ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
5951 HOUSE RESOURCES

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6-0857A
Lauterbach
2/27/89

Certification Work Draft

IN THE HOUSE BY MENARD

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to persons who perform work relating to petroleum and chemical storage tanks; and providing for an effective date."

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

* Section 1. AS 08.18 is amended by adding a new section to read:

Sec. 08.18.035. ENDORSEMENT ON REGISTRATION. (a) The department may issue a registration endorsement authorizing a registered contractor to install, repair, and test petroleum and chemical storage tanks if the applicant for endorsement meets the requirements that the department establishes by regulation and pays the applicable fee.

(b) The department shall consult with the Department of Environmental Conservation when establishing requirements under (a) of this section. The requirements may include training, education, experience, satisfactory performance on written, oral, or practical examinations, and other appropriate factors. The requirements must be designed to ensure that a person with an endorsement issued under this section is qualified to install, repair, and test petroleum and chemical storage tanks in a manner that complies with standards established by the Environmental Protection Agency.

(c) An endorsement issued under this section expires at the same time as the certificate of registration to which it attaches. An endorsement may be renewed upon satisfactory completion of continuing education requirements established by the department by regulation.

(d) A person may not install, repair, or test or offer to

install, repair, or test a petroleum or chemical storage tank without an endorsement issued under this section. A person who violates this subsection is guilty of a class A misdemeanor.

(e) In this section, "chemical," "petroleum," and "storage tank" have the meanings given in AS 08.48.341.

* Sec. 2. AS 08.18.041 is amended to read:

Sec. 08.18.041. FEES. The department shall set [REGISTRATION AND RENEWAL] fees under AS 08.01.065 for the following:

(1) registration and renewal for a general contractor;

(2) registration and renewal for a specialty contractor;

(3) registration and renewal for a mechanical contractor;

(4) endorsement and renewal under AS 08.18.035.

* Sec. 3. AS 08.48.011(b) is amended to read:

(b) The board consists of nine members appointed by the governor having the qualifications as set out in AS 08.48.031. The board consists of two civil engineers, one land surveyor, one mining engineer, two engineers from other branches of the profession of engineering, two architects, and one public member. At least one engineer appointed to the board must be certified by the board to inspect petroleum and chemical storage tanks.

* Sec. 4. AS 08.48 is amended by adding a new section to read:

Sec. 08.48.215. PETROLEUM AND CHEMICAL STORAGE TANKS; CERTIFICATION. (a) The board, in consultation with the Department of Environmental Conservation, shall by regulation develop and implement procedures and standards under which a professional engineer may receive an additional certificate of registration identifying the engineer as being qualified to inspect a petroleum or chemical storage tank. The board shall also adopt regulations governing revocation and renewal of a certificate issued under this section.

(b) In the records and reports under this chapter in which the board must identify professional engineers, the board shall also identify whether the engineer is certified under this section.

* Sec. 5. AS 08.48.261 is amended to read:

Sec. 08.48.261. STATE EMPLOYEES. The head of each principal department in which there are positions necessitating use of architectural, engineering, or land surveying knowledge or skills shall specify, in the job descriptions, the positions for which registration under this chapter is required. Except for certification related to inspection of a petroleum or chemical storage tank under AS 08.48.215, this [THIS] requirement for any position in a department may be waived by the head of the department. When the requirement is waived, the head of the department shall transmit to the division of personnel a written statement to the effect that the person filling the position is qualified to perform the duties of that position and a statement of the reasons for waiving the requirement, explaining why the employee was hired or was retained as an employee even though not registered under this chapter. The head of the department shall send a copy of the statement to the board.

* Sec. 6. AS 08.48.281 is amended by adding a new subsection to read:

(b) A person may not inspect or offer to inspect a petroleum or chemical storage tank unless the person is certified under AS 08.48.-215.

* Sec. 7. AS 08.48.291 is amended by adding a new subsection to read:

(b) A person who violates AS 08.48.281(b) is guilty of a class A misdemeanor.

* Sec. 8. AS 08.48.341 is amended by adding new paragraphs to read:

(14) "chemical" means a substance defined in 42 U.S.C. 9601(14) (sec. 101(14) of the Comprehensive Environmental Response,

Compensation, and Liability Act of 1980) as amended, and a substance having the characteristics identified or listed under 42 U.S.C. 6921 (sec. 3001 of the Solid Waste Disposal Act), regardless of whether the substance is a solid waste;

(15) "farm" means a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements; "farm" includes fish hatcheries, rangelands, and nurseries with growing operations;

(16) "petroleum" means crude oil or any fraction of crude oil that is liquid at 60 degrees Fahrenheit and 14.7 pounds per square inch absolute; "petroleum" includes petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils;

(17) "storage tank" means one or a combination of stationary devices that are designed to contain an accumulation of petroleum or chemicals; are constructed of non-earthen materials such as concrete, steel, or plastic; and provide structural support; "storage tank" includes pipes or piping connected to the storage tank; "storage tank" does not include a storage tank holding

(A) heating oil if the tank capacity is 1,100 gallons or less or if it is located at a farm or at a dwelling no larger than a duplex, and the heating oil is for consumptive uses on the storage premises;

(B) motor fuel if the tank capacity is 1,100 gallons or less or if it is located at a farm or at a dwelling no larger than a duplex, and the motor fuel is not intended for resale;

(C) hazardous waste that is being managed under 42

U.S.C. 6901 - 6991i (Solid Waste Disposal Act);

* Sec. 9. Section 3 of this Act takes effect July 1, 1990.

* Sec. 10. AS 08.18.035(a) and (b), enacted by sec. 1 of this Act, and sec. 4 of this Act take effect immediately under AS 01.10.070(c).

* Sec. 11. Except as provided in secs. 9 and 10 of this Act, this Act takes effect January 1, 1990.

Alaska State Legislature
HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

MEMORANDUM

To: All House Members

From: Rep. Curt Menard

re: Leaking Underground Storage Tanks (LUST)

Date: February 23, 1989

Attached are two bills which I will be introducing over the next few days. These bills address the problem of leaking underground storage tanks. There have been 72 sites of documented, human-caused ground water contamination in Alaska to date, 68% of which are due to petroleum products.

In response to a national ground water contamination problem, the Environmental Protection Agency in November of 1988, promulgated regulations that required underground storage tank owners to upgrade their tanks, install leak detection and monitoring and obtain 1 million dollars worth of pollution liability insurance. For tank owners such as gas station owners and other small businesses, these costs will be prohibitive and may force many into bankruptcy if they also must pay the costs of cleaning up contaminated soil and water. Presently in Alaska it is virtually impossible to obtain liability insurance for underground storage tanks.

The first piece of legislation requires the certification of installers who perform work related to underground storage tanks. It is very important that tank owners are assured that when they spend thousands of dollars to install new tanks, lines and leak detection, that the installers are qualified and that the equipment works properly and prevents future releases.

The second piece of legislation would give the Alaska Department of Environmental Conservation the authority to prevent and abate the problems caused by leaking underground storage tanks. Presently they only have authority to regulate tanks of 10,000 barrels or greater. Tanks of small and medium sizes can pose as great a risk to drinking water as larger tanks.

The bill would also assist small tank owners in complying with the standards required by EPA through technical assistance, state guaranteed loans and short term financial assistance for

clean up of contaminated sites. The financial assistance will help in addressing the million dollar liability requirement by EPA and will provide an incentive for tank owners to report spills. Many other states have already implemented similar programs or are in the process of passing this type of legislation. Attached is a summary of legislation in other states.

The bill sets up an account in the Hazardous Substance Release Response Fund to provide clean up funds and financial assistance. It would be funded by a 2 cent per gallon increase in the motor fuels tax as well as fees assessed on individual tanks.

Unless we take some affirmative action, the state of Alaska will continue to face million dollars of clean up costs in the future due to contamination of ground water.

These bills are not in set in stone. We would appreciate any comments and proposed changes which you may have. Please contact Marilyn Heiman, 465-4944 in my office if you have any comments, questions or would like to co-sponsor either piece of legislation.

Table 1. Summary of Alaska Inventory of Contaminated Aquifers (AICA), October 1986 to June 1987.

Site no.[a]	Site name	Site location	Contaminated public water supplies	Type of contamination	Volume of spill or leak (gal)	Contaminant found	Aquifer	Depth to water table (ft)
NORTHERN REGION								
2-5	Air North Terminal	Fairbanks	1	Fuel	40	Benzene, ethyl-benzene, xylenes	-	-
1-10	Campion AFS[b]	Galena	0	Fuel	-	-	Sand and gravel	-
1-7	Chevron Tank Farm	Nome	0	Fuel	-	Fuel	-	-
2-12	Eielson AFB[c]	Eielson	1	Fuel	-	Lead, oil, and grease, TOH[d]	Sand and gravel	5-10
1-16	Eielson ski lodge	Eielson	1	Fuel	-	Benzene	-	-
2-4	Fairbanks MUS[e]	Fairbanks	1	Fuel	-	Benzene	Sand and gravel	10-20
2-3	Fairbanks bulk plants	Fairbanks	0	Fuel	-	Fuel	Sand and gravel	14
2-6	Fairbanks landfill	Fairbanks	0	Leachate	-	Sodium chloride, iron, manganese	Sand and gravel	6-19
1-5	Ft. Yukon School District	Ft. Yukon	1	Fuel	-	Diesel oil	-	-
1-9	Galena airfield	Galena	1	Fuel	-	Benzene	Gravel and sand	14-21
2-8	Hazels Highlights	North Pole	1	Bacteriological	-	Coliform	-	-
1-4	Indian Mtn. AFS[b]	Hughes	0	Fuel	140,000	Fuel	-	-
1-2	Kotzebue	Kotzebue	0	Fuel	200,000	#2 diesel	-	6
1-3	Kotzebue AFS[b]	Kotzebue	0	Fuel	-	Fuel	-	-

[a] Figure number - Location number on figure
[b] Air Force Station
[c] Air Force Base
[d] Total Organic Halogens
[e] Municipal Utilities System
[f] Petroleum Oil and Lubricants
[g] Public Health Service
[h] Trans-Alaska Pipeline System
[i] University of Alaska
[j] Ukpeagvik Inupiat Corporation/Naval Arctic Research Laboratory
[k] U.S. Coast Guard
[l] Department of Health and Human Services
- Unknown or not applicable

Table 1. (con.)

Site no.[a]	Site name	Site location	Contaminated public water supplies	Type of contamination	Volume of spill or leak (gal)	Contaminant found	Aquifer	Depth to water table (ft)
1-13	Manley Hot Springs	Manley	0	Fuel	-	Fuel	-	-
2-10	Mapco Petroleum Company	North Pole	1	Fuel	100,000	Petroleum products	-	-
1-15	Minto School	Minto	1	Fuel	6,000	#1 diesel	Bedrock	40
2-11	Petro Star Refinery	North Pole	1	Fuel	-	Benzene	Sand and gravel	-
2-7	POL[f] Tank Farm	Ft. Wainwright	1	Fuel	-	Fuel oil	-	-
1-6	Q Trucking	Nome	0	Fuel	30,000	Unleaded gas	-	-
1-20	Sourdough Roadhouse	Gakona	1	Fuel	-	Benzene	-	-
1-19	State Trooper housing	Tok	1	Solvents/ detergents	-	Paradichloro-benzene, LES (detergents)	-	-
2-9	Stage Stop Texaco	North Pole	1	Fuel	-	Benzene, ethyl-benzene, toluene, xylene	-	-
1-11	Tanana PHS[g] Hospital	Tanana	1	Fuel	-	Fuel	-	-
1-12	Tanana Well #2	Tanana	1	Bacteriological	-	Coliform	-	-
1-14	TAPS[h] check valve 68A	Milepost 430, TAPS	0	Fuel	3,780	Crude oil	-	4-18
1-17	Tok River campground	Tok	1	Fuel	-	Oil and grease	-	-
2-2	UAF[i] Geist Well	Fairbanks	1	Fuel	-	Benzene	-	-
2-1	UAF[i] warehouse	Fairbanks	1	Fuel	-	Benzene	-	-
1-1	UIC/NARL[j] facility	Point Barrow	0	Fuel	830,000	Fuel	Gravel and sand	3
1-18	USCG[k] Loran Station	Tok	1	Fuel	-	Fuel	-	-
1-8	White Mtn. Washeteria	White Mountain	1	Fuel	2,500	Fuel oil	-	-

Table 1. (con.)

Site no.[a]	Site name	Site location	Contaminated public water supplies	Type of contamination	Volume of spill or leak (gal)	Contaminant found	Aquifer	Depth to water table (ft)
SOUTHCENTRAL REGION								
1-24	Akiak	Akiak	1	Fuel	-	Oil and grease	-	-
3-5	Alaska Husky Battery	Anchorage	0	Chemical	-	Sulfates	Sand and gravel	8-11
3-7	Alaska Railroad Yard	Anchorage	0	Fuel, chemical	-	Benzene, xylenes, arsenic, chromium	Sand and gravel	9-10
1-35	Amchitka Island	Amchitka Island	0	Radioactivity	-	Gross alpha, gross beta, tritium	Rock	-
4-8	Anchor Point	Anchor Point	1	Fuel	100	Aromatic hydrocarbons, benzene	Gravel and sand	24-52
4-1	Arness Dock	Nikiski Wharf, Kenai Peninsula	0	Fuel	3,000	Fuel	-	
4-4	Buckingham Well	Kenai	0	Fuel	50	#2 fuel oil, benzene		
1-27	Butte landfill	Matanuska-Susitna Borough	0	Leachate	-	Iron, manganese		
1-29	Chitina Cafe	Chitina	1	Fuel	-	Oil and grease, other hydrocarbons		
1-23	Chuathbaluk	Chuathbaluk	1	Fuel	-	Oil and grease		
3-2	Debora/Schroeder	Municipality of Anchorage	1	Bacteriological	-	Coliform, nitrate, chloride, fluorescein	[illegible]	
3-10	DHHS[1]12A	Anchorage	0	Bacteriological	-	Coliform	Sand and gravel	5-12
3-9	DHHS[1]33	Anchorage	0	Bacteriological	-	Coliform	Sand and gravel	7-8
3-3	Elmendorf AFB[c]	Anchorage	0	Fuel	148,000	Fuel	-	-

Table 1. (con.)

