

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

January 23, 2002

1:10 p.m.

MEMBERS PRESENT

Representative Hugh Fate, Vice Chair
Representative Joe Green
Representative Mike Chenault
Representative Lesil McGuire
Representative Gary Stevens
Representative Mary Kapsner
Representative Beth Kerttula

MEMBERS ABSENT

Representative Beverly Masek, Co-Chair
Representative Drew Scalzi, Co-Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 263

"An Act relating to water quality standards applicable to flow-through hot springs pools."

- HEARD AND HELD

HOUSE BILL NO. 232

"An Act permitting state residents to purchase remote recreational cabin sites."

- SCHEDULED BUT NOT HEARD

PREVIOUS ACTION

BILL: HB 263

SHORT TITLE:REGULATION OF HOT SPRINGS WATER

SPONSOR(S): REPRESENTATIVE(S)FATE

Jrn-Date	Jrn-Page		Action
04/28/01	1310	(H)	READ THE FIRST TIME - REFERRALS
04/28/01	1310	(H)	RES
01/23/02		(H)	RES AT 1:00 PM CAPITOL 124

WITNESS REGISTER

JAY HARDENBROOK, Staff
to Representative Hugh Fate
Alaska State Legislature
Capitol Building, Room 416
Juneau, Alaska 99801-1182
POSITION STATEMENT: Spoke on behalf of the sponsor of HB 263.

JANICE ADAIR, Director
Division of Environmental Health
Department of Environmental Conservation (DEC)
555 Cordova Street
Anchorage, Alaska 99501
POSITION STATEMENT: Testified on HB 263.

REPRESENTATIVE JIM WHITAKER
Alaska State Legislature
Capitol Building, Room 411
Juneau, Alaska 99801-1182
POSITION STATEMENT: Testified in support on HB 263.

BERNIE KARL, Co-Owner
Chena Hot Springs Resort
P.O. Box 58055
Fairbanks, Alaska 99711
POSITION STATEMENT: Testified on HB 263.

ALAN VERBITSKY, Registered Professional Engineer
P.O. Box 1248
Kodiak, Alaska 99615
POSITION STATEMENT: Testified on HB 263.

WILL JOHNSON, Pilot
P.O. Box 16094
Two Rivers, Alaska 99716
POSITION STATEMENT: Testified on HB 263.

SKIP COX, Resident
P.O. Box 82620
Fairbanks, Alaska 99708
POSITION STATEMENT: Testified on HB 263.

CONNIE PARKS-KARL, Co-Owner
Chena Hot Springs Resort
P.O. Box 58080
Fairbanks, Alaska 99711

POSITION STATEMENT: Testified on HB 263; on behalf of Leslie Markham, testified in support of HB 263.

BOB MILLER, Owner
Arctic Circle Hot Springs
P.O. Box 30069
Central, Alaska 99730

POSITION STATEMENT: Testified on HB 263.

TOM DELONG, President
Tolovana Hot Springs Limited
P.O. Box 83058
Fairbanks, Alaska 99708

POSITION STATEMENT: Testified on HB 263.

ACTION NARRATIVE

TAPE 02-1, SIDE A
Number 0001

VICE CHAIR HUGH FATE called the House Resources Standing Committee meeting to order at [1:10] p.m. Representatives Fate, Green, Chenault, McGuire, Stevens, and Kapsner were present at the call to order. Representative Kerttula arrived as the meeting was in progress.

HB 263-REGULATION OF HOT SPRINGS WATER

Number 0010

VICE CHAIR FATE announced that the first order of business before the committee would be HOUSE BILL NO. 263, "An Act relating to water quality standards applicable to flow-through hot springs pools."

Number 0059

JAY HARDENBROOK, Staff to Representative Hugh Fate, Alaska State Legislature, presented the sponsor statement for HB 263 on behalf of Representative Fate. He informed the committee that HB 263 would eliminate any requirements to chlorinate flow-through hot springs. He offered the definition of "flow-through", which he described as a hot spring that has equal amounts of water flowing in and flowing out at the same time. He noted that bacteria are constantly flowing out. He went on to say that the [requirement] would be set at 100 parts [fecal] coliform to 100 milliliters of [water]. He indicated that this

was not based on regulation but instead on the [Chena Hot Springs] agreement [with the Department of Environmental Conservation (DEC)] that went into place. He indicated as long as the hot springs can keep the [fecal coliform] count low enough and [prevent] disease-causing pathogens within the water, and as long as the [hot springs] is constantly being tested, then the water does not have to be chlorinated.

Number 0308

MR. HARDENBROOK said the reason for this legislation is because there have been [court] cases and [commercial] hot springs have been put out of business for not chlorinating the water. He indicated that in several of the cases it wasn't practical for the hot springs to be chlorinated. He explained that "flowing up" from the bottom [prevents] chlorinating the water; in some cases, it is not practical to [transport] chlorine out to the location of the hot spring. He suggested this bill could potentially be a rural stimulus for the economy in those areas where the hot springs are located.

Number 0357

REPRESENTATIVE STEVENS asked how many commercial hot springs are located in Alaska.

VICE CHAIR FATE pointed out that there are hot springs located in Southeast Alaska, Southcentral Alaska, Western Alaska, and several in the Interior of Alaska. He indicated there are not any [commercial] hot springs located on the North Slope or on Kodiak Island. He suggested that the question is not about how many [hot springs] are commercial at the present time, but how many could be commercial. Vice Chair Fate said there's no chance of any of the [hot springs] becoming commercial except for the ones that have been established for many years.

VICE CHAIR FATE explained that it is [difficult] to commercialize because of the restrictions in place regarding "chloride", which has to be placed in the [hot spring] to reduce the pathogens, including fecal [coliform]. He mentioned that there is currently an agreement in place with [Chena] Hot Springs that sets the standard. He suggested that if the standards of the bill are being met, then there is no reason to put chlorine into the water to make it safer.

Number 0572

VICE CHAIR FATE expressed hope that the bill will induce some commercialization in the rural areas where many of the hot springs are located. He suggested that people go to a hot springs for what they perceive to be "medicinal" reasons, as well as for the aesthetics of being in a hot springs. He said [people] don't like the smell of chlorine while sitting in a natural hot spring.

VICE CHAIR FATE noted that there have been several attempts to commercialize in the rural parts of the state. He indicated that Tolovana Hot Springs experienced [difficulty] because it was not chlorinated and did not have a lifeguard. He said it's an illustration of how little things can stand in the way of true economy in those areas that "we've been preaching economy." He remarked, "This really is a two-edged sword." He noted that one [commercial hot springs] had closed because of [restrictions]. He commented that that was the reason this bill was brought forward.

VICE CHAIR FATE added that he thinks it is a very simple bill; the simpler and the more efficient the bill is, the better the influence.

Number 0703

REPRESENTATIVE MCGUIRE said she thinks the bill is great. She discussed the fiscal note. She read, "With this legislation, the department will experience a lighter regulation load. This indicates an undetermined positive fiscal note." She said she wants to know what the amount of the [positive fiscal note] is. She also remarked that she thought the amount of regulations that [currently exist] is excessive and has a very big cost.

