

SENATE BILL NO. 356 am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Amended: 4/10/02
Introduced: 3/27/02

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the authority of the Department of Environmental Conservation to**
2 **issue general and individual permits for waste disposal; and providing for an effective**
3 **date."**

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

5 * **Section 1.** AS 46.03.100(a) is amended to read:

6 (a) A person who conducts an operation that results in the disposal of solid or
7 liquid waste material or heated process or cooling water into the waters or onto the
8 land of the state shall procure a permit from the department before disposing of the
9 waste material or water. The permit shall be obtained for direct disposal and for
10 disposal into publicly operated sewerage systems. **If the disposal is of water or a**
11 **waste other than hazardous waste, a general permit may be issued under (h) of**
12 **this section.**

13 * **Sec. 2.** AS 46.03.100(f) is amended to read:

14 (f) This section does not apply to discharges of solid or liquid waste material

or water discharges from the following activities if the discharge is incidental to the activity and the activity does not produce a discharge from a point source, as that term is defined in regulations adopted under this chapter, directly into any surface water of the state:

- (1) mineral drilling, trenching, ditching, and similar activities;
- (2) landscaping;
- (3) water well drilling, geophysical drilling, or coal bed methane drilling or other natural gas drilling to recover gas from a reservoir at a depth of less than 3,000 feet; or
- (4) drilling, ditching, trenching, and similar activities associated with facility construction and maintenance or with road or other transportation facility construction and maintenance; however, the exemption provided by this paragraph does not relieve a person from obtaining a permit under [(a) OF] this section if
 - (A) the drilling, ditching, trenching, or similar activity will involve the removal of the groundwater, stormwater, or wastewater runoff that has accumulated and is present at an excavation site for facility, road, or other transportation construction or maintenance; and
 - (B) a permit is otherwise required by [(a) OF] this section.

* **Sec. 3.** AS 46.03.100 is amended by adding a new subsection to read:

(h) The department may issue a general permit on a statewide, regional, or other geographical basis for a category of waste disposal or water disposal, other than hazardous waste disposal, for which a permit would otherwise be required under this section. A general permit may be issued only if the commissioner determines that the activities that will be authorized under the permit are similar in nature and will cause only minimal adverse environmental effects when performed separately and cumulatively. The provisions of (e) of this section do not apply to a general permit for disposal of solid waste.

* **Sec. 4.** AS 46.03.110(a) is amended to read:

(a) An application for a permit shall be made on forms prescribed by the department or on forms prescribed by the United States Environmental Protection Agency and must contain the name and address of the applicant, a description of the

applicant's operations, the quantity and type of waste material sought to be disposed of, the proposed method of disposal, and any other information considered necessary by the department. Application for permit shall be made at least 60 days before commencement of a proposed discharge. The applicant may request that a general permit be issued under AS 46.03.100(h), or the department may, on its own initiative, propose that an applicant be issued a general permit.

* **Sec. 5.** AS 46.03.110(b) is amended to read:

(b) Upon receipt of a proper application for an individual or general permit or upon a determination by the department that a general permit should be proposed, the department shall publish notice of the application or proposal, as applicable, in two separate publications of a newspaper of general circulation within the general area in which the disposal of waste material is proposed to be made. The notice shall also be posted on the Alaska Online Public Notice System maintained under AS 44.62.175 and may also be published in other appropriate information media. The notice must include a statement that a person who wants to present views to the department in regard to the application or proposal may do so in writing to the department within 30 days after [OF] the second publication of the notice. The written response entitles the writer to a copy of the application and, in the case of an application or proposal to issue a general permit, the application or proposal shall also be posted by the department on the Internet at the same time that notice is published under this subsection.

* **Sec. 6.** AS 46.03.110(c) is amended to read:

(c) When the department receives an application or makes a proposal that a general permit be issued, the commissioner shall immediately send copies of the application or proposal to the commissioner of fish and game, the commissioner of natural resources, the commissioner of community and economic development, and the commissioner of health and social services.

* **Sec. 7.** AS 46.03.110(d) is amended to read:

(d) The department may specify in a permit the terms and conditions under which waste material or water may be disposed of. The terms and conditions shall be directed to avoiding pollution and to otherwise carry out the policies of this chapter.

1 The commissioner may provide, as a term of a general permit, that a person
 2 intending to dispose of waste material or water under the general permit shall
 3 first obtain specific authorization from the department. A general permit shall
 4 be posted on the Internet by the department; the posting must include the names
 5 of persons authorized to make disposals under the permit and the locations at
 6 which disposals may be made if those locations are specifically authorized under
 7 this subsection. A permit may not be effective for a period in excess of five years
 8 from the date of issuance.

9 * **Sec. 8.** The uncoded law of the State of Alaska is amended by adding a new section to
 10 read:

11 TRANSITION: REGULATIONS. The Department of Environmental Conservation
 12 may proceed to adopt regulations to implement the changes made by this Act. The
 13 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before July 1,
 14 2002.

15 * **Sec. 9.** Section 8 of this Act takes effect immediately under AS 01.10.070(c).

16 * **Sec. 10.** Sections 1 - 7 of this Act take effect July 1, 2002.