

HDEC#3



DIST by office of Rep. Rasmussen

ASSOCIATED GENERAL CONTRACTORS of ALASKA

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Co-Chair Foster
Co-Chair Merrick
House Finance Committee
Sent via email:

March 21, 2022

Re: Support of Primacy Funding for 404 & RCRA

Dear House Finance Committee Co-Chairs,

Associated General Contractors of Alaska is the construction industry's largest professional trade association, representing over 600 general and specialty contractors and industry suppliers statewide.

We write to you today in support of the State of Alaska's pursuit of permit primacy for the Clean Water Act (404) and the Resource Conservation and Recovery Act (RCRA). We respectfully request that the Legislature provide adequate funding to the Department of Environmental Conservation to assume primacy over these programs.

AGC believes that our economy would benefit from Alaskans permitting Alaska projects. Having infrastructure projects permitted and regulated by Alaskans ensures that our unique landscape, isolated project locations, and limited construction seasons would be considered by regulators without compromising the stringent environmental standards that we are required to follow by law. Right now, our members experience uncertainty in processing and can miss entire construction seasons while a permit application sits on a federal regulator's desk in another state, awaiting review and approval. We believe that a state-run primacy program would create a level of access to regulators that would encourage regular communication and accountability between the permittees and applicants to help move infrastructure projects forward.

Lastly, the funds coming to Alaska through the Infrastructure Investment and Jobs Act (IIJA) will create opportunity for our state, but also has the potential to create a significant backlog in permits for infrastructure projects around the country. A state-run primacy program for 404 and RCRA would provide the same high level of regulatory scrutiny while ensuring reasonable permitting timelines.

Thank you for your consideration.

Sincerely,

Alicia Amberg

Founded 1975

Executive Director
Leila Kimbrell

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RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

March 21, 2022

Submitted electronically to: House.Finance@akleg.gov

Co-Chair Foster and Co-Chair Merrick
State of Alaska Legislature
House Finance Committee

Re: Support for State Primacy of RCRA and 404 Authority

Dear House Finance Co-Chairs Rep. Foster and Rep. Merrick:

The Resource Development Council for Alaska, Inc. (RDC) writes in support of taking all necessary steps to give effect to the statutory authority for the State of Alaska, including funding authorization, to implement primacy of the federal Resource Conservation and Recovery Act (RCRA), which regulates the management of solid and hazardous waste, and Section 404 of the federal Clean Water Act (CWA), which regulates the discharge of dredged or fill materials into waters and wetlands.

RDC is a statewide trade association comprised of individuals and companies from Alaska's fishing, tourism, forestry, mining, and oil and gas industries. RDC's membership includes Alaska Native corporations, local communities, organized labor, and industry support firms. RDC's purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

RDC supports and encourages our elected officials to promote an effective, efficient and rigorous permitting and regulatory process. A stable permitting process promotes a robust private sector to build a diverse economy. Ensuring state control over important these important permitting decisions will lead to more timely and less costly permit issuance. We know this can be done without sacrificing our state's high environmental standards that are already applied in current primacy programs, including the Clean Air Act, Safe Drinking Water Act and the CWA National Pollutant Discharge Elimination System (now the Alaska Pollutant Discharge Elimination System (APDES)). Supporting full implementation of state primacy over these additional programs will also ensure Alaska is well positioned to handle the projects we hope to see supported with funding from the federal Infrastructure, Investment and Jobs Act (IIJA).

At a time when uncertainty in federal environmental permitting is the only thing that seems certain, implementation of state primacy over RCRA and CWA sec. 404 permitting is more critical than ever. We encourage you to support the full implementation of primacy for these programs.

Thank you for your attention in this matter.

Sincerely,

Leila Kimbrell
Executive Director





Council of
Alaska Producers

**Comments supporting funding for
404 and RCRA primacy**

March 21, 2022

Co-Chair Neal Foster
Co-Chair Kelly Merrick
House Finance Committee

Submitted electronically to: House.Finance@akleg.gov

Dear House Finance Committee Co-Chairs:

The Council of Alaska Producers (CAP) is writing to support funding for the Alaska Department of Environmental Conservation to assume primacy over the Clean Water Act (404) and the Resource Conservation and Recovery Act (RCRA).

Formed in 1992, CAP is a non-profit trade association that represents the interests of Alaska's five large metal mines and several advanced projects. CAP informs members on legislative and regulatory issues, supports and advances the mining industry, educates members, the media, and the general public on mining related issues, and promotes economic opportunity and environmentally sound mining practices.

Like other states, Alaska has assumed primacy over a number of federal laws, including the Clean Air Act: Alaska assumed primacy in 1972; the Safe Drinking Water Act: Alaska assumed primacy in 1978; and the Clean Water Act National Pollutant Discharge Elimination System: Alaska assumed primacy in 2012. The Alaska Legislature has passed legislation establishing primacy over 404 and RCRA. It is now time for the funding to be approved so the State can assume primacy over these two programs which are currently managed at the federal level by the US Army Corps of Engineers and the EPA, respectively. Including the requested funding for both programs in the FY23 operating budget will allow the State to take action under the previously approved legislation and begin the application process.

The value of primacy is a more efficient and cost-effective program with regulatory decisions made by Alaskans who best understand our state's unique conditions. Primacy does not weaken oversight: the programs are required to follow federal law and cannot be less stringent. A program run by the State is accountable to Alaskans and the State Legislature, assuring that Alaska will have control of its permitting priorities.

Thank you for your consideration of funding a program that will strengthen the State's permitting oversight while delivering greater efficiency and stability. These are valuable steps to attract investment and ensure that projects are developed responsibly for the benefit of Alaska and Alaskans.

Sincerely,

Karen Matthias
Executive Director