another hazardous waste in a quantity of 220 pounds or
6 more.

7 (d) A business or government agency required to submit an inven-
8 tory under this section shall submit the first inventory within 30
9 days after the municipality's reporting requirements take effect or
10 within 30 days after beginning to handle the hazardous materials or
11 hazardous wastes. Thereafter, the business or government agency shall
12 submit an inventory annually.

13 (e) A municipality that establishes a program for the reporting
14 of hazardous materials and hazardous wastes shall also require a
15 business or government agency that handles hazardous materials or
16 hazardous wastes to report

17 (1) significant change in the location of hazardous mate-
18 rials or hazardous wastes within 24 hours after moving the materials
19 or wastes; and

20 (2) additions of hazardous materials or hazardous wastes
21 within 30 days after the addition is made.

22 (f) A municipality that establishes a program for the reporting
23 of hazardous materials may require a business or government agency
24 that handles hazardous materials to submit a federal Occupational
25 Safety and Health Administration (OSHA) form 20 (Material Data Safety
26 Sheet) or equivalent information for each of the materials or wastes
27 handled.

28 (g) The requirements of this section may be imposed by a munic-
29 ipality on a business or government agency that handles hazardous

1 materials or hazardous wastes outside of the boundaries of the municipi-
2 pality if a fire or other emergency involving the materials or wastes
3 would be

4 (1) likely to adversely affect persons or property in the
5 municipality; or

6 (2) responded to by emergency response personnel whose
7 service area includes all or a part of the municipality.

8 Sec. 29.35.510. INSPECTIONS; PENALTIES. A municipality may
9 conduct inspections, and establish and impose penalties, necessary to
10 ensure compliance with reporting requirements adopted under AS 29.35.-
11 500 and placarding requirements adopted under AS 18.70.310.

12 Sec. 29.35.520. FEES. A municipality may impose appropriate
13 fees to fully or partially compensate for the cost of processing
14 reports and administering inspections under AS 29.35.500 - 29.35.510.

15 Sec. 29.35.530. DUTIES OF DIVISION OF FIRE PREVENTION. (a) The
16 Department of Public Safety, division of fire prevention, at the
17 request of a business or government agency required to submit an
18 inventory under AS 29.35.500 or of a municipality, shall provide

19 (1) a descriptive summary of the hazardous materials and
20 hazardous wastes that are required to be included in an inventory; and
21 (2) inventory forms.

22 (b) The division of fire prevention, at the request of a busi-
23 ness or government agency required to submit an inventory under
24 AS 29.35.500 or of a municipality, shall provide a list of the hazard-
25 ous materials and hazardous wastes that are required to be included in
26 an inventory.

27 (c) The division of fire prevention, the Department of Environ-
28 mental Conservation, or the Department of Labor may

29 (1) request copies of inventories submitted under

1 AS 29.35.500; and

2 (2) provide educational materials related to hazardous
3 materials and hazardous wastes.

4 Sec. 29.35.540. PUBLIC ACCESS TO INFORMATION. Information
5 obtained by a municipality under AS 29.35.500, 29.35.510, and 29.35.-
6 530 shall be made readily available to the public for inspection and
7 copying.

8 Sec. 29.35.550. APPLICATION. AS 29.35.500 - 29.35.590 apply to
9 home rule and general law municipalities.

10 Sec. 29.35.560. MUNICIPAL LIABILITY. The establishment by a
11 municipality of a program for the reporting of hazardous materials and
12 hazardous wastes does not increase the liability that may otherwise be
13 imposed on the municipality for damages resulting from hazardous
14 materials or hazardous waste.

15 Sec. 29.35.590. DEFINITIONS. In AS 29.35.500 - 29.35.590

16 (1) "acute hazardous waste" means a waste listed by the
17 administrator of the Environmental Protection Agency in accordance
18 with the criteria in 40 C.F.R. 261.11(a)(2);

19 (2) "consumer commodity" means a material that is packaged
20 and distributed in a form intended or suitable for sale through retail
21 sales agencies or instrumentalities for consumption by individuals for
22 purposes of personal care or household use, including a drug or medi-
23 cine;

24 (3) "handles" includes disposes of, generates, processes,
25 stores, treats, and uses, but does not include transports;

26 (4) "hazard class" means the class of a hazardous material
27 defined in 49 C.F.R. 173;

28 (5) "hazardous material" means a toxic or hazardous materi-
29 al or substance, as defined in 49 C.F.R. 171.8, and any other

1 substance determined by the division of fire prevention, or by a
2 municipality for purposes of its own reporting program, to pose a
3 significant health and safety hazard; "hazardous material" does not
4 include food, drugs, alcoholic beverages, cosmetics, tobacco, or
5 tobacco products intended for personal consumption;

6 (6) "hazardous waste" means a hazardous waste as identified
7 by the Environmental Protection Agency under 40 C.F.R. 261, and any
8 other hazardous waste defined by the division of fire prevention or by
9 a municipality for purposes of its own reporting program;

10 (7) "quantity" means the total amount of a material or
11 waste handled at a time and includes the aggregate of a material or
12 waste that is divided among multiple containers.

13 * Sec. 5. This Act takes effect January 1, 1987.



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Staff

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

COMMITTEE MEETING -- April 24, 1986

HB 697 An Act prohibiting municipal sales tax on purchases made with food stamps, efd

HB 647 An Act establishing requirements for warning placards; establishing requirements and limiting liability for municipal reporting programs for hazardous materials and hazardous waste; efd

The Committee Substitute for HB 697 (HESS) was considered by the committee on April 15th and continued until this week to provide an opportunity for municipalities which charge a sales tax to inform as the fiscal impact expected through passage of this legislation.