Site no.[a]	Site name	Site location	Contaminated public water supplies	Type of contamination	Volume of spill or leak (gal)	Contaminant found	Aquifer	Depth to water table (ft)
1-25	Fishhook West Subdivision	Wasilla	1	Bacteriological	-	Coliform	-	-
3-8	International Airport landfill	Anchorage	0	Leachate	-	Iron, manganese, DOC	-	-
4-6	Iron's Subdivision	Soldotna	0	Fuel spill	-	Benzene	Sandy gravel	-
1-33	King Salmon AFS[b]	King Salmon	0	Fuel	-	Fuel	-	spring
1-28	Knik Bar	Wasilla	1	Bacteriological	-	Coliform	-	-
1-31	Koliganek	Koliganek	1	Fuel	-	Ethylbenzene, xylenes	-	-
1-21	Marshall	Marshall	1	Fuel	-	oil	-	-
1-22	Mekoryuk	Nunivak Island	1	Bacteriological, salt-water intrusion	-	-	-	-
3-6	Merrill Field	Anchorage	0	Leachate	-	-	-	-
4-3	Old Kenai dump	Kenai	0	Leachate	-	Oil and grease, iron, manganese, chromium	Sand	20-30
3-1	Peters Creek	Municipality of Anchorage	2	Fuel	-	Benzene, toluene, xylene	Sand and gravel	80-110
4-7	Poppy Lane	Soldotna	0	Drilling fluids	2,500	Drilling mud, glycol, gas-field condensate	Sand and gravel	8-12
3-4	Port of Anchorage	Anchorage	0	Fuel	-	Fuel oil, oil and grease	Sand and gravel	9-32
4-5	Sadler's Furniture Store	Sterling	1	Fuel	-	Benzene	-	-
1-34	Shemya AFB[c]	Shemya	0	Fuel, saltwater intrusion	-	Fuel, saltwater	-	-

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1-26	Ship Ahoy Bar	Wasilla	1	Bacteriological	-	Coliform	-	-
1-32	Sparrevohn AFS[b]	SW Alaska	0	Fuel	-	Diesel fuel	-	-
4-2	Union Chemicals	Kenai	0	Processing waste	-	Aresenic, ammonia, nitrate, nitrite, urea	-	-
1-30	Whittier Creosote	Whittier	0	Creosote	-	Creosote	-	-
SOUTHEASTERN REGION								
5-2	Bayview Apartments	Auke Bay	1	Bacteriological, saltwater intrusion	-	Coliform, saltwater	-	-
5-5	Charlies Marine	Juneau	0	Fuel	-	Benzene, chlorobenzene, ethylbenzene	-	-
5-4	Gamon Duplex	Juneau	1	Fuel	20	Benzene, ethylbenzene	Sand and gravel	20-30
5-1	Indian Cove	Juneau	2	Saltwater intrusion	-	Sodium chloride, dissolved solids	Bedrock	20-110
1-36	Ocean Cape	Phipps Peninsula	0	Saltwater intrusion	-	Chloride	Gravel and sand	24
5-3	Taco Bell	Juneau	1	Fuel	20	Benzene, toluene	-	-
1-37	Ketchikan Union 76	Ketchikan	0	Fuel	-	Fuel	-	-

6-0857A
Lauterbach
2/27/89

Certification Work Draft

IN THE HOUSE BY MENARD

HOUSE BILL NO.

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install, repair, or test a petroleum or chemical storage tank without an endorsement issued under this section. A person who violates this subsection is guilty of a class A misdemeanor.

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(1) registration and renewal for a general contractor;

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* Sec. 9. Section 3 of this Act takes effect July 1, 1990.

* Sec. 10. AS 08.18.035(a) and (b), enacted by sec. 1 of this Act, and sec. 4 of this Act take effect immediately under AS 01.10.070(c).

* Sec. 11. Except as provided in secs. 9 and 10 of this Act, this Act takes effect January 1, 1990.

6-0693E.
Lauterbach
2/23/89

Work Draft on Assistance to tank owners

By Menard

IN THE HOUSE

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to motor fuels, petroleum and chemical storage tanks, and containment and cleanup of oil and hazardous substances; and providing for an effective date."

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

* Section 1. PURPOSE. The purpose of this Act is to authorize the Department of Environmental Conservation to regulate petroleum and chemical storage tanks and to establish mechanisms that will assist the owners of small underground petroleum storage tanks to comply with federal and state requirements governing their tanks. The legislature recognizes that these owners may be faced with expenses that they cannot immediately afford for liability insurance, the costs of upgrading or replacing their tanks, and the costs of cleaning up past contamination related to their tanks. The legislature intends to help these owners through a combination of technical assistance, loan guarantees, and other program features, but only if these owners have complied with previous state and federal laws and only if they promptly comply with the new requirements of this Act.

* Sec. 2. AS 43.40 is amended by adding a new section to read:

Sec. 43.40.015. ADDITIONAL TAX LEVY ON MOTOR FUEL. (a) In addition to the tax levied by AS 43.40.010, there is levied an excise tax of two cents a gallon on all motor fuel subject to tax under AS 43.40.010.

(b) The tax imposed by (a) of this section shall be collected and remitted in the same manner as the tax levied and collected under

AS 43.40.010 except that the proceeds of the tax may not

(1) be returned to municipalities under AS 43.40.010(e);

(2) be deposited in any special account authorized under AS 43.40.010, but shall be remitted to the commissioner of revenue for deposit into the general fund.

(c) The commissioner of administration shall separately account for the proceeds of the tax collected under this section and deposited into the general fund. The legislature may use the annual estimated balance in the account to make appropriations to the Department of Environmental Conservation for the underground petroleum storage tank account established under AS 46.08.015.

* Sec. 3. AS 43.40.035(a) is amended to read:

(a) A person who resells fuel on which the tax under AS 43.40.-010(a) or (b) or 43.40.015 was previously paid is entitled to a credit or refund of the tax if (1) the resold fuel is not motor fuel and the requirements of AS 43.40.010(1) have been fulfilled; or (2) the amount of tax previously paid exceeds the tax due on the resale. The amount of the credit or refund under this section is equal to the amount of tax previously paid on the resold fuel less the amount of tax prescribed by AS 43.40.010(a) or (b) or 43.40.015.

* Sec. 4. AS 46.03 is amended by adding new sections to read:

ARTICLE 6A. PETROLEUM AND CHEMICAL STORAGE TANKS.

Sec. 46.03.350. APPLICABILITY. AS 46.03.350 - 46.03.450 apply to aboveground and underground petroleum or chemical storage tanks, and, along with implementing regulations adopted by the department, may be enforced against a person who owns, possesses, or controls a tank described in this section.

Sec. 46.03.360. REGULATION OF STORAGE TANKS. (a) The department shall develop and implement a program to prevent and abate

pollution from aboveground and underground petroleum and chemical storage tanks through the adoption of regulations. Consistent with other provisions in AS 46.03.350 - 46.03.450, the regulations may govern

(1) notification;

(2) licensing, certification, inspection, and record keeping;

(3) contingency plans and financial responsibility;

(4) construction, installation, and performance;

(5) maintenance, operation, and repair;

(6) spill and overfill control, and release detection and reporting;

(7) enforcement, corrective action, and damages and cost recovery;

(8) closure and abandonment; and

(9) prevention of spills, releases, or pollution, to protect the public health and environment.

(b) The department may distinguish between the sizes, types, classes, and ages of storage tanks in the regulations adopted under (a) of this section. The department may also distinguish between persons who own or operate only a few storage tanks and persons who own or operate many storage tanks.

(c) The state may delegate authority to a municipality to implement a program with regulatory requirements at least as strict as those in AS 46.03.350 - 46.03.450 and the regulations adopted under those statutes.

Sec. 46.03.370. INSPECTIONS. An aboveground or underground petroleum or chemical storage tank regulated under AS 46.03.350 - 46.03.450 is subject to inspection by the department to ensure

compliance with AS 46.03.350 - 46.03.450 and the regulations adopted under those sections.

Sec. 46.03.380. TECHNICAL ASSISTANCE. The department shall contract for services to be provided to persons who own at least one but fewer than 11 small underground petroleum storage tanks to assist them in understanding how to comply with federal and state laws and regulations applicable to their tanks. A representative of the department designated to give advisory or consultative services under this section may not have enforcement authority.

Sec. 46.03.390. LOAN GUARANTEES. The department may guarantee up to 90 percent of a loan made to a person who owns at least one but fewer than 11 small underground petroleum storage tanks for the costs of labor and materials for

(1) site inspection and evaluation of the status of a small underground petroleum storage tank;

(2) cleanup costs, including restoration of the environment, associated with a release from a small underground storage tank;

(3) retrofitting, repairing, or replacing a small underground petroleum storage tank to meet federal or state requirements; and

(4) installing leak detection and monitoring devices for a small underground petroleum storage tank.

Sec. 46.03.400. NOTIFICATION AND REGISTRATION REQUIREMENTS. A person who intends to install a storage tank shall notify the department at least 30 days before installing the tank. After installing a storage tank, the owner shall register the tank with the department on a form provided by the department. The owner shall annually renew the registration. The owner shall specify on the registration form, to the extent known by the owner, the location, size, type of

construction, and age of the tank and the type of petroleum or chemical stored in the tank. If the tank is not in operation, the owner shall also specify on the registration form, to the extent known by the owner, the date the tank was taken out of operation and the quantity of petroleum or chemical left in the tank when it was taken out of operation. For a storage tank installed after July 1, 1989, the registration required under this subsection shall be within 120 days after the installation.

Sec. 46.03.410. REGISTRATION FEE. At the time of registration and renewal of registration under AS 46.03.400, the owner shall pay to the department a registration fee of $.01 per gallon based on the capacity of the tank being registered. The department shall deposit fees collected under this subsection in the general fund. The commissioner of administration shall separately account for fees deposited under this subsection. The legislature may appropriate the annual estimated balance of the account to the underground petroleum storage tank account established under AS 46.08.015.

Sec. 46.03.420. EXEMPTIONS. (a) AS 46.03.350 - 46.03.450 do not apply to a storage tank with a capacity of 1,100 gallons or less at a farm, or at a residence that is a single-family dwelling or duplex, if the storage tank is used for storing motor fuel that is not intended for resale.

(b) AS 46.03.350 - 46.03.450 do not apply to a storage tank with a capacity of 1,100 gallons or less if the storage tank is used for storing heating oil for consumptive use on the premises where it is stored.

(c) AS 46.03.350 - 46.03.450 do not apply to a storage tank used for storing heating oil at a farm, or at a residence that is a single-family dwelling or duplex, if the oil is held for consumptive use on

the premises where it is stored.

(d) AS 46.03.350 - 46.03.450 do not apply to the storage of hazardous waste that is being managed under 42 U.S.C. 6901 - 6991i (the Solid Waste Disposal Act).

(e) The department may by regulation provide for other exemptions as necessary.

Sec. 46.03.450. DEFINITIONS. In AS 46.03.350 - 46.03.450

(1) "chemical" means any substance defined in 42 U.S.C. 9601(14) (sec. 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980), as amended, and any substance having the characteristics identified or listed under 42 U.S.C. 6921 (sec. 3001 of the Solid Waste Disposal Act), regardless of whether the substance is a solid waste;

(2) "farm" means a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements; "farm" includes fish hatcheries, rangelands, and nurseries with growing operations;

(3) "petroleum" means crude oil or any fraction of crude oil that is liquid at 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute; "petroleum" includes petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils;

(4) "small underground petroleum storage tank" means a storage tank designed to contain an accumulation of petroleum, the capacity of which is 12,000 gallons or less and the volume of which, including the volume of underground pipes connected to it, is 10 percent or more beneath the surface of the ground;

(5) "storage tank" means one or a combination of stationary devices that are designed to contain an accumulation of petroleum or chemicals; are constructed of nonearthen materials such as concrete, steel, or plastic; and provide structural support; "storage tank" includes pipes or piping connected to the storage tank.

* Sec. 5. AS 46.08.010(c) is amended to read:

(c) Except as provided in AS 46.08.015, the [THE] fund shall be used for actual expenses incurred under AS 46.08.040. Except as provided in AS 46.08.015, the [THE] fund may not be used for capital improvements.

* Sec. 6. AS 46.08 is amended by adding a new section to read:

Sec. 46.08.015. UNDERGROUND PETROLEUM STORAGE TANK ACCOUNT. (a) There is established in the fund an underground petroleum storage tank account. The account consists of money appropriated to it.

(b) The commissioner may use money from the underground petroleum storage tank account for

(1) the costs of containment and cleanup of a release or threatened release of petroleum from a small underground petroleum storage tank;

(2) the costs of containment and cleanup of a release or threatened release of a hazardous substance that poses a direct and substantial threat to public health;

(3) loan guarantees under AS 46.03.390; and

(4) the department's costs for administering AS 46.03.380 - 46.03.410.

(c) The commissioner may not use more than $1,000,000 per containment and cleanup action under (b)(1) or (b)(2) of this section if the release or threatened release is from a small underground petroleum storage tank.

* Sec. 7. AS 46.08.900 is amended by adding a new paragraph to read:

(11) "small underground petroleum storage tank" has the meaning given in AS 46.03.450.

* Sec. 8. Notwithstanding AS 46.03.400, enacted by sec. 4 of this Act, the registration required under AS 46.03.400, enacted by sec. 4 of this Act, is due on September 1, 1989, for a tank installed before July 1, 1989.

* Sec. 9. (a) To the extent that the response costs for a release or threatened release from a small underground petroleum storage tank installed before July 1, 1989, exceed $5,000, the Department of Environmental Conservation may expend up to $1,000,000 from the account established under AS 46.08.015 by sec. 6 of this Act if the owner of the tank

(1) owns at least one but fewer than 11 small underground petroleum storage tanks;

(2) has complied with state and federal laws applicable to the tank and releases from the tank;

(3) meets the time requirement for registration under sec. 8 of this Act; and

(4) reports by October 1, 1989, a release or threatened release from a tank registered under sec. 8 of this Act.

(b) To the extent that the response costs for a release or threatened release from a small underground petroleum storage tank installed before July 1, 1989, exceed $10,000, the Department of Environmental Conservation may expend up to $1,000,000 from the account established under AS 46.08.015 by sec. 6 of this Act if the owner of the tank

(1) owns at least one but fewer than 11 small underground petroleum storage tanks;

(2) has complied with state and federal laws applicable to the tank and releases from the tank;

(3) meets the time requirement for registration under sec. 8 of

this Act; and

(4) reports by October 1, 1990, a release or threatened release from a tank registered under sec. 8 of this Act.

(c) The first ,000 of response costs under (a) of this section and the first $10,000 of response costs under (b) of this section shall be paid by the owner of the tank.

(d) Notwithstanding AS 46.03.760, AS 46.08.070, or other law, the state may not seek to recover from the owner response costs incurred under (a) or (b) of this section or other law unless the state shows that the

(1) release or threatened release was a result of the owner's grossly negligent, reckless, or intentional conduct; or

(2) owner is financially able to bear some or all of the response costs.

(e) The Department of Environmental Conservation may adopt regulations governing

(1) procedures that must be followed by an owner to demonstrate that the owner has met the conditions of (a) or (b) of this section;

(2) how the department will determine whether an owner is financially able to bear response costs under (d)(2) of this section; and

(3) criteria that will be used by the department for determining priorities for responding to releases or threatened releases reported under this section.

(f) In this section, "small underground petroleum storage tank" has the meaning given in AS 46.03.450, as amended by sec. 4 of this Act.

* Sec. 10. This Act takes effect July , 1989.

EXHIBIT 7-2

STATE FUND OR OTHER STATE ASSURANCE PROGRAMS COVERING PETROLEUM RELEASES

(as of September 1988)

State/Fund Title	Eligibility/Description	Revenue Source	Coverage for: Corrective Action	Coverage for: Third-Party Liability
Alabama Groundwater Protection Trust Fund	Establishes a $10 million fund to provide for the cleanup of LUSTs during a two-year grace period, after which the State will set financial responsibility requirements with an owner/operator responsible for a maximum of $1[illegible] for corrective action (CA) and $300,000 for third-party compensation coverage (with a $500,000 per occurrence limit). Also provides for an insurance pool for those unable to secure cleanup and/or liability insurance.	1. Motor fuels fee	Yes During the two-year grace period, all CA costs are covered; subsequently, costs will be covered according to the yet-to-be established financial responsibility requirements.	Yes Covers all third party claims over $300,000 with a per occurrence limit of $500,000.
California State Underground Tank Insurance Fund (PROPOSED)	Establishes a board of directors that will determine the eligibility requirements and the amounts of coverage for CA and third-party liability. Authorizes the board to act as a reinsurer as well.	1. State appropriations 2. Premiums 3. Interest income on the fund 4. Cost recovery 5. Revenue bonds	Yes To be determined.	Yes To be determined.
Storage Tank Cleanup Fund (PROPOSED)	Owners and operators must file claims for reimbursement of covered costs from the fund.	1. Fees 2. Interest income on the fund 3. State appropriations 4. Cost recovery	Yes Covers costs of CA from $100,000 to $1 million per occurrence.	No
Colorado Underground Storage Tank Fund (PROPOSED)	The bill would allow the State insurance commissioner to establish a program to assist owners and operators in complying with the financial responsibility requirements.	1. Registration fees 2. Civil penalties 3. Certification fees 4. Gifts 5. Reimbursements 6. State appropriations 7. Interest income on the fund	To be determined.	To be determined.
Delaware Leaking Underground Petroleum Storage Tank Response Fund	Nonlapsing revolving fund; Covers remedial cleanup costs after a $2,500 deductible if LUSTs are reported by December 1988. After that date, the trust fund covers cleanup costs up to $1 million after a $100,000 deductible. Establishes a $100,000 environmental liability limit for owners and operators and a $300,000 limit for third-party claims.	1. Cost recovery from the owner/operator 2. Expenses, costs, and judgments recovered pursuant to the Act 3. Interest income from fund 4. Reimbursements under Federal law 5. Tank registration fees	Yes Remedial costs over $2,500 for LUSTs reported by 12/88. After that date, $100,000 to $1 million per occurrence per facility.	Yes $300,000 to $1 million per occurrence per facility.

