

ALASKA LEGISLATURE COMMITTEE FILES 1903-1900 00/2

4283

SRES

SB 375

1163

Alaska is not an agreement State under the Atomic Energy Act. Consequently, primary authority of the above State agencies is limited in the case of radioactive materials under the jurisdiction of the NRC. For the purposes of this agreement this distinction will not be made in responding to an accident or incident necessary to protect the health, property and environment of the people of Alaska until such time as the NRC can respond to the incident and assume control.

RESPONSIBILITY

It is Agreed:

A. The Department of Health and Social Services has lead agency responsibility in responding to radiation incidents and accidents.

B. It is the responsibility of the Department of Health and Social Services to coordinate response to peacetime radiation incidents and accidents.

C. Each Department will provide personnel and funds to the extent possible to respond to radiation incidents and accidents.

D. Each Department will support their respective employees in terms of salary, travel, per diem and overtime costs while responding to radiation emergencies.

E. Individuals responding to radiation emergencies at the request of the Department of Health and Social Services will do so with the full authority of the Department of Health and Social Services when acting within the scope of instructions.

F. Public information concerning a nuclear accident, incident or event will be released by the Department having jurisdiction.

G. Each Department will serve as the contact with their federal counterpart regarding nuclear accidents and incidents i.e. DHSS-FDA & NRC; DHA-FEMA; DEC-EPA; DL-OSHA.

NOTIFICATION

Any agency being notified of a radiation emergency will notify the Department of Health and Social Services as the lead agency. In turn the Department of Health and Social Services will notify designated personnel in all other agencies which are party to this agreement when there exists or has the potential to exist a problem within their area of responsibility.

It is further agreed that an alternate contact for notification and coordination of response will be the Division of Emergency Services, Department of Military Affairs. In keeping with the above, the following notification will be made:

PRIMARY CONTACT

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Radiological Physicist
(Day) 465-3019
(Night) 789-9858 or
789-3431

ALTERNATE CONTACT

DEPARTMENT OF MILITARY AFFAIRS
Division of Emergency Services
24 Hour Contact 248-0055

HAZARDOUS MATERIALS DEFINITIONS

The following definitions have been abstracted from the Code of Federal Regulations, Title 49-Transportation, Parts 100 to 189. Refer to the referenced sections for complete details. NOTE: Rulemaking proposals are outstanding or are contemplated concerning some of these definitions.

HAZARDOUS MATERIAL - Means a substance or material which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and which has been so designated. (Sec. 171.8)

MULTIPLE HAZARDS - A material meeting the definitions of more than one hazard class is classified according to the sequence given in Sec. 173.2.

HAZARD CLASS	DEFINITIONS
	<u>Explosive</u> - Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound mixture, or device is otherwise specifically classified in Parts 170-189. (Sec. 173.50)
<u>CLASS A EXPLOSIVE</u>	Detonating or otherwise of maximum hazard. The nine types of Class A explosives are defined in Sec. 173.53.
<u>CLASS B EXPLOSIVE</u>	In general, function by rapid combustion rather than detonation and include some explosive devices such as special fireworks, flash powders, etc. <u>Flammable hazard</u> . (Sec. 173.88)
<u>CLASS C EXPLOSIVE</u>	Certain types of manufactured articles containing Class A or Class B explosives, or both, as components, but in restricted quantities, and certain types of fireworks. <u>Minimum hazard</u> . (Sec. 173.100)
<u>BLASTING AGENTS</u>	A material designed for blasting which has been tested in accordance with Sec. 173.114a(b) and found to be so insensitive that there is very little probability of accidental initiation or explosion or of transition from deflagration to detonation. (Sec. 173.114a(a)).
<u>COMBUSTIBLE LIQUID</u>	Any liquid having a flashpoint above 100°F. and below 200°F. as determined by tests listed in Sec. 173.115(d). Exceptions to this are found in Sec. 173.115(b)
<u>COMPRESSED GAS</u>	Any material or mixture in a container with an absolute pressure exceeding 40 p.s.i. at 70°F., or an absolute pressure of 104 p.s.i. at 100°F. as determined by appropriate specified tests.

HAZARD CLASS	DEFINITIONS
<u>CORROSIVE MATERIAL</u>	Any liquid or solid that causes visible destruction or irreversible alteration in human skin tissue or a liquid that severely corrodes steel.
<u>ETIOLOGIC AGENT</u>	An "etiologic agent" means a viable micro-organism, or its toxin which causes or may cause human disease.
<u>FLAMMABLE LIQUID</u>	A liquid with a flash point less than 100°F. as measured by tests specified in the DOT regulations. Liquids are not considered to be flammable if they have a vapor pressure over 40 parts per square inch or one or more parts with a flash point of 100°F. or higher.
<u>FLAMMABLE SOLID</u>	Any material other than an explosive which is liable during transport to cause fires through friction or retained heat, or which readily ignites and burns vigorously and persistently. Included in this class are spontaneously combustible and water reactive materials.
<u>ORGANIC PEROXIDE</u>	A derivative of hydrogen peroxides where one or more of the hydrogen atoms have been replaced by organic radicals.
<u>OXIDIZER</u>	A substance that yields oxygen readily and stimulates the combustion of organic materials. Examples are chlorates, permanganates, and inorganic peroxides.
	Poisons are classed into Poison A, Poison B, and Irritating Material.
<u>POISON-A</u>	Gas or liquid which is dangerous to life when mixed with air in even very small quantities.
<u>POISON-B</u>	A substance which is dangerous to life, but does not meet the definition of Class A Poison.
<u>IRRITANT</u>	A liquid or solid substance which give off dangerous or intensely irritating fumes when exposed to air or fire.
<u>RADIOACTIVE MATERIAL</u>	Any material, or combination of materials, that spontaneously emits ionizing radiation, and having a specific activity greater than 0.002 microcuries per gram.
	ORM A, B, or C (Other Regulated Material) is any hazardous material that does not meet the definition of a DOT hazard classification is designated "Other Regulated Material" (ORM).

HAZARD CLASS	DEFINITIONS
<u>ORM-A</u>	A material which has anesthetic, irritating, noxious, toxic or similar properties, and can cause extreme annoyance or discomfort to passengers and crew in the event of leakage during transportation.
<u>ORM-B</u>	A material which is capable of causing significant damage to a transport vehicle or vessel from leakage during transportation.
<u>ORM-C</u>	A material which has other inherent characteristics not described as ORM-A or ORM-B, but which is in other ways unsuitable for shipment if not properly identified or prepared.
<u>ORM-D</u>	A material such as a consumer commodity which presents limited hazards during transportation because of their form, quantity, or packaging.
<u>ORM-E</u>	A material which falls into both DOT and EPA categories and is subject to regulation by both agencies. This classification is also used for hazardous waste.

**HAZARDOUS MATERIALS
IN THE
FAIRBANKS NORTH STAR BOROUGH**

<u>NAME</u>		<u>CLASS</u>	<u>NO.</u>
ALUMINUM CHLORIDE	crystal		1726
ORGANIC PEROXIDE MIXTURE			2756
PROPANOL			1274
SALTPETER			1486
TRIFLOUROBROMOMETHANE			1009
BLASTING AGENTS	nos	blast. ag.	----
2-ETHOXYETHANOL		comb. liq.	1171
CLEANING COMPOUND	160Z	comb. liq.	1142
ETHYLENE GLYCOL		comb. liq.	1153
FUEL OIL		comb. liq.	1993
KEROSENE	including jet fuel	comb. liq.	1223
PAINT REMOVER		comb. liq.	1142
WAX	liquid	comb. liq.	1223
ACETIC ACID	GLACIAL	corrosive	2790
ACID	ACETIC	corrosive	2790
ACID	HYDROCHLORIC	corrosive	1789
ACID	NITRIC other than fum.	corrosive	1760
ACID	nos	corrosive	1760
ACID	SULFURIC	corrosive	1830
ACID	SULFURIC, fuming (20%)	corrosive	1831
ACID	SULFURIC, tech.	corrosive	1830
ADIPYL CHLORIDE		corrosive	
AMMONIUM BIFLUORIDE	solid	corrosive	1727
AMMONIUM BIFLUORIDE	solution	corrosive	2817
ANTIMONY PENTACHLORIDE		corrosive	1771
BOMBS	SMOKE	corrosive	2028
BROMINE	*	corrosive	1744
CLEANING COMPOUND	liquid corrosive	corrosive	1760
HYDRAZINE		corrosive	2030
HYDROCHLORIC ACID	solution	corrosive	1789
HYDROGEN FLUORIDE	*	corrosive	1052
HYPOCHLORITE	solution	corrosive	1791
LIME	SODA	corrosive	1907

* = major evacuation required in spill

Hazardous Materials in Fairbanks Area
Sorted by class

December, 1983

NITRIC ACID	40% or less	corrosive	1760
OCTYL TRICHLOROSILANE		corrosive	1801
PAINT STRIPPER		corrosive	1760
PHOSPHORUS OXYCHLORIDE		corrosive	1810
PHOSPHORUS PENTACHLORIDE		corrosive	1806
PHOSPHORUS TRICHLORIDE	*	corrosive	1809
POTASSIUM HYDROXIDE		corrosive	1814
SODA LIME		corrosive	1907
SODIUM HYDROXIDE		corrosive	1823
SULFURIC ACID		corrosive	1830
SULFURIC ACID	*fuming (20%)	corrosive	1831
SULFURIC ACID	tech.	corrosive	1830
TOLUENE	technical	corrosive	1294
ETIOLOGIC AGENTS	n.o.s.	etiolog.	2814
EXPLOSIVES A		expl. A	----
EXPLOSIVES B		expl. B	----
ROCKET	SOLID PROPELLANT	expl. B	----
SMOKELESS POWDER	small arms	expl. B	1325
EXPLOSIVES C		expl. C	----
AMMONIUM NITRATE	FUEL OIL MIXTURE	high exp.	----
ACETYLENE		flam. gas	1001
CYCLOPROPANE		flam. gas	1027
ETHYLENE		flam. gas	1962
FLAMMABLE GAS	n.o.s.	flam. gas	1954
GAS	FLAMMABLE n.o.s.	flam. gas	1954
GAS	LIQUIFIED PETROLEUM	flam. gas	1075
GAS	PROPANE	flam. gas	1075
PROPANE	GAS	flam. gas.	1978
1-PROPANOL		flam. liq.	1274
2-PROPANOL		flam. liq.	1274
ACETONE		flam. liq.	1090
ACRYLONITRILE		flam. liq.	1093
ALCOHOL	denatured	flam. liq.	1095
ALCOHOL	n.o.s.	flam. liq.	1987
ALCOHOL	poisonous, n.o.s.	flam. liq.	1986
ALCOHOL	WOOD	flam. liq.	1230
ANTI-FREEZE	dry or liquid	flam. liq.	1142
AVIATION FUEL	turbine engine	flam. liq.	1863
BENZINE		flam. liq.	1115
CARBON REMOVER		flam. liq.	1132
CHROMATE 84D/47	PRIMER	flam. liq.	1263

Hazardous Materials in Fairbanks Area
Sorted by class

December, '33

DIOXANE		flam. liq.	1165
ETHANOL		flam. liq.	1170
ETHYL MERCAPTAIN		flam. liq.	2363
FLAMMABLE LIQUID	corrosive nos	flam. liq.	2924
FUEL	AVIATION turbine eng.	flam. liq.	1863
GASOLINE	blended	flam. liq.	1203
HEXANES		flam. liq.	1206
HYDRAZINE		flam. liq.	2029
INSECTICIDE	liquid nos	flam. liq.	1993
ISOPROPANOL		flam. liq.	1219
MERCAPTAIN	ETHYL	flam. liq.	2363
MERCAPTAIN	nos	flam. liq.	1228
METHANE	liquid	flam. liq.	1972
METHANOL		flam. liq.	1230
METHYL ETHYL ETHER		flam. liq.	1039
N-BUTYL ALCOHOL		flam. liq.	1120
NAPHTHA		flam. liq.	2553
NAPHTHA	DISTILLATE	flam. liq.	1268
NAPHTHA	PETROLEUM	flam. liq.	1255
NAPHTHA	SOLVENT	flam. liq.	1256
OIL	PETROLEUM	flam. liq.	1270
PAINT		flam. liq.	1263
PETROLEUM	CRUDE OIL	flam. liq.	1267
PETROLEUM	OIL	flam. liq.	1270
PETROLEUM	SPIRITS	flam. liq.	1271
POLISH	FURNITURE	flam. liq.	1142
POLISH	METAL	flam. liq.	1142
POLISH	STOVE	flam. liq.	1142
PRIMER COAT	metal	flam. liq.	1263
SHELLAC		flam. liq.	1263
STYRENE		flam. liq.	2055
TAR	liquid	flam. liq.	1999
TURPENTINE		flam. liq.	1299
XYLENE	(XYLOL)	flam. liq.	1307
XYLOL	(XYLENE)	flam. liq.	1307
ASPHALT		flam. sol.	1993
MAGNESIUM	ALLOY	flam. sol.	1869
MAGNESIUM TURNINGS		flam. sol.	1869
PHOSPHORUS	AMORPHOUS RED	flam. sol.	1338
PHOSPHORUS	WHITE dry	flam. sol.	1381
PHOSPHORUS	WHITE wet	flam. sol.	1381
PHOSPHORUS	WHITE, dry	flam. sol.	1381
PHOSPHORUS	WHITE, in water	flam. sol.	1381
PHOSPHORUS	YELLOW, dry	flam. sol.	1381

Hazardous Materials in Fairbanks Area
Sorted by class

December, 1983

PHOSPHORUS	YELLOW, in water	flam. sol.	1381
PHOSPHORUS PENTASULFIDE		flam. sol.	1340
POTASSIUM METAL		flam. sol.	2257
POWDER	SMOKELESS small arms	flam. sol.	1325
SODIUM		flam. sol.	1429
SODIUM METAL		flam. sol.	1429
WATER REACTIVE SOLIDS	nos	flam. sol.	2813
ALLYL ISOTHIOCYANATE	tear gas	irritant	1545
GRENADE	TEAR GAS	irritant	2017
TEAR GAS		irritant	1693
ACID	HYDROCHLORIC anhyd.	nonfl.gas	1050
AMMONIA	*ANHYDROUS	nonfl.gas	1005
ARGON	compressed	nonfl.gas	1006
BORON TRIFLUORIDE	*	nonfl.gas	1008
CARBON DIOXIDE		nonfl.gas	1013
CARBON DIOXIDE	liquified	nonfl.gas	2187
CHLORINE	*	nonfl.gas	1017
FERTILIZER	AM. SOL.	nonfl.gas	1043
GAS	compressed or liquid	nonfl.gas	1956
GAS	liquified nonflam.	nonfl.gas	1058
GAS	RARE, mixed with o ²	nonfl.gas	1980
GAS	REFRIGERANT nos	nonfl.gas	1078
HELIUM	compressed	nonfl.gas	1046
HYDROCHLORIC ACID	*anhydrous	nonfl.gas	1050
INSECTICIDE	gas nos	nonfl.gas	1968
NEON	compressed	nonfl.gas	1065
NITROGEN	compressed	nonfl.gas	1066
NITROGEN	cryogenic liquid	nonfl.gas	1977
OXYGEN	compressed	nonfl.gas	1072
OXYGEN	liquid	nonfl.gas	1073
ACID	PERACETIC	org. per.	2131
KETONE	METHYL ETHYL	org. per.	2563
METHYL ETHYL KETONE	PEROXIDE	org. per.	2563
METHYL-ISO-BUTYL KETONE		org. per.	2126
PERACETIC ACID		org. per.	2131
MALATHION		ORM-A	2783
TRICHLOROETHANE		ORM-A	1710
PCB		ORM-E	2315
ACID	NITRIC 70%	oxidizer	2031
ACID	NITRIC fuming	oxidizer	2032