CS for HB 647 (Fin) am was brought before the committee at the last committee meeting and rescheduled for today after preparation of a Committee Substitute work draft.

Materials attached:

City of Wrangell letter to Senator DeVries dated 4-17-86.

Hein
4/24/86

Not Used

Original sponsors: Hurley, Koponen,
Davis, et al

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 647 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing requirements for warning plac-
7 ards; establishing requirements and limiting liabil-
8 ity for municipal reporting programs for hazardous
9 materials and hazardous waste; and providing for an
10 effective date."

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

12 * Section 1. LEGISLATIVE INTENT. It is the intent of the legislature,
13 in adopting this Act, to

14 (1) ensure the safety of emergency response personnel who re-
15 spond to fires and other emergencies involving hazardous materials and
16 hazardous wastes, and to effectively contain these emergencies;

17 (2) permit the development of a chemical profile of municipal-
18 ities in order to enable local elected officials and municipal agencies to
19 initiate actions necessary to prevent damage to the public health and to
20 property;

21 (3) protect the health and safety of residents of and visitors
22 to Alaska; and

23 (4) inform the public of the existence, location, and dangers of
24 hazardous materials and hazardous wastes.

25 * Sec. 2. AS 18.70 is amended by adding a new section to read:

26 Sec. 18.70.310. HAZARDOUS MATERIALS AND WASTES PLACARDS. (a) A
27 business or government agency that handles hazardous materials or
28 hazardous wastes shall post placards, provided by the Department of
29 Public Safety, division of fire prevention, in accordance with

1 regulations adopted by the department under this section.

2 (b) The Department of Public Safety, division of fire preven-
3 tion, shall adopt a design for warning placards for hazardous mater-
4 ials and hazardous wastes in conjunction with the Department of Labor
5 and the Department of Environmental Conservation.

6 (c) The Department of Public Safety shall adopt regulations for
7 the posting of placards that will give adequate warning to the public
8 and to emergency response personnel of the type and location of hazar-
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10 (d) The Department of Public Safety shall establish a fee sched-
11 ular to fully compensate for the costs of enforcement of, and placards
12 provided under, this section. Fees collected under this subsection
13 shall be deposited in the general fund. The commissioner of adminis-
14 tration shall account separately for fees collected and deposited
15 under this subsection. The annual estimated balance in the account
16 may be appropriated by the legislature to the Department of Public
17 Safety to carry out the purposes of this section.

18 (e) In this section, "hazardous material" and "hazardous waste"
19 have the meanings given in AS 29.35.590.

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22 wastes).

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24 ARTICLE 8. HAZARDOUS MATERIALS AND HAZARDOUS WASTES.

25 Sec. 29.35.500. REPORTING. (a) If a municipality establishes a
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27 then the municipality shall require a business or a government agency
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29 designated person or office of the municipality, on a form provided by

1 the Department of Public Safety, division of fire prevention, an
2 inventory of the hazardous materials and hazardous wastes the business
3 or government agency handles.

4 (b) An inventory required under this section shall include at
5 least the following information about each of the hazardous materials
6 and hazardous wastes that the business or government agency handles:

- 7 (1) hazard class;
- 8 (2) maximum estimated quantity;
- 9 (3) location;
- 10 (4) method of disposal.

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12 ous wastes shall be reported in an inventory required under this
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16 class of

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24 pounds;

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8 tory under this section shall submit the first inventory within 30
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28 mental Conservation, or the Department of Labor may

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19 (2) "consumer commodity" means a material that is packaged
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21 sales agencies or instrumentalities for consumption by individuals for
22 purposes of personal care or household use, including a drug or medi-
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24 (3) "handles" includes disposes of, generates, processes,
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28 (5) "hazardous material" means a toxic or hazardous materi-
29 al or substance, as defined in 49 C.F.R. 171.8, and any other

1 substance determined by the division of fire prevention, or by a
2 municipality for purposes of its own reporting program, to pose a
3 significant health and safety hazard; "hazardous material" does not
4 include food, drugs, alcoholic beverages, cosmetics, tobacco, or
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7 by the Environmental Protection Agency under 40 C.F.R. 261, and any
8 other hazardous waste defined by the division of fire prevention or by
9 a municipality for purposes of its own reporting program;

10 (7) "quantity" means the total amount of a material or
11 waste handled at a time and includes the aggregate of a material or
12 waste that is divided among multiple containers.

13 * Sec. 5. This Act takes effect January 1, 1987.
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CORA 4/22/86 CS HB 647(2in) am

Rep Hurley read from prepared testimony on need for the bill.

Scott Bourgeois AMU supports bill.

Bill Ross, Comm Dept of Envir Con. -
Dept supports bill. Bill establishes parameters of reporting to provide for uniformity. Requires mandatory reporting by munics. There is Fed'l law in terms of shipping hazardous mtrls. Almost nothing in Fed law on storage.

* Cmr Ross to research why "alcohol" is not included in definition of hazardous mtrls (pg 6 of bill) OR is it included in drug. Definition of "in transit" ^{inventory} being in transit or storage

Gordon Brenton, Dept of Pub Safety
Bill provides common framework where munics & industry can identify hazardous mtrls.
Placards: ① DOT placard identifies type of substance pictorially ② Plain placard which reads "hazardous mtrls".