



Department of Environmental Conservation

Senate Finance Committee

Ruth Kostik, Administrative Services Director

Denise Koch, Director, Division of Spill Prevention & Response

Randy Bates, Director, Division of Water

Christina Carpenter, Director, Division of Environmental Health

February 25, 2021



DEC FY2022 Gov Amend

(in thousands)

Replace CPVEC Fees for Shellfish Testing

- ▶ The use of Commercial Passenger Vessel Environmental Compliance fees for shellfish testing violates the Tonnage Clause of the U.S Constitution
- ▶ Supplemental fund source change
 - ▶ (\$457.7) CPVEC
 - ▶ \$457.7 UGF



DEC FY2022 Gov Amend

(in thousands)

Correction to Reduction of Prevention Account Expenditures

- ▶ Error when preparing change records overstated reduction to Prevention Account authority
- ▶ Increment adds back:
 - ▶ \$230.0 Oil/Haz
- ▶ Adjusted reduction to Prevention Account
 - ▶ \$411.3 Oil/Haz
 - ▶ \$29.8 Fed
 - ▶ \$21.6 CPVEC



DEC Federal Grants

- ▶ DEC has 44 federal awards in the FY2021 operating budget
 - ▶ \$25.7 million in federal funding
 - ▶ \$4.2 million in required match
- ▶ Majority recurring and/or multi-year
- ▶ DEC works closely with funders to ensure we are not leaving federal funds on the table



Spill Prevention & Response

An ounce of prevention is worth more than 260,000 barrels of response

- Following the Exxon Valdez oil spill, weaknesses in spill prevention and response requirements were addressed
 - Contingency plans now require greater detail, better response capabilities, and apply to more entities
 - Creation of the Oil and Hazardous Substance Release Prevention and Response Fund
- DEC's day-to-day prevention work includes:
 - Contingency plan reviews
 - Oversight of plan holder's ability to respond, including regular inspections, drills, and exercises



