DEPARTMENT OF ENVIRONMENTAL CONSERVATION

10. Environmental Health/ Environmental Health

Operating Budget (CCS SSHB 39)

NON-COMPLIANT

It is the intent of the legislature that the Alaska Department of Environmental Conservation continue to inspect and test Alaska dairies as well as implement a fee schedule to help pay for these functions.

The Department of Environmental Conservation (DEC) continues to inspect and test Alaska dairies in accordance with AS 17.20.005(4). Additionally, DEC has initiated a review of potential fee schedules for dairy farms, dairy processing plants, and dairy container manufacturers in accordance with the requirements of AS 44.46.025(a)(1). When the review is finished, DEC intends to initiate rulemaking to put the new fees into regulation. It is expected that this process will be completed by the end of FY 2020.

Legislative Fiscal Analyst Comment: After providing an initial response in November indicating that they were in the process of initiating a review, the program and its associated budget authority was absent from the Governor's proposed FY21 budget submission. The department stopped the review process after determining that the state's single dairy could not provide adequate funding in the form of fees that could cover even a small portion of the program's costs.

11. Statewide Per- and Polyfluoroalkyl Substances (PFAS) Response (HD 1-40)

Capital Budget (HCS CSSSSB 19(FIN) am H(brf sup maj fld H))

It is the intent of the legislature that the Department of Environmental Conservation collect data on as many per- and polyfluoroalkyl substances (PFAS) as possible, even if that data is not being presently analyzed, to build a baseline of data that will be necessary for understanding the amount of PFAS contamination in soil and water across the state, to estimate the cost of clean up, and to develop a long-term plan of action. The substances for which data should be collected include perfluorooctanesulfonic acid (PFOS), perfluorooctanoic acid (PFOA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonic acid (PFHxs), perfluorononanoic acid (PFNA), perfluorobutane sulfonate (PFBS), and the 12 other compounds listed in the Environmental Protection Agency (EPA) method 537.1 testing panel, revised November 2018. It is the intent of the legislature that the commissioner of environmental conservation notify the legislature if the department has identified substances other than those listed above that will be tested, and, if not, the reasons why the department has chosen to limit the data collected, including cost, scientific understanding, or lack of evidence that those chemicals are found in the soil and water in the state.

PFAS are a large and diverse group of man-made chemicals that have been used for decades. They are used in food packaging, carpeting, water-resistant fabrics, non-stick cookware, personal care products, and firefighting foams.

DEC has been working on the PFAS issue for years. On September 3, 2019, the State began requiring reporting for all PFAS compounds analyzed by the appropriate EPA method (https://www.epa.gov/sites/production/files/2019-02/documents/pfas_methods_tech_brief_28feb19_update.pdf). This will keep the State aligned with EPA actions on PFAS.

On October 2, 2019, DEC updated the technical memorandum, "Action Levels for PFAS in Water and Guidance on Sampling Groundwater and Drinking Water" to reflect this change. The memo can be found online at http://dec.alaska.gov/spar/csp/pfas/. Results from testing conducted to date have been posted and DEC intends to continue to share results as more testing is completed. DEC's action level for PFAS remains the same, per the EPA lifetime health advisory of 70 ppt for the sum of PFOS and PFOA.

DEC is working closely with the Department of Transportation and Public Facilities to identify contaminated sites, with an emphasis on communities in close proximity to airports with potential PFAS-related impacts to drinking water. The State is also closely tracking EPA's PFAS Action Plan (https://www.epa.gov/pfas/epas-pfas-action-plan) and, following results from this process, will develop a long term plan of action that will include cleanup cost estimates. Concurrently, DEC has issued air permits to study the impact of PFAS incineration on air quality as an alternative to shipping contaminated soils out of state. As part of this effort, DEC is working with the EPA Office of Research and Development to further understand the efficacy of this process and the potential environmental impacts of treating PFAS contaminated soils.