

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990
6028 HOUSE RESOURCES 8672 83

H B

566

HB 566 Justification

Mr. Speaker, House Bill 566 was introduced by the Governor in response to the Alaska Oil Spill Commission recommendations. The bill establishes in Statute, the State Emergency Response Commission. The State Emergency Response Commission was created for planning for hazardous substance incidents through Administrative Order. It was required in federal law when Congress amended the Superfund Act after the incident in Bhopal India. Under this bill the State Emergency Response Commission's authority would be broadened to include ^{provides spill response preparedness and the development of response plans at the local level} ~~planning for oil spills~~. The Commission will ensure that Alaskan communities and the state are prepared for the next catastrophic oil spill. It will also ensure a more organized response for the many small but serious spills such as the 1967 Glacier Bay ^{spill} in Cook Inlet. The state needs this kind of planning if we are to be able to respond to oil spills in the future.

Last year the legislature passed SB 261 which required the state to develop a state master and regional contingency plans. The State Emergency Response Commission is the perfect entity to do this planning because it includes many of the state agencies that would be involved in spill response as we witnessed in the Exxon Valdez. (Such as DEC, DES, DNR, H&SS, C&RA, DOL, F&G, Public Safety, etc.)

The commission also involves people at the local level. Under the bill, the State Emergency Response Commission may establish Local Emergency

made up of
Planning Committees ~~which will involve~~ elected local officials, fire fighters, police, emergency medical services, civil defense, environmental and community groups, and owners of facilities with oil or hazardous substances. These are the people with the local resources and expertise to best plan and respond to oil and hazardous substance incidents. Each Local ^{Response} plan will be approved by the State Emergency Response Commission ^{with the regional and state master response plans} to ensure consistency and to provide a well organized, coordinated response by state and local officials. It will ensure that in an actual emergency there is little or no confusion.

HB 566 also requires that an incident ^{effectively use the resources of the various state agencies.} command system be utilized to ~~clarify who is in charge.~~ It is critical that a well structured command system ^{be} ~~is~~ implemented that incorporates people from federal, state and local levels. This was a major recommendation of the Alaska Oil Spill Commission. It is also the same system used at both the Federal and State level for forest fires like the one in Yellowstone National Park.

Decrease
confusion
with
state
regional
planning

~~The Alaska Oil Spill Commission also recommended that the state develop regional response plans and that those regional response plans be reviewed by appropriate regional advisory committees. That is exactly what this bill does.~~ ^{The bill} It also ensures that federal, state, local and industry contingency plans are consistent and that there is a clear line of command set up in advance, ~~to assure that the confusion that we saw in the Exxon Valdez does not happen again.~~

QUESTIONS THAT MUST BE ASKED

Contingency
plans
The selection
of DEC
are under
of DEC

Why should DEC have the final state decision making authority?

Just like in a Forest fire where DNR is in charge, DEC is in charge of an oil spill. Oil spills and fires are different from floods, volcanos and other acts of God. First of all it is possible to contain and clean up an oil spill.

Natural
disasters

This takes technical expertise. DEC and DES must work in concert and do the things that each agency is best equipped to do. DES is best equipped to do logistics, evacuate people, set up communications, provide logistics support. DEC is best equipped to make decisions regarding how a spill should be contained, what areas need to be protected and what kind of spill response will be most effective. Under HB 566 DEC may designate

delegate

2 their authority to any individual or entity, however it would be pre-designated in the plan. That is how you give people in local communities the role of making decisions that will protect certain fisheries and important areas. It could be a state, local, federal or private entity that is the incident commander.

change
too involved

Any incident command system has one person in charge. The person in charge is the most qualified person to make technical decisions on things such as dispersants, burning, protection of critical habitat areas etc. The Incident command structure allows for there to be pre-designated commanders at the local level to make decisions most appropriate for that particular region of the state. For example during the Exxon Valdez spill, in Seward, the Incident Command system was employed. In Seward, the Superintendent of the Kenai Fjords National Park was the incident

familiar with oil spills, C-plans, resource protection

commander, she was the most knowledgeable and appropriate person to head up clean up in Seward.

Who is in Charge?

The incident command system sets up a predesignated structure for who is in charge. DEC is the Chair of the State Emergency Response Commission and will create the plans which designate who is in charge. DES as the vice-chair of the Commission will ensure that their capabilities are utilized in all size spills.

Why do we need local emergency planning committees?

Local Emergency Planning Committees which will involve elected local officials, fire fighters, police, emergency medical services, civil defense, environmental and community groups, and owners of facilities with oil or hazardous substances. These are the people with the local resources and expertise to best plan and respond to oil and hazardous substance incidents. Each Local plan will be approved by the State Emergency Response Commission to ensure consistency and to provide a well organized, coordinated response by state and local officials. It will ensure that in an actual emergency there is little or no confusion.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
P.O. BOX 0, JUNEAU, ALASKA 99811-1800

(907) 465-2600

April 2, 1990

POSITION PAPER ON CS HB 556 (FINANCE)

TITLE

An Act providing that the Department of Environmental conservation has final state decision-making authority during situations involving a response to the release of oil or a hazardous substance; returning to the division of emergency services the catastrophic oil discharge response functions formerly assigned to the Department of Environmental Conservation under AS 46.04.080(a); establishing the Alaska State Emergency Response Commission; requiring certain emergency plans to be substantially equivalent; and providing for an effective date.

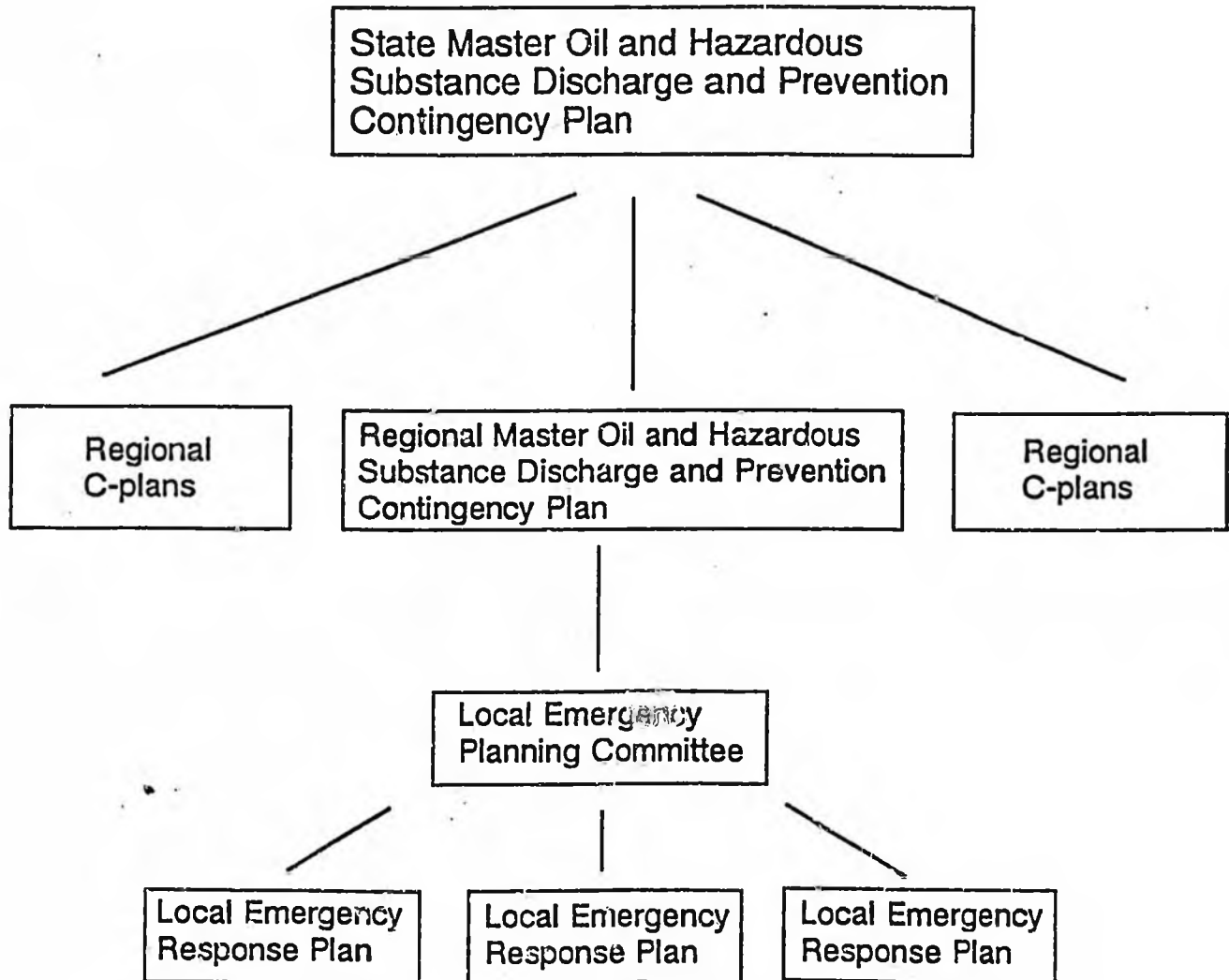
EFFECTS OF THE BILL

The bill accomplishes the following:

1. Provides that the Division of Emergency Services is authorized to play their normal role in responding to disaster-related aspects of a catastrophic oil spill. Amends the existing statute giving this authority to the Department of Environmental Conservation.
2. Charges the State Emergency Response Commission (SERC) with overseeing planning for both oil and hazardous substance spills. The SERC is an already existing group established by administrative order to carry out the requirements of the Superfund Amendment and Reauthorization Act related to hazardous substance planning.
3. Enhances the local role in oil spill response planning.
4. Adopts incident command systems for response to oil and hazardous substance spills.
5. Retains the lead for oil and hazardous substance

Department of Environmental Conservation
Division of Environmental Quality

STATE EMERGENCY RESPONSE COMMISSION



CORRECTION

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

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
P.O. BOX 0, JUNEAU, ALASKA 99811-1800

(907) 465-2600

April 2, 1990

POSITION PAPER ON CS HB 566 (FINANCE)

TITLE

An Act providing that the Department of Environmental conservation has final state decision-making authority during situations involving a response to the release of oil or a hazardous substance; returning to the division of emergency services the catastrophic oil discharge response functions formerly assigned to the Department of Environmental Conservation under AS 46.04.080(a); establishing the Alaska State Emergency Response Commission; requiring certain emergency plans to be substantially equivalent; and providing for an effective date.

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response with the Department of Environmental Conservation.

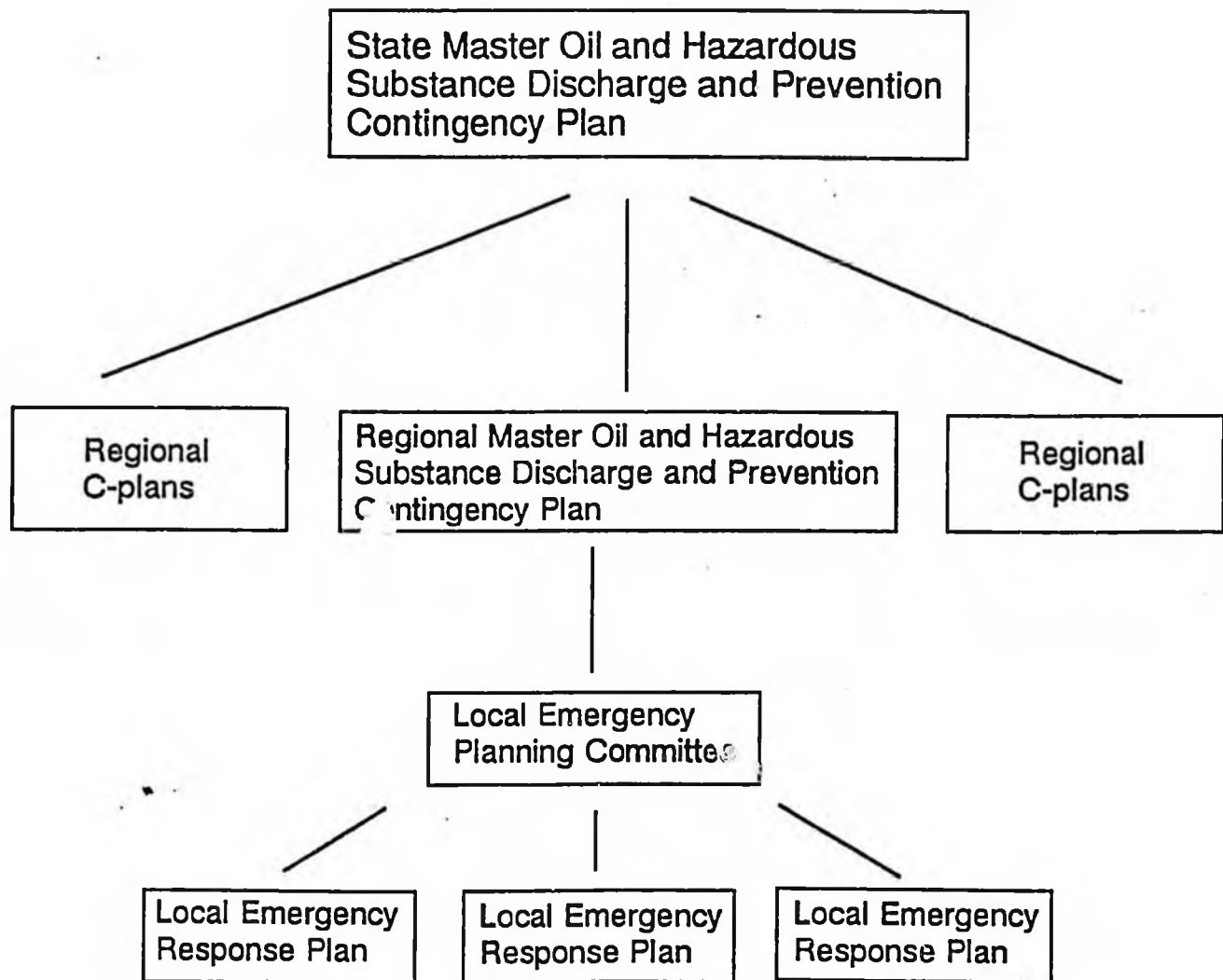
DEPARTMENT POSITION

The Department supports this bill, which is a key part of the Governor's oil spill package.

