

Offered: 5/12/87  
Referred: Rules

5-1185B

Original sponsor: Resources Committee

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE CONCURRENT RESOLUTION NO. 29 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION  
5 Relating to the water quality standards  
6 regarding turbidity under the Clean  
7 Water Act.  
8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 WHEREAS the Legislature believes that the federal Clean Water Act was  
10 enacted to protect the water of the nation from degradation; and  
11 WHEREAS the Legislature is concerned about the turbidity criteria  
12 included in Alaska's water quality standards, specifically whether less  
13 stringent standards could protect water uses and still avoid adverse  
14 environmental consequences; and  
15 WHEREAS the Legislature is considering the repeal of the existing  
16 water quality standard for turbidity but wishes to comply with the require-  
17 ments of sec. 303 of the Clean Water Act; and  
18 WHEREAS the Legislature has sought to determine whether the repeal of  
19 the state turbidity standard is permitted under the Clean Water Act and  
20 whether there would be adverse environmental consequences if it relies on  
21 the remaining water quality standards; and  
22 WHEREAS the drinking water standards now apply to all but two water  
23 bodies in the state; and  
24 WHEREAS the Legislature believes that the application of the drinking  
25 water standard for turbidity has been incorrectly applied to state water  
26 under the terms of the Clean Water Act and the multiple use classification  
27 of state water;  
28 WHEREAS the Legislature wishes to participate in a resolution of  
29 issues associated with the turbidity standards and to resolve conflicts

1 between placer mining and other water uses; and

2 WHEREAS the Department of Environmental Conservation has started a  
3 process to work with the Alaska Miners Association and other water users to  
4 address these issues; and

5 WHEREAS the Legislature believes that it is critical to clearly and  
6 fully identify areas of flexibility available under the Clean Water Act;  
7 and

8 WHEREAS it is crucial for the administration to proceed expeditiously  
9 with this process, as outlined in the Governor's memorandum on placer  
10 mining to the resource commissioners.

11 BE IT RESOLVED the the Alaska State Legislature respectfully requests  
12 the Governor to direct the Attorney General of Alaska to propose procedures  
13 under which the legislative committee hearings on legislation to change the  
14 water quality criteria in Alaska would qualify under the public participa-  
15 tion criteria required under federal regulations at 40 C.F.R. 131.20(b) and  
16 report these procedures to the resources committees of the Legislature by  
17 the 10th day of the Second Session of the Fifteenth Alaska State Legisla-  
18 ture; and be it

19 FURTHER RESOLVED that the Legislature respectfully requests the Gover-  
20 nor to direct the commissioner of environmental conservation to submit an  
21 outline of the procedures that are necessary for the Department of Environ-  
22 mental Conservation to submit to the Environmental Protection Agency a  
23 revised water quality plan with a turbidity standard that affects water  
24 only where drinking water enters a distribution system and report this  
25 outline to the resources committees of the Legislature by the 10th day of  
26 the Second Session of the Fifteenth Alaska State Legislature; and be it

27 FURTHER RESOLVED that the Alaska State Legislature respectfully  
28 requests the Governor to direct the commissioner of environmental conserva-  
29 tion to provide written summaries of the department's meetings with the

1 Alaska Miners Association to the Resources Committees and to conduct a  
2 quarterly briefing for the Resources Committees to ensure that the commit-  
3 tees' concerns are addressed during the process; and be it

4       FURTHER RESOLVED that the Legislature respectfully requests the  
5 Governor to direct the commissioner of environmental conservation to con-  
6 sider fully in the commissioner's deliberations whether the state's exist-  
7 ing turbidity criteria are required under the Clean Water Act and to pro-  
8 vide the recommendations and analysis to the committee by the 10th day of  
9 the Second Session of the Fifteenth Alaska State Legislature; and be it

10       FURTHER RESOLVED that the Legislature respectfully requests the  
11 Governor to direct the commissioner of environmental conservation to pro-  
12 vide to the Legislature by the 10th day of the Second Session of the Alaska  
13 State Legislature a report on the results of the commissioner's review of  
14 sources of flexibility under the Clean Water Act and concrete recommenda-  
15 tions for changes to the water quality standards or other regulations that  
16 would increase flexibility for economic development and enhance economic  
17 opportunities for Alaskans while adequately protecting water uses.

18       COPIES of this resolution shall be sent to the Honorable Grace Berg  
19 Schaible, Attorney General, and the Honorable Dennis D. Kelso, Commissioner  
20 of Environmental Conservation.