

Offered: 1/27/71  
Referred: Resources; State  
Affairs; Finance

BY THE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 75

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a Department of Environmental  
7 Conservation; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 44.15.010 is amended by adding a new paragraph to read:

10 (16) Department of Environmental Conservation.

11 \* Sec. 2. AS 44 is amended by adding a new chapter to read:

12 CHAPTER 46. DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

13 ARTICLE 1. ORGANIZATION.

14 Sec. 44.46.010. COMMISSIONER OF ENVIRONMENTAL CONSERVATION. The  
15 principal executive officer of the Department of Environmental Conser-  
16 vation is the commissioner of environmental conservation.

17 Sec. 44.46.020. DUTIES OF DEPARTMENT. The Department of  
18 Environmental Conservation shall

19 (1) have primary responsibility for coordination and  
20 development of policies, programs and planning related to the environ-  
21 ment of the state and of the various regions of the state;

22 (2) have primary responsibility for the promulgation and  
23 enforcement of regulations setting standards for the prevention and  
24 abatement of all water, land, subsurface land and air pollution, and  
25 other sources or potential sources of pollution of the environment,  
26 including by way of example only, petroleum and natural gas pipelines;

27 (3) promote and develop programs for the protection and  
28 control of the environment of the state;

29 (4) take such actions as shall be necessary and proper to

1 further the policy declared in AS 46.03.010.

2 ARTICLE 2. ENVIRONMENTAL ADVISORY BOARD.

3 Sec. 44.46.030. ENVIRONMENTAL ADVISORY BOARD. (a) There is  
4 created within the Department of Environmental Conservation an environ-  
5 mental advisory board, consisting of the commissioner of environmental  
6 conservation who shall serve as chairman and eight members appointed  
7 by the governor.

8 (b) No member of the board other than the chairman may be an  
9 officer or employee of any state department or agency.

10 (c) Of the members of the board first appointed by the governor,  
11 three shall be appointed for a term of one year; three for a term of  
12 two years; and two for a term of three years. The initial terms begin  
13 on July 1, 1971. Thereafter, all appointments shall be made for terms  
14 of three years beginning on July 1 of the year in which the appoint-  
15 ment is made. Members of the board shall serve at the pleasure of  
16 the governor. In the case of any vacancy other than one arising by  
17 expiration of term an appointment to fill the vacancy shall be made  
18 for the remainder of the unexpired term.

19 Sec. 44.46.040. EXPENSES AND PER DIEM OF BOARD MEMBERS. Each  
20 member of the board is entitled to travel expenses and per diem allowed  
21 by law for each day going to and from and for each day in actual  
22 attendance at board meetings and other meetings or conferences autho-  
23 rized by the commissioner.

24 Sec. 44.46.050. FUNCTIONS OF BOARD. (a) The board shall

25 (1) advise the commissioner of environmental conservation  
26 in the review and appraisal of programs and activities of state  
27 departments and agencies in light of the policy set forth in  
28 AS 46.03.010;

29 (2) serve as a forum for the exchange of views, concerns,

1 ideas, information and recommendations relating to the quality of the  
2 environment; and

3 (3) recommend to the commissioner the persons who by  
4 virtue of outstanding achievement in the field of environmental  
5 conservation merit a certificate of achievement from the commissioner  
6 of environmental conservation.

7 (b) The board shall exercise and perform such other functions  
8 as may be requested by the commissioner.

9 \* Sec. 3. AS 46 is amended by adding a new chapter to read:

10 TITLE 46. WATER, AIR AND ENVIRONMENTAL CONSERVATION

11 CHAPTER 03. ENVIRONMENTAL CONSERVATION

12 ARTICLE 1. DECLARATION OF POLICY.

13 Sec. 46.03.010. DECLARATION OF POLICY. (a) It is the policy  
14 of the State of Alaska to conserve, improve and protect its natural  
15 resources and environment and control water, land and air pollution,  
16 in order to enhance the health, safety and welfare of the people of  
17 the state and their overall economic and social well being.

18 (b) It is the policy of the state to improve and coordinate  
19 the environmental plans, functions, powers and programs of the state,  
20 in cooperation with the federal government, regions, local governments,  
21 other public and private organizations and concerned individuals, and  
22 to develop and manage the basic resources of water, land and air to  
23 the end that the state may fulfill its responsibility as trustee of  
24 the environment for the present and future generations.

25 ARTICLE 2. DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

26 Sec. 46.03.020. POWERS OF THE DEPARTMENT. The department may

27 (1) enter into contracts necessary or convenient to carry  
28 out the functions, powers and duties of the department;

29 (2) review and appraise programs and activities of state

1 departments and agencies in light of the policy set forth in sec. 10  
2 of this chapter for the purpose of determining the extent to which the  
3 programs and activities are contributing to the achievement of that  
4 policy and to make recommendations to the departments and agencies,  
5 including but not limited to, environmental guidelines;

6 (3) consult with and cooperate with

7 (A) officials and representatives of any non-profit  
8 corporation or organization in the state;

9 (B) persons, organizations and groups, public and  
10 private, using, served by, interested in or concerned with the  
11 environment of the state;

12 (4) appear and participate in proceedings before any state  
13 or federal regulatory agency involving or affecting the purposes of  
14 the department;

15 (5) undertake any studies, inquiries, surveys or analyses  
16 it may consider essential to the accomplishment of the purposes of  
17 the department. These activities may be carried out by the personnel  
18 of the department or in cooperation with any public or private  
19 agencies, including educational, civic and research organizations,  
20 colleges, universities, institutes and foundations;

21 (6) at reasonable times enter and inspect with the consent  
22 of the owner or occupier any property or premises to investigate  
23 either actual or suspected sources of pollution or contamination or  
24 to ascertain compliance or non-compliance with any regulation which  
25 may be promulgated pursuant to this article. Any information relating  
26 to secret processes or methods of manufacture discovered during  
27 investigation shall be confidential;

28 (7) conduct investigations and hold hearing and compel  
29 the attendance of witnesses and the production of accounts, books and

1 documents by the issuance of a subpoena;

2 (8) advise and cooperate with municipal, regional and  
3 other local agencies and officials within the state, to carry out  
4 the purposes of this chapter;

5 (9) act as the official agency of the state in all matters  
6 affecting the purposes of the department under any federal laws now  
7 or hereafter enacted;

8 (10) adopt regulations necessary to effectuate the purposes  
9 of this chapter, including, by way of example and not limitation,  
10 regulations providing for

11 (A) control, prevention and abatement of air, water,  
12 or land or subsurface land pollution;

13 (B) safeguard standards for petroleum and natural  
14 gas pipeline construction, operation, modification or alteration;

15 (C) protection of public water supplies by setting  
16 standards for the construction, improvement, and maintenance of  
17 public water supply systems;

18 (D) collection and disposal of sewage and industrial  
19 waste;

20 (E) collection and disposal of garbage, refuse, and  
21 other discarded solid materials from industrial, commercial,  
22 agricultural and community activities or operations;

23 (F) control of radiation sources to prohibit and  
24 prevent unnecessary radiation;

25 (G) control of pesticides;

26 (H) such other purposes as may be required for the  
27 implementation of the policy declared in sec. 10 of this chapter.

