ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE
April 27, 2022
12:34 p.m.

MEMBERS PRESENT

Representative Josiah Patkotak, Chair
Representative Grier Hopkins, Vice Chair
Representative Zack Fields
Representative Calvin Schrage
Representative Sara Hannan
Representative George Rauscher
Representative Mike Cronk
Representative Ronald Gillham
Representative Tom McKay

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 349
"An Act relating to the establishment of oil and gas drilling units and patterns."

- HEARD & HELD

HOUSE BILL NO. 171
"An Act relating to pollutants; relating to perfluoroalkyl and polyfluoroalkyl substances; relating to the duties of the Department of Environmental Conservation; relating to firefighting substances; relating to thermal remediation of perfluoroalkyl and polyfluoroalkyl substance contamination; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 349
SHORT TITLE: HEARING ESTABLISH DRILLING UNITS/SPACING
SPONSOR(s): REPRESENTATIVE(s) RAUSCHER

02/22/22	(H)	READ THE FIRST TIME - REFERRALS
02/22/22	(H)	CRA, RES

03/29/22	(H)	CRA AT 8:00 AM BARNES 124
03/29/22	(H)	-- MEETING CANCELED --
04/05/22	(H)	CRA AT 8:00 AM BARNES 124
04/05/22	(H)	-- MEETING CANCELED --
04/07/22	(H)	CRA AT 8:00 AM BARNES 124
04/07/22	(H)	-- MEETING CANCELED --
04/12/22	(H)	CRA AT 8:00 AM BARNES 124
04/12/22	(H)	Heard & Held
04/12/22	(H)	MINUTE(CRA)
04/14/22	(H)	CRA AT 8:00 AM BARNES 124
04/14/22	(H)	Heard & Held
04/14/22	(H)	MINUTE(CRA)
04/19/22	(H)	CRA AT 8:00 AM BARNES 124
04/19/22	(H)	Moved CSHB 349(CRA) Out of Committee
04/19/22	(H)	MINUTE(CRA)
04/20/22	(H)	CRA RPT CS(CRA) 5DP
04/20/22	(H)	DP: MCCARTY, MCCABE, PRAX, HANNAN, SCHRAGE
04/27/22	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 171
SHORT TITLE: PFAS USE & REMEDIATION; FIRE/WATER SAFETY
SPONSOR(s): REPRESENTATIVE(s) HANNAN

04/12/21	(H)	READ THE FIRST TIME - REFERRALS
04/12/21	(H)	RES, FIN
04/26/21	(H)	RES AT 1:00 PM BARNES 124
04/26/21	(H)	Heard & Held
04/26/21	(H)	MINUTE(RES)
04/28/21	(H)	RES AT 1:00 PM BARNES 124
04/28/21	(H)	Heard & Held
04/28/21	(H)	MINUTE(RES)
04/27/22	(H)	RES AT 1:00 PM BARNES 124

WITNESS REGISTER

RYAN MCKEE, Staff
Representative George Rauscher
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented the sectional analysis for HB 349 on behalf of Representative Rauscher, prime sponsor.

JEREMY PRICE, Commissioner, Public Member Seat
Alaska Oil and Gas Conservation Commission
Department of Commerce, Community, and Economic Development
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 349.

JESSIE CHMIELOWSKI, Commissioner, Engineering Seat
Alaska Oil and Gas Conservation Commission
Department of Commerce, Community, and Economic Development
Anchorage, Alaska
POSITION STATEMENT: During the hearing on HB 349, provided information about the bill and a PowerPoint presentation with examples of AOGCC well spacing exceptions.

GRAHAM SMITH, Petroleum Land Manager
Division of Oil and Gas
Department of Natural Resources
Anchorage, Alaska
POSITION STATEMENT: During the hearing on HB 349, answered questions.

TIMOTHY CLARK, Staff
Representative Sara Hannan
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: On behalf of Representative Hannan, prime sponsor of HB 171, explained the changes in Version I, the proposed committee substitute for the bill.

CATHY SCHLINGHEYDE, Staff
Senator Jesse Kiehl
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: During the hearing on HB 171, answered questions on behalf of Senator Kiehl, prime sponsor of the companion bill, SB 121.

CHRIS HLADICK
Anchorage, Alaska
POSITION STATEMENT: Provided invited testimony in support of HB 171.

TIFFANY LARSON, Director
Division of Spill Prevention and Response
Department of Environmental Conservation
Fairbanks, Alaska
POSITION STATEMENT: Provided invited testimony expressing the department's concerns with HB 171.

JENNIFER CURRIE, Senior Assistant Attorney General
Statewide Section Supervisor

Environmental Section
Department of Law
Anchorage, Alaska
POSITION STATEMENT: Provided invited testimony expressing the department's concerns with HB 171.

RANDY BATES, Director
Division of Water
Department of Environmental Conservation
Juneau, Alaska
POSITION STATEMENT: During the hearing on HB 171, answered questions.

JASON OLDS, Acting Director
Division of Air Quality
Department of Environmental Conservation
Juneau, Alaska
POSITION STATEMENT: During the hearing on HB 171, answered questions.

ACTION NARRATIVE

1:06:27 PM

CHAIR JOSIAH PATKOTAK called the House Resources Standing Committee meeting to order at 1:06 p.m. Representatives Fields, Hopkins, Rauscher, Hannan, and Patkotak were present at the call to order. Representatives Schrage, Gillham, Cronk, and McKay arrived as the meeting was in progress.

HB 349-HEARING ESTABLISH DRILLING UNITS/SPACING

1:07:14 PM

CHAIR PATKOTAK announced that the first order of business would be HOUSE BILL NO. 349, "An Act relating to the establishment of oil and gas drilling units and patterns." [Before the committee was CSHB 349(CRA).]

1:07:43 PM

REPRESENTATIVE RAUSCHER, as prime sponsor, explained that the proposed legislation was written because the way oil is searched for and produced in the Twenty-First Century has changed since the 1950s and 1960s when policymakers were worried that drilling vertical wells too tightly together would leave oil in the ground that could no longer be recovered. Today no one is

spending millions of dollars to drill unnecessary wells in Alaska, he said, and advancements in drilling technology now allow wells to be directionally drilled underground, sometimes with multiple lateral wells from a single mother bore or parent well. Holes can be a few thousand feet deep, yet tens of thousands of feet long to recover greater amounts of oil and gas, he advised.