Hazardous Materials in Fairbanks Area
Sorted by class

December, 1983

ALUMINUM PERCHLORATE		oxidizer	----
AMMONIUM NITRATE	FERTILIZER	oxidizer	2067
AMMONIUM PERCHLORATE		oxidizer	1442
CALCIUM CHLORITE		oxidizer	1453
CALCIUM HYPOCHLORITE		oxidizer	1748
HYDROGEN PEROXIDE		oxidizer	2014
MAGNESIUM PERCHLORATE	ANHYDROUS	oxidizer	1475
NITRIC ACID	70%	oxidizer	2031
NITRIC ACID	*fuming	oxidizer	2032
NITRIC ACID	*red fuming	oxidizer	2032
OXIDIZERS	corrosive liquid nos	oxidizer	9193
OXIDIZERS	corrosive solid nos	oxidizer	9194
SODIUM BROMATE		oxidizer	1494
SODIUM PERCHLORATE		oxidizer	1502
INSECTICIDE	gas poisonous nos	poison A	1967
PESTICIDE	liquid poisonous nos	poison A	1995
PESTICIDE	liquid poisonous nos	poison A	2902
PESTICIDE	liquid poisonous nos	poison A	2903
ARSENIC TRICHLORIDE		poison B	1560
CYANIDE		poison B	1588
DINITROBENZENE		poison B	1597
INSECTICIDE	dry nos	poison B	1615
INSECTICIDE	dry nos	poison B	2588
INSECTICIDE	liquid poisonous nos	poison B	2902
MERCURY WASTES		poison B	2025
PESTICIDE	liquid nos	poison B	1996
PESTICIDE	solid nos	poison B	2588
POISON	corrosive liquid nos	poison B	2927
POISON	corrosive solids nos	poison B	2928
POISON	flammable liquid nos	poison B	2929
POISON	flammable solids nos	poison B	2930
RODENTICIDE	nos	poison B	1681
SODIUM CYANIDE		poison B	1689
RADIOACTIVE DEVICE	n.o.s.	radioact.	2911
RADIOACTIVE MATERIAL	fissile, n.o.s.	radioact.	2918
RADIOACTIVE MATERIAL	L.S.A.	radioact.	2912
RADIOACTIVE MATERIAL	L.S.A. solid	radioact.	2914
RADIOACTIVE MATERIAL	limited qty. n.o.s.	radioact.	2910
RADIOACTIVE MATERIAL	n.o.s.	radioact.	9181

Hazardous Materials in Fairbanks Area
Sorted by class

December, 1983

THE FOLLOWING TOTAL NUMBER OF GALLONS TRANSPORTED BY THE ALASKA RAILROAD ARE ESTIMATED GALLONAGE HANDLED INTO THE TERMINAL AND BEYOND THE TERMINAL INCLUDING FAIRBANKS INTERNATIONAL AIRPORT, FORT WAINWRIGHT, EIELSON, AND NORTH POLE REFINERY. THESE TOTALS ARE FOR THE MONTH OF AUGUST 1983.

FLAMMABLE GAS

UNLEADED.....	3,520,000	GALLONS
REGULAR.....	2,970,000	GALLONS
L.P.G.....	30,000	GALLONS
AV-100.....	220,000	GALLONS
JP-4.....	3,220,000	GALLONS

TOTAL: 9,960,000 GALLONS

COMBUSTIBLE

JET-A.....	9,940,000	GALLONS
DSL #2.....	70,000	GALLONS
DSL #4.....	1,060,000	GALLONS
DSL #1.....	220,000	GALLONS

TOTAL: 11,290,000 GALLONS

GRAND TOTAL OF HAZARDOUS PETROLEUM PRODUCTS: 21,250,000 GALLONS

ALL THE ABOVE FIGURES ARE CONSERVATIVE DUE TO THE CONFIDENTIALITY OF SHIPPERS PRODUCTS.

FAIRBANKS INT. AIRPORT INDUS. AREA
AND NORTH POLE REFINERY

TESORO:

TOTAL.....2 1/2 MILLION GALLONS (FLAMMABLE AND COMBUSTABLE)***

UNION:

TOTAL.....40,000 GALLONS (UNDERGROUND FLAMMABLE AND
COMBUSTABLE)

N.P.R.:

TOTAL.....950,000 GALLONS (FLAMMABLE AND COMBUSTABLE)

NORTH STAR TERMINAL:

NO SIGNIFICANT AMOUNT AT THIS TIME.

NORTH POLE REFINERY:

CRUDE....1-218,000 GALLONS
RESID.... 315,000 GALLONS
HAGO.... 525,000 GALLONS
#2..... 567,000 GALLONS
#1..... 987,000 GALLONS
JP-4....1,260,000 GALLONS
4,872,000 GALLONS AVERAGE MONTH STORAGE.

*** ALMOST 1/2 FULL

FAIRBANKS AREAWIDE MUTUAL AID PACT - 1983

EQUIPMENT AVAILABLE FOR MUTUAL AID

I

ALASKA DIVISION OF LANDS EMERGENCY 479-4430 BUSINESS 479-2243

- One - 4x4 500 gallon tank pumper
- One - 4x4 300 gallon tank pumper
- One - 4x4 200 gallon tank pumper
- One - 4x2 400 gallon tip on unit
- Two - 4x2 300 gallon tip on units
- One - 4x2 100 gallon tip on unit
- One - 1200 gallon tank pumper
- Two - 400 gallon tank trailers without pumps
- One - 1200 gallon retardant air drop air craft
- One - 400 gallon bucket helicopter
- Four - Forestry fighters (depending on size of fire)

EIELSON AFB EMERGENCY 377-4156, 377-4266 BUSINESS 377-2216
Mutual Aid Requests 377-1200, 377-6119

- One - 2500 gpm CFR, 6100 gallons water, 515 gallons AFFF
- Two - 1500 gpm CFR, 2300 gallons water, 200 gallons AFFF
- One - 5000 gallon tanker with 1000 gpm pump, 750 gpm turret, 800 gallons AFFF
- One - 1500 gpm CFR, with 1500 gallons water, 180 gallons AFFF
- One - 500 gpm pumper, 600 gallons water, 55 gallons AFFF
- Two - CFR dual agent units, 350 lbs dry chemical, 200 lbs Halon 1211
- Two - 750 gpm pumpers with 300 gallons water, 55 gallons AFFF
- One - Rescue Vehicle with EMS Equipment
- Four - Firefighters (depending on incident)

ESTER VOLUNTEER FIRE DEPARTMENT UA HOTLINE 474-1911, Chief Dowling 479-4678

- One - 3600 gallon tanker with 250 gpm pump
- One - 1000 gallon 6x6 tanker with 200 gpm pump
- One - 500 gpm pumper with 500 gallons of water
- Approximately 5 firefighters

FAIRBANKS EMERGENCY 911 or 452-1527 BUSINESS 452-1527 ALARM ROOM 452-1550

- Two - 2000 gpm pumpers with 300 feet of five inch hose
- Two - 1500 gpm pumpers
- One - 1000 gpm pumper with Fire Boss and high Exp. Foam
- Two - 1000 gpm pumper/tankers with 3500 gallons of water each
- One - 100' aerial ladder truck
- One - 10 kw generator/lighting unit truck
- One - Rescue truck with Hurst Tool (Jaws of Life) and Rubber Raft
- One - Riverboat with jet unit
- Four - Ambulances
- Seven - Firefighters depending upon the incident

FORT WAINWRIGHT EMERGENCY AND BUSINESS 353-6619, 353-6968, 353-6561
Fire Chief 353-6785

- Three - 750 gpm pumpers 400 gallons water
- Two - 1250 gpm CFR, 1500 gallons water, 180 gallons AFFF
- One - 2000 gallon tanker with 500 gpm pump
- One - Rescue truck
- Two - Ambulances (5 ambulances available)
- Six - Firefighters depending upon incident

INTERNATIONAL AIRPORT Switchboard 452-2151 Dispatch 456-6620 456-6629
Crash Station 452-6300 & 452-6309

- One - 2000 gpm CFR with 3000 gallon water and 500 gallon AFFF
- One - 1500 gpm with 3000 gallon water and 400 gallon AFFF
- One - 5000 gallon tanker with 500 gpm pump
- One - 1750 gallon tanker with a 750 gpm pump
- One - CFR with 1650 gallons of water and 150 gallons of AFFF
- One - CFR with 50 gallons of pre-mixed solution and 300 lbs. of Super K
- One - CFR with 1500 lbs. dry chemical, 360 gallons water and 36 gallons AFFF
- One - 14' lake boat
- One - 16' river boat with a jet unit
- One - Trackster
- One - Snowmachine
- One - Rescue Truck
- One - Medical Aid Unit
- Two - Firefighters (depending upon the incident)

NORTH POLE EMERGENCY-AST Radio Freq. DISPATCH 488-6902

- One - 1500 gpm 75' aerial telesquirt ladder with 300 gallons water
- One - 1750 gpm pumper with 1000 gallons water
- One - 1000 gpm pumper with 750 gallons water
- One - 2600 gallon tanker with 300 gpm pump
- One - 1000 gallon tanker
- Two - Ambulances
- Approximately 15 firefighters

NORTH POLE REFINERY Contact through North Pole

- One - 1000 gpm pumper with 1000 gallons of 3% foam concentrate
No water is carried. Available only for large petroleum
fire where large quantities of foam are needed. One - two
firefighters depending on the time of day.

NORTH STAR EMERGENCY North Pole Dispatch, Chief Lundfeldt 488-9089

- Four - 2000 gallon tankers with 1000 gpm pumps
- One - 4x4 1500 gallon tanker with 200 gpm pump
- One - 2600 gallon tanker with 350 gpm pump
- Approximately 12 firefighters

STEESE EMERGENCY UA HOTLINE, 474-1911 Chief Hazen 452-2786

- One - 1000 gallon engine with 1000 gpm pump
- One - 1000 gallon engine with 1500 gpm pump
- One - 2500 gallon tanker with 450 gpm pump
- One - 1800 gallon tanker with 1500 gpm pump and 50' telesquirt
- Approximately 10 firefighters

UNIVERSITY EMERGENCY UA HOTLINE or 474-1911, Chief Shechter (home) 479-2001
Dispatch 474-7721, Fire Lounge 474-6210

- One - 1500 gpm pumper with a 500 gallon tank
- One - 1000 gpm pumper with a 1000 gallon tank
- One - 1250 gpm pumper with a 1000 gallon tank
- One - 500 gpm pumper/tanker with a 3200 gallon tank
- One - 100 foot aerial ladder truck
- One - 90 gpm brush truck with four-wheel-drive and 250 gallons of
water (summer only)
- Two - Ambulances, one with rescue and Haz. Mat. Equipment
- Seven - Firefighters

Area departments not Mutual Aid Pact members with equipment available for aid to Pact Departments:

CHENA GOLDSTREAM VFD EMERGENCY 455-6608 BUSINESS 479-5672

Two - 750 gpm 6x6 pumpers, 500 gallons water
One - 750 gpm pumper, 2700 gallons water
One - 250 gpm tanker, 1500 gallons water
One - 250 gpm tanker, 2500 gallons water
Three - Ambulances

CIVIL DEFENSE EMERGENCY 911 BUSINESS 452-1527, Bob Cavanaugh, Director

One - Mobile Radio Command Post

INTERIOR RESCUE SERVICE EMERGENCY - North Pole Dispatch Business 452-5391

One - Ambulance/Rescue unit with Hurst Tool

MOOSE CREEK VFD EMERGENCY North Pole Dispatch Business 372-2423
Chief Jim Cavanaugh

One - 300 gpm 4 x 4 Brush with 300 gallons water (Portable pump)
One - 300 gpm tanker with 2600 gallons water
One - 750 gpm pumper with 175 gallons water

SALCHA RESCUE SQUAD North Pole Dispatch Business 488-3321

One - Ambulance EMT II level

HAZMAT RESPONSE EQUIPMENT

absorbant	safety	sacks	4
acetylene set	torch		1
air sampler	kit		1
ammonia	bottles	6 gal	
aprons	acid	w sleeves	2
aprons	acid	w/o sleeves	2
armor	body		2
ax	crash	serrated	1
axes	Ziamatic	quick	2
hedges	H ₂ S°		25
bags	air		4
bags	canvas		6
bags	plastic	heavy	10
bags	sand		6
banding	equipment		1
banner guard	box		2
barbed wire	copper	20'	1
batteries	"D"	cartons	1
binoculars	10x50		2
blades	hacksaw		6
blanket	disposable		8
bleach	liquid	10 gal	
bolt cutter			1
boots	rubber	pair	8
bottles	air		8
breathing apparatus	4 hour		2
brooms	corn		2
brush	dust		1
brush	wire	long handle	1
camera			1
caps	pipeline		
car wash	attachment		1
cassette	recorder		1
chargers	radio	portable	2
chocks	wheel	assorted	
clamps			
clamps	drum		6
cleaner	hand		2
communications	chemical suit	system	6
cones	traffic	set	4
containers	evidence		2
covers	salvage		6
dearmer			1
detector	carbon monoxide		1
detector	sonic leak		1
detergent			

digger	post hole		1
dike kit	MSA foam		1
dosimeters			8
Drager kit			2
drill	air		1
drums	5 gal		2
drums	55 gal		2
drums	88 gal		2
eductors	foam		2
epoxy	package		5
epoxy	seagoing	package	1
explosimeter	MSA gascope		1
explosimeter	oxygen	analyzer	2
extinguisher	purple K	20#	2
extinguishers	class "D"	30#	2
extinguishers	CO ₂	150 lb	
extinguishers	dry chem	150 lb	
extinguishers	Metal X	150 lb	
fan	explosion proof		1
first aid	kit		1
fittings	PVC pipe		
foam	AFFF		
foam	protein		
fuses	12 B40 DOT	carton	1
galvinometer			1
gas masks	M9		8
generator	3 KW		1
gloves	butyl rubber		
gloves	disposable	box	1
gloves	neoprene	pairs	4
goggles	chemical	splash	3
gun	infrared		1
hacksaw			1
hammer	air		1
hammer	brass	#8	1
hammers	claw		2
handlights	explosion proof		4
hats	safety		8
hole saws	miliford		1
hose	adaptor	garden 1 1/2	1
hose	air	rolls	13
hose	garden	50'	2
humidity	indicator		1
jacks	12 ton		2
jugs	plastic		4
kit	shoring		1
kit	stop-leak		1
kits	chlorine	A,B,C	1
lead sheets	roll		1

library	hazardous	materials	
lights	Circle D		4
lightsticks	cyalume		12
liners	trash can	cartons	1
lines	life	150'	6
magazine	explosives		1
mallet	rubber		1
manhole tools			2
megaphone	portable		1
meters	radiological	alpha	
meters	radiological	beta	
meters	radiological	gamma	
nails	various	box	1
nozzles	1 1/2	foam	2
P-H kit	pool equipment		1
pads	absorbant	rolls	4
piercing	applicators	3'	2
piercing	applicators	6'	2
pipe	PVC	40'	1
pipe plug	inflatable		1
plackards	hazmat		
plaster			
plastic	black	rolls	5
plates	steel	patch	6
plug-n-dike	50#	box	2
plugs	rubber billet		12
plugs	threaded	assorted box	1
plugs	wood billet		12
porta power	set		
pump	non-reactive		2
punch/crowbar	tapered		1
putty			
pyrometer	contact		1
pyrometer	scanning		1
radio telephone			1
radios	VHF	mutual aid	9
recorder	tape		1
reflectors	triangle		12
repair kit	drum		1
respirators	MSA	cartridge	2
resuscitator			1
rods	grounding		6
rolagon	large		2
rolagon	medium		2
rolagon	small		2
rope	truck	150'	4
sandpaper	fine, medium		1
seal	duck		8
seal	duct		
sealers	gasket		3
shears			2

shovels	round point		4
shovels	scoop		4
shovels	square point		4
showers	vehicle	mounted	2
slats	bundles		5
smocks	disposable	w hoods, etc	10
soda ash	sacks		2
sprinkler heads	box		1
squares	plastic/wood		8
squcegee/handles			5
steel wool	package		1
string	roll		1
suits	acid-gas	entry	
suits	butyl rubber	w hoods, etc	2
suits	chemical	entry	3
suits	East Wind		3
suits	proximity		6
sulfur sticks			12
tags	contamination		50
tagc	evacuation		100
tanks	air	60 min	
tape	aluminum	36 yds	1
tape	duct	rolls	2
tape	lead	36 yds	1
telephone	mobile		1
telescope	tripod		1
thermometer			1
tool box	heavy		1
tool box	light		1
tools	nonsparking	kit	1
trailer	support		1
transfer kit	drum-to-drum		1
tubes	inner		2
vehicle	command		1
vests	orange		10
video equipment	set		1
water			
water drill	Amfire		1
wind socks	with post		4
wind speed	indicator		1
wire	blasting		
wire	field		
wrenches	pipe		2

FAIRBANKS NORTH STAR BOROUGH

84/85 DECISION PACKAGE ANALYSIS

PACKAGE NAME (2):

Public Works/Environmental/Hazardous Materials Permit Program

STATEMENT OF PURPOSE (3):

The objective of this program is to reduce the likelihood of a catastrophic situation occurring within the Borough involving hazardous materials and to prevent the loss of life and property which might be associated with such an incident.