28 Sec. 46.03.030. GRANTS AND LOANS FOR WATER SUPPLY AND SEWAGE  
29 SYSTEMS. (a) The department may pay, as funds are available, 25 per

1 cent of the estimated reasonable cost, as determined by the Secretary  
2 of the Interior, of each waste treatment works project approved for  
3 a federal grant by the Federal Water Quality Administration or its  
4 predecessor, the Federal Water Pollution Control Administration, and  
5 on which construction was initiated after June 30, 1967. As funds  
6 are available, the department may lend on an interest-free basis for  
7 a project approved after June 30, 1970, any part of an anticipated  
8 federal grant. Money received from the Federal Water Quality  
9 Administration for the project after the loan is given must be used  
10 to repay the loan, but the loan need be repaid only to the extent of  
11 this federal assistance.

12 (b) The department may pay to any municipality, as funds are  
13 available, up to the lesser of 25 per cent of the estimated cost or  
14 50 per cent of the estimated cost not borne by the federal government,  
15 if there is federal assistance, of water systems, including collection  
16 and impounding facilities, and of those portions of sewerage systems  
17 not covered by (a) of this section. The estimated cost of any part  
18 of a system will be as determined by the federal agency which gives  
19 the most monetary assistance or, if none, by the department. Systems  
20 shall be constructed according to plans and specifications approved  
21 by the federal agency which gives the most monetary assistance or, if  
22 none, by the department.

23 (c) There is a water supply and sewerage systems fund created  
24 in the department to carry out the purposes of this section.

25 Sec. 46.03.040. ALASKA ENVIRONMENTAL PLAN. (a) The department  
26 shall formulate and annually review and revise a statewide environ-  
27 mental plan for the management and protection of the quality of the  
28 environment and the natural resources of the state, in furtherance  
29 of the legislative policy and purposes expressed in this chapter.

1 (b) The department shall submit the first plan to the governor  
2 on or before January 1, 1972, and thereafter submit periodic revisions  
3 of the plan to the governor. The plan is effective upon approval by  
4 the governor and shall serve thereafter as a guide to the public,  
5 the state government and the political subdivisions of the state in  
6 the development of the environment and natural resources of the state.

7 (c) In formulating the plan and any revisions, the department  
8 may consult with persons, organizations and groups, public or private,  
9 interested in or concerned with the environment of the state, and with  
10 any department, division, board, commission or other agency of the  
11 state with any political subdivision or with any public authority as  
12 may be necessary to enable the department to carry out its responsi-  
13 bilities under this section.

14 ARTICLE 3. WATER POLLUTION CONTROL.

15 Sec. 46.03.050. AUTHORITY. The department has jurisdiction  
16 to prevent and abate the pollution of the waters of the state.

17 Sec. 46.03.060. WATER POLLUTION CONTROL PLAN. The department  
18 shall develop comprehensive plans for water pollution control in the  
19 state and conduct investigations it considers advisable and necessary  
20 for the discharge of its duties.

21 Sec. 46.03.070. POLLUTION STANDARDS. After public hearing, the  
22 department may adopt standards and make them public and determine  
23 what qualities and properties of water indicate a polluted condition  
24 actually or potentially deleterious, harmful, detrimental or injurious  
25 to the public health, safety or welfare, to terrestrial and aquatic  
26 life or their growth and propagation, or to the use of waters for  
27 domestic, commercial, industrial, agricultural, recreational, or  
28 other reasonable purposes.

29 Sec. 46.03.080. QUALITY AND PURITY STANDARDS. After study and

1 public hearings held upon due notice, the department may establish  
2 standards of quality and purity or group the designated waters of the  
3 state into classes as to minimum quality and purity, or both. The  
4 department shall classify waters in accordance with considerations  
5 of best usage in the interest of the public. The department may  
6 alter and modify classifications after hearing.

7 Sec. 46.03.090. PLANS FOR POLLUTION DISPOSAL. The department  
8 may require the submission of plans for sewage and industrial waste  
9 disposal or treatment or both for a publicly or privately owned or  
10 operated industrial establishment, community, public or private  
11 property subdivision or development.

12 Sec. 46.03.100. WASTE DISPOSAL PERMIT. (a) Any person who  
13 conducts a commercial or industrial operation which results in the  
14 disposal of solid or liquid waste material into the waters of the  
15 state must procure a permit from the department before disposing of  
16 the waste material. The permit must be obtained for direct disposal  
17 and for disposal into publicly operated sewerage systems.

18 (b) This section does not apply to any person discharging only  
19 domestic sewage into a sewerage system.

20 Sec. 46.03.110. WASTE DISPOSAL PERMIT PROCEDURE. (a) An  
21 application for a permit shall be made on forms prescribed by the  
22 department and shall contain the name and address of the applicant,  
23 a description of his operations, the quantity and type of waste  
24 material sought to be disposed of, the proposed method of disposal,  
25 and any other information considered necessary by the department.  
26 Application for permit shall be made at least 60 days prior to commence-  
27 ment of any proposed discharge.

28 (b) Upon receipt of a proper application the department shall  
29 publish notice of the application in two separate publications of a

1 newspaper of general circulation within the general area in which the  
2 disposal of waste material is proposed to be made. The notice may  
3 also be published in other appropriate information media. The  
4 notice shall include a statement that any person who wants to present  
5 his views to the department in regard to the application may do so  
6 in writing to the department within 30 days of the second publication  
7 of the notice. The written response entitles the writer to a copy  
8 of the application.

9 (c) When the department receives an application, the  
10 commissioner shall immediately send copies of the application to the  
11 commissioner of fish and game, the commissioner of natural resources,  
12 the commissioner of economic development and the commissioner of  
13 health and welfare.

14 (d) The department may specify in a permit the terms and  
15 conditions under which waste material may be disposed of. The  
16 terms and conditions shall be directed to avoiding pollution and  
17 to otherwise carry out the policies of this chapter. No permit  
18 shall be effective for a period in excess of five years from the  
19 date of issuance.

