



LAWS OF ALASKA

2018

Source
SB 158 am H

Chapter No.

AN ACT

Relating to oil and hazardous substances and waiver of cost recovery for containment and cleanup of certain releases; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to oil and hazardous substances and waiver of cost recovery for containment and
2 cleanup of certain releases; and providing for an effective date.

3 _____

4 * **Section 1.** AS 46.08.070(a) is amended to read:

5 (a) **Except as provided in (e) of this section, the** [THE] commissioner shall
6 seek reimbursement promptly under this section, AS 46.03.760(d), or federal law for
7 the cost incurred in the cleanup or containment of oil or a hazardous substance that has
8 been released.

9 * **Sec. 2.** AS 46.08.070(d) is amended to read:

10 (d) The department shall adopt regulations to implement the cost recovery
11 requirements of (a) and (b) of this section, but may not delay cost recovery actions
12 pending the effective date of the adoption of the regulations. **The department may**
13 **adopt regulations to implement the provisions of (e) of this section.**

14 * **Sec. 3.** AS 46.08.070 is amended by adding a new subsection to read:

1 (e) Notwithstanding (a) of this section and for a person otherwise liable under
2 AS 46.03.822, the department may waive all or a portion of the response costs
3 incurred by the department in the cleanup or containment of oil or a hazardous
4 substance that has been released if the department makes a written finding that

5 (1) the release was from piping, tankage, or other equipment used
6 solely to provide heat or electrical power generation for a building used primarily for
7 residential purposes and that does not consist of more than four dwelling units;

8 (2) the person did not wilfully or negligently fail to comply with spill
9 prevention, reporting, and response requirements of the department applicable to the
10 release or the property where the release occurred;

11 (3) the person took immediate measures upon discovery of the release
12 to contain the release where possible; and

13 (4) the person provided reasonable assistance to the department and
14 other governmental entities that responded to the release, including providing
15 reasonable access to the property where the release occurred and providing
16 information requested by the department about the release and property.

17 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 TRANSITION: REGULATIONS. The Department of Environmental Conservation
20 may adopt regulations necessary to implement AS 46.08.070(e), added by sec. 3 of this Act.
21 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
22 effective date of the law implemented by the regulation.

23 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 RETROACTIVITY. If secs. 1 - 3 of this Act take effect after January 1, 2018, secs. 1 -
26 3 of this Act are retroactive to January 1, 2018.

27 * **Sec. 6.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).