EXHIBIT 7-2 (continued)

STATE FUND OR OTHER STATE ASSURANCE PROGRAMS COVERING PETROLEUM RELEASES

(as of September 1988)

State/Fund Title	Eligibility/Description	Revenue Source	Coverage For: Corrective Action	Coverage For: Third-Party Liability
Florida Inland Protection Trust Fund	Set up to allow the Dept. of Natural Resources to respond without delay to incidents of inland petroleum contamination; nonlapsing, revolving fund.	1. Tank registration and renewal fees 2. Excise tax on petroleum products 3. Penalties 4. Loan of five million dollars from the Florida Coastal Protection Trust Fund 5. Cost recovery 6. Interest income from the fund	Yes Funds for State-sponsored CA only.	No
Early Detection Incentive Program (part of the Inland Protection Trust Fund)	Amnesty period set up from 7/1/86 to 10/1/88 during which the State will clean up all reported leaks meeting certain criteria.	See above	Yes No defined limit; reimbursement at "reasonable rates for allowable costs."	No
Petroleum Liability Insurance Program	Provides $1 million third-party liability insurance and $1 million restoration insurance to qualified tank owner operators.	1. Tank registration and renewal fees for restoration coverage 2. Excise tax on petroleum products for restoration coverage 3. Premium for third-party liability	No	Yes
Georgia UST Environmental Corrective Action Trust Fund	Dept. of Natural Resources Board establishes criteria for reimbursing tank owner/operators for corrective actions. Tank replacement and retrofit are not eligible costs.	1. Tank fees	Yes Owner/operator pays first $10,000 and then after cleanup submits eligible CA costs for reimbursement.	No
Illinois Underground Storage Tank Fund	Only available to tank owners/operators who have registered their tanks and paid an annual fee of $100. Funds are available for cleanup where the owner/operator refuses to comply, cannot be found, or there is an emergency.	1. Annual $100 fee from UST owners 2. Cost recovery	Yes Covers CA costs from $100,000 to $1 million.	No
Indiana Underground Petroleum Storage Tank Trust Fund / Underground Petroleum Storage Tank Excess Liability Fund	The Trust Fund is designed for use by the Dept. of Environmental Management for costs incurred by the State for CA. The Excess Liability Fund may be used by owners and operators for CA costs between $100,000 and $1 million. Includes a study for future funding needs and the establishment of a risk retention group.	1. Annual registration fees	Yes Covers CA costs between $100,000 and $1 million.	No

EXHIBIT 7-2 (continued)

STATE FUND OR OTHER STATE ASSURANCE PROGRAMS COVERING PETROLEUM RELEASES

(as of September 1988)

State/Fund Title	Eligibility/Description	Revenue Source	Coverage For: Corrective Action	Coverage For: Third-Party Liability
Iowa Comprehensive Petroleum Underground Storage Tank Fund [PROPOSED]	Establishes a "deductible" or minimum financial responsibility requirement for owners and operators of $20,000 for CA and third-party liability costs. An owner or operator may apply to the State for coverage above the deductible up to $1 million per occurrence. Also allows an owner or operator to apply for full coverage by the fund under specified conditions. The minimum fund amount is $5 million.	1. Risk-based premiums 2. Tank fees 3. Cost recovery and penalties 4. Interest income from the fund 5. Gifts, grants (including Federal grants), and appropriations	Yes Upon application to the State, an owner or operator may qualify for either full coverage or meet a $20,000 "deductible" up to $1 million per occurrence.	Yes Upon application to the State, an owner or operator may qualify for either full coverage or meet a $20,000 "deductible" up to $1 million per occurrence.
Louisiana Environmental Programs Trust Fund / Underground Storage Tank Trust Fund	The fund is set up to defray the cost of the State UST program, including State-initiated CA; also provides matching funds for Federal UST grant money.	1. Registration fees 2. Annual monitoring and maintenance fees	Yes Funds for State-sponsored CA only.	No
Coastal and Inland Surface Oil Clean-up Fund (CISOCF)	Nonlapsing, revolving fund; Fund total is limited to $4,500,000.	1. License fees 2. Funds loaned from the Ground Water Oil Clean-up Fund 3. Penalties 4. Interest income on funds invested 5. Cost recovery 6. Federal matching funds 7. Borrowing of funds by and between CISOCF	Yes Funds for State-sponsored CA only.	Yes No defined limit on the level of coverage; six month limitation on filing a claim after an occurrence.
Massachusetts Underground Storage Tank Petroleum Cleanup Fund [PROPOSED]	Funds will be provided at the discretion of the State for reimbursement of CA costs over $5,000 up to $1 million, including third-party claims. Eligibility is confined to those owners and operators who are in compliance with the State UST regulations.	1. Petroleum fee (suspended when fund balance is over $30 million; reinstated at a balance of $10 million) 2. Interest income on the fund	Yes Covers CA costs between $5,000 and $1 million.	Yes Covers third-party costs between $5,000 and $1 million.
Minnesota Petroleum Tank Release Cleanup Fund	Provides authority to the Pollution Control Agency to take or compel CA. Available to owners and operators who have taken corrective action in response to a release reported on or after 6/4/87. Provides for reimbursement of 75% of eligible CA costs greater than $10,000 and less than $100,000. UST owner or operator must be in compliance with all applicable State and Federal laws at the time of the release.	1. Cost recovery from responsible parties 2. Civil penalties 3. Certification fees 4. Gifts, grants other than Federal grants, reimbursements, or appropriations from any source intended to b[illegible]ed for the purposes of the fund 5. Interest inc[illegible] 6. Petroleum tan[illegible]nup fee (only if the fund bala[illegible] falls below $1 million)	Yes Reimbursement for 75% of CA costs greater than $10,000 and less than $100,000.	No

EXHIBIT 7-2 (continued)

STATE FUND OR OTHER STATE ASSURANCE PROGRAMS COVERING PETROLEUM RELEASES

(as of September 1988)

State/Fund Title	Eligibility/Description	Revenue Source	Coverage For: Corrective Action	Coverage For: Third-Party Liability
Mississippi Groundwater Protection Trust Fund	A revolving fund for the investigation and assessment of contamination sites, restoration and replacement of potable water supplies, and rehabilitation of contamination sites. The owner or operator is liable for the costs if he or she is not in "substantial compliance" on the date of discharge. When the balance of the fund reaches $6 million, the funding fee will abate until the balance falls below $4 million, at which point the fee is reimposed. Establishes a two-year grace period from the date of enactment (July 1, 1988), during which all CA costs are covered under specified conditions.	1. Environmental protection fee on all motor fuel distributor sales and deliveries 2. Interest income on the fund 3. Federal grants 4. Tank regulatory fee 5. Cost recovery from owners not in substantial compliance on the date the release is reported	Yes Reimbursement upon application--no $1,000,000 limit during the grace period. After the two-year grace period, the State will establish minimum financial responsibility requirements for CA not exceeding $100,000 per occurrence.	Yes $1,000,000 per occurrence limit. After the two-year grace period, the State will establish minimum financial responsibility requirements for third-party liability not exceeding $300,000 per occurrence. (The State will cover claims up to $700,000).
New Hampshire Oil Discharge and Disposal Cleanup Fund	Provides partial reimbursement to owners and operators of USTs (including home heating fuel tanks) with a capacity equal to or greater than 1,100 gallons and who are in compliance with the regulatory requirements. Reimbursement is provided for CA and third-party liability costs according to the number of facilities owned by the owner or operator. At $5 million, the fee abates until the fund drops below $2.5 million. Transfer and transport fee and cleanup fund will lapse on January 1, 1994.	1. Per gallon fee on oil and oil product transfer or transport within or into the state 2. Per barrel license fee	Yes Owners and operators of one facility are responsible for the initial $5,000 of CA costs; two to nineteen facilities, the initial $20,000; twenty or more, the initial $30,000; coverage provided up to $1 million.	Yes Owners and operators of one facility are responsible for the initial $5,000 of CA costs; two to nineteen facilities the initial $20,000; twenty or more the initial $30,000; coverage up to $1 million.
New Jersey Spill Compensation Fund	Money available to the NJDEP to pay for cleanups and indemnify its contractors in the event they cannot obtain insurance, indemnification by the DEP expires 1/1/88; also allows preventive measures by the DEP; Bonlapsing, revolving fund.	1. Spill Compensation and Control Tax 2. Penalties 3. Cost recovery 4. Automatic liens against the property of the discharger 5. Interest received on the fund 6. Federal government securities and interest 7. State appropriation	Not for the owner or operator; only DEP initiated actions and reimbursement for third-party cleanups (including municipality cleanup where the DEP has approved the plans).	Yes No limitation on the level of coverage; also indemnification for contractors by the DEP was provided through 1/1/88.

EXHIBIT 7-2 (continued)

STATE FUND OR OTHER STATE ASSURANCE PROGRAMS COVERING PETROLEUM RELEASES

(as of September 1988)

State/Fund Title	Eligibility/Description	Revenue Source	Coverage For: Corrective Action	Coverage For: Third-Party Liability
New Mexico Environmental Impairment Cleanup Fund	Provides reimbursement of 50% of owner/operator CA costs over $150,000 up to $750,000, and reimbursement for 100% of the costs from $750,000 to $1 million. The balance of the fund is set to range from $5 million to $2 million. Fund covers all State-registered USTs.	1. Gasoline and special fuels surcharge tax 2. Cost recovery	Yes Covers 50% of CA costs from $150,000 to $750,000, and 100% of CA costs from $750,000 to $1 million.	No
New York Environmental Protection and Spill Compensation Fund	Noulapsing, revolving fund; claims against the fund have to be filed within three years of the date of discovery of damage and within ten years of the date of the incident which caused the damage. There is no limit on the amount of awards.	1. License fees 2. Surcharge on license fees 3. Penalties 4. Cost recovery 5. Interest received on the fund 6. Reimbursements	Yes Covers State-initiated CA; the discharger and the fund are liable for all cleanup and removal costs and all direct and indirect damages.	Yes No limit on the amount of awards.
Oregon Leaking Underground Storage Tank Cleanup Fund	Provides a source of funds for State-initiated CA; also matching funds for Federal CA under the Solid Waste Disposal Act Amendments of 1980.	1. Cost recovery 2. Penalties, fines, and damages recovered	Yes Funds for State-sponsored CA only.	No
Underground Storage Tank Insurance Fund	Provides the authority to establish a fee-supported fund covering the financial assurance requirements for owners and operators.	1. Annual Financial Responsibility (FR) fee (to be determined) levied on owners and operators	Yes Set according to the FR requirements.	Yes Set according to the FR requirements.
South Carolina State Underground Petroleum Environmental Response Bank Account (SUPERB)	Fun will reimburse owner/operator for cleanup expenditures due to early detection of releases from 12/31/87 to 12/31/89. After this grace period, the fund will reimburse from $100,000 to $1 million as long as funds are available.	1. Registration fee on regulated tanks 2. Interest income on the fund	Yes As long as funds are available	No
South Dakota Petroleum Release Compensation Fund	A $5 million revolving fund created to cover the costs of administering the petroleum release program, to reimburse tank owner/operators for corrective action, and promote research and development efforts concerning cleanups.	1. Tank inspection fee 2. Cost recovery 3. Interest income on the fund 4. Gifts, grants 5. One-time interagency allocation	Yes Covers costs of CA from $10,000 to $90,000	No

EXHIBIT 7-2 (continued)

STATE FUND OR OTHER STATE ASSURANCE PROGRAMS COVERING PETROLEUM RELEASES

(as of September 1988)

State/Fund Title	Eligibility/Description	Revenue Source	Coverage For: Corrective Action	Coverage For: Third-Party Liability
Tennessee Petroleum Underground Storage Tank Fund	Nonlapsing, revolving fund with a minimum balance of $2 million and a maximum balance of $5 million. After the first year the Act is in effect, the CA coverage will be set at a level between $50,000 and $100,000 by the State. Likewise, the third-party liability coverage will be set between $150,000 and $300,000 after the first year.	1. Fees 2. Civil penalties and damages 3. Interest income from the fund 4. State appropriations	Yes 100% of CA costs over $75,000 up to $1 million per occurrence.	Yes Covers all claims in excess of $150,000 up to $1 million per occurrence.
Vermont Petroleum Cleanup Fund	The fund provides assistance to uninsured owners and operators in meeting the State financial responsibility requirements. It also provides a source of funds for State-initiated CA in emergencies and other situations where there is no owner or operator found, or he or she cannot or will not take CA. In these cases, the fund allows for cost recovery where appropriate. The fund may be used to cover any cost in setting up a risk retention group that is in excess of "reasonable" contributions by the participants.	1. Licensing fees 2. Interest income from the fund 3. Reimbursement and cost recovery 4. General fund appropriations	Yes Covers CA costs between $100,000 and $1 million.	Yes Covers third-party compensation costs between $300,000 and $1 million.
Environmental Contingency Fund	Authorizes the Secretary of the VT Agency of Environmental Conservation (ANC) to take CA in cases where "the discharging party is unknown, cannot be contacted, is unwilling to take action or does not take timely action."	1. Permit filing fees 2. Hazardous waste generator tax 3. Cost recovery 4. Federal matching funds	Yes Funds for State-sponsored CA only; level of coverage not defined except for "individual non-emergency situations" where the limit is $50,000/situation.	No
Risk Retention Pool	Authorizes owners and operators of USTs to set up insurance pools with the Banking and Insurance Commissioner's approval.	1. Contributions from pool members	Determined on a case-by-case basis.	Determined on a case-by-case basis.

EXHIBIT 7-2 (concluded)

STATE FUND OR OTHER STATE ASSURANCE PROGRAMS COVERING PETROLEUM RELEASES

(as of September 1988)

State/Fund Title	Eligibility/Description	Revenue Source	Coverage For: Corrective Action	Coverage For: Third-Party Liability
Virginia Underground Petroleum Storage Tank Fund	The State will adopt financial responsibility requirements for owner and operators of not less than $100,000 for CA and $300,000 for third-party liability. The fund also is designed to assist in the administration of the State regulatory program for USTs and provides a source of funds for State-initiated CA and matching funds in accordance with the Water Resources Development Act of 1986 (P.L. 99-662). The fund contains $5 million for 1988.	1. Expenses, costs, and judgments recovered 2. Federal reimbursements 3. Interest income from fund 4. State appropriation 5. Cost recovery	Yes $100,000 to $1 million per facility.	Yes $300,000 to $1 million per occurrence.
Wyoming Environmental Pollution Mitigation Account (EMOPOSYD)	The fund provides for prompt State response to UST releases or threats of releases, administrative costs, and reimbursement of responsible persons according to certain requirements. The fund does not allow for reimbursements that exceed the amount of money in the fund. Eligible responsible parties may be reimbursed for all CA costs in excess of $50,000 and third-party liability costs in excess of $100,000.	1. Penalties and judgments 2. Reimbursements 3. Registration fees 4. Cost recovery	Yes Provides reimbursement of CA costs in excess of $50,000 for eligible responsible persons.	Yes Provides reimbursement of third-party liability costs in excess of $100,000 for eligible responsible persons.