IDENTIFY RELATIONSHIP TO BOROUGH GOALS & OBJECTIVES (4):

GOAL: II OBJECTIVE: 4 CATEGORY:

DESCRIPTION OF ACTIONS (OPERATIONS) (5):

A program would be established which would require anyone who handles a known hazardous material (above a certain size limitation) to obtain a Borough permit for such activity.

ACHIEVEMENTS/BENEFITS (6):

This program would give public safety agencies and others much more information regarding hazardous materials handling and storage in the Borough. This, in turn, will allow these agencies to do increased preplanning to handle emergency situations regarding these materials and will decrease the likelihood of a major emergency situation developing.

CONSEQUENCES OF NOT APPROVING PACKAGE (7):

Retain the status quo of not knowing what or where hazardous materials are being handled within the Borough. This could lead to a much more severe hazardous materials incident than if this program is enacted.

QUANTITATIVE PACKAGE MEASURES

RESOURCES REQUIRED

(8) DESCRIPTION	84/85	DESCRIPTION	84/85
Permits issued	50	Personal Services:	\$ 63,530
		Commodities:	400
		Contractual Services:	10,010
		Capital Outlay:	4,420
		Program Revenues:	Total Cost: \$ 78,360
		Net Costs:	
		Full Time Perm.	NUMBER OF POSITIONS
		Part Time Perm.	Temporary
		1	Term-permanent
		5	-
		Does this decision package required additional personnel over CURRENT YEAR BUDGET? If so, describe:	
		Yes - New Program - Hazardous Materials Inspector and half-time DA II	

FAIRBANKS NORTH STAR BOROUGH
 FY 1984/85 BUDGET
 OBJECT ACCOUNT SUMMARY

PROGRAM NAME (1): Public Works/Environmental/Hazardous Mater

Expenditure Code & Object	1982/83 Actual (2)	1983/84 Actual (3)	Mayor's 1984/85 Budget		
			Minimum Level (4)	Maintenance Level (5)	Performance Level (6)
PERSONAL SERVICES					
Permanent Salaries & Wages	N/A	N/A	\$48,870		
Reserve for Comp/Term Adj.			-		
Overtime			-		
Temporary Salaries & Wages			-		
Benefits & Related Costs			14,660		
Subtotal			63,530		
COMMODITIES					
Office Supplies			400		
Operating Supplies			-		
Library Materials			-		
Repair & Maintenance Supplies			-		
Clothing & Personal Supplies			-		
Motor Fuels & Lubricants			-		
Auto & Other Equipment Parts			-		
Subtotal			400		
CONTRACTUAL SERVICES					
Design			-		
Professional Services			-		
Communications			-		
Transportation & Registration			6,010		
Entertainment Expense			-		
Advertising, Printing, Binding			4,000		
Insurance & Bonding			-		
Repair & Maintenance Svc-Building			-		
Repair & Maintenance Svc-Equipment			-		
Rent & Utilities			-		
Other Contractual Services			-		
Subtotal			\$10,010		
CAPITAL OUTLAY					
Building & Structures			-		
Office Furniture & Equipment			\$4,420		
Rolling Equipment			-		
Shop Machinery & Equipment			-		
Land & Landscaping			-		
Books & Periodicals			-		
Other Capital Items			-		
Subtotal			\$4,420		
GRAND TOTAL			\$78,360		
REVENUES			[-]		

IRBANKS NORTH STAR BOROUGH

PERSONNEL SUMMARY

DEPARTMENT/DIVISION (1):	1983/84 BUDGET			1983/84 ACTUAL		1984/85 REQUESTED		1984/85 APPROVED	
	(4) RANGE	(5) NO.	(6) SALARY	(7) NO.	(8) SALARY	NO.	SALARY	NO.	SALARY
Public Works/Environmental/SW/Hazardous Materials Program									
Employee CLASSIFICATION (3)									
Hazardous Materials Inspector	16	-	-	-	-	1	\$36,670		
DA II	5	-	-	-	-	.50	12,199		
TOTAL:									
						1.5	\$48,869		

Appendix L-3

APPROVED BY: Heather T. Stockard

TELEPHONE: extension 323

Per Sum
Disk

DEPARTMENT (1):
Public Works

DIVISION (2):
Environmental

SECTION (3):
Hazardous Materials

SERVICE LEVEL/RANK (4)	ITEM REQUESTED (5)	ITEM TO BE REPLACED Equip (6)	Justification (7)	QUANTITY (8)	UNIT PRICE (9)	(10)	TOTAL BUDGET REQUEST
	Office Furniture:		For two new employees				
	Double Pedestal desk			one each	660		660
	Secretarial desk			one each	610		610
	Swivel chairs			two each	375		750
	File cabinet			one each	325		325
	Electronic typewriter			one each	1,370		1,370
	Calculator			one each	160		160
	Book case			one each	200		200
	Side chairs			two each	170		340

Appendix L-4

PREPARED BY: Heather T. Stockard TELEPHONE NO. extension 323 TOTAL: \$4,415

CRITICAL OPERATIONAL LINKAGES TO OTHER BUDGET UNITS (2): FINANCE USE ONLY

(3) BUDGET UNIT	(4) OPERATIONAL LINKAGE	INDICATE SERVICE LEVEL AT WHICH LINKAGE OCCURS (5)	INDICATE SERVICE LEVEL & D. P WHICH ADDITIONAL SUPPORT IS REQUIRED (6)	S.L. APPROVED	COORDINATED
Hazardous Materials Permit Program	Additional support services for two new employees	proposed service	Payroll and Personnel		
Hazardous Materials	Address legal questions concerning operation and enforcement of program	proposed service	Legal		
Hazardous materials	Exchange of information with Emergency Services concerning location of hazardous material storage facilities	proposed service	Emergency Services		
Hazardous materials	Collection of permit fees	proposed service	Accounting, Revenue Supervisor		

Appendix L-5

DEPARTMENT (1): Public Works DIVISION (2): Environmental SECTION (3): Hazardous Materials

DECISION (4) CONTRACTED SERVICE (5) TERM OF CONTRACT (6) 1983/84 (7) (8) 1984/85
PACKAGE FROM TO APPROVED BUDGET REQUEST
& RANK

Advertising for Hazardous Materials Permit Program

4,000

Appendix L-6

Public Works/Environmental/Hazardous Materials

INSTRUCTIONS: The following will be used to verify projections for revenue generated by the operating units. Be specific in the explanations and explain major changes from previous years. DEPT/DIV/SEC (1)

REVENUE (4) REVENUE EXPLANATION AND CALCULATION (5) 1981/82 (6) ACTUAL 1982/83 (6) ACTUAL 1983/84 (6) APPROVED (7) 1984/85 PROJE

<p>Permit fees</p> <p>Appendix L-7</p>	<p>Fees for hazardous materials permits could be set to offset some of the program costs</p>	<p>-</p>	<p>-</p>	<p>-</p>	<p>[]</p>
--	--	----------	----------	----------	------------

APPROVED BY: Heather T. Stockard

TELEPHONE: extension 323

DEPARTMENT (1): Public Works DIVISION: Environmental SECTION: Hazardous Materials

DECISION (2) (3) (4) DATES OF TRAVEL (5) COST INFORMATION
 PACKAGE POSITION LOCATION AND REASON FOR TRIP NO. OF DAYS REQUIRED TRAVEL PER DIEM OTHER TOTAL

Appendix L-8	Hazardous Materials Inspector	West Coast - workshop on hazardous materials	five days	1168	155	400	\$1,72
	Hazardous Materials Inspector	Anchorage - coordinate program with Municipality of Anchorage	Two trips x one day	404	62	100	56
	Hazardous materials Inspector	Juneau - work with ADEC on start-up of permit system	three days	402	53	225	72

PREPARED BY: Heather T. Stockard TELEPHONE NO. extension 323 TOTALS: 1,974 310 725 3,009

Introduced: 1/18/83
Referred: Health, Education and Social
Services and Judiciary

1 IN THE SENATE

BY ZIEGLER AND HALFORD

2

SENATE BILL NO. 26

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act providing for immunity from civil liability
for certain persons who render services in response
to hazardous materials emergencies."

8

9

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

10

* Section 1. AS 09.65 is amended by adding a new section to read:

11

Sec. 09.65.091. CIVIL LIABILITY FOR RESPONDING TO HAZARDOUS

12

MATERIAL EMERGENCY. (a) A person who provides care, assistance,

13

advice, or aid upon request of a police agency, fire department,

14

rescue or emergency squad, or other governmental agency in the event

15

of an accident or other emergency involving the use, handling, trans-

16

portation, transmission, or storage of a hazardous material when the

17

circumstances reasonably require prompt decisions and actions is not

18

liable for civil damages as a result of an act or omission in render-

19

ing care, assistance, advice, or aid.

20

(b) This section does not preclude liability for civil damages

21

if the person rendering aid under (a) of this section

22

(1) causes damage as a result of gross negligence or reck-

23

less or intentional misconduct;

24

(2) except for a peace officer, fire fighter, or other

25

public employee whose employment requires responding to an accident or

26

other emergency described in (a) of this section, causes damage as a

27

result of simple negligence in the normal and ordinary course of

28

conducting that person's business or profession;

29

(3) owns, leases, or otherwise controls the facilities or

1 equipment involved in the accident or other emergency;

2 (4) receives or has a legal expectation of receiving from
3 the owner, lessor, or person otherwise in control of or responsible
4 for the hazardous material involved in the accident or other emergency
5 any form of compensation beyond reimbursement for out-of-pocket ex-
6 penses incurred in connection with services rendered.

7 (c) The immunity granted in (a) of this section extends to the
8 employer of the person rendering care, assistance, advice, or aid as
9 described in that subsection and to any other person, employer, part-
10 nership, governmental entity, or corporation legally responsible for
11 the acts or omissions of that person.

12 (d) As used in this section, "hazardous material" means

13 (1) a substance classified as a hazardous material under
14 state or federal law or under a regulation adopted in accordance with
15 state or federal law; or

16 (2) a chemical, petroleum product, gas, or other substance
17 that, if discharged or released, will or is likely to create an immi-
18 nent danger to individuals, property, or the environment.

SPECIAL AREAS WHICH DEAL WITH
HAZARDOUS MATERIALS AND PROCESSES

1979 UNIFORM FIRE CODE
SPECIAL PROCESSES (PART 5)

Article

- 45 Application of Flammable Finishes
- 46 Fruit-Ripening Processes
- 47 Fumigation and Thermal Insecticidal
Fogging except where deleted by 13 AAC 50.025
- 48 Magnesium
- 49 Welding and cutting using Calcium Carbide and Acetylene
- 50 Manufacture of Organic Coatings

SPECIAL SUBJECTS (PART 7)

Article

- 74 Compressed Gases
- 75 Cryogenic Fluids
- 76 Prevention of Dust Explosions
- 77 Explosives and Blasting Agents
- 78 Fire Works
- 79 Flammable and Combustible Liquids except sections that are deleted
by 13 AAC 50.
- 80 Hazardous Chemicals
- 82 Liquefied Petroleum Gases except sections deleted by 13 AAC 50.025.

M E M O R A N D U M

TO: Dave McNarey, City Surveyor
THROUGH: John Phillips, City Engineer
FROM: James Morris, Assistant Fire Chief
SUBJECT: Residential Development Adjacent to Industrial Area
DATE: October 3, 1983

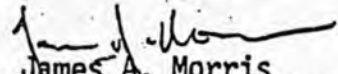
It has recently come to the attention of the Fire Department that a new subdivision is planned for a presently vacant area adjacent to the Alaska Railroad Industrial Area. As you are involved in the planning and approval process for the city for such developments, I am making our concerns known to you.

The Railroad Industrial Area is a site for storage and transfer of many hazardous materials. As the community has grown, the volumes of these commodities has progressively increased vastly beyond the amounts there when this area was originally established. It is no longer out at the edge of town, as the town has now grown and filled in around it.

The acid spill incident of June, 1983 pointed out our suspicion that from time to time certain of these hazardous materials may get loose. When they do, any properties in the immediate area become at risk. The more the immediate vicinity about the area becomes densely developed, the greater the number of potentially exposed individuals and the greater the amount of time evacuation will require.

The zone at risk could vary depending upon the incident. In our estimation, a distance of up to 1250 feet from handling and storage of LP gas jumbo cars could be immediately involved in fire if one tank car were to fail and release its contents. If the car were to explode due to exposure from any adjacent fire, huge pieces of the car could be expected to rocket through the air up to 2500 feet away. Similarly, the failure of an acid or ammonia tank car would put an area of up to 2500 feet down wind at risk, with a potentially lethal exposure distance up to 1250 feet away. Already Slaterville, Brant, South Lemeta and the north margin of Townsite are within these bounds. The potential of creating further residential development in this area will only increase the amount of evacuation that will have to be done in a very short period of time should something occur. Since we may only have a few minutes to evacuate these areas, it may well be that we cannot safely provide for all the residents.

Our concern centers on any dense residential development within 1250 feet of hazardous materials handling and storage sites. Development within a zone of 1250 feet to 2500 feet is also a potential problem that should be considered at risk. Should any development be proposed in these areas, please consider our evaluations before approval.


James A. Morris
Assistant Fire Chief

JAM:nba



SAUPÉ ENTERPRISES, INC., dba
Chevron Distributing Co.,
Distributor, Standard Oil Company of California Products
418 Illinois Street, P.O. Box 510, Fairbanks, AK 99701 • Phone 452-1238

January 30, 1984

Ms. Deborah Pomeroy, Chairwoman
Mayor's Committee on Hazardous Materials

Dear Deborah;

Because of my vested interest in the petroleum industry and in our "Industrial-Area" location, I obviously cannot support, the recommendations our committee is making to the Mayor regarding either:

- A. the recommendation that "compressed-gas" facilities be required to re-locate, and
- B. the suggested restrictions against expansion contemplated against the "flammable-liquids" industry.