20 Sec. 46.03.120. TERMINATION OR MODIFICATION OF WASTE DISPOSAL  
21 PERMIT. (a) The department may terminate a permit upon 30 days  
22 written notice if the department finds

23 (1) that the permit was procured by misrepresentation of  
24 material fact or by failure of the applicant to disclose fully the  
25 facts relating to its issuance;

26 (2) that there has been a violation of the conditions  
27 of the permit;

28 (3) that there has been a material change in the quantity  
29 or type of waste disposed of.

1 (b) The department may modify a permit if the department finds  
2 that a material change in the quality or classification of the waters  
3 of the state has occurred.

4 Sec. 46.03.130. COMPLIANCE ORDER. (a) When, in the opinion  
5 of the department, a person is violating or is about to violate  
6 regulations and standards established pursuant to the provisions of  
7 secs. 60 - 100 of this chapter or any other regulations concerning  
8 water pollution, the department shall notify the person of its  
9 determination by certified mail. The determination and notice do  
10 not constitute an order under sec. 820 of this chapter.

11 (b) Within 15 days from the receipt of the notice, the  
12 recipient of the determination must file with the department a  
13 report stating what measures have been and are being taken to  
14 control the conditions outlined in the notice from the department.

15 (c) Thereafter, the department may issue a compliance order  
16 in conformity with the authority of the department and the public  
17 policy declared in sec. 10 of this chapter. A copy of the compliance  
18 order shall be sent by certified mail to the person affected. A  
19 compliance order is effective upon receipt.

20 (d) Within 30 days of receipt, a person affected may make  
21 application for a hearing to review the compliance order. Failure  
22 to make application for hearing within 30 days of the receipt of a  
23 compliance order constitutes a waiver of the recipient's right of  
24 review.

25 (e) The department shall hold a hearing within 20 days of  
26 receipt of the application. After hearing, the department may  
27 rescind, modify or affirm the compliance order.

28 ARTICLE 4. AIR POLLUTION CONTROL.

29 Sec. 46.03.140. EMISSION CONTROL REQUIREMENTS. The department

1 may establish air pollution control regulations which in its judgment  
2 are necessary to prevent, abate or control air pollution. These  
3 regulations may be for the state as a whole or may vary from area  
4 to area as may be appropriate to facilitate accomplishment of the  
5 purposes of this chapter and in order to take account of varying  
6 local conditions.

7 Sec. 46.03.150. CLASSIFICATION AND REPORTING. (a) The  
8 department by regulation shall classify air contaminant sources,  
9 which in its judgment may cause or contribute to air pollution,  
10 according to levels and types of emissions and other characteristics  
11 which relate to air pollution, and may require reporting for the  
12 classifications. Classifications made under this subsection may be  
13 for application to the state as a whole or a designated area of the  
14 state and shall be made with special reference to effects on health,  
15 economic and social factors and physical effects on property.

16 (b) A person operating or responsible for the operation of air  
17 contaminant sources of a class for which the regulations of the  
18 department require reporting shall make reports containing the  
19 information required by the department concerning location, size and  
20 height of contaminant outlets, processes employed, fuels used and  
21 the nature and time periods or duration of emissions, and other  
22 information relevant to air pollution and available or reasonably  
23 capable of being assembled.

24 Sec. 46.03.160. ADDITIONAL CONTAMINANT CONTROL MEASURES.

25 (a) The department may require that notice be given to it before  
26 the undertaking of the construction, installation or establishment  
27 of particular types or classes of new air contaminant sources  
28 specified in its regulations. Within 15 days of its receipt of the  
29 notice, the department shall require, as a condition precedent to

1 the undertaking, the submission of plans and other information it  
2 considers necessary in order to determine whether the proposed  
3 undertaking will be in accord with applicable regulations in force  
4 under secs. 140 - 150 of this chapter.

5 (b) Within 30 days of receipt of the plans and information for  
6 a proposed undertaking, the department shall either approve the  
7 undertaking and issue a permit, or if the department determines that  
8 the proposed undertaking will not meet the requirements of secs.  
9 140 - 150 of this chapter and applicable regulations, it shall issue  
10 a prohibition order against the undertaking.

11 (c) A person subject to a prohibition order as prescribed in  
12 (b) of this section, upon written request in accordance with  
13 regulations of the department, is entitled to a hearing on the order.  
14 Following the hearing the order may be affirmed, modified or withdrawn.

15 (d) For the purposes of this chapter, addition to or enlarge-  
16 ment or replacement of an air contaminant source, or a major  
17 alteration of one, shall be construed as an undertaking for the  
18 construction, installation or establishment of a new air contaminant  
19 source.

20 (e) Features, machines and devices constituting parts of or  
21 called for by plans or other information submitted under (a) of  
22 this section shall be maintained in good working order.

23 (f) Nothing in this section may be construed to authorize the  
24 department to require the use of machinery, devices or equipment  
25 from a particular supplier or produced by a particular manufacturer  
26 if the required performance standards may be met by machinery,  
27 devices or equipment available from other sources.

28 (g) The absence of or the department's failure to issue a  
29 regulation or order under this section does not relieve a person from

1 compliance with emission control requirements or other provisions  
2 of law.

3 (h) The department may require the payment of a reasonable  
4 fee for the review of plans and information required to be submitted.  
5 No fee for a single review may exceed \$25.

6 Sec. 46.03.170. VARIANCES. (a) A person who owns or is in  
7 control of a plant, building, structure, establishment, process or  
8 equipment may apply to the department for a variance from applicable  
9 emission control regulations. The department may grant the variance,  
10 but only after public hearing following due notice, if it finds that

11 (1) the emissions occurring or proposed to occur do not  
12 endanger human health or safety; and

13 (2) compliance with the rules or regulations from which  
14 variance is sought would produce severe hardship without benefits  
15 to the public.

16 (b) No variance may be granted under this section until the  
17 department has considered the relative interests of the applicant,  
18 other owners of property likely to be affected by the emissions and  
19 the general public.

20 (c) A variance granted under (a) of this section, shall be  
21 for periods and under conditions consistent with the reasons for  
22 it and within the following limitations:

23 (1) if the variance is granted on the ground that there  
24 is no practicable means known or available for the adequate  
25 prevention, abatement or control of the air pollution involved, it  
26 shall be only until the necessary means for prevention, abatement,  
27 or control become known and available, subject to the taking of  
28 substitute or alternate measures that the department may prescribe;

29 (2) if the variance is granted on the ground that compliance

1 with the particular requirement from which variance is sought will  
2 necessitate the taking of measures which, because of their extent  
3 or cost, must be spread over a considerable period, it shall be for  
4 a period not to exceed the reasonable time which in the opinion of  
5 the department is necessary. A variance granted on this ground  
6 shall contain a timetable for taking action in an expeditious manner  
7 and shall be conditioned on adherence to the timetable and shall be  
8 for not more than five years;

9 (3) If the variance is granted on the ground that it is  
10 justified to relieve or prevent hardship of a kind other than that  
11 provided in (c)(1) and (2) of this section, it shall be for not  
12 more than one year.

