

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

January 29, 2025

1:02 p.m.

MEMBERS PRESENT

Representative Robyn Niayuq Burke, Co-Chair
Representative Maxine Dibert, Co-Chair
Representative Carolyn Hall
Representative Donna Mears
Representative Zack Fields
Representative Dan Saddler
Representative George Rauscher
Representative Julie Coulombe
Representative Bill Elam

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

OVERVIEW(S): Department of Environmental Conservation Overview

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

EMMA POKON, Commissioner
Department of Environmental Conservation
Juneau, Alaska

POSITION STATEMENT: Co-presented an overview of the Department of Environmental Conservation.

MEGAN KOHLER, Administrative Services Director
Department of Environmental Conservation
Anchorage, Alaska

POSITION STATEMENT: Co-presented an overview of the Department of Environmental Conservation.

ACTION NARRATIVE

[1:02:48 PM](#)

CO-CHAIR ROBYN NIAYUQ BURKE called the House Resources Standing Committee meeting to order at 1:02 p.m. Representatives Hall, Mears, Fields, Saddler, Rauscher, Coulombe, Elam, Dibert, and Burke were present at the call to order.

OVERVIEW(S) Department of Environmental Conservation

[1:03:38 PM](#)

CO-CHAIR BURKE announced that the only order of business would be an overview of the Department of Environmental Conservation.

[1:04:03 PM](#)

EMMA POKON, Commissioner, Department of Environmental Conservation co-presented a PowerPoint overview of the Department of Environmental Conservation (DEC) [hard copy included in the committee packet]. She showed slides 2 and 3, which read as follows [original punctuation provided]:

DEC's Mission

Conserving, improving, and protecting Alaska's natural resources and environment to enhance the health, safety, and economic and social well-being of Alaskans.

DEC Goals

- Protect human health and the environment while providing timely, science-based, legally defensible permits/approvals
- Improve employee retention and develop our employees
- Leverage technology and workflow improvements to create efficiencies, reduce our environmental footprint, and increase the transparency and visibility of DEC's efforts.

COMMISSIONER POKON moved to slide 4, titled "DEC's Leadership," and described the DEC leadership structure and the roles of the members of the team. She proceeded to slide 5, titled "What We Do," which read as follows [original punctuation provided]:

Air Quality

- Permit industrial air emissions
- Monitor & assess air quality
- Address small & mobile air pollution sources

- Conduct inspections & ensure compliance

Environmental Health

Ensure safe food & drinking water

- Oversee landfills & pesticide applicators
- Provide animal care & importation standards
- Conduct analytical testing
- Conduct inspections & ensure compliance

Water

Permit water discharges

- Oversee water quality standards, assessment & restoration
- Provide technical assistance
- Finance sanitation improvements
- Conduct inspections & determine compliance

Spill Prevention & Response

- Respond to spills
- Require spill prevention & response plans
- Evaluate response drills
- Manage cleanup of contamination
- Conduct inspections & ensure compliance

[1:08:48 PM](#)

MEGAN KOHLER, Administrative Services Director, Department of Environmental Conservation co-presented an overview of the DEC, focusing on the Administrative Services Department. She explained that she and her staff work on the budget; the day to day operations; financial services; the Environmental Crimes Unit; and support for the disaster coordination teams. She moved to slide 6, titled "DEC FY 2026 Operating Budget: Department Overview" which showed a budget summary chart broken into fiscal years and a graph of allocations and expenditures. She discussed specific costs as she explained DEC's budgetary process.

[1:10:13 PM](#)

COMMISSIONER POKON moved to slide 7, titled "Division of Environmental Health Organization," which showed an organizational chart of that division. She described specific tasks performed by the program and then moved to slide 8, titled "Division of Environmental Health Highlights," which read as follows [original punctuation provided]:

- Advancing Per- and Polyfluoroalkyl Substances (PFAS) Testing - Developing in-state testing to reduce reliance on external labs and meet EPA monitoring requirements
- Lead Service Line Inventories - Supporting public water systems in creating inventories to comply with EPA's Lead and Copper Rule Revisions
- Solid Waste Infrastructure for Recycling (SWIFR) Project - Identifying Alaska's recyclable and compostable materials and addressing waste diversion challenges
- Homemade Foods - Repealing regulations to allow homemade food sales without permits or inspections, supported by HB 251
- Avian Influenza Response - The EH Office of the State Veterinarian collaborates with agencies to monitor outbreaks and provide guidance to concerned parties

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COMMISSIONER POKON responded to a question from Representative Fields concerning impediments to housing projects on old lots which were contaminated and needed cleanup. She explained that a general practice for the agency when considering re-development of a contaminated site would first be to determine whether it is under state or federal purview. The division could enter into a prospective purchase agreement with incoming property owners to potentially mitigate the risk.

