



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental Conservation

DIVISION OF ENVIRONMENTAL HEALTH
Director Office

555 Cordova Street
Anchorage, AK 99501
Main: 907.269.7644
Fax: 907.269.7654

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Co-Chair Click Bishop
Senate Finance Committee

Co-Chair Bishop –

During the April 25 hearing on SB 121 PFAS Use & Remediation; Fire/Water Safety, you asked if the approval of the budget request allowing the Department of Environmental Conservation (DEC) to assume primacy of the Resource Conservation and Recovery Act Subtitle C (RCRA-C) program would impact the Department's statement that there is no current mechanism by which DEC can accept, handle, or dispose of any amount of PFAS containing firefighting substances, as required by SB 121.

The Department's fiscal notes for SB121 would not be impacted by the approval of the RCRA-C increment request. The RCRA-C primacy increment requested in the FY23 Governor's operating budget would fund the development of a State program that would take oversight and regulation of entities that generate hazardous waste from EPA. DEC would oversee and regulate hazardous waste generators to ensure they are properly storing, treating, and disposing of hazardous waste. DEC would not accept, store, treat, or dispose of any waste, hazardous or non-hazardous, under the new RCRA-C program. Because there is no overlap between the work that would be done under the RCRA primacy program and the work disposing of aqueous film forming foam (AFFF) contemplated by SB121, RCRA primacy would not affect the estimated costs for contracting the disposal of PFAS containing firefighting substances in the Spill Prevention and Response Division fiscal note. Similarly, if the RCRA-C program increment is passed, the new program would not be affected if SB 121 passes as well.

However, the Department recognizes the challenges with disposal of PFAS containing substances and increased requirements put on PFAS waste generators, particularly with the anticipated listing under Comprehensive Environmental Response Compensation and Liability Act (CERCLA). DEC has and will continue to work with organizations that are proposing processes to safely treat or otherwise dispose of PFAS contamination in Alaska, as they can be more cost effective and environmentally sound than transporting PFAS-containing substances outside of the state. For example, after careful consideration of their processes and test burns that sampled the resulting air emissions, DEC provided Title I permits to two facilities to provide thermal remediation of PFAS-contaminated soil. These permits provide the same level of environmental protection as the more administratively burdensome Title V permits proposed in SB 121.

Sincerely,

A handwritten signature in blue ink that reads "Carpenter".

Christina Carpenter
Director, Environmental Health Division