

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990
5998 HOUSE RESOURCES

8672

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<u>SW Fac. Number</u>	<u>Status*</u>	<u>Permit Title/Description</u>	<u>Permit Number</u>	<u>SW Sites Inventoried</u>	<u>Last Date Inspected</u>	<u>Comment</u>
12912	I	Old barrell dump near Gustavus Airport..... Between new U.S. Post Office Facility and Glacier Bay Airways hanger. WW II vintage-- an investigation under way.		<u>10/21/85</u>	<u>10/21/85</u>	
12912B	I	FAA, Temporary sewer sludge disposal..... T28S, R34E, SW 1/4 of Sec. 15 & NW 1/4 of Sec.20	SE-2-77 exp. 12-31-77	<u>4/30/85</u>	<u>1977</u>	
12913	A	U.S. Army Corp of Engineers contract to MV Constructor Co., demolish quonset huts/misc. buildings - disposal of 200 cy - asbestos, metal debris, Mile 16.2 USFS Hwy. 10, site #1 (on USFS land) Yakutat.	8512-BA008 exp. 12-31-88	<u>6/21/85</u>		
12914	I	US Army Corp of Engineers, contract to M/V Constructor Co., R 33E, T28S, S 11, Demolition and burial of large buildings/site restoration, Yakutat	8512-BA009 exp. 12-31-86	<u>8/9/85</u>	<u>8/5/86</u>	<u>Good job</u>
12915	I	FAA, quarry pits at mile 16, or 15 or 17..... on USFS Road #10, temporary sewer sludge disposal facility.	8512-BA012 exp. 12-31-86	<u>8/9/85</u>	<u>8/5/86</u>	<u>Area is re-seeded</u> <u>Demolish and close station. Not done as yet</u>
12916	A	USCG, T28S, R33E, S 1/2 Sec 2, abandoned Loran Station A, Demolition Waste, Yakutat	8612-BA001 exp. 12-31-89	<u>5/27/86</u>	<u>8/5/86</u>	<u>done as yet</u>
12917		<i>Couvencon Logging Camp, Camp. ... WASTE, 5 Cy per month. T41S, R 81E, SE 1/4 of S24 Elevation Inlet (in a Rock Pit) 5 Cy per Mon. South Central Timber Co Inc</i>	<i>8812-BA002 Ex 12/31/90</i>			

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SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
12901	A	Glacier Bay Nat'l. Park & Preserve, Gustavus..... Solid Waste & Sewage Sludge, T40S, R60E, S8	8412-BA004 exp. 12-31-88	<u>8/9/85</u>	<u>6/19/86</u>	excellent condition
12902	A	Gustavus Community Landfill, 1/2 mile from Community, Chilkat Peninsula, Mainland		<u>8/27/85</u>	6/19/86 3/20/88	ground water present-need better cover
12903	A	Excursion Inlet Packing Co. Inc., Excursion Inlet.... Seafood Plant (domestic & commercial waste) L 58° 25' 00" N, L 135° 25', 30" W	8412-BA011 exp. 12-31-89	<u>8/16/84</u>	8/16/84 8/19/88	NOV issued 9/26/86 - no cover/ burning
12905	A	City of Yakutat - T27S, R34E, S29 (mainland)..... Municipal Waste	8712-BA001 exp. Denied	<u>6/18/84</u>	8/14/86 6/6/88	Fence not bear proof
12906	A	Yakutat Seafoods Co. - Seafood Processing Waste..... L59' 10"N, L 138' 29" W, 3 miles NE of the mouth of Alsek River	8210-BA001 exp. 3-31-89	<u>6/19/85</u>	<u>6/18/85</u>	Renewed and Extended
12907	I	Vernon Schumacher, Dry Bay - Seafood Waste..... 1 mile north of Dry Bay Airport, 60 miles east of Yakutat	8312-BA011 exp. 12-31-84	<u>8/9/85</u>	<u>6/19/85</u>	
12908	A	Harrold Robbins, Dry Bay (Muddy Creek - Alsek River).. Seafood Processing Waste (No SW #, has WW Permit #8412-DB004		<u>8/12/85</u>	--	
12909	A	Silver Bay Logging and Construction, Camp Waste..... Sawmill Cove, Yakutat		<u>8/27/85</u>	--	
12910	A	Koncor Forest Resource Management Co..... Wood Waste into Gravel Pits Along State Highway 29-7000, Yakutat. Quantity 278035 cy for total deposit in all gravel pits along road.	8312-BA020 exp. 12-31-88	8/8/85 11/88	<u>8/4/86</u>	Using one pit only
12911	A	Homeshore Logging Camp, Seley, Inc., Camp Waste..... East shore of entrance into Excursion Inlet (1/85 - building logging road - USFS will have misc. contractors) <i>old site, WR Tausgard</i> <i>T41S R6E S14 S10 1/4 of SE 1/4</i>	8712-BA003 EX:	<u>9/20/84</u>	--	

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13010	A	Bell Island - Rediscovery Lodge, (turning resort.... into private club - 1985. Facility has pool, bar, rest room , hot springs and cabins) Resort waste,		<u>8/29/85</u>	<u>--</u>	<u>_____</u>
13011	I	U.S. Dept. of Air Force (White Alice Site)..... Smuggler's Cove, Annette Island, T 78S, R 92E, S 20 (State has control over water only in this area)	8413-BA006 exp. 12-31-84	<u>1/31/85</u>	<u>--</u>	<u>Closed</u>
13012	A	Shoal Cove, Revilliagigedo Island, USCG camp waste,... SE 1/4, Sec 16, T74S, R93E (Loran Station) USFS camp also uses dump site		<u>7/9/84</u>	<u>6/10/87</u>	<u>No cover bears</u>
13014	A	Marquerite Bay, Traitor's Cove, Revilliagigedo Island, Dump site 8000, 485 Road (cleanup of Hildre's campsite 7/86)		<u>8/7/86</u>	<u>_____</u>	<u>Limited data closed 1986</u>
13015	P	Ketchikan Pulp Co., Ward Cove, Ketchikan,..... T74S, R90E, S 34 - Woodwaste, across from mill site upland, next to water line by the Pipeline Road.	8713-BA012 exp. 12-31-91	<u>_____</u>	<u>_____</u>	<u>NOV-proposed findings in review</u>
13016	P	Long Island Development, Carroll Inlet, Revilliagigedo Island, T75S, R92E, S 25, E 1/4, Sortyard waste	8713-BA010 exp. 12-31-91	<u>_____</u>	<u>_____</u>	<u>_____</u>

13017

Ketchikan Pulp Co. Ash + Incinerator
residue from mill operation
T75S R9E S4, NE 1/4, 1/2 mile No.
Zorgos, by mill site, Ketchikan

8813-BA005
cf:

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13000	A	City of Ketchikan, Deer Mountain, T75S, R91E, S25, Municipal Waste , Ravilliagigedo Island (Asbestos site)	8313-BA018 exp. 12-31-88	<u>1/16/84</u>	^{10/88} 8/80 ^{5/9/88} 6/8/87	Leachate drain to USCG & KTKN check
13001	A	Metlakatla, Annette Island, Domestic/Commercial.... Waste, 3 miles from town on Airport Road		<u>8/27/85</u>	--	Residents burn own waste
13002	I	Hyder, Sec. 1, T68S, R99E, Municipal Waste..... Portland Canal, (Mainland)		<u>8/27/85</u>	<u>6/3/87</u>	
13004	I	AK Power Authority, Swan Lake - T72S, R90E, S 19 Carroll Inlet, Camp Waste, Revilliagigedo Is.	8613-BA003 exp. 12-31-90	<u>4/8/86</u>	--	
13005	I	ISCO, Margaret Bay, T71S, R90E, NW S 21 Landfill, Revilliagigedo Is.	SE-2-80 exp. 12-31-84	<u>4/2/85</u>	--	1982 Water samples taken
13006	I	U.S. Borax, Pacific Coast Molybdenum, Quartz Hill... Adit Excavation Material, (mainland)	8110-BA001 exp. 12-31-83	<u>8/30/85</u>	<u>1984</u>	
13007	I	Pacific Coast Moly. Co., U.S. Borax, Blossom River,, Smeaton Bay (mainland) S 13, 23, 24, 25 & 35, T75S, R98E S 6, 7, 8, & 18, T75S, R99E S 25, 26, 35 & 36, T74S, R98E Overburden from Road/Quarry Site	8210-BA011 exp. 12-31-84	<u>6/7/85</u>	<u>1984</u>	
13008	I	Pacific Coast Moly Co., U.S. Borax, Wilson Arm,..... Smeaton Bay (mainland) T75S, R97E, Sec. 14 Camp waste.	8210-BA018 exp. 12-31-84	<u>12/14/83</u>	<u>1984</u>	
13009	A	Cape Fox Corp., White River, George Inlet,..... Sort Yard, wood waste, Revilliagigedo Is. Quantity <u>200 cy</u> per month of soil, rocks and log waste.	8413-BA008 exp. 12-31-88	<u>4/19/84</u>	--	

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13508	?	A Anita Bay, Etolin Island, USFS (or contractor)..... Log Transfer Facility (Log camp waste)		<u>8/28/85</u>	<u>--</u>	
13509	A	Craik, James E. Wrangell, Wrangell Is.,..... Woodwaste/land pad for private residence T64S, R84E, S7, Block 2, Lot 3. Quantity <u>300 cy</u>	8513-BA004 exp. 04-15-90	<u>8/9/85</u>	<u>3/11/86</u>	
13510	A	Brantley, Vernon - Wrangell, Wrangell Island Woodwaste, Homesite, T64S, R84E, S 7, Block 2, Lot 4. Quantity <u>700 cy.</u>	8513-BA014 exp. 12-31-89	<u>10/22/85</u>	<u>3/4/86</u>	
13511	A	Wrangell Forest Products, upland property adjacent.. to sawmill. 5 1/2 Mile - Zimovia Hwy. Quantity <u>50 tons per day.</u>	8613-BA009 exp. 12-31-89	<u>9/24/86</u>	<u>4/13/88</u> 11/30/87	teachate <u>NOU</u> problems <u>ISSUED</u> <u>4/13/88</u>
13512	I	Shooting Range, between town and airport, Wrangell, woodwaste. Quantity _____		<u>9/24/86</u>	<u>11/87</u>	Water samp- ling done

13512

Wrangell Forest Products, Woodwaste 8513-BA007
 USS 3534, Lots 1+2 +ATS
 1249, Quantity 10,000 cy per mo.
 Cy:

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13500	A	City of Wrangell, Wrangell Is. USS 2096,..... Supple. Tract A, Lot 2; USS 2127, Lots 12 and 13, Block 5, USS 2127 Supple. Municipal Waste	exp:	<u>F 84</u>	<u>12/1/87</u>	<u>CO-86-04 sent</u>
13501	I	Southeast Harrison Western, about 0.98 miles, NW of existing camp on S side of upper Bradfield Canal, L 56°, 15' N, L 131° 30' W. Camp for Hydro Project, Bradfield Canal	8213-BA006 exp. 12-31-84	<u>12/14/83</u>	<u>--</u>	<u>Closed - Site not used by contractor</u>
13502	I	Alaska Power Authority - Tye Lake Project, L 56° 12'N, L 131°31'W - Excavate Rock into Tye Lake	8210-BA012 exp. 12-31-86	<u>9/26/86</u>	<u>--</u>	<u>Closed - Site not used by contractor</u>
13503	? A	(Anita Bay Logging & Const. Co.), Mitkof Lumber Co. Inc. Etolin Island, Anita Bay, Camp Waste, T66S, R84E, Sec 6, NW 1/4	8412-BA017 exp. 12-31-90	<u>12/2/85</u>	<u>12/2/85</u>	<u></u>
13504	I	Alaska Wood Products Inc., Wrangell Island,..... (Near school -above Bennet Street, USS 3753, Blocks 48, 51 & 52, USS 125) Woodwaste. Quantity <u>40000 cy</u> total for site.	SE-3-76 exp. 6-30-78	<u>8/13/85</u>	<u>11/87</u>	<u>Leachate problems</u>
13505	I	ALP, Head of Bradfield Canal, L 56°15', L 131° 30'. Camp Waste (.98 miles NE of Bradfield Camp)	SE-11-80 exp. 12-31-82	<u>12/14/83</u>	<u>--</u>	<u></u>
13506	I	Alaska Wood Products, (Wrangell Forest Products as of 1985 - Seley, Inc.) Shoemaker Bay, Wrangell Is., USS 3534 and 2589, Fill and Bulkhead, Mile 6, Zimovia Highway	SER 4-76 exp. 06-30-79	<u>4/29/85</u>	<u>--</u>	<u></u>
13507	A	Yes Bay/Resort, Yes Bay, Cleveland Peninsula,..... West Behm Canal (mainland), Camp Waste		<u>8/27/85</u>	<u>--</u>	<u></u>

SOLID WASTE DISPOSAL SITES
SOUTHEAST ALASKA (CRM)

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SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
13747		KLUKUAN Forest Products, Island Camp Waste R 84E, SW 1/4 of S12	8813-BA012			
13748		244 Rayonier Inc, Smith Camp Waste T748 R 84E, S20, PWF	8813-BA014 Exp: 12-31-91	8/30/88	8/30/88	
13749		244 Rayonier Inc, Smith Camp Waste, T748 R 84E, S17, PWF	8813-BA015			

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13739	A	Natzuhini Dump, near Natzuhini River,..... Camp Waste, Natzuhini Logging Camp, Prince of Wales Island		7/15/87	9/1/88 6/11/87	Nov issued 6/87
13740	P	Sealaska Corp., King Cove, Kasau Bay..... Prince of Wales Isl., T73S, R85E, 1/4SW of S. 32 Woodwaste. Quantity 20 cy per day	8713-BA008 exp. 12/31/91		8/31/88	
13741	A	Klukwan Forest Products, Inc..... Dora Bay, Prince of Wales Island, T77S, R17E, S3 - Camp waste Quantity 1/2 ton per month.	8713-BA009 exp. 12/31/91		8/9/87	
13742		Sealaska Corp., 7.5 miles NE of Hydaburg, T76S, R84E, S 33, SW 1/4 of NE 1/4, Prince of Wales Island - Sortyard waste.	8713-BA011 exp. 12/31/91		9/1/88	
13743	P	Sealaska Corp., Tolstoi Bay, Prince of Wales Island, T72S, R81E, S 18, Sortyard waste. Quantity - 20 cy per day.	8713-BA013 exp. 12/31/91			
13744	A	Ketchikan Pulp Co., Thorne Bay Lat. 55°, 24' Long. 139°, 24', Prince of Wales Island - Sortyard waste Quantity 200 cy per week (next to old site).	8713-BA005 exp. 12/31/91		8/31/88	
13745		<i>Klukwan Forest Products..... Camp waste Long Island, S. 33 (1 ton per week) (next, old site) T80 S, R 84E, SW 1/4 S 12</i>	<i>8713-BA012 Ex 12/31/91</i>			
13746		<i>Acid Brothers Logging Construction Inc Dora Bay, R 88E T72S, SW 1/4 of S 12, 15 Cy per week of Camp waste & 85 Cy " " " " wood waste - Prince of Wales Island - address: quantity: 15 cy camp waste per week 85 cy wood waste " "</i>	<i>8713-BA011 et 12/31/91</i>			