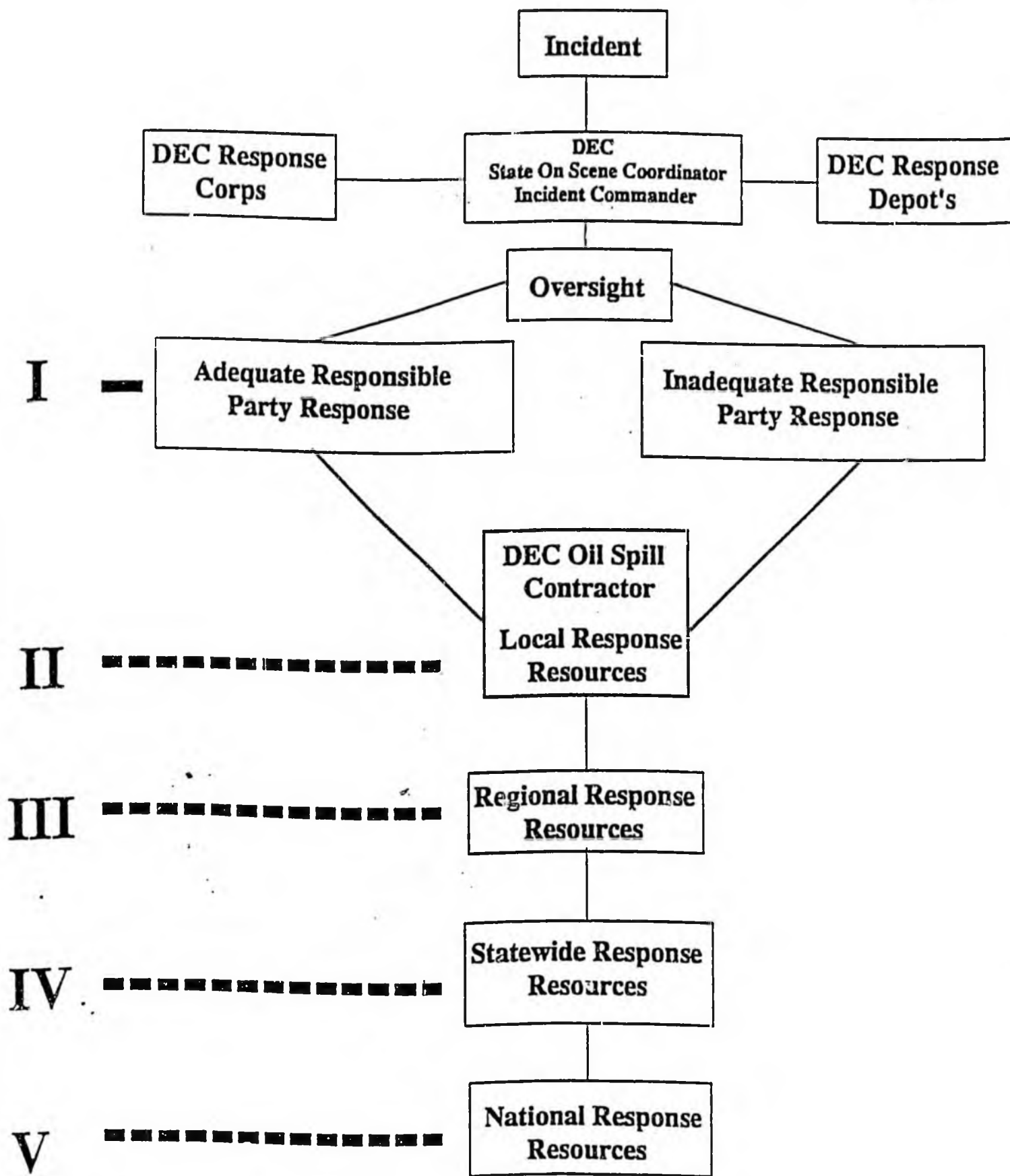
The bill provides for the most productive role for each agency in spill response. It also improves the coordination between local and state entities in planning for response, using already existing structures.

Department of Environmental Conservation
Division of Environmental Quality

STATE EMERGENCY RESPONSE COMMISSION



DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL QUALITY



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

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

**SARA TITLE III
SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT**

- o Emergency Planning
- o Emergency Notification.
- o Community Right to Know
- o Toxic Chemical Release Reporting
- o Putting SERC into legislation establishes a process by which states, local governments and communities can develop and maintain continued preparedness capacity to mitigate the effects of oil and hazardous substance incidents

LEPD/LEPC STATUS

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

SERC

- o Develop State and Regional Oil and Hazardous Substance Discharge Contingency Plan.
- o Designates Emergency Planning Districts.
- o Approves appointments of LEPC members.
- o Review and comment on LEPC plans.
- o Ensure that LEPC plans are integrated and compatible with regional and state plans.
- o Ensures that LEPC response organizations are integrated and compatible with regional and state response plans.
- o Provides guidance, technical assistance and limited financial support to LEPCs.
- o Educates the public.

LEPC

- o Develop local emergency response plans.
- o Provide spill response preparedness.
- o Organize training and drills.

ADVANTAGES OF LEPC

- o Existing Structure.
- o Will cover oil and hazardous substances.
- o Maximum flexibility for membership and participation.
- o Locally controlled.
- o Provides avenue for technical assistance and funding.
- o Structure is already established.
- o Ensures coordinated planning and response at local and state level.

Role of DES in a Disaster

DISASTER

PROCLAMATION OF DISASTER EMERGENCY

**COMMANDER-IN-CHIEF
GOVERNOR**

**PROCLAMATION EXPIRES AFTER 30 DAYS
UNLESS RENEWED BY THE LEGISLATURE**

FUNCTIONS

- o State Resources made available
- o Transfer and relocate people
- o Commandeer private property
- o Describe routes of transportation
- o Control ingress and egress
- o Suspend sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles
- o Provide temporary emergency housing for disaster victims
- o Allocate food, water, fuel or clothing
- o Debris and wreckage removal
- o Arrange for communications
- o Provide temporary power

SECTIONAL ANALYSIS

The following is a sectional analysis a bill that authorizes the governor to spend oil and hazardous substance release response fund money during declared disasters, expands the role of the division of emergency services ("DES") during oil spill-related disasters, and establishes the Alaska State Emergency Response Commission.

Sections 1, 2, and 4 authorize the governor to use money from the oil and hazardous substance release response fund to respond to a declared disaster emergency related to an oil or hazardous substance discharge.

Section 3 clarifies the Department of Environmental Conservation's ("DEC") emergency order authority and distinguishes it from DES's authority to respond to declared disaster emergencies under AS 26.23.

Section 5: AS 46.04.080(a) now provides that DEC performs the duties of DES during catastrophic oil discharges. Section 5 returns those duties to DES.

Section 6 establishes the Alaska State Emergency Response Commission. At present, the Commission is established by administrative order.

Section 7 provides that the Act takes effect immediately.

Sectional

4/2/90
Rep. Curt Menard

CS HB 566 (RESOURCES)

SECTION 1,2 & 7 - Authorizes the Governor to use money from the Oil and Hazardous Substances Release Response Fund to respond to a declared disaster.

SECTION 3 - Requires all state and local plans to be consistent with the plans prepared and approved by the State Emergency Response Council.

SECTION 4 - Clarifies the Department of Environmental Conservation's emergency order authority and distinguishes it from Division of Emergency Service's (DES) authority to respond to declared disaster emergencies under AS 26.23.

SECTION 5 - AS 46.04.080 now provides that DEC performs the duties of DES during catastrophic oil discharges, and returns those duties to DES.

SECTION 6 - Requires that state and regional master contingency plans must be consistent with the plans prepared and approved by the State Emergency Response Commission.

SECTION 8 - Establishes the State Emergency Response Commission (SERC) in statute and broadens its scope to include oil spills. Presently the Commission is established by administrative order and plans only for response to hazardous substance incidents.

The SERC would be in charge of planning for oil and hazardous substance releases. It is chaired by DEC and vice-chaired by DES. The other members include: F&G, C&RA, H&SS, DOL, DNR, DOT, Public Safety and seven public members.

The SERC must establish local emergency planning committees in regions of the state to develop regional plans for response to oil or hazardous substance incidents. The SERC must ensure that Federal, State, Regional, and Local Contingency plans are all consistent. The plans must incorporate the Incident Command System, a system used for fire suppression which allows state and federal agency forces while using the same command structure.

SECTION 9 - Allows persons who are already members of the SERC can remain on the SERC and the entire commission will not have to be reappointed.

Changes from HB 566 to CS HB 566 (Resources)

1. Tightened title to clarify that DEC has the final decision making authority during oil and hazardous substance releases
2. (Sec. 3) Requires state master and regional contingency plans to be consistent with local, regional, industry and federal plans and those developed by the State Emergency Response Committee
3. Added public safety as a member of the State Emergency Response Commission
4. We incorporated the incident command system into the planning (one of the major recommendations of the Alaska Oil Spill Commission)
5. The SERC must solicit advice from appropriate citizen advisory groups and oversight councils when developing plans.
6. Added transitional language so the existing SERC does not need to be re-appointed.

Finance

- ① Changed shall to may establish local emergency planning committees
- ② Deleted GOVS authority to use 470 funds in a disaster See: 12+7
- ③ Fiscal note - 120.00 for LEPC

HOUSE COMMITTEE REPORT

(9)

Date Referred: February 22, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: 3/22/90

The RESOURCES Committee considered:

HB 566

HOUSE BILL NO. 566 OIL/HAZ. SUBST. RELEASE RESPONSES

"An Act authorizing the governor to spend money from the oil and hazardous substance release response fund for declared disasters; expanding the role of the division of emergency services during oil-spill-related declared disasters; establishing the Alaska State Emergency Response Commission; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CS HB 566 (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 ADFG
- zero fiscal note DEC
- [] zero with analysis _____

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

SIGNING DO PASS:

 Cliff Davidson
 Mike Swane
 Forley
 Richardson

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
Richardson	<input checked="" type="checkbox"/>		
W. Furman	<input checked="" type="checkbox"/>		
Bill Hudson NEEDS AMENDING.	<input checked="" type="checkbox"/>		



 Chairman's Signature

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 21, 1990

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

Dear Mr. Speaker:

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

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

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

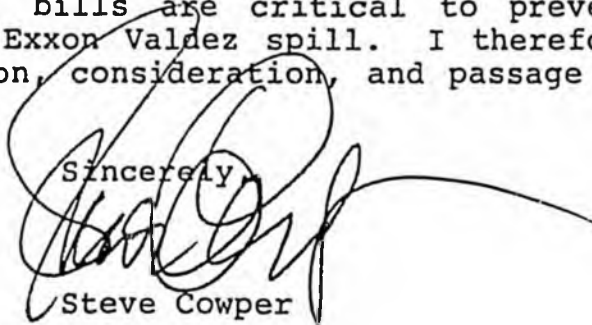
The third bill strengthens DEC's authority to require compliance with oil discharge contingency plans. Of particular significance is the requirement that applicants for contingency plans must maintain sufficient resources to contain and remove, within the shortest possible time, a realistic maximum oil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

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

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

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

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Steve Cowper', is written over the word 'Sincerely,' and extends to the right.

Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act authorizing the
Governor to spend money...
 Sponsor: Rules Committee
 Requestor: Governor

Agency Affected: Fish and Game
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0					
REVENUE	0					

FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary)

No FY 90 Impact.

Prepared by: _____ Phone: _____
 Division: _____ Date: _____

Approved by Commissioner: *William H. Steyer* Date: 2 27 90
 Agency: Fish and Game

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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Environ Conservation
 Title: An Act concerning Response Fund
expenditures/DES's role in spill disaster/SERC BRU: Environmental Quality
 Sponsor: Rules Committee Components: _____
 Requestor: Governor Environmental Quality

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	115.4	115.4	115.4	115.4	115.4	115.4
TRAVEL	80.4	80.4	80.4	80.4	80.4	80.4
CONTRACTUAL	143.0	143.0	143.0	143.0	143.0	143.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	10.0	10.0	10.0	10.0	10.0	10.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	350.8	350.8	350.8	350.8	350.8	350.8

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	350.8	350.8	350.8	350.8	350.8	350.8
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	350.8	350.8	350.8	350.8	350.8	350.8

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)
 The impact for FY 90 will depend upon the effective date of this legislation.

Prepared by: Camille Stephens
 Division: Environmental Quality

Phone: 465-2630
 Date: 2/12/90

Approved by Commissioner: _____
 Agency: Department of Environmental Conservation

Date: 2/12/90

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

Sections 1-5

Sections 1-5 will not require additional resources for the Department of Environmental Conservation.

Section 6

This legislation establishes the State Emergency Response Commission (SERC) in statute, giving the Department authority to request funds for performing its duties under the federal law SARA Title III.

The Department presently funds .5 FTE as technical staff to the SERC. This legislation will require two additional FTE (153.4) to serve as technical support to the SERC, coordinate SERC meetings, coordinate establishment of LEPCs, provide technical information to LEPCs, and other duties as required by the statute. The Department considers it essential that SERC/LEPC plans are coordinated with the State and Regional Oil and Hazardous Substance Discharge Prevention and Contingency Plans.

Travel expenses and per diem for commission members attending quarterly SERC meetings (6-8 persons) and quarterly subcommittee meetings (6-8 persons) are paid by the Department. There are four subcommittees. Based on an air fare of \$360 and one day per diem at \$80/day, travel and per diem amount to \$70.4.

This legislation will require the commission to establish LEPCs for each emergency planning district. Approximately 12 Local Emergency Planning Committees (LEPC) are in the process of being established at an estimated cost of \$20.0 to each community. Contractual services monies in the amount of \$120.0 (\$10 per LEPC) will be necessary to help insure that LEPCs are established, members receive appropriate training, and that the requirements of this proposed statute and SARA Title III are complied with. This cost will recur in subsequent fiscal years as additional LEPCs are established.

Based on the past year's expenditures, annual costs to advertise quarterly SERC meetings in newspapers will require approximately \$5.0. Annual cost to transcribe audio tapers of quarterly SERC meetings is \$2.0.

SUMMARY

	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
ECO III	57.7	5.0	8.0	1.0	5.0	\$ 76.7
ECO III	57.7	5.0	8.0	1.0	5.0	\$ 76.7
Travel/per diem		70.4				\$ 70.4
Contractual			127.0			\$127.0
TOTALS	115.4	80.4	143.0	2.0	10.0	\$350.8

go0520hJ /
Lauterbach
3/22/97

Original sponsor(s): Rules/Governor

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 566 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing the governor to spend money from
7 the oil and hazardous substance release response fund
8 for declared disasters; providing that the Department
9 of Environmental Conservation has final state
10 decision-making authority during situations involving
11 a response to the release of oil or a hazardous sub-
12 stance; returning to the division of emergency ser-
13 vices the catastrophic oil discharge response func-
14 tions formerly assigned to the Department of Environ-
15 mental Conservation under AS 46.04.080(a); estab-
16 lishing the Alaska State Emergency Response Commis-
17 sion; requiring certain emergency plans to be sub-
18 stantially equivalent; and providing for an effective
19 date."

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

21 * Section 1. AS 26.23.020(g) is amended by adding a new paragraph to
22 read:

23 (11) use money from the oil and hazardous substance release
24 response fund, established by AS 46.08.010, to respond to a declared
25 disaster emergency related to an oil or hazardous substance discharge.

26 * Sec. 2. AS 26.23.050(b) is amended to read:

27 (b) Whenever, and to the extent that, money is needed to cope
28 with a disaster, the first recourse shall be to funds regularly appro-
29 priated to state and local agencies. The second recourse shall be to

1 funds available in the disaster relief fund or, for oil or hazardous
2 substances discharges, the oil and hazardous substance release re-
3 sponse fund, as the governor determines appropriate. If money avail-
4 able from these sources is insufficient, and if the governor finds
5 that other sources of money to cope with the disaster are not avail-
6 able or are insufficient, the governor may, notwithstanding any limi-
7 tation imposed by AS 37.07.080(e), transfer and spend money appropri-
8 ated for other purposes or, in situations involving natural disasters,
9 borrow from the United States government or other public or private
10 sources for a term not to exceed two years.

11 * Sec. 3. AS 26.23 is amended by adding a new section to read:

12 Sec. 26.23.215. RELATIONSHIP TO OTHER PLANNING STATUTES. To the
13 extent that the state emergency plan, interjurisdictional plans, and
14 local plans prepared under this chapter relate to action required to
15 avert damage from a release of oil or a hazardous substance, the plans
16 must be substantially equivalent in relevant respects to the emergency
17 plans prepared or approved by the Alaska State Emergency Response
18 Commission under AS 46.13 and use the same incident command system
19 used in those plans.

20 * Sec. 4. AS 46.03.865(c) is amended to read:

21 (c) When the department issues an order [DURING A PERIOD OF
22 EMERGENCY DECLARED] under (a) of this section, each state agency [,
23 INCLUDING, WHEN APPROPRIATE, THE DEPARTMENT OF MILITARY AND VETERANS'
24 AFFAIRS UNDER THE AUTHORITY CONFERRED BY AS 26.20,] shall take whatev-
25 er action the department finds necessary to meet the emergency, and to
26 protect the public health, welfare, or environment.

27 * Sec. 5. AS 46.04.080(a) is amended to read:

28 (a) The actual or imminent occurrence of a catastrophic oil
29 discharge constitutes a disaster emergency under AS 26.23. In the

1 event of a catastrophic oil discharge, the [HOWEVER, THE DEPARTMENT
2 SHALL PERFORM THE DUTIES OF THE ALASKA DIVISION OF EMERGENCY SERVICES
3 UNDER AS 26.23.040 AS THEY APPLY TO CATASTROPHIC OIL DISCHARGES. THE]
4 department shall, to the extent consistent with the plans developed
5 under AS 46.04.200 - 46.04.210 and AS 46.13, consult and coordinate
6 its duties under this chapter and AS 46.03 [SECTION] with the Alaska
7 division of emergency services.

8 * Sec. 6. AS 46.04 is amended by adding a new section to article 2 to
9 read:

10 Sec. 46.04.220. CONSISTENCY WITH OTHER PLANS. The plans pre-
11 pared under AS 46.04.200 - 46.04.210 must be substantially equivalent
12 in relevant respects to the emergency plans prepared or approved by
13 the Alaska State Emergency Response Commission under AS 46.13 and use
14 the same incident command system used in those plans.

15 * Sec. 7. AS 46.08.040 is amended by adding a new subsection to read:

16 (b) When the governor declares a disaster related to an oil or
17 hazardous substance discharge emergency under AS 26.23.020(c), the
18 governor may, during the effective period of the disaster emergency,
19 use money from the fund to respond to the disaster emergency.

20 * Sec. 8. AS 46 is amended by adding a new chapter to read:

21 CHAPTER 13. ALASKA STATE EMERGENCY RESPONSE COMMISSION.

22 Sec. 46.13.010. ALASKA STATE EMERGENCY RESPONSE COMMISSION
23 ESTABLISHED. There is established in the Department of Environmental
24 Conservation the Alaska State Emergency Response Commission.

25 Sec. 46.13.020. COMPOSITION OF THE COMMISSION. The commission
26 consists of the commissioners of community and regional affairs,
27 environmental conservation, fish and game, health and social services,
28 labor, natural resources, public safety, and transportation and public
29 facilities, or the designees of the commissioners, the adjutant

1 general of the Department of Military and Veterans' Affairs or a
2 designee, and seven public members to be appointed by the governor.
3 To the extent practicable, the commission must include members with
4 expertise in the emergency response field.

5 Sec. 46.13.030. POWERS AND DUTIES OF COMMISSION. The commission
6 shall

7 (1) serve as the state emergency response commission re-
8 quired under 42 U.S.C. 11001 - 11005;

9 (2) designate, and revise as necessary, the boundaries of
10 emergency planning districts, using the boundaries of political sub-
11 divisions if appropriate;

12 (3) review, oversee, and facilitate the preparation and
13 implementation of emergency plans for hazardous substance response,
14 including statewide, regional, and local contingency plans prepared
15 under AS 26.23 and AS 46.04.200 - 46.04.210;

16 (4) establish a local emergency planning committee for each
17 emergency planning district, and appoint, and revise as necessary, the
18 membership of each committee;

19 (5) supervise and coordinate the activities of local emer-
20 gency planning committees;

21 (6) establish procedures for receiving and processing
22 requests from the public for information under 42 U.S.C. 11044, in-
23 cluding tier II information under 42 U.S.C. 11022;

24 (7) perform other coordinating, advisory, or planning tasks
25 related to hazardous substance emergency planning and preparedness,
26 community right-to-know reporting, toxic chemical release reporting,
27 or management of hazardous substances;

28 (8) provide procedures and oversight to integrate, as
29 appropriate, hazardous substance response planning under 42 U.S.C.

1 11001 - 11005, federal contingency planning under 33 U.S.C. 1321 and
2 other federal laws applicable to hazardous substance discharges, and
3 state, regional, and local hazardous substance contingency planning
4 under AS 26.23 and AS 46.04.200 - 46.04.210;

5 (9) to the extent consistent with the constitution and law
6 of the state, perform all other functions prescribed for state emer-
7 gency response commissions under 42 U.S.C. 11001 - 11005; and

8 (10) adopt regulations necessary to carry out the purposes
9 of this chapter and 42 U.S.C. 11001 - 11005.

10 Sec. 46.13.040. OFFICERS, TERMS, AND COMPENSATION. The commis-
11 sioner of environmental conservation, or the commissioner's designee,
12 shall chair the commission. The adjutant general of the Department of
13 Military and Veterans' Affairs, or the adjutant general's designee,
14 shall serve as vice-chair. Members of the commission other than those
15 from the designated state departments serve at the pleasure of the
16 governor for staggered terms of three years. Members of the commis-
17 sion serve without compensation but are entitled to per diem and
18 travel expenses authorized for members of boards and commissions under
19 AS 39.20.180.

20 Sec. 46.13.050. AGENCY COOPERATION. The commission may request
21 data, reports, or other information from a state agency. To the
22 extent feasible, the state agency shall cooperate with the commission
23 and furnish the commission with the information and assistance neces-
24 sary to accomplish the purposes of 42 U.S.C. 11001 - 11005 and this
25 chapter.

26 Sec. 46.13.060. EMERGENCY PLANNING DISTRICT BOUNDARIES. Bound-
27 aries for emergency planning districts are the regions designated by
28 the division of emergency services, Department of Military and Veter-
29 ans' Affairs unless otherwise designated by the commission.

1 Sec. 46.13.070. LOCAL EMERGENCY PLANNING COMMITTEES. The com-
2 mission shall establish and appoint the members of a local emergency
3 planning committee for each emergency planning district. Each commit-
4 tee must include, at a minimum, representatives from each of the
5 following groups or organizations: elected state and local officials;
6 law enforcement; civil defense; fire fighting; first aid; health;
7 local environmental, hospital, and transportation personnel; broadcast
8 and print media; community groups; and owners and operators of facili-
9 ties subject to the requirements of 42 U.S.C. 11001 - 11005.

