

HB

707

LISA - This WAS DELIVERED BY NELS ANDERSON.

AS

5/15/78

Re: telephone conversation with Gordon Ryan, City Manager of Dillingham. I conveyed to him what was in the letter of May 15 from the Department of Environmental conservation - that the Commissioner doesn't see the need for HB 707.

Gordon Ryan said that they might have problems with the new site location. He says the site they're looking at now will probably be unacceptable by DEC because of the high water table therefore he still sees the need for HB 707.

5/16/78 - Sent copy of DEC's letter to Gordon Ryan asking for his response in writing as soon as possible.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

File
JAY S. HAMMOND, GOVERNOR

May 15, 1978

The Honorable Nels A. Anderson, Jr.
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Anderson:

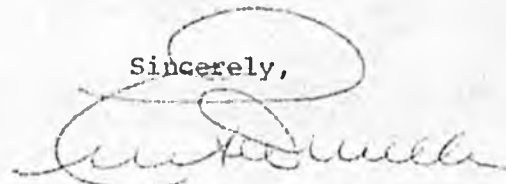
I understand that you may be interested in pursuing passage of HB-707. As progress is being made toward solving the Dillingham problem, you may wish to reconsider the need for this bill. It is my impression that the Dillingham situation is well on the way to a mutually acceptable solution.

As you probably know, Dillingham applied for a permit on or about April 1 as required by a compliance order. On April 12 Richard Williams and Gary Garthwait of our Department, and Mr. Don Caswell, Public Works Director, City of Dillingham visited the proposed site for a new landfill on Wood River Road. Mr. Williams and Mr. Garthwait were optimistic about the general potential of the site. Mr. Caswell confirmed the statement in Dillingham's permit application that soils and groundwater data would be available after the spring melt.

On April 19, 1978 Mr. Reinwand, our Deputy Commissioner reminded Mr. Ryan, Dillingham's City Manager, of the need for the soils and groundwater data. Mr. Reinwand also furnished Mr. Ryan with some sample development plans for the site.

Mr. Garthwait has maintained contact with Dillingham officials and is not aware of any real problems they are having meeting our requirements. If you are aware of something I am not aware of, I would greatly appreciate a telephone call.

Sincerely,



Ernst W. Mueller
Commissioner

Gordon Ryan - 542 - 5211

5/15/78

Gordon Ryan -

Enclosed a letter we've received
from DEC.

Please respond to the letter in
writing and send to our office as
soon as possible.

Thank you.

Sincerely,

Nels A. Anderson, Jr.
for NELS A. ANDERSON, JR.

NAA/ah
ENCLOSURE:

tax base - \$9 1/2 mil.
tax rate? - 17 mills
budget \$1.2 mil.

Introduced: 1/31/78
Referred: Community & Regional
Affairs

1 IN THE HOUSE

BY ANDERSON

2 HOUSE BILL NO. 707

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to sanitary landfills."

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

8 * Section 1. AS 46.03.020 is amended by adding a new paragraph to read:

9 (12) require relocation of municipal sanitary landfills; if
10 the municipality has not received patent to the total amount of land for
11 which it is eligible under AS 29.18.190 and 29.18.200, and if exercise
12 of the municipality's power of eminent domain would be required to
13 provide a suitable relocation site, the department may not require
14 relocation until a suitable relocation site becomes available without
15 requiring the use of the power of eminent domain.

16 * Sec. 2. AS 46.03.900 is amended by adding a new paragraph to read:

17 (25) "sanitary landfill" means a land area used for the dis-
18 posal of solid waste.