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13731	A	Sealaska Timber Corp., Sortyard waste, Coco Harbor, Baldy Bay, Dall Island	8513-BA015 exp. 12/31/90	<u>11/8/85</u>	<u>6/26/85</u>	Pre-appli- cation inspection
13732	A	City of Hydaburg , Municipal waste, downhill side of road between Hydaburg and Saltery Point Log Transfer Facility - new site		<u>7/6/87</u>	11/87 9/11/88	NOW issued <u>7/19/87</u>
13733	A	Kootznoowoo, Inc., Camp Waste,..... Dolomi Bay, Prince of Wales Island T 78 S, R 89 E, S 5	8613-BA006 exp. 12/31/90	<u>11/3/86</u>	<u>9/87</u>	Waste inc. i.e. burned
13734	A	Kootznoowoo, Inc., log sort waste disposal Dolomi Bay, Prince of Wales Island, T 78 S, R 89 E, S 5, SW 1/4 of SW 1/4. Quantity <u>10 cy</u> per week.	8613-BA007 exp. 12/31/90	<u>11/3/86</u>	<u>9/87</u>	Site needs attention
13735	P	Sealaska Corp., Bark and mud waste,..... T 74 S, R 85 E, S 27, SW 1/4 of SW 1/4, Skowl Arm, Polk Inlet, about 9 miles SW of Kasaan, Prince of Wales Island (Site I) Quantity _____.	8613-BA010 exp. pending	<u>11/3/86</u>	_____	_____
13736	P	Sealaska Corp., woodwaste, T 74 S,..... R 85 E, S 28, SE 1/4 of SE 1/4, Skowl Arm, Polk Inlet, about 9 miles SW of Kasaan. Prince of Wales Island (Site II) Quantity _____	8613-BA011 exp.	<u>11/3/86</u>	_____	_____
13737	A	Long Island Development Co., Inc.,..... Bark and mud from sortyard, T 77S, R 87 E, NW 1/4 of Sec. 2, Dora Bay, Prince of Wales Island. Quantity <u>10 cy</u> per month	8613-BA008 exp. 12/31/91	<u>11/17/86</u>	<u>6/9/87</u>	More seperation is needed.
13738	A	Ketchikan Pulp Co., camp waste Prince of Wales Island, T 69S, R 80E, S 18, Rock Pit 1 1/2 mile from Naukati camp. Quantity <u>10 cy</u> per month	8613-BA012 exp. 3/31/89	<u>12/17/86</u>	<u>12/17/86</u>	_____

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13721	I	City of Hydaburg, Prince of Wales Island..... Municipal Waste (old site)		<u>12/27/83</u>	5/12/88 5/12/88	<u>closed</u>
13722	I	ITT Raynier, Smith Cove, Prince of Wales Island,... T74S, R84E, S20, Camp Waste	SE-13-80 exp. 12-31-83	<u>4/26/85</u>	--	
13723	I	Sealaska Timber Corporation, Grace Harbor, Dall..... Island, T60S, R83F, S21, Camp waste	SE-15-80 exp. 12-31-83	<u>4/25/85</u>	--	
13724	A	Whale Pass, USFS, Private camp waste..... NW 1/4, S14, T66S, R80E, NE of Prince of Wales Isl.		<u>8/28/85</u>	5/11/88	4/88 DFC COMPLAINTS POOR SITES
13725	A	Coffman Cove, Valentine Log, Camp waste..... NW 1/4, S6, T68S, R82E, Prince of Wales Island		<u>8/28/85</u>	8/31 5/11/88	
13726	A	Waterfall Resort, Prince of Wales Island Camp Waste - also have grocery/liquor store, 28 guest cottages, employee and laundry buildings, etc.		<u>8/28/85</u>	<u>6/27/86</u>	<u>Overflight</u>
13727	A	Haida Corporation Logging, Hydaburg..... T 77S, R 84E, S 17, 3000' north of Saltery Pt. Bark and wood waste, Prince of Wales Is. Quantity <u>6,333 cy</u> annually.	8313-BA019 exp. 12-31-91	<u>1/31/85</u>	<u>11/87</u>	Good seper- ation of <u>debris</u>
13728	A	LPK Camp Waste, Naukati Inlet (old site)..... Prince of Wales Island. NW 1/4, S10, T69S, R79E		<u>7/9/84</u>	--	
13729	? A	ITT Raynier, Smith Cove, Prince of Wales Island..... T74S, R86E, S17, Woodwaste at shop site. Quantity <u>10cy per day</u>	8313-BA009 exp. 12-31-85 12-31-91 5	8/30/88 <u>4/26/85</u>	<u>8/20/88</u>	using beach or burn sites
13730	I	Steamboat Bay Cannery, Steamboat Bay,..... Noyes Island - 1 incinerator site and 1 dump site (scrap metal) on beach - no legal description at this time. (This site had a restaurant, store, showers beside a seafood cannery.)		<u>7/19/85</u>	<u>6/27/86</u>	

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13711	I	Klawock Island Dock Company, T73S, R81E, S16,..... NE 1/4, Sort Yard Waste, Klawock Island (Below Saley's Shop). Quantity <u>32,400 cy</u> per year	8210-BA013 exp. 12-31-87	<u>6/7/85</u>	<u>6/26/86</u>	NOV issued 7/31/86 & 1/8/87
13712	A	Sealaska Timber Corporation, View Cove, Dall Island. Sort Yard, T78S, R82E, S23, 12 Miles SW of Hydaburg. 6,500 cy per year.	8210-BA014 exp. 12-31-90	<u>4/24/85</u>	<u>8/2/83</u>	
13713	I	Bayside Lumber, T73S, R84E, SE 1/4 of S 24, Hollis. Sawdust into Seawater	8310-BA004 exp. 12-31-83	<u>6/21/85</u>	--	
13714	A	Louisiana Pacific Corp, (LPK) Winter Harbor..... T79S, R80E, NW 1/4 Sec 30, Prince of Wales Island, Camp waste. 1 Ton per month.	8313-BA006 exp. 12-31-90	<u>11/87</u>	--	
13715	I	El Capitan Logging Co., Winter Harbor (USFS Camp.... also) Prince of Wales Island, Camp Waste		<u>8/28/85</u>	--	
13716	A	ALP, Cape Pole, Kosiusko Island USFS Camp..... Camp Waste, S14, T68S, R75E	SE-6-80 exp. 12-31-88	<u>4/2/85</u>	--	
13717	A	L & L Logging, Inc., Port Alice, Heceta Island..... SE 1/4, Sec 15, T70S, R77E, Camp waste, 16 cy per month	8713-BA006 exp. 12-31-90	<u>4/25/85</u>	--	NOV issued 8/29/86-dump covered/ closed 11/86 need an amended permit
13718	A	Kasaan, City of, T 73S, R 85E, S 13, Domestic..... and commercial waste, Prince of Wales Is.	8413-BA003 exp. 12-31-88	<u>11/85</u> <u>8/9/85</u>	<u>7/29-30/86</u> by Kurt E. SCRO and 8/86 by DH&SS	
13719	A	Sealaska Timber Corporation <u>Klukwan Forest Products</u> , Long Island Dev. Inc... Long Island, Shoe Inlet, T80S, R84E, S30 Camp Waste.	SE-16-80 exp. 12-31-83	<u>4/26/85</u>	--	
13720	A	Sealaska Timber Corporation, View Cove, Dall Island. Camp Waste, T78S, R81E, S26	SE-17-80 exp. 12-31-83	<u>4/26/85</u>	--	

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13700	A	City of Klawock Municipal Waste. 3 mi. NE from Craig, Prince of Wales Is., T73S, R81E, NE 1/4 S 32, Prince of Wales Is. (Hollis waste hauled to site). 2000 tons per year of municipal waste, 3300 cy per year of sortyard waste.	8713-BA004 exp. 12-31-89	<u>8/12/85</u>	6/10/87 9/11/88	No cover litter, bears
13701	I	Louisiana Pacific Ketchikan (LPK) Thorne Bay, Prince of Wales Island, Wood waste, T71S, R84E, S20, SE 1/4. Quantity _____	8110-BA004 exp. 12-31-85	<u>2/16/84</u>	12/16/85 5/10/88	NOV issued <u>7/14/86</u>
13702	A	LPK, Thorne Bay, Prince of Wales Island. Non-putrescible Waste, SW 1/4, Sec 20, T71S, R84E	8110-BA005 exp. 12-31-85	<u>6/4/85</u>	12/16/85 8/31 5/10/88	City may apply
13703	A	LPK, Thorne Bay - Camp garbage & sludge from Secondary Treatment Plant, SW 1/4, Sec 20 T71S, R84E	8110-BA006 exp. 12-31-85	<u>6/4/85</u>	12/16/85 8/3 5/10/88	City may apply
13704	I	LPK (Bloom Logging Co.) Nichin Cove, Tuxekan Island. Camp Waste, S36, T69S, R79E	8110-BA007 exp. 12-31-85	<u>2/16/84</u>	--	_____
13705	A	LPK, Ketchikan Pulp Co., Labouchere Bay, Prince of Wales Island Camp Waste, sewage sludge, S24, T64S, R76E	8613-BA002 exp. 12-31-90	<u>4/4/86</u>	<u>6/15/87</u>	_____
13709	I	Klawock Island Dock Company, Craig-Klawock Hwy. Prince of Wales Island, Sort Yard Waste. Quantity <u>555 cy</u> per week at yard and <u>3000 cy</u> site of road.	8513-BA013 exp. 12-31-88	<u>6/6/85</u>	8/26/87 8/30/88	_____
13710	A	Klukwan, Inc., Long Island, T80S, R84E, Sec 30, East 1/2, Sort Yard Waste. Quantity <u>4320 cy</u> per year.	8210-BA007 exp. 12-31-90	<u>6/6/85</u>	--	_____

3-22-89

March 20, 1989

Rep. Grussendorf
Box V (MS 3100)
Juneau Alaska 99811

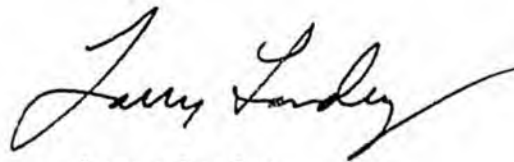
Dear Mr. Grussendorf,

I wholeheartedly support your efforts to close sport hunting of brown bears within one mile of designated dumps. In reality, it is a misnomer; one cannot sport hunt at a dump because there is no sport involved. This is hunting at its nadir- there is no planning, stalking or skill involved in taking animals at a dump. Brown bears are an important resource to many people throughout Alaska and the nation. They should be managed wisely and harvested in a fashion which guarantees a high quality hunt. This is especially so when dump hunting appears to be threatening brown bear populations in Southeast.

I urge you to include black and glacier bears in your bill. Dump hunting has no merit and does not deserve to be continued in any form.

This problem would not exist at all if the dumps were properly managed. The bears are attracted to the dumps because there is food there for them. If the people managing the lumber and mining dumps were to be more careful and incinerate their organic wastes, the bears would have little reason to frequent them. I'm not sure if you can do anything about more responsible management of those dumps, but would strongly encourage you to do so if it is possible.

Sincerely,



Larry Landry
Box 1985
Bethel AK 99559

cc. Alaska Board of Game

3-16-89

4655 Emerald Circle
Anchorage, AK 99502
March 9, 1989

Rep. Ben Grussendorf
Box V (MS 3100)
Juneau, AK 99811

Dear Representative Grussendorf,

I grew up in Anchorage and am currently a resident there. I am an avid outdoorsperson and love Alaska for many reasons, one of which is its unique wildlife.

I am pleased to hear that you are writing a bill to close the one mile radius around designated dump and landfill areas to the hunting of brown bears. I encourage you to also prohibit the dumphunting of glacier and black bears.

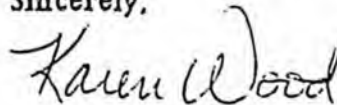
Not only is dumphunting a poor use of a valuable and unique wildlife resource, but shooting a bear at a dump shows a complete lack of sportsmanship. Tracking an animal and meeting it on its own terms are elements of a "quality hunt." I have no objection to well-managed harvest of animals through hunting, however dumphunting is cruel, unnecessary and irresponsible.

Besides this, bears are attracted to dumps because humans have failed to act responsibly towards our environment and towards the other creatures with whom we live. If we kept our landfills clean and buried our waste, bears would be less likely to forage for food in dump areas and would be less of a threat to human safety.

In addition, Alaska's bear population is sensitive to continued exploitation. A 1979 Alaska Department of Fish and Game report recommended that the harvest of brown bears be cut in half; since then, the harvest has doubled in some areas. We can not afford to stand idle as a species is legally over-hunted.

I support your efforts. I favor at least a one mile radius of protected area around dumps, and the protection of brown, black and glacier bears. Though I am not in your district, when you introduce your bill I will contact my legislators (Red Boucher, Virginia Collins, and Arliss Sturgulewski) and voice my feelings on this issue. I have sent a letter similar to this to the Board of Game.

Sincerely,



Karen Wood

OSPREY EXPEDITIONS



P.O. Box 209 • Denali Nat'l. Park. AK 99755 • (907)683-2734

MARK II -

REP. GRASSBENDER -
BOX # 483100
SHELDON, AK 99811

Dear Rep. Grassbender,

I'm writing to show my support for Rep. Bill
closing all designated dump areas to hunting of
brown bears. I also believe that this bill
should include all bears as well, and a
1 mile distance from the dumps. I hope
you will continue to fight for
us all passed and remove all bears
in all dump throughout the state.

Sincerely,

— Mark Ball





RECEIVED
3-15-89

March 10, 1989

Representative Ben Grussendorf
Box 7 (MS 2100)
Juneau, Alaska 99811

Dear Representative Grussendorf:

We understand you are drafting a bill that will close all designated dump areas to the hunting of brown bears within one mile. The Kachemak Bay Conservation Society supports your efforts in this area and urges you to include black and glacier bears in the ban. All bears, not just the brown bear, are vulnerable to over-hunting around dump areas. With more and more dump sites around the state associated with logging camps, mining development, fish camps, and other facilities it is important to encourage people in remote sites to operate safe, clean dumps and not use them as permanent bait stations to wipe out local bear populations. We support a closure of at least one mile from dumps.