[1:16:01 PM](#)

COMMISSIONER POKON responded to a question from Representative Hall concerning drinking water issues near the Anchorage airport and explained she would provide additional information.

[1:16:59 PM](#)

COMMISSIONER POKON responded to a question by Representative Coulombe concerning updated polyfluoroalkyl substances (PFAS) regulations by explaining that the new standards are more restrictive. She discussed the timelines that have been put in place and how the regulatory process will work.

[1:18:16 PM](#)

COMMISSIONER POKON responded to a series of questions from Co-Chair Burke regarding the timing of implementing the new PFAS standards in Alaska. She explained that the equipment is in place and the division is working on calibrations and modifications. Getting it up and running is "on the relative near-term horizon." She said the rules are final but that there will be two years for the state to decide whether it will take primacy of the drinking water program or have the standards monitored by the federal government. Following that, there is a five-year period for facilities to come into compliance with the program.

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COMMISSIONER POKON, in response to a question from Representative Elam regarding the location of PFAS, explained that the highest concentrations were around airports and fire stations. She pointed out that the concentration of the chemicals in a given area would depend on such factors as soil permeability, geography, hydrology, and initial volumes. The contaminated sites team first determines site delineation, tests, and characteristics to understand the scope of the issue.

[1:22:45 PM](#)

COMMISSIONER POKON continued her presentation with slide 7, an organizational chart titled "Division of Air Quality Organization." She described specific tasks relative to the division and then moved to slide 10, titled "Division of Air Quality Highlights," which read as follows

- Fairbanks State Implementation Plan (SIP) signed by EPA for approval
- Sanctions stop
- \$150M transportation funding available
- \$250M in power plant controls avoided
- Rural Monitoring Network
- 40 communities statewide
- Public information about air quality
- Ongoing Permitting, Compliance, and Public Support for Clean Air
- State Primacy over Clean Air Act Permitting
- Compliance assistance focused
- Attentive to public complaints
- Southeast Conference awarded \$38M for heat pumps
- Coordination with the Municipal League
- Enabled through Sustainable Energy Action Plan

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COMMISSIONER POKON responded to a question from Representative Rauscher regarding air quality monitoring stations. She explained there are about forty monitoring stations located throughout rural Alaska. She discussed the data from the Butte monitoring station and said it is not a non-attainment area.

[1:29:05 PM](#)

COMMISSIONER POKON, in response to a question from Co-Chair Dibert regarding the air quality in Fairbanks, pointed out that Fairbanks is a non-attainment area, especially during the winter months. Mitigations that should help the situation include woodstove changeouts; putting tall stacks in place at coal fired plants; and changing over to natural gas. Three monitoring stations have been tracking the air quality. She pointed out that downtown Fairbanks has been designated an attainment area, and drying wood with wood kilns has been helping, but there haven't been enough kilns to keep up with demand. There are still air quality issues in the North Pole, Alaska, area.

[1:34:12 PM](#)

COMMISSIONER POKON responded to a question from Representative Fields regarding how the division is helping people transition to gas. She described a federal grant that is administered in conjunction with the Fairbanks North Star Borough. Using this Environment Protection Agency (EPA) grant, a person who had an older non-EPA certified wood stove would be eligible for the changeout program to get either a cleaner burning wood stove or gas stove. The federal grant DEC was applying for each year had sufficient money to meet community needs.

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COMMISSIONER POKON responded to a question by Representative Rauscher regarding the monitors in Sutton, Alaska, by explaining they were already deployed. The monitors are not regulatory monitors but rather simply provide data, so DEC would not take a closer look unless there were extreme results.