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HB7

RECEIVED OCT 14 1977



CHOGGIUNG LIMITED

P.O. BOX 247 • DILLINGHAM, ALASKA 99576 • PHONE (907) 842-3033

October 14, 1977

Mr. Gordon Ryan
City Manager
City of Dillingham
Box 191
Dillingham, AK 99576

Dear Mr. Ryan,

Concerning Choggiung's mile 7 gravel pit as a future solid waste disposal site, as you are aware per our discussion recently, Choggiung is developing the pit with a future dump site in mind. We are conforming to D.E.C. and B.L.M. guidelines in that we are not excavating below three feet to the water table and the pit is well concealed from the Dillingham Aleknagik road. This should be a suitable dump site for the City when the gravel is exhausted. This summer we uncovered a rich vein of clean aggregate which extends from the Northern portion of our current excavation. This deposit could supply Choggiung's construction company with superior quality gravel for 3-5 years depending upon market conditions. As you know, the mile 7 pit is the closest gravel source we have to town. Moving out the road to another site would be economically disastrous to our company. We are working to acquire gravel on Native allotments closer to town but as yet have had little success. We therefore regret to inform you that the mile 7 pit will not be available for solid waste disposal until the valuable material in the pit can be sold. We appreciate that the City recently made a large purchase of gravel from us to help deplete the pit, but there's still a long way to go. We're selling gravel at the lowest prices in town. We do intend to turn the pit over to a dump site, but as you can well understand, this cannot occur until the gravel is exhausted. I hope this clarification proves helpful to you and others who may not realize that both Choggiung and the City are doing all they can to solve the dump problem.

Sincerely,

J.P. Godfrey
General Manager

February 14, 1977

Mr. Widom
City Manager
Box 191
Dillingham, Ak. 99576

Dear Mr. Widom:

Any time that would be convenient you should schedule a meeting. The Chagagung board and the City council share a number of interests and we encourage a frank swapping of ideas, frustrations and proposals.

Concerning the gravel pit we hope to begin hauling from this site early this summer. The warm winter could make for an early start up for our construction season. At such time as we have reduced the floor of the pit to within four feet of the water table we will consider the development of a sanitary land fill site here. As you know we have been developing the site consonant with the development plan worked up by the people at DEC. So when this area is no longer economically useful to us we will certainly have you in mind. Our letter of September 21, 1976, spelled out our feelings on this matter rather clearly. A copy was sent to all council members at that time.

The Division of Aviation is probably pushing DEC hard. We respect their concerns but if your response must be immediate we suggest you find a new location.

Sincerely yours,

William Tennyson
President

WT/ET/AB

RECEIVED SEP 23 1976



CHOGGIUNG LIMITED

P.O. BOX 247 • DILLINGHAM, ALASKA 99576 • PHONE (907) 842-3083

September 21, 1976

Ivan Widom
City Manager
City of Dillingham
Dillingham, Alaska 99576

Camai Mr. Widom:

Choggiung Ltd. has worked diligently this summer to clear the 7 mile gravel pit for use as a sanitary land fill site for the City of Dillingham. Fortunately or unfortunately, depending on your view, the pit area still contains an impressive amount of gravel. The quality of the gravel is excellent and our best estimates indicate that at least 12' - 15' feet of gravel still remain in the two acre circular deposit.

Choggiung Ltd. sold gravel at a reasonable rate this summer from this area. We kept prices down so that gravel use would become common again in this area. We sold gravel to all corners, whether they be private, public, competitors, or what have you. But try as we might we did not lower the pit floor to the minimum three feet above the water table for which we were shooting.

Then we receive a letter from the City stating that the move into the pit is soon to occur. When Mrs. Schroeder and council members met with the Choggiung Board the board indicated their willingness to work towards a solution of the dump problem through use of the 7 mile pit. But this willingness was based on exhausting the gravel and developing and managing a pit satisfactory to the road residents. However, we do not believe that such a move is in the best interests of the community at this time. The result will drive up the price of gravel and waste an excellent deposit in mid-development. Further it will create strained feelings between the City and the Village at a time when these emotions are best bottled.

What it boils down to seems to be this. Since it selected 7 townships of land from the federal government under the provisions of ANCSA Choggiung has acted as the land sugar daddy in this community. Even though less than 1% of this land has been transferred to Choggiung ownership the village corporation has bent over backwards to meet the City's land needs. First it was land for the KDLG tower. Choggiung went out on a limb to make acres available but now the community has a functioning radio station that the entire region appreciates.

Ivan Widom
September 21, 1976
Page 2

The RCA antenna lease recently concluded by the City is another example of Choggiung's willingness to make land use decisions in the best interests of the community. The fragile conveyance arrangement we cooked up for that transaction was again above and beyond the limits of the land laws that control us. But Choggiung made these efforts in your behalf because a community value was at stake.