Thank you for your efforts in this area.

Sincerely,

Nina Faust
President

K B
A C
C H E M A K
S A Y H O M E R
C O V E R A L A S K A
S E R V A T I O N 9 9 8 0 5
S O C I E T Y

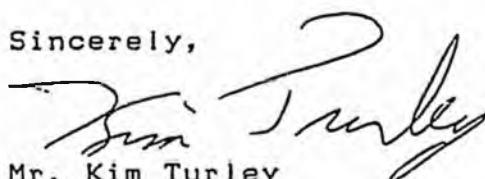
rec'd
3/21/89

Board of Game
Box 3-2000
Juneau, Alaska 99811
March 20, 1989 →

Dear Sirs:

I support the closure of dumps to bear hunting. I am a bear hunter. I also enjoy seeing bears. Many bears are killed at dumps which is not what I call bear hunting, but is a needless waste of a dwindling natural resource. I would like to see stricter rules and penaltys regarding sanitary landfills, but in pursuing this the State must be on guard against other problems (such as the situation in one Southeast community that I'm very familiar with that was required to cover their sanitary landfill, so instead I understand that they now just haul their garbage out to the middle of the bay and dump it overboard.)

Sincerely,



Mr. Kim Turley
Box 1134
Auke Bay, Ak. 99821

cc: Representative Grussendorf
Box V
Juneau, Ak 99811

3-13-89

Juneau, Alaska
March 9, 1989

Rep. Ben Grussendorf
Alaska House of Representatives

Dear Rep. Grussendorf:

I am writing to thank you for your concern about the hunting of brown bears in the vicinity of garbage dumps. I am not entirely clear whether your bill to prohibit the hunting of bears within one mile of a dump is in conflict with the tradition that has developed of keeping the Legislature out of the province of the Boards of Fish and Game. However, I strongly believe that the Legislature needs to act in this area of an overwhelming threat to our brown bear populations, by one means or another.

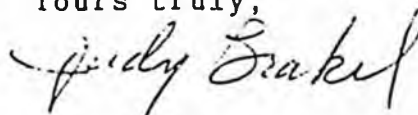
The Greens Creek Mine, situated in one of the highest concentrations of brown bears in the world, has avoided problems for bears by strict dumping and littering regulations, strictly enforced, and by burning garbage in a high heat incinerator. Although such methods probably cannot be required of long-time existing villages, the State should require them of all logging camps and new resource-exploitation settlements in brown bear country. Otherwise, with the present rate of road building, logging and mining, we are going to run out of brown bears in your and my lifetimes.

I would particularly like to see the Legislature turn its attention to a portion of the Gulf of Alaska coast between Yakutat and Cordova that is home to a population of especially large-size brown bears. I'm talking about the coast between Icy Bay and Cape Suckling. I believe the bears in this area rival those of Kodiak Island in size, and most important part of their habitat extends from the beach to not very far inland. The State owns large stretches of land along the coast, including the whole stretch between Icy Bay and Cape Yakataga, with possibly some minor exceptions. The State has been selling the timber and a large logging show has been working its way for some years from Icy Bay toward Cape Yakataga, and has clear-cut the area from the beach back in (how far inland I'm not certain) from Icy Bay to at least the White River, with plans to continue onward.

In other words a great swath of once beautiful, pristine coast (exceptionally beautiful coast and exceptionally pristine, the kind of thing that has become exceedingly rare in the world) is being ruined as prime brown bear habitat. I would like to see you request a report on garbage dumping practices there and on the effect on brown bears of the logging activity in that region. I know that the Southeast Alaska Conservation Council has been taking an interest in this area and might be a source of information.

Again, thank you for your interest in the survival of brown bears. This part of the world would be sadly different without them.

Yours truly,



Judy Brakel

Cynthia Monroe
5240 E 42
Anchorage, Alaska 99508

(907) 333-4425

March 23, 1989

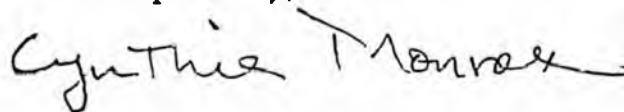
Representative Ben Grussendorf
Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Grussendorf,

I strongly support your concern for the plight of Alaska's overhunted brown bears, and your determination to pass a bill closing dumpsites to hunting of brown bears. I hope that your bill also includes black and glacier bears, for they are vulnerable as well, and it is tragic that we so often merely attempt to correct our environmental blunders without learning from them. It is not only imminent danger of extinction from a range that should entitle wildlife to protection; often by the time such danger is recognized, the future of the population has already been jeopardized by depletion of its gene pool.

I urge you to hold to at least a one-mile radius in dump closure, and to the bill affecting all of Alaska. Thankyou for authoring and introducing this important legislation.

Respectfully,



Cynthia Monroe

P.S. I have sent a similar letter to the Board of Game.

Box 35
Hope, Alaska 996
March 1, 1989

RECEIVED
3-3-89

Rep Ben Grossenlof
Box V (MS 3100)
Juneau, Alaska 99811

Dear Sir:

I am writing in support of your intended bill to close all design-
nated dumps to hunting brown
bears, and all bears, within
one mile.

Yours truly,
(Mrs.) Weill F. Gay

ack
ms
ms

MR. RICHARD R. GAY
BOX 35
HOPE, AK 99605



March 1, 1989

Rep. Per Crussendorf
Box V (MS 3100
Juneau, Alaska

Dear Sir:

This is in support of your intended bill to close all designated
dumps to hunting of brown bears, and all bears, within one mile.

Very truly yours,
Richard R. Gay
(Rev.) Richard R. Gay

3-6-89

March 2, 1989

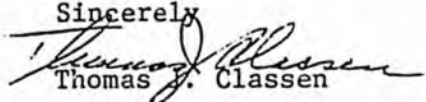
Rep. Grussendorf
Box V (MS 3100)
Juneau, Alaska 99811

Dear Rep Grussendorf:

It has come to my attention that you are proposing a bill to close all designated dump areas to the hunting of brown bear. I urge you to continue with the endeavor and to expand the bill to include all bears within a three mile limit.

Actually I would like to see the complete closure of all brown and grizzly bear hunting. This species is in short supply all over the State and should be granted a reprieve from the constant and increasing hunting pressure. To my mind its a terrible shame that we kill an animal of this stature "just for fun" and call it sport. Our society is sick.

Please do what you can to end this useless slaughter.

Sincerely

Thomas J. Classen

RECEIVED
3-6-89

February 28, 1989

Rep. Ben Grussendorf
PO Box V
Juneau, AK 99811

Dear Representative Grussendorf,

I am writing to you about need to clean up dumps in villages and timber camps and to close the dump areas to any kind of sport (or other) hunting.

First, DEC needs clear direction and funding for getting villages and timber camps to clean up their dump sites. Enforcement is also needed - on an ongoing basis! People don't like the dump sites all smelly and spreading who-knows-what-diseases!

Hunting at dump sites isn't hunting - it's target practice! Our game - and in particular all our bears - are being killed off and wasted for the sake of fun and entertainment. I strongly support your legislation to close all designated dump areas to hunting of brown bears within a mile radius. What about polar, glacier and black bears? "Dump bears" are a problem throughout our state. When I lived in Dillingham, folks used to go out to the city dump to watch the bears -- for entertainment. Inevitably, a brown bear would get too close - and end up dead.

I applaud your efforts on behalf of keeping Alaska wild!

Sincerely,



Eleanor Thompson

copy of this to the Board of Game office

HB

220

HOUSE COMMITTEE REPORT

(9)

Date Referred: March 15, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 4-7-89

The RESOURCES Committee considered:

HB 220

HOUSE BILL NO. 220 [UNDERGROUND STORAGE TANKS]

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

RECOMMENDATIONS:

- be replaced with CS HB 220 (Res) [] the same title
- [] be replaced with _____ [] a new title
- [] have attached amendment(s)
- do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact DEC 4/7/89
- [] zero fiscal note _____
- [] zero with analysis _____

- [] fiscal note(s) _____
- [] zero fiscal note(s) _____
- [] zero fn/analysis _____

SIGNING DO PASS:

Carol Wengert

Bill Darden

George G. Galt

Mike Swane

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<i>Mike Galt</i>			<input checked="" type="checkbox"/>
<i>Bill Galt</i>			<input checked="" type="checkbox"/>
<i>Best Sharp</i>	<input checked="" type="checkbox"/>		

Carol Wengert
 Chairman's signature

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: An Act Relating to Motor Fuels and storage tanks and containment and cleanup of oil and hazardous substances; and providing for an effective date.

Agency Affected: Environmental Conservation
BRU: Environmental Conservation

Components: Environmental Conservation

SPONSOR: House Resources Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		492.0	756.3	756.3	756.3	
TRAVEL		51.5	93.8	93.8	93.8	
CONTRACTUAL		405.0	454.0	454.0	454.0	
SUPPLIES		30.5	46.3	46.3	46.3	
EQUIPMENT		102.0	141.3	141.3	141.3	
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		1081.0	1491.7	1491.7	1491.7	

CAPITAL		-0-	-0-	-0-	-0-	
---------	--	-----	-----	-----	-----	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER		1081.0	1491.7	1491.7	1491.7	
TOTAL						

POSITIONS:

FULL-TIME		13.0	18.25	18.25	18.25	
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Dan Easton Phone: 465-2640
Division: Environmental Quality Date: 06/07/89

Approved by Commissioner: A. D. Hule Date: 4/7/89
Agency: DEC

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

HB 220: "An act relating to motor fuels, petroleum and chemical storage tanks, and investigation, containment, and cleanup of oil and hazardous substances; and providing for an effective date."

Section 4 of this legislation creates a loan guarantee program that allows the Department of Commerce and Economic Development to guarantee up to 75 percent of a loan made by a state or federally chartered financial institution to a person who owns an underground petroleum storage tank. All guarantees must be approved by the Commissioner of the Department of Environmental Conservation and the proceeds of the loan being guaranteed must be used for the cost of labor and materials for:

1. site inspection and evaluation of the status of an underground petroleum storage tank;
2. retrofitting, repairing, or replacing an underground petroleum storage tank to meet federal or state requirements; and
3. installing leak detection and monitoring devices for an underground petroleum tank.

HB 220 spells out a number of conditions that a loan must meet to be guaranteed including:

1. the term of the loan may not exceed 25 years;
2. the amount of the loan may not exceed \$50,000;
3. the aggregate amount of guaranteed loans made to any one individual cannot exceed \$50,000.
4. the loan must be secured by adequate collateral;
5. the borrower must have adequate cash flow to service the debt; and
6. the loan may not be used to refinance existing debt.

Section 6 of HB 220 establishes a guarantee subaccount within the underground petroleum storage tank account to be used as a reserve from fund equity. In addition, this section requires that before a loan guarantee is made the Commissioner of the Department of Environmental Conservation must approve the use of the loan funds. Once approved, 50 percent of the amount of the loan guarantee is encumbered in the guarantee subaccount of the underground petroleum storage tank account. The Commissioner of Commerce and Economic Development may use money in the guarantee subaccount to satisfy a default on a guaranteed loan, protect the State's security interest in collateral for a guaranteed loan, or defray expenses incurred by the State during foreclosure proceedings after a default on a guaranteed loan.

One key factor in the utilization of this program is the degree to which private financial institutions participate. The various requirements spelled out in the bill will affect how much these institutions want to be involved. For example increasing the percentage of the loan that can be guaranteed would generally be attractive to a financial institution because it reduces their risk. This would, however, increase the amount of risk borne by the State and reduce the total amount of guarantees that could be issued. Changes to the loan limits and terms could also play a large role in the private sector's desire to participate.

One other factor that may affect the degree to which financial institutions participate is the potential liability inherent in repossessing collateral containing motor fuels, petroleum and other hazardous substances. Financial institutions may be unwilling to accept this potential liability, especially in light of recent court decisions regarding lender liability that may extend financial responsibility beyond the collateral taken.

The Department of Commerce and Economic Development is neutral on this legislation.


Larry Mercurieff, Commissioner

Date: 3/24/89

LM/wfs0091q32189b

REQUEST: FISCAL NOTE

Revision Date:
Title: An Act relating to motor fuels, petroleum and chemical storage tanks, and investigation, ...
Sponsor: Menard, et al
Requestor: House Resources

Agency Affected: DOT&PF
BRU: Engineering & Operations Standards
Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	80.0	80.0	80.0	80.0	80.0	80.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	80.0	80.0	80.0	80.0	80.0	80.0
CAPITAL	45.0	45.0	45.0	45.0	45.0	45.0
REVENUE	0	0	0	0	0	0

FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUND	80.0	80.0	80.0	80.0	80.0	80.0
FEDERAL FUNDS	45.0	45.0	45.0	45.0	45.0	45.0
OTHER	0	0	0	0	0	0
TOTAL	125.0	125.0	125.0	125.0	125.0	125.0

POSITIONS:

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

ANALYSIS: The bill would require registration of most storage tanks operated by the department. An annual fee of \$100.00 is to be charged. The department has approximately 800 tanks throughout the state. This yields an annual cost of \$80,000. In addition, there will be costs on construction projects for the "registration fees" for temporary tank installations and in the higher fuel costs borne by contractors. This is estimated to cost another \$20,000 in registration fees and \$25,000 in fuel surcharge fees. The majority of these construction related costs would occur on federal-aid construction.

Prepared by: Jeffery C. Ottesen, Director
Division: Engineering and Operations Standards

Phone: 465-2951
Date: March 22, 1989

Approved by Mark S. Hickey, Commissioner:
Agency: Department of Transportation and Public Facilities

Date: 3/22/89

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Basis of Estimate
Fiscal Note: HB 220
Department of Transportation and Public Facilities

Tank Registration Fee:

Component	# of tanks	
Highway & Aviation Maintenance Facilities	400	
Equipment Fleet Tanks	100	
International Airports	25	
Harbors	75	
Buildings	200	
Total	800	
At \$100 per tank =		\$80,000

Construction Related Tank Registration

Estimate 50 projects per year with 4 tanks per project, average = 200
At \$100 per tank \$20,000

Construction Fuel Surcharge

Estimate 50 projects per year with 50,000 gallons average = 2,500,000 gallons fuel
At 2¢ per gallon = \$50,000
Less allowance for fuel tax refunds (AS 43.40.030) @ 50% \$25,000

The following is a summary of the main tasks under the proposed legislation and an explanation of the necessary services.

Revenue is expected from two sources as a result of this legislation; a tank registration fee and a gasoline tax.

1. Storage Tank Program Development

During FY 90, three FTEs will be needed in this program. One professional position will manage to contract to develop an automated database of above and underground storage tanks, investigate financial responsibility options and program funding mechanisms, and prepare draft regulations in conjunction with an Advisory Panel. This position will manage these items once completed. One professional position will collect data, provide technical assistance to facility owner/operators, and assist with development of technical portions of the regulations. One clerical position will provide typing, filing, data entry, and assist with scheduling and administrative tasks associated with the Advisory Panel. Underground storage tank regulations will be completed in FY 90. Above ground regulations will be completed in FY 91.