13 (d) The department may upon application renew an existing  
14 variance on terms and conditions and for periods which would be  
15 appropriate on initial granting of a variance. If complaint is made  
16 to the department on account of the variance no renewal of it may  
17 be granted unless, after public hearing on the complaint following  
18 due notice, the department finds that renewal is justified.  
19 Application shall be made at least 60 days before the expiration of  
20 the variance. Immediately upon receipt of an application for renewal  
21 the department shall give public notice of it.

22 (e) A variance or renewal is not a right of the applicant but  
23 shall be in the discretion of the department.

24 (f) No variance or renewal granted under this section may be  
25 construed to prevent or limit the application of the emergency  
26 orders of the commissioner issued pursuant to sec. 820 of this chapter.

27 Sec. 46.03.180. CONFIDENTIALITY OF RECORDS. Records and  
28 information in the possession of the department which relate to  
29 production or sales figures or to processes or production techniques

1 of the owner or operator of an air contaminant source shall be  
2 deemed confidential records of the department after application by  
3 the party and certification that their public disclosure would tend  
4 to adversely affect his competitive position.

5 Sec. 46.03.190. MOTOR VEHICLE POLLUTION. (a) As the state of  
6 knowledge and technology relating to the control of emissions from motor  
7 vehicles may permit or make appropriate, and in furtherance of the pur-  
8 poses of this chapter, the department may provide by regulation for the  
9 control of these emissions. The regulations may prescribe requirements  
10 for the installation and use of equipment designed to reduce or elimi-  
11 nate emissions and for the proper maintenance of this equipment.

12 (b) Except as permitted by law, no person may fail to maintain  
13 in operation any equipment or feature constituting an operational  
14 element of the air pollution control system or mechanism of a motor  
15 vehicle if it is required by regulations of the department to be  
16 maintained in or on the vehicle. A failure to maintain this  
17 equipment in operation subjects the owner or operator to suspension  
18 or cancellation of the registration of the vehicle, and it may not  
19 be again eligible for registration until this equipment is restored  
20 to operation.

21 (c) The department shall consult with the Department of Public  
22 Safety and furnish it with technical information, including testing  
23 techniques, standards and instructions for emission control features  
24 and equipment.

25 (d) When the department has issued regulations requiring the  
26 maintenance of features or equipment in or on motor vehicles for the  
27 purpose of controlling emission from the vehicles, no motor vehicle  
28 may be issued a certificate of inspection and approval if required,  
29 unless the required features or equipment have been inspected in

1 accordance with the standards, testing techniques and instructions fur-  
2 nished by the department and have been found to meet those standards.

3 Sec. 46.03.200. LIMITATIONS. Secs. 140 - 240 of this chapter  
4 do not

5 (1) grant to the department jurisdiction or authority  
6 with respect to air contamination existing solely within commercial  
7 and industrial plants, works or shops;

8 (2) affect the relations between employers and employees  
9 with respect to or arising out of a condition of air contamination  
10 or air pollution; and

11 (3) supersede or limit the applicability of a law or  
12 ordinance relating to sanitation, industrial health or safety.

13 Sec. 46.03.210. LOCAL AIR POLLUTION CONTROL PROGRAMS. (a) A  
14 municipality with a population in excess of 1,000 may, within five  
15 years from August 5, 1969, establish and administer within its  
16 jurisdiction an air pollution control program. Organized boroughs  
17 may establish an air pollution control program on an areawide basis,  
18 and the exercise of powers with respect to the program is not  
19 subject to the restrictions on acquiring additional areawide powers  
20 specified in AS 07.15.350. However, the weighted vote shall apply  
21 to the exercise of powers as provided in AS 07.20.070(d). Local  
22 programs shall

23 (1) provide by ordinance for requirements compatible  
24 with those imposed by the provisions of secs. 140 and 170 of this  
25 chapter and applicable regulations;

26 (2) provide for the enforcement of the requirements  
27 imposed through appropriate administrative and judicial processes;

28 (3) provide for a local administrative organization, staff,  
29 and other resources necessary to effectively carry out the purposes

1 of the program; and

2 (4) be approved by the department as being satisfactory  
3 to meet the requirements of secs. 140 - 170 of this chapter and the  
4 applicable regulations.

5 (b) Municipalities other than those with a population of less  
6 than 1,000 may establish and administer local air pollution programs  
7 if the proposed programs meet the requirements of (a)(1) - (4) of  
8 this section.

9 (c) A municipality may administer all or a part of its air  
10 pollution control program in cooperation with one or more  
11 municipalities.

12 (d) If the department finds that the location, character, or  
13 extent of particular concentrations of population, air contaminant  
14 sources, the geographic, topographic or meteorological considerations  
15 or combination of these factors make impracticable the maintenance  
16 of appropriate levels of air quality without an areawide air  
17 pollution control program, the department may determine the  
18 boundaries within which a program is necessary and direct that a  
19 program spanning those boundaries is the only acceptable alternative  
20 to direct state administration.

21 Sec. 46.03.220. ABSENCE OF LOCAL PROGRAM. (a) If a  
22 municipality authorized to establish or participate in an air  
23 pollution control program under sec. 210(a) or (d) of this chapter  
24 fails to establish a program within the time specified, or if the  
25 department has reason to believe that an air pollution control  
26 program in force under that section is inadequate to prevent and  
27 control air pollution in the jurisdiction to which the program  
28 applies, or that the program is being administered in a manner  
29 inconsistent with the requirements of this chapter the department

1 shall, following 45 days notice, conduct a hearing on the matter.

2 (b) If, after the hearing, the department determines that any  
3 of the deficiencies enumerated in (a) of this section exist, it  
4 shall require that necessary corrective action be taken within a  
5 reasonable period of time, not to exceed 90 days.

6 (c) If the municipality or the district set up under sec.  
7 210(a) or (d) of this chapter fails to take the necessary corrective  
8 action within the time specified the department shall administer in  
9 the municipality or district all of the regulatory provisions of  
10 this chapter. The department's air pollution control program shall  
11 then supersede municipal air pollution ordinances, regulations, and  
12 requirements in the affected jurisdiction.

13 (d) If the department finds that the control of a particular  
14 class of air contaminant source, because of its complexity or  
15 magnitude is beyond the reasonable capability of the local air  
16 pollution control authorities or may be more efficiently and  
17 economically performed at the state level, it may assume and retain  
18 jurisdiction over that class of air contaminant source. Classifica-  
19 tions under this subsection may be either on the basis of the nature  
20 of sources involved or on the basis of their relationship to the  
21 size of the communities in which they are located.