10 Sec. 46.13.080. DUTIES OF LOCAL EMERGENCY PLANNING COMMITTEES.
11 Each local emergency planning committee shall

12 (1) establish procedures for receiving and processing
13 requests from the public for information under 42 U.S.C. 11044, in-
14 cluding tier II information under 42 U.S.C. 11022;

15 (2) appoint a chair and establish rules by which the com-
16 mittee shall function, including provisions for public notification of
17 committee activities, public meetings to discuss the emergency plan,
18 public comments, response to the comments by the committee, distribu-
19 tion of the emergency plan, and designation of an official to serve as
20 coordinator for information;

21 (3) prepare and periodically review an emergency plan in
22 accordance with 42 U.S.C. 11003(a);

23 (4) evaluate the need for resources necessary to develop,
24 implement, and exercise the emergency plan, and make recommendations
25 with respect to additional resources that may be required and the
26 means for providing the additional resources;

27 (5) to the extent consistent with the constitution and law
28 of the state, perform all other functions prescribed for emergency
29 planning committees in 42 U.S.C. 11001 - 11005; and

1 (6) participate as a local advisory committee in the prepa-
2 ration of statewide regional contingency plans.

3 Sec. 46.13.090. EMERGENCY PLANS. (a) Each emergency plan must
4 include

5 (1) identification of facilities subject to the require-
6 ments of 42 U.S.C. 11001 - 11005 that are within the emergency plan-
7 ning district, identification of routes likely to be used for the
8 transportation of substances on the list of extremely hazardous sub-
9 stances referred to in 42 U.S.C. 302(a), and identification of addi-
10 tional facilities contributing or subjected to additional risk due to
11 their proximity to facilities subject to the requirements of 42 U.S.C.
12 11001 - 11005 such as hospitals or natural gas facilities;

13 (2) methods and procedures to be followed by facility
14 owners and operators and local emergency and medical personnel to
15 respond to a release of hazardous substances, and to a release of
16 substances on the list of extremely hazardous substances referred to
17 in 42 U.S.C. 302(a);

18 (3) designation of a community emergency coordinator and
19 facility emergency coordinators, who shall make determinations neces-
20 sary to implement the emergency plan;

21 (4) procedures providing reliable, effective, and timely
22 notification by the facility emergency coordinators to persons des-
23 igned in the emergency plan, and to the public, that a release has
24 occurred, consistent with the emergency notification requirements of
25 42 U.S.C. 11004;

26 (5) methods for determining the occurrence of a release,
27 and the area or population likely to be affected by that release;

28 (6) a description of emergency equipment and facilities in
29 the community and at each facility in the community subject to the

1 requirements of 42 U.S.C. 11001 - 11005, and an identification of the
2 persons responsible for the equipment and facilities;

3 (7) evacuation plans, including provisions for a precau-
4 tionary evacuation and alternative traffic routes;

5 (8) training programs, including schedules for training of
6 local emergency response and medical personnel; and

7 (9) methods and schedules for exercising the emergency
8 plan.

9 (b) Each emergency plan must incorporate within it an incident
10 command system. The incident command system must provide that final
11 state decision-making authority in situations involving a response to
12 the release of a hazardous substance lies with the Department of
13 Environmental Conservation. The plans must include criteria the
14 department will use when considering whether to delegate all or part
15 of its authority in specific response situations.

16 Sec. 46.13.100. CONSULTATION WITH CITIZEN ADVISORY GROUPS. The
17 commission and the local planning committees established under AS 46.-
18 13.070 actively solicit the advice of appropriate citizen advi-
19 sory groups and oversight councils when performing their duties under
20 this chapter. When feasible, the commission and planning committees
21 shall meet with the advisory groups and oversight councils or with
22 representatives of the groups or councils.

23 Sec. 46.13.900. DEFINITIONS. In this chapter,

24 (1) "commission" means the Alaska State Emergency Response
25 Commission;

26 (2) "hazardous substance" has the meaning given in AS 46.-
27 03.826.

28 * Sec. 9. TRANSITIONAL PROVISION. The Alaska State Emergency Response
29 Commission established under AS 46.13, enacted by sec. 8 of this Act, is a
CSHB 566(Res)

1 continuation of the Alaska State Emergency Response Commission established
2 by Administrative Order No. 103. The terms of the public members of the
3 commission who are serving terms on the effective date of this Act continue
4 until the date that was scheduled for their expiration before the effective
5 date of this Act.

6 * Sec. 10. This Act takes effect immediately under AS 01.10.070(c).
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NORTH SLOPE BOROUGH**OFFICE OF THE MAYOR**P.O. Box 69
Barrow, Alaska 99723

Phone: 907-852-2611

George N. Ahmaogak, Sr., Mayor



TO: Garrey Peska, Chief of Staff
Office of the Governor
Rebecha Miller, Director
Fairbanks Executive Office
Office of the Governor
✓ Mike Irwin, Special Staff Assistant
Office of the Governor

TO: Senator Al Adams
TO: Representative Eileen
MacLean

FROM: Dennis Roper, State Government Affairs
Juneau Office

DATE: February 23, 1990

SUBJ: ANAKTUVUK PASS - NORTH SLOPE BOROUGH
DISASTER RELIEF

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

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

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

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX N
JUNEAU, ALASKA 99811-1200
PHONE: 465-4322

March 14, 1990

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

RE: HB 566; establishing the
Alaska State Emergency
Response Commission

Dear Representative Menard:

One of the bills currently before the House Resources Committee is HB 566 which, among other things, establishes the Alaska State Emergency Response Commission. I am writing to request that the Department of Public Safety (DPS) be added to the other State agencies which comprise the commission.

As you know, HB 566 would create by statute the successor to the present Emergency Response Commission (ERC) which was created by Administrative Order in response to the EXXON VALDEZ oil spill in Prince William Sound last year. While the Department of Public Safety has worked closely with the present ERC, we are not formally a member of it. Considering the limited role that DPS played in the spill cleanup efforts, after the initial response was over, we felt it was not necessary for DPS to be on the oil spill ERC.

The ERC established by HB 566 is of a more general and long term nature, however. Considering the broad responsibilities the new ERC would have, we strongly believe that DPS should be included in the commission. We have discussed this with the Governor's Office and they agree with our position. I respectfully request that, if HB 566 is moved from

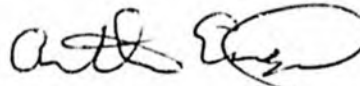
The Honorable Curt Menard -2-

March 14, 1990

committee, a committee substitute which adds DPS to the commission be considered.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur English".

Arthur English
Commissioner

cc: Shari Kochman
Legislative Staff Assistant
Office of the Governor

A M E N D M E N T #2

OFFERED IN THE HOUSE

BY REP. PHILIPPS

TO: CSHB 566 (Finance)

Page 1, line 6, through page 8, line 5:

Delete all material and insert:

"For an Act entitled: "An Act authorizing the governor to spend money from the oil and hazardous substance release response fund for declared disasters; transferring the oil and hazardous substance response office to the Department of Military and Veterans' Affairs; relating to the duties of the Department of Environmental Conservation and the Department of Military and Veterans' Affairs in relation to oil, hazardous substances, and radioactive material; providing that the Department of Military and Veterans' Affairs has final state decision-making authority in responses to catastrophic oil discharges and emergency disasters declared by the governor that relate to oil or hazardous substances; establishing the Alaska State Emergency Response Commission and the Hazardous Substance Spill Technology Review Council; transferring the responsibility for the statewide and regional master oil and hazardous substance discharge and prevention contingency plans to the Alaska State Emergency

- * Sec. 4. AS 26.23 is amended by adding a new section to read:

Sec. 26.22.215. RELATIONSHIP TO OTHER PLANNING STATUTES. To the extent that the state emergency plan, interjurisdictional plans, and local plans prepared under this chapter relate to action required to avert damage from a release of oil or a hazardous substance, the plans must be substantially equivalent in relevant respects to the emergency plans prepared or approved by the Alaska State Emergency Response Commission under AS 46.04.200 - 46.04.210 and AS 46.13 and use the same incident command system used in those plans.

- * Sec. 5. AS 39.50.200(b) is amended by adding a new paragraph to read:

(50) Hazardous Substance Spill Technology Review Council (AS 46.13.110).

- * Sec. 6. AS 44.66.010(a) is amended by adding a new paragraph to read:

(17) Hazardous Substance Spill Technology Review Council (AS 46.13.110) -- June 30, 1994.

- * Sec. 7. AS 46.03.020 is amended by adding a new paragraph to read:

(14) enter into agreements with agencies of the state and federal government, political subdivisions, the University of Alaska, or private entities to conduct research into oil and hazardous substances spill technology; the department shall give priority to research topics recommended to it by the Hazardous Substance Spill Technology Review Council under AS 46.13.120.

- * Sec. 8. AS 46.03.865(a) is amended to read:

(a) When the department finds that an actual or imminent discharge of oil, a hazardous substance, or low level radioactive materials to the air, water, land, or subsurface land of the state poses

CORRECTION

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

A M E N D M E N T #2

OFFERED IN THE HOUSE

BY REP. PHILLIPS

TO: CSHB 566 (Finance)

Page 1, line 6, through page 8, line 5:

Delete all material and insert:

"For an Act entitled: "An Act authorizing the governor to spend money from the oil and hazardous substance release response fund for declared disasters; transferring the oil and hazardous substance response office to the Department of Military and Veterans' Affairs; relating to the duties of the Department of Environmental Conservation and the Department of Military and Veterans' Affairs in relation to oil, hazardous substances, and radioactive material; providing that the Department of Military and Veterans' Affairs has final state decision-making authority in responses to catastrophic oil discharges and emergency disasters declared by the governor that relate to oil or hazardous substances; establishing the Alaska State Emergency Response Commission and the Hazardous Substance Spill Technology Review Council; transferring the responsibility for the statewide and regional master oil and hazardous substance discharge and prevention contingency plans to the Alaska State Emergency

Response Commission; and providing for an effective date."

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

* Section 1. AS 26.23.020(g) is amended by adding a new paragraph to read:

(11) use money from the oil and hazardous substance release response fund, established by AS 46.08.010, to respond to a declared disaster emergency related to an oil or hazardous substance discharge.

* Sec. 2. AS 26.23.040 is amended by adding a new subsection to read:

(f) The Alaska division of emergency services shall establish the oil and hazardous substance response office and perform related duties under AS 46.08.100 - 46.08.190.

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

(b) Whenever, and to the extent that, money is needed to cope with a disaster, the first recourse shall be to funds regularly appropriated to state and local agencies. The second recourse shall be to funds available in the disaster relief fund or, for oil or hazardous substances discharges, the oil and hazardous substance release response fund, as the governor determines appropriate. If money available from these sources is insufficient, and if the governor finds that other sources of money to cope with the disaster are not available or are insufficient, the governor may, notwithstanding any limitation imposed by AS 37.07.080(e), transfer and spend money appropriated for other purposes or, in situations involving natural disasters, borrow from the United States government or other public or private sources for a term not to exceed two years.

* Sec. 4. AS 26.23 is amended by adding a new section to read:

Sec. 26.23.215. RELATIONSHIP TO OTHER PLANNING STATUTES. To the extent that the state emergency plan, interjurisdictional plans, and local plans prepared under this chapter relate to action required to avert damage from a release of oil or a hazardous substance, the plans must be substantially equivalent in relevant respects to the emergency plans prepared or approved by the Alaska State Emergency Response Commission under AS 46.04.200 - 46.04.210 and AS 46.13 and use the same incident command system used in those plans.

* Sec. 5. AS 39.50.200(b) is amended by adding a new paragraph to read:

(50) Hazardous Substance Spill Technology Review Council (AS 46.13.110).

* Sec. 6. AS 44.66.010(a) is amended by adding a new paragraph to read:

(17) Hazardous Substance Spill Technology Review Council (AS 46.13.110) -- June 30, 1994.

* Sec. 7. AS 46.03.020 is amended by adding a new paragraph to read:

(14) enter into agreements with agencies of the state and federal government, political subdivisions, the University of Alaska, or private entities to conduct research into oil and hazardous substances spill technology; the department shall give priority to research topics recommended to it by the Hazardous Substance Spill Technology Review Council under AS 46.13.120.