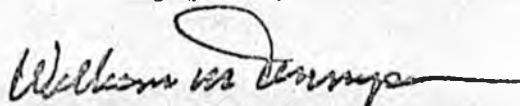
Yet another indication of this same attitude on Choggiung's part is the conveyance of land for the first City garbage dump project. When the City requested the acreage Choggiung manipulated the land laws so that this land would be under your management control. Unfortunately the road proved worthless because the area was unsuitable for land fill purposes. But Choggiung did not smirk or cast the City adrift even then. The village worked hard to convince the housing authority that this same tract could be used for housing purposes. The village even suggested that the Authority should purchase the road from the City as then the expenditures there would not be a total loss. You have copies of our correspondence on this matter.

We offer these examples of Choggiung's willingness to make land use decisions and to expend considerable effort that benefits the community as a defense of our unwillingness to put garbage over gravel at 7 mile. The airport pit has served the City well since the City began expending effort to control this situation. Rather than ruining the 7 mile pit or creating a marginal temporary site in this area we urge the City to postpone occupation of 7 mile until the gravel here has been substantially depleted. As any review of the 7 mile site will show, Choggiung has been working this deposit in accordance with the development plan prepared by the State DEC. Visual screening has been accomplished through the use of spoil berms. A constant eye has been peeled for the water table so that excavation does not go too deep. We have been playing ball to the best of our ability and now we request that you take these factors into account.

It should be remembered that garbage dumps and airports are good neighbors in Anchorage and other municipalities with much heavier air traffic than Dillingham. Another fact that springs to mind is that the City is not always so quick to take the advice and direction of the Division of Aviation in land use matters. Perhaps an extension of time will allow cogent land management in the 7 mile area to develop.

We appreciate your correspondence on this matter and look forward to a responsible land use decision from the City.

Sincerely yours,



William Tennyson
President

WT/TH/AB

cc: Freeman Roberts Orris Welch
David Carlson Perry Adkinson
Don Saqmoen Jim Bingman



P.O. BOX 191

DILLINGHAM, ALASKA 99576

TELEPHONE (907) 842-3483 or 842-3933

July 2, 1976

*Mr. William
Ask me
Laura*

Mr. William Tennyson, Sr.
President
Choggiung Limited
P.O. Box 247
Dillingham, Alaska 99576

Dear William:

The City Council discussed the 1280 acres which will be reconveyed to the city at last night's meeting. They appreciate your board's efforts to provide us with areas for such things as potential dump sites, gravel, sewer needs, etc.

They have requested I ask if it would be possible to square off the area marked 9 and change this amount to the Catholic Mission area, Survey 3699, for possible school or educational purposes. Twenty-five acres were mentioned. We realize the council has not given all of the input to your board on this matter that they perhaps could have, however, the Catholic Mission property has been discussed for some time as a school or college site. We are aware that some of the land has been already set aside for Prince, Jones, Franklin and the church.

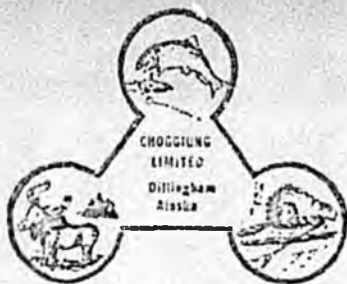
Would it be possible to have some of our council meet with your board at the next regular meeting to discuss both the 7 mile pit and this reconveyance?

Sincerely yours,

Laura

Laura M. Schroeder
Acting, City Manager

RECEIVED JUN 2 1976



CHOGGIUNG LIMITED

P.O. BOX 247 • DILLINGHAM, ALASKA 99576 • PHONE (907) 842-3083

May 28, 1976

Ms. Laura Schroeder
City of Dillingham
P.O. Box 191
Dillingham, Alaska 99576

RE: GARBAGE DUMP

Camai Laura:

Our meeting is scheduled for June 2. It begins at 7 but you will not come up until 8. We received a copy of a petition indicating that the road people and others were not happy with the Mile 7 alternative. I also received an indication that the folks at PHS figure that the land they manage will not support additional land fill activities. Has aviation softened their line? The dumps are at the airports in Anchorage and they certainly have a more active air transport industry there. The problem appears to be a thorny one and I believe that much care and preparations should precede any decision.