EXHIBIT 6-1

STATE LOAN OR GRANT FUNDS

(as of September 1988)

State/Fund Title	Eligibility	Revenue Source	Interest Rate	Term of Loan	Expiration Date
California California Petroleum Underground Storage Tank Financing Authority [PROPOSED]	Small businesses unable to obtain loans from private lending sources. The amount of a loan may not exceed $70,000. Loans may be used to upgrade or replace USTs.	1. State appropriations 2. Application fees 3. Interest on outstanding loans 4. Federal appropriations 5. Interest income from the fund	Equal to the cost of money to the State on the first day of the calendar quarter during which the loan is approved.	Not to exceed ten years.	January 1, 1992
Iowa Petroleum Underground Storage Tank Financing Account [PROPOSED]	Provide loans to financially qualified small businesses to repair, upgrade, or replace UST to meet applicable State or Federal standards. The maximum amount of a loan may not exceed $50,000.	1. Petroleum tank fees 2. Interest received on outstanding loans 3. State and Federal grants	Equal to the cost of borrowing money by the State on the first day of the calendar quarter during which the loan is approved.	The shortest feasible term commensurate with the repayment ability of the borrower.	July 1, 1998
Maine Underground Storage Facility Replacement Fund	Money in the fund may be used for direct loans for all or part of underground oil storage facility replacement projects according to criteria set by the State. Also provides funds, at the discretion of the State, for insuring mortgage payments for UST loans. The mortgage insurance is limited to an aggregate total of $5 million.	1. State appropriations 2. Interest income on the fund 3. Repayments	To be determined.	To be determined.	To be determined.
New Jersey State Underground Storage Tank Improvement Fund	Revolving fund; low interest loans made to UST owners who have been directed by the NJDEP to repair or replace one or more of their USTs or install monitoring systems; loans issued based on economic hardship.	1. State appropriation of $5 million 2. Repayment of loans	Not more than six percent; fixed rates.	Not to exceed ten years.	December 31, 1991
New York State Underground Petroleum Storage Facility Improvement Fund [PROPOSED]	Loans made to owners of facilities who are required pursuant to law or regulation to replace one or more underground storage tank facilities.	1. State appropriation of $5 million. 2. Interest from outstanding loans	An annual rate equal to the Federal discount rate.	Not less than five years nor more than ten.	December 31 of the fifth full calendar year subsequent to the effective date of the Act.

EXHIBIT 6-1 (concluded)

STATE LOAN OR GRANT FUNDS

(as of September 1988)

State/Fund Title	Eligibility	Revenue Source	Interest Rate	Term of Loan	Expiration Date
Rhode Island Underground Storage Tank Replacement Revolving Loan Fund	Low interest loans to residential and commercial owners of USTs to remedy leaking tanks and replace tanks that are likely to leak; revolving fund.	1. State appropriations 2. Repayment of loans 3. Federal grants 4. Gifts, bequests, donations 5. Bond issues	Two points below the six-month Treasury Bill rate at the time the loan is awarded; fixed rates.	Depends on the income of the recipient and whether it is a commercial facility; ranges from five to fifteen years maximum.	No expiration date.
South Dakota Loan Program	Available to petroleum marketers to improve environmental safety of USTs; predominantly capital investment in equipment.	State revenue bond	No specific terms specified although rate would be lower than would otherwise be available.	No terms specified.	No expiration date.
Vermont Underground Storage Tank Incentive Program	Grants up to $5,000 for small retail gasoline outlets (sales <20,000 gallons/month) and municipalities (pop. <2,500) to aid in their compliance with State regulations for replacing USTs.	Funds authorized by the oil overcharge fund and from the petroleum cleanup fund for this purpose.	N/A	N/A	No expiration date.
Petroleum Cleanup Fund	Up to one-half of fund can be used to provide no interest loans (up to $40,000) to small rural dealers and small municipalities for tank replacement.	1. License fees 2. Interest income from fund 3. Reimbursement and cost recovery	0%	10 years	No expiration date.

form the study.

Gas stations need help

A serious problem came to light in a recent hearing on new regulations by the Environmental Protection Agency for underground fuel tanks.

The regulations that went into effect in December require owners of commercial tanks that hold more than 1,100 gallons to get $1 million in insurance and follow a stringent monitoring program to make sure their tanks do not leak.

Gas station owners testified that the new rules may present insurmountable problems. An owner in Fairbanks said it would cost up to $300,000 to clean up his site and qualify for insurance. Others said insurance wasn't even available against leakage problems.

Most of the gas stations in the Fairbanks area were built without corrosion protection around their tanks. It is not unreasonable to expect that leakage problems from underground tanks are fairly common in our area.

Our community cannot afford to have its water table contaminated. To the extent that the new EPA regulations serve to identify sources of contamination and remove them, they are desirable.

But in many instances, gas station owners cannot afford the cost of complying with the regulations. They have appealed to the Legislature for help.

Where problems with fuel tanks exist, they have developed over many years, perhaps before the present owners bought them. A great public interest exists in cleaning them up. The Legislature should give close attention to the plight of the gas station owners and do what it can to help them.

Today's Thought . . .

In his book, "The Sound of Laughter," the late Bennett Cerf tells about a small-town editor who had repeatedly instructed his enthusiastic new reporter, "Always remember that names make news." The reporter's next assignment was about a fire and his account began: "Fire last night destroyed farmer Alvin Heimerdinger's barn, claiming the lives of three cows named Bossy, Bessie, and Gertrude."

By Rev. Paul Osumi

FAIRBANKS
Daily News-Miner

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DAN JOLING CHARLES L. GRAY ANDREW M. WILLIAMS

Wright

Pay raise

WASHINGTON—James Madison is in his grave, but a constitutional amendment he sponsored in 1789 goes marching on. The event went almost wholly unreported in the news, but on Feb. 7, Iowa became the 26th state to ratify the "put off the pay raise" amendment.

This is beginning to get exciting. To recapitulate a story that most of the country knows nothing about, Congress in September 1789 approved 12 proposed amendments to the Constitution. By 1791, 10 of them had been ratified by the states; we know them as the Bill of Rights. Two of the proposals failed of ratification at that time. One dealt with apportionment of the House of Representatives and is of no current interest.

This was the forgotten 12th: "No law varying the compensation for the services of the senators and representatives shall take effect until an election of representatives shall have intervened."

It is marvelously simple, is it not? Thirty states have similar provisions affecting their own state

Should 'S

BOSTON—The protestors are gone now. The legal hit team has wandered off in search of another target. The television crews have moved to other sites and other stories.

The people who surround Nancy Klein these days are those who care about her. Not as a case study or a political focal point but as a wife, a daughter, a mother. Her husband Martin visits with her as he has every day since the 32-year-old woman went into a coma. He tells her the simple things, how his day went, what he did, what their 3-year-old daughter did.

If some spark leads Nancy Klein out of the shadows of her coma, her

SOLDOTNA TESORO
John T. Stubblefield
P. O. Box 773
Soldotna, Alaska 99669

February 9, 1989

To Alaskan Senators and Representatives:

Due to the E.P.A. regulations that are now enforce, the owners and leasors of gas stations are in a financial situation that will be impossible to absorb. Most owners cannot afford to replace and upgrade their tank systems. The insurance will run most of us out of business and if that doesn't the clean up of contaminated ground will.

By E.P.A. standards, there is probably no station in the state that can comply 100% with the new regulations. E.P.A. has put the burden of all liability on the current owners regardless of the consequences. Has no one taken the time to consider what the effects will be on small businesses and also the economy? If we go under it will also mean job losses for an average of three employees per station.

We find ourselves desperately in need of help. The regulations are necessary, as is the clean up and protection of our water and soil. But we cannot comply. We do not have the funds to do this. Where is it to come from? Are you just going to close us down? Sell our stations off to the oil companies for pennies on the dollar? The only ones that will come out on top of this are the large oil companies and corporations like Seven-Eleven. They will be the only ones able to afford the insurance and the upgrading.

The small independent service station owner is an endangered species. Do we as Americans and part of the human race have any less rights then any other endangered species?

I have been in Alaska for 30 years. I have all my lifes work tied up in my station. Along with many other station owners, I stand to loose it all if we cannot get some assistance from the State.

If ever there was a need for the representatives of the State to pull together and help a group of businesses and hard working people, this is the time to do it. Are we any less important then three whales trapped in the ice? Will someone come to our aid?

Sincerely,

John T. Stubblefield
SOLDOTNA TESORO

U.S. ENVIRONMENTAL PROTECTION AGENCY

ALASKA OPERATIONS OFFICE
Room E535, Federal Building
701 C Street, Box 19
Anchorage, Alaska 99513
Phone (907) 271-5083

January 24, 1989

The Honorable Curt Menard
House of Representatives
P.O. Box V, Room 110
Juneau, Alaska 99811

Dear Representative Menard:

On December 22nd of 1988, new Environmental Protection Agency (EPA) Regulations designed to protect groundwater from leaking petroleum underground tanks went into effect. Because these regulations will effect over 1800 facilities in Alaska, I want to update you on their content and make my staff available for further detailed briefings, if you so desire.

The Underground Storage Tanks (UST) regulations follow a 1984 mandate from Congress in Subtitle I of the Resource Conservation and Recovery Act. In Subtitle I, Congress directed EPA to develop a petroleum products UST Program. Congress was responding to an increasing number of cases in which drinking water aquifers were contaminated from leaking underground storage tanks (LUST). Complimenting the UST regulations, Congress designated a LUST Trust Fund in which Federal gasoline tax money is allocated for the clean-up of the most threatening spills. In Alaska alone, over two million dollars have been appropriated to the Department of Environmental Conservation for clean-ups since 1987.

Congress required that all tank owners and operators notify an EPA designated agency of their tank by May of 1986, or at the time of installation (See attachment 1). Congress also required that all new tanks installed have corrosion protection, and meet other basic engineering standards until the time the final regulations were promulgated. The UST program has been widely anticipated since 1984, and the EPA Alaska Operations Office has conducted a number of public outreach activities, including information meetings and technical assistance seminars.

The Technical Requirements of the UST program are found in the September 23, 1988 Federal Register (40 CFR Parts 280 and 281). Important exceptions that you should be aware of include farm and residential tanks of 1100 gallons or less, heating-oil tanks, and a number of other non-petroleum tank-like structures.

The Technical Requirements identify tank hardware and deadlines for the installation of the hardware (see attachment 2). Basically, all new tanks that go into the ground are required to have corrosion protection, spill/overfill preventive devices, and leak detection systems installed. UST systems in the ground are required to be upgraded on a phased basis, so all tanks meet leak detection requirements by 1993, and are otherwise protected by 1998.

Congress also mandated that tank owners and operators have adequate liability coverage in case water or soil clean-ups are needed. One million dollars of coverage was required by Congress since it is not unusual for clean-up costs to approach this amount in the case of catastrophic spills. These new Financial Responsibility Requirements will be phased in over the next two years (see attachment 3).

My staff and I are available at your request to discuss the implementation of this program in Alaska. Please feel free to contact me or Mr. Kevin Keeler, State UST Coordinator (271-5083), if you have questions or if you are interested in a detailed briefing. Additionally, if there are other environmental matters which arise during this legislative session for which EPA can provide information or assistance, please don't hesitate to call me or Steve Torok (located in my Juneau office) at 586-7619.

Sincerely,

Alvin L. Ewing
Assistant Regional Administrator

Attachment(s)

Notification for Underground Storage Tanks

FORM APPROVED
OMB NO. 2050-0068
APPROVAL EXPIRES 6-30-98

FOR TANKS IN **AK**

RETURN COMPLETED FORM TO: Department of Environmental Conservation
PO BOX O
Juneau, AK 99811
(907) 465-2653

ID Number

STATE USE ONLY

Date Received

GENERAL INFORMATION

Notification is required by Federal law for all underground tanks that have been used to store regulated substances since January 1, 1974, that are in the ground as of May 8, 1986, or that are brought into use after May 8, 1986. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act, (RCRA), as amended.

The primary purpose of this notification program is to locate and evaluate underground tanks that store or have stored petroleum or hazardous substances. It is expected that the information you provide will be based on reasonably available records, or, in the absence of such records, your knowledge, belief, or recollection.

Who Must Notify? Section 9002 of RCRA, as amended, requires that, unless exempted, owners of underground tanks that store regulated substances must notify designated State or local agencies of the existence of their tanks. Owner means—

(a) in the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances, and

(b) in the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such tank immediately before the discontinuation of its use.

What Tanks Are Included? Underground storage tank is defined as any one or combination of tanks that (1) is used to contain an accumulation of "regulated substances," and (2) whose volume (including connected underground piping) is 10% or more beneath the ground. Some examples are underground tanks storing: 1. gasoline, used oil, or diesel fuel, and 2. industrial solvents, pesticides, herbicides or fumigants.

What Tanks Are Excluded? Tanks removed from the ground are not subject to notification. Other tanks excluded from notification are:
1. farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes,
2. tanks used for storing heating oil for consumptive use on the premises where stored;
3. septic tanks;
4. pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under State laws,
5. surface impoundments, pits, ponds, or lagoons,
6. storm water or waste water collection systems,
7. flow-through process tanks,
8. liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
9. storage tanks situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

Where To Notify? Completed notification forms should be sent to the address given at the top of this page.

When To Notify? 1. Owners of underground storage tanks in use or that have been taken out of operation after January 1, 1974, but still in the ground, must notify by May 8, 1986. 2. Owners who bring underground storage tanks into use after May 8, 1986, must notify within 30 days of bringing the tanks into use.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or for which false information is submitted.

INSTRUCTIONS

Please type or print in ink all items except "signature" in Section V. This form must by completed for each location containing underground storage tanks. If more than 5 tanks are owned at this location, photocopy the reverse side, and staple continuation sheets to this form.

Indicate number of continuation sheets attached ☐

I. OWNERSHIP OF TANK(S)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)

Street Address

County

City | State | ZIP Code

Area Code | Phone Number

Type of Owner *(Mark all that apply ☒)*

☐ Current ☐ State or Local Gov't ☐ Private or Corporate

☐ Former ☐ Federal Gov't (GSA facility I.D. no. _____) ☐ Ownership uncertain

II. LOCATION OF TANK(S)

(If same as Section 1, mark box here ☐)

Facility Name or Company Site Identifier, as applicable

Street Address or State Road, as applicable

County

City (nearest) | State | ZIP Code

Indicate number of tanks at this location ☐

Mark box here if tank(s) are located on land within an Indian reservation or on other Indian trust lands ☐

III. CONTACT PERSON AT TANK LOCATION

Name (If same as Section I, mark box here ☐) | Job Title | Area Code | Phone Number

IV. TYPE OF NOTIFICATION

☐ Mark box here only if this is an amended or subsequent notification for this location.

