



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Environmental
Conservation**

OFFICE OF THE COMMISSIONER

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April 1, 2024

The Honorable Cathy Giessel
The Honorable Click Bishop
Co-Chairs, House Resources Committee
State Capitol
Juneau AK, 99801

Dear Senators Giessel and Bishop:

Thank you for the opportunity to answer questions on March 20, 2024 related to SB 175, Electronic Device Recycling, and HB 143, Advanced Recycling and Facilities. Questions arose during the hearing that required additional information, which are responded to below.

What are DEC protocols/requirements/allowances to have lined landfills in Alaska? (SB 175)

Information regarding design requirements for Alaska landfills is as follows:

Landfill Classifications

Class 1 landfill: Landfill that receives over 20 tons per day of municipal solid waste.

There are nine (9) Class 1 landfills in Alaska.

Class 2 landfill: Landfills that receive between five (5) and 20 tons per day of municipal solid waste. The landfill must not be connected by road to a Class 1 landfill, or, if connected, must be 50 miles from a Class 1 landfill. Also, the landfill must either

- 1) serve a community that experiences an interruption of surface transportation of at least 3 consecutive months preventing access to a regional landfill, or
- 2) has no practical waste management alternative and is in a location that receives less than or equal to 25 inches of precipitation.

There are 13 Class 2 landfills in Alaska.

Class 3 landfill: Landfills that receive less than five (5) tons per day of municipal solid waste, or less than one (1) ton per day of incinerated municipal solid waste ash. The Class 3 designation is unique to Alaska (see summary below).

There are 184 Class 3 village landfills in Alaska.

Class 3 landfills are exempted from federal landfill standards due to a clause in the Land Disposal Program Flexibility Act of 1996 (LDPFA), which exempts Alaska Native Villages and remote Alaska communities from Solid Waste Disposal Act requirements, upon certification by the governor of the state of Alaska of alternative standards for these facilities. This certification was made in August 1999, and EPA issued final determination of adequacy via Federal Register on January 5, 2000.

The stated purpose of the LDPFA exemption is that application of federal requirements in 40 CFR 258 in an Alaska Native Village or remote Alaska community “would be infeasible, or would not be cost-effective, or is otherwise inappropriate because of the remote location of the unit.”

Impact of Exemption in Alaska:

Under 40 CFR 258.1(f), Class 2 landfills are exempt from being lined or, conditionally, performing groundwater monitoring. None of the Class 2 landfills are currently lined; however, some are performing groundwater monitoring. Beyond the design and groundwater exemptions, the Class 2 landfills are required to comply with all other federal minimum standards, which are incorporated into 18 AAC 60.

Under Alaska’s Class 3 landfill standards, Class 3 landfills are not required to be lined, and none are lined. Further, an existing landfill cannot be retroactively lined.

What are the practical differences between regulating advanced recycling as a manufacturer or a solid waste facility? What are the differences in regulating the input materials as plastic feed stock, compared to solid waste? Are there different Air and Wastewater requirements for treating AR as a manufacturing facility v. solid waste facility? And if so, what are the differences?

From a solid waste perspective, a facility that processes solid waste is considered a waste treatment facility and, if the facility accepts more than five (5) tons per day, it is required to obtain a solid waste treatment permit from the Department. If the bill were to pass as written, the facility would no longer be subject to this permitting requirement.

From an air quality and wastewater perspective, there is nothing inherently unique with permitting advanced recycling from any other industrial facility – the actual permitting and treatment requirements will depend on a specific application and what actual emissions and wastewater would be generated. This bill does not change the Department’s authorities specific to facilities generating air emissions or wastewater discharges.

If you would like more information or have additional questions, I am happy to assist.

Sincerely,

A handwritten signature in blue ink that reads "Carpenter". The signature is written in a cursive, flowing style.

Christina Carpenter
Deputy Commissioner

cc: Julia O'Conner, Staff to Senator Giessel
Anne Rittgers, Staff to Senator Bishop