REPRESENTATIVE RAUSCHER said Alaska's statutes are outdated because they have not kept up with these advancements in the oil and gas industry. The statutes being amended in [CSHB 349(CRA)], he related, were originally designed to provide oversight by involving another step to provide assurance that perforations in the ground would not be too close, jeopardizing the structural integrity of the field or zone. This extra oversight is no longer necessary, he stated, and it slows down development and costs the state time and money. He said [CSHB 349(CRA)] would eliminate needless regulatory red tape given that drilling and production processes have fundamentally changed since the statute was written.

1:11:02 PM

RYAN MCKEE, Staff, Representative George Rauscher, Alaska State Legislature, on behalf of Representative Rauscher, prime sponsor, presented the sectional analysis for HB 349 [the original bill version included in the committee packet, rather than for CSHB 349(CRA), which was the official version before the committee]. The sectional analysis read as follows [original punctuation provided]:

> **Section 1: AS 31.05.100(a)**
> This section amends section 1-part a, starting on page 1 line 6 and 7. This would remove the hearing requirement before the commission can establish the drilling unit or units for each pool.
>
> **Section 2: AS 31.05.100(b)**
> This section amends section 2-part b, starting with page 1 lines 14 and 15. This removes the notice and hearing requirement exceptions to the rules and spacing pattern. Meaning that the need for proof of public notice of a hearing would no longer be needed. The remaining changes on page 2 lines 3,4,5, and 8 is legal language that was needed to update the bill to reflect the changes made above.

1:12:22 PM

JEREMY PRICE, Commissioner, Public Member Seat, Alaska Oil and Gas Conservation Commission (AOGCC), Department of Commerce, Community, and Economic Development (DCCED), testified in support of [CSHB 349(CRA)]. He stated that the purpose of the proposed legislation is to reduce administrative barriers. He specified that the AOGCC is tasked under AS 31.05.100(a-b) with holding hearings for any changes to oil and gas pool unit designations, rules, or spacing patterns, even if all relevant properties within a given pool belong to a single owner. He said this requirement for hearings in every instance causes unnecessary delay to pool owners and generates unnecessary cost for the state, as the AOGCC must engage in the protracted process of issuing notice and holding hearings before taking action. He advised that the bill would update the process, reduce unnecessary delays to pool owners, and save the state time and money that would otherwise be spent on superfluous notice and hearing requirements.

MR. PRICE explained that when an explorer discovers oil or gas the existing statute requires the AOGCC to hold a hearing on the spacing of wells that will be drilled within the same pool and establish a drilling unit or units for that pool; the default drilling unit size is a governmental quarter section for oil. He stated Section 1 of the bill would amend AS 31.05.100(a) to remove the requirement to hold the hearing and the requirement to establish a drilling unit. This change is necessary, he said, because the current concept of establishing drilling units as boxes on a map within which only one vertical well can be drilled is completely outdated with horizontal drilling. He stated Section 2 of the bill would amend AS 31.05.100(b) to make it discretionary rather than mandatory for AOGCC to issue notice and hold a hearing in each instance when exception is granted to the rules or spacing patterns prescribed to a particular pool. With this change, he said, AOGCC could allow the operator to drill additional wells within the same pool without having to go through 30 days of notice and comment followed by the issuance of a conservation order. From 2016-2020, Mr. Price continued, AOGCC public noticed 47 hearings on non-controversial well spacing exceptions that no member of the public requested nor submitted testimony.

MR. PRICE described how the proposed statutory change might impact the AOGCC regulations. He drew attention to materials in the committee packet and stated that the portion of language in 20 AAC 25.055(a)(1-2) regarding the creation of drilling units

would no longer be required, and that in 20 AAC 25.055(a)(3-4) the default drilling unit size of governmental section and quarter section would be repealed and the spacing restriction between wells producing from the same pool would also be repealed. However, he continued, the regulation on spacing restriction of wells drilled close to property lines would remain to protect the rights of owners of the resource.

1:16:05 PM

JESSIE CHMIELOWSKI, Commissioner, Engineering Seat, Alaska Oil and Gas Conservation Commission (AOGCC), Department of Commerce, Community, and Economic Development (DCCED), provided information about [CSHB 349(CRA)] and a PowerPoint presentation with examples of AOGCC well spacing exceptions. She explained that the bill would modify a statute that has not been changed since it was first adopted in 1955. She said the bill, if approved, would not impact the AOGCC's ability to fulfill its mission and would allow the AOGCC to be more efficient. She pointed out that while the title of the bill refers to drilling units, the proposed language modification has to do with inter-well spacing exceptions - how far one well must be from another in the subsurface within the targeted productive reservoir.

MS. CHMIELOWSKI related that in when the statute was written in the 1950s, oil and gas fields were commonly developed with vertical wells and at times operators would drill wells too close together, resulting in waste or reduction of recoverable hydrocarbons. She drew attention to a photo in the committee packet of Spindletop, a first-come-first-served approach. There were no controls on the developments then, she recounted, and too many wells were drilled too close together, causing the reservoir pressure to drop rapidly, resulting in stranded reserves or waste. After the conservation act of the 1930s, Ms. Chmielowski continued, agencies like the AOGCC were formed in states across the U.S. to prevent the waste hydrocarbon resources. One way to prevent waste was to set default drilling units, she said, and in Alaska the default drilling units are one governmental section for gas wells and one governmental quarter section for oil wells. Only one well is allowed per default drilling unit, she specified, unless the AOGCC grants a spacing exception, which requires a hearing. The purpose of establishing default drilling units and requiring the AOGCC to hold hearings for spacing exceptions, she stated, was to prevent waste of the resource or, alternatively, to encourage greater ultimate recovery of the resource.

MS. CHMIELOWSKI discussed why allowing wells to be drilled closer than the default spacing encourages greater ultimate recovery. She explained that today's modern technology wells are drilled based on geology and reservoir characteristics, so default drilling units based on governmental sections are out of date. It is common for wells to be planned and drilled closer than the default spacing, she continued. For example, she said, when Prudhoe Bay was started 44 years ago the estimated recoverable reserves were nine billion barrels of oil, but today with advancements in drilling and reservoir management the estimated recoverable reserves are about 14 billion barrels of oil. The updating to current best practices is to the benefit of Alaska, she stated.