FY 91 and ongoing tasks will include completion and implementation of regulations. Also required will be two additional professional positions and one additional clerical position. Major field tasks include: inspection of tank/piping and associated structures, installation and abandonment procedures, review of facility records for maintenance and operation activities, and technical assistance. The Department will examine means of contracting out functions.

2. Registration/Notification Program.

During FY 90, three and one-half FTEs are estimated to be needed in this program. One-half professional position will oversee the development of the program, special databases, and associated procedures, and develop contracts and forms. One-half clerical position will provide needed assistance. One fiscal position will justify accounts and revenues. One and one-half clerical/administrative positions will receive forms, enter data, develop and send mailouts and perform followups. A consultant will be hired to set up a computer program and develop guidelines; the contractual line item includes \$40.0 for this. Extra funds (\$3.5) are included in supplies to cover materials and postage for mass mailouts. The equipment line includes \$17.0 for specialized computer equipment to gain access to AKSAS and to print mass mailouts and labels.

FY 91 and ongoing tasks will include sending out notices of renewal, contacting new establishments, receiving payments and upgrading the database to meet new needs. No additional positions will be needed for FY 91 and subsequent years. It may be possible to reduce staffing once the program is in place.

3. Public Information Program

During FY 90, one professional and one-half clerical FTEs will be needed in this program. One professional position, with the help of one-half clerical position, will identify and provide information and assistance to tank owners and will plan and conduct public information activities. Development of the program will be contracted out to assist tank owner/operators and the public directly through presentations and workshops. Contractual funds (\$15.0) are included for document development and printing costs, and \$6.0 is included for supplies, mailout materials and software.

These tasks will continue during FY 91 as the regulations are completed and program implementation begins. No additional positions for FY 91 are anticipated at this time.

4. Loan or Grant Program

During FY 90, one-half FTE will be needed in this program. This one-half professional position will assist the Department of Commerce and Economic Development in setting up a loan guarantee program, and approve the use of funds from the Underground Storage Tank Account (case by case) to guarantee a loan.

FY 91 and ongoing tasks will include continued approval of all loan guarantees or grants during the 10-year period that underground tanks have to upgrade. Additional one quarter FTE will be needed for this ongoing task.

5. Underground Storage Tank Account Cleanup Program

During FY 90, four and one-half FTEs will be needed in this program. Two professional positions and one-half clerical position will develop guidelines and review reported leaks, document leaks on computer, determine the extent of investigation, cleanup, and necessary upgrades to current facility equipment, and oversee cleanup contracts. One-half position in the fiscal section will help set up, receive, and deposit payments received. One administrative position will track costs, and justify that payments are correct and adequate. One-half professional position in the Solid Waste Program will develop permits for disposal of soils contaminated from releases. Additional contractual funds (\$21.0) are included for development and printing of forms, and medical monitoring physicals for the two staff involved in field work. The supplies line includes \$5.0 for postage and mailout supplies. The equipment line includes personal protective equipment (\$5.0) for two staff persons.

FY 91 and ongoing tasks will involve a considerable increase in the regional office efforts to monitor contracts for cleanup,

determine adequacy of cleanup, and assure appropriate tank upgrades following cleanup. Additionally, requests for contaminated soil disposal permits will begin. Three professional and one clerical FTE will be required for these purposes.

AMENDMENT

TO: C.S.H.B. 220

Page 1, Line 26,

after "AS 43.40.010", insert "except subsection (2),"

*Speed
Invest*

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 220(Resources)

Page 5, line 24, after "lower":

Insert ", subject to a maximum biennial fee of \$40,000 per facility"

Page 5, line 29, after "AS 46.08.015.":

Insert "In this subsection, "facility" means contiguous land and structures on or in the land containing petroleum and chemical storage tanks owned by the same person."



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

AEL ISSUE PAPER HB 220 PETROLEUM AND CHEMICAL STORAGE TANKS

Gasoline, fuel oil, and other toxic chemicals leaking from storage tanks are one of the most common causes of groundwater pollution in the nation. It is possible for a leak of only one gallon of gasoline to render one million gallons of water unpalatable and to continue to contaminate groundwater resources for decades.

DEC data indicates that leaks from both aboveground and underground tanks pose serious problems. As of May 1988, 91 sites with groundwater pollution caused by petroleum products have been identified in Alaska. Of the 92 cases, 37 were caused by aboveground tanks; 32, from underground tanks; and 22 are of unknown origin. DEC and EPA personnel have testified that current statutes do not sufficiently address this problem.

The Alaska Environmental Lobby supports HB 220. This bill is designed to aid underground storage tank owners to meet mandated EPA standards for tanks and monitoring systems and to obtain mandatory liability insurance coverage, which otherwise may not be available to the smaller business owner.

The bill's provisions for educational assistance and for loan guarantees for tank upgrade promote compliance with EPA regulations and serve as measures which will prevent pollution and environmental damage.

According to DEC, industry sources estimate that the average clean up cost is \$70,000. When soil removal or treatment is required, costs may exceed \$100,000; if groundwater corrective actions are required, costs may exceed 1 million dollars.

To address these clean up costs, the bill establishes a hazardous substance release response fund which will provide partial reimbursement for clean up costs.

HB 220 is an important measure addressing protection of groundwater resources in a reasonable and fiscally responsible manner.

Becky Achten 3-31-89

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • JUNEAU GROUP, SIERRA CLUB • SITKA GROUP, SIERRA CLUB
KNIK GROUP, SIERRA CLUB • DENALI GROUP, SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY
DENALI CITIZENS' COUNCIL • ALASKA FRIENDS OF THE EARTH • JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY
KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • ALASKA WILDLIFE ALLIANCE
SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL
KNIK KANOERS AND KAYAKERS

Alaska Water Resources Board
Resolution No. 89-23

Support for House Bills 143 and 196

WHEREAS: The Alaska Water Resources Board has received much information on the problems of petroleum storage tank leakage and consequent pollution of surface and ground water resources of the state.

WHEREAS: The Board adopted Resolution No. 89-3 urging the appropriate state agencies to include above ground-storage tanks in their regulations to prevent future petroleum storage tank leakage;

WHEREAS: The Board is concerned that both above-ground and underground petroleum storage tanks need to be properly installed and maintained to prevent leakage and contamination of surface and ground water resources.

NOW THEREFORE BE IT RESOLVED: The Alaska Water Resource Board supports passage of legislation specifically providing authority for the regulation of above-ground and underground petroleum and chemical storage tanks.

The Board further urges the legislature to adopt measures requiring facilities to be designed by registered engineers, constructed by licensed contractors, and inspected by personnel whose knowledge of this type of construction and the applicable codes and requirements are verified.

Adopted this 9th day of March, 1989
Alaska Water Resources Board



Peg Tileston, Chairwoman
Alaska Water Resources Board



Alaska Center for the Environment

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

Representative Curt Menard
Resources Committee Co-Chair
House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Representative Menard:

Last week, I testified before your committee in conditional support of HB 220. I was told that the transmission was broken, so I am summarizing my comments here.

Alaska Center for the Environment is pleased to see what we believe to be improvements in the bill since the earlier work drafts. We agree that assistance to small businesses is needed in Alaska. We agree that HB 220 takes a good approach to the problem of LUST cleanups.

Primarily in response to the testimony of Gary Weber, of the Tank Owners association, we want to take exception to his comment that the bill is inequitable. We do not agree that the bill should treat all tank owners in the same manner, nor was it ever intended to. We support assisting small business in their efforts to cleanup and/or prevent environmental contamination, but do not believe it appropriate to tax consumers in order to assist large companies. Therefore, we agree with the graduated scale for "deductibles" set out in Section 9 (b) and the exclusion of self-insurers in Section 9 (c) (6).

In addition, the account established in Section 46.08.015 could be broadened to include aboveground as well as underground storage tanks. Other parts of the bill attempt to capture above and below ground tanks, so this is consistent.

Thank you,

A handwritten signature in cursive script that reads "Kristine Benson". The signature is written in dark ink and is positioned above the typed name.

Kristine Benson
Hazardous Waste Specialist



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

AEL ISSUE PAPER HB 220 PETROLEUM AND CHEMICAL STORAGE TANKS

Gasoline, fuel oil, and other toxic chemicals leaking from underground storage tanks are one of the most common causes of groundwater pollution in the nation with 72 such cases having occurred in Alaska. It is possible for a leak of only one gallon of gasoline to render one million gallons of water unpalatable and to continue to contaminate groundwater resources for decades.

The Alaska Environmental Lobby supports HB 220. This bill is designed to aid underground storage tank owners to meet mandated EPA standards for tanks and monitoring systems and to obtain mandatory liability insurance coverage.

The bill's provisions for educational assistance and loan guarantees for tank upgrade promote compliance with EPA regulations and serve as measures which will prevent pollution and thereby reduce environmental damage and cleanup costs in the future.

According to DEC, industry sources estimate that the average clean up cost is \$70,000. When soil removal or treatment is required, costs may exceed \$100,000; if groundwater corrective actions are required, costs may exceed 1 million dollars.

To address these clean up costs, the bill establishes a hazardous substance release response fund which will provide partial reimbursement for clean up costs in some cases and may enable tank owners to secure the required liability insurance.

HB 220 is an important measure addressing protection of groundwater resources in a reasonable and fiscally responsible manner.

Becky Achten
3-21-89

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • JUNEAU GROUP, SIERRA CLUB • SITKA GROUP, SIERRA CLUB
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SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL
KNIK KANOERS AND KAYAKERS

STATEMENT
HB 220

MARCH 15, 1989

TO: HOUSE RESOURCE COMMITTEE
FROM: G. B. WEBER, TREASURER
ALASKA UNDERGROUND TANK OWNERS AND OPERATORS ASSOCIATION, INC.
(AUTOO)

THANK YOU FOR THE OPPORTUNITY TO ADDRESS THIS LEGISLATIVE COMMITTEE ON BEHALF OF THE UNDERGROUND TANK OWNERS AND OPERATORS IN ALASKA ON PROBABLY ONE OF THE MOST IMPORTANT PIECES OF LEGISLATION THIS YEAR. I HAVE BEEN ASKED BY MY CONSTITUENCY TO EXPRESS THEIR CONCERNS TO YOU BASED ON MY 30 YEARS IN THE PETROLEUM INDUSTRY EXPERIENCE; 17 YEARS WITH CHEVRON CORPORATION AND 13 YEARS AS AN INDEPENDENT RESELLER OF MOTOR FUEL. MR. CHAIRMAN, WE APPRECIATE YOUR CONCERN FOR THE DEMANDS THAT THE NEW EPA REGULATIONS ARE PUTTING ON UNDERGROUND TANK OWNERS IN ALASKA AND THROUGHOUT OUR NATION AND EXPRESSING YOUR CONCERNS BY THE INTRODUCTION OF HB 220.

EVEN THOUGH EPA HAS BEEN WORKING ON THESE REGULATIONS SINCE 1984, WE, IN THE INDUSTRY, REVIEWED OFFICIAL COPIES IN DECEMBER OF 1988 AND WE WERE SHOCKED AT THE TIME-FRAME IN WHICH WE WERE GIVEN TO COMPLY; IN PARTICULAR, PROVIDING PROOF OF \$1 MILLION FINANCIAL RESPONSIBILITY BY OCTOBER OF 1990 AND BEING PUT IN THE POSITION OF CLEANING UP POST, PRESENT AND FUTURE POLLUTION WITHOUT BENEFIT OF MAJOR INSURANCE UNDERWRITING OR LENDING INSTITUTION ASSISTANCE. WE HAVE, IN ESSENCE, BEEN ABANDONED BY THE VERY INDUSTRIES WHO HAVE IN THE PAST FURNISHED US WITH THE UMBRELLA OF PROTECTION

THAT KEEP US IN EXISTENCE. THEIR FEAR OF ASSOCIATION WITH THE UNDERGROUND TANK OWNER IS WARRANTED. THE COST OF CLEAN-UP WILL RUN INTO THE BILLIONS OF DOLLARS OVER THE NEXT DECADE AND WOULD CRIPPLE THEIR PROFITS FOR YEARS TO COME. BECAUSE OF THEIR WITHDRAWAL, THE SMALL INDEPENDENT BUSINESS PEOPLE AND INDIVIDUAL STATES WILL BE FORCED TO PAY THE BILL AND THE RESULTS WILL TRIGGER AN APOCALYPSE OF BANKRUPTCY AND RUIN IN THE COMING DECADE OF THE 90's.

BECAUSE OF THESE REGULATIONS, WE, AS A STATE, ARE BEING FORCED TO ADDRESS THE ISSUE AND ENFORCE THE REGULATIONS. IN DOING SO, WE MUST KEEP IN MIND THAT HB 220 IS NOT ONLY AN ENVIRONMENTAL ISSUE BUT IS ALSO A MORAL AND SOCIAL ISSUE, NOT ONLY IN PROTECTING OUR GROUND WATER BUT TO KEEP OUR FOOT SOLDIERS OF THE AMERICAN ECONOMY -- THE SMALL BUSINESSES -- FROM BEING ABORTED FROM THEIR INDIVIDUAL INDUSTRIES WITH A SILENT SCREAM OF BANKRUPTCY, RUIN AND DESPAIR.

IF WE ALLOW THEIR SILENT SCREAM TO GO UNHEARD, WE WILL, IN EFFECT, BE CHANGING OUR FREE ENTERPRISE SYSTEM BY ELIMINATING THE SMALL BUSINESS ENTREPRENEURS WHO MAKE UP A LARGE PERCENTAGE OF THE COMPETITIVE RESALE MARKET IN ALASKA AND CHANGING OUR VERY ALASKAN WAY OF LIFE BY ELIMINATING THE SMALL ENTREPRENEURS WHO HAVE, IN THE PAST, PROVIDED FUEL TO SMALL AIRCRAFT AND TOURISTS IN OUR RURAL AND BUSH AREAS. WE, AS SMALL BUSINESSES AND STATE GOVERNMENT, HAVE, IN FACT, BEEN CHARGED WITH THE RESPONSIBILITY OF ENVIRONMENTAL PRODUCT LIABILITY, WHICH IN ANY OTHER INDUSTRY WOULD REMAIN WITH THE MANUFACTURER. WE, IN SMALL BUSINESS, ACCEPT THE RESPONSIBILITY AND THIS CHALLENGE. WE, AS ENTREPRENEURS,

HAVE RISKED OUR FINANCIAL LIVES FOR THE SAKE OF OUR BUSINESSES AND OUR CUSTOMERS AND HAVE, IN THE PAST, ADPATED READILY TO MID-STREAM CHANGES DICTATED TO US BY OUR GOVERNMENT AND OUR SUPPLIERS.