Number 0759

REPRESENTATIVE MCGUIRE turned attention to the fecal coliform regulations in the bill. She asked if DEC would go to the [hot springs] and check the level of [fecal coliform].

VICE CHAIR FATE answered "yes"; DEC would check the level [of fecal coliform]. He suggested that DEC has an interest and may even demand that samples be sent in for testing. He said [DEC] would be able to distinguish phony samples from [authentic] samples. He explained that DEC has a database to use for [verification] and would go out and test the water in the beginning, which would make it hard to "cheat" on the [testing].

Number 0808

REPRESENTATIVE MCGUIRE pointed out that the term "flow-through" is used in the bill, whereas the term "constantly recycling" is used in the sponsor statement. She asked if the [terms] are meant to be the same thing.

VICE CHAIR FATE said the [terms] are the same thing.

Number 0910

JANICE ADAIR, Director, Division of Environmental Health, Department of Environmental Conservation (DEC), testified via teleconference. She informed the committee that regulation of hot springs and pools is the [responsibility] of DEC. She said that this legislation is a [result] of a situation that DEC has at Chena Hot Spots, located outside of Fairbanks. She explained that there was a natural hot spring at [Chena Hot Spring] that had been modified into a pool that was lined. She commented that it was made into a very "nice looking" modified hot spring. She continued to say that DEC's current regulations for pools and spas simply do not fit the circumstance that exists at Chena Hot Springs. She said it is the only hot springs in the state that is commercially operated the way it is. She explained that all of the other [hot springs] that are commercially operated are made of manmade materials, including cement. She continued to explain that the hot springs [water] may flow in and then flow back out, much like the pool at Chena Hot Springs, but it is set up as a pool.

Number 0998

MS. ADAIR said the part of the problem with this legislation is the definition of a "flow-through hot springs pool". She explained that there is no requirement that the hot springs reservoir be [made] of natural material or that it be a naturally existing hot springs. She said by the way the definition reads the [hot spring] could be made out of cement or concrete. She explained that the temperature of the water is ideal for bacterial growth. She indicated that people have large amounts of bacteria on their bodies. She said as people use the [hot springs] water, they leave bacteria behind, which can affect people in a very negative way.

MS. ADAIR said fecal coliform is not the only concern; there have been occurrences of Cryptosporidium, Legionnaires' Disease, and other types of illnesses caused by insufficiently

disinfected water used in a pool. She cited Liard River Hot Springs in British Columbia as an example of a natural hot springs, that had not been dug out, lined, or enlarged. She said the only modification to the hot springs was benches added to it for seating. She said the reason for not chlorinating a natural hot springs is because the natural flora and fauna of the hot springs cleanse the water of bacteria that humans [contaminate] it with. She indicated that it is a natural balancing act that occurs in the water.

MS. ADAIR explained that is not necessarily the situation at Chena Hot Springs because it is no longer the natural hot springs as it existed with the flora and fauna. She said [Chena Hot Springs] has been dug out and lined, and the DEC is unsure of the effects on the bacterial load of the water.

Number 1148

MS. ADAIR explained that DEC entered into an individual agreement with the operator of Chena Hot Springs, which she said DEC considers to be the best approach for the modified hot springs. She pointed out that this [agreement] will allow [Chena Hot Springs] to "retain their unique flavor" but also recognize that [various] bacteria will grow in the water. She said the need is to protect public health.

MS. ADAIR said having a "one-size-fits-all regulation for any system that wants to develop like Chena Hot Springs is not going to work." She said [DEC] recognized that and she explained it in a letter sent on May 3, 2001. She said that is how a lot of states regulate those types of modified natural hot springs; however, most states do not regulate unmodified natural hot springs. She indicated that Alaska does not [currently] regulate unmodified natural hot springs and does not intend to. She explained that in the [situation] where the hot spring had been modified and had lost the natural balancing act of the flora and fauna, it would be important for the protection of public health that the hot spring be properly operated, maintained, and disinfected, or at least be drained and refilled, whatever method works to protect public health.

Number 1237

REPRESENTATIVE GREEN asked Ms. Adair, if the bill were to pass as it is currently written, if it would make her [unable] to fulfill the job that she is required to do.

Number 1259

MS. ADAIR answered "yes" to the question. She added that she believes it puts public health at risk.

Number 1280

VICE CHAIR FATE commented that the bill is not about Chena Hot Springs. He said the bill is about other hot springs and enabling other hot springs to thrive. He indicated that he would be willing to amend the term "flow-through" if better language is needed. He suggested that it is up to DEC to determine the [level] of pathogens; he also expressed concern about the safety of the people who bathe in hot springs.

VICE CHAIR FATE said it is the department's [responsibility] to make those regulations, which is why the committee didn't try to impose any regulations in this bill. He indicated that the committee adopted the standard that DEC [previously] set in the level of [safe] pathogens. He agreed the hot springs should be safe. He reiterated that this bill was not specific to Chena Hot Springs, although the resulting agreement between Chena Hot Springs and DEC played a large role in the standard that was adopted in this bill.

VICE CHAIR FATE referred to language in the sponsor statement. He reiterated that if Ms. Adair had better language than the term "flow-through", the committee would listen to that language.

Number 1425

MS. ADAIR said she had made some suggestions for [alternatives] to the term flow-through in the letter from DEC sent on May 3, 2001.

Number 1500

REPRESENTATIVE STEVENS asked about the issue of draining and refilling the [hot springs]. He asked if it was possible in places such as Chena Hot Springs.

Number 1519

VICE CHAIR FATE answered "yes"; the emptying and filling of [the hot springs water] was the interpretation of flow-through.

Number 1525

REPRESENTATIVE STEVENS asked Ms. Adair for clarification about what she meant by draining and refilling.

Number 1535

MS. ADAIR explained that Chena Hot Springs has the ability to drain the water out of the modified hot springs pool. She said it naturally refills from the bottom. She explained that there are some pipes at the top; the same amount of water comes in as goes out in a natural event, but it's not enough by itself to create the circulation needed to keep the bacteria level down. She commented that [Chena] Hot Springs has some curves and bends in it where it doesn't really get any circulation, which causes a buildup of "unattractive" water.

Number 1647

VICE CHAIR FATE suggested that by diluting "something" 6-to-1, changing the volume six times, it would leave no residue left to clean except 1 part per billion. He said the [amount] is so minute that it is not even to be considered. He offered an example: the process of cleaning a receptacle used for analysis in chemistry. He said the receptacle is flushed out by volume six times, and the residue that is left cannot even be chemically detected. He indicated that the state has set the standard for pathogens that the flow-through has to maintain; whatever the [standard] is set at will have to be the flow-through [standard] at that particular hot springs.

Number 1730

REPRESENTATIVE JIM WHITAKER, Alaska State Legislature, testified in support of HB 263. He said he would like to have Bernie Karl, Co-Owner of Chena Hot Springs Resort, respond and answer specific questions about the situation. He said although [Chena Hot Springs] should not be the issue, it has become the issue. He said he thought the questions relating to [Chena Hot Springs] needed to be addressed.

