

Offered: 4/27/84
Referred: Rules

Original sponsor: Fahrenkamp

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 407 (Resources) am H (failed H)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the prevention and abatement of
7 water pollution."

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

9 * Section 1. FINDINGS. The legislature finds that

10 (1) the waters in the state are not adequately inventoried and
11 properly classified as directed under the Federal Water Pollution Control
12 Act;

13 (2) the present state clean water standards impose the most
14 stringent standards for the use of state waters regardless of the actual
15 use of the waters;

16 (3) the present state clean water standards are unnecessarily
17 restrictive because the classification of state waters is not supported by
18 scientific evidence.

19 * Sec. 2. AS 46.03.010(b) is amended to read:

20 (b) It is the policy of the state to improve and coordinate the
21 environmental plans, functions, powers and programs of the state, in
22 cooperation with the federal government, regions, local governments,
23 other public and private organizations and concerned individuals, and
24 to develop and manage the basic resources of water, land and air in an
25 economically and environmentally sound manner to the end that the
26 state may fulfill its responsibility as trustee of its resources [THE
27 ENVIRONMENT] for [THE] present and future generations.

28 * Sec. 3. AS 46.03.080 is repealed and reenacted to read:

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

1 public hearings held upon due notice, the department shall establish
2 categories and classifications for the waters of the state considering
3 their traditional, present and potential, social and economic benefi-
4 cial uses. The department may, on request, alter and modify catego-
5 ries and classifications after public hearings. The department shall
6 review the categories and classifications after public hearings not
7 less often than each three years.

8 * Sec. 4. AS 46.03 is amended by adding new sections to read:

9 Sec. 46.03.082. CLASSIFICATION OF STATE WATERS. (a) The de-
10 partment shall classify waters of the state as useful for

- 11 (1) drinking water;
- 12 (2) propagation of fish and shellfish;
- 13 (3) aquaculture;
- 14 (4) wildlife;
- 15 (5) recreation;
- 16 (6) placer mining; and
- 17 (7) industrial uses.

18 (b) The department may classify the waters of the state for
19 differing seasonal uses to permit the greatest variety of competing
20 economical and existing uses with a minimum impact upon water quality,
21 with the maximum use of the waters being the primary goal of the
22 classification.

23 (c) In classifying or reclassifying waters of the state under
24 this Act, the department shall act consistently with any district
25 coastal management program adopted by a coastal resource district.

26 (d) Nothing in this Act shall be construed to permit any waters
27 to be classified below the highest standards of quality required for
28 current use.

29 Sec. 46.03.084. STANDARDS OF WATER QUALITY. (a) The department

1 shall establish standards of water quality for each classification
2 established under AS 46.03.082(a) that are consistent with the most
3 beneficial present and potential use of the waters considering the
4 social and economic values of the known renewable and nonrenewable
5 resources. Standards that have been adopted may be modified after
6 public hearings.

7 (b) In the establishment of water standards or in granting water
8 permits, the department shall consider the effect of establishing the
9 water standard to granting the water permit with reference to

10 (1) the character and degree of the effect of the action on
11 the health or well-being of the residents of the state and on animals,
12 wildlife, aquatic life, and plant life that may be affected;

13 (2) the social and economic benefits received from the
14 action proposed;

15 (3) the social and economic value of the resource affected;

16 (4) the priority of location in the area affected;

17 (5) the technical practicability of minimizing the impact
18 of the action proposed and the economic implications of minimizing the
19 impact;

20 (6) the effect of the action proposed on the environment.

21 * Sec. 5. The department shall within 60 days of the effective date of
22 this Act designate those waters of the state determined suitable for placer
23 mining classification.

24 * Sec. 6. (a) The commissioner of environmental conservation shall
25 within two years of the effective date of this Act

26 (1) inventory significant state waters and identify the specific
27 uses of these waters considering

28 (A) mineral potential and use;

29 (B) the presence of fish;

1 (C) recreational use;
2 (D) drinking water use;
3 (E) agriculture use;
4 (F) special values of the waters;
5 (G) existing water quality and the relative value of the
6 resources and uses based on the amount of use, economic values and
7 historic use;

8 (2) develop management plans on a specific drainage, basin,
9 mining district or other logical geographic basis having common water uses,
10 resources and values.

11 (b) In identifying the specific uses listed in this section, the
12 commissioner of environmental conservation shall use the expertise of state
13 agencies having responsibilities in the areas described in (a)(1) of this
14 section.

15 (c) A management plan developed under (a) of this section shall
16 consider geology, soil and stream conditions, constraints of water access
17 and supply, the use of state waters for fisheries and drinking water, and
18 economic and recreational values as factors in determining and remedying
19 existing or potential conflicts arising out of the use of water for mining
20 in order to maximize the use of the water resources of the state.