HOWEVER, THIS ISSUE IS EVEN BIGGER THAN THE FEDERAL SUPERFUND CAN HANDLE AND WE ARE GOING TO NEED THE HELP OF THIS LEGISLATIVE BODY TO KEEP FROM BEING A VICTIM OF THE COMING APOCALYPSE. WE PLACE OUR FUTURE EXISTENCE IN THE HANDS OF THIS LEGISLATIVE BODY AND THE PEOPLE OF THE STATE OF ALASKA AND TRUST THAT YOUR MORAL CONSCIOUS WILL FIND A SOLUTION TO THIS CHALLENGE AND SILENCE THE SCREAM THAT WILL SOON ECHO FROM EVERY UNDERGROUND TANK OWNER IN THE STATE OF ALASKA.

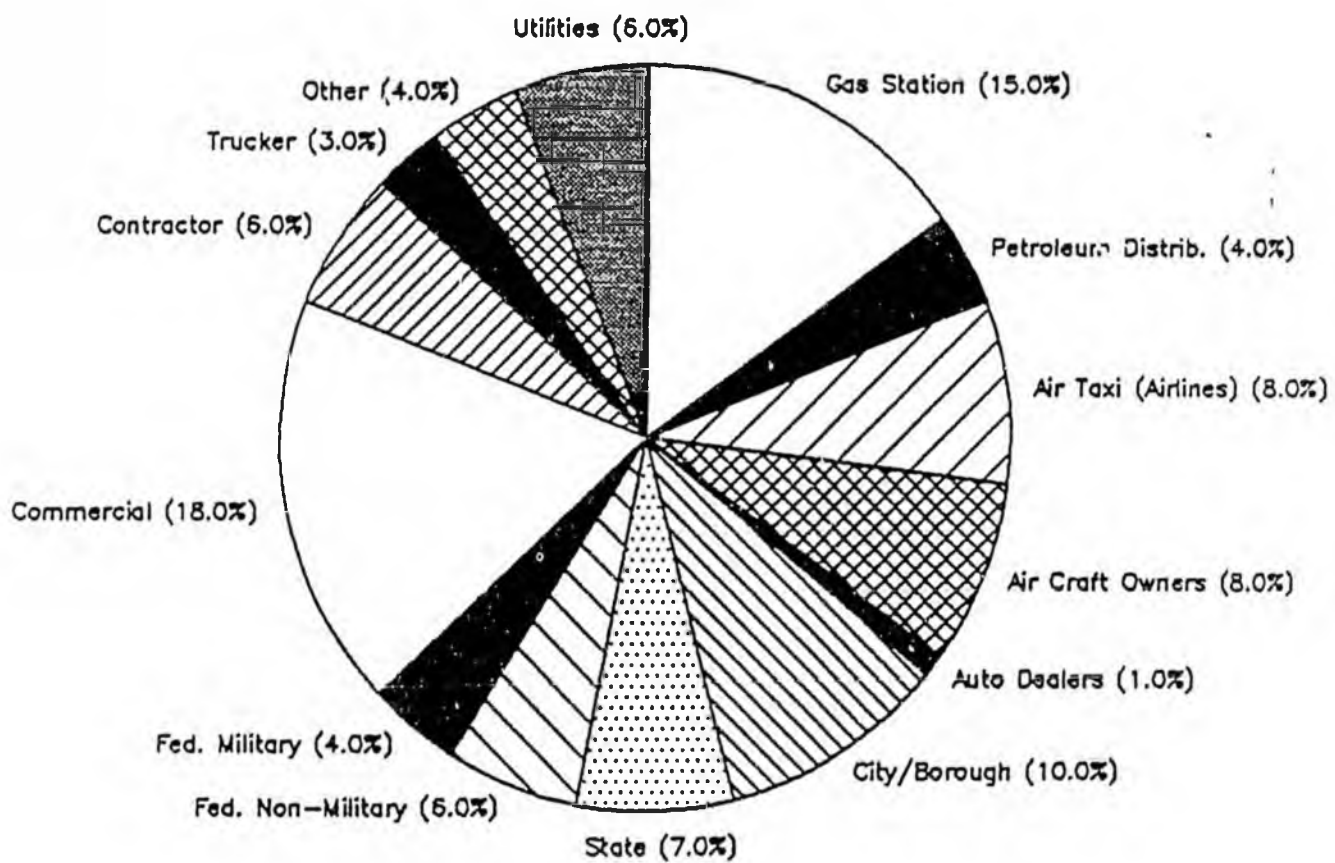
RESPECTFULLY SUBMITTED,



G. B. WEBER
TREASURER, AUTOO

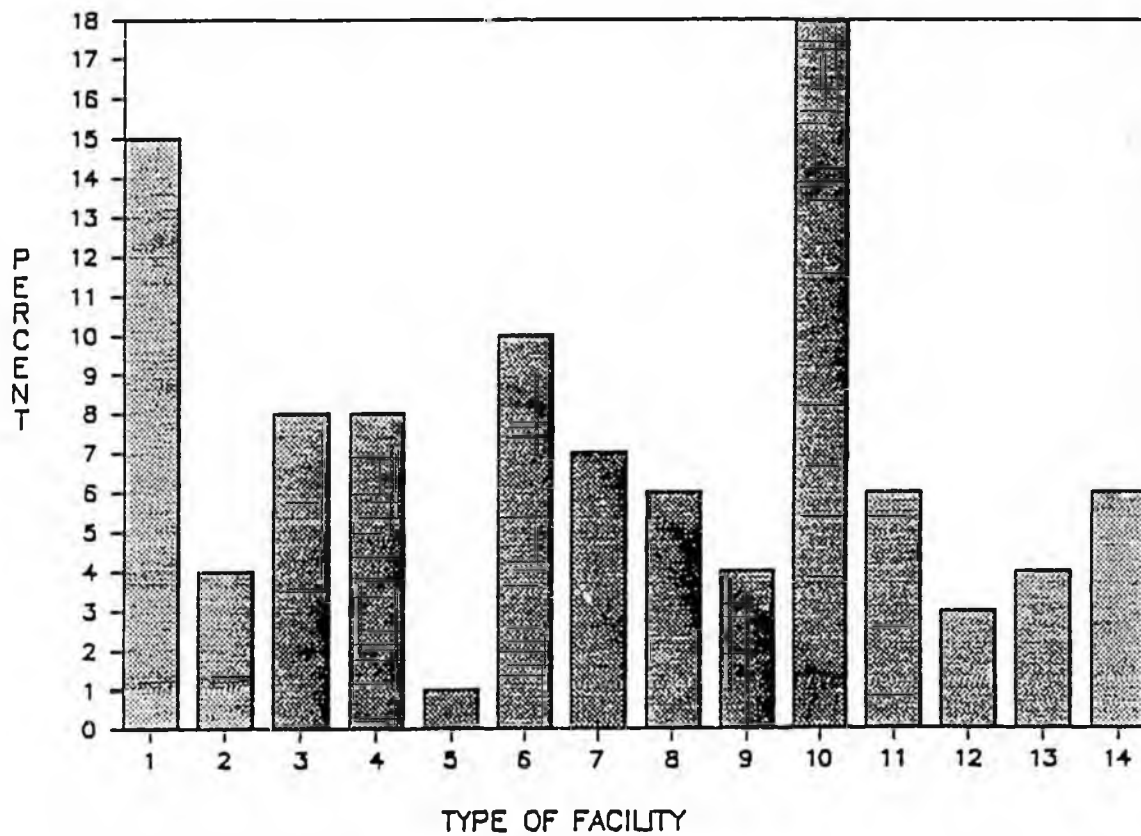
UNDERGROUND STORAGE TANKS IN ALASKA

Types of Facilities



UNDERGROUND STORAGE TANKS IN ALASKA

TYPES OF FACILITIES



DEFINITION OF FACILITY TYPES

- | | |
|-------------------------|-----------------------|
| 1 = Gas Station | 8 = Fed. Non-Military |
| 2 = Petro Distributor | 9 = Fed. Military |
| 3 = Air Taxi (Airlines) | 10 = Commercial |
| 4 = Air Craft Owners | 11 = Contractor |
| 5 = Auto Dealers | 12 = Truckers |
| 6 = City/Borough | 13 = Other |
| 7 = State | 14 = Utilities |



ALASKA STATE LEGISLATURE

REPRESENTATIVE CURT MENARD

165 E. Parks Hwy.
Wasilla, Alaska 99687
(907) 373-2878

P.O. Box V
Juneau, Alaska 99811
(907) 465-2679



MEMORANDUM

To: House Resources Committee

From: Rep. Menard

Date: March 15, 1989

Re: HB 220, Petroleum and Chemical Storage Tanks

HB 220 addresses the serious problem of contamination of soils and groundwater due to leaking underground and above ground petroleum and chemical storage tanks. In Alaska, there are already 72 occurrences of ground water contamination caused by petroleum products. According to national statistics 25% of underground storage tanks may now be leaking.

The U.S. Environmental Protection Agency recently adopted regulations which require underground tank owners to upgrade tanks to meet specific engineering standards including leak detection and monitoring, spill overfill prevention and tank corrosion prevention. The regulations also require tank owners to obtain \$1 million worth of pollution liability insurance.

HB 220 gives the Department of Environmental Conservation the authority to prevent contamination associated with storage tanks through a regulatory, educational, and financial assistance program. The bill provides educational assistance to tank owners to help them understand and comply with the EPA regulations. It provides loan guarantees for tank owners to upgrade their tanks to the EPA specifications. HB 220 also creates an account within the Hazardous substance release response fund to provide funds for clean up of underground storage tank releases. The bill is designed to make insurance companies more willing to insure tank owners by providing that tank owners who report spills within two years and meet certain criteria will be eligible for partial reimbursement of clean up costs.

A storage tank registration fee of 1 cent per gallon based on the capacity of the tank per year plus a 2 cent increase on the motor fuels tax provide a potential revenue source for the underground petroleum storage tank account. The average cost to a consumer would be approximately \$15.00 a year, a small price to pay for the protection of our drinking water.

Representing the
Matanuska-Susitna Borough



Co-Chair
House Resources Committee
Member
State Affairs Committee
Budget Subcommittee

Underground Tanks

STATES DRAFTING UST REGULATORY PROGRAMS TO MEET EPA TECHNICAL, FINANCIAL STANDARDS

Virtually all states have either approved or are considering some sort of state-funded financial assurance program to provide liability insurance for damage caused by underground petroleum tank leaks, sources in the insurance industry and the Environmental Protection Agency told BNA Feb. 14.

In addition, most states have begun preparing regulations to comply with new federal technical standards that, along with new financial requirements, were part of a package of underground storage tank regulations issued last fall, an EPA official told BNA.

However, an insurance industry official and an attorney with an environmental organization discussed potential problems with the program even at these early stages of development.

The federal rules were required under the Resource Conservation and Recovery Act. Technical standards were issued by the agency Sept. 23, 1988, and financial assurance requirements were issued Oct. 18, 1988.

The technical rules will require two million storage tanks to be retrofitted within 10 years through a state-run compliance program that must be approved by EPA (19 ER 1116).

The financial assurance rules require most owners and operators of underground petroleum storage tanks to show that they have at least \$1 million available to cover damages from tank leaks—enough to pay for cleanups of leaked products, environmental damage remedies, cleanups of drinking water supplies, and personal injury or property damage suffered by third parties. The agency stressed that a wide variety of instruments, ranging from insurance to state-funded trust programs, can be used to demonstrate financial assurance (19 ER 1236).

An insurance industry official who has watched as states develop financial assurance proposals warned that the wide differences among state programs may make it difficult for insurance companies to get involved even peripherally in writing policies for owners and operators of companies with petroleum tanks. The official, who wished to remain anonymous, also warned that states may find themselves shouldering more of the legal and financial responsibilities for poorly operating tank facilities than their newly created trust funds can cover.

The official also said it was too early in the process to draw many conclusions, noting that the agency recently had extended the time allowed states to develop and certify alternative financial assurance requirements (19 ER 2134).

No State Has EPA-Approved Program

Among the many states that are developing regulations, Illinois issued rules Feb. 2 "identical in substance" to the

CURRENT DEVELOPMENTS

recently released federal underground tank rules, according to documents from the state Pollution Control Board. The proposed rules cover both new financial assurance requirements and technical standards.

According to Mark Waiwada, an EPA underground storage tank program staff member in charge of state implementation, Illinois is one of many states working on writing new or modifying old state tank regulations. However, Waiwada said no state has gained EPA approval yet of its technical regulatory program to comply with the new rules.

He estimated that some 42 states have UST statutes on the books and 30 have UST-specific regulations, but these regulations in most cases are not in complete compliance with the new federal rules, Waiwada said.

But he added, "It is a little too early to know what states have put together now, since it's only been three or four months since the regulations were issued."

Kathie A. Stein, an attorney with the Environmental Defense Fund, told BNA that EPA was "too anxious to dump the program on the states" with the result that there may be too little federal oversight. She said the process for approving a state program had been "boiled down" to an examination by EPA of eight general categories rather than a detailed approval of all sections of a state's program.

For example, she said the states were allowed too much discretion in selecting the type of leak detection systems that may be used by a tank owner or operator in complying with the federal rules. She also cited variances in the phased-in schedule for adding leak detection systems for older tanks which, she said, left too much choice to the states.

"States will be under tremendous pressure from the oil industry to water down the program," Stein warned, adding they may cave in to industry demands.

Stein said, however, that EDF was not considering a legal challenge to EPA's interpretation of the rules, but instead would scrutinize each state program as it comes up for public comment.



REPLY TO
ATTN OF: A00

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X
ALASKA OPERATIONS OFFICE
3200 HOSPITAL DRIVE
SUITE 101
JUNEAU, ALASKA 99801

March 22, 1989

The Honorable Curt Menard
Co-Chairman House Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

RE: House Bill 220

Dear Representative Menard:

The U.S. Environmental Protection Agency (EPA) is encouraged by and supports the development of legislation aiming to prevent the contamination of water resources from petroleum and chemical storage tanks. As written, HB 220 provides noteworthy incentives for compliance by tank owners/operators. Positive incentives such as clean-up funds and loan programs are quickly gaining popularity nationwide; thirty-two states have developed or are in the process of developing such legislation.

Before presenting detailed comments, we would like to make the following general comments. HB 220 will provide an incentive for the development of storage tank insurance markets in Alaska. Insurance markets have not developed in the past because the risk to the insurer has not been adequately minimized. Insurance companies have been reluctant to insure a site for which they have not had previous oversight and which present a high risk of contamination. As written, HB 220 would reduce the risk of contamination and would provide a loan guarantee program for small business to add pollution control equipment to their facilities, thus shrinking the risk to the private insurer.