1:19:27 PM

MS. CHMIELOWSKI turned to four PowerPoint slides [hard copy included in the committee packet] and reviewed two recent examples of inter-well spacing exceptions, one in Cook Inlet and one on the North Slope. She displayed slide 2, "AOGCC Well Spacing Exception Example: BlueCrest," and said BlueCrest Energy operates the Cosmopolitan Unit on the Kenai Peninsula. She explained that the grid pattern across the map delineates the governmental sections and the green lines extending from the onshore pad depict where the wells extend within the subsurface to the oil and gas reservoir under Cook Inlet. She further explained that each green line is a well bore and each dot on each green line depicts where a fishbone lateral comes off the parent mother bore. She moved to slide 1, "AOGCC Well Spacing Exception Example: BlueCrest," and said the diagram depicts the side view of one of the fishbone wells drilled in the Cosmopolitan Unit. The well begins at the right and drills left across into the reservoir, with the total depth of the well depicted at the left, she explained. The drilling rig is then retracted to come back up hole, and then a bunch of laterals are drilled upward, thereby cross sectioning the reservoir from bottom to top. The spacing in between the individual fishbone laterals in a single well is about 800 feet, which results in a need for seven or more spacing exceptions per well because each of the fishbone laterals required an inter-well spacing exception, Ms. Chmielowski advised. BlueCrest tried several ways to develop this field, she added, and found this to be the best way to recover the most reserves. So, she added, modern well designs like this are used to optimize and improve the ultimate recovery.

MS. CHMIELOWSKI moved to the second example. She displayed slide 3, "AOGCC Well Spacing Exception Example: ConocoPhillips," and noted the map depicts ConocoPhillips' planned developments in the Rendezvous Oil Pool, which is part of the Greater Mooses Tooth Unit in the National Petroleum Reserve-Alaska (NPR-A) on the North Slope. She drew attention to the governmental sections overlain on the map and the purple line delineating the reservoir boundary and said the orange lines within the boundary are the proposed well developments. She stated that the plan is to drill a bunch of wells in a diagonal pattern from the drill pad, marked MT 7, in the pattern depicted on the map. In this case the wells are being angled diagonally, Ms. Chmielowski explained, because as the company develops these fields it is accounting for the reservoir characteristics like permeability and porosity and positioning the wells to get the best production out of the field. She noted that rock can have different properties in different directions depending on how it was deposited.

1:23:52 PM

REPRESENTATIVE FIELDS inquired about the difference between permeability and porosity.

MS. CHMIELOWSKI replied that porosity is how many air gaps are in the rock and permeability is how easily something can flow through it. She specified that something could have a lot of porosity in that it has a lot of air spaces, but the air spaces are not connected to each other, which would be permeability.

1:24:20 PM

CHAIR PATKOTAK asked whether the orange well plan lines are the extent of the reach of the lateral drilling from the well pad. He further asked how far that reach is.

MS. CHMIELOWSKI replied that several thousand feet is deceptive. She displayed slide 4, "AOGCC Well Spacing Exception Example: ConocoPhillips," and said it is where they can reach reasonably well with the rate from that location. The closeup of the wells on slide 4, she stated, shows how all the wells originate at that drill site and come out in different directions, but they all are parallel. She said ConocoPhillips has this parallel well design in several of its fields - there are alternating injectors and producers such that the injectors along the length of the lateral push the oil towards the producers, which gets good sweep and recovery. While the rigs could probably drill

farther, Ms. Chmielowski added, this is what the company thought was optimal design. She displayed slide 3 and noted that the entire pool is not being developed, only the section considered the sweet spot of the reservoir oil pool is being developed.

1:25:36 PM

MS. CHMIELOWSKI resumed her presentation. She pointed out that in these two examples each of the wells crosses multiple governmental sections and there are multiple wells per governmental section. She advised that every well would require spacing exception, which is unnecessary to protect correlative rights or prevent waste. This development, she further advised, will yield a greater recovery than the conventional vertical or slant well development with the default minimum spacing rules. She stated that the technical review of drilling permits by AOGCC engineers and geologists is robust and would not change under [CSHB 349(CRA)]. With the passage of this bill, she added, the AOGCC will continue to fulfill its mission to prevent the waste of Alaska's valuable hydrocarbon resources.

1:26:30 PM

MS. CHMIELOWSKI next addressed two topics brought up in [the House Community and Regional Affairs Standing Committee]. The first topic, she related, is that the AOGCC also oversees spacing exceptions dealing with how close a well can be drilled to a lease boundary where the ownership is not the same on both sides. For this, she specified, the AOGCC requires a minimum distance of 1,500 feet for an oil well and 3,000 feet for a gas well; the purpose being to protect correlative rights, which are the rights of an owner of a resource to recover his or her share of that resource. The spacing exception requirement to protect correlative rights is not affected by [CSHB 349(CRA)], she advised, the AOGCC would still be required to notice hearings for any spacing exception of this type.

MS. CHMIELOWSKI then addressed the second topic, the question of whether a spacing exception would have prevented the [3/4/22] gas leak from the Alpine CD1 drill site. She said the answer to that question is no, it would not have prevented the gas leak. She stated that inter-well spacing exceptions like the ones discussed in [CSHB 349(CRA)] address how far one well must be from another in the subsurface, and not just anywhere below the surface, but in the targeted productive reservoir. Regarding the CD1 leak, she said the well being drilled targeted a deep reservoir zone, and on its way, it drilled through a sand known

as Halo. Many wells have drilled through the Halo sand with no issues, she stated, and because it was not considered a productive hydrocarbon zone, cement was not placed across it during that stage of the well completion. In this case the Halo sand was unexpectedly productive and did start producing gas, she explained. The gas migrated up the well and into the thaw bulb, the area directly below the drill site where heat from production in injection wells thaws out an area of the permafrost. Once the gas migrated into this thaw area, Ms. Chmielowski continued, it came to surface in various locations via the path of least resistance. She advised that the source of the gas has been identified and is in the process of being cemented and isolated. She specified that the CD1 well would not have required a spacing exception for the Halo sand because it was not the targeted productive reservoir.

1:29:35 PM

REPRESENTATIVE HOPKINS, relative to keeping 1,500 away from the boundary between different lease owners, asked whether the boundary would be the curvy purple line depicted on the map on slide 3 [or the squared line].

MS. CHMIELOWSKI replied that it would be to the lease boundary, which is the squared-off boundary depicted on the map. She stated that ConocoPhillips acquired leases to match the pool boundary [curvy purple line] but the correlative rights issue applies to the lease boundary, not the pool boundary. She noted that all these wells are offset from both the lease boundary and the pool boundary because the company doesn't want to drill right up to the edge of the pool.