Number 1790

BERNIE KARL, Co-Owner, Chena Hot Springs Resort, testified via teleconference. He informed the committee that when the hot springs at Chena Hot Springs Resort was natural, it had three to four feet of organic "goo" on the bottom of it. He said the

"goo" was full of bacteria and [DEC] let people swim in the [hot springs], which is why there were problems. He explained that the organic matter was cleaned out of the hot spring, which was refilled with decomposed granite; [water] is naturally flowing through the [hot spring] at 10,000 gallons an hour. He said that is not counting the hundreds of thousands of gallons a day that are flowing through the groundwater itself. He said it is not just the 10,000 gallons coming in and going out; that is what is happening in the lake itself. There are 2.5 turnovers in 24 hours at 10,000 gallons an hour. He said that does not account for the hydrology of the water that's flowing through the ground. He explained that this is calculated by [using] a pump that pumps 1,500 gallons a minute and has to be left running 24 hours a day to maintain the water level. He said that equals 1,500 gallons a minute flowing through the ground itself. He commented that to say there are areas that have no water flowing is a misrepresentation of the hot springs. He suggested that the [standard] 100 [fecal coliform] colonies or less per 100 milliliters of water comes out of recreational-water standards of the State of Alaska.

MR. KARL continued to say that recreational waters are tested annually; however, Chena Hot Springs Resort had agreed to test its water monthly. He commented that Chena Lake hasn't been tested in two or three years. He said the highest level of [fecal coliform] that [Chena Hot Springs] has had in 24 months is a count of 7; normally [the count] averages between 0 and 2. He said his count is taken after there have been hundreds of people using the water. He suggested that people have been going to the hot springs for its "curative properties" since the earth was created; the Native population has been going there because they understand the curative properties; the people from Fairbanks go there for the [effect] the minerals have on their skin. He remarked that he feels ten years younger and 300 percent better from using the "healing" waters of Chena [Hot Springs Resort].

Number 2029

REPRESENTATIVE WHITAKER said that since the agreement with DEC, under the current operating procedure at Chena Hot Springs, there had not been any problem associated with the natural flow-through "rock lake," which is the modified hot springs. He said the agreement that is in effect is reflected in the language of the bill. He asked what the problem is, if it has worked for a year and a half. He suggested that it seems time to provide some surety for those who are willing to invest in this type of

endeavor. He commented that it is very difficult to do so without knowing which sort of regulatory regime under which to operate. This provides a modicum of clarity.

Number 2083

REPRESENTATIVE KERTTULA asked if these [provisions] should extend to any [type of] pool. She indicated that the concern might be in having legislation that will extend to all pools.

Number 2120

REPRESENTATIVE WHITAKER suggested that the legislation is broad enough in its language to allow the DEC to fulfill its mandate of protecting the public health. He indicated that the language of the legislation does not preclude DEC from doing what it needs to do. He said it does provide clarity to the extent possible; therefore, it is necessary and can help to avoid the problems that [Chena Hot Springs] had encountered. He said that is the intent. Representative Whitaker remarked that this [bill] is not meant to be confining to DEC, but rather to provide enough clarity so that no matter the circumstance, endeavor, or the hot springs, and regardless of personalities involved, the result is a statute that allows investment to progress with some clarity.

Number 2183

REPRESENTATIVE MCGUIRE turned attention to the letter that Ms. Adair sent to the committee on May 3, 2001. She pointed out that in the letter Ms. Adair had suggested a subsection (b) that would define a natural hot spring. She said she had an idea that would modify that [subsection] slightly and offer some assurances. She suggested modifying that section to read, "'natural hot springs' means a naturally occurring impoundment into which geothermal water flows, seeps, or is otherwise held." She said the definition that DEC suggested would regulate modifications made to the [hot springs]. She suggested that the initial sentence of [subsection (b)] define a "natural hot [springs]".

Number 2247

MS. ADAIR explained that the reason for the second sentence in the proposed [subsection (b)] is to make it clear that [the inclusion of] access or "bather comfort" [items] such as steps and benches would not mean that the natural hot springs was no

longer natural. She said it would mean that the [hot springs] could have those modifications and not fall out of the natural definition.

REPRESENTATIVE MCGUIRE remarked that the debate seems to be about modifications. She asked if adding the second sentence would encompass all hot springs. She pointed out that the modifications that Chena Hot Springs has made are more than those modifications described in the second sentence.

Number 2302

MS. ADAIR said that is correct. She explained that Chena Hot Springs is a modified hot springs, unlike Liard Hot Springs, which has had benches and steps put into it; [Chena Hot Springs] has been dug out, enlarged, and lined.

Number 2315

REPRESENTATIVE MCGUIRE remarked that Representative Whitaker is not going to want the second sentence in [subsection (b)] included because the whole purpose of the bill is to allow hot springs like Chena Hot Springs, which are modified, to exist. She said she was trying to address Representative Kerttula's concern that the [committee] doesn't make the bill so broad that "swimming pool" might fall into the definition. She said the first sentence does provide some clarity about what a natural hot springs means.

Number 2353

REPRESENTATIVE GREEN said he can see how DEC feels it is necessary to distinguish between the two [types of hot springs]. He said based on what he's heard, he thinks Chena Hot Springs falls into the second description. He asked if this definition would preclude Chena Hot Springs from operating.

Number 2385

VICE CHAIR FATE indicated it would be precluded from operating because it is made from manmade material. He said if the bill goes through, the modification of the language is such that manmade material cannot be used.

Number 2393

REPRESENTATIVE GREEN said he understands that. He said that if the bill is modified [to include subsection (b)], it would still allow [Chena Hot Springs] to operate.

Number 2400

VICE CHAIR FATE said the [committee] is not talking about just Chena Hot Springs.

Number 2409

REPRESENTATIVE GREEN said he understands that this bill covers Alaska; it doesn't just cover what has been done at Chena Hot Springs. He said that is the issue; [Chena Hot Springs] would like to fall under something that doesn't require that. He said if that's the case, then that is between Chena Hot Springs and the State of Alaska. He offered that this is legislation covering the entire state, but elsewhere there might be a situation in which the State of Alaska would not make that same agreement. He indicated that just because it works at Chena does not mean it will work at other hot springs.

Number 2438

VICE CHAIR FATE responded that this is not legislation concerning what constitutes what a hot springs is made of; rather, it is about water, including the medicinal values of water and putting chlorine in water. He reiterated that people don't go to hot springs to bathe in chlorinated water. He went on to say that this bill is not about swimming pools or concrete structures but rather it is about a hot springs where people go to bathe. He said even though the operator of a hot springs feels that putting fresh gravel in the bottom helps to cleanse the water and keep the [algae] off of the bottom, it is a hot springs with a flow-through factor, which ameliorates the number of bacterial colonies per 100 milliliters.