* Sec. 8. AS 46.03.865(a) is amended to read:

(a) When the department finds that an actual or imminent discharge of oil, a hazardous substance, or low level radioactive materials to the air, water, land, or subsurface land of the state poses

an immediate threat to the public health or welfare [,] or the environment of the state, it may issue an order declaring an emergency and directing a person or persons to take action the department believes necessary to meet the emergency, and protect the public health, welfare, or environment. The department may also exercise the authority granted to the oil and hazardous substance response office under AS 46.08.140. However, if the situation for which the department declares an emergency develops into a catastrophic oil discharge, as defined in AS 46.04.900, or becomes a declared disaster emergency under AS 26.23, the division of emergency services, Department of Military and Veterans' Affairs, shall exercise the authority of the department under this subsection and the department's activities shall be subject to the approval of the division.

* Sec. 9. AS 46.03.865(c) is amended to read:

(c) During a period of emergency declared under (a) of this section, each state agency, including, when appropriate, the division of emergency services, Department of Military and Veterans' Affairs [UNDER THE AUTHORITY CONFERRED BY AS 26.20], shall take whatever action the department finds necessary to meet the emergency [,] and to protect the public health, welfare, or environment. However, if the situation for which the department declared an emergency develops into a catastrophic oil discharge, as defined in AS 46.04.900, or becomes a declared disaster under AS 26.23, each state agency, including the department, shall take whatever action the division of emergency services finds is necessary to meet the disaster and to protect the public health, welfare, or environment.

* Sec. 10. AS 46.04.080(a) is amended to read:

(a) The actual or imminent occurrence of a catastrophic oil discharge constitutes a disaster emergency under AS 26.23 without a declaration of disaster by the governor under AS 26.23.020. The [. HOWEVER, THE] department shall augment and support [PERFORM THE DUTIES OF] the Alaska division of emergency services, Department of Military and Veterans' Affairs, in the performance of the division's duties under AS 26.23.040 and AS 46.08.100 - 46.08.190 as they apply to catastrophic oil discharges. During a response to a catastrophic oil discharge, the [THE] department shall consult and coordinate its duties [UNDER THIS SECTION] with the Alaska division of emergency services and act under directives of the division.

* Sec. 11. AS 46.04.090(a) is amended to read:

(a) The department, when feasible, shall enter into contracts with persons or private organizations to provide the personnel, equipment, or other services or supplies that [WHICH] may be required to carry out this chapter. Contracts under this section are governed by AS 36.30 (State Procurement Code). When private contracting is not feasible, the department may establish and maintain at ports, harbors, or other locations in the state, the cleanup personnel, equipment, and supplies that [WHICH], in its judgment, are necessary to carry out this chapter. When exercising its authority under this subsection, the department shall coordinate with the oil and hazardous substance response office in the Department of Military and Veterans' Affairs to avoid duplication of efforts.

* Sec. 12. AS 46.04.200 is amended to read:

Sec. 46.04.200. STATE MASTER PLAN. (a) The Alaska State Emergency Response Commission [DEPARTMENT] shall prepare and annually review and revise a statewide master oil and hazardous substance discharge and prevention contingency plan.

(b) The state master plan prepared under this section must

(1) take into consideration the elements of an oil discharge contingency plan approved or submitted for approval by the Department of Environmental Conservation under AS 46.04.030;

(2) include an incident command system consistent with the requirements of AS 46.13.090(b) that clarifies and specifies [CLARIFY AND SPECIFY] the respective responsibilities of each of the following in the assessment, containment, and cleanup of a [CATASTROPHIC OIL DISCHARGE OR OF A SIGNIFICANT] discharge of oil or a hazardous substance into the environment of the state:

(A) the Department of Environmental Conservation, the division of emergency services in the Department of Military and Veterans' Affairs, and other agencies of the state;

(B) municipalities of the state;

(C) appropriate federal agencies;

(D) operators of facilities;

(E) private parties whose land and other property may be affected by the oil or hazardous substance discharge; and

(F) other parties identified by the commission [COMMISSIONER] as having an interest in or the resources to assist in the containment and cleanup of an oil or hazardous substance discharge;

(3) include an incident command system consistent with the requirements of AS 46.13.090(b) that specifies [SPECIFY] the respective responsibilities of parties identified in (2) of this subsection in an emergency response under AS 26.23, AS 46.03.865, or AS 46.04.-080; and

(4) identify actions necessary to reduce the likelihood of catastrophic oil discharges and significant discharges of hazardous substances.

(c) In preparing and annually reviewing the state master plan, the commission [COMMISSIONER] shall

(1) consult with municipal and community officials, and with representatives of affected regional organizations;

(2) submit the draft plan to the public for review and comment;

(3) submit to the legislature for review, not later than the 10th day following the convening of each regular session, the plan and any annual revision of the plan; and

(4) require or schedule unannounced oil spill drills to test the sufficiency of an oil discharge contingency plan approved under AS 46.04.030 or of the cleanup plans of a party identified under (b)(2) of this section.

* Sec. 13. AS 46.04.210(a) is amended to read:

(a) For any region of the state, the boundaries of which are determined by the commission [COMMISSIONER] by regulation, in which the department is required to review and approve an oil discharge contingency plan submitted by a person under AS 46.04.030, the

commission [DEPARTMENT] shall prepare and annually review and revise a regional master oil and hazardous substance discharge and prevention contingency plan.

* Sec. 14. AS 46.04 is amended by adding a new section to article 2 to read:

Sec. 46.04.220. DEFINITION. In AS 46.04.200 - 46.04.210, "commission" means the Alaska State Emergency Response Commission established under AS 46.13.

* Sec. 15. AS 46.08.040 is amended by adding new subsections to read:

(b) When the governor declares a disaster related to an oil or hazardous substance discharge emergency under AS 26.23.020(c), the governor may, during the effective period of the disaster emergency, use money from the fund to respond to the disaster emergency.

(c) The adjutant general of the Department of Military and Veterans' Affairs may use money from the fund to pay costs incurred by the division of emergency services, Department of Military and Veterans' Affairs, to

(1) establish and maintain the oil and hazardous substance response office and for the expenses of the oil and hazardous substance response corps and the oil and hazardous substance response depots established by that office; and

(2) contain, clean up, and take other necessary action to address a release or threatened release of oil or a hazardous substance.

(d) The Alaska State Emergency Response Commission may use money from the fund to prepare, review, and revise the state and regional

master oil and hazardous substance discharge and prevention contingency plans required under AS 46.04.200 - 46.04.210.

* Sec. 16. AS 46.08.070(a) is amended to read:

(a) The commissioner and the adjutant general shall seek reimbursement promptly under this section, AS 46.03.760(e), or federal law for the cost incurred in the cleanup or containment of oil or a hazardous substance that has been released.

* Sec. 17. AS 46.08.070(b) is amended to read:

(b) The attorney general, at the request of the commissioner or the adjutant general, shall immediately seek to recover money expended by the department or the division of emergency services under AS 46.-08.005 - 46.08.080 or other law to contain and clean up oil or a hazardous substance that has been released or to control the threatened release of oil or a hazardous substance.

* Sec. 18. AS 46.08.100 is amended to read:

Sec. 46.08.100. OFFICE ESTABLISHED. There is established in the division of emergency services, Department of Military and Veterans' Affairs, [DEPARTMENT] the oil and hazardous substance response office. The office shall include a director and employees who are specially trained in programs and technologies related to the containment and cleanup of releases or threatened releases of oil and hazardous substances.

* Sec. 19. AS 46.08.110(c) is amended to read:

(c) Members of the corps are entitled to per diem and expenses as determined by the division [COMMISSIONER] for training and for days spent in service to the state in containment and cleanup actions.

* Sec. 20. AS 46.08.130(b) is amended to read:

(b) The office may respond under (a) of this section to an oil or hazardous substance discharge only if:

(1) the oil discharge is a catastrophic oil discharge that constitutes a disaster [AN] emergency under AS 46.04.080(a);

(2) the discharge of oil or a hazardous substance is declared to be an emergency under AS 46.03.865;

(3) the governor declares the discharge an emergency under AS 26.23; or

(4) the division director or the commissioner of environmental conservation reasonably believes that there has been a discharge of oil or a hazardous substance, or that there is a potential discharge of oil or a hazardous substance, and the discharge may qualify under (1) - (3) of this subsection; or

(5) the office is requested by the commissioner of environmental conservation to assist the department because the commissioner reasonably believes that the discharge or potential discharge poses an imminent and substantial threat to public health or welfare or to the environment.

* Sec. 21. AS 46.08.130 is amended by adding a new subsection to read:

(c) When the office responds to an oil or hazardous substance discharge under this section, its activities are governed by the incident command system applicable to the type of discharge to which it is responding, as required under AS 46.13.090(b).

* Sec. 22. AS 46.08.190 is amended by adding a new paragraph to read:

(4) "division" means the division of emergency services,

Department of Military and Veterans' Affairs.

* Sec. 23. AS 46.08 is amended by adding new sections to read:

ARTICLE 3. RESPONSE TECHNOLOGIES.

Sec. 46.08.200. APPROVAL PROCESS FOR RESPONSE TECHNOLOGIES. (a)
The department shall, by regulation, adopt procedures and criteria it will use for approving or disapproving equipment, substances, and other technologies for use in containment and cleanup of a release of oil or a hazardous substance. The regulations must include the protocols developed by the Hazardous Substance Spill Technology Review Council under AS 46.13.120 and provide that the approval process will take no longer than six months after the date the department receives an application for approval.

(b) A person may apply to the department for approval of equipment, a substance, or other technology for use in containment or cleanup of a potential release of oil or a hazardous substance. An application under this subsection must be in written form and include information requested by the department.

Sec. 46.08.210. PROHIBITION. A person may not use equipment, a substance, or other technology for containment or cleanup of a release of oil or a hazardous substance unless the equipment, substance, or other technology has been approved by the department for that use.

* Sec. 24. AS 46.09.030 is amended to read:

Sec. 46.09.030. DISASTER EMERGENCIES. The commissioner of environmental conservation or the director of the division of emergency services, Department of Military and Veterans' Affairs, may request the governor to determine that an actual or imminent release

of a hazardous substance constitutes a disaster emergency under AS 26.23. If the governor declares a disaster emergency under AS 26.-23, the commissioner shall [MAY] assist the division of emergency services, Department of Military and Veterans' Affairs, [ADJUTANT GENERAL] in the relief of the emergency.

* Sec. 25. AS 46 is amended by adding a new chapter to read:

CHAPTER 13. ALASKA STATE EMERGENCY RESPONSE COMMISSION.

Sec. 46.13.010. ALASKA STATE EMERGENCY RESPONSE COMMISSION ESTABLISHED. (a) There is established in the Department of Military and Veterans' Affairs the Alaska State Emergency Response Commission.

(b) The oil and hazardous substance response office established under AS 46.08.100 shall serve as staff for the commission.

Sec. 46.13.020. COMPOSITION OF THE COMMISSION. The commission consists of the commissioners of community and regional affairs, environmental conservation, fish and game, health and social services, labor, natural resources, public safety, and transportation and public facilities, or the designees of the commissioners, the adjutant general of the Department of Military and Veterans' Affairs or a designee, and seven public members to be appointed by the governor. To the extent practicable, the commission must include members with expertise in the emergency response field.

Sec. 46.13.030. OFFICERS, TERMS, AND COMPENSATION. The adjutant general of the Department of Military and Veterans' Affairs, or the adjutant general's designee, shall chair the commission. The commissioner of environmental conservation, or the commissioner's designee, shall serve as vice-chair. Members of the commission other than those

from the designated state departments serve at the pleasure of the governor for staggered terms of three years. Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized for members of boards and commissions under AS 39.20.180.

Sec. 46.13.040. POWERS AND DUTIES OF COMMISSION. The commission shall

(1) serve as the state emergency response commission required under 42 U.S.C. 11001 - 11005;

(2) designate, and revise as necessary, the boundaries of emergency planning districts, using the boundaries of political subdivisions if appropriate;

(3) review, oversee, and facilitate the preparation and implementation of emergency plans for hazardous substance response, including the statewide and local plans prepared under AS 26.23;

(4) prepare, review, and revise the statewide and regional master oil and hazardous substance discharge and prevention contingency plans required under AS 46.04.200 - 46.04.210;

(5) establish a local emergency planning committee for each emergency planning district, and appoint, and revise as necessary, the membership of each committee;

(6) supervise and coordinate the activities of local emergency planning committees;

(7) establish procedures for receiving and processing requests from the public for information under 42 U.S.C. 11044, including tier II information under 42 U.S.C. 11022;

(8) perform other coordinating, advisory, or planning tasks related to hazardous substance emergency planning and preparedness, community right-to-know reporting, toxic chemical release reporting, or management of hazardous substances;

(9) provide procedures and oversight to integrate, as appropriate, hazardous substance response planning under 42 U.S.C. 11001 - 11005, federal contingency planning under 33 U.S.C. 1321 and other federal laws applicable to hazardous substance discharges, and state, regional, and local hazardous substance contingency planning under AS 26.23 and AS 46.04.200 - 46.04.210;

(10) to the extent consistent with the constitution and law of the state, perform all other functions prescribed for state emergency response commissions under 42 U.S.C. 11001 - 11005; and

(11) adopt regulations necessary to carry out the purposes of this chapter and 42 U.S.C. 11001 - 11005.