REPRESENTATIVE HOPKINS asked whether there would be 1,500 feet between the right-angled lines and the pool boundary plus another 1,500 feet between the pool boundary and the lease boundary.

MS. CHMIELOWSKI responded that AOGCC statutes for minimum stand-off relate only to the lease boundary line, which is the squared-off boundary [on slide 3]. In this case, she continued, the operator decided to stay within the pool boundary, which is an additional offset that AOGCC doesn't require.

REPRESENTATIVE HOPKINS observed the gridlines on the map and inquired about the mileage dimension of those gridlines.

MS. CHMIELOWSKI answered that a governmental section is 640 acres. She stated that these governmental sections are going to be even smaller than what is being seen as outlines on the map.

1:32:38 PM

REPRESENTATIVE HANNAN inquired about the frequency of inter-well spacing exemptions on North Slope leases versus Cook Inlet leases.

MS. CHMIELOWSKI replied that between BlueCrest Energy and ConocoPhillips, AOGCC most often gets requests for inter-well spacing exceptions in the Cook Inlet. A main reason, she explained, is the North Slope's remote location and high-cost environment, so operators tend to fully plan their developments before starting to drill their wells. For example, she said, all the wells for the ConocoPhillips Rendezvous oil pool were pre-planned and brought to the AOGCC before any drilling was started. The operator comes to the AOGCC for pool rules - the set of guidelines for how best to manage the field - and in a pool rules application the AOGCC always writes a rule that the inter-well spacing requirement is no longer needed within the reservoir. Whereas on the Cook Inlet, Ms. Chmielowski continued, the AOGCC gets a lot more exploration wells, smaller pools, and smaller developments, and operators tend to drill their wells one at a time rather than having a full plan of development from day one.

1:34:54 PM

CHAIR PATKOTAK stated he is on board with ensuring there isn't too much bureaucracy in the process, but that he also believes checks and balances must be kept intact to ensure the public is involved. He asked whether those checks and balances would be skirted if [CSHB 349(CRA)] becomes law.

MR. PRICE responded that hearings on spacing exceptions are very narrow, very targeted, very technical, and specifically focused on this information. During the years he has been involved, he related, the AOGCC has received very few questions, although on occasion a homeowner has raised concern about noise. However, he continued, noise is completely outside the scope of AOGCC's authority and outside the scope of the hearing, so there is nothing the AOGCC can do about that concern. Those issues, he said, are raised during the extensive public process undergone by the Department of Natural Resources (DNR) long before a permit to drill is submitted to the AOGCC. He assured the

committee that the public process would not be skirted by passing the proposed legislation.

1:36:58 PM

GRAHAM SMITH, Petroleum Land Manager, Division of Oil and Gas (DOG), Department of Natural Resources (DNR), verified Mr. Price's response. He stated that the public processes within DNR are many and robust, and passage of [CSHB 349(CRA)] would not affect those. He cited Article VIII, Section 10, [Alaska State Constitution], which states, "No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law." He said this goes from the best interest finding prior to a lease sale all the way until termination of the lease of a unit with multiple public processes in the middle. In addition to the constitutional obligation, Mr. Smith continued, DNR does a lot of public notices because there is text for an obligation to conduct public notices at various stages and there is case law which dictates that each phase of development has its own public process. He said DNR does not have an official position on the proposed legislation, but that the bill would not affect any of those processes.

1:38:21 PM

CHAIR PATKOTAK asked whether [CSHB 349(CRA)] would affect the permitting authority of any municipality where these well spacing exceptions may be permitted on the North Slope or in Cook Inlet.

MR. PRICE answered that there would be no impact from the proposed legislation on that issue.

1:39:09 PM

CHAIR PATKOTAK opened public testimony on CSHB 349(CRA), then closed it after ascertaining that no one wished to testify.

1:39:40 PM

CHAIR PATKOTAK announced that CSHB 349(CRA) was held over.

HB 171-PFAS USE & REMEDIATION; FIRE/WATER SAFETY

1:39:55 PM

CHAIR PATKOTAK announced that the final order of business would be HOUSE BILL NO. 171, "An Act relating to pollutants; relating to perfluoroalkyl and polyfluoroalkyl substances; relating to the duties of the Department of Environmental Conservation; relating to firefighting substances; relating to thermal remediation of perfluoroalkyl and polyfluoroalkyl substance contamination; and providing for an effective date."

CHAIR PATKOTAK stated that today's goal is to bring the bill up to date based on the changes made in the Senate Resources Standing Committee, and to take testimony from the sponsor and affected agencies. He said the sponsor has asked that the committee adopt a committee substitute (CS) to HB 171 that matches the version currently in the works in the other body.

1:40:23 PM

REPRESENTATIVE HOPKINS moved to adopt the proposed CS for HB 171, Version 32-LS0788\I, Radford, 4/23/22 as the working document. There being no objection, Version I was before the committee.

1:40:59 PM

REPRESENTATIVE HANNAN, as prime sponsor of HB 171, explained that the bill would set in statute health protective levels for drinking water that limit perfluoroalkyl and polyfluoroalkyl substances (PFAS) and perfluorooctanoic acid (PFOA) compounds. The major change in the CS, she related, is removal of the blood test collection and monitoring. She said the bill continues to affirm that the polluter pays and that the liability for the pollution remains with the polluter; exempt the oil and gas industry; and exempt the use until there is an alternative that is acceptable by the state fire marshal. She stated that PFAS/PFOA aqueous film forming foam (AFFF) is the best [firefighting response] for oil and gas fires because they burn hot and long. Representative Hannan pointed out that most of the PFAS/PFOA pollution in Alaska is not from actual fire response but from required testing at airports. She said it is a compound that does not dissipate and does not dilute, but it does migrate in the water column, and it has migrated into drinking water systems from the sites that were required to deploy it. This chemical compound is very toxic to humans, she continued, and contributes to low birth weight, thyroid disease, and a list of cancers.

1:43:37 PM

TIMOTHY CLARK, Staff, Representative Sara Hannan, Alaska State Legislature, on behalf of Representative Hannan, prime sponsor of HB 171, explained the changes in Version I, the proposed committee substitute for the bill. He stated that other than the removal of the blood testing requirements, the only other change is an updating of the effective date of the bill from 1/1/2022 to 1/1/2023.