22 (e) A municipality in which the department administers the air  
23 pollution control program under this section may with the approval  
24 of the department establish or resume a municipal program which  
25 meets the requirements of sec. 210(a) or (d).

26 (f) The provisions of secs. 210 - 220 do not nullify a local  
27 air pollution program in operation on August 5, 1969, if the program  
28 meets the requirements of sec. 210(a) or (d) of this chapter within  
29 two years from that date.

1           Sec. 46.03.230. STATE AND FEDERAL AID. (a) A local government  
2 unit with an air pollution program meeting the requirements of this  
3 chapter and the regulations issued under it may apply to the state for  
4 state aid equal to a maximum of 75 per cent of the locally funded  
5 annual operating cost of the program. For a joint or areawide  
6 program established under sec. 210(d) of this chapter application may  
7 be made for state aid equal to a maximum of 75 per cent of the  
8 locally funded operating cost. In the case of a joint or areawide  
9 program the state aid may be based on the cost of the entire program  
10 or, if the department finds that one or more elements of separately  
11 administered programs are being carried on jointly in a way that  
12 materially increases the efficiency of the programs, it may aid the  
13 element carried on under the interlocal agreement at the rate applied  
14 to joint and areawide programs generally.

15           (b) Municipalities of the state and interlocal air pollution  
16 control agencies established under this article may apply for,  
17 receive, administer and expend federal aid for the control of air  
18 pollution or the development and administration of programs related to  
19 that control, if the application is first submitted to and approved  
20 by the department. The department shall approve an application if it  
21 is consistent with this article and other applicable requirements of  
22 law.

23           Sec. 46.03.240. CONSTRUCTION AND IMPLEMENTATION OF SEC. 230.

24           (a) Sec. 230 of this chapter may not be construed so as to create a  
25 debt of the state.

26           (b) The air pollution control support account is established.  
27 Funds to carry out the provisions for state aid under sec. 230 of this  
28 chapter may be appropriated annually by the legislature to the account.  
29 If amounts in the account are insufficient for the purpose of the

1 state aid authorized under sec. 230 of this chapter, such funds as  
2 are available shall be distributed pro rata among eligible local  
3 governments or air pollution control districts.

4 (c) Money in the air pollution control support account which, at  
5 the end of the fiscal year for which the money is appropriated, exceeds  
6 the amount required for the allocations authorized in this article  
7 reverts to the general fund.

8 ARTICLE 5. RADIATION PROTECTION.

9 Sec. 46.03.250. AUTHORITY. (a) The department shall

10 (1) develop comprehensive policies and programs for the  
11 evaluation and determination of hazards associated with the use of  
12 radiation, radiation sources, and their amelioration;

13 (2) encourage, participate in and conduct studies, investi-  
14 gations, training, research and demonstrations relating to the control  
15 of radiation hazard, the measurement of radiation, the effects on  
16 health of exposure to radiation and related problems it considers  
17 necessary or advisable for the discharge of its duties;

18 (3) collect and disseminate health education information  
19 relating to radiation protection;

20 (4) review plans and specifications for radiation sources  
21 submitted pursuant to its rules and regulations;

22 (5) inspect radiation sources, their shielding and immediate  
23 surroundings and records concerning their operation for the deter-  
24 mination of possible radiation hazard.

25 (b) The department may keep confidential data obtained as a  
26 result of registration or investigation.

27 Sec. 46.03.260. USE OF ATOMIC RADIATION. Sources of radiation  
28 shall be shielded, transported, handled used and kept to prevent users  
29 and persons within effective range from being exposed to unnecessary

1 radiation in conformity with the department's regulations.

2 Sec. 46.03.270. ELECTRONIC PRODUCT RADIATION. All electronic  
3 products capable or likely to be capable of emitting radiation shall  
4 be shielded, handled, used, and kept to prevent users and persons  
5 within the range of radiation from dangerous concentration of radiation  
6 in conformity with the department's regulations.

7 Sec. 46.03.280. NOTIFICATION OF VIOLATION AND ORDER OF ABATE-  
8 MENT. Whenever the department finds, after inspection and examination  
9 of a source of radiation as constructed, operated or maintained that  
10 there has been a violation of any of the provisions of this chapter,  
11 it shall notify the person causing, allowing or permitting the  
12 violation, of the nature of the violation and order the person to  
13 cease and abate the violation.

14 Sec. 46.03.290. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY.  
15 Whenever the department finds that an emergency exists requiring  
16 immediate action to protect the public health or welfare from radiation  
17 it may issue an order reciting the existence of an emergency and  
18 requiring that action be taken to meet the emergency. The order is  
19 effective immediately. A person to whom an order is directed shall  
20 comply with it immediately but on application to the department shall  
21 be given a hearing under the Administrative Procedure Act (AS 44.62).  
22 Thereafter the department may affirm, revoke or modify the order.

23 Sec. 46.03.300. EXCEPTIONS. Secs. 260 - 270 of this chapter  
24 do not limit the intentional exposure of patients to radiation for  
25 the purpose of diagnosis or therapy, or medical research, as authorized  
26 by law.

27 Sec. 46.03.310. CONFLICTING LAWS. Secs. 250 - 300 of this  
28 chapter shall not be construed as repealing any laws of the state  
29 relating to radiation sources, exposures, radiation protection, and

1 professional licensure, but shall be held and construed as auxiliary  
2 and supplementary to those laws, except to the extent that the same  
3 are in conflict with secs. 250 - 300 of this chapter. Ordinances or  
4 regulations of any governing body of a municipality which are consistent  
5 with secs. 250 - 300 of this chapter shall not be superseded by secs.  
6 250 - 300 of this chapter.

7 ARTICLE 6. PESTICIDE CONTROL

8 Sec. 46.03.320. AUTHORITY. (a) The department is authorized to

9 (1) regulate the transportation, testing, inspection,  
10 packaging, labeling, handling and advertising of pesticides and  
11 broadcast chemicals offered for sale, or placed in commerce for use  
12 in the state;

13 (2) regulate and supervise the distribution, application  
14 or use of pesticides and broadcast chemicals in any state project or  
15 program, or by any public agency under the jurisdiction of the state;

16 (3) regulate or prohibit the use of pesticides and broad-  
17 cast chemicals.

18 (b) The department may provide by regulation for the licensing  
19 of persons engaged in the custom, commercial or contract spraying or  
20 application of pesticides and broadcast chemicals including the re-  
21 quirement of a surety bond and liability insurance for the licensee.