While these may represent the "concensus" of the committee, I want the Mayor to be advised (by copy of this letter attached to our report) that those recommendations are by no means "unanimous".

Sincerely,

B. H. Saupé



Fairbanks North Star Borough

Mayor: B.B. Allen

M E M O R A N D U M

TO: Deborah Pomeroy, Chairman
Mayor's Hazardous Materials Commission

FROM: E.B. Allen, Borough Mayor

SUBJECT: Hazardous Materials Commission Report

DATE: April 13, 1984

The purpose of this memorandum is to respond to the report from the Mayor's Hazardous Materials Commission submitted to me the first of February 1984.

My comments address recommendations that you and members of the commission have advanced to me for my consideration. The following is an action plan responding to those recommendations.

Recommendation #1 Highway Traffic Inventory: It is the opinion of the Commission that maintenance of a highway traffic inventory in and of itself is not a necessary and effective use of resources, as the program can be approached from many other and more effective angles.

✓ RESPONSE: I will direct the Division of Environmental Services, Department of Public Works, to establish a system to maintain inventories of hazardous materials in the Borough. The time line established for this system and implementation of procedures will be ninety days from July 1, 1984.

Recommendation #2 Borough Inventory of Hazardous Materials: The Commission recommends that a system needs to be established to maintain inventories of hazardous materials within the Borough, and that this be tied into a proposed permit system and include at least an annual update by the Borough's Environmental Services Division. Emergency services agencies must also be kept up to date on available information.

RESPONSE: The system and procedures has identified an action plan and recommendation #1 will be followed for recommendation #2.

Recommendation #3 State Legislation: The Commission has discovered an example of what appears to be a confusing multiplicity of state agencies which are responsible for various facets of hazardous material incident response and control. The Commission recommends that the Mayor seek to

have this situation corrected.

11/20 Dept wise workshop

RESPONSE: I will contact the commissioners of the following state departments, Health & Social Services, Military Affairs, Environmental Conservation, Labor, Public Safety and Transportation & Public Facilities, to advise them of the Borough's concern regarding the confusion arising from multiplicity of state agencies which are responsible for various facets of hazardous material incidents, incident response and control. I charged the Mayor's Hazardous Materials Commission to review the Alaska State Statutes that are identified in Appendix F to outline in detail specific areas of confusion for the state administration to address and correct. It appears from the memorandum of understanding among the Department of Health & Social Services, Military Affairs, Environmental Conservation and Labor dealing with radiation incidents and accidents, could be extended to include hazardous materials. I will look further to the Hazardous Materials Commission to provide me with a plan to make recommendations to the various state agencies.

Recommendation #4 Centralized Dispatch: The commission recommends the development of an easily accessed Borough wide computerized system for notification, dispatch and coordination of all emergency incidents.

working

RESPONSE: I will instruct the Director of Emergency Services to develop a plan that will provide a system for notification, dispatch and coordination of all emergency incidents and develop a fiscal note associated with such a plan recommendation.

Recommendation #5 Public Warning System: The Commission endorses the proposed new warning siren system to cover populated areas outside of the cities of Fairbanks and North Pole, as well as within them.

working

RESPONSE: I will instruct the Director of Emergency Medical Services to develop a plan to provide for a warning siren system to cover populated areas of the Fairbanks North Star Borough. The plan will be complete with the identification of equipment and location site and a fiscal note including projected maintenance and operation costs of such a system.

Recommendation #6 Evacuation Information: The Commission recommends the printing of a clear, concise set of evacuation procedures in the telephone directories.

RESPONSE: I charge the Mayor's Hazardous Materials Commission to develop a set of evacuation procedures for publication in the City of Fairbanks Municipal Utilities System and Glacier State Telephone directories. Once these procedures are developed and approved, I will forward same to the general managers of the aforementioned telephone entities to request their consideration of publishing the evacuation procedures as recommended by the Commission.

Recommendation #7 Materials Needed for Response: The commission recommends that the Mayor support the efforts of the Emergency Services

Division to procure and completely equip a hazardous response vehicle.

RESPONSE: \$214,000 was appropriated by the Assembly at its first meeting in February 1984 for the purchase of a hazardous materials van and equipment.

Recommendation #8 Coordination of Resources and Concerns. The Commission recommends that some mechanism be established within the Borough to regularly continue the review of hazardous material resources and concerns. This would best be accomplished by an existing board or regular commission.

Law
RESPONSE: I request the Hazardous Materials Commission to advance a recommendation to my office regarding this matter. Please consider such existing commissions/boards, such as the Civil Defense Advisory Board, Pollution Control Board and the Hazardous Materials Commission. Regardless of your recommendation, I would like for it to include an interface with the Borough's Council on Economic Policy, the two aforementioned advisory boards as well as the Planning Commission and Platting Board. I would like this recommendation on or before July 1, 1984. Also the recommendation should include permanency which would be supported by Borough ordinance.

Law
Recommendation #9 Permit System: The Commission recommends that the Borough adopt and fund a system through the Environmental Services Division requiring users, generators, and handlers of large quantities or specifically dangerous materials to secure a permit (not to include fuel distributors). Such permits should be contingent upon a requirement for training of personnel, posting of safety and incident procedures in house and with the Environmental Services Division, maintaining a current inventory of materials with the Environmental Services Division, and having on hand the necessary materials/equipment to handle incidents including emergency material transfer to safe storage. Containment/control equipment should be available in-house or by contract with a local company/agency which specializes in such activities. Users/handlers should be allowed to have no more of these materials on hand than they can handle safely. To assure distribution of hazardous material information to appropriate agencies, the Environmental Services Division will pass related permit information to the Emergency Services Division which will be responsible for its dissemination.

RESPONSE: I will request the Director of Emergency Services to accomplish the objectives the Commission has outlined for the establishment of a permit system. This report will be due on or before September 1, 1984.

Recommendation #10 State Legislation: The Commission recommends that the Mayor support Senate Bill 26, commonly known as the "Good Samaritan" bill for hazardous material responders.

RESPONSE: I have read Senate Bill 26 sponsored by Senators Ziegler and

Memorandum to Hazardous Materials Commission

April 13, 1984

Page Four

Halford which was introduced on January 18, 1984 and refers to Health, Education & Social Services and Judiciary Committees. I will write to Senator Josephson, Chairman of the Senate Health, Education and Social Services Committee advising him of my support for Senate Bill 26. Further, I will communicate with the second referral Committee Chairman, Senator Bill Ray, advising him of my support for the legislation that will be coming to his committee. In addition, I will copy Senators Ziegler and Halford and advise them of my support for their sponsored bill.

Recommendation #11 DEC Proposed Regulations: The Commission supports the regulations as proposed and recommends that the Mayor endorse them and the necessary resources to enforce them.

RESPONSE: I will communicate with the Commissioner of the Department of Environmental Conservation and provide my support to his agency's proposed regulations dealing with hazardous materials, monitoring and waste of such substances. It is noted that the implementation of regulations have been postponed until December 1984 and it is my desire to request that the commissioner advise the Mayor's Hazardous Materials Commission of any change in provisions of the regulations for their review and recommendation to the Mayor's Office.

Recommendation #12 Alaska Transportation Commission Motor Vehicle Regulations: The Commission recommends that the Mayor support revision of 3AAC 62 to include "Title 49 of the Code of Federal Regulations - as amended". thereby allowing updates as necessary.

RESPONSE: I will contact the Commissioner of the Department of Commerce and Economic Development apprising him of my support for the revision of 3AAC 62 to include "Title 49 of the Code of Federal Regulations - as amended," in order to bring our Alaska Statutes in compliance with the Federal Standards Code of Federal Regulations.

Recommendation #13 Alaska State Trooper Personnel Needs. It is the concensus of the Commission that the trucking industry must be expected to comply with hazardous material safety regulations and to this end it recommends that the Mayor endorse efforts at the state level to restore adequate trooper personnel for the purpose of regular, ongoing trucking inspections and enforcement of hazardous material regulations.

RESPONSE: Prior to developing a position on this recommendation, I will contact the Alaska Trucking Association in regard to the non-enforcement of this statute. I think it would be in their best interest from the standpoint of internal housekeeping to support the enforcement of such statutes especially dealing with life/safety matters of unsafe vehicles transporting hazardous materials. I believe the Alaska Trucking Association supports your recommendation, therefore, I will ask for a resolution from that association and send along my letter to the Governor requesting him to restore adequate trooper personnel for the purpose of regular, on

going truck inspection and enforcement of hazardous material regulations as well as copy the Commissioner of Public Safety with my communications to the Governor.

Recommendation #14 Fire Marshal's Personnel Needs: The Commission recommends that the Mayor support increased state funding for enough staff in the State Fire Marshal's office to enable a regular, on going program of inspections and hazardous material code enforcement.

RESPONSE: It appears to me that our concern in regard to the adequacy of the present codes should be more of a concern rather than enforcement at this point in time. Therefore, my priorities would be to contact the Governor and ask that a qualified individual be assigned to the Fairbanks area to look at our hazardous materials situation and make a determination of why there are not existing codes adequate to address concerns in that area. Further, once those concerns are identified, then the individual should also be required to develop a resource needs assessment in regard to proper enforcement of those codes. I believe this approach adds credibility to convincing the Governor for a higher staffing requirement in the Fire Marshal's office in the Fairbanks region.

Recommendation #15 Designation of Truck Routes: The Commission recommends that the Mayor encourage the Borough Assembly to work with the Fairbanks and North Pole City Councils in developing ordinances which establish, designate and call for enforcement of specific routes for the hauling of bulk quantities of the following substances by vehicles not on a regular route of delivery in the immediate area: poisons, corrosives, explosives, environmentally hazardous substances. Such establishment process must include evaluation of roads composing the routes and their compliance with current standards for proposed use.

RESPONSE: In my February 21 meeting with the Commission, I requested that a member of the Commission be prepared to address the Fairbanks Metropolitan Area Transportation Committee at its next meeting to address the designation and enforcement of traffic routes for hauling bulk quantities of hazardous materials. It is the consensus of the FMATS members that the Cities of North Pole and Fairbanks and the State of Alaska adopt the recommendations of the Mayor's Hazardous Materials Commission, then I will support whatever legislation is required to implement that recommendation.

Recommendation #16 FMATS Planning: The Commission recommends that the Mayor see that either the FMATS Technical Committee include a representative of a safety agency familiar with hazardous material concerns or that a required step in local transportation planning guarantee consideration of public and environmental safety in regard to hazardous material transportation especially in areas where hazardous materials users or generators are involved.

RESPONSE: Same as in response for Recommendation #15.

Recommendation #17 Evaluation of Existing Truck Routes: The Commission recommends that the Mayor request ADOT to evaluate all existing designated truck routes as to whether their current use is in keeping with their design standards.

RESPONSE: Same as for Recommendation #15.

Recommendation #18 Maintenance of Truck Routes: The Commission recommends that the Mayor indicate to ADOT that they feel the current truck routes in the Borough should be given priority for maintenance and improvement.

RESPONSE: Same as for Recommendation #15

Recommendation #19 Truck Route for Refinery Traffic: The Commission urges the Mayor to take whatever action is necessary to assure that planning and development of a safe alternate route is a priority.

RESPONSE: Same as for Recommendation #15.

Recommendation #20 Planning Commission and Platting Board Membership: The Commission recommends that representatives of emergency services, knowledgeable in hazardous materials concerns, be assigned to the Planning Commission and the Platting Board.

RESPONSE: While any member of the Borough administration is available to provide input or staff support to the Platting Board and Planning Commission, it is obvious that it is not the Commission's feeling that adequate representation regarding hazardous materials has been available to the Planning Commission. I will take two actions in that regard. First, I will write a letter to the chairperson of the Planning Commission and to the chairperson of the Platting Board advising them of the Mayor's Hazardous Materials Commission's concerns regarding hazardous materials in planning and platting matters and notify them that we have members on the staff knowledgeable in those matters who are available for consultation with their board/commission. Further, we will review Ordinance No. 80-29, which establishes the criteria for membership of the Planning Commission and extend that criteria to include someone knowledgeable in hazardous materials.

Recommendation #21 Industrial Siting Study Review: The Commission recommends that all long-range development plans such as the Industrial Siting Study should be required to pass a review by public safety/emergency services representatives during the development stages.

RESPONSE: From this day forward it is the policy of the Borough that all industrial siting study plans be reviewed by the entity that has been established in Recommendation #8 of the Hazardous Materials Commission to address the concerns of hazardous material sitings within the boundaries of the Fairbanks North Star Borough.

Recommendation #22 Zoning Ordinance for Unrestricted Land Use: The

Memorandum to Hazardous Materials Commission

April 13, 1984

Page Seven

Commission recommends a zoning ordinance to limit all additions to existing facilities storing or handling hazardous materials until such additions go through a recommended process of evaluation, compliance and permitting. The Commission also recommends an ordinance to redefine "unrestricted" land use to exclude use, storage or handling of hazardous materials without a permit. Furthermore, any conditional or other use permits for facilities not requiring major capital improvements should not be granted "in perpetuity" but have time limits on them for review.

RESPONSE: The Commission's recommendation will be forwarded to Land Resources for their review and comment.

Recommendation #23 Zoning Ordinance for Uniform Fire Code: The Commission recommends adoption of a zoning ordinance requiring compliance with existing Uniform Fire Codes for all new installations involved with hazardous material storage or handling in the Borough.

RESPONSE: Same as for Recommendation #22.

Recommendation #24 Ordinance for Transportation of Chlorine: The Commission recommends that an ordinance be passed such that any movement of 150 pounds of chlorine in a single shipment within the Borough requires prior notification of the appropriate public safety agencies and be restricted to agreed upon routes.

RESPONSE: Same as for Recommendation #15.

Recommendation #25 Ordinance to Control and Relocate Flammable Gas Facilities: The Commission recommends that the Borough mandate that all compressed flammable gas facilities be removed from the railroad industrial area within five years. Concurrent with this, the Borough should forbid expansion of existing facilities or construction of new ones in the area. The Borough should, furthermore, regulate flowthrough of compressed flammable gas in some reasonable and just manner so that the major risks which are associated with the transportation and transfer of such materials are kept at least within current levels. In order to facilitate timely moving of the facilities, it is recommended that the Borough provide incentives (tax or land) for these facilities to relocate and that the Borough mandate buffer zones around such facilities and develop an industrial park for them (perhaps near the airport, with a rerouted rail spur).

RESPONSE: Same as for Recommendation #22.

Recommendation #26 Ordinance to control and encourage Relocation of Flammable Liquid and Corrosive Facilities: The Commission recommends that the Borough forbid any such new facilities or expansion of existing facilities in the railroad industrial area. The Borough should, as with compressed gas facilities, regulate flowthrough/production of these facilities by means of a reasonable formula. The Borough should encourage the relocation of these facilities to a new industrial area, conforming

Memorandum to Hazardous Materials Commission
April 13, 1984
Page Eight

to the requirements of the Uniform Fire Code.

RESPONSE: Same as for Recommendation #22.

Recommendation #27 Railroad Off Loading Facilities: The Commission recommends that a bunkered railroad siding should be constructed within the Borough with adequate storage facilities. The site should be selected as part of the Borough's Industrial Siting Project.

RESPONSE: Same as for Recommendation #22.

Recommendation #28 University Purchasing: The Commission recommends that the University have one person designated to review and evaluate the need and quantities for the purchase of hazardous materials.

RESPONSE: I will contact the Chancellor of the University of Alaska-Fairbanks and apprise him of the Commission's recommendation and lend my support to such a recommendation.

Recommendation #29 School District Safety Personnel: The Commission recommends that the School District have a person designated to review and evaluate need and quantities for purchase of hazardous materials and to oversee safety procedures inventory and storage on a regular basis.