Sincerely,

Tom Hawkins

Tom Hawkins
Land Manager

TH/RMH

RECEIVED JUL 15 1975

CHOGGUING LIMITED

P. O. BOX 218
DILLINGHAM, ALASKA 99576

July 14, 1975

Mr. John Merrick
Bureau of Land Management
4700 East 72nd
Anchorage, Alaska 99507

Re: GARBAGE AA-6659A

Dear Mr. Merrick:

Sanitary land fill plans march forward. Gary Garthwart of the State's Department of Environmental Conservation visited Dillingham and gave us a go ahead on the site we described to you. We attach his letter to the City Manager.

Now the crunch. DEC cannot issue permits unless you assure the City's land tenure. Choggiung plans to reconvey all of the unsurveyed land in Section 16 T13S R55W S.M. to the City. We will also reconvey Lot 2 of USS 4974 to them. But as things go I.C. may never issue. So we need that interim action that will let us do what needs to be done.

We look forward to your response.

Sincerely,

Tom Hawkins

Tom Hawkins
Land Planner

TH/RH

cc: City of Dillingham/ Ray Kase
Bureau of Land Management/ Bob Sorenson

Fall, 1977 H

Attempts Made by the City of Dillingham to Relocate Landfill Site

I. SITE NORTH OF TOWN ON CHOGGIUNG LAND SELECTION

- A. Choggiung managed to secure permission for us to use this land, conveyed by quit claim deed, which they have not actually received by reconveyance yet themselves.
- B. Site approval given by DEC. *(They never say it was not approved)*
- C. All of our Local Service Roads and Trails monies for three years used to build a road to this site (Amount \$65,000+).
- D. Road was completed in fall of 1975.
- E. When crew began digging trench for solid waste, water level was too high and the hole filled with water after digging only a few feet. Difference of opinion on whether the area could be drained and used. Most people of the opinion that if drained it would take a year or more before it would be usable.

II. ATTEMPTS MADE TO SELECT A DIFFERENT SITE

- A. Worked closely with Tom Hawkins, Land Planner for Choggiung in attempt to select another site.
- B. After consideration of several different locations which had to be abandoned due to proximity to airport, in line of flight, no access, too near stream, etc., 7 mile gravel pit appeared to be best location found.
- C. Choggiung informally agreed to make this site available after gravel was removed. City paid to have a test boring done to determine how much gravel remained and how high the water table was. It was determined that an additional 15 feet of gravel was in the pit. Members of City Council met with Choggiung Board.
- D. Stockholders of Choggiung who live near the area of gravel pit drafted a petition signed by over 70 stockholders protesting the location of the landfill in this gravel pit.
- E. Choggiung Board reversed plan to make the pit available, stated it is doubtful that pit is located within city limits, said they had already given us one "dump site" and asked how many times they have to do this for the city.
- F. Relations became somewhat strained between city and village corporation.

III. FACTORS CONTRIBUTING TO PROBLEM

- A. Lack of continuity. Since the effort was begun in 1975 to relocate the landfill, the city has had 4 city managers and 2 acting city managers, 4 publ^{ic} works directors. Choggiung has had 3 managers.
- B. Everyone agrees the dump must be moved but nobody wants it

Dillingham Landfill (continued)

- C. City attempts to complete needed projects using its own labor force in order to stretch limited funds available as far as possible. For this reason, water and sewer work, road building, a city dock, cold storage plant remodelling, as well as normal maintenance tasks have been carried out by a public works director, foreman, and 5 general maintenance crew. The 5 man crew are CETA employees. Turnover has been rapid, many leave to go fishing during the summer and so training must be repeated frequently. Additional help is hired when special funding is available, such as for the cold storage remodelling.

IV. ATTEMPTS TO MAINTAIN PRESENT SITE IN BEST POSSIBLE CONDITION.

- A. Two landfill maintenance people are hired through the CETA program to control dumping and keep the area as clean as possible.
- B. D-7 Caterpillar was purchased at a cost of over \$30,000 to push back the garbage and compact daily.
- C. A permit was received to kill birds at the dump. This procedure broke down temporarily due to change of city personnel, but was reinstated with good results.

