

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.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 WHEREAS, in 1994, the United States Environmental Protection Agency (EPA)
5 issued a National Pollutant Discharge Elimination System (NPDES) general permit for placer
6 mining in Alaska; and

7 WHEREAS the EPA has issued a new draft NPDES general permit as the result of
8 the settlement of a lawsuit filed by the Sierra Club Legal Defense Fund; and

9 WHEREAS this new draft NPDES general permit contains substantive, unrealistic
10 restrictions for commercial mines such as

11 (1) prohibiting moving a discharge location during the mining season; and
12 (2) requiring a minimum 1,000-foot separation distance between dischargers;
13 and

14 WHEREAS this new draft NPDES general permit contains substantive, unrealistic
15 restrictions on dredge and recreational mining operations in Alaska, such as

16 (1) requiring all dredgers, for the first time ever, to have an NPDES permit,

1 despite the fact that the EPA does not have the personnel to process all of these newly
2 required permits; and

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

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

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

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

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

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

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