RESPONSE: I will contact the President of the Fairbanks North Star Borough School Board and inform her of the Commission's recommendation and lend my support to those recommendations.

Recommendation #30 Public Education: The Commission recommends that public education be designated as a priority in order to gain public support for controls which must, in good conscience, be developed and upheld in order to make individuals and businesses more safety conscious in their handling and storage of hazardous materials, and in order to make the public more aware of the need for immediate cooperation in case of emergency.

RESPONSE: ~~_____ I agree with the need.~~

~~_____ I agree with the need.~~

Recommendation #31 Hazardous Materials Clean Up: The Commission recommends the continuance on a regular basis of the hazardous materials clean up program started last summer.

RESPONSE: I am not familiar with the clean up program started last summer but support the recommendation to study and promote public education campaigns such as general reference booklets on emergency actions, along with accompanying television and radio advertising.

Recommendation #32 Public Education Strategies: The Commission recommends

Memorandum to Hazardous Materials Commission
April 13, 1984
Page Nine

a study and promotion of possible public education campaigns such as general reference booklets, on emergency actions, along with accompanying television and radio advertising.

RESPONSE: Same as for Recommendation #30. Also to be included is a speakers bureau of hazardous waste/materials for community education.

Recommendation #33 Coordination of Activities: The Commission recommends that the coordination of activities directed toward hazardous material safety be included, with appropriate financial support, under the umbrella of an existing board or department. The Commission recommends a periodic review of inventory, controls, resources and identified high risk situations by an identified watchdog organization.

RESPONSE: Same as for Recommendation #8. I will also request that the Borough Grants Manager determine sources of funding for this and Recommendations #30 and #32.

Commission Operational Philosophy

I agree the Borough's role is one of coordinating the planning, community education and maintenance of a state of preparedness for the community and interfacing with other government agencies to avoid overlapping and duplication of responsibilities.

Again, the amount of work of the Commission is realized and appreciated. If you have any questions regarding this matter, please do not hesitate to contact me.

BBA:al

Hein
3/8/86



Original sponsors: Davis, Koponen,
Hurley, et al

1 IN THE HOUSE BY THE FINANCE COMMITTEE
 2 CS FOR HOUSE BILL NO. 470 (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 the release of oil and hazardous
 7 substances; repealing the oil spill mitigation ac-
 8 count; and providing for an effective date."

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

10 * Section 1. AS 46 is amended by adding a new chapter to read:

11 CHAPTER 08. OIL AND HAZARDOUS SUBSTANCE RELEASES.

12 Sec. 46.08.005. PURPOSE. The legislature finds and declares
 13 that the release of oil or hazardous substances into the environment
 14 presents a real and substantial threat to the public health and wel-
 15 fare, to the environment, and to the economy of the state. The legis-
 16 lature therefore concludes that it is in the best interest of the
 17 state and its citizens to provide a readily available fund for the
 18 payment of the expenses incurred by the Department of Environmental
 19 Conservation in the protection of the environment of the state from
 20 the release of oil or hazardous substances.

21 Sec. 46.08.010. FUND ESTABLISHED. (a) There is established in
 22 the state general fund the oil and hazardous substance release re-
 23 sponse fund. The fund shall be administered by the commissioner of
 24 environmental conservation.

25 (b) Money from an appropriation made to the fund remaining in
 26 the fund at the end of a fiscal year remains available for expenditure
 27 in successive fiscal years.

28 (c) The fund shall be used for actual expenses incurred under
 29 AS 46.08.040. The fund may not be used for capital improvements.

1 Sec. 46.08.020. FINANCING OF THE FUND. (a) The legislature may
2 appropriate from the following sources to the fund:

3 (1) money received from federal, state, or other sources or
4 from a private donor;

5 (2) money recovered or otherwise received from parties
6 responsible for the containment and cleanup of oil or a hazardous
7 substance at a specific site, but excluding funds from performance
8 bonds and other forms of financial responsibility held in escrow
9 pending satisfactory performance of a privately financed response
10 action;

11 (3) fines, penalties, or damages recovered under this
12 chapter or other law for costs incurred by the state as a result of
13 the release or threatened release of oil or a hazardous substance.

14 (b) Money received by the state under (a)(2) and (a)(3) of this
15 section shall be deposited in the general fund and credited to a
16 special account called the "oil and hazardous substance release miti-
17 gation account." The legislature may annually appropriate to the fund
18 from this account a sum equal to the amount received under (a)(2) and
19 (a)(3) of this section during the calendar year preceding the legisla-
20 tive session in which the appropriations are to be made.

21 Sec. 46.08.030. FINANCING THE ABATEMENT OF OIL OR HAZARDOUS
22 SUBSTANCE RELEASES. It is the intent of the legislature and declared
23 to be the public policy of the state that funds for the abatement of a
24 release of oil or a hazardous substance will always be available.

25 Sec. 46.08.040. PURPOSES OF THE FUND. The commissioner may use
26 money from the fund to

27 △) (1) contain, clean up, and take other necessary action,
28 such as monitoring, assessing, investigating, and evaluating the
29 release or threatened release of oil or a hazardous substance that

all references to DOR and to oversight by persons are deleted

subsection re: Training "is gone"

1 poses an imminent and substantial threat to the public health or
2 welfare, or to the environment;

3 (2) provide matching funds for participation in federal oil
4 discharge cleanup activities and under 42 U.S.C. 9601 - 9657 (Compre-
5 hensive Environmental Response, Compensation, and Liability Act of
6 1980); and

7 (3) recover the cost to the state or to a municipality of a
8 containment and cleanup resulting from the release or the threatened
9 release of oil or a hazardous substance.

10 Sec. 46.08.050. RECORDS OF THE FUND. (a) The department shall
11 maintain accounting records showing the income and expenses of the
12 fund.

13 (b) The department shall develop procedures governing the expen-
14 diture of, and accounting for, money expended from the fund, and may
15 not delay implementation of this chapter pending the effective date of
16 the procedures.

17 Sec. 46.08.060. REPORT TO THE LEGISLATURE. (a) The commis-
18 sioner shall submit a report to the legislature not later than the
19 10th day following the convening of each regular session of the legis-
20 lature. The report may include information considered significant by
21 the commissioner but must include:

22 (1) the amount of money expended under AS 46.08.040 during
23 the preceding fiscal year;

24 (2) the amount and source of money received and money
25 recovered during the preceding fiscal year as specified in AS 46.08.-
26 020;

27 *new* (3) a summary of municipal participation in responses
28 funded by the fund;

29 (4) a detailed summary of department activities in



1 responses funded by the fund during the preceding fiscal year, includ-
2 ing response descriptions and statements outlining the nature of the
3 threat; and

4 (5) the projected cost for the next fiscal year of monitor-
5 ing, operating, and maintaining sites where response has been com-
6 pleted or is expected to be continued during the fiscal year.

7 *new* (b) As part of the department's on-going identification efforts
8 associated with oil spill or hazardous waste sites, the commissioner
9 shall include in the report under this section

10 (1) a summary of the sites identified by the department;

11 (2) the immediate and long-term threats to the public
12 health or welfare or to the environment posed by these sites; and

13 *↑* (3) the appropriate actions needed to abate these threats,
14 and their estimated cost.

15 Sec. 46.08.070. REIMBURSEMENT FOR CONTAINMENT AND CLEANUP. (a)
16 The commissioner shall seek reimbursement promptly under this section,
17 AS 46.03.760(e), or federal law for the cost incurred in the cleanup
18 or containment of oil or a hazardous substance that has been released.

19 (b) The attorney general, at the request of the commissioner,
20 may seek to recover money expended by the department under this chap-
21 ter or other law to contain and clean up oil or a hazardous substance
22 that has been released or to control the threatened release of oil or
23 a hazardous substance.

24 *↓* (c) The department may reimburse a municipality for actual
25 expenses, other than normal operating expenses, incurred in the abate-
26 ment of a release or threatened release of oil or a hazardous sub-
27 *NEW* stance if

28 (1) the municipality has entered into an agreement with the
29 commissioner under AS 46.09.020(e) before incurring the expenses for

1 which reimbursement is sought; and

2 NEW

3 (2) the commissioner determines that the expenses were for
4 a necessary emergency first response to a release or threatened re-
5 lease that posed an imminent and substantial threat to the public
6 health or welfare, or to the environment.

↑

7 Sec. 46.08.080. REGULATIONS. The commissioner may adopt regu-
8 lations necessary to implement the provisions of this chapter.

9 Sec. 46.08.900. DEFINITIONS. In this chapter

10 (1) "capital improvement" includes construction, renova-
11 tion, repair of, and improvement to, a building, but does not include
12 other improvements to real property, such as construction of a dike or
13 retaining wall;

14 (2) "commissioner" means the commissioner of environmental
15 conservation;

16 (3) "containment and cleanup" includes the direct and
17 indirect efforts associated with the prevention, abatement, contain-
18 ment, or removal of oil or a hazardous substance, the restoration of
19 the environment, and incidental administrative costs;

delete 'to its former state'

20 (4) "department" means the Department of Environmental
21 Conservation; *deleted 'employee' and 'employer'*

22 (5) "fund" means the oil and hazardous substance release
23 response fund;

24 (6) "hazardous substance" means

25 (A) an element or compound that, when it enters into
26 or on the surface or subsurface land or water of the state,
27 presents an imminent and substantial danger to the public health
28 or welfare, or to fish, animals, vegetation, or any part of the
29 natural habitat in which fish, animals, or wildlife may be found;
30 or

1 △J (B) a substance defined as a hazardous substance under
 2 42 U.S.C. 9601 - 9657 (Comprehensive Environmental Response,
 3 Compensation, and Liability Act of 1980);

4 (7) "oil" means petroleum products of any kind and in any
 5 form, whether crude, refined, or a petroleum by-product, including
 6 petroleum, fuel oil, gasoline, lubricating oils, oily sludge, oily
 7 refuse, oil mixed with other wastes, liquified natural gas, propane,
 8 butane, and other liquid hydrocarbons regardless of specific gravity;

9 (8) "release" means an intentional or unintentional release
 10 into the environment of the state.

11 * Sec. 2. AS 46 is amended by adding a new chapter to read:

12 CHAPTER 09. HAZARDOUS SUBSTANCE RELEASE CONTROL.

13 Sec. 46.09.010. REPORT OF HAZARDOUS SUBSTANCE RELEASES. (a)

14 Except as provided in (b) of this section, a person in charge of a
 15 vehicle, vessel or container from which, or a place at which, a haz-
 16 ardous substance is released shall report the release to the depart-
 17 ment and appropriate public safety agencies promptly after learning of
 18 the release.

19 (b) The commissioner may enter into an agreement with a person
 20 for the periodic reporting of a controlled release of a hazardous
 21 substance if the release is not into water.

22 Sec. 46.09.020. CONTAINMENT AND CLEANUP OF A RELEASED HAZARDOUS
 23 SUBSTANCE. (a) A person who causes a release of a hazardous sub-
 24 stance shall make reasonable efforts to contain and clean up the
 25 hazardous substance promptly after learning of the release, unless the
 26 commissioner determines

27 (1) after consulting the Environmental Protection Agency or
 28 appropriate public safety agencies, that containment or cleanup is
 29 technically infeasible;

1 (2) that containment or cleanup would cause greater en-
2 vironmental damage than the release would cause if unabated; or

3 (3) that containment or cleanup would pose a greater threat
4 to human life or health than the release itself.

5 (b) The commissioner shall develop guidelines prescribing gen-
6 eral procedures and methods to be used in the containment and cleanup
7 of a hazardous substance.

8 (c) If the commissioner determines that the containment or
9 cleanup of a hazardous substance undertaken is inadequate, the commis-
10 sioner may direct the person undertaking the containment or cleanup to
11 cease and may undertake the containment or cleanup directly or by
12 contract.

13 (d) If it appears to the commissioner that the cause or respon-
14 sibility for the release of a hazardous substance is unclear or unex-
15 plained, the commissioner may immediately undertake the containment
16 and cleanup of the release unless the commissioner determines,

17 (1) after consulting the Environmental Protection Agency or
18 appropriate public safety agencies, that containment or cleanup is
19 technically infeasible;

20 (2) that containment or cleanup would cause greater en-
21 vironmental damage than the release would cause if unabated; or

22 (3) that containment or cleanup would pose a greater threat
23 to human life or health than the release itself.

24 (e) The commissioner shall enter into agreement with the En-
25 vironmental Protection Agency, and may enter into agreements with
26 other persons and municipalities, in order to

27 (1) facilitate a coordinated and effective hazardous sub-
28 stance release response in the state;

29 (2) provide for cooperative hazardous substance release

1 notification procedures; or

2 (3) provide for cooperative review of hazardous substance
3 release response contingency plans submitted to the department.

4 Sec. 46.09.030. DISASTER EMERGENCIES. The commissioner may
5 request the governor to determine that an actual or imminent release
6 of a hazardous substance constitutes a disaster emergency under
7 AS 26.23. If the governor declares a disaster emergency under AS 26.-
8 23, the commissioner may assist the adjutant general in the relief of
9 the emergency.

10 Sec. 46.09.040. HAZARDOUS SUBSTANCES CONTAINMENT AND CLEANUP.
11 The commissioner may contract with a person or a municipality for
12 personnel, equipment, or services that may be useful to carry out the
13 requirements of this chapter. If the commissioner determines that it
14 is infeasible to contract with a person or a municipality, the commis-
15 sioner may establish and maintain containment and cleanup personnel,
16 equipment, and supplies necessary to carry out the requirements of
17 this chapter. *dropped 'peace officer'*

18 Sec. 46.09.050. COMPACTS AUTHORIZED. The governor may enter
19 into supplementary agreements, reciprocal arrangements, and compacts
20 with another state or country for the implementation of this chapter
21 subject to the approval of the Congress of the United States, if
22 required, under the Constitution of the United States.

23 Sec. 46.09.060. MUNICIPALITIES. (a) If a provision of this
24 chapter or of a regulation adopted by the commissioner under this
25 chapter conflicts with the charter, ordinance, or regulation of a
26 municipality, the provision of this chapter or of the regulation
27 adopted by the commissioner under this chapter prevails.

28 (b) Authority to contain, clean up, or prevent a release or
29 threatened release of oil or of a hazardous substance, and to exercise

1 other powers necessary to implement this chapter and AS 46.08, are
2 granted to municipalities that do not otherwise have that authority.
3 Except as provided in (a) of this section, a municipality may exercise
4 its police power within the area of the municipality.

5 Sec. 46.09.070. REGULATIONS. The commissioner shall adopt
6 regulations necessary to implement the provisions of this chapter.

7 Sec. 46.09.900. DEFINITIONS. In this chapter

8 (1) "commissioner" means the commissioner of environmental
9 conservation;

10 (2) "containment and cleanup" includes the direct and
11 indirect efforts associated with the prevention, abatement, contain-
12 ment, or removal of a hazardous substance, the restoration of the
13 environment, and incidental administrative costs;

14 (3) "department" means the Department of Environmental
15 Conservation;

16 (4) "hazardous substance" means

17 (A) an element or compound that, when it enters into
18 or on the surface or subsurface land or water of the state,
19 presents an imminent and substantial danger to the public health
20 or welfare, or to fish, animals, vegetation, or any part of the
21 natural habitat in which fish, animals, or wildlife may be found;
22 or

23 Δ (B) a substance defined as a hazardous substance under
24 42 U.S.C. 9601 - 9657 (Comprehensive Environmental Response,
25 Compensation, and Liability Act of 1980);

26 (5) "release" means an intentional or unintentional release
27 into the environment of the state.