[1:38:03 PM](#)

COMMISSIONER POKON responded to a question from Co-Chair Burke regarding whether there are monitors at the North Slope by

explaining that air quality monitors are required for industry permitting. There are separate monitors for the community and the oil and gas facilities. There are some pragmatic hurdles in terms of community monitor deployment because they do need to be checked and maintained. She pointed out that if a community had an interest in a monitor, she would like to have that conversation.

[1:40:40 PM](#)

COMMISSIONER POKON continued her presentation with slide 11, titled "Spill Prevention and Response Organization," which showed an organizational chart of that division. She described specific tasks relative to the program and then moved to slide 12, titled "Spill Prevention and Response Highlights," which read as follows [original punctuation provided]:

Response to spills and releases

- Response, technical assistance, and oversight
- Implementation of Oil Discharge Prevention and Contingency planning regulations

- Per- and Polyfluoroalkyl Substances (PFAS) response
- In coordination with other divisions
- Open application period for the Firefighting Substances Disposal Reimbursement Program per SB 67

- Launch of the Alaska Native Claims Settlement Act (ANCSA) Contaminated Lands Unit
- \$7M multi-year cooperative agreement
- Identification and verification of sites

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COMMISSIONER POKON responded to a question by Representative Fields concerning an oil spill that occurred in the Bering Sea, explaining that there are locations and situations DEC does not have regulatory authority over. To address some of these issues, DEC partners with the U.S. Coast Guard.

[1:46:22 PM](#)

COMMISSIONER POKON addressed a question posed by Representative Coulombe concerning the PFAS program, explaining the program had just become available, so there has been targeted outreach but no responses at that time.

[1:47:43 PM](#)

COMMISSIONER POKON moved to slide 13, titled "Division of Water Organization," which showed an organizational chart of that division. She discussed staff responsibilities of the program and then moved to slide 14, titled "Division of Water Highlights," which read as follows [original punctuation provided]:

- Community Infrastructure Funding and Project Support
- State Revolving Fund (SRF) - \$60.9M in new grant funds in SFY25
 - Capital Improvement Program - Awarded \$80M in SFY25
 - Village Safe Water (VSW) - \$585M in active project funding
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- Regulations Updates
 - Intake Credits
 - Salinity
 - Natural Condition
 - Wastewater Discharge
-
- Water Quality
 - 2024 Integrated Report
 - Over \$1M awarded to local communities to address nonpoint source pollution over the next two years through the Alaska Clean Water Act
 - Waters of the United States (WOTUS)

COMMISSIONER POKON described permit compliance inspections conducted throughout the state such as with the cruise ship industry. Other types of inspections include septic, wastewater, road run-off, and special projects. She explained the updated definitions of Waters of the United States (WOTUS). She discussed the impacts of WOTUS on both homeowners and commercial property owners.

[1:53:05 PM](#)

COMMISSIONER POKON responded to a question from Representative Mears regarding the EPA guidelines by explaining there were jurisdictional determinations to be made but there was no overarching guidance at that time.

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MS. KOHLER responded to a question from Representative Fields regarding the \$585 million grant by explaining that it was uncertain how President Trump's executive orders would impact the funding.

[1:57:11 PM](#)

COMMISSIONER POKON defined the term "primacy" in response to a question from Representative Coulombe. She explained that federal environmental statutes would typically be administered by the EPA or the Corp of Engineers unless the state steps forward with a request to administer the statute. Through an application process, the state would show that its administration of the statutes would be at least as stringent as the federal government's standards. She pointed to several primacy programs the state implements through DEC such as the Safe Drinking Water Act, the solid waste program, and the Clean Air Act. The state has statutory responsibility for the 404 dredge and fill permitting program, but it has not been funded. If the legislature does not fund a primacy program, implementation falls to the federal government.

[2:00:10 PM](#)

COMMISSIONER POKON responded to a question from Co-Chair Burke regarding changes in the definition of "village" based on population, explaining that the definition had been expanded so DEC could provide technical assistance. She pointed out that DEC had partner agencies, and some of the funding comes from sources other than DEC.

[2:02:27 PM](#)

COMMISSIONER POKON, in response to a question from Representative Saddler concerning the President's announcement to rescind funding for green new deal programs, explained that the department was in the process of assessing the possible effect of those actions.

[2:04:29 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:04 p.m.