V. CERTIFICATION (Read and sign after completing Section VI.)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner or owner's authorized representative | Signature | Date Signed

ATTACHMENT 2

FROM PRE-PUBLICATION COPY OF "MUSTS FOR USTS"; FINAL PAMPHLET AVAILABLE OCT. 1988

WHAT DO YOU HAVE TO DO? Minimum Requirements

You must have Leak Detection, Corrosion Protection, and Spill/Overfill Prevention.
For WHEN you have to add these to your tank system, see the chart on the right. ⟶

LEAK DETECTION	
NEW TANKS *2 Choices*	• Monthly Monitoring* • Monthly Inventory Control and Tank Tightness Testing Every 5 Years (You can only use this choice for 10 years after installation.)
EXISTING TANKS *3 Choices* *The chart at the bottom of the next page displays these choices.*	• Monthly Monitoring* • Monthly Inventory Control and Annual Tank Tightness Testing (This choice can only be used until December 1998.) • Monthly Inventory Control and Tank Tightness Testing Every 5 Years (This choice can only be used for 10 years after adding corrosion protection and spill/overfill prevention or until December 1998, whichever date is later.)
NEW & EXISTING PRESSURIZED PIPING *Choice of one from each set*	• Automatic Flow Restrictor • Automatic Shutoff Device -and- • Continuous Alarm System • Annual Line Testing • Monthly Monitoring* (except automatic tank gauging)
NEW & EXISTING SUCTION PIPING *3 Choices*	• Monthly Monitoring* (except automatic tank gauging) • Line Testing Every 3 Years • No Requirements (if the system has the characteristics described in the final regulations)
CORROSION PROTECTION	
NEW TANKS *3 Choices*	• Coated and Cathodically Protected Steel • Fiberglass • Steel Tank clad with Fiberglass
EXISTING TANKS *4 Choices*	• Same Options as for New Tanks • Add Cathodic Protection System • Interior Lining • Interior Lining and Cathodic Protection
NEW PIPING *2 Choices*	• Coated and Cathodically Protected Steel • Fiberglass
EXISTING PIPING *2 Choices*	• Same Options as for New Piping • Cathodically Protected Steel
SPILL/OVERFILL PREVENTION	
ALL TANKS	• Catchment Basins -and- • Automatic Shutoff Devices -or- • Overfill Alarms -or- • Ball Float Valves

* Monthly Monitoring includes: Automatic Tank Gauging, Vapor Monitoring, Interstitial Monitoring, Ground-Water Monitoring, Other Approved Methods

WHEN DO YOU HAVE TO ACT? Important Deadlines

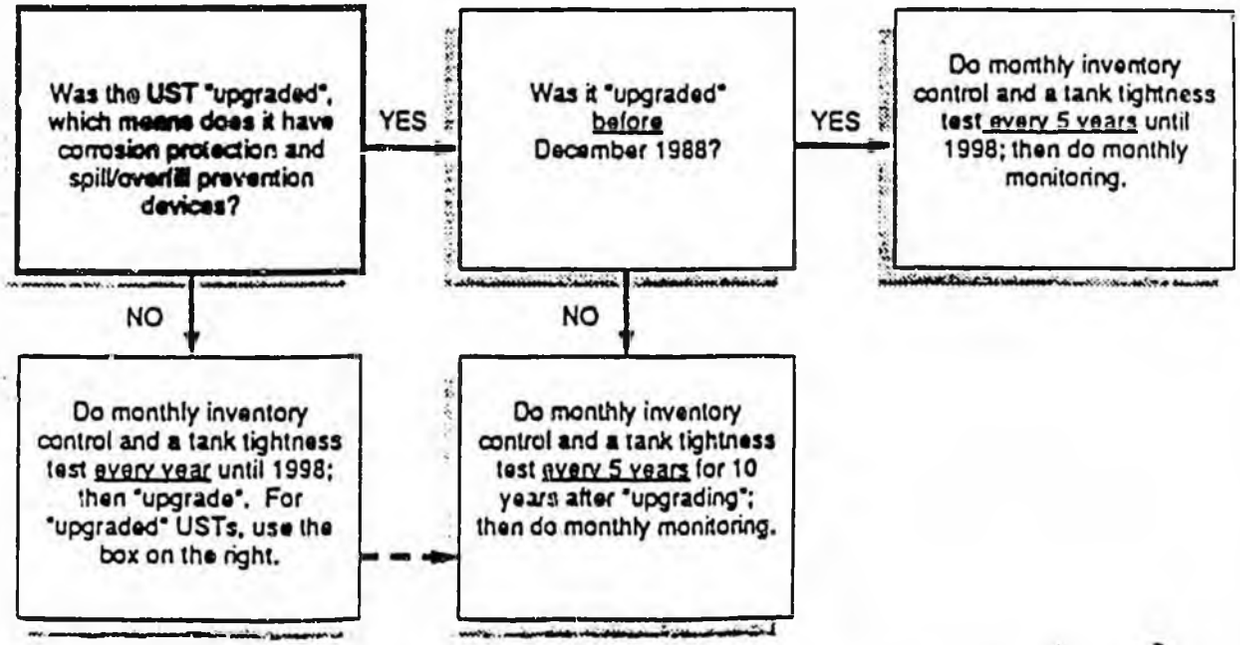
← For WHAT you have to do, see the chart on the left.

TYPE OF TANK & PIPING	LEAK DETECTION	CORROSION PROTECTION	SPILL / OVERFILL PREVENTION
New Tanks and Piping*	At installation	At installation	At installation
Existing Tanks**			
25+ or unknown age	December 1989	December 1998	December 1998
20 - 24 years	December 1990		
15 - 19 years	December 1991		
10 - 14 years	December 1992		
Under 10 years	December 1993		
Existing Piping**			
Pressurized	December 1990	December 1998	Does not apply
Suction	Same as existing tanks	December 1998	Does not apply

* New tanks and piping are those installed after December 1988
** Existing tanks and piping are those installed before December 1988

IF YOU CHOOSE TANK TIGHTNESS TESTING AT EXISTING USTs . . .

If you don't use monthly monitoring at existing USTs, you must use a combination of periodic tank tightness tests and monthly inventory control. This combined method can only be used for a few years, as the chart below displays.



UNDERGROUND STORAGE TANK FACT SHEET

* Nationwide, there are an estimated two (2) million regulated underground storage tanks (USTs) at over 700,000 facilities;

* Seventy-five percent (75%) of existing UST systems are made of bare steel;

* The US Environmental Protection Agency estimates that a leak of one gallon of gasoline can contaminate the water supply of a city of 50,000 people (1);

* State of Alaska trial courts have ruled that the storage of large quantities of gasoline in underground tanks in close proximity to private residences is an ultra-hazardous activity (2);

* With a similar ruling, the United States District Court of Colorado awarded seven million dollars in damages, including the purchase of 44 residential homes (3);

* The EPA estimates that "approximately twenty-five percent (25%) of existing UST systems are non-tight [leaking[when tested using current methods" (4);

* Nationwide, 130,000 to 260,000 motor fuel tanks (18 - 35% of the total) are estimated leaking (5);

* As of 1986, state regulatory agencies have reports of 12,444 leaks on file:
  - 65% of the incidents were from retail gasoline stations;
  - 95% involved operating as opposed to abandoned facilities;
  - 81% of leaking tanks were steel and 19% were fiberglass ((6);

---

1. Italiano, Michael L., Liability for Underground Storage Tanks, Practising Law Institute, New York, 1977, p.3.

2. Personal communication, State of Alaska Office of Attorney General.

3. ibid., p.71.

4. 40 CFR 280 September 23, 1988, p.37086.

5. EPA, Underground Motor Fuel Storage Tanks: A National Survey 1986.

6. ibid., from EPA, State Incidence Report - Summary of State Reports on Releases from Underground Storage Tanks, 1986.

U.S EPA

GENERIC UST LEGISLATIVE BRIEFING

WHY AN UST PROGRAM?

Nationwide, over half of America relies on groundwater for domestic use.

In Alaska, 85% of water for public water systems comes from groundwater. Again in Alaska, 68% of the contamination of drinking water comes from petroleum (from all sources, including USTs).

In an EPA survey of 10,000 tanks nationwide, 25% FAILED tank tightness tests -- 84% of those failures were caused by piping failures.

THIS IS A PLUMBING PROBLEM OF IMMENSE CONSEQUENCES

EPA has estimated in the next 30 years, costs of clean-ups or replacing water systems will amount to $52.8 BILLION dollars.

REPLACING WATER SYSTEM IS OFTEN ONLY REMEDY

Because removing gasoline from water is very expensive and often technologically impossible. Often times, new wells have to be drilled or new water systems installed.

Alaskan examples include Peters Creek spill, where a new water system was installed, and Anchor River, where new wells were drilled.

CONGRESSIONAL RESPONSE TO PROBLEM

Amended Resource Conservation and Recovery Act (RCRA) in 1984; established statutory regulations, directed EPA to develop UST regulations, and a grant program to help States develop their own UST programs. Also, interim requirements went into effect for new tanks on May 7, 1985, so there has been lots of advance notice on this program in the UST associated industries.

WHY STATE RUN PROGRAMS?

Congress felt problems of this nature are most acutely felt at State and local levels. State and local agencies are usually the first to respond, and ultimately responsible if no one is willing to clean up a tank polluting a water supply.

FEDERAL GRANT AS UST SEED MONEY

Congress provided federal grant funds to States to be used as seed money to develop UST programs for the prevention and detection of LUST's. Federal funding alone was never expected to be adequate to run a State program. States are therefore expected to develop their own funding mechanism.

AMOUNT OF UST GRANT MONEY ALLOCATED TO STATE OF ALASKA (FY 86-89)	$500,000. (approximate)
EPA DIRECTED TO IDENTIFY STATE APPROVABLE PROGRAMS	Congress also developed a means by which States can take over UST programs from the EPA. Outlined in the new final UST regulations, a "state-approvable program" must meet or exceed the new Federal requirements.
CONGRESS SET UP LUST CLEAN-UP TRUST FUND	EPA provides LUST Trust Fund money to assist States in developing a program to clean-up leaking tanks. The prevention and corrective action programs together form a unified whole; there is little long term benefit gained by establishing a clean-up program if a prevention program is not established as well.
AMOUNT OF LUST TRUST FUND MONEY ALLOCATED TO ALASKA (since September 1987)	$1.2 million
TRUST FUND LIMITS	Only for imminent health hazards where a responsible party cannot be found. Otherwise tank owner/operator (o/o) is expected to pay.
WHAT IS AN UST?	One or more tanks and associated piping used to hold petroleum sub tanks such as motor gas, aviation gas, JP-4, diesel fuel oils, and used oils.
CONGRESS EXCLUDED	Farm or residential tanks of 1,100 gallons or less; Tanks used for heating oil; Septic tanks, stormwater tanks, flow through manufacturing tanks, and other pipeline facilities.
WHY RESIDENTIAL/OIL TANKS EXCLUDED?	The imminent threat to large public drinking water sources are refined petroleum products that move quickly through the subsurface environment. Heating oil, especially in above ground tanks, is being considered for future regulations. Also, many States regulate fuel oil tanks.

CONGRESS REQUIRED OWNERS/ OPERATORS NOTIFY...	designated State agency of where-abouts, age and construction of tanks by May 6, 1986.
NUMBER OF TANKS IDENTIFIED IN ALASKA...	may not be totally accurate: 4300 UST, 1800 O/O's (corporations, private individuals).
AVERAGE AGE	12 years old. Majority of failures occur after 13 years.
NUMBER OF TANKS OVER 15 YEARS OLD	1,500
PERCENTAGE OF TANKS WITH NO CORROSION PROTECTION	80% plus (these and previously mentioned tanks run a significant risk of failure).
MAJOR CAUSES OF TANK FAILURE (NATIONWIDE)	Piping failure. Corrosion of tanks. Sloppy fuel handling; spilling and overfilling. Improper tank installation.
REQUIREMENTS FOR NEW TANKS (CONGRESSIONAL MANDATE)	Corrosion protection (cathodic protection). Spill/Overfill hardware (automatic shut-off valves, drip pans). Monthly monitoring for leaks (with automatic tank gauging, soil vapor monitors, tank wall monitors, ground water monitors). Owner/operators certify proper installation of facilities.
REQUIREMENTS FOR OLD TANKS	Monthly monitoring systems and tank tightness tests for oldest tanks first (25 years and older by December 1989). 20 to 25 year old tanks - 1990 15 to 20 year old tanks - 1991, etc.until all tanks have systems by 1993. All tanks be tightness tested yearly until corrosion protection spill/overfill protection added. All tanks have corrosion protection and spill/overfill by 1998.

ALL TANK OWNERS MUST	Notify designated State agency of tank installation, or closure. Do proper tank closure; check for and report contamination.
UST REGULATIONS BASED ON INDUSTRY CODES/STANDARDS	American Petroleum Institute; Petroleum Equipment Institute, etc. have had recommended practices for USTs installation and operation of for decades -- but widely unused. Now industry codes must be followed.
FINANCIAL ASSURANCE REQUIREMENTS	$1 million for petroleum marketers; $500,000 for non-marketers. phased in over next two years: 1000 + USTs - January 1989 100 to 999 USTs - October 1989 13 to 99 USTs - April 1990 1 to 12 USTs - October 1990 Can use insurance coverage, guarantees, surety bonds, risk retention groups, private trust funds, state sponsored assurance program.
HOW EPA WILL ACHIEVE COMPLIANCE	Education and technical asistance; information transfer to tank O/O's. Helping States to develop programs. Enforcing regulations until State's get enforcement authority.
MORE COMPLIANCE STRATEGIES ("THE STICK")	State of Maryland annually notifies all UST owners/operators of requirements. California and Masssachusettes require operating permits. Many states (Maine, New York, Florida) are operating installer and tester certification programs. Oregon requires all tanks have a license tag; bulk handlers can legally fill an UST only if it has the tag. Many states target inspections, issue informal enforcement letters, often receiving quick results.

U.S. ENVIRONMENTAL PROTECTION AGENCY

ALASKA OPERATIONS OFFICE
Room E535, Federal Building
701 C Street, Box 19
Anchorage, Alaska 99513
Phone (907) 271-5083

January 24, 1989

The Honorable Curt Menard
House of Representatives
P.O. Box V, Room 110
Juneau, Alaska 99811

Dear Representative Menard:

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Sincerely,

Alvin L. Ewing
Assistant Regional Administrator

Attachment(s)

ATTACHMENT 1

Notification for Underground Storage Tanks

FORM APPROVED
OMB NO. 2050-0049
APPROVAL EXPIRES 6-30-88

FOR TANKS IN AK

RETURN COMPLETED FORM TO: Department of Environmental Conservation
P.O. BOX O
Juneau, AK 99811
(907) 465-2653

STATE USE ONLY
I.D. Number
Date Received

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What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

Where To Notify? Completed notification forms should be sent to the address given at the top of this page.

When To Notify? 1. Owners of underground storage tanks in use or that have been taken out of operation after January 1, 1974, but still in the ground, must notify by May 8, 1986. 2. Owners who bring underground storage tanks into use after May 8, 1986, must notify within 30 days of bringing the tanks into use.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or for which false information is submitted.

INSTRUCTIONS

Please type or print in ink all items except "signature" in Section V. This form must by completed for each location containing underground storage tanks. If more than 5 tanks are owned at this location, photocopy the reverse side, and staple continuation sheets to this form.

Indicate number of continuation sheets attached ☐

I. OWNERSHIP OF TANK(S)

Owner Name (Corporation, Individual, Public Agency, or Other Entity)

Street Address

County

City State ZIP Code

Area Code Phone Number

Type of Owner *(Mark all that apply ☒)*

☐ Current ☐ State or Local Gov't ☐ Private or Corporate
☐ Former ☐ Federal Gov't (GSA facility I.D. no. _____) ☐ Ownership uncertain

II. LOCATION OF TANK(S)

(If same as Section 1, mark box here ☐)

Facility Name or Company Site Identifier, as applicable

Street Address or State Road, as applicable

County

City (nearest) State ZIP Code

Indicate number of tanks at this location ☐

Mark box here if tank(s) are located on land within an Indian reservation or on other Indian trust lands ☐

III. CONTACT PERSON AT TANK LOCATION

Name (If same as Section I, mark box here ☐) Job Title Area Code Phone Number

IV. TYPE OF NOTIFICATION

☐ Mark box here only if this is an amended or subsequent notification for this location.