1:44:07 PM

REPRESENTATIVE HOPKINS referred to the [North Pole Refinery] where sulfolane pollution occurred under the refinery's builder and original owner, but the pollution wasn't discovered until after purchase of the refinery by another company and now there have been many court cases over who is liable. He asked whether the original polluter or the current landowner would be responsible for the cleanup and remediation.

REPRESENTATIVE HANNAN replied that in that specific case the lawyers will have to fight it out because she doesn't know.

REPRESENTATIVE HOPKINS posed a scenario in which a government entity, such as the U.S. Department of Defense, is the polluter. He asked whether the government entity would be the responsible polluter.

REPRESENTATIVE HANNAN responded yes.

1:45:55 PM

REPRESENTATIVE RAUSCHER asked whether provisions in HB 171 would dictate the answer to Representative Hopkins' question.

MR. CLARK answered that the foundational premise for liabilities in HB 171 is the concept that the polluter pays. So, he said, the liability would rest with the entity that caused the discharge of the pollutant into the environment.

REPRESENTATIVE RAUSCHER asked who the polluter would be if the federal government gave the okay for use at, say, an airport.

MR. CLARK replied that until the present, the Federal Aviation Administration (FAA) required airports to train with PFAS-bearing foams on a regular basis. He said it seems conceivable to him that the FAA would be the liable entity.

1:47:49 PM

REPRESENTATIVE GILLHAM asked how the origin of PFAS pollution can be determined. For example, he said, Juneau's dump is only a mile or two from the airport. He further noted that sludge washes into [Gastineau] Channel and asked where the liability would be there.

REPRESENTATIVE HANNAN responded that the bill addresses PFAS in foam. She said the bill does not address PFAS in things like Gore-Tex jackets or containers for fast food, although legislation in some states does address that. She related that Juneau residents have been assured the landfill has a liner [to prevent] leaching into the water table. She said Alaska's water column issues are related to the dispersing of the foam and are primarily associated with use at airports from mandated testing. Regarding liability, she stated, what is being talked about is the cleanup and providing clean drinking water. Representative Hannan pointed out that the Juneau airport is in a saltwater area, and it is not where Juneau gets its drinking water. The community of Gustavus, she continued, has no community water system and PFAS from the airport have leached into the water table, polluting wells, including the school's well. For five years now, she specified, the Department of Transportation and Public Facilities (DOT&PF) has provided an alternative source of drinking water to the citizens whose wells were polluted by the PFAS plume from the Gustavus airport. Cleanup and mitigation are ongoing, and DOT&PF and the Department of Environmental Conservation (DEC) and DOT&PF have taken the responsibility for it, she added.

1:51:57 PM

REPRESENTATIVE RAUSCHER referred to page 2, lines 18-27 of Version I, which read:

> **Sec. 46.03.345. Liability for drinking water and drinking water testing.** (a) A person who causes a fire that results in a release of a firefighting substance containing a perfluoroalkyl substance or polyfluoroalkyl substance is liable for the costs of providing drinking water and drinking water testing under AS 46.03.340. This subsection does not apply to a release of a firefighting substance to extinguish a fire in a residential building or motor vehicle.
>
> (b) A person who extinguishes a fire by releasing a firefighting substance that contains a

perfluoroalkyl substance of polyfluoroalkyl substance is not liable for the costs of providing drinking water and drinking water testing under AS 46.03.340 or site cleanup under this chapter, AS 46.08, AS 46.09, or another state law unless the firefighting substance was released for training or testing purposes.

REPRESENTATIVE RAUSCHER noted that under subsection (a) the person causing the fire is not the one who released the substances, but that person is liable for what happens afterward. He further noted that under subsection (b) the person who extinguishes the fire by using such substances is not liable for the cost of providing drinking water. He maintained that those two provisions contradict each other somewhat.

MR. CLARK answered that when reference is made to a person in that paragraph, most likely that would be a company because in U.S. law companies are persons. He said the entity that caused a fire where PFAS was used to put out that fire would be liable. The next paragraph, he continued, is differentiating that fire departments that are forced to use these substances to put out a fire will not be held liable because of the circumstances in which they found themselves.

1:54:15 PM

REPRESENTATIVE MCKAY posed an example of airplane engine failure forcing [the pilot] to crash land on a Gustavus airport runway, causing the plane to erupt in fire and firefighting trucks responding by hitting the fire with PFAS because that is what they have. That [the pilot] would be held liable seems a stretch, he stated, because it wasn't intentional, it was an accident. Liability per line 18, he argued, cannot be connected to unintentional accidental acts.

1:56:24 PM

CATHY SCHLINGHEYDE, Staff, Senator Jesse Kiehl, Alaska State Legislature, responded on behalf of Senator Kiehl, prime sponsor of the companion bill, SB 121. She explained that the liability provisions in these bills are designed to match the existing DEC rules about liability, which means that with all these hazardous substances the polluter pays, or the spiller pays, and that includes accidental releases. So, she said, someone who spills a carcinogen into the environment, even if it's an accident, would still be liable for the cleanup. The responsible party wouldn't have criminal liability because there is not that

intent, she continued, but the party would have civil liabilities. Ms. Schlingheyde noted that the bill adds some protections not existing in current law. For example, she specified, under current law a volunteer fire department is responsible when it uses foam that contains PFAS or sprays anything else while fighting a fire. This will give them a liability shield that they wouldn't otherwise have because there is concern about the ability for volunteer fire departments and others to be able to pay for this, she advised, but it doesn't create a new type of liability.

1:57:54 PM

REPRESENTATIVE MCKAY offered his understanding that there are PFAS at airports in Alaska right now.

MS. SCHLINGHEYDE answered yes.

REPRESENTATIVE MCKAY offered his understanding that the airport fire department people are shielded from liability to use on a fire the PFAS currently at the airports.

MS. SCHLINGHEYDE replied that this would give them a liability shield if this were a fire but not for a training or for an accidental release.

REPRESENTATIVE MCKAY stated it is unfair in a situation like his aircraft example. The saving of human life is more important than the groundwater, he maintained, and he doesn't have any choice in this accidental situation that the firefighters are using PFAS. He pointed out that as the pilot he can't say that if he were to crash, the firefighters should let him burn to death rather than using PFAS. It isn't right and doesn't make sense, he added.