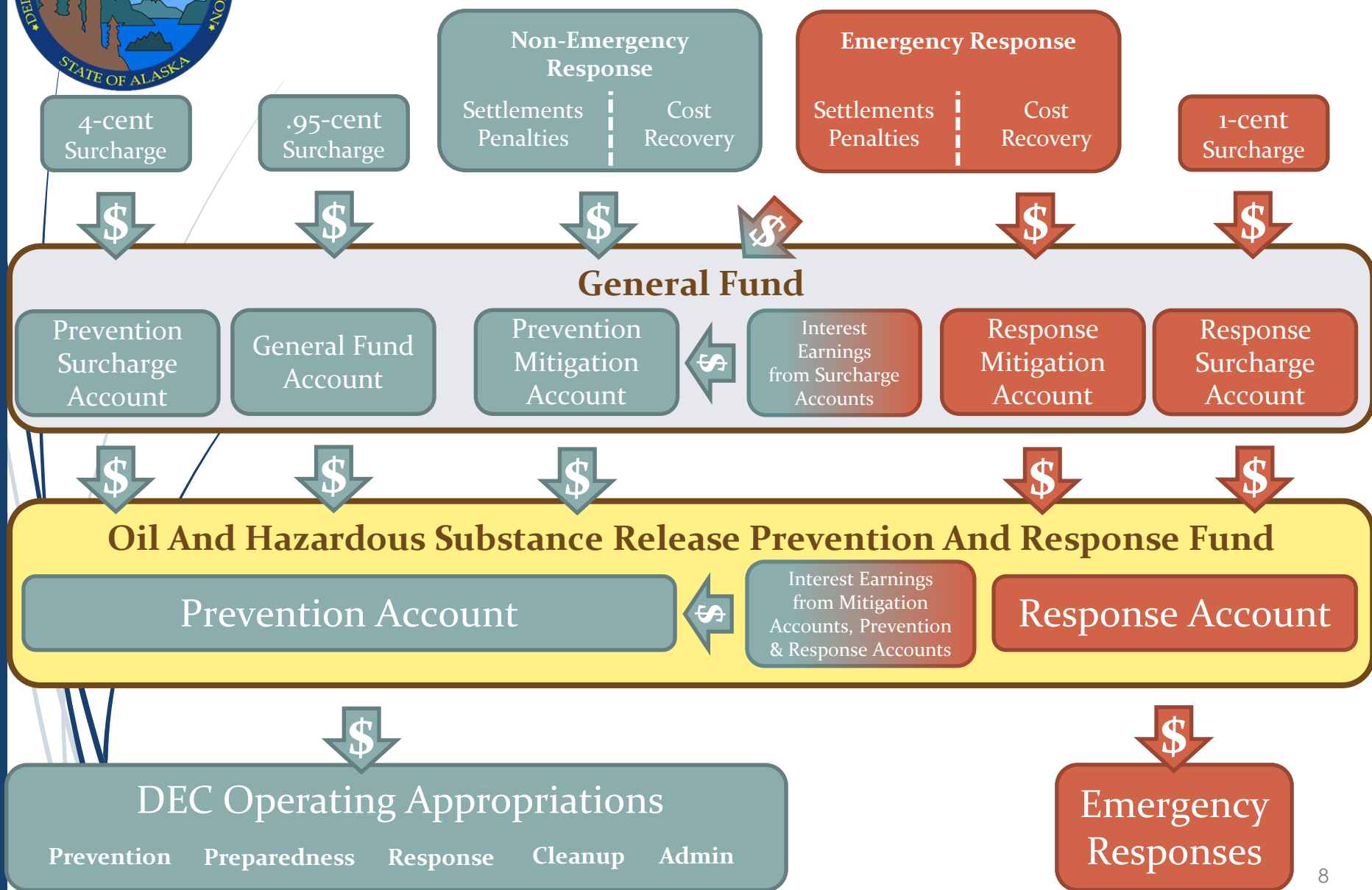
Spills Responded to Last Year

- In FY2020 there were 2,000 spills; most <10 gallons
- Notable Spills in Last 12 months
 - Valdez Marine Terminal
 - 34 barrels (1,428 gallons) crude to water
 - Waste Dumping in Salcha
 - 1,271 barrels (53,400 gallons) of High Expansion Foam waste to land
 - Public and private wells tested (including for PFAS) and found to be safe to drink
 - Shugnak
 - 357 barrels (~15,000 gallons) of diesel to land
 - Selawik
 - 24 barrels (~1,013 gallons) of diesel to land
 - Trading Bay
 - 190 barrels (7,980 gallons) of crude/water mix to land



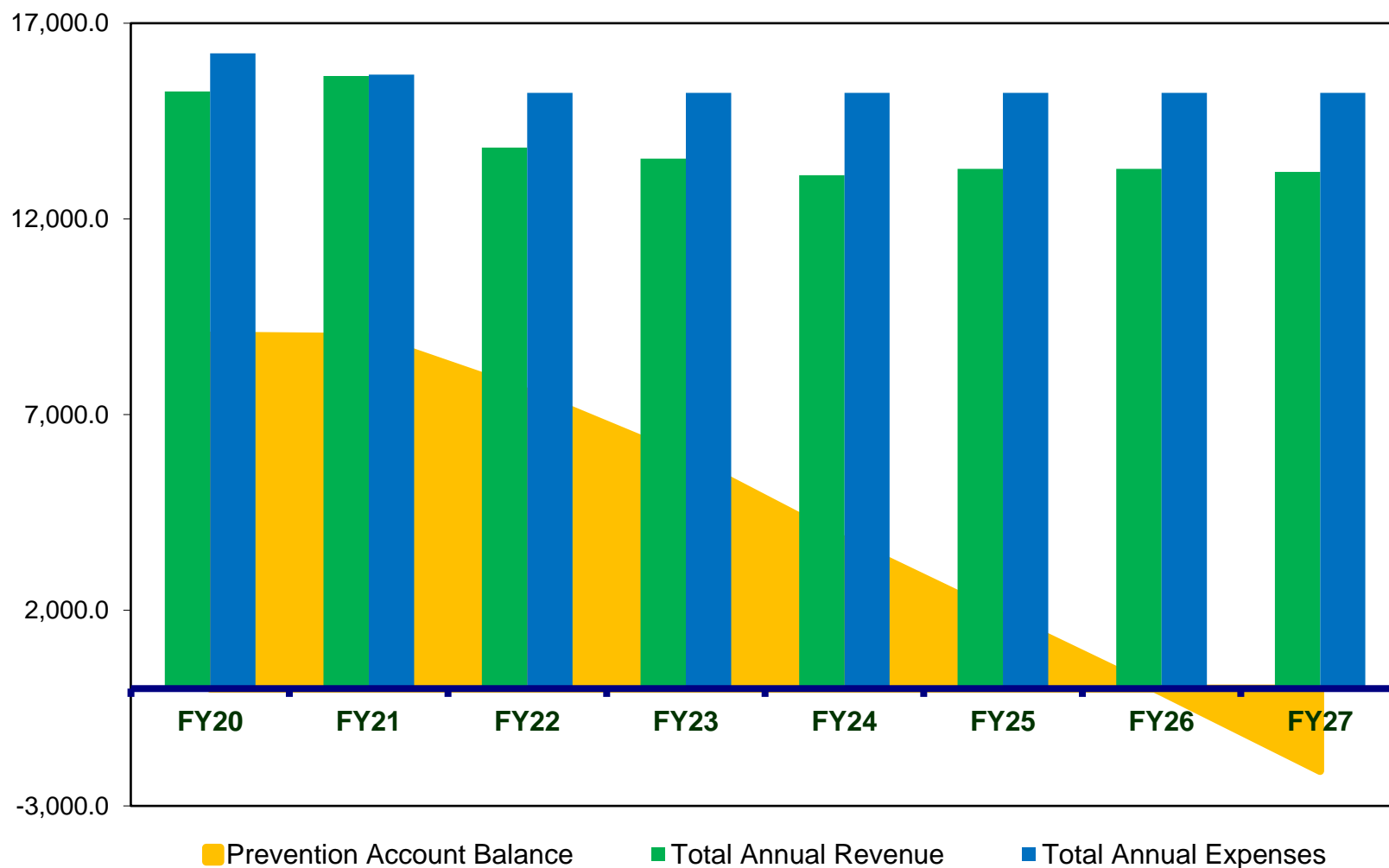
Contaminated Sites Capacity

- ▶ Prioritize sites with pollutants that have a high likelihood of impacting public health
 - ▶ i.e. PFAS in groundwater that people use to drink
- ▶ Contamination that doesn't impact drinking water may not get cleaned up or will take more time
- ▶ Reduced aid to regulated community, such as homeowners and small business owners, in assessing and cleaning up low risk sites