22 Sec. 46.03.330. PUBLIC PESTICIDE PROGRAMS. (a) No officer,  
23 agent or employee of the state, or of a borough or city of any class,  
24 may direct, carry out, or participate in the spraying or application of  
25 a pesticide or broadcast chemical in any program or project involving  
26 funds, materials or equipment of the state, borough or city, except  
27 in accordance with regulations promulgated by the department under  
28 sec. 320 of this chapter.

29 (b) Before a public project that would affect lands owned

1 separately by two or more persons is initiated, the person directing  
2 the program shall give public notice of the program in the manner  
3 required by regulations of the department. The department shall  
4 conduct a public hearing on the proposed program if a hearing is  
5 requested by the governing body of the affected borough or city, or  
6 by a petition signed by at least 50 residents. The requirement for  
7 public notice or public hearing may be waived if the commissioner  
8 determines that a public emergency exists.

9 (c) The provisions of this section apply to home rule municipi-  
10 palities.

#### 11 ARTICLE 7. PROHIBITED ACTS AND PENALTIES.

12 Sec. 46.03.710. POLLUTION PROHIBITED. No person may pollute or  
13 add to the pollution of the air, land, subsurface land or water of  
14 the state.

15 Sec. 46.03.720. CONSTRUCTION OF CERTAIN FACILITIES PROHIBITED.  
16 No person may construct, extend, install or operate a sewage system or  
17 treatment works, or any part of a sewage system or treatment works, or  
18 until plans for it are submitted to the department for review, and  
19 the department approves them in writing and issues a written permit.  
20 The department may waive the requirement that plans be submitted to it.

21 Sec. 46.03.730. PESTICIDES. No person may spray or apply, or  
22 cause to be sprayed or applied dichloro-diphenyl-trichloro-ethane  
23 (DDT), dieldrin or other pesticide or broadcast chemical in a manner  
24 which may cause damage to or endanger the health, welfare or property  
25 of another person, or in such a manner as to be likely to pollute the  
26 air, soil or water of the state without prior authorization of the  
27 department.

28 Sec. 46.03.740. OIL POLLUTION. No person may discharge, cause  
29 to be discharged, or permit the discharge of petroleum, acid, coal or

1 oil tar, lampblack, aniline, asphalt, bitumen, or a residuary product  
2 of petroleum, into, or upon the waters or land of the state except in  
3 quantities, and at times and locations or under circumstances and  
4 conditions as the department may by regulation permit or where  
5 permitted under article IV of the International Convention for the  
6 Prevention of Pollution of the Sea by Oil, 1954, as amended.

7 Sec. 46.03.750. BALLAST WATER DISCHARGE. (a) No person may  
8 pollute or add to the pollution of waters of the state by discharging  
9 from any vessel ballast water, tank-cleaning waste water or other waste  
10 containing petroleum in excess of the maximum permitted by the water  
11 quality standards established pursuant to secs. 40 and 150 of this  
12 chapter and in no event may a vessel discharge ballast water, tank-  
13 cleaning waste water or other waste containing petroleum in excess of  
14 50 parts per million of oil residue.

15 (b) Except as provided in (c) of this section, no vessel may take  
16 on petroleum or any petroleum product or by-product as cargo unless it  
17 arrives in ports in the state without having discharged ballast at  
18 sea during the period of time from departure of the vessel enroute to  
19 the state from a port outside the state to arrival at a port in the state  
20 or while in transit between ports within the state, and the master of  
21 the vessel certifies the fact on forms provided by the department.

22 (c) Vessels equipped with tanks used exclusively for ballast  
23 or capable of producing ballast with an oil content less than that  
24 provided for in (a) of this section may discharge that ballast at  
25 sea, including the waters of the state, if it meets the standards of  
26 (a) of this section and the master of the vessel certified that fact  
27 on forms provided by the department.

28 (d) A person in charge of a sea-going vessel or of an onshore  
29 or offshore facility, as soon as he has knowledge of any discharge

1 from the vessel or facility in violation of a provision of this chapter  
2 shall immediately notify the department of the discharge.

3 Sec. 46.03.760. POLLUTION PENALTIES. (a) A person who violates  
4 secs. 710, 730, 740, or 750 of this chapter is guilty of a misdemeanor  
5 and upon conviction is punishable by a fine of not more than \$25,000,  
6 or by imprisonment for not more than a year, or by both. Each unlaw-  
7 ful act constitutes a separate offense.

8 (b) In addition to the penalties provided in (a) of this article  
9 a person who violates secs. 740 - 750 of this chapter is liable, in  
10 a civil action, to the state for liquidated damages to be assessed by  
11 the court for an amount not less than \$5,000 nor more than \$100,000,  
12 depending on the severity of the violation.

13 (c) In addition to the penalties provided in (a) of this section,  
14 a person who violates a provision of sec. 750 of this chapter is liable  
15 to the state, in a civil action, in the case of a vessel, for damages  
16 in an amount not to exceed \$100 per gross ton of the violating vessel  
17 or \$14 million, whichever is less and in the case of an onshore or  
18 offshore facility \$100 per every \$500 evaluation of the violating  
19 facility or \$14 million whichever is less. However, if the state  
20 shows that a violation of Sec. 750 of this chapter was the result of  
21 wilful negligence or wilful misconduct on the part of the person  
22 charge with the violation, the person is liable to the state for the  
23 full amount of damages caused. In the case of wilful negligence or  
24 wilful misconduct "damages", in this subsection, means costs associated  
25 with the abatement, containment or removal of a pollutant and reason-  
26 able restoration of the environment to its former state.

27 (d) A person who falsely certifies information required under  
28 sec. 750 of this chapter, upon conviction, is punishable by a fine  
29 of not more than \$25,000, or by imprisonment for not more than one

1 year, or by both. Each unlawful act constitutes a separate offense.

2 (e) Nothing in this section affects an individual's right to  
3 recover damages under other applicable statutes or the common law.

4 Sec. 46.03.770. DETENTION OF VESSEL WITHOUT WARRANT AS SECURITY  
5 FOR DAMAGES. A vessel which is used in or in aid of a violation of  
6 secs. 740 - 750 of this chapter may be detained after a valid search  
7 by the department, an agent of the department, a peace officer of the  
8 state, or an authorized protection officer of the Department of Fish  
9 and Game. Upon judgment of the court having jurisdiction that the  
10 vessel was used in or the cause of a violation of secs. 740 - 750 of  
11 this chapter with knowledge of its owner or under circumstances  
12 indicating that the owner should reasonably have had such knowledge,  
13 the vessel may be held as security for payment to the state of the  
14 amount of damages assessed by the court under sec. 760(b) of this  
15 chapter, and if the damages so assessed are not paid within 30 days  
16 after judgment or final determination of an appeal, the vessel shall  
17 be sold at public auction, or as otherwise directed by the court,  
18 and the damages paid from the proceeds. The balance, if any, shall  
19 be paid by the court to the owner of the vessel. The court shall  
20 permit the release of the vessel upon posting of a bond set by the  
21 court in an amount not to exceed \$100,000. The damages received under  
22 this section shall be transmitted to the proper state officer for  
23 deposit in the general fund. A vessel seized under this section shall  
24 be returned or the bond exonerated if no damages are assessed under  
25 sec. 760(b) of this chapter.