REPRESENTATIVE HANNAN responded by noting that Gustavus is a second-class city that provides two examples. One example is DOT&PF being held liable for the practice discharge of PFAS at the airport. Now DOT&PF is having to provide drinking water. The other example is the Gustavus Volunteer Fire Department being held liable by DEC for using PFAS [to extinguish] a real fire because currently volunteer fire departments are liable for discharging PFAS. For four years DEC has pursued collecting from the Gustavus volunteer fire department because it used a fire truck donated by the state that was full of PFAS foam.

2:00:33 PM

CHAIR PATKOTAK announced that the committee would hear invited testimony.

2:01:07 PM

CHRIS HLADICK provided invited testimony in support of HB 171. He qualified that he is speaking on behalf of himself but that he formerly was the Region 10 administrator for the Environmental Protection Agency (EPA), the former commissioner of the Department of Commerce, Community, and Economic Development, and a city manager in the state for 27 years. He said he is testifying in support of HB 171 because he thinks it is a good first step.

MR. HLADICK advised that today's discussion has been a good discussion about some of the complicating issues with PFAS, called "forever chemicals" by the EPA. He related that the EPA is in the process of developing a [maximum] contaminant level (MCL) for drinking water that is supposed to be done by summer 2023. However, he pointed out, there is nothing to say that the state can't set levels of its own and then adjust in the future or keep at levels less than what the EPA develops. He offered his belief that the EPA is working on 22 chemicals and noted that the PFAS/PFOA family includes over 4,500 chemicals. Liability is an issue, he affirmed, and working out the legal interpretation on the liability issue is an important first step in the process going forward.

2:03:54 PM

TIFFANY LARSON, Director, Division of Spill Prevention and Response (SPAR), Department of Environmental Conservation (DEC), provided invited testimony expressing DEC's concerns with HB 171. She noted that her written testimony provided in the committee packet, titled "HB 171 Prepared Statements for House Resources Committee April 27, 2022," contemplates the original version of the bill, so she will skip the points that are no longer valid. She explained that PFAS is a family of chemicals with 5,000-10,000 man-made compounds of carbon bonded to fluorine, one of the strongest bonds to exist. She said PFAS chemicals are water, heat, and oil resistant, as well as water soluble and persistent in the environment, and they bioaccumulate. She stated that while DEC has concerns about the content of HB 171, the department appreciates Representative Hannan bringing attention to this important subject.

MS. LARSON addressed the question, "What has DEC done in the absence of legislation to protect Alaskans and the environment?" She said Alaska pro-actively listed perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) as hazardous substances. In 2016, she related, Alaska was one of the first states to promulgate soil and groundwater cleanup levels for two PFAS compounds. In 2019, she stated, [DEC] incorporated through its technical memorandum ("memo") the lifetime health advisory (LHA) of 70 parts per trillion (ppt) for PFOA and PFOS, individual or combined. This number, she explained, is the threshold for when a responsible party (RP) is required to provide alternative drinking water. Since 2018, she continued, DEC and DOT&PF have been voluntarily testing drinking water wells at the airports that have been required to use AFFF. As part of that effort, DEC implemented expedited procedures to sample wells that it suspected of contamination, Ms. Larson specified, and where drinking water impacts were found, alternative drinking water has been provided. She noted that DEC also issued two state permits for thermal remediation that are protective of human health and the environment consistent with developed testing requirements for limits and emissions.

2:06:46 PM

MS. LARSON related that the EPA is actively working on the issue of 5,000-10,000 compounds of PFAS by developing a strategic roadmap, which EPA published in October 2021. Existing research was reviewed through EPA's Science Advisory Board for PFOS and PFOA, she said. The result of that review will be released in May [2022], she continued, and DEC anticipates the review board will set a lower LHA and DEC expects it to be reduced by an order of magnitude - from 70 ppt down to 7 ppt or lower. It is further expected, she advised, that in fall 2022 EPA will issue a proposed rulemaking for National Primary Drinking Water Act regulations, with a final rule promulgated in fall 2023. In winter 2022, Ms. Larson added, the EPA is expected to publish ambient water quality criteria. Plus, she specified, the EPA is looking at identifying categories of PFAS to regulate on an individual compound basis. She said DEC expects that by summer 2023 the EPA will have published a final rule for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)("Superfund") designation for PFOA and PFOS. She deferred to Ms. Jennifer Currie to provide testimony on behalf of the Department of Law.

2:08:46 PM

JENNIFER CURRIE, Senior Assistant Attorney General, Statewide Section Supervisor, Environmental Section, Department of Law (DOL), provided invited testimony expressing DOL's concerns with HB 171. She said there are two distinct ways that DEC can identify a substance as hazardous: first, DEC can make a determination based on the definition of hazardous substance contained in statute; second, DEC can list the hazardous substance in its promulgated regulations. She stated that when DEC has decided that a substance – especially an emerging contaminant - is hazardous according to the definition only and not by regulation, responsible properties have tried to evade liability by improperly arguing that the determination is not valid because it is not regulation.

MS. CURRIE advised that if HB 171 is enacted, there is concern that liable parties will try to evade liability by arguing that other emerging contaminants are non-hazardous substance if they are not named in statute. She said the language of HB 171 is unclear as to whether the bill is defining hazardous substances under state law to include PFAS because it's referred to only as a substance, and DEC liability statutes impose joint and several liability only on releases of hazardous substances. She drew attention to Sec. 46.03.350(c) of Version I that requires DEC to accept certain amounts of PFAS each year, all of which must be disposed of by DEC. She counseled that if at any point in the future the PFAS disposal site has a release or receives a determination that it is not appropriate for PFAS disposal, the site will be deemed a contaminated site directly under state or federal law. She specified that because DEC is the entity which disposed of PFAS at the site, the state will be held jointly and severally liable for addressing the contamination at that site.

MS. CURRIE pointed out that another issue is that Sec. 46.03.345(b) names the federal government as liable if it requires the use of PFAS substance. She advised that any provision that makes the federal government liable under a state statute would be subject to challenge unless there is a valid waiver of sovereign immunity. The United States, she said, has sovereign immunity for lawsuits just as the state does. For a waiver of sovereign immunity to be valid, she continued, Congress must specify what it intends to waive, or courts will hold the waiver as not occurred. To enforce .345(b), she counseled, the state will likely have to enter cost of litigation without a likelihood of success to attempt to hold the federal government liable. She deferred to Ms. Larson to continue with DEC's testimony.