Number 2499

REPRESENTATIVE GREEN said he is concerned that the way the bill is written, [it may interfere] with DEC's obligation as a department because covers too wide of a spectrum and [issues] the committee is not [aware] of. He indicated it might be all right for Chena Hot Springs, but said the bill is for the whole state and may interfere with DEC's obligations.

Number 2566

VICE CHAIR FATE pointed out that other regulations and laws apply [to hot springs]. He asked Ms. Adair if she is aware of other statutes and regulations that cover Representative Green's question. He noted that he had read some.

Number 2605

REPRESENTATIVE GREEN clarified the question: If the bill were enacted the way it is written, would it cause conflict with the [role] of the department? He noted that she had suggested some changes. He asked her if [DEC] would be in conflict.

Number 2632

MS. ADAIR said that is "correct." She explained that as the bill is currently written, it would cover all types of pools.

Number 2643

REPRESENTATIVE KERTTULA said the problem is that subsection (a) says the [hot springs] is exempt from further water quality regulations, so nothing else is going to apply to the [hot spring]. She commented that that is the dangerous part; that is causing her concern.

Number 2669

REPRESENTATIVE WHITAKER read from lines 8 and 9 of the bill, "and the pool is free from dangerous levels of disease-causing pathogens". He characterized this [provision] as a very open window that the DEC can take advantage of.

Number 2686

REPRESENTATIVE KERTTULA asked for clarification. She also asked if that language is currently in law.

Number 2696

REPRESENTATIVE WHITAKER answered that it is subject to significant interpretation by DEC. He said it would be foolish to prescribe a law that was so specific as not to allow [DEC] to fulfill its mandate to protect the public health. He suggested that the inclusion of those few words has provided that opportunity. He said it also meets the needs of those who are

in the hot springs business or want to be in the hot springs business.

Number 2719

REPRESENTATIVE KERTTULA asked Ms. Adair if DEC had a definition of that. She also asked if [DEC is] regulated by [the phrase] "dangerous levels of disease-causing pathogens".

Number 2729

MS. ADAIR said that DEC does not have a definition for that phrase. She remarked that she interpreted it along the lines that Representative Whitaker did. She explained that DEC would look at various types of pathogens known to exist in water. She said she doesn't know that the water would be free of [disease-causing pathogens], but they would be below the levels - depending on what the pathogen is - that would be of concern. She explained that those aren't the only water quality criteria for a pool. She said "scummy" water is unwanted; it might not be a disease-causing pathogen that causes the "scum," but some people don't want to go to a swimming pool and have a layer of "crud" on the top. That would not be covered under this bill, if it were to pass as it is written.

Number 2788

REPRESENTATIVE WHITAKER responded to concerns about the water condition. He suggested that not only would DEC be displeased, but neither would any potential customer. He said it makes moot the notion of a commercial activity associated with "scummy, cruddy" water.

Number 2805

VICE CHAIR FATE commented that there are standards. He said there are drinking water standards, swimming pool standards, and all kinds of standards as far as the allowable pathogens in water for different water quality uses. He explained that this was a standard that was set; it was placed in this statute because the state had agreed it was a safe standard.

Number 2839

MR. KARL commented on a remark by Representative Green in regard to the water changeover. He said that was strictly the flow-through characteristic; that's what's flowing out of the pool

that can be measured. He reiterated that [Chena Hot Springs] pumps 90,000 gallons of [water] out of the [hot springs] to pump the [water] down. He said that the pump has to keep going to keep up; as this is being done, there is another 80,000 gallons flowing through the ground, not going out the top. He commented that there is a tremendous amount of water flowing through the valley, which is called groundwater. He said that the definition of pool is causing a hang-up. He suggested the definition of the water of a hot springs is a spring with "curative" properties. He commented that it's got to be a mineral and "medicinal" water to fit in its criteria.

MR. KARL reiterated that [the standard of] 100 [fecal coliform] colonies or less per 100 milliliters comes right out of the recreational water standards for the State of Alaska. He said all of the recreational waters of the state abide by the same rule; it is a rule that has been set and found to be safe. He pointed out that with the kind of water that's running through a hot spring, when the ground is excavated, there is a tremendous amount of groundwater that is flowing; it does not sit still. He said Janice Adair had brought to his attention that Chena Lake is such a safe place because of all of the groundwater flowing through it. He said that he'd thanked her for that because she is the one who led him to do the study on groundwater.

Number 2949

REPRESENTATIVE MCGUIRE commented that her only concern with the bill is that the language is so broad. She referred to the language, "and the pool is free from dangerous levels of disease-causing pathogens". She said she thinks a situation involving harassment could result. She explained that that is why she originally asked, when the [water] would be tested, what the mechanism would be. She noted that she thought there was an incredible amount of latitude for DEC to do its job. She said she is "dumbfounded" by Ms. Adair's response that this bill would not allow her to do her job. She said it is set at the state standard for fecal coliform; it's also free from dangerous levels of disease-causing pathogens.

Number 2992

REPRESENTATIVE KERTTULA asked Ms. Adair for an example of why she might need to have a fecal coliform count that is lower - something that might cause problems to humans that isn't a

pathogen. She pointed out that those are the only two protections this bill has.

Number 2968

MS. ADAIR said she couldn't think of a situation in which DEC would need to have a lower fecal coliform standard, except perhaps if the pool was being used by a susceptible population; for example, elderly people might be more susceptible to diseases and might require a lower standard. She said that she'd stated in her letter [May 3, 2001] that DEC doesn't have a problem with the [fecal coliform] standard; the concern is with its being in statute. She explained that as science evolves and the water quality standard is changed for fecal coliform, she thinks the [statute] should change also. She pointed out that the water quality standards are not set in statute; they are generally federally derived. She said DEC would want to follow that, which would mean changing this statute.

Number 2910

MS. ADAIR explained that pathogens are, by definition, bacteria that can cause disease in humans. She pointed out that there could be chemicals of concern, such as organic chemicals that may not fall into [subsection] (a).

TAPE 02-1, SIDE B

Number 2902

VICE CHAIR FATE disagreed with Ms. Adair's [definition] of pathogens. He suggested that pathogens are much more than bacteria; pathogens usually are not chemicals, but are under another classification. He went on to say that they are usually organisms that can be bacterial, viral, and amoebic that impair or affect adversely the health of the individual. For example, if it's a pathogen for a horse, then it affects horses; if it's a human pathogen, then it affects a human adversely.

Number 2850

REPRESENTATIVE KERTTULA said she thought Ms. Adair said that there are chemicals aside from pathogens that might be a problem. She asked if there could be a level of flow-through that could be measured that might flush everything out. She mentioned that during the discussion on the "cruise bill" it was one of the considerations - a strong flow-through and the

flushing activity result in less problems. She suggested that a certain level of flow-through might resolve the issue.