While it is hard to predict the effectiveness of the proposed clean-up fund and loan guarantees as incentives, EPA feels that the maximum incentive for insurance markets will be created when both are available. Therefore, EPA supports the development of a loan guarantee package.

EPA also strongly supports the inclusion of above ground and heating oil tanks in HB 220. Above ground tanks and heating oil tanks in the past have been the source of significant contamination (e.g., 500,000 gallons released from leaking oil tanks in Kotzebue during the 1970's). Presently, the U.S. Senate is considering legislation (SB 69) for above ground storage tanks that is modeled directly after the original Federal UST statutes (P.C. 98-616). Therefore, EPA anticipates that Federal law for above ground tanks will be promulgated in the near future.

Sectional Analysis

Section 4. 46.03.360 (b)

This clause would allow the State, in the process of developing regulations, to include or exclude tanks. The EPA, with a similar clause in the original Federal UST statutes, excluded a number of tanks that had been originally regulated by Congress. These tanks were excluded as EPA determined that certain classes of tanks (e.g., hydraulic lift tanks, machinery tanks, etc.) did not pose a significant environmental hazard.

Section 46.03.390 LOAN GUARANTEES

The EPA supports and encourages the development of incentives (such as loan guarantees) for tank owners to upgrade tanks.

Section 46.03.390

- (1) Is it the intent that loan guarantees be made available for assessing a site for contamination? If so, the word "inspection" may be misunderstood to mean an agency enforcement inspection. We suggest the Committee consider substituting word "assessment" for the word "inspection" to eliminate any possible misunderstanding.

Has the issue of providing loan guarantees for closure been considered? The proper closure of a tank is critical for preventing long-term releases. It seems possible that many small business tank owners may not be able to afford proper closure. Further, this class of owner may be the least attractive to lending institutions. If small business owners cannot get loans, they may improperly abandon tanks, leaving the State with clean-up and closure costs.

Section 46.03.390 (b)(6) and (c)

The average cost of replacing or installing new USTs ranges between \$75,000 and \$100,000. The Committee may want to consider increasing the State loan guarantee limit to reflect these figures.

Section 46.03.400 NOTIFICATION AND REGISTRATION REQUIREMENTS

- (a) "...Who intends to install or have a storage tank installed..."
Recommend add: "...and parts thereof installed..."
- (c) Recommend add to "...type of construction,": "corrosion protection, piping, leak detection systems..."
- (d)(2) Recommend add: "and a site assessment has been completed and provided to the department." Site assessments are critical to the determination of whether a site has been adequately closed and/or requires further clean-up. Site assessments are currently required by Federal UST regulations; inclusion in HB 220 would make State statutes consistent with Federal Law.

Section 46.03.450 DEFINITIONS

- (3) In EPA's UST regulations, there has been some problem in the interpretation of heating oil as a non-regulated petroleum substance. For purposes of clarity, it may be appropriate to make a separate definition of heating oil, either at this point or in the development of regulations.

Section 6. 46.08.015 UNDERGROUND PETROLEUM STORAGE TANK ACCOUNT

Will the above named account be used for chemical releases? If so, will the title be amended to reflect this use?

Section 8

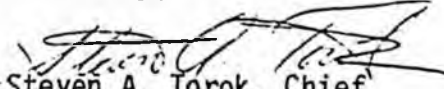
In regards to tank installed/closed before July 1, 1989, EPA suggest consideration of use of the effective date of Federal UST regulations (i.e., December 22, 1988). All USTs installed/closed after December 22, 1988 are required to meet Federal installation/closed requirements and theoretically should not pose a risk of a release. For this reason and for consistency with Federal requirements, EPA recommends the tank installation/closure date be changed to December 22, 1988.

Section 9

- (c)(2) Same comment as above.
- (c)(5) "...despite the owners best efforts...". EPA suggests that eligibility criteria be developed which an owner/operator would use to demonstrate the unavailability of insurance.
- (c)(6) "...the owner lacks sufficient assets to adequately self insure...". For purposes of clarity and consistency with Federal UST requirements, EPA recommends referencing 40 CFR 280.95 to define the financial test of self-insurance. (Generally, Section 280.95 states that to be self-insuring, a tank owner/operator must have a tangible net worth of \$10 million.)
- (c)(9) "...the owner agrees to upgrade all...". EPA suggests revision of this passage to read "...to upgrade or alternately close ..." (addition underlined). As mentioned previously, a significant number of owner/operators may be interested in properly closing out their tanks, but may not have the financial ability to do so without a loan package. This revision would give the owner the option of closing out the tank.

Thank you for the opportunity to comment. Please contact me if the Committee has any questions regarding these comments.

Sincerely,


Steven A. Torok, Chief
State Operations Section

SECTIONAL ANALYSIS FOR HB 220,
PETROLEUM AND CHEMICAL STORAGE TANKS

Prepared by House Resources Committee staff

Section 1. PURPOSE. See bill.

Sections 2 & 3. 43.40 ADDITIONAL SURCHARGE ON MOTOR FUEL.

Levies an additional surcharge of 2 cents per gallon on motor fuel which the Legislature may use to appropriate to the Underground Petroleum Storage Tank Account.

Section 4. 46.03 REGULATION OF PETROLEUM AND CHEMICAL STORAGE TANKS

Requires the Department of Environmental Conservation to prevent and abate pollution from aboveground and underground chemical and petroleum storage tanks. The program would include notification, inspections, engineering standards, enforcement, corrective action and damage and cost recovery. A volunteer advisory panel is appointed to assist in the development of regulations pertaining to the program.

46.03.380 Educational Assistance

Provides assistance to tank owners in complying with and understanding the EPA regulations.

46.03.390 Loan Guarantees

Guarantees loans for site inspection and evaluation of an underground petroleum tank system, retrofitting, repairing or replacing an underground petroleum storage tank, and installing leak detection and monitoring. The maximum loan amount that is guaranteed may not exceed \$50,000.

46.03.400 Notification and Registration Requirements

Requires a tank owner to notify the Department of Environmental Conservation 30 days before they intend to install the tank. Requires annual registration of storage tanks which includes information on the location, size, type and age of the tank as well as the total volume of petroleum or chemical stored in the tank during the previous 12 months. Requires tank owners who take a tank out of operation to provide evidence that the contents of the tank have been removed and that the tank has been properly closed.

46.03.410 Registration Fee

Requires tank owners to pay an annual fee of 1 cent per gallon based on the capacity of the tank or \$100, whichever is greater. These funds may be appropriated to the Underground Petroleum Storage Tank Account.

46.03.410 Exemptions

These requirements do not apply to a tank with a capacity of 1,100 gallons or less at a farm or at a single family dwelling or duplex residence if the tank is used for storing motor fuel not intended for resale. These requirements do not apply to a storage tank used for storing heating oil at a farm or single family dwelling or duplex if the oil is held for consumptive use on the premises where it is stored.

46.03.450 Definitions

Section 5. AS 46.08.015

Allows funds to be used out of the Underground Petroleum Storage Tank Account for capital improvements. Use of funds for capital improvements is prohibited in the Oil and Hazardous Substance Release Response Fund. Capital improvements covered which would be covered by the fund would include leak detection and monitoring, spill overfill prevention and corrosion prevention.

Section 6. 46.08.015 UNDERGROUND PETROLEUM STORAGE TANK ACCOUNT

Establishes an account within the Oil and Hazardous Substance Release Response Fund called the Underground Petroleum Storage Tank Account. The Account can be used for costs of investigation, containment and clean up of a release of petroleum from an underground petroleum storage tank, loan guarantees and costs for program administration.

Section 7. 46.08.900

Defines underground petroleum storage tank for this section.

Section 8.

Gives storage tank owners 4 months from the effective date of this act to register petroleum and chemical storage tanks with the Department of Environmental Conservation.

Section 9.

Under this section, the owner of a qualifying underground petroleum storage tank may request funds from the Underground Petroleum Storage Tank Account to pay the costs of investigation, containment and clean up resulting from a release from or associated with an underground tank.

Payments for clean up will be based on the total number of gallons stored by the owner during the last 12 months.

The owner would have to meet the following criteria to qualify for use of funds: 1) the release was reported before July 1, 1991, 2) the tank from which the release occurred was installed before July 1, 1989, 3) the tank from which the release occurred was registered with the Department of Environmental Conservation, 4) the owner is in compliance with all state and federal laws after the effective date of the act, 5) the owner could not obtain liability insurance, 6) the owner lacks sufficient assets to self-insure, 7) the owner pays the full amount of the deductible to the Department, 8) the petroleum release was not a result of negligence, gross negligence, or intentional misconduct, and 9) the owner agrees to upgrade all underground storage tank systems located at the facility from which the release occurred.

The maximum payment under this section may not exceed \$1 million.

The department shall adopt criteria for determining priorities for responding to a release.

Section 10. Effective date of the Act.

July 1, 1989

6-0693M
Lauterbach
4/7/89

Original sponsors: Menard, M.Davis,
Brown, et al.

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 220 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor fuels, petroleum and chemi-
7 cal storage tanks, and investigation, containment,
8 and cleanup of oil and hazardous substances; and
9 providing for an effective date."

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

11 * Section 1. PURPOSE. The purpose of this Act is to authorize the
12 Department of Environmental Conservation to abate and prevent leaks associ-
13 ated with petroleum and chemical storage tanks in order to protect the
14 public from contamination of drinking water and the environment and to
15 establish programs that will assist the owners of underground petroleum
16 storage tanks to comply with federal and state requirements governing their
17 tanks. The legislature recognizes that these owners may be faced with
18 expenses that they cannot immediately afford for liability insurance, the
19 costs of upgrading or replacing their tanks, and the costs of cleaning up
20 past contamination related to their tanks. The legislature intends to help
21 these owners through a combination of educational assistance, grants, and
22 other financial assistance, but only if these owners promptly comply with
23 the new requirements of this Act.

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

25 Sec. 43.40.015. ADDITIONAL SURCHARGE ON MOTOR FUEL. (a) In
26 addition to the tax levied by AS 43.40.010, there is levied a sur-
27 charge of two cents a gallon on all motor fuel subject to tax under
28 AS 43.40.010.

29 (b) The surcharge imposed by (a) of this section shall be

1 collected and remitted in the same manner as the tax levied and col-
2 lected under AS 43.40.010 except that the proceeds of the surcharge
3 may not be returned to municipalities under AS 43.40.010(e) or depos-
4 ited in any special account authorized under AS 43.40.010, but shall
5 be remitted to the commissioner of revenue for deposit into the gener-
6 al fund.

7 (c) The commissioner of administration shall separately account
8 for the proceeds of the surcharge collected under this section and
9 deposited into the general fund. The legislature may use the annual
10 estimated balance in the account to make appropriations to the Depart-
11 ment of Environmental Conservation for the petroleum and chemical
12 storage tank account established under AS 46.08.015.

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

14 (a) A person who resells fuel on which the tax under AS 43.40.-
15 010(a) or (b) and the surcharge levied under AS 43.40.015 were [WAS]
16 previously paid is entitled to a credit or refund of the tax or sur-
17 charge, or both, if (1) the resold fuel is not motor fuel and the
18 requirements of AS 43.40.010(1) have been fulfilled; or (2) the amount
19 of tax and surcharge previously paid exceeds the tax and surcharge due
20 on the resale. The amount of the credit or refund under this section
21 is equal to the amount of tax and surcharge previously paid on the
22 resold fuel less the amount of tax prescribed by AS 43.40.010(a) or
23 (b) and the surcharge prescribed by AS 43.40.015.

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

25 ARTICLE 6A. PETROLEUM AND CHEMICAL STORAGE TANKS.

26 Sec. 46.03.360. REGULATION OF STORAGE TANKS. (a) The depart-
27 ment shall develop and implement a program to prevent and abate pol-
28 lution from aboveground and underground petroleum and chemical storage
29 tanks through the adoption of regulations. Consistent with other

1 provisions in AS 46.03.360 - 46.03.450, the regulations may govern

2 (1) notification;

3 (2) licensing, certification, inspection, and record keep-
4 ing;

5 (3) contingency plans and financial responsibility;

6 (4) construction, installation, and performance;

7 (5) maintenance, operation, and repair;

8 (6) spill and overflow control, corrosion prevention, and
9 release detection and reporting;

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

12 (8) closure and abandonment; and

13 (9) prevention of spills, releases, or pollution, to pro-
14 tect the public health and environment.

15 (b) The department may distinguish between the sizes, types,
16 classes, and ages of storage tanks in the regulations adopted under
17 (a) of this section.

18 (c) The commissioner shall appoint an advisory panel to assist
19 the department in developing regulations under this section. The
20 panel must include public members and persons who will be governed by
21 the regulations, such as storage tank owners and persons who install,
22 repair, or test storage tanks. Before a notice of proposed action may
23 be published under AS 44.62.190 for regulations required under this
24 section, the commissioner shall submit the proposed regulations to the
25 panel for review and comment. Before the commissioner adopts regula-
26 tions under this section, the commissioner shall consider the comments
27 of the panel. [D: 10/10/10, 10/10/10, 10/10/10]

28 Sec. 46.03.370. INSPECTIONS. An aboveground or underground
29 petroleum or chemical storage tank regulated under AS 46.03.360 -

1 46.03.450 is subject to inspection by the department to ensure com-
2 pliance with AS 46.03.360 - 46.03.450 and the regulations adopted
3 under those sections.

4 Sec. 46.03.380. EDUCATIONAL ASSISTANCE. The department shall
5 provide to persons who own or operate underground petroleum storage
6 tanks educational assistance to help them comply with federal and
7 state laws and regulations applicable to the tanks. The department
8 shall also provide the public with information to help the public
9 understand the effects associated with the release of petroleum prod-
10 ucts into the environment.

11 Sec. 46.03.390. GRANTS. (a) The department may issue a grant
12 to the owner of an underground petroleum storage tank for the purpose
13 of

14 (1) removing and properly disposing of all sludges from the
15 tank and either filling the tank with inert material or properly
16 dismantling and removing the tank from the ground; or

17 (2) retrofitting, repairing, or replacing an underground
18 petroleum storage tank to meet federal or state requirements.

19 (b) A grant under (a)(1) of this section may be for up to 90
20 percent of the costs approved by the department. A grant under (a)(2)
21 of this section may be for up to 75 percent of the costs approved by
22 the department.

23 (c) The department may adopt regulations to implement this
24 section.

25 Sec. 46.03.400. NOTIFICATION AND REGISTRATION REQUIREMENTS. (a)
26 A person who intends to install or have a storage tank installed shall
27 notify the department in writing at least 30 days before installing or
28 having the tank installed.

29 (b) The owner of a storage tank shall, within 30 days after

1 installing a storage tank, register the tank with the department on a
2 form provided by the department. The owner shall biennially renew the
3 registration.