2:12:15 PM

MS. LARSON resumed her testimony. She addressed the question, "What challenges exist for DEC with implementing the bill as written?" She said there is not currently an existing database of where aqueous film forming foam (AFFF) has been used in Alaska, so DEC would have to do the research to find it. She noted that there is significant liability to the state and for ultimate disposal. She related that there is not a current mechanism by which DEC can accept, handle, or dispose of any amount of PFAS containing firefighting substances. She pointed out that the federal permitting for thermal remediation doesn't change the monitoring requirements and only adds time and expense for those permit applicants. She advised that the minimal release language for thermal remediation requires contract development of a numerical pollutant limit and special procedures more stringent than federal requirements on a timeline ahead of EPA and the science.

MS. LARSON concluded her testimony by stating that DEC has the necessary authority, and has used it, to require responsible parties to respond to PFAS contamination and to regulate hazardous substances. To statutorily declare a substance as hazardous could jump ahead of the science, she submitted, and takes that decision making out of the hands of DEC's technical staff. She said DEC understands the public's concern regarding PFAS, and the desire for clear lines of what is safe and not safe. However, she stated, the scientific community is still working to determine the critical levels of PFAS in drinking water and in human blood and bodies, and this bill doesn't make that process happen any faster.

2:15:07 PM

REPRESENTATIVE MCKAY referred to the list of substances and their cutoff concentrations on page 2, lines 8-16 of Version I. He submitted that the measurement in parts per trillion (ppt) is so small and exact that it is like passing a speed limit law of 64.3876 miles per hour, no more, no less. He argued that these limits could change as the EPA and other agencies do more testing and therefore suggested that DEC could set these numbers independently of the legislature. He reiterated his belief that assigning liability in the plane crash example he posed earlier seems like a stretch. He posed another example where a forklift driver accidentally puts a fork through a drum of aviation gas causing it to ignite and said holding the forklift driver liable for the groundwater contamination seems like a stretch.

2:18:28 PM

RANDY BATES, Director, Division of Water, Department of Environmental Conservation (DEC), responded that these are very specific drinking water provisions, which are different from clean water provisions.

2:19:05 PM

MS. LARSON, regarding the numbers being very specific and akin to writing a speed limit sign of [64.3876] miles per hour, explained that the State of Alaska didn't originate the limits in the bill and that the sponsor probably has a better awareness of the origin of the limits. Regarding whether it is somehow different from the way drinking water standards are established in the orders of magnitude in the numbers, she advised that those standards usually are prescriptive. She deferred to Ms. Currie to address accidental liability.

2:20:12 PM

MS. CURRIE specified that environmental statutes for liability don't take into account accidents; they are "no fault." She said there is some confusion with the bill because Alaska's liability statute for contamination is AS 46.03.822, which establishes four different categories of people liable jointly and separately, so each one is responsible for the fault all themselves. For example, she continued, if two people were liable and one went bankrupt, the one that was left would be responsible for all of it - that is joint and several liability. She said the legislation establishes sort of two new categories of liability but doesn't note whether they are jointly and severally liable in conjunction with .822. Also, she noted, the bill doesn't establish that PFAS are hazardous substances, which is required for .822. She further noted that in an accident like those posed by Representative McKay, the traditional liability for contamination does not take into account the person's mental state.

2:22:03 PM

REPRESENTATIVE RAUSCHER asked what data was used for the limits in HB 171 given the [EPA] report won't be out until May [2022].

REPRESENTATIVE HANNAN replied that the limits came from the "Michigan PFAS Science Advisory Working Group." Michigan is one

of the leading states [in addressing] PFAS pollution, she said, and this research was shared when the bill was introduced. She offered to provide the studies again.

REPRESENTATIVE RAUSCHER asked how long the study was and why it was chosen.

REPRESENTATIVE HANNAN responded that Michigan is a leading state establishing standards. She said the report is based in 2019 and she first introduced the bill in 2020.

REPRESENTATIVE RAUSCHER, regarding the [limit] of 25 gallons annually from every entity, noted that the substances could be coming from an oil company or a firefighting outfit. He asked whether there is any idea about the volume that the state could expect to be warehousing every year.

REPRESENTATIVE HANNAN answered, "We don't, ... it is limited to 25 per year." She related that DOT&PF has identified 34 airports at which there is PFAS aqueous foam. She offered her belief that it would be better to move it from diverse locations where a forklift driver might puncture a container to a more centralized collection location for disposal or monitoring.

2:24:42 PM

REPRESENTATIVE RAUSCHER, regarding the 10,000 compounds, offered his belief that these compounds are contained in many plastics. He asked how contamination is going to be differentiated when looking at the chemical makeup of thousands of compounds.

REPRESENTATIVE HANNAN replied that this legislation is focusing on the PFAS and PFOA compounds used in AFFF, the firefighting foam. The bill is not looking at plastics or Gore-Tex, she explained, because there are no manufacturing sites in Alaska for those.

REPRESENTATIVE RAUSCHER inquired whether the sponsor thinks that the data in the forthcoming [EPA] report will be different or the same.

REPRESENTATIVE HANNAN responded that she does not think the EPA will have research that correlates to what Alaska's clean drinking water standards are. She stated that the EPA must work on a national level to address the hundreds of PFAS compounds. The impetus for the bill, she continued, is because of waiting on the EPA to address clean drinking water standards and the EPA

is not doing it in a fast enough way to address the safety, security, and health protection of Alaskans. In response to Chair Patkotak, she said drinking water standards are a viable element to ensuring Alaskans are protected.

REPRESENTATIVE RAUSCHER offered his belief that the bill has some retroactive provisions. This worries him, he said, because the federal government has maintained levels at the airports, so other entities have looked at that and have thought it okay to utilize them.

2:27:26 PM

REPRESENTATIVE SCHRAGE asked whether he is correct in thinking that the dumping into water of raw materials comprised of PFAS chemicals, such as petroleum products, will cause instant pollution whereas the dumping of plastics made of these same PFAS chemicals will not instantly pollute the water.

MS. LARSON responded that the answer isn't simple as to whether a small amount of petroleum being dumped into a well will result in contamination. She explained that pollution is talked about in terms of the product release relative to the environment to which it is released. So, she said, when talking about these limits and the concentrations in the type of environment, such as soil, groundwater, and drinking water, it is specific to what is being addressed. In this bill, she continued, the limit is 420 ppt for PFOS in drinking water, so anything below that is okay.

