

HJR

60

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

HJR 60
JAY S. HAMMOND, GOVERNOR

POUCH 0 - JUNEAU 99811

February 22, 1978

The Honorable Alvin Osterback
Chairman
Resources Committee
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Chairman:

I understand that your Committee is planning to receive testimony on House Joint Resolution No. 60 (requesting the federal government to remove solid waste on land in Alaska in accordance with the Resource Conservation and Recovery Act). This department played an active role in shaping several provisions of the Federal Resource Conservation and Recovery Act (RCRA). To provide you with some background information on the issue addressed by HJR 60, I thought that it might be useful to include some history of our involvement with the Act and our basic rationale for the provisions which we persuaded Congress to include in the law.

Two years ago Deputy Commissioner Reinwand and I worked closely with the National Governors' Association and Senator Gravel, who is a ranking member of the Senate Environment and Public Works Committee, to win congressional approval of several provisions to the 1976 Resource Conservation and Recovery Act. The key provision waived the federal government's sovereign immunity, thereby requiring federal facilities to obtain state permits for solid waste disposal sites. The definition of a disposal site was purposefully written to be sweeping in its scope so that abandoned junk on federal lands could be regulated under a state's solid waste management program.

Another important provision which we were successful in placing in the Act mandates the federal government to complete a study of the federal lands solid waste problem in Alaska. The results of the study are to be submitted to Congress, together with any recommendations for action to correct the problem. A second report will be completed in mid-April and submitted to Congress. This department is coordinating the study--at EPA's request--and we will be using the data gathered to design a comprehensive program to require the federal government to clean up the problems.

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During the course of the study, we pinpointed several extremely serious problems which warrant immediate attention. One problem is the environmental messes that exist at certain active DEWLine sites. Through our permit programs we are requiring the Air Force to take action to correct them. I have enclosed a copy of the draft permit which we are proposing to issue to the Air Force for its Barter Island site. The draft permit is being circulated to the Air Force and interested members of the public for review and comment. When we have received comments from the Air Force and public, we will sift through them to determine if changes should be made in finalizing the permit.

We plan to take similar action where problems exist on federal lands throughout the State. The message we are sending to the federal government is that we want compliance with State solid waste laws and regulations, and we want compliance to be accomplished in an expeditious manner.

Therefore, we support the thrust of HJR 60 and deeply appreciate the Legislature's interest in this matter. However, there are a few technical changes which we would like to recommend that the Committee consider. They are:

1. On page 2, line 1, we recommend that the words "the Environmental Protection Agency to implement" be stricken, and replaced with: "all federal agencies administering public lands in Alaska to take swift action to remove or dispose of solid wastes identified in." page
1756

The rationale for this change is that the appropriate land management agencies, not EPA, should be responsible for cleaning up the existing solid waste problems.

2. On page 2, line 7, we recommend the inclusion of the following paragraph:

"BE IT FURTHER RESOLVED that the Alaska Legislature strongly supports the Department of Environmental Conservation in its regulatory programs to require federal agencies to take action to solve the long-standing environmental problems created by the solid waste which the federal government has left throughout the State."

This paragraph would buttress the Department's current and planned efforts to require the federal government to solve the solid waste problem in an expeditious manner.

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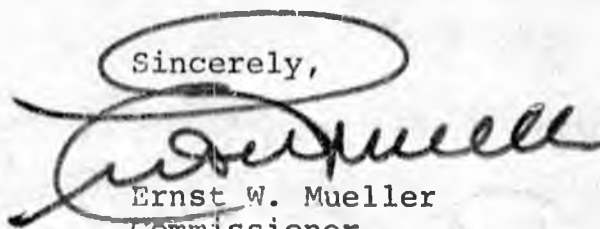
Support from the Legislature would strengthen the Department's efforts in dealing with the federal agencies.

3. On page 2, line 11, between the words "Congress" and "and" insert: "the Honorable Jennings Randolph, Chairman of the Senate Environment and Public Works Committee, the Honorable Harley O. Staggers, Chairman of the House Committee on Interstate and Foreign Commerce."

We recommend inclusion of these two members of Congress as they chair the committees which have jurisdiction over solid waste legislation.

If you have any questions on this matter, please do not hesitate to contact me or my Deputy Commissioner Jerry Reinwand.

Sincerely,



Ernst W. Mueller
Commissioner

Enclosure

A. SITE PREPARATION--The permittee shall

1. Submit to this department for approval, on or before ~~April~~ ^{May} 15, 1978. A disposal site development and operation plan for the permitted facility. The plan shall include:
 - a. a profile of the permitted site's soils.
 - b. detailed facility maps or plan sheets showing existing contours, proposed developments, type of landfill method (trench or area), locations, dimensions and order of refuse cell construction and proposed finished site contours.
 - ~~b.~~ description of the existing site soil profile.
 - c. detailed narrative of the proposed developments including step by step descriptions of the proposed operating procedures for trench excavation, cell construction, scrap metal recovery and other activities associated with operation of the disposal facility.