28 * Sec. 3. AS 26.23.050(b) is amended to read:

29 (b) Whenever, and to the extent that, money is needed to cope

1 with a disaster, the first recourse shall be to funds regularly appro-
2 priated to state and local agencies. The second recourse shall be to
3 funds available in the disaster relief fund or the oil and hazardous
4 substance release response fund, as appropriate. If money available
5 from these sources is insufficient, and if the governor finds that
6 other sources of money to cope with the disaster are not available or
7 are insufficient, the governor may, notwithstanding any limitation
8 imposed by AS 37.07.080(e), transfer and spend money appropriated for
9 other purposes or, in situations involving natural disasters, borrow
10 from the United States government or other public or private sources
11 for a term not to exceed two years.

12 * Sec. 4. AS 26.23.230(1) is amended to read:

13 (1) "disaster" means the occurrence or imminent threat of
14 widespread or severe damage, injury, or loss of life or property
15 resulting from any natural or nonmilitary man-made cause including,
16 but not limited to, fire, flood, earthquake, landslide, mudslide,
17 avalanche, wind-driven water, weather condition, tsunami, [OIL SPILL
18 OR OTHER WATER CONTAMINATION REQUIRING EMERGENCY ACTION TO AVERT
19 DANGER OR DAMAGE], volcanic activity, epidemic, air contamination,
20 blight, infestation, explosion, riot, equipment failure, or shortage
21 of food, water, fuel, or clothing, or the release of oil or a hazard-
22 ous substance requiring prompt action to avert environmental danger or
23 damage;

24 * Sec. 5. AS 44.19.050 is amended to read:

25 Sec. 44.19.050. DEFINITION. In AS 44.19.048 and 44.19.049,
26 "disaster" means the occurrence or imminent threat of widespread or
27 severe damage, injury, or loss of life or property resulting from any
28 natural or man-made cause including, but not limited to, fire, flood,
29 earthquake, landslide, avalanche, wind-driven water, weather

1 condition, tsunami, [OIL SPILL OR OTHER WATER CONTAMINATION REQUIRING
 2 EMERGENCY ACTION TO AVERT DAMAGE,] volcanic activity, epidemic, air
 3 contamination, blight, infestation, explosion, [OR] riot, or the
 4 release of oil or a hazardous substance requiring prompt action to
 5 avert environmental danger or damage.

6 * Sec. 6. AS 45.45.900 is amended to read:

7 Sec. 45.45.900. INDEMNIFICATION AGREEMENTS CONTRA TO PUBLIC
 8 POLICY. A provision, clause, covenant, or agreement contained in,
 9 collateral to, or affecting a [ANY] construction contract that [WHICH]
 10 purports to indemnify the promisee against liability for damages for
 11 (1) death or bodily injury to persons, (2) injury to property, (3)
 12 design defects or (4) [ANY] other loss, damage or expense arising
 13 under (1), (2), or (3) of this section from the sole negligence or
 14 wilful misconduct of the promisee or the promisee's agents, servants
 15 or independent contractors who are directly responsible to the prom-
 16 isee, is against public policy and is void and unenforceable; however,
 17 this provision does not affect the validity of an [ANY] insurance
 18 contract, workers' compensation, or agreement issued by an insurer
 19 subject to the provisions of AS 21, or a provision, clause, covenant,
 20 or agreement of indemnification respecting the handling, containment
 21 or cleanup of oil or hazardous substances as defined in AS 46.

22 * Sec. 7. AS 46.03.290(a) is amended to read:

23 (a) When the department finds that an actual or imminent dis-
 24 charge of oil, a hazardous substance, or low level radioactive mate-
 25 rials to the air, water, land or subsurface land of the state poses an
 26 immediate threat to the public health or welfare, or the environment
 27 of the state, it may issue an order declaring an emergency and direct-
 28 ing a person or persons to take action the department believes neces-
 29 sary to meet the emergency, and protect the public health, welfare, or

C2121

2

1 environment.

2 * Sec. 8. AS 46.03 is amended by adding a new section to read:

3 Sec. 46.03.745. HAZARDOUS SUBSTANCE RELEASE. Except for a
4 controlled release, the reporting of which is the subject of an agree-
5 ment with the commissioner under AS 46.09.010(b), a person may not
6 cause or permit the release of a hazardous substance as defined in
7 AS 46.09.900.

8 * Sec. 9. AS 46.03.760(a) is amended to read:

9 (a) A person who violates or causes or permits to be violated a
10 provision of this chapter other than AS 46.03.250 - 46.03.314, or a
11 provision of AS 46.04 or AS 46.09, or a regulation, a lawful order of
12 the department, or a permit, approval, or acceptance, or term or
13 condition of a permit, approval, or acceptance issued under this
14 chapter or AS 46.04 or AS 46.09 is liable, in a civil action, to the
15 state for a sum to be assessed by the court of not less than \$500 nor
16 more than \$100,000 for the initial violation, nor more than \$5,000 for
17 each day after that on which the violation continues, and that shall
18 reflect, when applicable,

19 (1) reasonable compensation in the nature of liquidated
20 damages for any adverse environmental effects caused by the violation,
21 that shall be determined by the court according to the toxicity,
22 degradability and dispersal characteristics of the substance dis-
23 charged, the sensitivity of the receiving environment, and the degree
24 to which the discharge degrades existing environmental quality;

25 (2) reasonable costs incurred by the state in detection,
26 investigation, and attempted correction of the violation;

27 (3) the economic savings realized by the person in not
28 complying with the requirement for which a violation is charged.

29 * Sec. 10. AS 46.03.765 is amended to read:

1 Sec. 46.03.765. INJUNCTIONS. The superior court has jurisdic-
2 tion to enjoin a violation of this chapter, [OR] AS 46.04, or AS 46.09
3 or of a regulation, a lawful order of the department, or permit,
4 approval, or acceptance, or term or condition of a permit, approval,
5 or acceptance issued under this chapter, [OR] AS 46.04, or AS 46.09.
6 In actions brought under this section, temporary or preliminary relief
7 may be obtained upon a showing of an imminent threat of continued
8 violation, and probable success on the merits, without the necessity
9 of demonstrating physical irreparable harm. The balance of equities
10 in actions under this section may affect the timing of compliance, but
11 not the necessity of compliance within a reasonable period of time.

12 * Sec. 11. AS 46.03.780(a) is amended to read:

13 (a) A person who violates a provision of this chapter, [OR]
14 AS 46.04, or AS 46.09, or who fails to perform a duty imposed by this
15 chapter, [OR] AS 46.04, or AS 46.09, or violates or disregards an
16 order, permit, or other determination of the department made under the
17 provisions of this chapter, [OR] AS 46.04, or AS 46.09, respectively,
18 and thereby causes the death of fish, animals, or vegetation or other-
19 wise injures or degrades the environment of the state is liable to the
20 state for damages.

21 * Sec. 12. AS 46.03.790(a) is amended to read:

22 (a) Except as provided in (d) - (f) of this section, a person
23 who negligently violates a provision of this chapter, [OR] AS 46.04,
24 or AS 46.09, or of a regulation, lawful order of the department, or
25 permit, approval, or acceptance, or term or condition of a permit,
26 approval, or acceptance issued under this chapter, [OR] AS 46.04, or
27 AS 46.09 is guilty of a class B misdemeanor.

28 * Sec. 13. AS 46.03.790(b) is amended to read:

29 (b) Except as provided in (d) - (f) of this section, a person

1 who knowingly violates a provision of this chapter, [OR] AS 46.04, or
2 AS 46.09, or of a regulation, lawful order of the department, or
3 permit, approval, or acceptance, or term or condition of a permit,
4 approval, or acceptance issued under this chapter, [OR] AS 46.04, or
5 AS 46.09 is guilty of a class A misdemeanor.

6 * Sec. 14. AS 46.03.790(d) is amended to read:

7 (d) Notwithstanding (a) and (b) of this section, a person who
8 fails to provide or falsely states information required under AS 46.-
9 03.755, [OR] AS 46.04, or AS 46.09 is guilty of a misdemeanor and,
10 upon conviction, is punishable by a fine of not more than \$25,000, or
11 by imprisonment for not more than one year, or by both. Each unlawful
12 act constitutes a separate offense.

13 * Sec. 15. AS 46.04.010 is amended to read:

14 Sec. 46.04.010. REIMBURSEMENT FOR CLEANUP EXPENSES. The de-
15 partment shall promptly seek reimbursement [, EITHER] under AS 46.03.-
16 760(e), AS 46.08.070, or from an applicable federal fund, or the
17 expenses it incurs in cleaning up or containing a discharge of oil.
18 If the department obtains reimbursement for a portion of its expenses
19 from a federal fund, the remainder of the expenses incurred may be
20 recovered under AS 46.03.760(e) or AS 46.08.070. Money received by
21 the department under this section shall be deposited in the general
22 fund and credited to a special account called the "oil and hazardous
23 substance release mitigation account".

24 * Sec. 16. AS 46.04.090(b) is amended to read:

25 (b) Inspection and enforcement employees of the department
26 designated by the commissioner are peace officers in the performance
27 of their duties under this chapter, AS 46.09, and AS 46.03.

28 * Sec. 17. Not later than January 1, 1987, the commissioner of environ-
29 mental conservation shall develop guidelines under AS 46.09.020, added by

1 sec. 2 of this Act.

2 * Sec. 18. Not later than October 1, 1987, the commissioner of environ-
3 mental conservation shall adopt regulations under AS 46.09.070, added by
4 sec. 2 of this Act.

5 * Sec. 19. Notwithstanding the provisions of AS 37.05.159(b) and
6 AS 37.07.080(e), the governor may, during the 1987 fiscal year, transfer
7 from the reserve for emergency operating expenses account to the oil and
8 hazardous substance release response fund (AS 46.08) amounts that, when
9 added to the amounts appropriated, reappropriated, or transferred to the
10 response fund in laws enacted by the legislature during the 1986 regular
11 legislative session, do not exceed \$1,000,000.

12 * Sec. 20. AS 46.03.758(k) is repealed. *rel mitigation*

13 * Sec. 21. Sections 1 - 18 and 20 of this Act take effect immediately
14 in accordance with AS 01.10.070(c).

15 * Sec. 22. Section 19 of this Act takes effect July 1, 1986.
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Hein
3/11/86 ✓

Original sponsor: Resources

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 375 (Resources)

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 the release of oil and hazardous
7 substances; repealing the oil spill mitigation ac-
8 count; and providing for an effective date."

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

10 * Section 1. AS 46 is amended by adding a new chapter to read:

11 CHAPTER 08. OIL AND HAZARDOUS SUBSTANCE RELEASES.

12 Sec. 46.08.005. PURPOSE. The legislature finds and declares
13 that the release of oil or hazardous substances into the environment
14 presents a real and substantial threat to the public health and wel-
15 fare, to the environment, and to the economy of the state. The legis-
16 lature therefore concludes that it is in the best interest of the
17 state and its citizens to provide a readily available fund for the
18 payment of the expenses incurred by the Department of Environmental
19 Conservation in the protection of the environment of the state from
20 the release of oil or hazardous substances.

21 Sec. 46.08.010. FUND ESTABLISHED. (a) There is established in
22 the state general fund the oil and hazardous substance release re-
23 sponse fund. The fund shall be administered by the commissioner of
24 environmental conservation.

25 (b) Money from an appropriation made to the fund remaining in
26 the fund at the end of a fiscal year remains available for expenditure
27 in successive fiscal years.

28 (c) The fund shall be used for actual expenses incurred under
29 AS 46.08.040. The fund may not be used for capital improvements.

1 Sec. 46.08.020. FINANCING OF THE FUND. (a) The legislature may
2 appropriate from the following sources to the fund.

3 (1) money received from federal, state, or other sources or
4 from a private donor;

5 (2) money recovered or otherwise received from parties
6 responsible for the containment and cleanup of oil or a hazardous
7 substance at a specific site, but excluding funds from performance
8 bonds and other forms of financial responsibility held in escrow
9 pending satisfactory performance of a privately financed response
10 action;

11 (3) fines, penalties, or damages recovered under this
12 chapter or other law for costs incurred by the state as a result of
13 the release or threatened release of oil or a hazardous substance.

14 (b) Money received by the state under (a)(2) and (a)(3) of this
15 section shall be deposited in the general fund and credited to a
16 special account called the "oil and hazardous substance release miti-
17 gation account." The legislature may annually appropriate to the fund
18 from this account a sum equal to the amount received under (a)(2) and
19 (a)(3) of this section during the calendar year preceding the legisla-
20 tive session in which the appropriations are to be made.

21 Sec. 46.08.030. FINANCING THE ABATEMENT OF OIL OR HAZARDOUS
22 SUBSTANCE RELEASES. It is the intent of the legislature and declared
23 to be the public policy of the state that funds for the abatement of a
24 release of oil or a hazardous substance will always be available.

25 Sec. 46.08.040. PURPOSES OF THE FUND. The commissioner may use
26 money from the fund to

27 (1) contain, clean up, and take other necessary action,
28 such as monitoring, assessing, investigating, and evaluating the
29 release or threatened release of oil or a hazardous substance that

1 poses an imminent and substantial threat to the public health or
2 welfare, or to the environment;

3 (2) provide matching funds for participation in federal oil
4 discharge cleanup activities and under 42 U.S.C. 9601 - 9657 (Compre-
5 hensive Environmental Response, Compensation, and Liability Act of
6 1980); and

7 (3) recover the cost to the state or to a municipality of a
8 containment and cleanup resulting from the release or the threatened
9 release of oil or a hazardous substance.

10 Sec. 46.08.050. RECORDS OF THE FUND. (a) The department shall
11 maintain accounting records showing the income and expenses of the
12 fund.

13 (b) The department shall develop procedures governing the expen-
14 diture of, and accounting for, money expended from the fund, and may
15 not delay implementation of this chapter pending the effective date of
16 the procedures.

17 Sec. 46.08.060. REPORT TO THE LEGISLATURE. (a) The commis-
18 sioner shall submit a report to the legislature not later than the
19 10th day following the convening of each regular session of the legis-
20 lature. The report may include information considered significant by
21 the commissioner but must include:

22 (1) the amount of money expended under AS 46.08.040 during
23 the preceding fiscal year;

24 (2) the amount and source of money received and money
25 recovered during the preceding fiscal year as specified in AS 46.08.-
26 020;

27 (3) a summary of municipal participation in responses
28 funded by the fund;

29 (4) a detailed summary of department activities in

1 responses funded by the fund during the preceding fiscal year, includ-
2 ing response descriptions and statements outlining the nature of the
3 threat; and

4 (5) the projected cost for the next fiscal year of monitor-
5 ing, operating, and maintaining sites where response has been com-
6 pleted or is expected to be continued during the fiscal year.

7 (b) As part of the department's on-going identification efforts
8 associated with oil spill or hazardous waste sites, the commissioner
9 shall include in the report under this section

10 (1) a summary of the sites identified by the department;

11 (2) the immediate and long-term threats to the public
12 health or welfare or to the environment posed by these sites; and

13 (3) the appropriate actions needed to abate these threats,
14 and their estimated cost.

15 Sec. 46.08.070. REIMBURSEMENT FOR CONTAINMENT AND CLEANUP. (a)
16 The commissioner shall seek reimbursement promptly under this section,
17 AS 46.03.760(e), or federal law for the cost incurred in the cleanup
18 or containment of oil or a hazardous substance that has been released.

19 (b) The attorney general, at the request of the commissioner,
20 may seek to recover money expended by the department under this chap-
21 ter or other law to contain and clean up oil or a hazardous substance
22 that has been released or to control the threatened release of oil or
23 a hazardous substance.