REPRESENTATIVE SCHRAGE clarified that he is asking about the pollution potential for products that have PFAS chemicals bound into them as part of the production process versus firefighting foams. He asked whether he is right that when bound into a product one can be pretty sure that that is not the source of PFAS contamination.

MS. LARSON confirmed that that is correct and said the principal source of PFAS in groundwater in Alaska is from AFFF release.

2:30:36 PM

REPRESENTATIVE SCHRAGE posed a scenario in which he accidentally knocks a barrel of a known contaminant out of his truck into a lake. He asked whether he would be held liable under current statute.

MS. CURRIE confirmed that he would be liable under AS 46.03.822.

CHAIR PATKOTAK remarked that he understands the idea of ensuring that volunteer fire departments aren't liable but that the liability now would be "kicked over" to somebody.

REPRESENTATIVE GILLHAM commented that the numbers are "mind-boggling" because by his calculation someone would have to drink 42,000 gallons of water per day [to be in the PFAS danger zone].

2:33:54 PM

REPRESENTATIVE RAUSCHER noted that the bill's language states "PFAS substances" and argued that if it was talking about AFFF it would be listed that way. He said he is trying to get an understanding of the generics versus absolutes and how that is being looked at legally.

REPRESENTATIVE HANNAN replied that there are hundreds of PFAS compounds and components, and the legislation is focusing on the seven that are the primary components in AFFF, which is firefighting foam.

REPRESENTATIVE RAUSCHER responded, "It doesn't say that."

REPRESENTATIVE HANNAN drew attention to page 2 of Version I and stated that the seven substances listed [on lines 10-16 are the seven primary components in AFFF]. She then explained that Alaska laws are not written in colloquial speech, and with hazardous substances "they've" asked to be very specific.

REPRESENTATIVE RAUSCHER said he will visit with Legislative Legal Services to figure out why it is written the way it.

CHAIR PATKOTAK interjected that he understands the concerns about opening the can of worms not specific to AFFF. He observed that Section 1, Sec. 46.03.340, doesn't say anything about firefighting substances until page 2, line 18. He said there is a general understanding amongst committee members that PFAS/PFOA is an issue, but it is a matter of differences in how to find a way to address the issue, which will require work with the bill sponsors in both bodies.

2:37:08 PM

REPRESENTATIVE SCHRAGE related that he has been thinking about the scenario of someone causing a fire that requires the use of

PFAS firefighting foams. He said the scenario presented by Representative McKay seems like a genuine concern, because as a private pilot himself it would be a hard decision as to whether to let the fire burn or put it out at the risk of permanently polluting the drinking water of thousands of people. He inquired about the intent and who was in mind when this liability was envisioned. For example, he continued, he is thinking about chemical production facilities that deal with hazardous materials all the time and whether there are other laws on the books requiring special liability insurance for cleanups that would be massive.

MS. CURRIE responded that AS 46.03.822 establishes liability for the release of hazardous substances. She said it does not have this as a category of people that are liable; this is a new category of people that are liable under state law. She stated she doesn't know if other states have established the person who causes the fire as a person liable either regular liability or joint and several liability.

REPRESENTATIVE SCHRAGE said this will have to be worked on offline.

CHAIR PATKOTAK stated there is plenty of work for committee members to do offline together with either the bill sponsor or the department to answer the committee's specific questions.

2:40:10 PM

REPRESENTATIVE MCKAY asked whether "these types of things" must be shipped to the Lower 48 for proper disposal.

JASON OLDS, Acting Director, Division of Air Quality, Department of Environmental Conservation (DEC), answered that [DEC] has permitted two facilities that are currently capable of thermally remediating PFAS. In further response regarding their location, he said one facility is in Moose Creek near North Pole and the other in Valdez.

CHAIR PATKOTAK inquired whether the PFAS/PFOA is eliminated when incinerated or whether it becomes caught up in the filters, thereby contaminating the filters.

MR. OLDS replied that it is 99.9999 percent destruction. He said there are several treatment technologies in the process where it would be captured or where other product pollutants are

captured. It's an industrial process, he continued, but a lot of controls go on with that.

2:42:25 PM

REPRESENTATIVE CRONK asked whether water that is contaminated with PFAS is contaminated forever.

MR. BATES responded that once PFAS are in the water they are in the water column and persist. In what concentration they persist is a different question, he added.

2:43:15 PM

REPRESENTATIVE RAUSCHER asked how PFAS arrive in Alaska and in what form.

MS. LARSON answered that it comes up in the form of aqueous film forming foam (AFFF), which is a firefighting substance. Apart from that, she said, the family of PFAS compounds is ubiquitous and comes in all kinds of forms, such as nonstick pans and microwavable popcorn bags. The AFFF comes to Alaska by tug or barge and all the rest comes via the common shipping pathways. It is everywhere, she noted, and it is in every person in some form or another.

2:44:44 PM

REPRESENTATIVE HANNAN provided closing comments. She said DEC currently lists two of the PFAS/PFOA compounds as hazardous, but [she] believes all seven in the bill are significantly toxic to humans and exist in the water columns because of AFFF. She related that DEC says it doesn't have a database of where it is and where it has been used. But, she maintained, it is long past due given at least two state agencies have been collecting data since 2018. So, as the data is collected on where these forever chemicals have been used, stored, or spilled, the database needs to be built because whether it is addressed this legislature or 10 years down the road, it is being found by the EPA and state agencies that the exposure limits that create toxic response go down. Representative Hannan agreed that the small [concentrations] for significant health concern are mind blowing but added that while not letting it into Alaska's water system is best, [it is good] to know where it is and try to remove it. One of the earliest PFAS contamination sites in Alaska is in Representative Cronk's district, she stated, and it was caused by the U.S. Department of Defense (DoD). The fish

from the lakes cannot be eaten due to PFAS in the water, she continued, and while that is rare in Alaska, it isn't rare across the U.S. She stressed that Alaska doesn't want to be like the rest of the U.S., so Alaska cannot wait for federal EPA decisions to be had because it will be years, not months given that the EPA is dealing with hundreds of compounds and not just AFFF. She urged that the state start with [these seven substances] for the health and safety of Alaskans.

CHAIR PATKOTAK recounted that in preparing for today's meeting there was discussion about a list that prioritized the safe drinking water limits throughout Alaska into which AFFF was leaked. He said he looks forward to that follow-up from the department and making it available to all committee members in preparation for the bill's next hearing.

CHAIR PATKOTAK announced that HB 171 was held over.

2:49:01 PM

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:49 p.m.