



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of
Environmental Conservation**

Office of the Commissioner

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13.012

The Honorable Tammie Wilson
House of Representatives
Alaska State Capitol, Room 412
Juneau, Alaska 99801-1182

Dear Representative Wilson:

Thank you for introducing on HB 36 – Exempt Discharges From Use Of Munitions. The Department of Environmental Conservation (DEC) supports this legislation. The bill, as written, will make a subtle but important change to Alaska Statute (AS) 46.03.100, making that statute's treatment of munitions discharges consistent with the Clean Water Act both now and in the future.

The federal Clean Water Act currently prohibits the discharge of pollutants, including munitions, into waters of the United States without a permit. Before the Department received primacy under the federal Clean Water Act to implement the Alaska Pollutant Discharge Elimination System (APDES) program, longstanding state policy via AS 46.03.100(e)(7) had exempted the use of munitions at firing ranges from wastewater discharge permitting requirements. To receive primacy for the APDES program, this exemption had to be removed so that state permitting requirements would be consistent with Clean Water Act requirements. Current AS 46.03.100(e)(7) was adopted to remove that longstanding state exemption from permitting requirements and a permit is now required when the firing of munitions results in a discharge into waters of the United States.

HB 36 will retain the requirement for wastewater discharge permits for munitions as long as the Clean Water Act requirement is in effect. The Environmental Protection Agency has reviewed this language and determined that this change will not have an effect on primacy for the APDES program. If the Clean Water Act requirement for permitting munitions discharge is amended in the future, HB 36 would allow the State of Alaska's program to maintain consistency with federal requirements.

Sincerely,

A handwritten signature in blue ink that reads "Larry Hartig".

Larry Hartig
Commissioner