24 (c) The department may reimburse a municipality for actual
25 expenses, other than normal operating expenses, incurred in the abate-
26 ment of a release or threatened release of oil or a hazardous sub-
27 stance if

28 (1) the municipality has entered into an agreement with the
29 commissioner under AS 46.09.020(e) before incurring the expenses for

1 which reimbursement is sought; and

2 (2) the commissioner determines that the expenses were for
3 a necessary emergency first response to a release or threatened re-
4 lease that posed an imminent and substantial threat to the public
5 health or welfare, or to the environment.

6 Sec. 46.08.080. REGULATIONS. The commissioner may adopt regu-
7 lations necessary to implement the provisions of this chapter.

8 Sec. 46.08.900. DEFINITIONS. In this chapter

9 (1) "capital improvement" includes construction, renova-
10 tion, repair of, and improvement to, a building, but does not include
11 other improvements to real property, such as construction of a dike or
12 retaining wall;

13 (2) "commissioner" means the commissioner of environmental
14 conservation;

15 (3) "containment and cleanup" includes the direct and
16 indirect efforts associated with the prevention, abatement, contain-
17 ment, or removal of oil or a hazardous substance, the restoration of
18 the environment, and incidental administrative costs;

19 (4) "department" means the Department of Environmental
20 Conservation;

21 (5) "fund" means the oil and hazardous substance release
22 response fund;

23 (6) "hazardous substance" means

24 (A) an element or compound that, when it enters into
25 or on the surface or subsurface land or water of the state,
26 presents an imminent and substantial danger to the public health
27 or welfare, or to fish, animals, vegetation, or any part of the
28 natural habitat in which fish, animals, or wildlife may be found;
29 or

1 (B) a substance defined as a hazardous substance under
2 42 U.S.C. 9601 - 9657 (Comprehensive Environmental Response,
3 Compensation, and Liability Act of 1980);

4 (7) "oil" means petroleum products of any kind and in any
5 form, whether crude, refined, or a petroleum by-product, including
6 petroleum, fuel oil, gasoline, lubricating oils, oily sludge, oily
7 refuse, oil mixed with other wastes, liquified natural gas, propane,
8 butane, and other liquid hydrocarbons regardless of specific gravity;

9 (8) "release" means an intentional or unintentional release
10 into the environment of the state.

11 * Sec. 2. AS 46 is amended by adding a new chapter to read:

12 CHAPTER 09. HAZARDOUS SUBSTANCE RELEASE CONTROL.

13 Sec. 46.09.010. REPORT OF HAZARDOUS SUBSTANCE RELEASES. (a)
14 Except as provided in (b) of this section, a person in charge of a
15 vehicle, vessel or container from which, or a place at which, a haz-
16 ardous substance is released shall report the release to the depart-
17 ment and appropriate public safety agencies promptly after learning of
18 the release.

19 (b) The commissioner may enter into an agreement with a person
20 for the periodic reporting of a controlled release of a hazardous
21 substance if the release is not into water.

22 Sec. 46.09.020. CONTAINMENT AND CLEANUP OF A RELEASED HAZARDOUS
23 SUBSTANCE. (a) A person who causes a release of a hazardous sub-
24 stance shall make reasonable efforts to contain and clean up the
25 hazardous substance promptly after learning of the release, unless the
26 commissioner determines

27 (1) after consulting the Environmental Protection Agency or
28 appropriate public safety agencies, that containment or cleanup is
29 technically infeasible;

1 (2) that containment or cleanup would cause greater en-
2 vironmental damage than the release would cause if unabated; or

3 (3) that containment or cleanup would pose a greater threat
4 to human life or health than the release itself.

5 (b) The commissioner shall develop guidelines prescribing gen-
6 eral procedures and methods to be used in the containment and cleanup
7 of a hazardous substance.

8 (c) If the commissioner determines that the containment or
9 cleanup of a hazardous substance undertaken is inadequate, the commis-
10 sioner may direct the person undertaking the containment or cleanup to
11 cease and may undertake the containment or cleanup directly or by
12 contract.

13 (d) If it appears to the commissioner that the cause or respon-
14 sibility for the release of a hazardous substance is unclear or unex-
15 plained, the commissioner may immediately undertake the containment
16 and cleanup of the release unless the commissioner determines

17 (1) after consulting the Environmental Protection Agency or
18 appropriate public safety agencies, that containment or cleanup is
19 technically infeasible;

20 (2) that containment or cleanup would cause greater en-
21 vironmental damage than the release would cause if unabated; or

22 (3) that containment or cleanup would pose a greater threat
23 to human life or health than the release itself.

24 (e) The commissioner shall enter into agreement with the En-
25 vironmental Protection Agency, and may enter into agreements with
26 other persons and municipalities, in order to

27 (1) facilitate a coordinated and effective hazardous sub-
28 stance release response in the state;

29 (2) provide for cooperative hazardous substance release

1 notification procedures; or

2 (3) provide for cooperative review of hazardous substance
3 release response contingency plans submitted to the department.

4 Sec. 46.09.030. DISASTER EMERGENCIES. The commissioner may
5 request the governor to determine that an actual or imminent release
6 of a hazardous substance constitutes a disaster emergency under
7 AS 26.23. If the governor declares a disaster emergency under AS 26.-
8 23, the commissioner may assist the adjutant general in the relief of
9 the emergency.

10 Sec. 46.09.040. HAZARDOUS SUBSTANCES CONTAINMENT AND CLEANUP.
11 The commissioner may contract with a person or a municipality for
12 personnel, equipment, or services that may be useful to carry out the
13 requirements of this chapter. If the commissioner determines that it
14 is infeasible to contract with a person or a municipality, the commis-
15 sioner may establish and maintain containment and cleanup personnel,
16 equipment, and supplies necessary to carry out the requirements of
17 this chapter.

18 Sec. 46.09.050. COMPACTS AUTHORIZED. The governor may enter
19 into supplementary agreements, reciprocal arrangements, and compacts
20 with another state or country for the implementation of this chapter
21 subject to the approval of the Congress of the United States, if
22 required, under the Constitution of the United States.

23 Sec. 46.09.060. MUNICIPALITIES. (a) If a provision of this
24 chapter or of a regulation adopted by the commissioner under this
25 chapter conflicts with the charter, ordinance, or regulation of a
26 municipality, the provision of this chapter or of the regulation
27 adopted by the commissioner under this chapter prevails.

28 (b) Authority to contain, clean up, or prevent a release or
29 threatened release of oil or of a hazardous substance, and to exercise

1 other powers necessary to implement this chapter and AS 46.08, are
2 granted to municipalities that do not otherwise have that authority.
3 Except as provided in (a) of this section, a municipality may exercise
4 its police power within the area of the municipality.

5 Sec. 46.09.070. REGULATIONS. The commissioner shall adopt
6 regulations necessary to implement the provisions of this chapter.

7 Sec. 46.09.900. DEFINITIONS. In this chapter

8 (1) "commissioner" means the commissioner of environmental
9 conservation;

10 (2) "containment and cleanup" includes the direct and
11 indirect efforts associated with the prevention, abatement, contain-
12 ment, or removal of a hazardous substance, the restoration of the
13 environment, and incidental administrative costs;

14 (3) "department" means the Department of Environmental
15 Conservation;

16 (4) "hazardous substance" means

17 (A) an element or compound that, when it enters into
18 or on the surface or subsurface land or water of the state,
19 presents an imminent and substantial danger to the public health
20 or welfare, or to fish, animals, vegetation, or any part of the
21 natural habitat in which fish, animals, or wildlife may be found;
22 or

23 (B) a substance defined as a hazardous substance under
24 42 U.S.C. 9601 - 9657 (Comprehensive Environmental Response,
25 Compensation, and Liability Act of 1980);

26 (5) "release" means an intentional or unintentional release
27 into the environment of the state.

28 * Sec. 3. AS 26.23.050(b) is amended to read:

29 (b) Whenever, and to the extent that, money is needed to cope

1 with a disaster, the first recourse shall be to funds regularly appro-
2 priated to state and local agencies. The second recourse shall be to
3 funds available in the disaster relief fund or the oil and hazardous
4 substance release response fund, as appropriate. If money available
5 from these sources is insufficient, and if the governor finds that
6 other sources of money to cope with the disaster are not available or
7 are insufficient, the governor may, notwithstanding any limitation
8 imposed by AS 37.07.080(e), transfer and spend money appropriated for
9 other purposes or, in situations involving natural disasters, borrow
10 from the United States government or other public or private sources
11 for a term not to exceed two years.

12 * Sec. 4. AS 26.23.230(1) is amended to read:

13 (1) "disaster" means the occurrence or imminent threat of
14 widespread or severe damage, injury, or loss of life or property
15 resulting from any natural or nonmilitary man-made cause including,
16 but not limited to, fire, flood, earthquake, landslide, mudslide,
17 avalanche, wind-driven water, weather condition, tsunami, [OIL SPILL
18 OR OTHER WATER CONTAMINATION REQUIRING EMERGENCY ACTION TO AVERT
19 DANGER OR DAMAGE], volcanic activity, epidemic, air contamination,
20 blight, infestation, explosion, riot, equipment failure, or shortage
21 of food, water, fuel, or clothing, or the release of oil or a hazard-
22 ous substance requiring prompt action to avert environmental danger or
23 damage;

24 * Sec. 5. AS 44.19.050 is amended to read:

25 Sec. 44.19.050. DEFINITION. In AS 44.19.048 and 44.19.049,
26 "disaster" means the occurrence or imminent threat of widespread or
27 severe damage, injury, or loss of life or property resulting from any
28 natural or man-made cause including, but not limited to, fire, flood,
29 earthquake, landslide, avalanche, wind-driven water, weather

1 condition, tsunami, [OIL SPILL OR OTHER WATER CONTAMINATION REQUIRING
2 EMERGENCY ACTION TO AVERT DAMAGE,] volcanic activity, epidemic, air
3 contamination, blight, infestation, explosion, [OR] riot, or the
4 release of oil or a hazardous substance requiring prompt action to
5 avert environmental danger or damage.

6 * Sec. 6. AS 45.45.900 is amended to read:

7 Sec. 45.45.900. INDEMNIFICATION AGREEMENTS CONTRA TO PUBLIC
8 POLICY. A provision, clause, covenant, or agreement contained in,
9 collateral to, or affecting a [ANY] construction contract that [WHICH]
10 purports to indemnify the promisee against liability for damages for
11 (1) death or bodily injury to persons, (2) injury to property, (3)
12 design defects or (4) [ANY] other loss, damage or expense arising
13 under (1), (2), or (3) of this section from the sole negligence or
14 wilful misconduct of the promisee or the promisee's agents, servants
15 or independent contractors who are directly responsible to the prom-
16 isee, is against public policy and is void and unenforceable; however,
17 this provision does not affect the validity of an [ANY] insurance
18 contract, workers' compensation, or agreement issued by an insurer
19 subject to the provisions of AS 21, or a provision, clause, covenant,
20 or agreement of indemnification respecting the handling, containment
21 or cleanup of oil or hazardous substances as defined in AS 46.

22 * Sec. 7. AS 46.03.290(a) is amended to read:

23 (a) When the department finds that an actual or imminent dis-
24 charge of oil, a hazardous substance, or low level radioactive mate-
25 rials to the air, water, land or subsurface land of the state poses an
26 immediate threat to the public health or welfare, or the environment
27 of the state, it may issue an order declaring an emergency and direct-
28 ing a person or persons to take action the department believes neces-
29 sary to meet the emergency, and protect the public health, welfare, or

1 environment.

2 * Sec. 8. AS 46.03 is amended by adding a new section to read:

3 Sec. 46.03.745. HAZARDOUS SUBSTANCE RELEASE. Except for a
4 controlled release, the reporting of which is the subject of an agree-
5 ment with the commissioner under AS 46.09.010(b), a person may not
6 cause or permit the release of a hazardous substance as defined in
7 AS 46.09.900.

8 * Sec. 9. AS 46.03.760(a) is amended to read:

9 (a) A person who violates or causes or permits to be violated a
10 provision of this chapter other than AS 46.03.250 - 46.03.314, or a
11 provision of AS 46.04 or AS 46.09, or a regulation, a lawful order of
12 the department, or a permit, approval, or acceptance, or term or
13 condition of a permit, approval, or acceptance issued under this
14 chapter or AS 46.04 or AS 46.09 is liable, in a civil action, to the
15 state for a sum to be assessed by the court of not less than \$500 nor
16 more than \$100,000 for the initial violation, nor more than \$5,000 for
17 each day after that on which the violation continues, and that shall
18 reflect, when applicable,

19 (1) reasonable compensation in the nature of liquidated
20 damages for any adverse environmental effects caused by the violation,
21 that shall be determined by the court according to the toxicity,
22 degradability and dispersal characteristics of the substance dis-
23 charged, the sensitivity of the receiving environment, and the degree
24 to which the discharge degrades existing environmental quality;

25 (2) reasonable costs incurred by the state in detection,
26 investigation, and attempted correction of the violation;

27 (3) the economic savings realized by the person in not
28 complying with the requirement for which a violation is charged.

29 * Sec. 10. AS 46.03.765 is amended to read:

1 Sec. 46.03.765. INJUNCTIONS. The superior court has jurisdic-
2 tion to enjoin a violation of this chapter, [OR] AS 46.04, or AS 46.09
3 or of a regulation, a lawful order of the department, or permit,
4 approval, or acceptance, or term or condition of a permit, approval,
5 or acceptance issued under this chapter, [OR] AS 46.04, or AS 46.09.
6 In actions brought under this section, temporary or preliminary relief
7 may be obtained upon a showing of an imminent threat of continued
8 violation, and probable success on the merits, without the necessity
9 of demonstrating physical irreparable harm. The balance of equities
10 in actions under this section may affect the timing of compliance, but
11 not the necessity of compliance within a reasonable period of time.

12 * Sec. 11. AS 46.03.780(a) is amended to read:

13 (a) A person who violates a provision of this chapter, [OR]
14 AS 46.04, or AS 46.09, or who fails to perform a duty imposed by this
15 chapter, [OR] AS 46.04, or AS 46.09, or violates or disregards an
16 order, permit, or other determination of the department made under the
17 provisions of this chapter, [OR] AS 46.04, or AS 46.09, respectively,
18 and thereby causes the death of fish, animals, or vegetation or other-
19 wise injures or degrades the environment of the state is liable to the
20 state for damages.

21 * Sec. 12. AS 46.03.790(a) is amended to read:

22 (a) Except as provided in (d) - (f) of this section, a person
23 who negligently violates a provision of this chapter, [OR] AS 46.04,
24 or AS 46.09, or of a regulation, lawful order of the department, or
25 permit, approval, or acceptance, or term or condition of a permit,
26 approval, or acceptance issued under this chapter, [OR] AS 46.04, or
27 AS 46.09 is guilty of a class B misdemeanor.

28 * Sec. 13. AS 46.03.790(b) is amended to read:

29 (b) Except as provided in (d) - (f) of this section, a person

1 who knowingly violates a provision of this chapter, [OR] AS 46.04, or
2 AS 46.09, or of a regulation, lawful order of the department, or
3 permit, approval, or acceptance, or term or condition of a permit,
4 approval, or acceptance issued under this chapter, [OR] AS 46.04, or
5 AS 46.09 is guilty of a class A misdemeanor.

6 * Sec. 14. AS 46.03.790(d) is amended to read:

7 (d) Notwithstanding (a) and (b) of this section, a person who
8 fails to provide or falsely states information required under AS 46.-
9 03.755, [OR] AS 46.04, or AS 46.09 is guilty of a misdemeanor and,
10 upon conviction, is punishable by a fine of not more than \$25,000, or
11 by imprisonment for not more than one year, or by both. Each unlawful
12 act constitutes a separate offense.