Number 2808

VICE CHAIR FATE suggested that the level of flow-through would be different in different-sized bodies [of water]; the level of flow-through would also be different to attain the standard of pathogens as enumerated in this legislation in different areas. He said that it would extremely difficult to do as [Representative Kerttula suggested]. He said the standard that necessitates a flow-through is already in this bill; it is the 100 [fecal coliform] colonies per 100 milliliters of water. Whatever the flow-through it takes to get to that standard is what's going to be required. He suggested that the [standard] is broad enough to allow DEC to regulate and do the testing. He reiterated that the [idea] was to allow DEC to do its job and set the standard that was put in place by the state. He reiterated that he was not against amending the [language] if there is a better word than flow-through.

Number 2744

REPRESENTATIVE MCGUIRE offered her belief that if the standard changed, in the event that something occurred for which "we" couldn't be prepared, Ms. Adair would have the authority to enact emergency regulations to deal with that particular situation because her job, as stated in the bill, gives her the very broad authority to ensure that the pool is free from dangerous levels of disease-causing pathogens.

Number 2689

MS. ADAIR interjected that DEC would not have that authority; the statute always prevails. She said the statute in regard to the fecal coliform level is specific and clear, and DEC could not by regulation overturn that statute. She explained that if it was determined that 100 [fecal coliform] colonies was not the right standard and it should be 50 colonies or less, without a change in statute DEC would be unable to implement that fecal coliform standard.

Number 2675

REPRESENTATIVE MCGUIRE asked Ms. Adair if she would prefer there to be no standard of fecal coliform in this bill.

Number 2664

MS. ADAIR explained that in the letter sent [May 3, 2001] she had suggested a cross-reference to the water quality standard. She said DEC would prefer that it follow the water quality standard. That is the standard that DEC uses, and it is the standard in the bill. She explained that the [standard] would only change if the water quality standard for recreational waters changed.

Number 2624

VICE CHAIR FATE said the legislature can amend it at any time; that doesn't present a huge problem. He commented that other agencies can declare an emergency and shut the [hot springs] down. He said that just because the DEC doesn't have that capability doesn't mean it can't influence a different outcome. He offered his belief that the committee doesn't have a problem with lowering the standard, if it is required; the committee wouldn't raise the [standard], however, for any reason.

Number 2589

REPRESENTATIVE GREEN referred to the description of the [standard] in the bill. He said the 100 [fecal coliform] colonies and the dangerous levels of disease-causing pathogens were agreed to by DEC for this particular area [Chena Hot Springs]. He asked if that would also be agreeable to another area.

Number 2560

MS. ADAIR said that is right for Chena Hot Springs; the 100 [fecal coliform] colonies is what DEC uses. She explained that DEC does not allow any fecal coliform levels in swimming pools or concrete pools. She said that is because there is no competing bacteria in the [pool] and the level can [grow tremendously]. She explained that the fecal coliform level for all other pools that DEC regulates is zero, with the exception of the "rock lake" at Chena Hot Springs.

Number 2525

REPRESENTATIVE GREEN asked Ms. Adair if there is a way to satisfy DEC if a hot springs is similar to Chena Hot Springs: the bottom is not solid, is not lined, and allows for flow-through. He mentioned modifying the legislation] to include

that the [hot springs] must not be a containment pool; it is a pool that allows egress of the water other than over the top or by evaporation.

Number 2503

MS. ADAIR commented that she thought DEC could work with that. She indicated DEC might consider a definition of flow-through that [provides] for sufficient turnover so there is enough water flowing through to dilute the bacteria.

Number 2483

REPRESENTATIVE GREEN asked how that would deal with [Mr. Karl] at Chena Hot Springs.

Number 2470

VICE CHAIR FATE replied that he didn't know about Chena Hot Springs. He pointed out that not everybody in the [rural] areas where the [hot springs are located] has the capability of putting crushed gravel in the hot springs. He said he did not care what the bottom of the [hot springs] is made of as long as the proper flow-through rate is maintained to ensure that the [fecal coliform] colonies do not rise above a certain level. He said that the [criterion] is the flow-through.

Number 2432

REPRESENTATIVE KERTTULA said she [interpreted Vice Chair Fates' testimony] to mean that he would like to protect the natural hot springs. She indicated that Representative Green's and her concern is that they don't want to give that same kind of allowance to the swimming pool at Juneau-Douglas High School (JDHS) swimming pool, for example. She asked if there is an easy way to change the definition slightly so that the hot springs are exempt and the other [pools] are kept within the water quality standards.

Number 2389

REPRESENTATIVE MCGUIRE suggested adding [an amendment] to subsection (b) so that it includes "with the rate of exchange adequate to maintain safe pathogen levels". She commented that the committee had the idea and wants to have a safe level of bacteria.

Number 2352

MS. ADAIR suggested that [subsection] (a) is establishing the safe levels for fecal coliform. She said she thinks it is inferred that the flow-through, as explained by Vice Chair Fate, has to be sufficient to get there. She explained that DEC has a problem with the definition of flow-through hot springs pool; it could be made out of anything. It could be a cement pool, for example, a completely manmade structure that has a hot springs as its water source. She said that it would not bubble up from the bottom; it would not have gravel or mud for the floor; it could be the JDHS pool, but instead of the source being the City and Borough of Juneau water supply, it would be a hot springs. She explained that that pool would be able to have a fecal coliform [count] of 100 colonies or less; there would be no other competing bacteria in that pool because it would have a cement body. She indicated that this scenario would result in a public health problem.

Number 2278

REPRESENTATIVE WHITAKER said the notion of a concrete pool as opposed to a rock pool or slime bottom pool is perhaps not the issue. He suggested that the issue is, regardless of the bottom or the makeup of the pool, that the [pool] is safe. He said the idea of the JDHS pool being affected by this legislation is not the case because this legislation only relates to flow-through hot springs pools. He asked if the task was to regulate all of the bathing areas throughout the state in a safe manner or in manner that fits a particular regulatory framework. He suggested that the only task is to protect public health; this bill would allow for some surety on the behalf of those who would try to provide that. He commented that he is strongly in favor of the bill.

Number 2186

REPRESENTATIVE GREEN said he thinks that [subsection] (b) is still important. He indicated that DEC has a problem with the definition. He said that is because if the pool has naturally occurring hot springs water - enough to fill what is draining out but a very small amount - and [the fecal coliform levels are] below 100, it would qualify. He suggested that Ms. Adair is saying that this would create a health problem. He asked Ms. Adair if he was right.

Number 2119

MS. ADAIR indicated that he was partially right. She said that she is not suggesting that this bill applies to the JDHS pool. She explained that if the source of water for that pool were a naturally occurring hot springs pool, then it would apply. She said that nothing in the bill specifies that it applies to a hot springs that is fed by a hot spring; instead, it [specifies] pool, and there is no definition of pool to suggest that it does not apply to a cement pool or a concrete pool. She said that is a huge concern.

MS. ADAIR commented that the turnover, where the turnover is very slight, is another concern. She said she understands through the sponsor that the goal is that the turnover be sufficient to maintain this level of fecal coliform and for a natural hot springs. She said that is not necessarily the problem; the problem is a manmade container for which the water source is a hot springs.

