



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Office of the Governor

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The Honorable Dan Ortiz
Chair, House Finance Subcommittee
State Capitol Room 513
Juneau AK, 99801

Dear Representative Ortiz:

Thank you for the opportunity to provide you with an overview of the Department of Environmental Conservation on March 5th. There were several questions that arose during this meeting that required additional information. I have responded to these questions below. If you would like additional information, or have additional questions, I am always happy to assist.

What does an “effective public processes for review of standards and permits” look like in your department? (Rep. Ortiz)

When new or revised regulations are proposed, the Department follows all of the regulations review requirements for public involvement, including:

- Issuing the proposed amendments for public comment
- Holding public workshops and/or hearings
- Responding to questions received during the public comment period
- Posting questions/comments received to Alaska’s online public notice website
- Maintaining a list of interested parties for regular distribution of proposed amendments
- Considering the fiscal impact of regulations to the regulated public, private persons, municipalities, other state agencies

The Department uses a public review process in the following areas:

- Issuing permits for air emissions, wastewater discharge, solid waste facilities, and certain pesticide use
- Developing or revising regulations
- Air quality plans
- Annual air quality monitoring network plans
- Oil Discharge Prevention & Contingency Plans
- Certain contaminated site cleanup activities
- Triennial Review (sets water quality standards priorities)
- Waste management plans
- Short term water quality variances

Do you have any idea as to the percent of population that still might not have adequate water supply for bathing, laundry, etc.? (Rep. Ortiz)

In 2018, there were approximately 10,943 Alaskans living in homes without running water and sewer service, or approximately 1.5% of Alaska's population.

Is there a defined list of communities that would make up the vast majority of [Alaskans without adequate safe water]”? (Rep. Ortiz)

All homes in the following 28 communities lack running water and sewer, and are eligible for Village Safe Water or Indian Health Service funding,:

Alatna	Little Diomed
Allakaket	Newtok
Arctic Vill	Oscarville
Atmautluak	Rampart
Birch Creek	Shageluk (has funding available)
Chalkyitsik	Shishmaref
Chefornak	Stebbins
Crooked Creek	Stevens Village
Eagle Village	Stony River
Kipnuk	Teller
Kivalina	Tuluksak
Kongiganak	Tununak
Koyukuk	Venetie
Lime Village	Wales

Has the percentage of unserved communities decreased significantly in recent years? (Rep. Ortiz)

30 years ago, fewer than 25% of rural Alaska households had running water and flush toilets. In 1996, 55% of rural homes had piped or covered haul service. Today, approximately 86% of rural homes have indoor plumbing (over 90% if regional hubs are included in the calculation).

Are you aware of any instances where the state has taken primacy over a federal process that, when it was handled by the Feds, required tribal consultation? If so, has the state implemented tribal consultation? (Rep. Lincoln)

The Department of Environmental Conservation operates four primacy programs on behalf of the federal government: Title I and Title V of the Clean Air Act, the Safe Drinking Water Act, the Insecticide, Fungicide, and Rodenticide Act, and a portion of the Clean Water Act through the Alaska Pollutant Discharge Elimination System (APDES) wastewater discharge program. The State was not required to implement tribal consultation with primacy for any of these programs. That said, the Department has provided early notification to tribes and native corporations for proposed wastewater permits under APDES in addition to public notice requirements, and has recently taken steps to do this for Air permit plans as well.

The Department has engaged with tribes and native corporations on proposed major permits on an informal basis to provide additional information, answer questions, and address potential concerns. Tribes, native corporations, and all interested persons are encouraged to participate in the public comment process, and the Department provides information on how they can get notice of permit actions that may be of interest in their geographic area.

Can you provide a SPAR fund update? (Rep. Pruitt)

Please find, attached, the most recent projection for the Prevention Account of the Oil and Hazardous Substance Release Prevention and Response Fund.

How often are food facilities inspected and how much do we spend on these inspections? How much of that is travel? We also stated that DEC will provide the process that occurs if a restaurant fails a food safety inspection. (Rep. Rauscher)

The Department of Environmental Conservation assigns each food establishment to a risk category in order to efficiently use resources associated with inspection site visits. Factors used to assign risk include consideration of characteristics of the foods served, the establishment's preparation processes, and whether the facility specifically serves a population that is at a higher risk of contracting a foodborne illness. Examples of facilities assigned to a high risk category include full service restaurants, nursing homes, and food processors that smoke, cure, or reduce-oxygen package products for extended shelf-life. Medium risk facilities include quick service operations, schools not serving a highly-susceptible population, and retail food store operations that prepare food for immediate service. Low risk facilities include coffee stands, hot dog carts, convenience store operations, and bars and taverns that serve and sell commercially processed foods that require minimal preparation.

Although the Department's goal is to inspect 100% of permitted food establishments each year, because of the remote nature of many food facilities, the extensive training needed by new staff, and the depth and breadth of the program's responsibilities, high and medium risk facilities are prioritized. In FY2018, there were 4,818 permitted permanent food establishments, of which 31% were inspected by Department staff. 136 of these required follow-up inspections to ensure corrective actions were taken. Of permitted food establishments, Department staff inspected 46% of high risk retail food facilities and 40% of medium risk retail food facilities. Low risk facilities are generally only inspected when complaints are received, if the facility has never been inspected, if the opportunity arises when an inspector is in a community, or if it is affiliated with a higher risk facility. In addition to considering the assigned facility-specific risk categorization, the program determines inspection frequency priorities by taking into account facility-specific factors such as complaint and inspection history as well as community size, number of permitted facilities, and location.

The cost of the retail food and manufactured food programs can be found on the bottom of page 2 of the Department's FY2020 Program Priority List that has previously been provided to the committee. In FY2018, travel spending by the Food Safety and Sanitation program totaled \$239.6, of which \$81.1 was attributed to retail food and food service establishment inspections. The remainder was attributed to other inspection activities for shellfish farms, manufactured food facilities (primarily seafood processing), and public facilities (pools/spas, body art). In recent years the Department closed Food Safety field offices in Kodiak and Valdez to reduce expenditures. This requires more travel to conduct inspections. Wherever possible, Environmental Health Officers take advantage of travel for required manufactured and seafood processing inspections conducted under contract with the FDA to perform inspections of retail food facilities in the area.

Inspections do not result in a rating or a pass/fail. The emphasis of inspections is on identifying risk factors that have been shown to be directly linked with the causes of foodborne illness. Many violations are corrected while the Environmental Health Officer is still at the establishment. Others require follow-up which may result in a re-inspection the facility to ensure risk factors have been mitigated, such as to verify that a pest issue has been resolved or that safe food handling procedures are being followed. For some violations, staff may be able to verify compliance with a phone call or by the operator submitting proof of compliance in writing, such as a food handler successfully obtaining a food worker card.

Permits are only suspended in cases where a product, practice, circumstance, or event requires immediate corrective action or cessation of operation to prevent illness, injury, or death. In these cases, Environmental Health Officers work closely with the operator to provide technical assistance and get them back up and running as quickly as possible, generally within a day or two, depending on the permittee's response.

Sincerely,

Jeff Rogers
Director of Administrative Services

Attachments: Prevention Account Projection FY2018 - FY2027

Cc: Alexei Painter, Legislative Finance Division
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