V. CERTIFICATION (Read and sign after completing Section VI.)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner or owner's authorized representative	Signature	Date Signed

CONTINUE ON REVERSE SIDE

VI. DESCRIPTION OF UNDERGROUND STORAGE TANKS (Complete for each tank at this location.)

Tank Identification No. (e.g., ABC-123), or Arbitrarily Assigned Sequential Number (e.g., 1,2,3...)	Tank No.	Tank No.	Tank No.	Tank No.	Tank No.
1. Status of Tank *(Mark all that apply ☒)*					
Currently in Use	☐	☐	☐	☐	☐
Temporarily Out of Use	☐	☐	☐	☐	☐
Permanently Out of Use	☐	☐	☐	☐	☐
Brought into Use after 5/8/86	☐	☐	☐	☐	☐
2. Estimated Age (Years)					
3. Estimated Total Capacity (Gallons)					
4. Material of Construction *(Mark one ☒)*					
Steel	☐	☐	☐	☐	☐
Concrete	☐	☐	☐	☐	☐
Fiberglass Reinforced Plastic	☐	☐	☐	☐	☐
Unknown	☐	☐	☐	☐	☐
Other, Please Specify	_____	_____	_____	_____	_____
5. Internal Protection *(Mark all that apply ☒)*					
Cathodic Protection	☐	☐	☐	☐	☐
Interior Lining (e.g., epoxy resins)	☐	☐	☐	☐	☐
None	☐	☐	☐	☐	☐
Unknown	☐	☐	☐	☐	☐
Other, Please Specify	_____	_____	_____	_____	_____
6. External Protection *(Mark all that apply ☒)*					
Cathodic Protection	☐	☐	☐	☐	☐
Painted (e.g., asphaltic)	☐	☐	☐	☐	☐
Fiberglass Reinforced Plastic Coated	☐	☐	☐	☐	☐
None	☐	☐	☐	☐	☐
Unknown	☐	☐	☐	☐	☐
Other, Please Specify	_____	_____	_____	_____	_____
7. Piping *(Mark all that apply ☒)*					
Bare Steel	☐	☐	☐	☐	☐
Galvanized Steel	☐	☐	☐	☐	☐
Fiberglass Reinforced Plastic	☐	☐	☐	☐	☐
Cathodically Protected	☐	☐	☐	☐	☐
Unknown	☐	☐	☐	☐	☐
Other, Please Specify	_____	_____	_____	_____	_____
8. Substance Currently or Last Stored in Greatest Quantity by Volume *(Mark all that apply ☒)*					
a. Empty	☐	☐	☐	☐	☐
b. Petroleum					
Diesel	☐	☐	☐	☐	☐
Kerosene	☐	☐	☐	☐	☐
Gasoline (including alcohol blends)	☐	☐	☐	☐	☐
Used Oil	☐	☐	☐	☐	☐
Other, Please Specify	_____	_____	_____	_____	_____
c. Hazardous Substance	☐	☐	☐	☐	☐
Please Indicate Name of Principal CERCLA Substance	_____	_____	_____	_____	_____
OR					
Chemical Abstract Service (CAS) No.	_____	_____	_____	_____	_____
Mark box ☒ if tank stores a mixture of substances	☐	☐	☐	☐	☐
d. Unknown	☐	☐	☐	☐	☐
9. Additional Information (for tanks permanently taken out of service)					
a. Estimated date last used (mo/yr)	__/__	__/__	__/__	__/__	__/__
b. Estimated quantity of substance remaining (gal.)	_____	_____	_____	_____	_____
c. Mark box ☒ if tank was filled with inert material (e.g., sand, concrete)	☐	☐	☐	☐	☐

☆ U.S. Government Printing Office: 1986—496-735

ATTACHMENT 2

FROM PRE-PUBLICATION COPY OF "MUSTS FOR USTS"; FINAL PAMPHLET AVAILABLE OCT. 1988

WHAT DO YOU HAVE TO DO? Minimum Requirements

You must have Leak Detection, Corrosion Protection, and Spill/Overfill Prevention.
For WHEN you have to add these to your tank system, see the chart on the right. ——→

LEAK DETECTION	
NEW TANKS *2 Choices*	• Monthly Monitoring* • Monthly Inventory Control and Tank Tightness Testing Every 5 Years (You can only use this choice for 10 years after installation.)
EXISTING TANKS *3 Choices* *The chart at the bottom of the next page displays these choices.*	• Monthly Monitoring* • Monthly Inventory Control and Annual Tank Tightness Testing (This choice can only be used until December 1998.) • Monthly Inventory Control and Tank Tightness Testing Every 5 Years (This choice can only be used for 10 years after adding corrosion protection and spill/overfill prevention or until December 1998, whichever date is later.)
NEW & EXISTING PRESSURIZED PIPING *Choice of one from each set*	• Automatic Flow Restrictor • Automatic Shutoff Device -and- • Continuous Alarm System • Annual Line Testing • Monthly Monitoring* (except automatic tank gauging)
NEW & EXISTING SUCTION PIPING *3 Choices*	• Monthly Monitoring* (except automatic tank gauging) • Line Testing Every 3 Years • No Requirements (if the system has the characteristics described in the final regulations)
CORROSION PROTECTION	
NEW TANKS *3 Choices*	• Coated and Cathodically Protected Steel • Fiberglass • Steel Tank clad with Fiberglass
EXISTING TANKS *4 Choices*	• Same Options as for New Tanks • Add Cathodic Protection System • Interior Lining • Interior Lining and Cathodic Protection
NEW PIPING *2 Choices*	• Coated and Cathodically Protected Steel • Fiberglass
EXISTING PIPING *2 Choices*	• Same Options as for New Piping • Cathodically Protected Steel
SPILL / OVERFILL PREVENTION	
ALL TANKS	• Catchment Basins -and- • Automatic Shutoff Devices -or- • Overfill Alarms -or- • Ball Float Valves

* Monthly Monitoring includes: Automatic Tank Gauging, Vapor Monitoring, Interstitial Monitoring, Ground-Water Monitoring, Other Approved Methods

WHEN DO YOU HAVE TO ACT? Important Deadlines

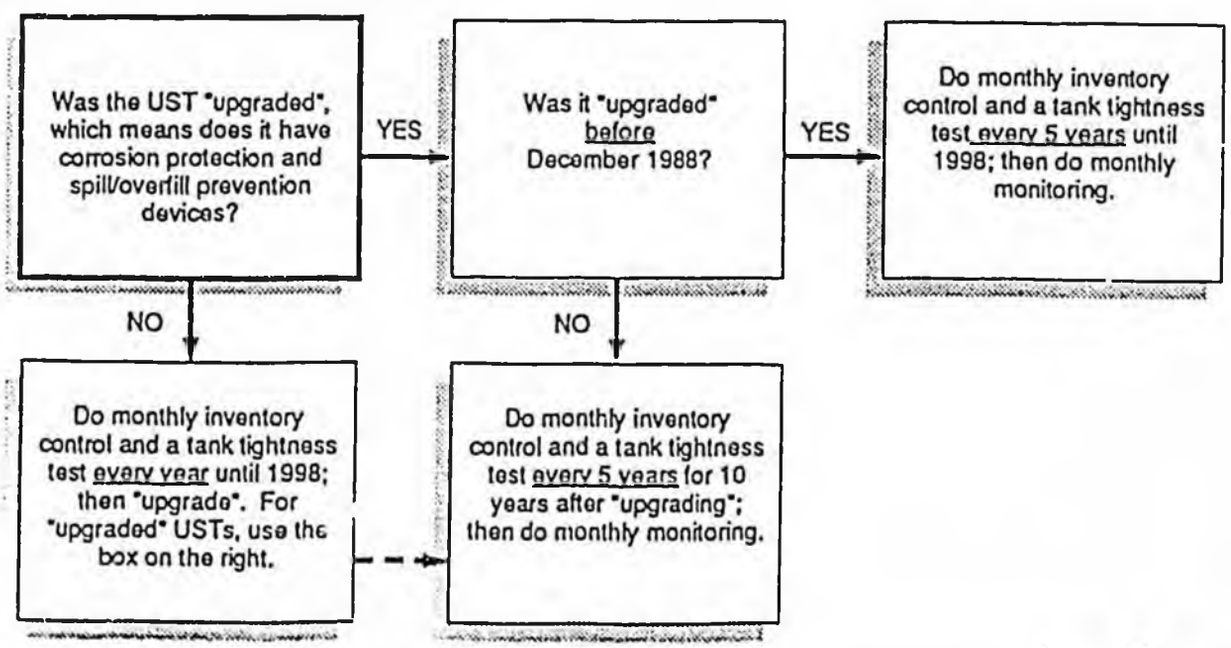
← For WHAT you have to do, see the chart on the left.

TYPE OF TANK & PIPING	LEAK DETECTION	CORROSION PROTECTION	SPILL / OVERFILL PREVENTION
New Tanks and Piping*	At installation	At installation	At installation
Existing Tanks**			
25+ or unknown age	December 1989	December 1998	December 1998
20 - 24 years	December 1990		
15 - 19 years	December 1991		
10 - 14 years	December 1992		
Under 10 years	December 1993		
Existing Piping**			
Pressurized	December 1990	December 1998	Does not apply
Suction	Same as existing tanks	December 1998	Does not apply

* New tanks and piping are those installed after December 1988
** Existing tanks and piping are those installed before December 1988

IF YOU CHOOSE TANK TIGHTNESS TESTING AT EXISTING USTs . . .

If you don't use monthly monitoring at existing USTs, you must use a combination of periodic tank tightness tests and monthly inventory control. This combined method can only be used for a few years, as the chart below displays.



TELECOPY COVERSHEET

KENAI PENINSULA LEGISLATIVE INFORMATION OFFICE

312 TYEE STREET

SOLDOTNA, AK 99669

OFFICE NUMBER: (907) 262-9364

TELECOPY NUMBER: (907) 262-1881

DATE: 2-9-89 TIME: 1:57pm

TO: Juneau L.A.O For House Resources Committee

TITLE: _____ PHONE: _____

COMMENTS: Written Testimony For Tape 89-01-246 Underground Tanks

FROM: John Stubblefield

TITLE: Soldotna Texaco PHONE: _____

COMMENTS: _____

NUMBER OF PAGES FOLLOWING THIS COVERSHEET: 1

IF YOU DO NOT RECEIVE THE TOTAL NUMBER OF PAGES FOLLOWING THIS COVER LETTER, PLEASE TELEPHONE OUR OFFICE. OTHERWISE WE WILL ASSUME YOU HAVE RECEIVED THIS TRANSMITTAL SATISFACTORILY.

SENT BY: Alyce

SOLDOTNA TESORO
John T. Stubblefield
P. O. Box 773
Soldotna, Alaska 99669

February 9, 1989

To Alaskan Senators and Representatives:

Due to the E.P.A. regulations that are now enforce, the owners and leasors of gas stations are in a financial situation that will be impossible to absorb. Most owners cannot afford to replace and upgrade their tank systems. The insurance will run most of us out of business and if that doesn't the clean up of contaminated ground will.

By E.P.A. standards, there is probably no station in the state that can comply 100% with the new regulations. E.P.A. has put the burden of all liability on the current owners regardless of the consequences. Has no one taken the time to consider what the effects will be on small businesses and also the economy? If we go under it will also mean job losses for an average of three employees per station.

We find ourselves desperately in need of help. The regulations are necessary, as is the clean up and protection of our water and soil. But we cannot comply. We do not have the funds to do this. Where is it to come from? Are you just going to close us down? Sell our stations off to the oil companies for pennies on the dollar? The only ones that will come out on top of this are the large oil companies and corporations like Seven-Eleven. They will be the only ones able to afford the insurance and the upgrading.

The small independent service station owner is an endangered species. Do we as Americans and part of the human race have any less rights then any other endangered species?

I have been in Alaska for 30 years. I have all my lifes work tied up in my station. Along with many other station owners, I stand to loose it all if we cannot get some assistance from the State.

If ever there was a need for the representatives of the State to pull together and help a group of businesses and hard working people, this is the time to do it. Are we any less important then three whales trapped in the ice? Will someone come to our aid?

Sincerely,

John T. Stubblefield
SOLDOTNA TESORO

TELECOPY COVER SHEET

Fairbanks Legislative Information Office

Office - (907) 452-4448 Fax - (907) 456-3346

TO: House Resources Cmte. FAX: _____ PHONE: _____

FROM: Ed Anders PHONE: 488-6547

INSTRUCTIONS: Testimony for HRES 02/08 3pm Teleconference on underground storage tanks Please copy + deliver to House Resources. Thanks

RECEIVED: Date _____ Time _____

SENT: Date 02/08 Time 5:10 pm

DISPOSAL OF ORIGINAL: Discard ____ Hold for Pickup ____

NUMBER OF PAGES: 2 (Not counting cover sheet)

SENT BY: MJP

Alaska State Legislature

Please enter into the record my testimony to the House Resources committee name

committee on Underground Storage Tanks bill/subject, dated 02/08/89.

I simply want to endorse earlier comments by the owner/operators of retail outlets. We are out of business if we have to meet these regulations as they are currently drafted. A "clean up" fund or pool created by a 2 or 3 cent a gallon tax is by far the best approach to the insurance against a serious liability issue. Rep. Davis certainly knows my operations at Valley Center and Arctic Cache - I'm a low volume, clean, properly managed operation. I would welcome testing of my underground →

Signed: Ed Anders ED ANDERS

Testifier

Arctic Cache & Valley Center

Representing (Optional)

7785 C.H.S.R. Fbks.

Address

488-6547

Phone No.

storage tanks. If I am not leaking and am not polluting, then for crying out loud leave me alone. I really do believe that today's independent dealers are being victimized by the changing rules, and I sincerely believe that these new rules do represent a "knee jerk" over reaction on the part of the EPA to what is not yet a serious problem and that there are means by which we can insure safe drinking water with out taking it out of the hide of Alaska's small business people.

Thank you —

CONFIRMATIONS

RESUME

HEINRICH K. SPRINGER

General Information: Tel. home: 344-3821 work: 279-2511 x 231

Soc. Sec. No. 180-34-0316

Mailing address: 3730 Perenosa Circle, Anchorage, Ak. 99515

Residence: - dto -

plus 3 Mile Teller hgw. NOME, Ak. 99762

Birth: 13. July 1936, Lindau, W-Germany

Immigration to U.S.A. Nov. 1959

U.S. Citizen: naturalized 27/May/63 @ Lock Haven, Penna.

Married: wife Ok Sun

Veteran: U.S. Army Jan. 1960 - Jan 1963; honorable discharge

Alaskan Resident since 1960.

Employment History:

present: Rural CAP; Director Weatherization / Housing Program.

1986-88: State Legislature; Representative E.D. 23 (Nome etc).
Chm. HCRA Committee; Vice Chm. Transportation; Resources.

1986-88: Consultant (Environmental & Engr.)

1963-86: State of Alaska, Dept. Highways & Dept. Transp / P.F.
in Interior & Western Alaska; last 11 years @ Regional
Director level; retired May 1986.

1960-63: U.S. Army; stationed in Alaska Ladd AFB / Fort
Wainwright w/ Post Engineers.

1959 Immigration from W-Germany.

Resume; Heinrich Springer p.Z.

Education:

Highschool; graduate 5/53 Donauwoerth, W-Germany

-n- graduate 5/54 Loganton, Penna. (exchange student).

College: Staatsbauschule Muenchen, W. Germany

graduate 2/20/59. Engineering

Courses: Federal & State surveying, welding, OSHA & Safety, Environmental Laws. Labor relations, management, Contracts, English, wildlife mgmt, biology.

Other, related to biological sciences:

Lifelong interest in biological sciences and wildlife management and hunting. In Germany courses in biology Univ. of Munich; one year study on the population dynamics of reed warblers (Acrocephalus), worked with Max Planck Institute Migratory Bird Research Center on bird migration; raptor-prey relationships. Several scientific publications. Coop by Dr. Kalchreuter on book "Die Sache mit der Jagd" (on hunting & mgmt of big game). Licensed hunter in Germany; passed exam. 1955 (similar to our guide exam.).

Hunted worldwide in Europe, Asia (China, Mongolia, Siberia), Africa and N. America; well aquainted with the different systems.

In Alaska hunted statewide for 28 years; trapped in the Tok, Fairbanks, Healy and Nome areas. Worked with the Univ. of Alaska Fbks. Dept. Renewable Resources and Museum scientific collections for several years; studies on birds (Acanthis-redpolls for 20+ years; bristle thighed curlew, Aleutian Tern, snowy owl @ Nome-Seward Peninsula)

Cont'd.