V. OTHER ATTEMPTS TO RELOCATE SINCE DEC HEARINGS JUNE 6, 1977.

- A. Other possible sites pursued with the following results:

1. Owner of abandoned gravel pit contacted about possible purchase by city. Owner not interested. He has sold lots nearby for new homes and some have been built. Pit is not too desirable because there are no screening trees and it was not developed in a way which would make it suitable.
2. Owner of property contacted the city and offered to sell his land since he was leaving the area. Price requested was not to be divulged, but was in the 6 figure bracket. Site would also require great deal of development. *↓ too near airport.*
3. Another abandoned gravel pit was investigated. It is on land selected for a native allotment, has not been granted yet. BLM was contacted by city to try to learn status. They said status was indefinite due to possible mineral availability, and would require several hearings before status could be resolved. Nothing had been started on these hearings and no plans to begin were prospective. This site had been considered several years ago and local residents protested because of a nearby stream. They secured support from Fish and Game in their protest, and the site was dropped at that time.
4. Better relationship regained with Choggiung and further attempts made to secure Mile 7 pit. They have discovered a new vein of gravel and do not foresee its availability for several years.

Dillingham Landfill (Continued)

VI. ALTERNATIVES

- A. Attempt to drain original new site to which road was built. One problem involved is that road is already deteriorating and garbage trucks would have difficulty using it, especially during breakup. If road must be rebuilt, this would use a good portion of our LSR&T monies again, and streets are desperately needed in the townsite to open up building lots which are now locked in. If the town is to develop, these must be built.
- B. Wait for Choggiung to empty their pit and make every effort to maintain the present dump in a satisfactory manner to eliminate the bird hazard. Possibly a high fence could be built around the area to cut down on the unsightliness inherent in any landfill.

The City of Dillingham has not been indifferent to the need to move the landfill site. They have spent a considerable portion of the city's available resources, both monetary and manhours, toward that end. Now that a city manager and public works director have been secured who intend to stay for a long period of time, and as they have become knowledgeable about the problems existing, a solution is being actively sought.

An attempt was made to build roads this fall with LSR&T 2 years allocation of \$91,000. Originally we were told that none of the funds could be used for the purchase of gravel. Later this was clarified to state that if we could document that no free gravel was available to us from any source, we could purchase it. The city council appointed a committee to revise the priorities of the streets to be built and the Dept. of Transportation was contacted to clarify the procedure to be followed. The council hoped to help empty Choggiung's gravel pit by expending these monies for gravel for road building.

Procedure involved (see attached) was so lengthy and time consuming that it was doubtful if it could have been completed this fall unless very good weather was promised. This project, along with additional funds to bring the total to \$135,000 will be ready to begin in the spring of 1978.

Telecom Robert Haneline/Dept. Transportation 9/20/77 (243-1255)

Procedure for securing Local Service Roads and Trails Funds

1. Contract agreement signed by local governing body sent to Anchorage office. It will be forwarded to Juneau for action by their headquarters office.
2. Agreement includes the following:
 - a. Statement of intent
 - b. Cost estimate
 - c. Description of roads to be built.
 - d. Project location map.
 - e. Typical roadway cross-section showing width, slopes, etc.
3. Resolution signed by city council stating they want the funds authorized to be spent on this project.
4. Something to show that we have right-of-way easements. Could be a townsite map if adequate rights-of-way are shown.
5. Need backup statement showing that no free access gravel pits are available for our use and that we will have to purchase the gravel. Also stipulate the cost per yard which will be paid.

NO FUNDS CAN BE EXPENDED BEFORE APPROVAL OF THIS AGREEMENT IS REACHED OR WE WILL NOT BE REIMBURSED FOR THEM. Will take about 1 week to get this back.

Second step - After approval of agreement, can proceed with design and charge these costs to the project.

BEFORE ADVERTISING a list of bid items, contract plans and estimate of cost must be sent to Dept of Transportation for approval. After this approval is given, we can advertise for bids. Minimum bid period on small projects of this type is 15 days. At end of bid period, we can open the bids.

BEFORE AWARDING CONTRACTS the bids must be submitted to Dept of Transportation for their approval.

The specs can be written in such a way that alternates can be provided, perhaps each street listed separately and bid on as many as they want. This way can utilize the full amount of money available.

