CS FOR SENATE JOINT RESOLUTION NO. 39(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 3/12/96
Referred: Rules

Sponsor(s): SENATE RESOURCES COMMITTEE

A RESOLUTION

1 Relating to the U.S. Environmental Protection Agency draft National Pollutant
2 Discharge Elimination System general permit for placer mining in Alaska.
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4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:
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6 WHEREAS, in 1994, the United States Environmental Protection Agency (EPA)
7 issued a National Pollutant Discharge Elimination System (NPDES) general permit for placer
8 mining in Alaska; and
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10 WHEREAS the EPA has issued a new draft NPDES general permit as the result of
11 the settlement of a lawsuit filed by the Sierra Club Legal Defense Fund; and
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13 WHEREAS this new draft NPDES general permit contains substantive, unrealistic
14 restrictions for commercial mines such as
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16 (1) prohibiting moving a discharge location during the mining season; and
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18 (2) requiring a minimum 1,000-foot separation distance between dischargers;
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20 and
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22 WHEREAS this new draft NPDES general permit contains substantive, unrealistic
23 restrictions on dredge and recreational mining operations in Alaska, such as
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25 (1) requiring all dredgers, for the first time ever, to have an NPDES permit,
despite the fact that the EPA does not have the personnel to process all of these newly
required permits; and

(2) requiring an arsenic level of 0.18 parts per billion; and

WHEREAS the officials in the EPA headquarters in Washington, D.C., have approved
arsenic levels of 50 parts per billion in 25 other states; and

WHEREAS the Alaska State Legislature finds that this treatment of Alaska is
arbitrary, capricious, and without scientific foundation;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the EPA
to withdraw from the settlement in the lawsuit filed by the Sierra Club Legal Defense Fund
on behalf of American Rivers and Northern Alaska Environmental Center; and be it

FURTHER RESOLVED that if the EPA cannot withdraw from the settlement, that
it discard this draft NPDES general permit and begin again with a more reasonable approach
consistent with the EPA’s own Common Sense Initiative; and be it

FURTHER RESOLVED that the Alaska State Legislature requests that, if the EPA
goes forward with this draft NPDES or another draft, that the EPA extend the public comment
period to May 1, 1996, and hold hearings in at least two additional locations in Alaska before
any draft NPDES general permit is included in a settlement agreement.

COPIES of this resolution shall be sent to the Honorable Carol M. Browner,
Administrator, Environmental Protection Agency; to the Honorable Ted Stevens and the
Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
Representative, members of the Alaska delegation in Congress; and to the governors and state
legislatures of the other states in the EPA Region 10: Idaho, Oregon, and Washington.