Number 2036

VICE CHAIR FATE said that really didn't start out to be the problem, but it is now. He said his concern is that Ms. Adair agreed with Representative Green's description of the levels prescribed in the bill, which is the state's level, and then she [cites health concerns]. He said he is confused by some of the testimony. He commented that the health of the water body without the use of chlorine is the [committee's goal]. He reiterated that people will not use a concrete-bottom [hot springs] or a concrete swimming pool for medicinal purposes; they will go in there to swim, which is under completely different regulations.

Number 1978

MS. ADAIR interjected that it's not [under different regulations]. She said that is kind of how DEC got started with [creation] of the agreement for Chena Hot Springs.

Number 1946

VICE CHAIR FATE asked her to describe the differences. He added that he is trying to point out that a swimming pool and hot springs have different descriptions. He said swimming pools are under different criteria.

Number 1949

REPRESENTATIVE MCGUIRE asked Representative Whitaker if he would be amenable to accept in part Ms. Adair's letter where she attempts to describe a modified hot springs in such a way that it differentiates between a hot springs and a pool. She noted that the committee had defined flow-through hot springs pool. She said the committee wanted to give assurances that people aren't going to put hot springs water in a pool at JDHS. She asked if there is a way to add a definition that would make everybody feel comfortable that that couldn't happen.

Number 1894

REPRESENTATIVE WHITAKER said he would be hesitant to, on the spot, endorse language changes. He commented that the [sponsor] of this bill would have to make that determination as to whether that works. He said he thinks that there are separate swimming pool statutes and regulations that are very clear about what a swimming pool is; this makes the [definition] of a flow-through hot springs clear. He commented that there is clarity between the two. He said he is absolutely certain that interpretation of swimming pool statutes and regulations will allow for whatever is necessary to provide DEC the authority that it needs to oversee swimming pools. He suggested that this provides DEC the authority it needs to oversee flow-through hot springs.

Number 1800

REPRESENTATIVE GREEN asked whether, if the committee could not resolve the issue, there would be any objection to [Vice Chair Fate's] working with Ms. Adair, rather than force something through that [DEC] is going to fight. That way, the committee could move legislation that is satisfactory to everybody.

Number 1763

VICE CHAIR FATE said that he had no objections with one caveat: there is an intent behind this legislation, and as the sponsor, he will not allow that intent to be circumvented or to go in another direction. He said that before he takes any further action on this, he would like to hear public testimony.

Number 1704

ALAN VERBITSKY, Registered Professional Engineer, testified via teleconference. He informed the committee that he has been involved in village safe water on the Island of Kodiak, with the

Kodiak Island village utility council for the last ten years. He said he is pretty aware of what is required for safe water. He said he finds the legislation the way it's written to be fairly decent; he is surprised that fecal coliform is separated out of the dangerous levels of disease-causing pathogens. He explained that because of the way it's written, the ability to determine dangerous levels is usually done by the state or massive changes are usually done by the federal government and adopted by the state. He indicated that subsection (a) is acceptable. Regarding [subsection (b)], the definition of flow-through, he said it is hard to get past the hot springs [definition]. Hot springs are unique - they only occur occasionally. He said he isn't sure he would be inclined to apply swimming pool standards to a hot springs for that reason.

Number 1615

MR. VERBITSKY referred to the comparison between Liard Hot Springs and Chena Hot Springs. He explained that he goes to Liard Hot Springs at least twice a year; he can [verify] from personal experience that it has been dammed, dug out, lined with rock, and enlarged. He indicated that it is much different from the original, naturally occurring creek that it was. He said sulfur hot springs such as those that occur in the Fairbanks area have a lot of sulfur dioxide in them, which acts as a natural disinfectant; that is why there are not as many fecal coliform in [hot springs] as there are in a lake environment.

MR. VERBITSKY commented that there is no advantage for an operator of a hot springs to have dangerous pathogens or try to bump the limits of fecal coliform. He explained that if a hot springs or a resort of any type gets a bad reputation, then it can be really difficult to overcome. He said Chena Hot Springs has a horrible reputation that it incurred when the state was operating it. He explained that there are a lot of people who don't come here; when the name Chena Hot Springs is mentioned, they kind of laugh about it. He said when he tells those people that the state isn't operating it anymore, the people say, "Maybe it's changed, then." He said the state didn't do Chena Hot Springs any service in its ownership and operation.

MR. VERBITSKY explained that hot springs pools are generally built or established right over the top of an existing hot springs; the water comes up through the bottom of the floor. He said it is fairly easy to check a hot springs to find out where the water is coming up: just feel the gravel, and if it's hotter than the water above it, then it's probably hot water

coming up through the floor. He commented that overall hot springs, by their nature, have all of the competing bacteria necessary to keep the [fecal] coliform levels in check.

Number 1437

MR. VERBITSKY said the only [problem] he can see in this bill possibly is the frequency of testing more [fecal] coliform levels than [dangerous] pathogens. He asked how frequently the [hot springs] is going to be tested. He said that is the only part of this that he sees somewhat differently. He commented that the semantics and pedantics involved in debating what constitutes a flow-through hot springs pool he finds humorous at best.

Number 1399

MR. VERBITSKY suggested that for the first time there will be legislation that actually sets a standard. He said in the past it's been a knee-jerk reaction to chlorinate the "heck" out of everything and ask questions later, whether the chlorination is even necessary. He said, "In here what we're saying is, let's check to see if disinfection is necessary." He commented that he finds that to be forward-thinking and common sense. He said obviously if the dangerous levels for pathogens are [excluded] or the [count] is over 100 [fecal coliform] colonies per 100 milliliters, nobody's going to operate there, which would result in a really "sorry" situation, and the DEC is not going to allow operation there.

MR. VERBITSKY suggested that the legislation as it's written is pretty good. He said it does give the DEC a lot of latitude, more so than any of the standards that it's replacing or is to be included with. He referred to AS 44.46 as a "hunk of paper that doesn't say anything." He said this is the "first actual paragraph that's meaningful in there."

Number 1290

WILL JOHNSON, Pilot, testified via teleconference. He informed the committee that he has been going to [Chena] Hot Springs since the end of the state's "realm"; he used the small, natural pools that were previously there, although they looked as though they had some previous improvements. He said there is no question at all that the present facility is an improvement; any change at all would be an improvement over what was previously in the mud. He explained that there was knee-deep mud, hot

places in the mud that could cause a burn; presently, it's much more sanitary, clean, and neat.

Number 1180

MR. JOHNSON said he can honestly compare [Chena Hot Springs] to Liard River Hot Springs. He commented that based on his own experiences, he agrees with Mr. Verbitsky's testimony that [Chena Hot Springs] is highly modified. He explained that just the access has increased the [user limit] over what it could have without the improvements; a deck extends out over the hot springs itself, it's dammed up, and it's deeper than what it would have been naturally. He said it's very clear that [improvements] have been made. He commented that likes the hot springs the way they are because he doesn't want any unnatural additives. When he gets in that water, it feels good; he feels good for many hours afterwards and feels that his health is better. He explained that the last thing he wants is the [hot springs water] changed; he wants it the way it comes out of the ground.