Priority list can be changed up until the time of the resolution, then must be followed.

Mr. Haneline will send a book of specs used on a job at Aleknagik which would be of help to us and perhaps eliminate need for engineering firm. He stated that starting on construction this late in the season would probably result in a waste of materials due to high moisture content and would be a drain on our funds.

RECEIVED JUN 27 1975

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

SOUTHCENTRAL REGIONAL OFFICE

JAY S. HAMMOND, Governor

SOUTHCENTRAL REGIONAL OFFICE
MACKAY BLDG.
338 DENALI STREET
ANCHORAGE 99501

June 25, 1975

Mr. Ray Case
City of Dillingham
P.O. Box 191
Dillingham, AK 99576

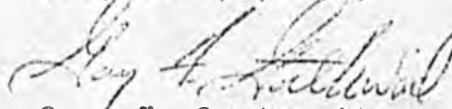
Dear Mr. Case:

Kyle Cherry informed me of the plans the City of Dillingham is making for operating a sanitary landfill. Needless to say, we are pleased to hear of your plans and will certainly assist you in planning and site selection. I have made many attempts the past three days to call you but have not succeeded in getting through. I would like to spend July 2nd in Dillingham and would like to meet with you to discuss your plans and look at the proposed site at that time. I plan to arrive on the morning Wien flight and leave in the afternoon if possible.

I will continue to try to call you to confirm this meeting and would appreciate hearing from you if I have not contacted you by the time this letter arrives.

I look forward to working with you on this project.

Very truly yours,



Gary F. Garthwait
Sanitary Engineer I

RECEIVED FEB 5 1975

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF ENVIRONMENTAL CONSERVATION

SOUTHCENTRAL REGIONAL OFFICE

338 DENALI STREET
MACKAY BUILDING ROOM 1050
ANCHORAGE 99501

February 3, 1975

Mr. Samuel Coxson
City Manager
City of Dillingham
P. O. Box 191
Dillingham, Alaska 99567

Dear Mr. Coxson:

Enclosed is information we discussed regarding Solid Waste Processing.

The cost data presented is not applicable to Dillingham because of several factors including recent escalating materials costs, these processes become more economical when dealing with large scale installations, and the remoteness of Dillingham from manufacturing sources. I also wish to restate that processes such as shredding and baling are only methods of reshaping Solid Waste and the problem of ultimate disposal still remains even though the waste goes through the processing stage.

I have reviewed past correspondence between you and our department and see that Lance Elphic has sent you some information on refuse incineration. You stated you found incineration to be too costly and therefore are investigating other alternatives. I believe you will discover that other methods of processing will be even more costly because unlike with incineration, you are still faced with landfilling a large volume of waste. Shredding has proven advantageous when it preceeds resource recovery or when landfill space is very costly. Baling reduces volume but still requires landfilling. Processing of waste becomes economical when it reduces the cost of disposal. I would estimate that shredding or baling would only slightly effect your landfilling cost whereas incineration would effect that cost somewhat more. Our requirements for landfilling the shredded or baled material are basically the same as for landfilling the raw refuse and so these processes would not eliminate your landfill problems.

As Mr. Elphic stated, time is of the essence, and if processing is not presently feasible, a properly located and operated landfill needs to be developed. As you stated in our conversation, regardless of the processing method, a landfill for ultimate disposal is necessary.

Sincerely,

Gary F. Garthwait

Gary F. Garthwait
Sanitary Engineer

cc: Dick Stokes

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

JAY S. HAMMOND, GOVERNOR

POUCH 0 - JUNEAU 99811

February 10, 1978

The Honorable Lisa Rudd
Chairman
Community and Regional Affairs Committee
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Madam Chairman:

On January 31, 1978, HB 707--relating to the solid waste management authority of the Department of Environmental Conservation--was introduced and referred to the House Community and Regional Affairs Committee. The immediate focus of the bill appears to be to assist the City of Dillingham in its opposition to the department's attempts to alleviate the public safety and environmental hazards created by that city's dump. That matter is now in the courts. In the long run, the bill could preclude approval of Alaska's solid waste management plan by the U.S. Environmental Protection Agency. Aside from being an embarrassment to a state trying to demonstrate its environmental responsibility, EPA disapproval would also involve a loss of federal solid waste management funds to the state, and, in the future, local governments, and may very well result in increased federal involvement in solid waste management in Alaska.