26 Sec. 46.03.780. LIABILITY FOR RESTORATION. (a) A person who  
27 violates any provision of this chapter, or who fails to perform a duty  
28 imposed by this chapter, or violates or disregards an order, permit,  
29 or other determination of the department made pursuant to the pro-

1 visions of this chapter, and thereby causes the death of fish, animals,  
2 or vegetation or otherwise injures or degrades the environment of the  
3 state is liable to the state for damages.

4 (b) Liability for damages under subsection (a) of this section  
5 shall include an amount equal to the sum of money required to restock  
6 injured land or waters, to replenish a damaged or degraded resource,  
7 or to otherwise restore the environment of the state to its condition  
8 prior to the injury.

9 (c) Damages under subsection (a) of this section shall be  
10 recovered by the attorney general on behalf of the state of Alaska.

11 Sec. 46.03.790. WILFUL VIOLATION. (a) Any person found guilty  
12 of wilfully violating any of the provisions of this chapter, or any  
13 regulation, written order or directive of the department or of a  
14 court made pursuant to this chapter is guilty of a misdemeanor, and  
15 upon conviction shall be punished by a fine of not more than \$1000  
16 and costs of prosecution, or by imprisonment for not more than one  
17 year, or by both such fine, cost, and imprisonment at the discretion  
18 of the court.

19 (b) Each day upon which a wilful violation of the provisions of  
20 this chapter occurs may be considered a separate and additional  
21 violation.

22 Sec. 46.03.800. WATER NUISANCES. (a) A person is guilty of  
23 creating or maintaining a nuisance if he puts a dead animal carcass,  
24 or part of one, excrement, or a putrid, nauseous, moisome, decaying,  
25 deleterious, or offensive substance into, or in any other manner  
26 befouls, pollutes, or impairs the quality of a spring, brook, creek,  
27 branch, well, or pond of water which is or may be used for domestic  
28 purposes.

29 (b) A person who neglects or refuses to abate the nuisance upon

1 order of the department is guilty of a misdemeanor and is punishable  
2 as provided in sec. 790 of this chapter. In addition to this punish-  
3 ment, the court shall assess damages against the defendant for the  
4 expenses of abating the nuisance.

5 Sec. 46.03.810. AIR AND LAND NUISANCES. (a) A person is guilty  
6 of creating or maintaining a nuisance if he

7 (1) Places or deposits upon a lot, street, beach, premises  
8 or upon, or within 200 feet of a public highway, unless the highway  
9 abuts upon tidal water, any garbage, offal, dead animals, or any other  
10 matter or thing, which would be obnoxious or cause the spread of  
11 disease or in any way endanger the health of the community;

12 (2) Allows to be placed or deposited upon any premises  
13 owned by him or under his control garbage, offal, dead animals, or  
14 any other matter or things which would be obnoxious or offensive to  
15 the public or which would produce, aggravate, or cause the spread  
16 of disease or in any way endanger the health of the community.

17 (b) A person who neglects or refuses to abate the nuisance  
18 upon order of an officer of the department of environmental con-  
19 servation is guilty of a misdemeanor and is punishable as provided in  
20 sec. 790 of this chapter. In addition to this punishment, the court  
21 shall assess damages against the defendant for the expenses of  
22 abating the nuisance.

23 Sec. 46.03.820. EMERGENCY POWERS. (a) Whenever the department  
24 finds, after investigation, that any person is causing, engaging in  
25 or maintaining a condition or activity which, in the judgment of its  
26 commissioner presents an imminent or present danger to the health or  
27 welfare of the people of the state or would result in or be likely to  
28 result in irreversible or irreparable damage to the natural resources  
29 or environment, and it appears to be prejudicial to the interests of

1 the people of the state to delay action until an opportunity for a  
2 hearing can be provided, the department may, without prior hearing,  
3 order such person by notice to discontinue, abate or alleviate such  
4 condition or activity. The proscribed condition or activity shall be  
5 immediately discontinued, abated or alleviated.

6 (b) Upon receipt of an order of the department made pursuant to  
7 (a) of this section, the person affected shall have the right to be  
8 heard and to present proof to the department that the condition or  
9 activity does not constitute an actual or potential source of  
10 irreversible or irreparable damage to the natural resources or  
11 environment of the state, or that the order may constitute a sub-  
12 stantial private hardship.

13 (c) In the commissioner's discretion or upon application made  
14 by the recipient of an order within 15 days of receipt of the order,  
15 the department shall schedule a hearing the earliest possible time.  
16 The hearing shall be scheduled within five days of the receipt  
17 of the application. The submission of an application or the schedul-  
18 ing of a hearing shall not stay the operation of the department's  
19 order made pursuant to (a) of this section.

20 (d) After a hearing the department may affirm, modify or set  
21 aside the order. An order affirmed, modified or set aside after  
22 hearing is subject to judicial review as provided in AS 44.62.560.  
23 The order is not stayed pending judicial review unless the commissioner  
24 so directs. In the event an order is not immediately complied with,  
25 the attorney general, upon request of the commissioner, shall seek  
26 enforcement of the order.

27 (e) The department may adopt additional rules and regulations  
28 prescribing the procedure to be followed in the issuance of emergency  
29 orders.

1           Sec. 46.03.840. RADIATION PENALTIES. A person who violates  
2 sec. 260 - 280 of this chapter is, upon conviction, punishable by a  
3 fine of not more than \$100, or by imprisonment for not more than six  
4 months, or by both. Each day upon which a violation occurs constitutes  
5 a separate offense.

6                           ARTICLE 8. GENERAL PROVISIONS

7           Sec. 46.03.860. INSPECTION WARRANT. The department is authorized  
8 to seek search warrants for the purpose of investigating actual or  
9 suspected sources of pollution or contamination or to ascertain com-  
10 pliance or non-compliance with this chapter or any regulation  
11 promulgated pursuant to this chapter.

12           Sec. 46.03.870. ACTIONABLE RIGHTS. (a) The bases for proceedings  
13 or actions resulting from violations of this chapter or any regulations  
14 promulgated pursuant to this chapter inure solely to and are for the  
15 benefit of the State of Alaska, and are not intended to in any way  
16 create new, or enlarge existing rights of persons or groups of  
17 persons in the State of Alaska.

