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Citizens promoting the environmentally safe operation of the Alyeska terminal and associated tankers.

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April 19, 2022

Senator Click Bishop
Co-Chair, Senate Finance Committee
Alaska Legislature
State Capitol Building, Room 516
Juneau, Alaska 99801

SUBJECT: Support for SB 121 PFAS Use & Remediation; Fire/Water Safety

Dear Senator Bishop,

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC or Council) would like to express our support for Senate Bill 121 PFAS Use & Remediation; Fire/Water Safety. Because of the relatively narrow focus of PWSRCAC's mission, our interest in SB 121 is limited to the Aqueous Film Forming Foam (AFFF) that is stored at the Valdez Marine Terminal, and on some of the related vessels, for the purpose of suppressing fires.

The Council is an independent nonprofit corporation whose mission is to promote the environmentally safe operation of the Valdez Marine Terminal and associated tankers. Our work is guided by the Oil Pollution Act of 1990, and our contract with Alyeska Pipeline Service Company. PWSRCAC's 18 member organizations are communities in the region affected by the 1989 Exxon Valdez oil spill, as well as commercial fishing, aquaculture, Alaska Native, recreation, tourism, and environmental groups.

AFFF contains perfluoroalkyl and polyfluoroalkyl substances (PFAS) that are known for their persistence in the environment and harmful effects to people and animals. Any release of AFFF could result in the contamination of drinking water and state waters, including Prince William Sound. PWSRCAC is aware of PFAS-containing firefighting substances that are available and used to fight fires at oil and gas-related facilities in Alaska, including the Valdez Marine Terminal.

While we are mindful of pollution impacts that could result from a catastrophic fire, we are also concerned about environmental harm that could result from fire suppression, or the testing of suppression systems, using PFAS-containing substances. In 2021, there were two spills of AFFF at the Valdez Marine Terminal, associated with maintenance and fire-system testing activities, but thankfully neither spill reached the marine waters of Port Valdez and Alyeska was able to detect, respond, and mitigate both spills expediently. Therefore, the Council supports proposed language that would empower the Alaska State Fire

Marshal to restrict the use of firefighting substances that contain PFAS in the state if he or she determines an alternative non-PFAS substance is available. Such a determination would be based on an alternative firefighting substance being approved by the federal Occupational Safety and Health Administration.

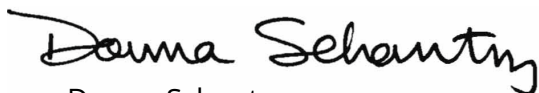
A secondary matter of concern, that could be mitigated by the passage of SB 121, stems from the past appropriation of \$9,425,000 from the Oil and Hazardous Substance Release Prevention and Response Fund (Response Fund or Fund) for the purpose of responding to releases of PFAS statewide. It is proper for the State to respond and deal with such hazardous substance releases. However, while the statutes do allow the Department of Environmental Conservation to use the Response Fund to assess the releases of PFAS that pose an imminent and substantial threat to the public health or welfare, or to the environment, it was never intended to pay all the long-term costs of remediation after the initial emergency has passed.

A danger of using the Response Fund for long-term PFAS remediation is that every dollar spent on such activity reduces the amount available for swift response to an oil spill or other hazardous substance release disaster. The overarching purpose of the Fund is to allow for a speedy and full response to an acute disaster such as an oil spill. However, using the Fund for long-term PFAS remediation could easily drain the Fund to zero and could result in the State being less able to respond immediately to an oil spill or chemical release.

The language contained in SB 121 that proposes a new section of Alaska law (46.03.350) could lead to a complete ban on the use of PFAS-containing substances in Alaska. This would reduce future budgetary pressure on the Response Fund and make the State better prepared to deploy the Fund to respond to non-PFAS spill disasters.

Please pass SB 121 this session. Should you have questions or desire more information about the Council, please feel free to contact me via email, schantz@pwsrcc.org

Sincerely,

A handwritten signature in black ink that reads "Donna Schantz". The signature is fluid and cursive, with the first name "Donna" being more prominent than the last name "Schantz".

Donna Schantz
Executive Director

CC: Members of the Senate Finance Committee
Senator Bert Stedman, Co-Chair
Senator Lyman Hoffman
Senator Natasha von Imhof
Senator David Wilson
Senator Donald Olson
Senator Bill Wielechowski