Sec. 46.13.050. AGENCY COOPERATION. The commission may request data, reports, or other information from a state agency. To the extent feasible and not otherwise prohibited by laws making specific information confidential and nondisclosable, a state agency shall cooperate with the commission and furnish the commission with the information and assistance necessary to accomplish the purposes of 42 U.S.C. 11001 - 11005 and this chapter.

Sec. 46.13.060. EMERGENCY PLANNING DISTRICT BOUNDARIES. Boundaries for emergency planning districts are the regions designated by the division of emergency services, Department of Military and Veterans' Affairs unless otherwise designated by the commission.

Sec. 46.13.070. LOCAL EMERGENCY PLANNING COMMITTEES. The commission shall establish and appoint the members of a local emergency planning committee for each emergency planning district. Each committee must include, at a minimum, representatives from each of the following groups or organizations: elected state and local officials; law enforcement; civil defense; fire fighting; first aid; health; local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of 42 U.S.C. 11001 - 11005.

Sec. 46.13.080. DUTIES OF LOCAL EMERGENCY PLANNING COMMITTEES. Each local emergency planning committee shall

(1) establish procedures for receiving and processing requests from the public for information under 42 U.S.C. 11044, including tier II information under 42 U.S.C. 11022;

(2) appoint a chair and establish rules by which the committee shall function, including provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to the comments by the committee, distribution of the emergency plan, and designation of an official to serve as coordinator for information;

(3) prepare and periodically review an emergency plan in accordance with 42 U.S.C. 11003(a);

(4) evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and make recommendations with respect to additional resources that may be required and the means for providing the additional resources;

(5) to the extent consistent with the constitution and law of the state, perform all other functions prescribed for emergency planning committees in 42 U.S.C. 11001 - 11005; and

(6) participate as a local advisory committee in the preparation of statewide regional contingency plans.

Sec. 46.13.090. EMERGENCY PLANS. (a) Each emergency plan must include

(1) identification of facilities subject to the requirements of 42 U.S.C. 11001 - 11005 that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in 42 U.S.C. 302(a), and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of 42 U.S.C. 11001 - 11005 such as hospitals or natural gas facilities;

(2) methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to a release of hazardous substances, and to a release of substances on the list of extremely hazardous substances referred to in 42 U.S.C. 302(a);

(3) designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the emergency plan;

(4) procedures providing reliable, effective, and timely notification by the facility emergency coordinators to persons designated in the emergency plan, and to the public, that a release has

occurred, consistent with the emergency notification requirements of 42 U.S.C. 11004;

(5) methods for determining the occurrence of a release, and the area or population likely to be affected by that release;

(6) a description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of 42 U.S.C. 11001 - 11005, and an identification of the persons responsible for the equipment and facilities;

(7) evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes;

(8) training programs, including schedules for training of local emergency response and medical personnel; and

(9) methods and schedules for exercising the emergency plan.

(b) Each emergency plan must incorporate within it an incident command system. The incident command system must provide that final state decision-making authority in situations involving a response to a release of a hazardous substance lies with the Department of Environmental Conservation unless the release is a declared disaster emergency under AS 26.23 or a catastrophic oil discharge under AS 46.-04.080, in which case the incident command system must provide that final state decision-making authority lies with the division of emergency services, Department of Military and Veterans' Affairs.

Sec. 46.13.100. FINDINGS AND PURPOSE. The legislature

(1) finds and declares that there exists a lack of scientific knowledge concerning the availability, properties, and

effectiveness of various hazardous substance containment and cleanup technologies; and

(2) concludes that it is in the best interest of the state and its citizens to establish a Hazardous Substance Spill Technology Review Council in the Alaska State Emergency Response Commission to assist in the identification of containment and cleanup products and procedures for arctic and sub-arctic hazardous substance releases and make recommendations to the departments and agencies of the state regarding their use and deployment.

Sec. 46.13.110. HAZARDOUS SUBSTANCE SPILL TECHNOLOGY REVIEW COUNCIL. (a) There is established in the Alaska State Emergency Response Commission the Hazardous Substance Spill Technology Review Council.

(b) The council consists of the adjutant general of the Department of Military and Veterans' Affairs, the commissioner of environmental conservation, a representative of the University of Alaska appointed by the governor, the governor's senior science advisor, a representative of the Prince William Sound Science Center in Cordova appointed by the governor, and four other members, one from each judicial district of the state, appointed by the governor, with broad experience or expertise in one or more of the following areas: physical or biological science; oil technology, transportation, or management; fisheries; economics; environmental engineering; or law. The U.S. Coast Guard and the Environmental Protection Agency may each appoint a federal employee to the council to represent their agencies as nonvoting members. Appointed state members of the council serve

overlapping three-year terms.

(c) The council members shall elect from among themselves a chair and vice-chair.

(d) The oil and hazardous substance response office established under AS 46.08.100 shall serve as staff for the council.

(e) State and federal members of the council serve without compensation, but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

(f) The council shall meet regularly at the call of the commission or the chair of the council.

(g) State members of the council are subject to AS 39.50.

Sec. 46.13.120. DUTIES OF THE COUNCIL. The council shall

(1) review and recommend to the Department of Environmental Conservation research topics for it to pursue under its authority in AS 46.03.020(a)(14);

(2) establish testing protocols to be used by the Department of Environmental Conservation to evaluate the effectiveness of hazardous substance spill technologies for use in the state;

(3) identify sources of money that may be available for discharge-related research;

(4) make proposals to the governor and commission to encourage and fund prevention, response, cleanup, and mitigation of future discharges of hazardous substances;

(5) compile and maintain information relating to

(A) containment and cleanup technology that is available in the event of a hazardous substance discharge, the extent

to which current containment and cleanup technology is available and may be applied in the state, and ways to improve hazardous substance spill response technology and procedures;

(B) steps that should be taken by government and industry to ensure proper management, handling, and transportation of hazardous substances and to improve the statewide ability of industry and governmental agencies to respond to discharges of hazardous substances;

(C) the extent to which industry practices and governmental practices or laws should be changed to reduce or minimize the potential for hazardous substance discharges;

(D) hazardous substances spill technology research conducted by the Department of Environmental Conservation; and

(6) perform other functions as may be requested by the commission.

Sec. 46.13.130. INVESTIGATIONS; HEARINGS. (a) The council may issue subpoenas, administer oaths, and conduct investigations related to its duties.

(b) The council may compel the attendance of witnesses and production of papers, books, records, accounts, documents, and testimony, and may have the deposition of witnesses taken in a manner prescribed by court rule or law for the taking of depositions in civil actions when consistent with the duties assigned to the council.

(c) On a majority vote of the council, subpoenas and subpoenas duces tecum may be issued and served in the manner prescribed by AS 44.62.430(b) and (c) and court rule. The failure, refusal, or

neglect to obey a subpoena is punishable as contempt in the manner prescribed by law or court rule. The superior court may compel obedience to the council's subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

(d) State agencies shall, to the extent permitted by law, cooperate with the council and provide it with information it requests for carrying out its duties.

Sec. 46.13.900. DEFINITIONS. In this chapter,

(1) "commission" means the Alaska State Emergency Response Commission;

(2) "council" means the Hazardous Substance Spill Technology Review Council;

(3) "hazardous substance" has the meaning given in AS 46.-03.826.

* Sec. 26. TRANSITIONAL PROVISION. The Alaska State Emergency Response Commission established under AS 46.13, enacted by sec. 25 of this Act, is a continuation of the Alaska State Emergency Response Commission established by Administrative Order No. 103. The terms of the public members of the commission who are serving terms on the effective date of this Act continue until the date that was scheduled for their expiration before the effective date of this Act.

* Sec. 27. TESTING PROCEDURES. (a) The Hazardous Substance Spill Technology Review Council shall establish the initial testing protocols required under AS 46.13.120(2), enacted by sec. 25 of this Act, by January 1, 1991.

(b) The Department of Environmental Conservation shall adopt the

initial regulations required under AS 46.08.200(a), enacted by sec. 23 of this Act, by July 1, 1991.

* Sec. 28. AS 46.08.040(2), 46.08.040(5), and 46.08.150(3) are repealed.

* Sec. 29. AS 46.08.210, enacted by sec. 23 of this Act, takes effect July 1, 1992.

* Sec. 30. Except as provided in sec. 29 of this Act, this Act takes effect July 1, 1990."

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Fish and Ga
 Title: An act strengthening DEC's BRU: Habitat Division
contingency plan and inspection requirements
 Sponsor: Governor Rules Committee Components: Habitat
 Requestor: House

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	135.9					
TRAVEL	6.0					
CONTRACTUAL	13.6					
SUPPLIES	1.0					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	156.5					

CAPITAL	0					
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REVENUE	0					
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FUNDING: (Thousands of Dollars)

GENERAL FUND	156.5					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	156.5					

POSITIONS:

FULL-TIME	2					
PART-TIME	1					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary) (Explanation Attached)

FY 90 Impact: Personal Services 51.9
 (3/24-6/30/90 Travel 2.0
 Contractual 4.0
 Supplies 1.0
 Equipment 7.0

Prepared by Frank Rue TOTAL 65.9 Phone: 465-4105

Division: Habitat Date: 2/14/90

Approved by Commissioner: [Signature] Date: 2/14/90

Agency: ADF&G

Distribution (by preparer):

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

Continuation of fiscal note analysis

FY91 Line Itemization -

PCN/NEW	RANGE/STEP	CLASSIFICATION	NO. MONTHS (COST)	LOCATION
New	18C	Habitat Biologist III	12 (54.0)	Anchorage
New	18C	Habitat Biologist III	12 (61.1)	Fairbanks
6118	16J	Cartographer III	3 (13.5)	Anchorage
New	8C	Clerk/Typist III	1.5 (3.8)	Anchorage
6131	7A	Clerk/Typist III	1.5 (3.5)	Fairbanks
TOTAL			\$135.9	

EXPLANATION

As a result of the Exxon Valdez oil spill, it has become apparent that existing oil spill contingency plans are inadequate. Consequently, the U.S. Coast Guard (USCG) is reviewing and updating its regional contingency plans, and the state intends to re-evaluate the adequacy of at least the major nongovernmental contingency plans. This effort has already been initiated and we anticipate that, at a minimum, the state will participate in planning projects for Prince William Sound, Cook Inlet, the Beaufort Sea, and possibly other areas such as the Chukchi Sea. The state will also be involved in re-evaluating and potentially expanding the Dispersant Use Guidelines and Wildlife Protection Guidelines, which have incorporated into the USCG Alaska Region spill contingency plan. In order to protect the state's interests in fish and wildlife populations, habitats, and public uses of these resources, ADF&G will require additional staff to dedicate specifically to contingency planning.

The principal resources at risk because of oil and other hazardous substance releases are fish and wildlife, and the ADF&G is the state agency with the expertise and statutory mandate to provide information and recommendations regarding these resources. The department must compile and provide information on the distribution, abundance, and critical life function needs of fish and wildlife populations that may be affected by a spill or other release. Based on this information, the department must recommend mitigation measures that will afford the highest possible level of fish and wildlife protection. Examples of mitigation decisions are

Continuation of Explanation

the identification of areas that are biologically suitable for oil dispersant use, identification of areas of highest priority for containment or defensive booming, identification of criteria for deploying shoreline cleanup equipment and crews, and the selection of shoreline cleanup techniques that will maximize biological benefits and minimize biological costs.

At present, ADF&G has no funding allocated to perform this function. Between February 16 and June 30 of FY90, ADF&G will need: 9 months of HBIII, 2.25 months of CTIII, and 1.0 month of CartIII. ADF&G will also require two computers and funding for other support services as noted above.

Aunt
The Gov is opposed do these changes.
Pls help reject them. By
BB Evans

Explanation of Amendment to HB 566

By Phillips

HB 566

This Amendment would have the following effects:

** The Department of Military and Veteran's Affairs, Division of Emergency Services would exercise the authority of DEC and direct the emergency response to an oil or hazardous substance discharge.