Prevention Account Deficit





Cruise Ship Program Spending

- Legislature appropriated in FY2021 to the Division of Water related to cruise ships:
 - \$2.0 million in ocean ranger fees (OR)
 - \$449.7 thousand in commercial passenger vessel environmental compliance fees (CPVEC)
- Expenditures and obligations to date (as of February 19, 2021):
 - \$800.0 thousand OR fees
 - \$311.8 thousand CPVEC fees
- Projected spending is highly variable given uncertainty around a 2021 cruise ship season



Ambient Water Quality Testing

- ▶ Sampling conducted June-September 2020
- ▶ 16 ports from Nome to Ketchikan
- ▶ 20 sampling sites along major shipping/traffic lanes throughout Southeast
- ▶ Sites represent variety of potential pollution sources
 - ▶ Small boat harbors
 - ▶ Cruise ship berths
 - ▶ Municipal stormwater
 - ▶ Commercial shipping and passenger vessels
- ▶ COVID meant a baseline without cruise ships



Cruise Ship Environmental Oversight

- ▶ DEC has statutory authority and funding to regulate cruise ship emissions and discharges in place for the 2021 cruise season
- ▶ Ocean rangers are observers and have no enforcement authority
- ▶ Over 12 years, only 12 of the 259 notices of violation DEC issued were from ocean ranger observations
- ▶ DEC plans to replace the ocean rangers with tools that more effectively protect Alaska's environment
- ▶ Parts of the new program could take effect this cruise season



Environmental Health Laboratory Capacity

- The Environmental Health Laboratory provides analytical testing and services in support of DEC regulatory programs
 - Dairy Safety
 - Shellfish
 - Food Safety
 - Animal Health
 - Drinking Water
- Excess capacity is spent on non-regulatory programs in support of public health, federally funded grants, or other partner funded work
 - Fish Tissue Monitoring program
 - FDA Cooperative Agreements
 - Shellfish sampling for inorganic arsenic or PSP research
 - Audit/certification of marijuana testing labs



Environmental Health Laboratory Capacity

- Adding new services comes with significant investment costs in staff training, equipment, and supply purchases
- Share space with federal and state agencies is explored when opportunities arise
- Sharing space often comes with investment needs and has so far not been financially beneficial for the requesting party



Shellfish Program

- State has regulated shellfish since before statehood
- Decertified around 1954 due to biotoxin concerns; re-certified around 1974
- Current program at DEC
 - Harvest certification and dealer permitting
 - Regulatory testing
- Other State agencies involved in shellfish
 - DNR leases State lands for farms
 - DF&G has authority over shellfish spat & commercial fisheries include wild geoduck harvests
 - DPS conducts fishery patrols



Shellfish Regulatory Testing

NSSP Approved Laboratory

- ▶ Regulatory testing
 - ▶ Growing Waters
 - ▶ Fecal coliform bacteria
 - ▶ Harmful contaminants
 - ▶ Shellfish meats
 - ▶ Paralytic shellfish toxin
 - ▶ Domoic acid
- ▶ Maintain testing proficiency



Shellfish Permit Counts

CY	Harvester	Shipper	Shucker-Packer	Vessel	Reshipper	Total
2020	89	29	3	59	1	181
2019	127	21	2	66	2	218
2018	141	14	5	81	4	245
2017	137	22	4	60	1	224
2016	122	28	5	64	1	220
2015	109	29	4	58	1	201
2014	88	28	4	50	1	171
2013	200	31	6	87	0	324
2012	180	28	7	78	1	294
2011	158	28	8	79	1	274



Shellfish Permitting Categories

- **Harvester:** a person who takes shellfish by any means from a shellfish growing area (mainly razor clam and geoduck harvesters)
- **Shipper:** a person who buys and repacks and then sells shellstock – also means a person who ships previously shucked shellfish (includes most farmers)
- **Shucker-Packer:** a person who shucks and packs shellfish
- **Vessel:** geoduck dive vessels
- **Re-shipper:** a person who purchases shucked shellfish or shellstock from a dealer and sells the product without repacking or relabeling to another dealer, wholesaler, or retailer



Shellfish Program Cost

Direct Costs

- Permitting \$269.0
 - 86% Personal Services
 - 10% Travel for inspections and training
 - 4% Field gear and administrative costs
- Regulatory Testing \$457.7
 - 77% Personal Services
 - 14% Equipment Maintenance
 - 5% Mice and other testing supplies
 - 4% Administrative costs



Questions?