In analyzing the bill, it is important to understand the concept of a "sanitary landfill." A sanitary landfill has been universally defined as a solid waste facility sited to avoid safety, health and environmental hazards, confined to the smallest practicable area, and covered on a daily basis. Over the past several years, my department has worked closely with Alaska municipalities to convert their "dumps" to "sanitary landfills." Normally, this can be accomplished without requiring the closing of the existing facility. The program, I believe, has met with a substantial amount of success.

In some cases, however, cooperation has not been enough, and enforcement action is necessary. The City of Dillingham provides a case in point. Because of its location, the Dillingham dump creates both water pollution and public safety hazards. The proximity of the dump to the airport is

the department's greatest concern. Dumps--particularly poorly operated ones--attract birds, which in turn threaten air safety. A near catastrophe in Homer in September, 1976, which was disclosed at hearings on the Dillingham facility, illustrates well the magnitude of that threat. A Wien 737 jet with 52 passengers encountered a flock of sea gulls upon takeoff. One engine exploded and another stalled as several birds were ingested into the jet engines. Thankfully, the pilot was able to restart one engine and return to Homer before crashing into the sea. The cost to Wien from this one incident exceeded \$250,000.

Because of this hazard, dumps located close to airports must, in certain circumstances, be relocated. Dillingham has recognized that this is the case with their facility, but has been, in our view, less than aggressive in finding other sites. HB 707, by precluding the department from directing relocation in the event that eminent domain is necessary, would substantially impair the department's ability to reduce adverse impacts associated with local dumps. While we are confident that relocation of the Dillingham facility can be accomplished without the use of eminent domain, the bill may well thwart necessary remedial action in future cases.

This is particularly true in light of the Resource Conservation and Recovery Act, passed by Congress in 1976. (P.L. 94-580) The Act authorizes the establishment of minimum standards for both hazardous waste disposal and solid waste management in general (secs. 3004, 4002), and provides states with the opportunity to develop solid waste programs to implement those standards (secs. 3006, 4007). My department is working hard to develop such a state program. The primary consequences of failure to develop an adequate program are (1) loss of solid waste management grant funds (sec. 4007(b)); and (2) direct U.S. Environmental Protection Agency involvement in local solid waste management (secs. 3005, 3006). EPA, it should be noted, can directly enforce its guidelines for solid waste management if an imminent environmental or public health hazard is present (sec. 7003).

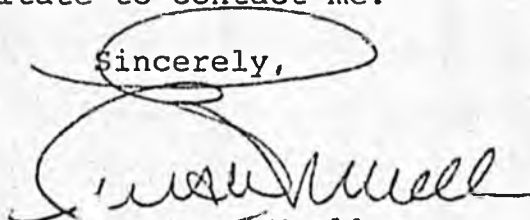
The fundamental goal of the federal act is to convert existing dump facilities to sanitary landfills--which have been defined by EPA in the manner stated at the outset of this letter (except for the cover requirements). The act also mandates the closure of open dumps. To accomplish this, relocation of municipal facilities will sometimes be

February 10, 1978

required. The draft EPA guidelines, for example, explicitly require relocation where the facility is in close proximity to an airport--as is the case in Dillingham. Because HB 707 would deny the department the enforcement authority necessary to carry out the federal guidelines, and because the bill defines "sanitary landfill" to include open dumps--no matter how great the hazards they pose to the environment and human life--the likely consequence of its enactment would be substantial direct federal control over Alaska's solid waste problems. This would not only make solid waste control substantially more onerous on Alaska's municipalities, but would add considerable ammunition to the assertion that Alaska is incapable of managing its own affairs.

If you or any member of the committee have questions on this matter, please do not hesitate to contact me.

Sincerely,



Ernst W. Mueller
Commissioner

cc: Mike Whitehead
Keith Specking
Jerry Reinwand
Dick Stokes
Dale Wallington
Jon Tillinghast

al - Will you move the amendment
on SB 388 (Coastal mgmt - delete
1st section) & then move the bill?

Thanks -
L.

I'M PREPARED TO VOTE ON IT, NOT MOVE IT.

al