This permit shall be amended to incorporate the development
~~Upon receiving departmental approval, this permit will be amended~~
~~to incorporate the approved plan activities as an integral part~~
~~of the permit. and operation plan as soon as it has received~~
departmental approval.

2. Maintain a working copy of the department approved development and operational plan from A.1. at Bar-M for use in constructing and operating the facility.
 3. Submit a proposed schedule of operating hours and days to this department for review and approval within thirty days of the date of issuance of this permit.
 4. Erect and maintain signs informing users of the site operating hours and rules, and signs directing users to the active dumping point.
- B. CLEAN UP OF EXISTING SOLID WASTE--The permittee shall:
1. Remove all solid wastes from the existing open dump and transfer it to the proposed facility. Salvageable metal shall be separated and stockpiled in the proposed reclaimable metal holding area. The remaining solid waste shall be landfilled in accordance with the department approved site development plan specified in A.1. All solid wastes shall be transferred and processed, and the existing dump closed and restored not later than September 15, 1978.
 2. Collect all solid wastes from the shallow waters, inter-tidal areas and beaches near the Bar-M station and the affected portions of the Arctic Wildlife Range. Collected wastes shall be transported to the proposed landfill for processing and disposal as specified in B.1.
 3. Transport the abandoned metal tower located about one and one-half miles from the existing open dump to the proposed reclaimable metal holding area, on or before September 15, 1978.

4. Cleanup and restore the Manning Point site by September 15, 1979. Cleanup activities shall be coordinated with the North Slope Borough and the Kaktovik Inupiat Corporation. A plan for the cleanup will be submitted to the North Slope Borough, the Kaktovik Inupiat Corporation and this department's Northern Region Office at least 90 days before the initiation of any cleanup action. The cleanup shall include at a minimum:
 - a. Collection and removal from Alaska of all P.O.L. barrels by September 15, 1979.
 - b. Removal of all collapsed buildings, and collection of all miscellaneous solid waste. Scrap lumber and wood may be open burned under terms of an Open Burning Permit to be obtained from the department's Northern Regional Office. All other materials shall be transported to the proposed landfill for salvage or disposal.
 - c. Surface rehabilitation, including reseeded of disturbed areas, shall be accomplished no later than September 15, 1979.
5. Remove from Alaska, no later than September 15, 1979, all salvageable and reclaimable materials collected during the cleanup operations.

C. OPERATION--The permittee shall:

1. Consolidate and compact the deposited wastes into cells in accordance with the approved submittal required in A.1., above.
2. Cover the compacted refuse with at least six inches of compacted soil at the end of each operating day.
3. Separate salvageable metals and stockpile them in the reclaimable metals holding area indicated on the permit application. The accumulated wastes shall be transported South to a processing center and the holding area cleaned out at least once each year.
4. Collect all littered and windblown wastes in and adjacent to the disposal facility at least once each month and return them to the active dumping point for burial.
5. Prohibit open burning on the landfill and immediately extinguish any fires that may occur.
6. Prohibit the deposition of waste oil and petroleum products and chemical and hazardous wastes.
7. Incinerate all combustible and putrescible waste generated at the Bar-M station prior to disposal.
8. Comply with all portions of the permit application not otherwise addressed herein.

D. GENERAL

1. The permittee shall allow the Commissioner of Environmental Conservation or his authorized representative, upon presentation of credentials,

- a. to enter upon the permittee's premises where waste collection or disposal works are located at such times and upon such terms as the Department may reasonably require, and
- b. at reasonable times, to have access to and to be allowed to copy any records required to be kept under the terms and conditions of this permit and to inspect any monitoring equipment or monitoring method required in this permit.

2. Availability of Records

Except for information relating to secret processes or methods of manufacture, all records and reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Alaska Department of Environmental Conservation.

3. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, including but not limited to accidents, equipment breakdowns, or labor disputes.

4. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any other privileges; nor does it authorize any injury to private property or any invasion or personal rights, nor any infringements of federal, State or local laws and regulations.

5. Severability

The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. Notwithstanding the above, in the event that such invalidation materially alters the scope or conditions of this permit, the Department shall have the right, at its sole option, to terminate the permit.

6. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.

7. Posting of Permit

The permittee shall post conspicuously and maintain a copy of this permit at the disposal facility.