4 (c) The owner shall specify on the registration form required
5 under (b) of this section the location, size, type of construction,
6 and age of the tank; the type of petroleum or chemical stored in the
7 tank; and the total volume of petroleum or chemical stored in the tank
8 during the previous 12 months.

9 (d) If a storage tank is taken out of operation, the owner of
10 the tank shall

11 (1) specify on the biennial registration form the date the
12 tank was taken out of operation; and

13 (2) provide evidence satisfactory to the department that
14 all petroleum and chemical products and sludges have been removed from
15 the tank and properly disposed of, that the tank has either been
16 filled with inert material or been properly dismantled and removed
17 from the ground, and that the owner has otherwise complied with
18 federal laws relating to taking a tank out of operation.

19 Sec. 46.03.410. REGISTRATION FEE. (a) At the time of registra-
20 tion and renewal of registration under AS 46.03.400, the owner shall
21 pay to the department a registration fee of \$.02 per gallon based on
22 the capacity of the tank being registered or a fee of \$2,000, which-
23 ever is lower. The department shall deposit fees collected under this
24 section in the general fund. The commissioner of administration shall
25 separately account for fees deposited under this section. The legis-
26 lature may appropriate the annual estimated balance of the account to
27 the petroleum and chemical storage tank account established under
28 AS 46.08.015.

29 (b) The department may by regulation provide for exemptions from

1 the registration fee imposed under (a) of this section.

2 Sec. 46.03.420. EXEMPTIONS. (a) AS 46.03.360 - 46.03.450 do
3 not apply to a storage tank with a capacity of 1,100 gallons or less
4 at a farm, or at a residence that is a single-family dwelling or
5 duplex, if the storage tank is used for storing motor fuel that is not
6 intended for resale.

7 (b) AS 46.03.360 - 46.03.450 do not apply to a storage tank with
8 a capacity of 1,100 gallons or less if the storage tank is used for
9 storing heating oil for consumptive use on the premises where it is
10 stored.

11 (c) AS 46.03.360 - 46.03.450 do not apply to a storage tank used
12 for storing heating oil at a farm, or at a residence that is a single-
13 family dwelling or duplex, if the oil is held for consumptive use on
14 the premises where it is stored.

15 (d) AS 46.03.360 - 46.03.450 do not apply to the storage of
16 hazardous waste that is being managed under 42 U.S.C. 6901 - 6991i
17 (the Solid Waste Disposal Act).

18 (e) The department may by regulation provide for other exemp-
19 tions as necessary.

20 Sec. 46.03.450. DEFINITIONS. In AS 46.03.360 - 46.03.450

21 (1) "chemical" means any substance defined in 42 U.S.C.
22 9601(14) (sec. 101(14) of the Comprehensive Environmental Response,
23 Compensation, and Liability Act of 1980), as amended, and any sub-
24 stance having the characteristics identified or listed under 42 U.S.C.
25 6921 (sec. 3001 of the Solid Waste Disposal Act), regardless of wheth-
26 er the substance is a solid waste;

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

1 nurseries with growing operations;

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

9 (4) "storage tank" means one or a combination of stationary
10 devices that are designed to contain an accumulation of petroleum or
11 chemicals; are constructed of nonearthen materials such as concrete,
12 steel, or plastic; and provide structural support; "storage tank" in-
13 cludes pipes or piping connected to the storage tank;

14 (5) "underground petroleum storage tank" means a storage
15 tank designed to contain an accumulation of petroleum, the volume of
16 which, including the volume of underground pipes connected to it, is
17 10 percent or more beneath the surface of the ground.

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

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

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

24 Sec. 46.08.015. PETROLEUM AND CHEMICAL STORAGE TANK ACCOUNT.

25 (a) There is established in the fund a petroleum and chemical storage
26 tank account. The account consists of money appropriated to it.

27 (b) The commissioner may use money from the petroleum and chem-
28 ical storage tank account to pay for

29 (1) the costs of investigation, containment, and cleanup of

1 a release or threatened release of petroleum or chemicals from a
2 storage tank or from uses related to a storage tank; payments under
3 this paragraph may not exceed \$1,000,000 per investigation, contain-
4 ment, and cleanup action;

5 (2) the costs of investigation, containment, and cleanup of
6 a release or threatened release of a hazardous substance that poses an
7 imminent and substantial threat to public health;

8 (3) grants under AS 46.03.390; and

9 (4) the department's costs for administering AS 46.03.380 -
10 46.03.410.

11 (c) Each year, the commissioner shall use at least 10 percent of
12 the balance of the petroleum and chemical storage tank account exist-
13 ing on July 1 for grants under AS 46.03.390 during the ensuing fiscal
14 year.

15 (d) In this section, "chemical," "petroleum," and "storage tank"
16 have the meanings given in AS 46.03.450.

17 * Sec. 7. AS 46.08.060(a) is amended to read:

18 (a) The commissioner shall submit a report to the legislature
19 not later than the 10th day following the convening of each regular
20 session of the legislature. The report may include information con-
21 sidered significant by the commissioner but must include:

22 (1) the amount of money expended under AS 46.08.015 and
23 46.08.040 during the preceding fiscal year;

24 (2) the amount and source of money received and money re-
25 covered during the preceding fiscal year as specified in AS 46.08.020;

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

28 (4) a detailed summary of department activities in re-
29 sponses funded by the fund and the petroleum and chemical storage tank

1 account during the preceding fiscal year, including response and
2 descriptions and statements outlining the nature of the threat; the
3 report must separately describe how many requests for assistance have
4 been made to the department to use the petroleum and chemical storage
5 tank account to respond to a release or threatened release from a
6 storage tank and the estimated cost of containment and cleanup related
7 to those requests; and

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

11 * Sec. 8. Notwithstanding AS 46.03.400, enacted by sec. 4 of this Act,
12 the registration required under AS 46.03.400, enacted by sec. 4 of this
13 Act, is due December 1, 1989, for a tank installed before July 1, 1989.
14 This registration requirement also applies to storage tanks governed by
15 AS 46.03.360 - 46.03.450, as enacted by sec. 4 of this Act, that were taken
16 out of operation before July 1, 1989.

17 * Sec. 9. AS 46.03.390, enacted by sec. 4 of this Act, is repealed
18 July 1, 1994.

19 * Sec. 10. (a) Subject to (b) - (h) of this section, the owner of an
20 underground petroleum storage tank may request the department to use funds
21 from the account established under AS 46.08.015, enacted in sec. 6 of this
22 Act, to pay the costs of investigation, containment, and cleanup resulting
23 from a release of petroleum from, or associated with, an underground petro-
24 leum storage tank.

25 (b) Payments made by the department under this section shall exclude
26 a portion of the investigation, containment, and cleanup costs. The por-
27 tion of costs not payable by the department under this section shall be
28 based upon the total number of whole gallons of petroleum stored by the
29 owner in all underground petroleum storage tanks during the 12-month period

preceding the date the owner reported the release to the department, as follows:

Total number of gallons of petroleum stored by the owner in the 12 months before the report date:	Amount of investigation, containment, and cleanup costs not payable by the department under this section:
0 - 1,000,000	\$ 5,000
1,000,001 - 5,000,000.....	10,000
5,000,001 - 10,000,000.....	15,000
10,000,001 - 15,000,000.....	20,000
15,000,001 - 30,000,000.....	40,000
Over 30,000,000.....	No costs payable

(c) An owner of an underground petroleum storage tank is not eligible to request payment under this section unless the owner establishes the following to the department's reasonable satisfaction:

(1) the owner reported the release to the department before

(A) July 1, 1990, for a release that the owner establishes first occurred before July 1, 1989;

(B) July 1, 1994, for a release that the owner establishes first occurred on or after July 1, 1989, and before December 22, 1993;

(2) the tank from which the release occurred was installed before December 22, 1988;

(3) the tank from which the release occurred was registered with the department as provided in sec. 8 of this Act by December 1, 1989;

(4) the owner has, after July 1, 1989, been in compliance with all state and federal laws applicable to underground petroleum storage tanks;

(5) the owner lacks sufficient assets to adequately self-insure for the costs of investigation, containment, and cleanup resulting from

1 releases of petroleum from underground storage tanks as defined under
2 applicable federal regulations; ^{with} liability to obtain liability insurance

3 (6) the owner, upon demand by the department, pays the full
4 amount of costs not payable under this section as set out in (b) of this
5 section;

6 (7) the petroleum release was not a result of the owner's negli-
7 gence, gross negligence, recklessness, or intentional conduct; and

8 (8) the owner agrees to

9 (A) upgrade all underground storage tank systems located at
10 the facility from which the release occurred to the standards set by
11 federal regulations; or

12 (B) remove and properly dispose of all sludges from the
13 underground storage tank systems located at the facility from which
14 the release occurred and either fill the tanks with inert material or
15 properly dismantle and remove the tanks from the ground.

16 (d) The department shall reject a request for payment made under this
17 section if the department determines that one or more of the following
18 conditions exists:

19 (1) the account established under AS 46.08.015, enacted by sec.
20 6 of this Act, lacks sufficient funds;

21 (2) other investigation, containment, and cleanup activities for
22 which account funds may be used constitute a higher priority for account
23 fund expenditures;

24 (3) the owner fails to meet the requirements set out in (c) of
25 this section; or

26 (4) other good cause exists to reject the request for payment.

27 (e) A request for funding under this section, and a payment made
28 under this section, may not exceed \$1,000,000 per facility.

29 (f) The department shall determine which costs of investigation,

1 containment, and cleanup are eligible for payment under this section. The
2 department shall give higher priority to investigation, containment, and
3 cleanup under this section than to loan guarantees under AS 46.03.390,
4 enacted by sec. 4 of this Act.

5 (g) The department may adopt regulations reasonably necessary to
6 implement this section. The department shall by regulation adopt criteria
7 that will be used by the department for determining priorities for respond-
8 ing to a release or threatened release reported under this section.

9 (h) This section does not affect the liability under state or federal
10 law of any person for the costs of investigation, containment, and cleanup
11 resulting from a release of petroleum. However, the department may not
12 seek reimbursement of a payment made under this section unless the depart-
13 ment determines that the payment was requested under false pretenses or
14 that other circumstances render the payment inconsistent with this section
15 or with department regulations. This section does not affect the authority
16 of the department to seek recovery of costs other than payments actually
17 made to an owner under this section.

18 (i) The owner of an underground storage tank for whom the department
19 makes payments under this section may not operate the underground storage
20 tank system for which payments were received under this section for the
21 costs of investigation, containment, and cleanup until the system meets the
22 requirements of federal regulations that are applicable to storage tank
23 systems installed after the date investigation, containment, and cleanup
24 are completed.

25 (j) In this section,

26 (1) "department" means the Department of Environmental Conserva-
27 tion;

28 (2) "underground petroleum storage tank" has the meaning given
29 in AS 46.03.450, as enacted by sec. 4 of this Act, but does not include

1 storage tanks that are exempt under AS 46.03.420, enacted by sec. 4 of this
2 Act, or regulations adopted under that section;

3 (3) "underground storage tank system" has the meaning given to
4 the term "UST system" in 40 C.F.R. sec. 280.11, as amended.

5 * Sec. 10. This Act takes effect July 1, 1989.
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HOUSE COMMITTEE REPORT

9)

Date Referred: March 17, 1989

FURTHER REFERRALS:

Date of Committee Action: 3-29-89

The RESOURCES Committee considered

HB 228

HOUSE BILL NO. 228 [IDENTIFICATION CARDS FOR FISHERMEN]
"An Act relating to identification cards required of fishermen."

RECOMMENDATIONS:

- be replaced with CSHB 228 (RES) the same title
- a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:
(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

Cliff Davidson

Richard J. Kelly

D. Mike Hawane

Scott Sharp

Mike Dumb

Samuel M. ...

Greg ...

SIGNING: (Check approp. column)

	Do Not Pass	No Rec	Amend

Cliff Davidson

Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: Identification cards required BRU: Fish & Wildlife Protection
of fishermen
 Sponsor: Representative Hoffman Component: Enforcement
 Requestor: Representative Hoffman

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

This bill requires the Department of Public Safety to "designate" those non-governmental organizations authorized to issue ID cards which can be used as identification by fishermen selling fish under the requirements of AS 16.10.267. It is believed that the additional duties imposed by this bill can be performed by present staff.

Prepared by: Colonel Jack W. Jordan, Director
 Division: Fish & Wildlife Protection

Phone: 269-5509
 Date: 3/22/89

Approved by Commissioner: Arthur English
 Agency: Department of Public Safety

Date: 3/24/89

STATE OF ALASKA



LYMAN F. HOFFMAN
REPRESENTATIVE

P. O. BOX 1
KUNEAU, ALASKA 99811
(907) 465-4530, 465-4453

HOUSE OF REPRESENTATIVES

DISTRICT 25

AKIACHAK
AKIAK
ATMAUTLUAK
BETHEL
CHEFORNAK
EEK
GOODNEWS BAY
KASIGLUK
KIPNUK
KONGIGANAK
KWETHLUK
KWIGILLINGOK
MEKORYUK
NAPAKIAK
NAPASKIAK
NEWTOK
NIGHTMUTE
NUNAPITCHUK
OSCARVILLE
PLATINUM
QUINHAGAK
TOKOOK BAY
TUNTUTLIAK
TUNUNAK

M E M O R A N D U M

TO: Representative Cliff Davidson, Co-Chairman
Representative Curt Menard, Co-Chairman
House Resources Committee

FROM: Representative Lyman Hoffman *Lyman*

RE: House Bill 228, An Act Relating to Identification
Cards Required of Fishermen.

Attached please find back-up information for House Bill 228.

- 1) Sectional Summary from legislative counsel.
- 2) Letter from AVCP.
- 3) Memorandum from Laurie Otto to Commissioner English.

The intent of this legislation is to provide Alaskan Fishermen another means of proving identification during fishing periods.

My staff has requested the Department of Public Safety for a position paper on HB 228.

If there are questions concerning this legislation, please do not hesitate to contact my office at your convenience.

Thank you.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 21, 1989

SUBJECT: Sectional summary of HB 228; An Act
relating to identification cards required
of fishermen

TO: Representative Lyman Hoffman
Co-chair, House Finance Committee

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum is a sectional summary of HB 228, as requested by Robert Herron of your staff.

A summary or analysis of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.10.267(a) to allow a fisherman to use an identification card issued by organizations designated by the Department of Public Safety as proof of identity at the time of sale of fish.

GU:gc
WKG8/041

AVCP

Association of Village Council Presidents
P. O. Box 219 • Bethel, Alaska 99559 • Phone 543-3521

March 14, 1989

Representative Lyman Hoffman
P.O. Box V
Juneau, Ak. 99811

Dear Lyman:

During the AVCP Annual Convention in October, 1988 at Kipnuk, Ak., the discussion on identification cards was brought up in relation to commercial fishermen.

