

STATE OF ALASKA
THE LEGISLATURE

1996

Source
CSSJR 39(RES)

Legislative
Resolve No.
LR 47



Relating to the U.S. Environmental Protection Agency draft National Pollutant Discharge Elimination System general permit for placer mining in Alaska.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS, in 1994, the United States Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) general permit for placer mining in Alaska; and

WHEREAS the EPA has issued a new draft NPDES general permit as the result of the settlement of a lawsuit filed by the Sierra Club Legal Defense Fund; and

WHEREAS this new draft NPDES general permit contains substantive, unrealistic restrictions for commercial mines such as

- (1) prohibiting moving a discharge location during the mining season; and
- (2) requiring a minimum 1,000-foot separation distance between dischargers; and

WHEREAS this new draft NPDES general permit contains substantive, unrealistic restrictions on dredge and recreational mining operations in Alaska, such as

(1) requiring all dredgers, for the first time ever, to have an NPDES permit, despite the fact that the EPA does not have the personnel to process all of these newly required permits; and

(2) requiring an arsenic level of 0.18 parts per billion; and

WHEREAS the officials in the EPA headquarters in Washington, D.C., have approved arsenic levels of 50 parts per billion in 25 other states; and

WHEREAS the Alaska State Legislature finds that this treatment of Alaska is arbitrary, capricious, and without scientific foundation;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the EPA to withdraw from the settlement in the lawsuit filed by the Sierra Club Legal Defense Fund on behalf of American Rivers and Northern Alaska Environmental Center; and be it

FURTHER RESOLVED that if the EPA cannot withdraw from the settlement, that it discard this draft NPDES general permit and begin again with a more reasonable approach consistent with the EPA's own Common Sense Initiative; and be it

FURTHER RESOLVED that the Alaska State Legislature requests, if the EPA goes forward with this draft NPDES or another draft, that the EPA extend the public comment period to May 1, 1996, and hold hearings in at least two additional locations in Alaska before any draft NPDES general permit is included in a settlement agreement.

COPIES of this resolution shall be sent to the Honorable Carol M. Browner, Administrator, U.S. Environmental Protection Agency; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the governors and state legislatures of the other states in the EPA Region 10: Idaho, Oregon, and Washington.