MR. JOHNSON commented that anything done to change that water, since it flows through naturally, is going to end up in the [local] rivers and streams and that can't be good. He said he thinks that the wording in the bill is very simple and straightforward and would allow the (indisc.) of an operator who spends a lot of money to make the kind of improvements that have been made at Chena Hot Springs.

Number 1095

SKIP COX, Resident, testified via teleconference. He informed the committee that he had a prepared statement. He spoke in support of the way HB 263 is currently written. When passed were to move hot springs from the generalized regulatory idea of categorizing hot springs as being similar to swimming pools, hot tubs, and other types of spas. He commented that he is speaking specifically about Chena Hot Springs Resort.

MR. COX said swimming pools, hot tubs, and spas are artificial containers or vessels that hold water for recreational purposes; recreation requires regulation that will ensure measuring the chemical makeup of the water to keep recreational users safe from contaminates that users bring to the activity. He said the water is measured on a scheduled basis determined by the Department of Environmental Conservation; the measurement is evaluated against a water colony chart, and when the score of

the evaluation is above or below the recommended standards, chemicals are added to the water to bring it back within a safe range. He explained that the effect that is taking place is the sterilization of the water to prevent users from recreating in water that might cause them to get a variety of discomforting ailments.

MR. COX said in his opinion hot springs are a completely different environment from swimming pools and should be treated differently in a regulatory fashion. Historically, hot springs are not in themselves a recreational experience; people would congregate around hot springs to live or work or create recreational experiences, but are not ever used for recreation. He suggested that swimming, floating, or horseplay are not what people do because the water is not conducive to recreation. Hot springs are used as a component of a holistic approach to better health, mental and physical relaxation, and participation in a naturally occurring environment.

MR. COX said that creating a regulatory paragraph relating to water quality standards for hot springs that coincides with those for swimming pools would completely dissolve an individual's opportunity to use the natural healing waters that Mother Nature has provided. He said that he can't imagine people participating in a crusade for better health in a pool of water that is quantified by the amount of chlorine or muriatic acid that is being added on an hourly basis; indigenous healers in Alaska have used benefits of minerals found in hot springs for thousands of years to heal the members of their tribes and groups. He explained that Serpentine Hot Springs on the Seward Peninsula has been used by hundreds from villages across Western Alaska to cure the aches and pains from their subsistence lifestyle. He commented that the soaking area of Serpentine is a flow-through.

Number 0889

MR. COX said Pilgrim Hot Springs, located near Nome, Alaska, has been used for thousands of years for the same purpose: health, not recreation. He noted that Pilgrim Hot Springs' soaking area is a flow-through. He said he has lived on the Seward Peninsula for 30 years and has [bathed] in both the Serpentine [Hot Springs] and the Pilgrim Hot Springs. He commented that he can't recall a single story, newspaper article, or commentary on anyone suffering from any disease or illness at any time because of a lack of chlorine or muriatic acid in either of these locations. He said that Chena Hot Springs' "rock lake" is a

flow-through. Clients using this area are using it for health reasons first, and if there is recreation occurring in the lake, it is social in nature: people enjoying the medicinal healing of the water while enjoying pleasant conversations with each other. He explained that he had not seen any indication of accidents from horseplay, heat exhaustion from recreating, or complaints about disease or unhealthy or unsanitary conditions; on the contrary, the only complaints that he gets are from parents who would like their children to participate in the healing waters of Chena, which is a result of a rule that is self-imposed that keeps children under the age of 18 out of that lake. He said that the feeling is it is not an appropriate place for children to be.

MR. COX encouraged the legislature to approve this bill in a timely fashion to exempt hot springs from further water quality regulation by DEC, allowing people to pursue their desire to soak in the healing waters of the naturally occurring hot spring. Second, he encouraged all legislators, especially those listening to this testimony, to come to Chena Hot Springs and sample the place firsthand.

Number 0741

REPRESENTATIVE STEVENS commented that Mr. Cox had brought up an interesting point. He asked Ms. Adair if there has ever been a recorded instance of illness or disease from any of the Alaska hot springs.

Number 0718

MS. ADAIR replied that DEC doesn't regulate those hot springs that exist out in the [rural areas]. The Epidemiology Section in the Department of Health and Social Services would have any reports from doctors about potential illnesses from those facilities.

Number 0667

CONNIE PARKS-KARL, Co-Owner, Chena Hot Springs Resort, testified via teleconference. She informed the committee that when they purchased the [Chena] Hot Springs in 1998, one of the main complaints from visitors was that they were disappointed to arrive and find that they were unable to go into the hot springs, but had to go into a chlorinated pool or hot tub. She commented that they've alleviated that by [adding] the outdoor rock lake that [visitors] can go in, which is not chlorinated.

MS. PARKS-KARL also read a letter from Leslie Markham, which stated:

I, Leslie Markham, of 2597 Hafele Avenue, Fairbanks, am speaking and writing in support of House Bill Number 263. Natural hot springs are very therapeutic and have been known to help mitigate the symptoms of many ailments.

As a massage therapist, I have worked with Eskimo doctor Charles Jones of [the] Kotzebue area at several remote natural hot springs; these springs are his preferred location for helping people. He says each spring has a different makeup, has different minerals in the water, and can help cure different ailments. Charlie believes the body absorbs the minerals it needs from the water to heal itself. For this reason, naturalists prefer it over chemically treated waters.

The bill also addresses an important element: flow-through. The flow will stay healthy with adequate flow-through. Chena Hot Springs outside of Fairbanks presents a unique opportunity to experience natural waters close to town. For those who prefer, chlorinated pools are also available. Information is posted so people may make an informed choice. To have such healing waters naturally within driving distance to Fairbanks is a gift for which I am grateful and consider a large asset. Promotion of the natural healing properties can benefit the community greatly. Sincerely, Leslie Markham.

Number 0444

BOB MILLER, Owner, Arctic Circle Hot Springs, testified via teleconference. He informed the committee that he had several facts and a little history on the Arctic Circle Hot Springs, which he purchased in 1980. He said that he was quite familiar with the hot springs back in 1936-37 when he worked up in that vicinity at Edwood Mining Company (ph). He said that he was over at the hot springs seven nights a week for the two seasons that he worked there. He commented that he liked the [hot springs] very well, which is the reason he bought it in 1980.

MR. MILLER explained that [Arctic Circle Hot Springs] is a natural hot springs; it flows out of the ground on a slight

hillside and comes out of several fissures into a line, [approximately] 100 feet from all of the fissures into the pool; there are also separate lines leading off to other directions. He explained that the [water] goes through a filter naturally and then into a pool, and the water is very pure. He said that Arctic Circle Hot Springs was discovered in about 1907; it flows at 400 gallons per minute and is 139-degree water. He explained that water flows through a pool setting and it's been this way since he's [owned] it. He said that there is an Olympic-size pool there, and in approximately 10.5 hours about 250,000 gallons of water runs through the pool, which has flow-through.