AVCP Tribal Operations, through its enrollment program, issued cards with photographs and necessary information such as birth dates and social security numbers.

One of the fisherman on the Yukon River showed the enrollment card last summer, but was told by the Fish and Wildlife Protection Officer that it was not a valid i.d. card.

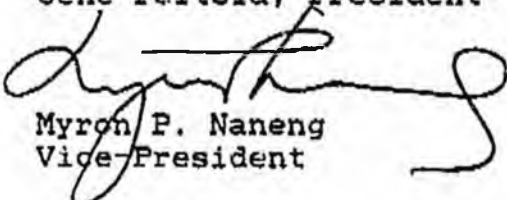
We have since contacted the Commissioner, Department of Public Safety and the Attorney General's office. The Attorney General's office is recommending that the section pertaining to i.d. cards, more particularly A.S. 16.10.267, (a) (2) be amended to include contractors of Federal or State agencies.

Attached is A.S. 16.10.267 and we've added what we feel would be sufficient to address our concern. But, knowing attorneys and consultants, they may add to the language which may end up being meaningless. However, we request that the legislation be introduced to amend the language.

Thank you in advance for your assistance.

Sincerely,

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
Gene Peltola, President



Myron P. Naneng
Vice-President

MPN:cmh

MEMORANDUM

State of Alaska

Department of Law

TO: Arthur English
Commissioner
Department of Public Safety

DATE: March 6, 1989

FILE NO.: 663-89-0296

TEL. NO.: 465-3428

SUBJECT: Photo ID Cards
A.S. 16.10.267(a) (2)

MAR 7 1989

MAR 7 1989

FROM: Laurie H. Otto
Assistant Attorney General
Department of Law

You have asked whether photo identification cards issued by the Association of Village Council Presidents (AVCP), a non-profit corporation, are sufficient to meet the statutory requirement set out in A.S. 16.20.267(a) (2). The short answer to your question is no; a card issued by a non-profit corporate entity does not meet the requirement of the statute.

Under AS 16.10.267(a) (2), a fisherman selling fish must possess "an identification card that has been issued to the fisherman by a state or federal agency and that bears a photograph of the fisherman." The language of the statute is clear and unambiguous; an identification card must be issued by either a state or federal agency to meet the statutory requirement. Since AVCP is neither a state or federal agency, the tribal enrollment cards issued by AVCP are not legally sufficient identification.

In order to address the problem faced by rural villagers in obtaining the required identification, a change in statute is required.

cc: ✓ The Honorable Lyman Hoffman
The Honorable John Binkley
The Honorable Al Adams
The Honorable Kay Wallis
John P. Jores

LHO:me-2C

BILL NO: HB 228

DATE: March 24, 1989

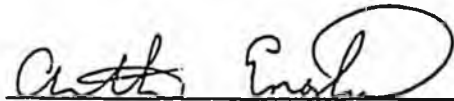
TITLE: Identification cards
required of fishermen

CONTACT: Colonel Jack Jordan
Director
Fish & Wildlife Protection
269-5509

DEPARTMENT OF
PUBLIC SAFETY

Present AS 16.10.267(a)(2) requires a fisherman selling fish to possess an identification card issued by a state or federal agency and showing a photograph of the fisherman. It is often difficult for residents of rural areas to obtain photo-bearing identification cards. The Division of Motor Vehicles (DMV) issues driver's licenses in a few of the larger towns, but that is the only state or federal agency providing that service. A villager who desires to fish commercially generally has to travel to a larger "hub" community to obtain the required photo identification. This bill would amend AS 16.10.267(a)(2) to allow the Department of Public Safety to "designate" other organizations (such as a native regional corporation or a non-profit agency) that could issue photo ID cards that would satisfy the requirements of the statute.

The Department supports this bill.


Arthur English
Commissioner

RECEIVED
MARCH 24 1989
DEPARTMENT OF PUBLIC SAFETY

Cross references. — For additional penalty provisions related to unlawful purchase of fish, see AS 16.05.680.

Effect of amendments. — The 1984 amendment substituted "who, in violation

of AS 16.43, does not hold a landing permit" for "who does not hold" in subsection (a) and deleted "issued or transferred to the seller in accordance with AS 16.43" at the end of that subsection.

Sec. 16.10.267. Possession of permit and identification by seller. (a) When a fisherman sells fish, the fisherman shall possess (1) a landing permit, entry permit or interim-use permit issued or transferred to the fisherman under AS 16.43, or other document authorized by regulation to be used in place of an entry permit or interim-use permit; and

(2) an identification card that has been issued to the fisherman by a state or federal agency and that bears a photograph of the fisherman.

(b) If requested by the purchaser of the fish or by a peace officer, the fisherman shall present for inspection the identification card, entry permit, interim-use permit, or other document required to be in the fisherman's possession under (a) of this section.

(c) Examples of a suitable identification card required under (a)(2) of this section are a motor vehicle operator's license issued under AS 28.15.111 and an identification card issued under AS 18.65.310.

(d) A person who violates this section is, upon conviction, guilty of a class B misdemeanor and may be sentenced to a definite term of imprisonment of not more than 90 days. In addition

(1) upon a first conviction for a violation of this section, the court may sentence the convicted person to pay a fine of not more than \$5,000 and may order the loss of commercial fishing privileges for a period of not more than three years from the date of conviction;

(2) upon a second conviction for a violation of this section, the court may sentence the convicted person to pay a fine of not more than \$10,000 and may order the loss of commercial fishing privileges for a period of not more than three years from the date of conviction;

(3) upon a third or subsequent conviction for a violation of this section, the court

(A) may sentence the convicted person to pay a fine of not more than \$10,000; and

(B) shall order that the convicted person lose commercial fishing privileges for a period of three years from the date of conviction. (§ 2 ch 94 SLA 1982; am § 4 ch 145 SLA 1984)

Effect of amendments. — The 1984 amendment substituted "a landing per-

mit, entry permit" for "an entry permit" at the beginning of paragraph (a)(1).

Sec. 16.10.268. shall print post 16.10.265. The c cessors, primary under AS 10.15

(b) A fish proc organized under in a prominent p commissioner of

Sec. 16.10.270 sor or primary fi: poundage of the f the fish unless t sample weighing weight of the fis (b) A person w and upon convicti one year, or by a SLA 1965; am §

Cited in Liberator v
ough, Sup. Ct. Op. 1
3365), 584 P.2d 1115

Sec. 16.10.275. lations to carry o
ch 18 SLA 1981)

Sec. 16.10.280. processors. In an one-third of the r estimated by the I mation available t be paid for salmon. before the opening sentative from the the dispute upon r § 1 ch 59 SLA 19

Revisor's notes. —
16.10.290. Renumbered
Effect of amendme

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HOUSE COMMITTEE REPORT

(9)

Date Referred: March 22, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 4-9-90

The RESOURCES Committee considered:

HB 237

HOUSE BILL NO. 237

[APPROP: HEALY COGENERATION PROJECT]

"An Act making a contingent appropriation to the Alaska Industrial Development and Export Authority for the Healy cogeneration project; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CS HB 237 (RES) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____ fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) _____
- zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

		Do Not Pass	No Rec	Amend
<u>Carl Mennard</u> MENNARD	<u>Cliff Davidson</u> DAVIDSON	↓		
<u>Bob Sharp</u> SHARP	<u>Bill Hudson</u> HUDSON		↓	
<u>Walt Furnace</u> FURNACE				
<u>Richard Foster</u> FOSTER				

Cliff Davidson
Chairman's Signature

A M E N D M E N T

OFFERED IN THE HOUSE

BY REP. BOYER

TO: HB 237

Page 1, line 6:

Delete "contingent"

Insert "special"

Page 1, lines 11 - 24:

Delete all material.

Insert new bill sections to read:

"* Section 1. FINDINGS AND INTENT. The legislature finds that the Alaska Industrial Development and Export Authority has included the amount of interest expected to be earned on the \$30,000,000 appropriated in sec. 2 of this Act when computing the financial feasibility of the Healy cogeneration project. It is the intent of the legislature that the Department of Revenue transfer the \$30,000,000 appropriated in sec. 2 of this Act to the Alaska Industrial Development and Export Authority on July 1, 1990, or immediately thereafter.

* Sec. 2. The sum of \$30,000,000 and the interest earned on that sum beginning on July 1, 1990, are appropriated from the Healy cogeneration project reserve in the Railbelt energy fund (AS 37.05.530) in the general fund to the Alaska Industrial Development and Export Authority for the design and construction of the Healy cogeneration project.

Page 1, line 26, after "AS 37.25.020" through line 29:

Delete all material except the period.

Page 2, line 1:

Delete "1989"

Insert "1990"

Adjust funding information accordingly.

Alaska State Legislature

REPRESENTATIVE
MARK BOYER

VICE-CHAIRMAN, HOUSE
HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

MEMBER, HOUSE LABOR AND
COMMERCE COMMITTEE

CHAIR, CHILDREN'S CAUCUS



House of Representatives

February 8, 1990

FAIRBANKS

1098 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
(907) 456-6473

JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3466

Dear Colleagues:

As you will recall, during the last legislative session we segregated \$30 million within the Railbelt Energy Fund as a contingent appropriation for the construction of a coal co-generation power plant at Healy.

The contingencies to that appropriation were: that draft power sales agreements be in place before the effective date of the actual appropriation; that other funds, especially federal funds would be available to the project of at least \$30 million; and that a financial plan for the project be available to the legislature.

Since that time, the federal Department of Energy priorities have refocused on clean coal burning and power generating processes which resulted in a revised Healy project and the allocation of \$92.3 million for that project from the Clean Coal Technology grant program. The federal allocation would go to the Alaska Industrial Development and Export Authority which is currently developing a full financial plan to be presented to the legislature in March. Additionally, AIDEA and the Alaska Energy Authority are working with the Golden Valley Electric Association and the Usibelli Coal Company to develop draft power sales agreements. by March.

I am introducing the attached authorization legislation to foster the discussion regarding the project. It is my hope that with the introduction of this legislation that we will be able to have early hearings on the technical aspects of the project as well as a full discussion of the impact of the project on railbelt consumers.

If we are to reappropriate monies from the Railbelt Energy Fund this session, it is my firm belief that legitimate energy projects be funded before any other uses of the fund.

Your interest in and co-sponsorship of this legislation will be appreciated.

A handwritten signature in cursive script, appearing to read "Mark Boyer".

FAIRBANKS 20B

FE/bill/ML

*** And how many years have you lived in Alaska?

Less than one year (-1).....	2%
Since 1984 (1-4).....	9%
Since 1979 (5-9).....	15%
Since 1974 (10-14).....	16%
or since 1973 or before (15+).....	58%

1. Overall, which source of power to generate electricity do you support the most for this area? (READ AND ROTATE)

Natural gas.....	34%
Oil and diesel.....	10%
Hydro-electric.....	33%
Coal.....	8%
Wood.....	1%
Solar.....	5%
Nuclear.....	2%
COMBINATION OF ABOVE.....	3%
OTHER	
UNSURE.....	3%

2. As far as air pollution is concerned, how would you rate natural gas as a way to generate large amounts of electrical power -- very clean, quite clean, not too clean or not at all clean?

Very clean.....	31%
Quite clean.....	44%
Not too clean.....	9%
Not at all clean.....	2%
UNSURE.....	15%

3. ...and what about coal using current, modern technology, how would rate it as a way to generate large amounts of electrical power...

Very clean.....	7%
Quite clean.....	29%
Not too clean.....	31%
Not at all clean.....	18%
UNSURE.....	15%

*** OK, before I ask the next question, I'll read some background information: Under its clean coal technology program, the U.S. Department of Energy has offered to pay approximately half the total cost of building a new, coal-fired power plant at Healy, Alaska, which is about halfway between Anchorage and Fairbanks. The Healy project was selected because it will use clean-burning technology and low-sulphur coal, and may become the cleanest coal-burning plant in the world.

4. Do you basically support or oppose the idea of developing a high-technology, clean-burning, coal-fired power plant?

Support.....	81%
Oppose.....	11%
UNSURE.....	8%

5. If constructed, the Healy project could bring world-wide attention to clean burning coal technology and Alaska's large reserves of clean coal. How important is this to Alaska?

Very important.....	61%
Somewhat important.....	28%
Not too important.....	5%
or Not at all important.....	3%
UNSURE.....	3%

6. While electricity generated by the proposed Healy plant will be mainly used in the northern railbelt region, the plant could also provide power to the Anchorage area and Kenai peninsula communities during power outages and other emergencies. How important is this to you?

Very important.....	33%
Somewhat important.....	32%
Not too important.....	21%
Not at all important.....	11%
UNSURE.....	3%

7. The 230 million dollar Railbelt Energy Fund was created by the Alaska legislature to help provide low-cost power to railbelt communities from Kenai to Fairbanks. Last year the state legislature reserved 30 million dollars from the Railbelt Energy Fund for the Healy project if it was selected for the clean coal program. Now that Healy has been selected, do you feel the legislature should or should not grant the 30 million dollars that was set aside for the project?

Should.....	79%
Should not.....	9%
UNSURE.....	12%

8. Would you still say the state "should not" grant the 30 million dollars if that caused the cancellation of the project?

Yes, still say "should not".....	82%
Change mind and support.....	4%
UNSURE.....	14%

9. What do you feel the Railbelt Energy Fund should be used for? (PROBE: Which kind of projects, if any?)

First mention.....	Hydro-electric power.....	15%
Second mention.....	Education.....	12%
Third mention.....	Money to gen'l revenue fund...	12%

**More detailed responses will be provided in the Verbatim Comments section of the report.

10. One of the organizations which is involved in providing fuel for electrical power in Alaska is Usibelli Coal Mine. Please tell me whether you have heard of them or not, and if you have, whether you have a favorable or non-favorable opinion of Usibelli Coal Mine?

Favorable.....	51%
Unfavorable.....	2%
(DON'T READ) HEARD OF/UNSURE/NEUTRAL.....	20%
Never heard of.....	27%

11.	Which age group do you fit into ... I come to your age group.	
	18-24 years.....	43%
	25-40 years.....	33%
	41-55 years.....	18%
	56 years plus.....	
12.	Sex (by observation)	
	Male.....	50%
	Female.....	50%
13.	Do you work for the Federal, state or local government, or do you work for a private company?	
	Federal.....	9%
	State.....	9%
	Local/school district.....	9%
	Private company.....	52%
	NOT WORKING.....	21%
14.	When you registered to vote, did you register as a democrat, republican, or non-partisan?	
	Democrat.....	22%
	Republican.....	29%
	Non-Partisan.....	42%
	NOT REGISTERED.....	7%

**HEALY
COGENERATION
PROJECT**