** An oil and hazardous substance response office is established in the Division of Emergency Services.

** The Attorney General would immediately seek to recover money expended by the Division of Emergency Services for containment and cleanup.

** Section 25 establishes an Alaska State Emergency Response Commission within the Department of Military and Veteran's Affairs. This commission would oversee state and regional plans for hazardous substance response.

** A Hazardous Substance Spill Technology Review Council would also be established. This Council would have the following functions:

1. Review and recommend oil and hazardous substance spill technology.
2. A repository for information
3. Investigative and hearing powers. The ability to issue subpoenas, administer oaths and conduct investigations related to spills.

This Amendment is consistent with recommendations of the Alaska Oil Spill Commission's final report. Specifically:

#43 The state should establish community-based response depots under the management of the state Department of Military and Veterans Affairs

#44 Local volunteer and part-time spill response units should be established, trained and equipped under the direction of the state Department of Military and Veterans Affairs

#50 DEC should continue to insure spill response capability. For smaller spills this responsibility can be supported through private contract. In a major spill the Department of Military and Veterans Affairs, with the advice of DEC, may determine that the spill be taken over by the state.

#51 Responsibility for the management and preparedness of emergency local response activity should be vested in the Department of Military and Veterans Affairs.

*** The consistent recommendation made throughout the Report of the Oil Spill Commission is that DEC is equipped to provide quality assurance monitoring and to give advice. Military and Veterans Affairs is equipped to provide emergency response, mobilization of of a workforce and equipment and emergency procurement. Thus, it is appropriate to place the responsibility for emergency oil spill response in the Division of Emergency Services of the Department of Military and Veterans Affairs.

***Also the report Alaska Emergency Response Efforts, December 1989, by Dennis Dooley, who was professional staff to the Oil Spill Commission, clearly makes the point that it is training in emergency response that is important to responding to an oil spill, not oil spill expertise. Thus, again it is appropriate that Military and Veterans Affairs be given this role.

D R A F T

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

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

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

The third bill strengthens DEC's authority to require compliance with oil discharge contingency plans. Of particular significance is the requirement that applicants for contingency plans must maintain sufficient resources to contain and remove, within the shortest possible time, a realistic maximum oil discharge. Next, this bill increases the financial responsibility requirements for offshore oil exploration and production activities, to guarantee

that in the event of another spill, significant financial resources will exist to compensate damaged parties, including the state. Finally, this bill authorizes DEC to inspect oil industry facilities and tankers to guarantee compliance with contingency plans and to assure structural integrity of the equipment.

Sectional analyses of each bill, describing the bills in detail, are attached.

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

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

Sincerely,

Steve Cowper

Governor

M

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

MARCH 18, 1990

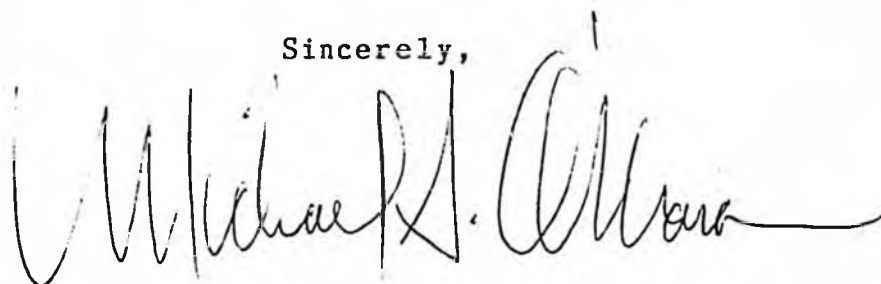
REPRESENTATIVE CURT MENARD
ALASKA STATE LEGISLATURE
P.O. BOX V (MS 3100)
JUNEAU, ALASKA 99811

DEAR REPRESENTATIVE MENARD:

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

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

Sincerely,



MICHAEL S. O'MEARA

(X)

TESTIMONY BEFORE THE ALASKA HOUSE
RESOURCES COMMITTEE

HB 565, HB 566 & HB 567

WALTER B. PARKER, CHAIRMAN
ALASKA OIL SPILL COMMISSION

8 MARCH 1990

HB 565

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

Section 5 (F)

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

Section 6 (B)

Same comment as above.

HB 566

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

Section 1, 2 and 4

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

(X)

Section 3

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

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

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

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

HB 567

Section 1

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

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

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

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

*\$6 X 9,750,000 barrels

*From Deakins Report

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

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

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

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

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

	\$ 11,340,000
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Costs of 700 C130 flights of 5 hour duration or 3,500 flight hours @ \$3500 per hour*	\$ <u>12,250,000</u>
---	----------------------

Worst Case by dispersant	\$ 23,590,000
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Gelling agents: This method is untried, untested, and wholly hypothetical. The ratio of 40 to 1, agent to oil, is the best known and the costs are in the ballpark of what is being paid by the US Navy for gelling agents.

(X)

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

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

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

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

Section 2

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

Section 4

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

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

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

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

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

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

One Time Costs

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

Annual Costs

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

(X)

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

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

The following have been offered by industry:

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

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

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

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

(X)

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

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

Recommendation 9: Tank farm capacity at Valdez.

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

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

Recommendation 25: Harbor Administration

Recommendation 47: A system for emergency economic maintenance.

Recommendation 57: In-state research institute.



Oil Reform Alliance



SB503 TESTIMONY BEFORE SENATE FINANCE

April 3, 1990

My name is Riki Ott. I am a commercial fisherman from Cordova. My training is in marine pollution: I have a masters in oil pollution and a doctorate in sediment pollution. I am testifying today as President of the Oil Reform Alliance.

For the purposes of testifying on SB503, it is important to understand who the Oil Reform Alliance is. After the Exxon Valdez spill, citizens from spill-impacted communities throughout southcentral Alaska met in Cordova to discuss how we could share information and work to restore our communities and environment. We were fishermen, friends, neighbors, recreational users, environmentalists, tourism and business people. We became the Oil Reform Alliance.

Since June of last year, we have steadily grown in membership and shifted our focus to work on strengthening legislation such as SB503.

The Oil Reform Alliance is totally opposed to the committee substitute version of SB503 - which is to say that the CITIZENS from the spill-impacted communities are opposed to the Senate Oil & Gas committee substitute.

We support the original draft of this bill. We support maintaining DEC as the lead state agency in response to catastrophic oil spills and expanding the division of emergency services' role as logistics and backup to DEC as originally set forth in SB503.

We have a good reason for supporting this. Many of us were on the frontlines fighting this spill all last summer. We worked with DEC, with DES, with industry. We witnessed the early chaos. There is no need to repeat these same mistakes again as we strongly believe would occur under this committee substitute.

Let me explain why. DEC currently reviews and approves contingency plans, requests and reviews drills, and has trained staff in place to respond to the hundreds of small, medium, and large spills that occur each year. It makes

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absolutely no sense to then switch the lead response agency during catastrophic spills, the next size up from large spills, to a totally different agency.

It also makes no sense, as many of us witnessed during the Exxon Valdez spill, to burden DEC with logistical functions normally carried out by the division of emergency services. Just as DEC must carry out its duties during any and all spills of oil and hazardous substances, so must DES be empowered to carry out its duties as backup during these same spills.

This is how we interpret the Oil Spill Commission's recommendations that Sen. Halford just read. Also during personal communications with Walt Parker yesterday, Mr. Parker expressed disappointment with the committee substitute for SB503. Mr. Parker told me that the Oil & Gas Subcommittee totally misinterpreted the Commission's recommendations and he is currently writing a memo to this effect.

Let me draw another parallel with the Dept. of Natural Resources. During a forest fire, the State Forester is in charge with DES providing backup and logistics. During a catastrophic spill, the Commissioner of DEC should be in charge with DES providing backup and logistics - as originally proposed by the Administration and recommended by the Oil Spill Commission.

I spent 12 years of higher education conducting experiments with oil and other hazardous substances. I grew sick of working with toxins, mutagens, carcinogens, and genotoxins. I shudder to think what would happen to the public and the environment if an agency with no basic understanding of these deadly compounds is put in charge of spill response.

The expertise to fight a huge forest fire lies within DNR just as the expertise to minimize impact to the public and the environment from a catastrophic spill lies within DEC. There is more to both fighting a huge forest fire and a catastrophic spill than providing emergency housing, transportation and communication services.

The Senate Oil & Gas Subcommittee made several other rather drastic revisions to SB503, none of which are supported by the Oil Reform Alliance. It makes absolutely no sense to switch the Oil & Hazardous Response Office to DES when this is DEC's JOB to respond to and minimize impact from these types of spills. It makes no sense to put the 470 Response Fund under DES as this fund provides the money for DEC to carry out its JOB during a spill emergency.

It makes no sense to have DES as chairman of the Statewide Emergency Response Commission as this should be a function of the lead agency which we believe should remain DEC.

It makes no sense to have the Hazardous Substances Spill Technology Review Council within DES as this type of scientific expertise is a valuable resource to DEC during the prevention, planning, and response stages to all spills. It is pretty clear to me, speaking as a scientist, that as structured in the committee substitute, the Council will be of limited use even to DEC.

For example, on page 10, lines 7-8, the approval process for new protocol is limited to six months after application. This is an unrealistic requirement because many of the test organisms, such as pink salmon fry and other young life stages which are necessary to test new protocol, are only available at certain times of the year.

This is exactly what happened during the Exxon Valdez spill. Many compounds could not be approved for widescale use as the test organisms were not available in late May and early June when the scientists finally initiated laboratory tests of different compounds. Approval process for testing protocol needs to be at least one year.

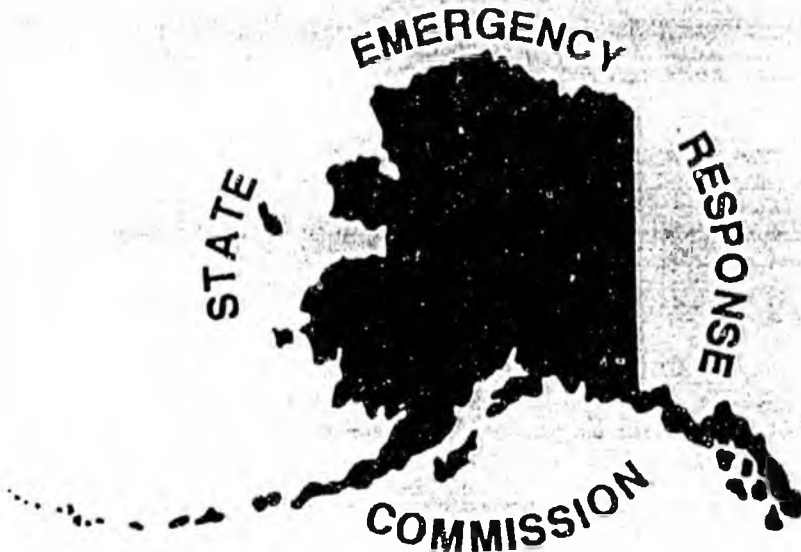
In summary, the Oil Reform Alliance strongly supports the original version of SB503 and the attached fiscal note. The experience of many of our members this past summer has shown that involvement of local communities in response is of critical importance to the success of the total operation. We are strongly in favor of establishing and funding the local emergency planning committees as provided for in the attached fiscal note.

Bills such as SB503 are supposed to be designed to better prepare us for the next catastrophic spill. The people who were most intimately involved with the last catastrophic spill support the original version of SB503. A vote for the committee substitute is a vote against everything we learned last summer.

It is time for you to listen to us.

The Oil Reform Alliance strongly feels that public input during Senate hearings on this bill have been purposely minimized. We are extremely disappointed that this bill was not heard in Sen. Resources. We are extremely disappointed that it was not teleconferenced today.

I understand that testimony from two concerned members of the public who were ready to teleconference today has been entered into the record and I respectfully request that the testimony of two others, Annie McKenzie and Tim Robertson, are also read into the record.



SARA TITLE III IN ALASKA AN OVERVIEW

WHAT IS THE PURPOSE OF THIS DOCUMENT?

This General Guidance Document is written to educate Alaskan residents about implementation of the Emergency Planning and Community Right to Know Act of 1986, SARA Title III of the Superfund Amendments and Reauthorization Act (SARA) in Alaska. Roles and responsibilities of Local Emergency Planning Committees (LEPC) and their relationship to the State Emergency Response Commission (SERC) will be discussed. Other involved groups and agencies in SARA Title III will be mentioned as well.

