



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Environmental
Conservation**

DIVISION OF ADMINISTRATIVE SERVICES

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March 18, 2021

The Honorable Dan Ortiz
Chair, House Finance Subcommittee
State Capitol Room 513
Juneau AK, 99801

Dear Representative Ortiz:

Thank you for the opportunity to provide additional information about the Department of Environmental Conservation's Division of Spill Prevention & Response on March 9th. Several questions arose during this meeting that required additional information. I have responded to these questions below.

Can you provide this committee with any type of an evaluation that has been done by EPA on the performance of SPAR? (Rep Ortiz)

The Division of Spill Prevention & Response does not oversee a federal primacy program, and therefore is not evaluated by EPA in the same way as the Division of Water's Alaska Pollutant Discharge Elimination Systems (APDES) program. The Department does prepare an Annual Report, which can be found online at: <https://dec.alaska.gov/spar/reports>.

Is it a matter of a certain amount that makes a spill unlawful? (Rep. Tuck)

With regard to crude oil, refined fuel, per- and polyfluoroalkyl substances (PFAS), and other hazardous substances, there is no amount that is considered lawful to release unless it has been specifically permitted under AS 46.03.740, or permitted as a controlled release per AS 46.03.745. Department regulations allow for two types of controlled releases: surface oiling permits for roads and oil discharges for scientific purposes. Both require a permit to be issued by the department. The regulations can be found at 18 AAC 75.700 for surface oiling and 18 AAC 75.800 for scientific oil discharges. All other spills, intentional or accidental, would be unlawful.

The delineation of 18,000 gallons of spilled crude is to allow for civil penalties to be assessed for spills above the threshold, under AS 46.03.759. Spills below the threshold are also unlawful, but a court may only award limited non-punitive civil assessments for these spills per AS 46.03.760(a).

There was a rounded number of about 2,000 smaller spills that were recorded, of those small spills is there any other method of cost recovery other than SPAR? (Rep. Raucher)

The Department is required under AS 46.08.070 to cost recover from the responsible party for the cost incurred when responding to a spill.

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During small spills, the Department is generally able to provide technical assistance to responsible parties without exceeding the cost threshold for tracking and recovering site-specific costs. That threshold is currently set at five hours of staff time. Cooperative homeowners that have a heating oil release and meet the criteria set in AS46.08.070(e) may be granted a cost recovery exemption.

If you would like more information or have additional questions, I am happy to assist.

Sincerely,



Ruth Kostik

Administrative Services Director

Cc: Michael Partlow, Legislative Finance Division
Jake Quarstad, Office of Management and Budget
Liz Harpold, Staff to Representative Ortiz