Resume : Heinrich Springer p. 3

worked w/ Arctic Aero Med Lab. @ Ft. Wainwright ; w/ U.S.F.W.S. on migratory bird studies ; w/ NOAA on the bilological assessment Norton Sound ; w/ DoT·PF in preparation and review of EIS statements , w/ Pipeline Coordinator during Pipeline Construction and Coastal Zone Management Plans of Western Alaska.

In the 15th Legislature as a member of the House Resources Committee active in legislation on ANWR, Sea Mammals, renewable resource issues, Guiding & outfitting.

Affiliation : Life member : Deutsche ornithologen Gesellschaft since 1957

Scient. organiz.. Bayerische " " " "

British ornithologist's Union " 1960

American " " " 1960

Cooper Society " 1960

Wilson Society " 1960

Memb.: N.W. Vertebrate Biology Society
American Birding Assoc.
Arctic Institute of N. America
International Crane Foundation
Safari Club International
National Rifle Assoc.
Ducks Unltd.
National Sporting Fraternity
Audubon Society

At the present Chm. of the TASKFORCE on Guiding & outfitting created by SB191. I believe I have sufficient qualification to serve on the Game Board based on following points : Scientific knowledge about modern Game management; International Situation, Historic perspective of Alaska, economic aspects, politics, Seamammal issues; functions of Federal, - State -, Local Governmental agencies and advisory boards. Need for cooperate efforts of all users - Sports -, Recreation, Subsistence, None consumptive.

Springer- Game board.

References:

Senator Willie Hensley
" Bettye Fahrenkamp
Rep. Sam Cotten
" Adelheid Hermann
" Al Adams
" Lyman Hoffmann
Sam Stoker, Fbks. Tel. 479-5744
Lew Pamplin, Dir Game. ADFG Anch.
David Rosenau, LGL. Fbks.
Dr. Brina Kessel UAF - Museum
Dr. Fred Dean UAF
Dr. Gerald Swartz UAF
Dr. Doug Murphy UAF
Dr. Bill Drury 10 High St. Bar Harbor Maine 04609
Dr. Clayton White, Dept. Zool. Univ. Utah, Provo 84602
John Weske USFWS Laurel. Md
Dr. Heinz Reinold, Biology Dept. Harvard Univ.
Walt Parker, Anch. Tel. 333 5189
Ron Somerville, Juno. Tel. 789-3450 out'd. Council
Gail Gatton, Environm. Lobby Tel. 272-9317
Mathew Iya, Wainwright Comm. Tel. 443-5231
Brent Jones, APHA. Anch. Tel. 522-3221

CURRICULUM VITAE

JACK W. LENTFER

Box 2617
Homer, Alaska 99603
907-235-5945

Personal

Born 13 May 1931; S.S. No. 516-24-9260.

Education

M.S., Wildlife Management, Montana State University, Bozeman, 1955.
B.S., Fish and Wildlife Management, Montana State University, Bozeman, 1952.

Employment

1982 to present--Self employed wildlife consultant.
1981-82--Visiting Lecturer, Institute of Arctic Biology, University of Tromso, Norway.
1977-81--Regional Supervisor, Southeast Alaska Game Division, Alaska Department of Fish and Game.
1972-77--Polar Bear Project Leader, U.S. Fish and Wildlife Service.
1969-72--Polar Bear Project Leader and Area Game Biologist, Alaska Department of Fish and Game, Barrow.
1964-69--Brown Bear and Polar Bear Project Leader, Alaska Department of Fish and Game.
1963-64--Caribou Project Leader, Alaska Department of Fish and Game.
1957-63--Biologist, Office of River Basins Studies, U.S. Fish and Wildlife Service, Alaska.
1956-57--Big Game Biologist, Montana Fish and Game Department.

Other Experience

Steering Committee, International Association for Bear Research and Management, 1965-85.
Member, International Polar Bear Specialist Group, 1968-85.
U.S. delegate to international polar bear meetings, 1965, 1968, 1970, 1972, 1973, 1974, 1976, 1979, 1981, 1983.
Fellow, Arctic Institute of North America, 1978.
President, Alaska Chapter, The Wildlife Society, 1972-74 and 1977-79.
Member, Scientific Advisory Committee to U.S. Marine Mammal Commission, 1973-75 and 1985 to present.
Participant, Canadian Hudson Bay polar bear research program, 1969.
Field consultant to Norwegian Polar Institute for polar bear

research in Spitsbergen, 1967.

Professional Societies

Arctic Institute of North America.
International Association for Bear Research and Management.
Society for Marine Mammalogy.
Wildlife Society.

Publications

Lentfer, J.W. 1955. A two-year study of the Rocky Mountain goat in the Crazy Mountains, Montana. J. Wildl. Manage. 19:417-429.

Lentfer, J.W. 1965. Brown bear harvest statistics in Alaska. Trans. West. Assoc. Game and Fish Comm. 45:134-139.

Brooks, J.W., and J.W. Lentfer. 1965. The polar bear in Alaska. Pp. 44-55 in First International Polar Bear Meeting. U.S. Interior Dept. and Univ. of Alaska.

Lewis, R.W., and J.W. Lentfer. 1967. The vitamin A content of polar bear liver: range and variability. Comp. Biochem. Phys. 22:923-926.

Lentfer, J.W. 1968. A technique for immobilizing and marking polar bears. J. Wildl. Manage. 32:317-321.

Lentfer, J.W. 1969. Polar bear tagging in Alaska, 1968. Polar Record 14:459-462.

Cook, H.W., J.W. Lentfer, A.M. Pearson, and B.E. Baker. 1970. Polar bear milk. IV, gross composition, fatty acid, and mineral composition. Can. J. Zool. 48:217-219.

Lentfer, J.W., and J.W. Brooks. 1970. Polar bear research in Alaska. Pp. 143-149 in Proc. Conf. on Productivity and Conservation in Northern Circumpolar Lands. IUCN Publ. New Series 16.

Lentfer, J.W. 1972. Polar bear-sea ice relationships. Pp. 165-171 in S. Herrero, ed. Bears--Their Biology and Management. IUCN Publ. New Series 23.

Lentfer, J.W., R.J. Hensel, L.H. Miller, L.P. Glenn, and V.D. Berns. 1972. Remarks on denning habits of Alaska brown bears. Pp. 125-132 in S. Herrero, ed. Bears--Their Biology and Management. IUCN Publ. New Series 23.

Lentfer, J.W. 1973. Occurrence of a northern fur seal near Wainwright, Alaska. Can. Field Nat. 87:60.

Lentfer, J.W., and D.K. Sanders. 1973. Notes on the captive wolf (Canis lupis) colony, Barrow, Alaska. Can. J. Zool. 51:623-627.

Lentfer, J.W. 1974. Agreement on conservation of polar bears. Polar Record 17:327-330.

Oritsland, N.A., J.W. Lentfer, and K. Ronald. 1974. Radiative surface temperatures of the polar bear. J. Mamm. 55:459-561.

Lentfer, J.W. 1975. Discreteness of Alaskan polar bear populations. Pp. 323-329 in Proc. 11th International Congress of Game Biologists, Stockholm.

Jonkel, C., J. Lentfer, S. Uspenski, and C. Vibe. 1976. Problems in the circumpolar study of polar bears. Proc. Conf. on Northern Ecoloy, Ottawa.

Glenn. L.P., J.W. Lentfer, J.B. Faro, and L.H. Miller. 1976. Reproductive biology of female brown bears (Ursos arctos), McNeil River, Alaska. Pp. 381-390 in M.R. Pelton, J.W. Lentfer, and G.E. Folk, Jr., eds. Bears--Their Biology and Management. IUCN Publ. New Series 40.

Lentfer, J.W. 1976. Polar bear management in Alaska. Pp. 209-213 in M.R. Pelton, J.W. Lentfer, and G.E. Folk, Jr., eds. Bears--Their Biology and Management. IUCN Publ. New Series 40.

Pelton, M.R., J.W. Lentfer, and G.E. Folk, Jr. 1976. Editors for Bears--Their Biology and Management. IUCN Publ. New Series 40.

Kolz, A.L., J.W. Lentfer, and H.G. Fallek. 1978. Polar bear tracking via satellite. Pp. 137-144 in Proc. 15th Rocky Mountain Bioengineering Symposium and 15th International ISA Biomedical Sciences Instrumentation Symposium.

Lentfer, J.W. 1978. Polar bears. Pp. 218-225 in D. Haley, ed. Marine Mammals. Pacific Search Press, Seattle.

Blix, A.S., and J.W. Lentfer. 1979. Modes of thermal protection in polar bear cubs--at birth and upon emergence from the den. Am. J. Physiol. 236:R67-R74.

Lentfer, J.W., and R.J. Hensel. 1979. Alaskan polar bear denning. Pp. 101-108 in C.J. Martinka and K.L. McArthur, eds. Bears--Their Biology and Management. Government Printing Office, Washington, D.C.

Lentfer, J.W., R.J. Hensel, J.R. Gilbert, and F.E. Sorensen. 1979. Population characteristics of Alaskan polar bears. Pp. 109-115 in C.J. Martinka and K.L. McArthur, eds. Bears--Their Biology and Management. Government Printing Office, Washington, D.C.

Lentfer, J.W. 1982. Polar bear, Ursus maritimus. Pp. 557-566 in Wild Mammals of North America. John Hopkins University Press, Baltimore.

Lentfer, J.W. 1983. Alaskan polar bear movements from mark and recovery. Arctic 36:282-288.

Amstrup, S.C., I. Stirling, and J.W. Lentfer. 1986. Past and present status of polar bears in Alaska. Wildlife Society Bull. 14:241-254.

Lentfer, J.W. 1987. Mercury in polar bears from Alaska. J. Wildl. Diseases 23:338-331.

Schoen, J.W., J.W. Lentfer, and L. Beier. 1987. Differential distribution of brown bears on Admiralty Island, Southeast Alaska: a preliminary assessment. Proceedings, Sixth International Conference on Bear Research and Management.

Schoen, J.W., L. Beier, and J.W. Lentfer. 1987. Denning ecology of brown bears on Admiralty and Chichagof islands, southeast Alaska and implications for management. Proceedings Seventh International Conference on Bear Research and Management.

Lentfer, J.W. 1988. Editor for Selected marine mammals of Alaska--species accounts with research and management recommendations. Marine Mammal Commission, Washington, D.C.

Alaska State Legislature

HOUSE OF REPRESENTATIVES

COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

The House Resources Committee has considered the appointment of C.V. Chatterton and David Johnston as Commissioners to the Alaska Oil and Gas Conservation Commission. The House Resources Committee recommends:

CONFIRMATION:	OTHER:
Cliff Davidson	
Mike Davis	
Mike Navarre	
Bill Hudson	
Scott Ogan	
Curt Menard	

Co-Chairman Cliff Davidson: Cliff Davidson

Co-Chairman Curt Menard: Curt Menard

April 3, 1989

Alaska State Legislature
HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

The House Resources Committee has considered the appointment of Ms. Lennie Gorsuch as Commissioner of the Department of Natural Resources.

The House Resources Committee Recommends:

CONFIRMATION:	OTHER:
Cliff Davidson	
Scott Menard	
Bill Hudson	
Bert Sharp	
Mike Navarre	
Henry Carlson Jr.	
Mike Davis	

Co-Chairman Curt Menard: Scott Menard

Co-Chairman Cliff Davidson: Cliff Davidson

April 24, 1989

STEVE COWPER
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 8, 1989

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

Dear Representative Cotten:

In accordance with AS 39.05.080 and Article III Sections 25 and 26 of the Alaska Constitution, I submit the following names for legislative confirmation of appointment to the positions noted:

L+C

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
Commissioner Larry Merculieff

Jud

DEPARTMENT OF LAW
Douglas B. Baily

Res

DEPARTMENT OF NATURAL RESOURCES
Lennie Gorsuch

BOARDS AND COMMISSIONS

L+C

Alaska State Board of Public Accountancy
Epperson, Mary - Homer
Term began 8/18/88 expires 4/25/92
Robb, CPA, Chris - Anchorage
Term began 8/3/88 expires 4/25/92

HESS

Alcoholic Beverage Control Board
Durny, Andy - Nulato
Term began 8/25/88 expires 1/31/91
Klein, Robert J. - Anchorage
Term began 8/25/88 expires 1/31/91

L+C

State Board of Registration for Architects, Engineers, and Land Surveyors
Bhargava, Raj - Anchorage
Original term began 11/14/84 reappointed 9/2/88
expires 7/1/92

Holdsworth, Phil R. - Juneau
Term began 9/2/88 expires 7/1/91
Kalen, Patrick - Fairbanks
Term began 9/2/88 expires 7/1/92
Peratrovich, Jr., Roy - Anchorage
Term began 9/2/88 expires 7/1/89
Rogers, Alan - Juneau
Term began 9/2/88 expires 7/1/92

Athletic Commission S A
Hall, Joe "B.J." B. - Fairbanks
Term began 7/18/88 expires 5/14/92
Reid, James A. - Juneau
Term began 5/13/88 expires 5/14/92

Board of Governors of the Alaska Bar Jud
Harrison, Andonia - Anchorage
Original term began 6/15/84 reappointed 7/1/88
expires 6/30/91

Board of Chiropractic Examiners HES
Ireland, D.C., Trevor V. - Anchorage
Term began 10/28/88 expires 7/15/92

Board of Clinical Social Work Examiners HES
Fallon, Jr., MSW, ACSW, Ken P. - Palmer
Term began 1/13/89 expires 7/1/92
Greene, Marie - Kotzebue
Term began 1/13/89 expires 7/1/91
MacClarence, ACSW, Janet C. - Anchorage
Term began 1/13/89 expires 7/1/90
McMillan, ACSW, Pamela A. - Nome
Term began 1/13/89 expires 7/1/89
Stortz, MSW, ACSW, Libby Finesmith - Sitka
Term began 1/13/89 expires 7/1/90

Alaska Commercial Fisheries Entry Commission Res
Twomley, Bruce C. - Juneau
Original term began 10/6/82 reappointed 8/18/88
expires 7/1/92

Board of Dispensing Opticians HES
Thomas, Sharla S. - Anchorage
Original term began 11/30/84 reappointed 12/02/88
expires 6/14/92

Board of Electrical Examiners L&C
Boyd, Steven - Ketchikan
Term began 1/17/89 expires 7/1/90

Dokken, Donald - Fairbanks
Term began 1/17/89 expires 7/1/91
Parks, Donald R. - Anchorage
Term began 1/17/89 expires 7/1/89

Res

Board of Fisheries
Chihuly, Mike - Ninilchik
Term began 9/19/88 expires 1/31/91

Res

Guide Board
Ballenger, Ben G. - Kodiak
Original term began 3/2/87 reappointed 8/19/88
expires 6/15/92
Frost, Stanley - Anchorage
Original term began 3/2/87 reappointed 8/19/88
expires 6/15/92
McClintock, Sharon E. - Chugiak
Term began 2/6/89 expires 6/15/92

TRA

Board of Marine Pilots
Lorch, William C. - Anchorage
Term began 10/28/88 expires 6/1/92
Sell, Russell M. - Anchorage
Term began 10/28/88 expires 6/1/92

L+C

Board of Mechanical Examiners
Carey, Raymond G. - Anchorage
Term began 1/13/89 expires 6/9/89
Perkins, Wesley S. - Nome
Term began 1/13/89 expires 6/9/91
Rutland, Eugene R. - North Pole
Term began 1/13/89 expires 6/9/90

HES

State Medical Board
Bailey, Ray - Fairbanks
Term began 1/12/89 expires 8/13/92
Hensley, Abigale R. - Kotzebue
Original term began 2/10/86 reappointed 12/28/88
expires 1/9/93
Jelinek, M.D., Joan - Fairbanks
Term began 1/12/89 expires 11/06/92
Newman, M.D., Michael - Anchorage
Term began 7/18/88 expires 7/8/92

