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ALASKA STATE LEGISLATURE

House District 35

HB 46

Sponsor Statement

Mixing zones are areas in a water body surrounding or downstream of a discharge where state water quality standards may be exceeded while the effluent plume is diluted by the receiving water. Our public waters receive varying amounts of pollution under the parameters of discharge permits as specified by the Department of Environmental Conservation.

Current regulations allow freshwater spawning areas to be designated as mixing zones if salmon are not actively spawning at the time of wastewater discharge. HB 46 would change that regulation to prevent discharge of pollutants into any freshwater spawning area.

HB 46 is also a public right-to-know bill. It seeks to create accountability by allowing the public to have clear and easy access to information regarding the amount and nature of pollutants that are discharged under permit into Alaska water.

Finally, current law doesn't adequately provide opportunity for public awareness and involvement in a comment process for the expansion of commercial sewage containment facilities. HB 46 allows the public to be involved if a sewage lagoon is expanded by more than 50% of its originally permitted size.

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Sectional Summary

Section 1 adds language to AS. 46.03 to require an annual report that details the amount, nature, and description of a pollutant permitted for discharge into a mixing zone. This section does not apply to existing permits. As suggested by the Department of Environmental Conservation (DEC), This section does not apply to information about water temperature, acidity, alkalinity, or dissolved oxygen. This section does not apply permits for streambed disturbance, turbidity, or private sewage systems.

Section 2 prohibits DEC from authorizing a mixing zone in an area in a lake, stream, river or other flowing fresh water in an area where anadromous fish spawn or resident fish redds are located. This section does not apply to the renewal of a mixing zone for a public or private domestic wastewater facility that became a spawning area after initial authorization. This section does not apply to facilities that do not have DEC discharge permits. This section does not apply to the authorization of turbidity mixing zones for placer mines.

Section 3 adds language allowing public comment on expansions of sewage treatment facilities if that expansion causes a 50% or greater increase in the size of the facility.

Section 4 adds applicability language for section 1 and section 2.