MR. MILLER explained that for at least 60 years prior to his purchase of [Arctic Circle Hot Springs] the old pool was just dug out of a hole in the ground. He said it was rather large and it was used as a regular pool for the public. He explained that he was there and had seen it. It had no chlorine in it; it was full of algae, "green stuff," and willows. He said that he really didn't ever hear of anybody getting sick there or any ill effects from it; he said they pooled the water so that it doesn't have too much sulfur smell to it. He said the water was cooled and people drank it. He explained that he also drinks the water; the only difference is that he adds a small amount of [chlorine bleach] and drinks it just like he would out of a well. He indicated that he has had no ill effects from drinking the water.

Number 0189

MR. MILLER said there is really no need for chlorine, and the real reason that he uses it is because it is required by law. He commented that it is a great waste of time and money, it is quite expensive and that he doesn't like it. He indicated that there was a lawsuit approximately ten years ago involving a woman who sued the government because she claimed that she had vision problems as a result of the chlorine that was used in the swimming pools that she swam in; he didn't know the outcome of the lawsuit. He commented that he thought that should be taken into consideration in regard to chlorine.

MR. MILLER explained that he had been to Chena [Hot Spring] a few times and he considered it to be a "cesspool"; he wouldn't dare stick his toe in it for fear that bugs would bite him. He offered his understanding that DEC doesn't required [Chena] to use chlorine. He commented that he [didn't know] why [DEC] wouldn't require Chena [Hot Springs] to do something that is required by [other hot spring operations], which makes it tough

on [the others]. He turned attention to [subsection] (b), "hot spring constantly enters the pool to replace an equal amount of water constantly being drained from the pool." He indicated that that he is confused about what the differences are in the various hot springs located throughout Alaska.

TAPE 02-2, SIDE A
Number 0001

MR. MILLER commented that he had to keep the public satisfied or he wouldn't have any customers. He said that the public demands that the [hot springs] is taken care of. He said that he would highly recommend this bill exactly as it is. He suggested keeping the bill as simple as possible.

Number 0089

TOM DELONG, President, Tolovana Hot Springs Limited, testified via teleconference. He told the committee that Tolovana Hot Springs is about 11 miles off of the Elliott Highway about 100 miles north of Fairbanks. He said it is a remote natural hot springs and it operates using a reservation system; it is operated under a Bureau of Land Management (BLM) lease. He said, "In 1913, President Woodrow Wilson signed a presidential proclamation that said all hot springs, whether known or unknown, are now property of the United States"; Circle Hot Springs, Chena, and Manley were all homesteaded prior to 1913 and this presidential proclamation. "The purpose of the presidential proclamation was to reserve these waters known or unknown for United States residents for their medicinal properties," he suggested.

MR. DELONG said interest in Tolovana and business activity there about 10 to 20 percent every year. He said that he's operated it for about 14 years and has never used or even contemplated using any kind of chlorine. He explained that he uses a flow-through-type system; he has small tubs made of cedar, and he has recently started to introduce some small 600- to 1,800- gallon plastic water tanks. He said that the water is piped by gravity directly from the fissures and the natural vents in the ground right into the hot springs, which flows through rather quickly. He commented that the flow-through rate could be increased or decreased. He said that currently it flows through every two hours or so; the pools can be drained and refilled.

MR. DELONG pointed out that the chemistry of the water is the reason hot springs pools are unique and don't need chlorination.

He suggested that hot springs water naturally has an ability to keep pathogens and bacteria from growing; just the fact that it is hot springs water is very important. He said that experts in the field pointed out that dangerous pathogens are greatly reduced at temperatures above 98 degrees Fahrenheit. He suggested consulting some experts to address the properties of natural hot springs water including its natural ability to keep bacteria in check and the reduction in pathogens through temperature alone. He said that he supports the bill as it is written. He said he is interested in knowing what it takes to meet the standard; this bill helps him to understand what the standards are, such as with fecal coliform. He said he is trying to develop Tolovana Hot Springs, and it is extremely important to him that a bill like this passes because it gives him the information that he needs to plan and to go forward.

Number 0460

MR. DELONG stated that his clientele and his interests in the waters of Tolovana do not involve chlorine. He said that he will do anything and everything required to keep the people who are going out to Tolovana bathing in pure, natural hot springs water. He told the committee that if for any reason he had to chlorinate the hot springs to meet a standard, then he would probably walk away from it; he has no interest in bathing in chlorinated water, and his clientele have no interest in traveling 11 miles off of the road to bathe in chlorinated water. He suggested that this bill is clearly needed to address his situation and that it would help him with any future plans in keeping everyone safe and happy.

Number 0561

VICE CHAIR FATE said that because he was acting as the chair, he was not going to give his intent on whether to move this bill out or not. He said that he would entertain a motion to hold the bill over or move it out.

Number 0570

REPRESENTATIVE GREEN moved that HB 263 be held over for at least one hearing to see if there could be some reconciliation with DEC. He said it sounds as if it's a minor difference.

VICE CHAIR FATE said that he would like to work with DEC. He commented that he would like to move the bill out of the

committee, however, because it still has to go through other committee hearings.

Number 0680

REPRESENTATIVE KERTTULA, after confirming that the bill has no other House referrals, said she would really like the opportunity to work with Representative Green and [Vice Chair Fate, as sponsor] to come up with language that resolves the issue about the broadness of possibly applying to other pools. She said she knows that is not the intent, but would hate to have to wait until the bill goes to the House floor to do that. She reiterated that she would like the bill to be held over.

Number 0750

VICE CHAIR FATE said the motion is to hold the bill over until the next meeting of the House Resources Standing Committee, and that he will work with DEC before the next meeting to try to address concerns that had been expressed at the current committee meeting. He said his intent is not to rewrite the bill, however, and that his preference is to move the bill out and then amend it on the House floor or in the Senate.

Number 0889

REPRESENTATIVE KERTTULA said she can understand the concern about moving bills through. She said, however, that she thinks that the testimony the [committee] heard is significant. She commented that based on her experience in dealing with the "cruise bill," there are serious concerns when the subject is human health. She noted that she had two specific concerns. The first is whether there are other substances besides pathogens that the committee should be concerned about, which Karen Pearson, the director of the Division of Public Health, has promised to answer. The second one is about pools that are manmade. She said that if the committee moves the bill today, then she will ask that those two sections be amended to include some definition on that. She said it would be better to wait one meeting to resolve that.

Number 0960

VICE CHAIR FATE said that he thinks the bill is needed, it's a good bill, and he wants it to go through. He commented that if possible he would like it to be unanimous, however. He said that there has been a question asked by DEC, and members of the

committee have responded by saying maybe those questions should be answered; he has no objection to that. He explained that his only objection was the timeline that the committee is going to be up against.

Number 1034

VICE CHAIR FATE asked whether there was any objection to holding HB 263 over. There being no objection, he announced that HB 263 would be held over.

ADJOURNMENT

Number 1093

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:58 p.m.