8. Transfers

This permit is not transferable and is the property of the State of Alaska, Department of Environmental Conservation. Should operation

of the facility be contracted or a change in contractors be made, the new contractor shall be notified in writing of the existence of the permit and its conditions. A copy of the written notification shall be forwarded to the Commissioner of the Department of Environmental Conservation.

9. This permit shall be amended to provide for the upgrading or closure of the site, if the facility is classified as an "open dump" in accordance with the inventory and definitions being developed by the Environmental Protection Agency under the Resource Conservation and Recovery Act of 1976, P.L. 94-580.

updating of standards for recovered materials and for the use of recovered materials in various industrial, commercial, and governmental uses.

"DEVELOPMENT OF MARKETS FOR RECOVERED MATERIALS

"SEC. 5003. The Secretary of Commerce shall within two years after the enactment of this Act take such actions as may be necessary to— 42 USC 6953.

"(1) identify the geographical location of existing or potential markets for recovered materials;

"(2) identify the economic and technical barriers to the use of recovered materials; and

"(3) encourage the development of new uses for recovered materials.

"TECHNOLOGY PROMOTION

"SEC. 5004. The Secretary of Commerce is authorized to evaluate the commercial feasibility of resource recovery facilities and to publish the results of such evaluation, and to develop a data base for purposes of assisting persons in choosing such a system. 42 USC 6954.

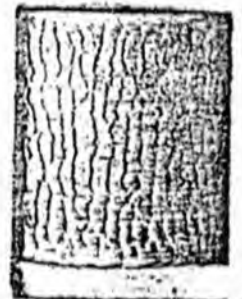
"Subtitle F—Federal Responsibilities

"APPLICATION OF FEDERAL, STATE, AND LOCAL LAW TO FEDERAL FACILITIES

"SEC. 6001. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any solid waste management facility or disposal site, or (2) engaged in any activity resulting, or which may result, in the disposal of solid waste or hazardous waste shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting control and abatement of solid waste or hazardous waste disposal in the same manner, and to the same extent, as any person is subject to such requirements, including the payment of reasonable service charges. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal Court with respect to the enforcement of any such injunctive relief. The President may exempt any solid waste management facility of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption. 42 USC 6961.

Exemptions.

Presidential report to Congress.



SOLID WASTE CLEANUP ON FEDERAL LANDS IN ALASKA

Study.
42 USC 6981
note.

Report to
congressional
committees.

Llangollen
Landfill, Del.,
leachate control
research
program.
42 USC 6981
note.
Cooperation with
EPA.

42 USC 6901
note.

SEC. 3. (a) The President shall direct such executive departments or agencies as he may deem appropriate to conduct a study, in consultation with representatives of the State of Alaska and the appropriate Native organizations, to determine the best overall procedures for removing existing solid waste on Federal lands in Alaska. Such study shall include, but shall not be limited to, a consideration of—

- (1) alternative procedures for removing the solid waste in an environmentally safe manner, and
- (2) the estimated costs of removing the solid waste.

(b) The President shall submit a report of the results together with appropriate supporting data and such recommendations as he deems desirable to the Committee on Public Works of the Senate and to the Committee on Interstate and Foreign Commerce of the House of Representatives not later than one year after the enactment of the Solid Waste Utilization Act of 1976. The President shall also submit, within six months after the study has been submitted to the committees, recommended administrative actions, procedures, and needed legislation to implement such procedures and the recommendations of the study.

SEC. 4. (a) In order to demonstrate effective means of dealing with contamination of public water supplies by leachate from abandoned or other landfills, the Administrator of the Environmental Protection Agency is authorized to provide technical and financial assistance for a research program to control leachate from the Llangollen Landfill in New Castle County, Delaware.

(b) The research program authorized by this section shall be designed by the New Castle County areawide waste treatment management program, in cooperation with the Environmental Protection Agency, to develop methods for controlling leachate contamination from abandoned and other landfills that may be applied at the Llangollen Landfill and at other landfills throughout the Nation. Such research program shall investigate all alternative solutions or corrective actions, including—

- (1) hydrogeologic isolation of the landfill combined with the collection and treatment of leachate;
- (2) excavation of the refuse, followed by some type of incineration;
- (3) excavation and transportation of the refuse to another landfill; and
- (4) collection and treatment of contaminated leachate or ground water.

Such research program shall consider the economic, social, and environmental consequences of each such alternative.

(c) The Administrator of the Environmental Protection Agency shall make available personnel of the Agency, including those of the Solid and Hazardous Waste Research Laboratory (Cincinnati, Ohio), and shall arrange for other Federal personnel to be made available, to provide technical assistance and aid in such research. The Administrator may provide up to \$250,000, of the sums appropriated under the Solid Waste Disposal Act, to the New Castle County areawide waste treatment management program to conduct such research, including obtaining consultant services.



STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
POUCH O
JUNEAU, ALASKA 99811

WASTE DISPOSAL PERMIT
(SOLID WASTE MANAGEMENT PERMIT)

Permit No. NR-1-78

Date of Issuance:

This Waste Disposal Permit is issued to Department of the Air Force,
Detachment 3, 46th Aerospace Defense Wing (ADCOM), Petersen Air Force Base,
Colorado 80914, for the operation and maintenance of a solid waste facility
located in SE 1/4, Sec. 13, T9N, R34E Umiat Meridian, at Barter Island
DEW Line Station, Alaska

and is subject to the conditions and stipulations in sections A.1 through D.9, of this permit and the applicable State laws and regulations.

This permit is issued under provisions of Alaska Statutes, AS 46.03.100-110, Water, Air, and Environmental Conservation, Alaska Administrative Code as amended or revised, and other applicable State laws and regulations.

This permit is effective upon issuance and expires July 31, 1980 ;
it may be terminated or modified in accordance with AS 46.03.120.

This permit is not valid until signed by the Deputy Commissioner of the Department of Environmental Conservation.

Deputy Commissioner
Department of Environmental Conservation

A. SITE PREPARATION--The permittee shall

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 - a. a profile of the permitted site's soils.
 - b. detailed facility maps or plan sheets showing existing contours, proposed developments, type of landfill method (trench or area), locations, dimensions and order of refuse cell construction and proposed finished site contours.
 - ~~b. description of the existing site soil profile.~~
 - c. detailed narrative of the proposed developments including step by step descriptions of the proposed operating procedures for trench excavation, cell construction, scrap metal recovery and other activities associated with operation of the disposal facility.

This permit shall be amended to incorporate the development
~~Upon receiving departmental approval, this permit will be amended~~
~~to incorporate the approved plan activities as an integral part~~
~~of the permit. and operation plan as soon as it has received~~
departmental approval.

2. Maintain a working copy of the department approved development and operational plan from A.1. at Bar-M for use in constructing and operating the facility.
3. Submit a proposed schedule of operating hours and days to this department for review and approval within thirty days of the date of issuance of this permit.
4. Erect and maintain signs informing users of the site operating hours and rules, and signs directing users to the active dumping point.

B. CLEAN UP OF EXISTING SOLID WASTE--The permittee shall:

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 - b. Removal of all collapsed buildings, and collection of all miscellaneous solid waste. Scrap lumber and wood may be open burned under terms of an Open Burning Permit to be obtained from the department's Northern Regional Office. All other materials shall be transported to the proposed landfill for salvage or disposal.
 - c. Surface rehabilitation, including reseeded of disturbed areas, shall be accomplished no later than September 15, 1979.
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- 3. Separate salvageable metals and stockpile them in the reclaimable metals holding area indicated on the permit application. The accumulated wastes shall be transported South to a processing center and the holding area cleaned out at least once each year.
- 4. Collect all littered and windblown wastes in and adjacent to the disposal facility at least once each month and return them to the active dumping point for burial.
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of the facility be contracted or a change in contractors be made, the new contractor shall be notified in writing of the existence of the permit and its conditions. A copy of the written notification shall be forwarded to the Commissioner of the Department of Environmental Conservation.

9. This permit shall be amended to provide for the upgrading or closure of the site, if the facility is classified as an "open dump" in accordance with the inventory and definitions being developed by the Environmental Protection Agency under the Resource Conservation and Recovery Act of 1976, P.L. 94-580.

To Rep. Alvin Osterback and members of the House Resources Committee:

Bill Ellis

HC 95

REGISTERED GUIDE & OUTFITTER

DEVIL'S MOUNTAIN LODGE - MILE 42 NARENA ROAD - GAKONA, ALASKA 99586 - (907) 822-3318

When are the legislators and other businesses going to recognize guiding as an industry, providing a large amount of revenue to this State. Guiding should be given the same consideration as any other industry in the State.

We have accepted restrictions on the number of employees we may have, double jeopardy, exclusive guiding areas and the guide board. If this House Bill 95 is passed, more than three years of hard, steady work will go down the drain. I believe the guide board should be given an opportunity to work the bugs out of the guiding area system. If you annul the guiding areas, you might as well abolish the guide law itself. I believe you should be lending strength to the guiding area concept in order to strengthen the guiding profession.

I have been in the guiding business full time for over 20 years. This State has never recognized our profession or the amount of revenue we bring into the State. I took exception to lines 21-23. There are irresponsible and irresponsible people in every industry, not just the guiding industry. You should be looking at the industry, not the individuals.

I ask that you oppose this House bill and give the Guide Board a chance to make the guiding areas work.

Bill Ellis, Master Guide