

HB

95

MINUTES -- C&RA

February 7, 1979

HB95 -- Relating to sanitary landfills

ALL COMMITTEE MEMBERS PRESENT

Sponsor: Rep. Nels Anderson

Testifying:

Rep. Anderson -- Read into record letter from constituent who has been experiencing problems which led to introduction of bill.

Dick Stokes -- D.E.C. representative
Spoke of pollution problems, particularly in Dillingham where there are open burns, a stream being polluted, as well as problems between sea gulls and jet aircraft due to the placement of the sanitary landfill and the airport. Relocation problems discussed as well as Dillingham's problems in meeting D.E.C.'s compliance schedule.

Bill to be taken up again.

See Tape 1 Side 2 Sections 925-1300 for taped recording of hearing.

February 9, 1979

HB 95

MEMBERS PRESENT

Branson
Carney
Parr
Parker
Metcalf

MEMBERS ABSENT

Zharoff
O'Connell

Due to new information received subsequent to a meeting held in Dillingham on Feb. 8, (see attached memo) the Committee decided to take no action on HB 95. Rep. Anderson conveyed this information to the Committee re changing circumstances in Dillingham.

See Tape 1 Side 2 Sections 1433-1475

2/15/78

Telephone message from Laura Schroder, Mgr. City of
Dillingham

Chagion Limited ~~✓~~ - Bristol Bay Native Corp.
Agreement reached for use of part of gravel pit for sanitary landfill.
Lease arrangement or part of 14C settlement (latter agreed to)
Problem with flooding out of road to gravel pit site so \$ might
be needed.

Dillingham might still need an appropriation. *Extra equipment
needed -*

BILL WORK SHEET

No. 4

(for optional use of committee aides)

COMMITTEE ON _____

Received from _____ DATE _____

BILL NO. 95 ORIGINAL SPONSOR _____ OTHER _____

THIS COMMITTEE RECOMMENDED --

Majority Recommendation: _____

Supported by _____

Minority Recommendation: _____

Supported by _____

Other: _____

Brief/flag title: Sanitary Landfills

What bill does:

OUR COMMITTEE AMENDMENTS (what they are and what they do (attach if lengthy))

Fiscal Impact -- Is there a fiscal note for the original bill and one which reflects changes made by the amendments: (attach details).

LAA Legal/Research contact:

Research/supporting information

Attached (?) _____

PERSONS/ORGANIZATIONS:

Supporting bill: Rep. Nels Anderson 3738
Municipal League - doesn't oppose

Opposing bill: Dept. C. C.
Sub. Stokes 2635
Dale Mattington (to testify)

REMARKS: (use reverse side if necessary)


Laura Schroder

TO: Mr. Keith Specking
Legislative Assistant
Office of the Governor

DATE: February 6, 1979

FILE NO:

TELEPHONE NO:

FROM: 
Ernst W. Mueller
Commissioner
Department of Environmental
Conservation

SUBJECT: HB 95

House Bill 95 relating to sanitary landfills, is the same as HB 707 introduced during the last session. The remarks which follow are substantially the same as our previous comments. 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 has long been in the courts. In the long run, however, this 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, the Department of Environmental Conservation 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 seagulls 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 without 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 95, 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 (PL 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 will be defined by EPA according to criteria scheduled for promulgation this summer. The Act also mandates the closure of open dumps. To accomplish this, relocation of municipal facilities will sometimes be required. The draft EPA guidelines, for example, require relocation where the facility is in close proximity to an airport--as is the case in Dillingham, unless it can be determined that the facility does not cause a conflict between birds and air traffic. Because HB 95 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.

Bill's notes
(Hold in committee)

Introduced: 1/30/79
Referred: Community &
Regional Affairs

1 IN THE HOUSE

BY ANDERSON

2 HOUSE BILL NO. 95

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST 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 29.18.201 - 29.18.213, and if exercise of
12 the municipality's power of eminent domain would be required to provide
13 a suitable relocation site, the department may not require relocation
14 until a suitable relocation site becomes available without requiring the
15 use of the power of eminent domain.