13 * Sec. 15. AS 46.04.010 is amended to read:

14 Sec. 46.04.010. REIMBURSEMENT FOR CLEANUP EXPENSES. The de-
15 partment shall promptly seek reimbursement [, EITHER] under AS 46.03.-
16 760(e), AS 46.08.070, or from an applicable federal fund, for the
17 expenses it incurs in cleaning up or containing a discharge of oil.
18 If the department obtains reimbursement for a portion of its expenses
19 from a federal fund, the remainder of the expenses incurred may be
20 recovered under AS 46.03.760(e) or AS 46.08.070. Money received by
21 the department under this section shall be deposited in the general
22 fund and credited to a special account called the "oil and hazardous
23 substance release mitigation account".

24 * Sec. 16. AS 46.04.090(b) is amended to read:

25 (b) Inspection and enforcement employees of the department
26 designated by the commissioner are peace officers in the performance
27 of their duties under this chapter, AS 46.09, and AS 46.03.

28 * Sec. 17. Not later than January 1, 1987, the commissioner of environ-
29 mental conservation shall develop guidelines under AS 46.09.020, added by

1 sec. 2 of this Act.

2 * Sec. 18. Not later than October 1, 1987, the commissioner of environ-
3 mental conservation shall adopt regulations under AS 46.09.070, added by
4 sec. 2 of this Act.

5 * Sec. 19. Notwithstanding the provisions of AS 37.05.159(b) and
6 AS 37.07.080(e), the governor may, during the 1987 fiscal year, transfer
7 from the reserve for emergency operating expenses account to the oil and
8 hazardous substance release response fund (AS 46.08) amounts that, when
9 added to the amounts appropriated, reappropriated, or transferred to the
10 response fund in laws enacted by the legislature during the 1986 regular
11 legislative session, do not exceed \$1,000,000.

12 * Sec. 20. AS 46.03.758(k) is repealed.

13 * Sec. 21. Sections 1 - 18 and 20 of this Act take effect immediately
14 in accordance with AS 01.10.070(c).

15 * Sec. 22. Section 19 of this Act takes effect July 1, 1986.
16
17
18
19
20
21
22
23
24
25
26
27
28
29

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 SENATE BILL NO.

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 the release of oil and hazardous
7 substances; and providing for an effective date."

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

9 * Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 08. OIL AND HAZARDOUS SUBSTANCE RELEASES.

11 Sec. 46.08.005. PURPOSE. The legislature finds and declares
12 that the release of oil or hazardous substances into the environment
13 presents a real and substantial threat to the public health and wel-
14 fare, to the environment, and to the economy of the state. The legis-
15 lature therefore concludes that it is in the best interest of the
16 state and its citizens to provide a readily available fund for the
17 payment of the expenses incurred by the Department of Environmental
18 Conservation in the protection of the environment of the state from
19 the release of oil or hazardous substances.

20 Sec. 46.08.010. FUND ESTABLISHED. (a) There is established in
21 the state general fund the oil and hazardous substance release re-
22 sponse fund. The fund shall be administered by the commissioner of
23 environmental conservation, but the commissioner of revenue shall be
24 the custodian of the fund.

25 (b) Money from an appropriation made to the fund remaining in
26 the fund at the end of a fiscal year remains available for expenditure
27 in successive fiscal years.

28 Sec. 46.08.020. FINANCING OF THE FUND. The legislature may
29 appropriate from the following sources to the fund:

1 (1) money received from federal, state, or other sources or
2 from a private donor;

3 (2) money recovered or otherwise received from parties
4 responsible for the containment and cleanup of oil or a hazardous
5 substance at a specific site, but excluding funds from performance
6 bonds and other forms of financial responsibility held in escrow
7 pending satisfactory performance of a privately financed response
8 action;

9 (3) fines, penalties, or damages recovered under this
10 chapter or other law for costs incurred by the state as a result of
11 the release or threatened release of oil or a hazardous substance.

12 Sec. 46.08.030. FINANCING THE ABATEMENT OF OIL OR HAZARDOUS
13 SUBSTANCE RELEASES. (a) It is the intent of the legislature and
14 declared to be the public policy of the state that funds for the
15 abatement of a release of oil or a hazardous substance will always be
16 available.

17 (b) Notwithstanding the establishment of the fund under AS 46.-
18 08.010, the commissioner shall, to the extent available, prefer funds
19 appropriated to the department in the abatement of a release of oil or
20 a hazardous substance. If appropriated funds are not available, then
21 the commissioner may use money from the fund or, if the governor
22 issues a proclamation of a disaster emergency under AS 26.23, funds
23 available for disaster relief under AS 26.23.050 may be used in the
24 abatement of a release of oil or a hazardous substance.

25 Sec. 46.08.040. PURPOSES OF THE FUND. Subject to the approval
26 of the governor, the commissioner may use money from the fund to

27 (1) contain and clean up releases or threatened releases of
28 oil or a hazardous substance;

29 (2) undertake plans, inspections, sampling, tests,

1 investigations, surveys, analyses, engineering, construction, opera-
2 tions, and maintenance necessary or appropriate to contain and clean
3 up releases or threatened releases of oil or hazardous substances;

4 (3) facilitate the efforts of the Department of Labor under
5 AS 18.60 to assist employers to develop safety education programs for
6 employees who may be called upon to respond to a release of oil or a
7 hazardous substance;

8 (4) provide matching funds for participation in federal oil
9 discharge cleanup activities and under 42 U.S.C. 9601 - 9657 (Compre-
10 hensive Environmental Response, Compensation and Liability Act of
11 1980); and

12 (5) recover the cost to the state or to a municipality of a
13 containment and cleanup resulting from the release or the threatened
14 release of oil or a hazardous substance.

15 Sec. 46.08.050. RECORDS OF THE FUND. (a) The department shall
16 maintain accounting records showing the income and expenses of the
17 fund.

18 (b) By July 1 of each year, the department shall determine the
19 projected cost for the following fiscal year of monitoring, operating,
20 and maintaining sites where response has been completed or is expected
21 to be continued during the fiscal year.

22 (c) The commissioner shall consult with the commissioner of
23 revenue and the governor before adopting regulations governing fund
24 accounting. The department shall develop procedures and adopt rules
25 governing the expenditure of, and accounting for, money expended from
26 the fund, and may not delay implementation of this chapter pending the
27 effective date of the procedures and rules.

28 (d) The proper state officer shall pay disbursements from the
29 fund on presentation of vouchers signed by the governor or the

1 governor's authorized representative.

2 Sec. 46.08.060. REPORT TO THE LEGISLATURE. The commissioner
3 shall submit a report to the governor and to the legislature not later
4 than the 10th day following the convening of each regular session of
5 the legislature. The report may include information considered sig-
6 nificant by the commissioner but must include:

7 (1) the amount of money expended under AS 46.08.040 during
8 the preceding fiscal year; and

9 (2) the amount and source of money received and money
10 recovered during the preceding fiscal year as specified in AS 46.08.-
11 020.

12 Sec. 46.08.070. REIMBURSEMENT FOR CONTAINMENT AND CLEANUP. (a)
13 The commissioner shall seek reimbursement promptly under this section,
14 AS 46.03.760(e), or federal law for the cost incurred in the cleanup
15 or containment of oil or a hazardous substance that has been released.

16 (b) The attorney general, at the request of the commissioner,
17 may seek to recover money expended by the department under this chap-
18 ter or other law to contain and clean up oil or a hazardous substance
19 that has been released or to control the threatened release of oil or
20 a hazardous substance.

21 Sec. 46.08.080. REGULATIONS. The commissioner shall adopt
22 regulations necessary to implement the provisions of this chapter.

23 Sec. 46.08.900. DEFINITIONS. In this chapter

24 (1) "commissioner" means the commissioner of environmental
25 conservation;

26 (2) "containment and cleanup" includes the direct and
27 indirect efforts associated with the prevention, abatement, contain-
28 ment, or removal of a hazardous substance, the restoration of the
29 environment to its former state, and incidental administrative costs;

1 (3) "department" means the Department of Environmental
2 Conservation;

3 (4) "employee" means a person who works for an employer in
4 a place that is not used primarily as a personal residence;

5 (5) "employer" means a person, including the state and a
6 political subdivision of the state, who has one or more employees
7 working in a place that is not used primarily as a personal residence;

8 (6) "fund" means the oil and hazardous substance release
9 response fund;

10 (7) "hazardous substance" means

11 (A) an element or compound that, when it enters into
12 or on the surface or subsurface land or water of the state,
13 presents an imminent and substantial danger to the public health
14 or welfare, or to fish, animals, vegetation, or any part of the
15 natural habitat in which fish, animals, or wildlife may be found;
16 or

17 (B) a substance defined as a hazardous substance under
18 state or federal law or by regulations adopted under state or
19 federal law;

20 (8) "oil" means petroleum products of any kind and in any
21 form, whether crude, refined, or a petroleum by-product, including
22 petroleum, fuel oil, gasoline, lubricating oils, oily sludge, oily
23 refuse, oil mixed with other wastes, liquified natural gas, propane,
24 butane, and other liquid hydrocarbons regardless of specific gravity;

25 (9) "release" means an intentional or unintentional release
26 into the environment of the state.

27 * Sec. 2. AS 46 is amended by adding a new chapter to read:

28 CHAPTER 09. HAZARDOUS SUBSTANCE RELEASE CONTROL.

29 Sec. 46.09.010. REPORT OF HAZARDOUS SUBSTANCE RELEASES. (a)

1 Except as provided in (b) of this section, a person in charge of a
2 vehicle, vessel or container from which, or a place at which, a haz-
3 arduous substance is released shall report the release to the depart-
4 ment promptly after learning of the release.

5 (b) The commissioner may enter into an agreement with a person
6 for the periodic reporting of a controlled release of a hazardous
7 substance if the release is not into the water of the state.

8 Sec. 46.09.020. CONTAINMENT AND CLEANUP OF A RELEASED HAZARDOUS
9 SUBSTANCE. (a) A person who causes a release of a hazardous sub-
10 stance shall make reasonable efforts to contain and clean up the
11 hazardous substance promptly after learning of the release, unless the
12 commissioner determines

13 (1) after consulting the Environmental Protection Agency,
14 that containment or cleanup is technically infeasible; or

15 (2) that containment or cleanup would cause greater en-
16 vironmental damage than the release would cause if unabated.

17 (b) The commissioner shall adopt regulations prescribing proce-
18 dures and methods to be used in the containment and cleanup of a
19 hazardous substance and in the disposal of waste from the containment
20 or cleanup.

21 (c) If the commissioner determines that the containment or
22 cleanup of a hazardous substance undertaken is inadequate, the commis-
23 sioner may direct the person undertaking the containment or cleanup to
24 cease and may undertake the containment or cleanup directly or by
25 contract.

26 (d) If it appears to the commissioner that the cause or respon-
27 sibility for the release of a hazardous substance is unclear or unex-
28 plained, the commissioner may immediately undertake the containment
29 and cleanup of the release unless the commissioner determines

1 (1) after consulting the Environmental Protection Agency,
2 that containment or cleanup is technically infeasible; or

3 (2) that containment or cleanup would cause greater en-
4 vironmental damage than the release would cause if unabated.

5 (e) The commissioner shall enter into agreement with the En-
6 vironmental Protection Agency, and may enter into agreements with
7 other persons and municipalities, in order to

8 (1) facilitate a coordinated and effective hazardous sub-
9 stance release response in the state;

10 (2) provide for cooperative hazardous substance release
11 notification procedures; or

12 (3) provide for cooperative review of hazardous substance
13 release response contingency plans submitted to the department.

14 Sec. 46.09.030. DISASTER EMERGENCIES. The commissioner may
15 request the governor to determine that an actual or imminent release
16 of a hazardous substance constitutes a disaster emergency under
17 AS 26.23. If the governor declares a disaster emergency under AS 26.-
18 23, the commissioner may assist the adjutant general in the relief of
19 the emergency.

20 Sec. 46.09.040. HAZARDOUS SUBSTANCES CONTAINMENT AND CLEANUP.
21 The commissioner may contract with a person or a municipality for
22 personnel, equipment, or services that may be useful to carry out the
23 requirements of this chapter. If the commissioner determines that it
24 is infeasible to contract with a person or a municipality, the commis-
25 sioner may establish and maintain containment and cleanup personnel,
26 equipment, and supplies necessary to carry out the requirements of
27 this chapter.

28 Sec. 46.09.050. PEACE OFFICERS. Employees of the department
29 designated by the commissioner as enforcement officers in the

1 implementation of this chapter are peace officers of the state.

2 Sec. 46.09.060. COMPACTS AUTHORIZED. The governor may enter
3 into supplementary agreements, reciprocal arrangements, and compacts
4 with another state or country for the implementation of this chapter
5 subject to the approval of the Congress of the United States, if
6 required, under the Constitution of the United States.

7 Sec. 46.09.070. MUNICIPALITIES. (a) If a provision of this
8 chapter or of a regulation adopted by the commissioner under this
9 chapter conflicts with the charter, ordinance, or regulation of a
10 municipality, the provision of this chapter or of the regulation
11 adopted by the commissioner under this chapter prevails.

12 (b) Authority to contain, clean up, or prevent a release or
13 threatened release of oil or of a hazardous substance, and to exercise
14 other powers necessary to implement AS 46.08 - AS 46.09, are granted
15 to municipalities that do not otherwise have that authority. Except
16 as provided in (a) of this section, a municipality may exercise its
17 police power within the area of the municipality.

18 Sec. 46.09.080. REGULATIONS. The commissioner shall adopt
19 regulations necessary to implement the provisions of this chapter.

20 Sec. 46.09.900. DEFINITIONS. In this chapter

21 (1) "commissioner" means the commissioner of environmental
22 conservation;

23 (2) "containment and cleanup" includes the direct and
24 indirect efforts associated with the prevention, abatement, contain-
25 ment, or removal of a hazardous substance, the restoration of the
26 environment to its former state, and incidental administrative costs;

27 (3) "department" means the Department of Environmental
28 Conservation;

29 (4) "hazardous substance" means

1 (A) an element or compound that, when it enters into
2 or on the surface or subsurface land or water of the state,
3 presents an imminent and substantial danger to the public health
4 or welfare, or to fish, animals, vegetation, or any part of the
5 natural habitat in which fish, animals, or wildlife may be found;
6 or

7 (B) a substance defined as a hazardous substance under
8 state or federal law or by regulations adopted under state or
9 federal law;

10 (5) "release" means an intentional or unintentional release
11 into the environment of the state.

12 * Sec. 3. AS 26.23.230(1) is amended to read:

13 (1) "disaster" means the occurrence or imminent threat of
14 widespread or severe damage, injury, or loss of life or property
15 resulting from any natural or nonmilitary man-made cause including,
16 but not limited to, fire, flood, earthquake, landslide, mudslide,
17 avalanche, wind-driven water, weather condition, tsunami, [OIL SPILL
18 OR OTHER WATER CONTAMINATION REQUIRING EMERGENCY ACTION TO AVERT
19 DANGER OR DAMAGE], volcanic activity, epidemic, air contamination,
20 blight, infestation, explosion, riot, equipment failure, or shortage
21 of food, water, fuel, or clothing, or the release of oil or a hazard-
22 ous substance requiring prompt action to avert environmental danger or
23 damage;

24 * Sec. 4. AS 37.05.159 is amended by adding a new subsection to read:

25 (g) Notwithstanding the provisions of (b) of this section and
26 AS 37.07.080(e), the governor may transfer a maximum of \$10,000,000
27 during a fiscal year from the reserve for emergency operating expenses
28 account to the oil and hazardous substance release response fund
29 (AS 46.08).