HES

Board of Nursing
Hewitt, LPN, Kathy - Fairbanks
Term began 8/2/88 expires 3/31/91
Stewart, RN, Gail - Anchorage
Term began 8/2/88 expires 3/31/92

HES

Board of Nursing Home Administrators
Vowell, Jr., John H. - Wrangell
Term began 8/19/88 expires 10/1/90

J+C

Occupational Safety and Health Review Board
Hoff, Jr., Donald F. - Ketchikan
Original term began 4/1/86 reappointed 9/2/88
expires 8/1/92

Res

Alaska Oil and Gas Conservation Commission
Chatterton, Clarence "Chat" V. - Anchorage
Original term began 12/18/81 reappointed 1/19/89
expires 12/31/94
Johnston, David W. - Anchorage
Term began 1/19/89 expires 12/31/92

HES

Board of Examiners in Optometry
Coon, O.D., Lynn D. - Wasilla
Term began 2/6/89 expires 6/15/92
Dobson, O.D., Steven S. - Anchorage
Term began 2/6/89 expires 6/15/91

S A

Personnel Board
Andrews, Michael C. - Fairbanks
Term began 8/25/88 expires 6/20/94

HES

Board of Pharmacy
Larson, R.Ph., William P. - Anchorage
Original term began 3/30/84 reappointed 8/19/88
expires 4/1/92

HES

Professional Teaching Practices Commission
Kahklen-Jones, Antoinette - Juneau
Term began 8/4/88 expires 7/1/91
McGuiness, Sherry - Soldotna
Term began 8/4/88 expires 7/1/91
Verg-in, Yen-ti - Sand Point
Term began 8/8/88 expires 7/1/91

HES

Board of Psychologist and Psychological Associate Examiners
Green, Ph.D., Kenneth D. - Fairbanks
Term began 1/19/89 expires 7/1/90
McCallon, Ph.D., Juanita H. - Auke Bay
Original term began 10/1/87 reappointed 7/13/88
expires 7/1/92
Mundorff, Charles R. - Eagle River
Term began 2/6/89 expires 7/1/92

SA

Public Offices Commission
Wilson, M.D., Rodman - Anchorage
Term began 1/14/89 expires 2/1/92

L+C

Alaska Public Utilities Commission
O'Tierney, Daniel P. - Anchorage
Term begins 3/1/89 expires 10/31/94

HES

Board of Veterinary Examiners
Lewis, Bill - North Pole
Term began 8/15/88 expires 1/31/92

Jud

Violent Crimes Compensation Board
Eastaugh, Carol B. - Juneau
Original term began 1/29/81 reappointed 5/13/88
expires 12/15/89
Ingraham, Millard - Anchorage
Original term began 12/16/84 reappointed 5/13/88
expires 12/15/90

L+C

Alaska Worker's Compensation Board
Anders, Robert G. - Anchorage
Term began 10/1/88 expires 7/1/91
Chandler, Thomas W. - Ketchikan
Original term began 1961 reappointed 10/1/88
expires 7/1/91
Creed, John H. - Anchorage
Original term began 5/21/85 reappointed 10/1/88
expires 7/1/91
Smith, Darrell F. - Anchorage
Term began 8/19/88 expires 7/1/91
Whitbeck, Sr., Richard L. - Anchorage
Term began 2/3/89 expires 7/1/91

The resumes for these appointments will be submitted to the Sixteenth Alaska State Legislature through the clerks of both houses respectively.

Sincerely,

Steve Cowper
Governor

bcc: Senate Secretary
Chief Clerk
SC:SKG:kn

STEVE COWPER
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 22, 1989

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

Dear Representative Cotten:

In accordance with AS 39.05.080 and Article III Sections 25 and 26 of the Alaska Constitution, I submit the following names for legislative confirmation of appointment to the positions noted:

Game, Board of to: Resources
Lentfer, Jack W. - Homer
  Term began 2/17/89 expires 1/31/92
Nageak, Benjamin - Barrow
  Term began 2/17/89 expires 1/31/92
Springer, Heinrich
  Term began 2/17/89 expires 1/31/92

Physical Therapy and Occupational Therapy Board, State
Kauffman, William R. - Fairbanks
  Term began 2/17/89 expires 9/1/92 to HESS
McCarthy, Gary W. - Eagle River
  Original term began 2/5/88 reappointed 2/17/89
  expires 9/1/92
Shields, M.D., Joe - Ketchikan
  Term began 2/17/89 expires 9/1/92

Regents, University of Alaska Board of To HESS
Breeze, Virginia W. - Anchorage
  Term began 2/17/89 expires 2/1/97
Forrer, Eric - Juneau
  Term began 2/17/89 expires 2/1/97
Thompson, Morris - Fairbanks
  Term began 2/17/89 expires 2/1/93

The resumes for these appointments will be submitted to the Sixteenth Alaska State Legislature through the clerks of both houses respectively.

Sincerely,

Steve Cowper
Governor

Resume

Lennie Boston Gorsuch

Business:
326 Main Street
Juneau, Alaska 99801
(907)364-3310

Residence:
Box 504
Douglas, Alaska 99824
(907) 586-1290

Birthplace: Los Angeles, California
Birthdate: March 20, 1944

Alaska Resident since 1950. Resided in the following communities in Alaska: Anchorage, Ketchikan, Skagway, Tok, Soldotna and Douglas.

Graduated Juneau-Douglas High School
1962, Juneau, Alaska.

Sacramento State College 1962 - 1963
Sacramento, California

ALASKA WORK HISTORY

February 1986 to Present. Deputy Commissioner, Department of Natural Resources.

December, 1985 to Feb '86. A founder and partner of Capital Information Group, a firm established to report to clients on activities in the State Administration and in the Alaska Legislature. Set up books of the new firm as the first managing partner and established procedures for client contact and agreements. During the Legislative session covered tort reform, telecommunications issues, resources issues and cable television issues. Monitored hearings and provided indepth reports or newsletters as required by the client. During the interim, continued reporting services on State agency activities.

June, 1983 to December, 1985. Policy Analyst, Division of Governmental Coordination, Office of the Governor. Functioned as Special Projects Analyst for issues such as Exclusive Economic Zone, the Outer Continental Shelf, and the ANILCA related issues. Staffed for the Land Use Advisors Committee and the Land Use Council. Also spent some time working for the Southeast Regional Office doing specific project analysis for permitting purposes, coordinating the State agency positions on projects and issuing coastal consistency determinations.

December, 1982 to June, 1985. Special Assistant to the Governor of Alaska for resource issues. Coordinated positions of resource agencies and facilitated correspondence for the Governor's Office with resource agencies. Acted as liaison for resource constituent groups and Governor's Office contact for citizens with concerns regarding resource issues. Established and chaired mini-cabinet on Resources. This forum was used for interagency discussion and decision making on resource issues, major projects, and state responses to federal initiatives. Issues not decided in this forum were prepared for Gubernatorial decision. Staffed for the Governor at the National Governors' Association and Western Governor's Association as well as trips to Washington, D.C. for purposes of meeting with Federal Cabinet members on Alaskans issues.

July, 1978 to December, 1982 Special Assistant to the Commissioner of Natural Resources for oil and gas issues. Acted as liaison between the Commissioner's Office and industry and the public. Staffed for the Commissioner in negotiations for royalty oil contracts, development of oil and gas lease sales and schedules, development of royalty oil policy and regulations. Coordinated the first competitive royalty oil sale ever held in Alaska. Represented the Department of Natural Resources in interagency meetings for the formulation of state positions on resources issues.

Developed a Village Contact Program and rural offices program for the Department of Natural Resources to provide information to the rural areas regarding the State's five-year oil and gas lease program and other departmental programs affecting rural and coastal areas. In cooperation with other resources departments, established the first North Slope Office for monitoring state permitted activities. Conducted public hearings in coastal communities regarding departmental activities including seismic permits, oil and gas lease sales, and seasonal drilling.

August, 1975 to July, 1978. Secretary to the Commissioner of Natural Resources. In a department with all divisions located outside of the capital city, was responsible for the smooth flow of communications between the Commissioner's Office and departmental divisions. Division Directors and the Commissioner relied heavily upon me for transfer of information. Involved in the EEO program for the Department and worked extensively with the divisions on the department EEO plan. Provided clerical training and supervision for participants in youth employment program. Supervised Commissioner's office secretarial staff.

1974. Alaska Lieutenant Governor's Office, Administrative Assistant III, Division of Elections. Responsible for budget preparation as well as all other fiscal and personnel work for the Division of Elections. Responsible for mock-up and printing of ballots and details surround first use of data vote equipment in Alaska. This included securing computers, state office buildings, ballots, and polls, and security across the State.

1970 - 1974. Office of the Governor of Alaska, Secretary to the Administrative Assistant to the Governor. Served as backup for the Governor's secretary and as final proofreader for all correspondence sent from the Governor's Office. Worked closely with the Administrative Assistant on correspondence and Governor's Office procedures, including Executive and Administrative Orders.

1970. Office of the Governor of Alaska, Secretary to the Director of the Neighborhood Youth Corps. Head secretary for the Division responsible for youth and adult employment programs across the State. Worked on verification of time sheets and payroll processing, in addition to secretarial duties.

August, 1965 to August, 1966. Alaska Department of Health and Social Services, Anchorage. Responsible for all administrative and clerical duties for two public health advisors. Worked with principals in establishing a control system for immunizations, and with Kodiak public health officials on post-earth quake health concerns.

August, 1964 to August, 1965. Alaska Department of Public Works, Secretary in the Office of Marine Superintendent, Alaska Marine Highways System, Juneau. Responsible for all secretarial work for the Marine Superintendent, Port Captain, and Port Engineer for the Ferry System at a time when vessels were being overhauled and new vessels being built. Also responsible for parts and materials orders and time sheets coming from the vessels through the Marine Superintendent's Office.

1961 through 1962. Alaska Department of Public Safety, Clerical Aide, Drivers' License and Safety Responsibility Sections. Worked after school and summers doing filing and typing. During the last summer served as backup to the clerk for safety responsibility issues.

Other Appointments

1978 to 1986. Alaska Respresentative on the National OCS Policy Committee. This committee consisted of representatives from each coastal state, industry, small businesses, fisheries and several federal agencies. The Committee advised the Secretary of the Interior on oil and gas lease sale schedules, impacts, revenue sharing, bidding methods, safety, oil spill clean up, and a variety of other OCS related issues. Held this position as Special assistant to the Commissioner of Natural Resources, as Special Assistant to the Governor and as policy analyst at the Division of Governmental Coordination.

January 1986 to present Serve as state appointed member of the Land Use Advisors' Committee. This committee made up of twenty Alaskans is appointed jointly by the Governor of Alaska and the Secretary of Interior and advises the Land Use Council on issues surrounding the implementation of ANILCA. Issues dealt with by the Committee include wilderness designations, park and preserve plans, access and national forest issues.

1980 to 1982 Southeast Alaska representative at-large for the Democratic State Central Committee. This Committee serves as the governing body of the Democractic Party of Alaska.

1970 to present. Member, Greater Juneau Democrative Precinct. Served as chairperson of several fundraising events.

STATE OF ALASKA

OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811

BOARDS AND COMMISSIONS RESUMÉ

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resumé. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are true. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying:
Board of Fish

Please list any other Board or Commission on which you serve:

Name	Previous Name applied under
Harold "Robin" Samuelsen	
Mailing Address	**Residence Address**
Box 412	
City, State and Zip Code	
Dillingham, AK 99576	
Home Telephone	**Business or Message Telephone**
Home - 842-5335	

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter before the last general election:

Are you a registered voter? ☒ YES ☐ NO

Voter Registration Number (Optional)

Social Security Number (Optional)
574-20-4991

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? ☐ YES ☒ NO

If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required authorized meetings? ☒ YES ☐ NO

If "YES", explain on a separate sheet of paper and attach to this application.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating?

CONFLICTS OF INTEREST: Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so? ☒ YES ☐ NO

Would you or any member of your family be effected financially be decisions to be made by the Board or Commission for which you have applied?
☒ YES ☐ NO If "YES", explain. As a fisherman -- could be affected as is the case with other fisherman on the Board of Fish.

The Office of the Governor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, Marital Status, Pregnancy, Handicap, Religion or Parenthood.

01-012(2/81)

TRAINING & EXPERIENCE: (If résumé attached, it is not necessary to complete items A-D)

A. List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

B. List both formal and informal education and training experiences: (Use additional paper if necessary)

Twelve years H. S. Dillingham
Six months Welding School

C. List any community service positions, municipal government positions, state positions held, and list any awards received. These include both compensated and uncompensated positions (for example, president of a service organization or a mayor). Also include length of time served in the positions.

Choggiung Native Corp. - Villiage Corp. / Village Rep. to AFN - Bristol Bay
Wood-Tikchik State Park Board - Rep. for Dillingham
Fish add Game Advisors Board to F. (1987 Fish Board hearing)
Appointed to various studies by City council.

D. Employment work history: paid, unpaid or voluntary: (Use additional paper if necessary)

Assistant Manager Chervron Fuel Plant - Dillingham 1970
City Police-Dillingham Patrolman , 1971-72.
1973-79 Owner-Operator Grocery Store N and N: Construction jobs and
Commercial fished since - Salmon and herring gillnet, also seined
for herring

The Office of the Governor and the State of Alaska have an Affirmative Action Equal Employment Opportunity Program. To assist in the program, you are asked to voluntarily answer the following questions to provide the information necessary for reporting purposes. Under State and Federal law, the information you provide will not be used to illegally discriminate against you.

SEX
☒ Male
☐ Female

ETHNIC BACKGROUND
☐ White ☐ Black ☐ Hispanic ☒ Alaska Native ☐ Asian or Pacific Islander ☐ American Indian

Date of Birth	Military Service (If applicable, give dates)

CERTIFICATION: I swear that the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates or I may be removed from the position. I agree that the Office of the Governor may contact present or former employers or other persons who know me to obtain additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Signature in Ink	Date

RESUME

John Hanson

January, 1989

Address: Box 1, Alakanuk, AK 99554, Work:907-238-3117
Home:907-238-3016

Personal: Date of Birth: July 16, 1931
Marital Status: Married to Alice Joseph for 38 years
Father to six children
Numerous grandchildren

Education: Akulurak Mission, 1939-1946

Employment and Experience

Present: Fisheries Manager, Yupik Star Fisheries
Box 168, Alakanuk, AK 99554

President and Chairman, Alakanuk Native Corporation, Box 89, Alakanuk, AK 99554

Board Member, Lower Yukon School District

Alaskan Advisor, United States-Canadian Trans-boundary Salmon Negotiation, 1982 to present

Member, Alaskan Governor's High Seas Salmon Task Force, 1987-present

Past: Heavy Duty Equipment Operator, 1957-present

Commercial Fisherman, 1947 to present

First Sergeant (Ret.), Alaskan National Guard, 1953-1973

Private, Territorial Guard, 1942-1945

Other: Member, Alaskan Board of Game, 1978-1982

Advisor, International North Pacific Fisheries Commission, 1975-1987

Advisor, United States Department of State, Bilateral Re-negotiations of INPFC/MFCMA, 1977-1978

Advisory Panel, North Pacific Fisheries Management Council, 1979

Lower Yukon Fish and Game Advisory Committee, 1974 through 1978

Nunam Kitlutsisti Board of Directors, 1972 through 1984

Board Member, Cenaliulriit, Yukon-Kuskokvim Coastal Resource Service Board, 1985-86

Member, Waterfowl Conservation Committee, in cooperation with Association of Village Council President, Nunam Kitlutsisti, and Federal Fish and Wildlife Service, 1983 through 1987

Board Member, Alakanuk Native Corporation, 1974-1978

Board Member, Lower Yukon School Board, 1983

Alakanuk City Council member, 1948 through 1958