18           (b) A determination or order of the department creates no  
19 presumption of law or finding of fact inuring to or for the benefit  
20 of persons other than the State of Alaska.

21           (c) This chapter shall not be construed to estop the state,  
22 persons or political subdivisions of the state in the exercise of  
23 their rights to suppress nuisances, to seek damages, or to otherwise  
24 abate or recover for the effects of pollution or other environmental  
25 degradation.

26           Sec. 46.03.880. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE  
27 ACT. Except as otherwise specifically provided in this chapter, the  
28 Administrative Procedure Act (AS 44.62) governs the activities and  
29 the proceedings of the department.

1           Sec. 46.03.890. ENFORCEMENT AUTHORITY. The following persons  
2 are authorized to enforce this chapter:

3           (1) a state employee authorized by the commissioner;

4           (2) a police officer of the state.

5           Sec. 46.03.900. DEFINITIONS. In this chapter

6           (1) "air contaminant" means dust, fumes, mist, smoke,  
7 other particulate matter, vapor, gas, odorous substances or a  
8 combination of these;

9           (2) "air pollution" means the presence in the outdoor  
10 atmosphere of one or more air contaminants in quantities and duration  
11 that tend to be injurious to human health or welfare, animal or  
12 plant life or property or would unreasonably interfere with the  
13 enjoyment of life or property;

14           (3) "atomic radiation" means all ionizing radiation;

15           (4) "broadcast chemicals" means chemical substances which  
16 are released into the air or onto land or water for the purpose of  
17 preventing, destroying, repelling, stimulating or retarding plant  
18 or animal life, or chemical substances released for meteorological  
19 control, oil spill control or fire control;

20           (5) "commissioner" means the commissioner of environmental  
21 conservation;

22           (6) "department" means the Department of Environmental  
23 Conservation;

24           (7) "electronic product" means a manufactured product  
25 which:

26           (A) when in operation, contains or acts as part of  
27 an electronic circuit and emits, or in the absence of effective  
28 shielding or other controls would emit, electronic product  
29 radiation; or

1 (B) is intended for use as a component, part, or  
2 accessory of a product described in (A) of this paragraph and  
3 which when in operation emits, or in the absence of effective  
4 shielding or other controls would emit, electronic product  
5 radiation;

6 (8) "electronic product radiation" means an atomic  
7 radiation or nonionizing, electro-magnetic or particulate radiation,  
8 or a sonic, infrasonic, or ultrasonic wave which is emitted from  
9 an electronic product as the result of the operation of an electronic  
10 circuit in the product;

11 (9) "industrial waste" means a liquid, gaseous, solid, or  
12 other waste substance or a combination of them resulting from  
13 process of industry, manufacturing trade or business, or from the  
14 development of natural resources; however, gravel, sand, mud, or  
15 earth taken from its original situs and put through sluice boxes,  
16 dredges, or other devices for the washing and recovery of the  
17 precious metal contained in them and redeposited in the same water-  
18 shed from which it came is not industrial waste;

19 (10) "motor vehicle" has the same meaning as in  
20 AS 28.20.630;

21 (11) "municipality" means an organized borough or an  
22 incorporated city outside an organized borough, and includes all  
23 classes of boroughs and cities whether home rule or otherwise;

24 (12) "other wastes" means garbage, refuse, decayed wood,  
25 sawdust, shavings, bark; trimmings from logging operations, sand,  
26 lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals,  
27 and other substances not sewage or industrial waste which may cause  
28 or tend to cause pollution of the waters of the state;

29 (13) "person" means any individual, public or private

1 corporation, political subdivision, government agency, municipality,  
2 industry, copartnership, association, firm, trust, estate, or any  
3 other entity whatsoever;

4 (14) "pesticide" means any chemical or biological agent  
5 intended for preventing, destroying, repelling, or mitigating plant  
6 or animal life and any substance intended for use as a plant  
7 regulator, defoliant or desiccant, including but not limited to  
8 insecticides, fungicides, rodenticides, herbicides, nematocides and  
9 biocides;

10 (15) "pollution" means the contamination or altering of  
11 waters, land or subsurface land of the state in a manner which  
12 creates a nuisance or makes waters, land or subsurface land unclean,  
13 or noxious, or impure, or unfit so that they are actually or  
14 potentially harmful or detrimental or injurious to public health,  
15 safety or welfare, to domestic, commercial, industrial, or recreational  
16 use, or to livestock, wild animals, bird, fish, or other aquatic  
17 life;

18 (16) "radiation" means all atomic and electronic product  
19 radiation;

20 (17) "radiation source" means any substance, machine, or  
21 electronic product which emits radiation;

22 (18) "sewage" means the water-carried human or animal  
23 wastes from residences, buildings, industrial establishments, or  
24 other places, together with ground water infiltration and surface  
25 water as may be present; the admixture with sewage of industrial  
26 wastes or other wastes is "sewage";

27 (19) "sewer system" or "sewerage system" means pipe lines  
28 or conduits, pumping stations, and force mains, and all other  
29 appurtenant constructions, devices, and appliances used for

1 conducting sewage, industrial waste, or other wastes to a point of  
2 ultimate disposal;

3 (20) "standard" means the measure of purity or quality  
4 for waters in relation to their reasonable and necessary use as  
5 established by the department;

6 (21) "treatment works" means a plant, disposal field,  
7 lagoon, pumping station, constructed drainage ditch or surface water  
8 intercepting ditch, incinerator, area devoted to sanitary land fills,  
9 or other works installed for the purpose of treating, neutralizing,  
10 stabilizing or disposing of sewage, industrial waste, or other  
11 wastes;

12 (22) "waters" includes lakes, bays, sounds, ponds,  
13 impounding reservoirs, springs, wells, rivers, streams, creeks,  
14 estuaries, marshes, inlets, straits, passages, canals, the Pacific  
15 Ocean, Gulf of Alaska, Bering Sea and Arctic Ocean, within the  
16 territorial limits of the state, and all other bodies of surface or  
17 underground water, natural or artificial, public or private, inland  
18 or coastal, fresh or salt, which are wholly or partially within or  
19 bordering the state or under the jurisdiction of the state.

20 \* Sec. 4. The following laws are repealed: AS 18.05.040(11), (12)  
21 (16); AS 18.30; AS 18.33; AS 18.60.470 - 570; AS 44.62.330(a) (26), (29);  
22 AS 46.05; AS 46.10; AS 41.03.

23 \* Sec. 5. This Act takes effect July 1, 1971.  
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