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

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

19
20 was HB 707 last year
21 went nowhere

22
23 tapes for previous year

24
25
26 Dick Stokes:
27 Solid Waste Management, DCC
28

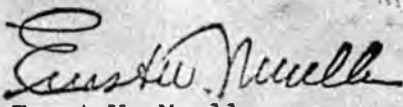
29

TO: Mr. Keith Specking
Legislative Assistant
Office of the Governor

DATE: February 6, 1979

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Department of Environmental
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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, the Department of Environmental Conservation 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.

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Taken from Departmental Regulations

Register 17, October 1973

ENVIRONMENTAL CONSERVATION

18 AAC 60.130

18 AAC 60.130. DEFINITIONS. Unless the context indicates otherwise, in this chapter:

(1) "commissioner" means the commissioner of the Department of Environmental Conservation;

(2) "department" means the Department of Environmental Conservation;

(3) "hazardous waste" means waste that is capable of causing injury, disease or impairment of health, or property damage, including but not limited to poisons, pesticides, acids, caustics, infectious or pathological wastes, radioactive materials, explosive materials and oil and petroleum products;

(4) "incineration" means the process of burning solid, liquid or gaseous combustible wastes to gases and a residue, within an incinerator;

(5) "incinerator" means any equipment, device or contrivance excluding fireplaces and burn barrels, used for the controlled thermal reduction of solid waste;

→ (6) "landfill" means a land area used for the disposal of solid waste;

(7) "leachate" means water that has percolated through solid waste and contains dissolved or suspended portions from the solid waste;

(8) "lift" means a compacted layer of solid waste and its overlying earth cover in a landfill;

(9) "open burning" means the burning of any material such that the products of combustion are emitted directly into the ambient air without passing through a stack or flare;

(10) "permit" means written authorization from the department;

(11) "person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, copartnership, association, firm, trust, estate, or any other entity whatsoever;

(12) "public litter receptacle" means a container provided for the public, as a convenience, in order to dispose of solid waste;

(13) "putrescible waste" means material capable of being decomposed so as to cause nuisance or obnoxious odors;

(14) "reclamation facility" means a facility in which solid waste is stored, dismantled or reprocessed to recover salvageable materials for purposes of sale or reuse.

Introduced: 1/30/79
Referred: Community &
Regional Affairs

3738
BY ANDERSON

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

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18 posal of solid waste.

*Call C.R.A. Monday 2/9/79
Larry Humboldt's office 8636*

*Adm. Anderson says
Cordover might
AAC 18, 60.130
see "land fill" definition*

*Dick Stokes
City doesn't
meet compliance
state. National hearing
Case on Arch.
* See gulls & jet aircraft -
conflict - stream being polluted -
"shoot" - stream being polluted -
Can't find new location of what VC - pay.
Full method required by DEC - too expensive says Dillingham
\$ is bottom line.
Just - Reputed Compliance - schedule for
new site not being met.
Municipal League
supports - doesn't oppose*

Taken from Departmental Regulations

Register 47, October 1973

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Sanitary Landfills
has been introduced / HB 95 "Sanitary Landfills" Sponsor: Mike Anderson

Main problem is to provide an adequate landfill in Pellissippi

(12) Citation AS 29.18.201 - 29.18.213 Refers to General Grant Lands (municipal entitlements due from the State)

Says the Department of Environmental Conservation may not require relocation of a sanitary landfill if a municipality has not received patent to all the land to which it is entitled from the State and if eminent domain powers would be required to provide a suitable relocation site.

Sec. 2 AS 46.03.900

(26) There is currently no definition for "sanitary landfill" in the statute. However, the Administrative Code defines "land fill" in (AAC 18.60.130) the same way as Anderson Definitions should be consistent!