WHAT THIS GUIDANCE DOCUMENT PROVIDES

This document will provide readers with general information for compliance with SARA Title III. It does not serve as a substitute for actual SARA Title III regulations. It is a guidance document only and intended to provide a brief overview of selected aspects of SARA Title III from a policy point of view.

1. Businesses and other facilities that store, handle, manufacture, use, transport, or process chemicals covered by the law.
2. The State Emergency Response Commission (SERC)
3. Local Emergency Planning Committees (LEPC)
4. Local Fire Departments
5. The United States Environmental Protection Agency (EPA)
6. The Regional Response Team (RRT)
7. The Alaska Department of Environmental Conservation (ADEC)
8. The Alaska Division of Emergency Services (ADES)

WHAT ARE THEIR MAJOR ROLES & RESPONSIBILITIES?

1. Business/Industry

- a. Notify the SERC and LEPC that they are included in SARA Title III requirements. (Section 302)
 - b. Each facility must designate a facility emergency coordinator to work with the Local Emergency Response Committee in all aspects of emergency planning and response. (Section 302)
 - c. Immediately notify the SERC, LEPC, and the NRC (National Response Center 1-800-424-8802) of a chemical release as defined by the law. (Section 304)
 - d. Submit Material Safety Data sheets (MSDS) or Hazardous Chemical Inventory Forms to the ADEC (SERC CHAIR), LEPC, and the local Fire Department. (Section 311 & 312)
 - e. Submit Toxic Chemical Release Report Forms to the EPA and the SERC for regulated substances. (Section 313)
 - f. In a timely manner, provide to the LEPC, facility information necessary for developing and implementing a local emergency plan. (Section 303)
2. The State Emergency Response Commission (established by Governor Cowper in Administrative Order 103 dated October 21, 1987)
- a. Work closely with all LEPC's and EPA. (Section 301)
 - b. Designate Emergency Planning Districts (Section 301)
 - c. Approve appointments of LEPC members. (Section 301)
 - d. Supply Planning Guide and Model Plan
 - e. Review and comment on LEPC emergency plans (Section 303)

- g. Designate a committee member to serve as coordinator of information submitted under Section 324. (Section 301)

4. Local Fire Departments

- a. Receive MSDS information from regulated facilities; organize this information to be used in the event that an incident occurs. (Sections 311 and 312)
- b. Participate on the LEPC. (Section 301)
- c. Participate in the identification of the risk/vulnerability of a hazardous materials incident in the community. (Section 303)
- d. Participate in the development of the LEPC's hazardous materials plan. (Section 303)
- e. Develop a hazardous materials prevention/mitigation contingency strategy. (Section 305)

5. United States Environmental Protection Agency

- a. Provide guidance to SERC's and LEPC's in all aspects of SARA Title III implementation. (Section 303)
- b. Provide support to the RRT and ADES during emergency response operations.

6. Regional Response Team

- a. To coordinate emergency response actions, if necessary.
- b. To review hazardous materials emergency response plans if requested by the LEPC and/or SERC.

7. Alaska Department of Environmental Conservation

- a. To serve as chair of the SERC.
- b. To coordinate and develop State emergency response capability in Alaska.
- c. To develop information data base of information collected under SARA Title III for the purposes of statewide emergency planning and community right to know.
- d. To work with ADES in the SARA Title III planning process.
- e. To assist in the development of community-based mitigation strategy. (Section 305)

8. Alaska Division of Emergency Services

- a. To serve as vice-chair of the SERC.
- b. To assist with community emergency planning and exercising activities.

CORRECTION

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



SARA TITLE III IN ALASKA AN OVERVIEW

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This document will provide readers with general information for compliance with SARA Title III. It does not serve as a substitute for actual SARA Title III regulations. It is a guidance document only and intended to provide a brief overview of selected aspects of SARA Title III from a policy point of view.

WHY DOES SARA TITLE III EXIST?

SARA Title III was created in response to the well publicized hazardous materials incident in Bhopal, India that resulted in the death of 2,500 people and caused injury to 200,000 other people. This is an extreme case, but the U.S. does have the potential for such a disaster.

The United States Congress created this law to establish a nationwide framework to protect U.S. citizens from incidents involving hazardous materials. SARA Title III establishes a process by which states, local governments and communities can develop and maintain continued preparedness capacity to mitigate the affects of a hazardous materials incident.

WHAT DOES SARA TITLE III EMPHASIZE?

SARA Title III emphasizes the need for states and local communities to develop emergency plans to respond to hazardous materials incidents and mitigate its effects. Moreover, SARA Title III underscores the concept that all community, state, and local government interests must work together to ensure development of meaningful emergency plans and cooperative response efforts. Briefly, SARA Title III incorporates 4 principal points throughout the Act.

1. Communities and residents have the legal right to information about the types and quantities of hazardous materials used, stored, transported and/or released suddenly in the community.
2. Communities should have plans and procedures designed to prevent and respond to hazardous materials incidents.
3. Successful hazardous materials planning requires a commitment and active involvement from all members of the community, business, industry and the state, local, and federal governments.
4. Local community support and involvement in SARA Title III is vital to successful implementation of the program. In almost every instance the initial response to a hazardous materials incident will be at the local level.

WHAT ARE THE MAJOR CONSIDERATIONS IN SARA TITLE III?

SARA Title III has 4 major sections:

1. Emergency Planning (Sections 301-303)
2. Emergency Notification (Section 304)
3. Community Right To Know Reporting (Sections 311-312)
4. Toxic Chemical Release (emissions) Reporting (Section 313)

WHO ARE THE MAJOR PARTICIPANTS IN SARA TITLE III IMPLEMENTATION IN ALASKA?

1. Businesses and other facilities that store, handle, manufacture, use, transport, or process chemicals covered by the law.
2. The State Emergency Response Commission (SERC)
3. Local Emergency Planning Committees (LEPC)
4. Local Fire Departments
5. The United States Environmental Protection Agency (EPA)
6. The Regional Response Team (RRT)
7. The Alaska Department of Environmental Conservation (ADEC)
8. The Alaska Division of Emergency Services (ADES) *

WHAT ARE THEIR MAJOR ROLES & RESPONSIBILITIES?

1. Business/Industry
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 - b. Each facility must designate a facility emergency coordinator to work with the Local Emergency Response Committee in all aspects of emergency planning and response. (Section 302)
 - c. Immediately notify the SERC, LEPC, and the NRC (National Response Center 1-800-424-8802) of a chemical release as defined by the law. (Section 304)
 - d. Submit Material Safety Data sheets (MSDS) or Hazardous Chemical Inventory Forms to the ADEC (SERC CHAIR), LEPC, and the local Fire Department. (Section 311 & 312)
 - e. Submit Toxic Chemical Release Report Forms to the EPA and the SERC for regulated substances. (Section 313)
 - f. In a timely manner, provide to the LEPC, facility information necessary for developing and implementing a local emergency plan. (Section 303)
2. The State Emergency Response Commission (established by Governor Cowper in Administrative Order 103 dated October 21, 1987)
 - a. Work closely with all LEPC's and EPA. (Section 301)
 - b. Designate Emergency Planning Districts (Section 301)
 - c. Approve appointments of LEPC members. (Section 301)
 - d. Supply Planning Guide and Model Plan
 - e. Review and comment on LEPC emergency plans (Section 303)

- f. Provide guidance and coordination for all aspects of SARA Title III implementation including procedures for processing public requests for information reported under SARA Title III. (Section 301)
- g. Facilitate the education of the general public about hazardous materials issues. Establish procedures for receiving and processing information reported under SARA Title III including: emergency response plans, material safety data sheets, chemical inventory forms, toxic release forms and designation of a coordinator for the information under Section 324. (Section 301)
- h. In trade secret situations, the SERC must identify the Threshold Planning Quantity (TPQ) and the adverse health effects associated with the substance in question, and provide that information to anyone upon request. (Section 322)

3. Local Emergency Planning Committees

- a. Work closely with the State Emergency Response Commission. (Section 301)
 - 1. ADES will assist, and the LEPC will enforce and conduct exercises to test the HAZMAT element of the emergency plan.
 - 2. May be able to help stem some costs incurred in the planning effort through participation in the Emergency Management Assistance Program sponsored by ADES.
- b. Determine the risk/vulnerability of a hazardous materials incident in the community and evaluate the community's ability to respond to and prevent an incident. (Section 303)
- c. Develop a local hazardous materials response plan to be reviewed by the SERC. (Section 303)
- d. Develop methods to educate the public about: 1) community hazardous materials management activities; 2) procedures to make data reported to the LEPC's (by businesses) available to the public and emergency response crews. (Section 324)
- e. Include, at a minimum, a representative from each of the following groups on the LEPC (Section 301):
 - Elected official
 - Law enforcement
 - Community Health
 - Fire Department
 - Environmental Concerns
 - Hospital
 - Transportation
 - Broadcast and Print Media
 - Community Groups
 - Facility Owners and Operators
- f. Annually publish in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted under Section 324 and are available for public review at a designated location. (Section 324)

g. Designate a committee member to serve as coordinator of information submitted under Section 324. (Section 301)

4. Local Fire Departments

a. Receive MSDS information from regulated facilities; organize this information to be used in the event that an incident occurs. (Sections 311 and 312)

b. Participate on the LEPC. (Section 301)

c. Participate in the identification of the risk/vulnerability of a hazardous materials incident in the community. (Section 303)

d. Participate in the development of the LEPC's hazardous materials plan. (Section 303)

e. Develop a hazardous materials prevention/mitigation contingency strategy. (Section 305)

5. United States Environmental Protection Agency

a. Provide guidance to SERC's and LEPC's in all aspects of SARA Title III implementation. (Section 303)

b. Provide support to the RRT and ADES during emergency response operations.

6. Regional Response Team

a. To coordinate emergency response actions, if necessary.

b. To review hazardous materials emergency response plans if requested by the LEPC and/or SERC.

7. Alaska Department of Environmental Conservation

a. To serve as chair of the SERC.

b. To coordinate and develop State emergency response capability in Alaska.

c. To develop information data base of information collected under SARA Title III for the purposes of statewide emergency planning and community right to know.

d. To work with ADES in the SARA Title III planning process.

e. To assist in the development of community-based mitigation strategy. (Section 305)

8. Alaska Division of Emergency Services

a. To serve as vice-chair of the SERC.

b. To assist with community emergency planning and exercising activities.

- c. To develop and coordinate SARA Title III training activities.
- d. Participate in developing information data base for community right to know and statewide emergency planning.

WHAT IS THE CURRENT STATUS OF SARA TITLE III IMPLEMENTATION IN ALASKA?

The State of Alaska is in the early stages of implementing SARA Title III. A synopsis of current SARA Title III activities in Alaska is provided below:

- 1. December 11, 1987, Governor Cowper announced the appointment of the 13 member State Emergency Response Commission.
- 2. Interim Local Emergency Planning Districts designated. LEPD's correspond to the 5 existing emergency management regions in the state.
- 3. First organizational meeting of the SERC held on March 18, 1988. Second SERC meeting was conducted on June 3, 1988.
- 4. Department of Environmental Conservation has prepared and distributed letters to Municipalities, Boroughs, and Second Class cities requesting that they become Local Emergency Planning Districts within the 5 larger districts previously established.
- 5. SERC meetings to be held on a quarterly basis, and public participation is welcomed.

HOW WILL ALASKA IMPLEMENT SARA TITLE III?

The following is a suggested structure for implementation of SARA Title III in Alaska:

- 1. The SERC, in coordination with the Department of Environmental Conservation and the Division of Emergency Services, will develop specific guidance packets for LEPC's to use when developing emergency plans in their districts, and complying with other SARA Title III requirements. The SERC will also develop guidance documents for other entities involved in SARA Title III. Suggested topics for guidance documents for LEPC's include:
 - a. SARA Title III in Alaska - an overview
 - b. Emergency Response Planning in Your Community
 - c. Emergency Prevention Planning in Your Community
 - d. Community Right to Know: How it Works
 - e. Responses to Accidents: Federal, State, and Local Responsibilities
 - f. Business Involvement in SARA Title III
 - g. Resources for Assistance
 - h. Working with the Media
 - i. Community Involvement in SARA Title III
 - j. Funding for SARA Title III Activities
 - k. Making a Local Emergency Planning Committee Work
- 2. Home Rule Municipalities and Organized Boroughs are expected to be designated as Local Emergency Planning Districts (LEPD) and to form their own Local Emergency Planning Committee (LEPC).