

HB

H B I

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSHB 461 (HESS)  
 Title : Act relating to grants for water quality enhancement programs;  
Pearce, Gruenberg, Uehling, Boucher,  
 Sponsor : Furnace, Hanley, Martin, Jenkins  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : \_\_\_\_\_  
 BRU : \_\_\_\_\_  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Gary Hayden, Director

Phone : 465-2610

Division : Facility Construction & Operation

Date : 2/04/86

Approved by Commissioner : *Bill P...*

Date : 2/4/86

Agency : Department of Environmental Conservation

Distribution (by Agency preparing fiscal note) :

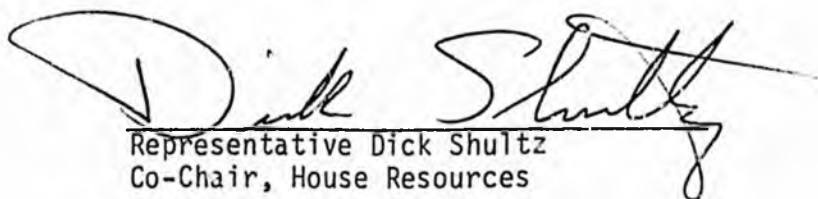
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Submitted by Representative Drue Pearce

March 12, 1986

Letter of Intent - CSHB 461

This letter of intent is in regard to Section 3 of CSHB 461. In Section 3, AS 46.03.030 is amended to expand eligible costs for grant funds to include costs of testing, research, education, enforcement, and clean-up programs for the purpose of discovering and solving water pollution problems. It is the intent of Section 3 of this legislation to first fund actual clean-up programs. If funds are remaining they may be used for testing, research, education, and enforcement.



Representative Dick Shultz  
Co-Chair, House Resources

HOUSE  
COMMITTEE REPORT

3/14

(9)

Date referred: 2/26/86

FURTHER REFERRALS: FINANCE

DATE: 3/14/86

The RESOURCES Committee has considered HB 461

"An Act relating to grants for water quality enhancement programs; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 461 (Hess)  same title
- new title

and recommends do pass

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

SHULTZ Dick Shultz

HERMANN Edelheid Hermann

CATO Pete Cato

JENKINS Roger Jenkins

PEARCE Gene Pearce

SUND Bob Sund

THOMPSON Raymond W. Thompson

MILLER (W.P.) M. W. Miller

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

Dick Shultz  
co-Chairman

Shultz  
SHULTZ

HOUSE  
COMMITTEE REPORT

2/26

RESOURCES

Date referred: 1/13/86

FURTHER REFERRALS: FINANCE

DATE: 2/25/86

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee has considered HB 461

"An Act relating to grants for water quality enhancement programs; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CSHB 461 (HESS)  same title
- new title

and recommends do pass

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

[Signature]  
[Signature]  
 Vice Chair  
[Signature]  
[Signature]  
[Signature]  
[Signature]

[Signature] co-chair  
[Signature]  
 co-chair

HB 461 File Contents

- 1) HB 461
- 2) HESS Committee Substitute for HB 461
- 3) Bill Summary -- Legislative Reporting Service
- 4) Sectional Analysis -- Tamara Brandt Cook
- 5) Fiscal Note and Position Paper -- Department of Environmental Conservation
- 6) Municipality of Anchorage -- letter of support
- 7) Anchorage Waterways Council -- letter of support
- 8) Department of Environmental Conservation -- Grants Program History
- 9) Department of Environmental Conservation -- Criteria System
- 10) Key Points for Revisions/Amendments to Title 46, Alaska Statutes
- 11) Alaska Statutes -- Title 46
- 12) Article regarding water quality

INTRODUCTION OF BILLS (House)

HB 458, cont'd)

Provides for court review of the validity of a regulation by authorizing any person to bring an action in Superior Court for declaratory relief to determine whether the justification of need presents sufficient facts to establish the need for the regulation.

Introduced Jan. 13, and referred to State Affairs and Judiciary Committees.

State Grants  
(interest on)      HOUSE BILL NO. 459, by Rep. Martin. Gives the recipients of state grant money the option of retaining interest earned on the money, or turning it over to the state for deposit in the general fund. Takes effect July 1, 1986.

Introduced Jan. 13, and referred to Community and Regional Affairs and Finance.

Off-road  
Vehicles  
(Registration)      HOUSE BILL NO. 460, by Rep. Hurley. Adds a new chapter to Title 5 (Amusement & Sports), making it unlawful for anyone to operate an off-road vehicle unless it has been registered with the Department of Public Safety, except on the owner's property. The registration fee is \$15, valid for 3 years. Provides for issuance of registration certificate and decal; transfer and ownership of off-road education and training program; operation by minors; required safety equipment; retail sales; and use on highway. A violation constitutes a misdemeanor, subject to a fine of up to \$500.

Introduced Jan. 13 and referred to the Transportation, Judiciary and Finance Committees.

Water  
Quality  
(grants)      HOUSE BILL NO. 461, by Reps. Pearce, Gruenberg, Uehling, Boucher, Furnace, Hanley, Martin and Jenkins. Adds water quality enhancement facilities to those water supply, sewerage and solid waste facilities for which a fund has been established to enable the Dept. of Environmental Conservation to carry out those functions. Also authorizes the department to grant to a municipality from the fund not more than 50 percent of the eligible costs not financed by the federal government of enhancing water quality in bodies of water, if the costs are incurred after July 1, 1986.

Introduced Jan. 13 and referred to the H&Ss, Resources and Finance Committees.

Perm. Fund  
Dividends  
(disposal)      HOUSE BILL NO. 462, by Rep. Pearce. Authorizes eligible recipients of a permanent fund dividend, or one who is authorized to claim one on behalf of another, to direct that the dividend be paid back into the permanent fund. Directs the Dept. of Revenue to furnish an application form for those who elect to pay dividends into the permanent fund.

OTHER ACTION IN THE HOUSE

HB-357. (cont'd)

required fees and room and board. Also applies to teachers' loans.

School Bus Drivers (licensing)      HOUSE BILL NO. 409, (see page 777, 1985 report). On 1/22 Rep. Furnace added his name as co-sponsor.

Our summary from last year follows:

School Bus Drivers (licensing)      HOUSE BILL NO. 409, by Reps. Jenkins, Larson, Hurley, Hanley, Collins, Pearce, Phillips, Rieger, Thompson, Uehling, and Cotten. Amends the Motor Vehicle Code as it pertains to drivers' licenses (A2 28.15) by adding a new section providing a person may not drive a school bus or a bus transporting school children until the person has applied for and has been issued a license for that purpose. The Dept. of Public Safety is prohibited from issuing the license unless the applicant is at least 19, has had a drivers license for at least a year when he applies, has successfully completed all required driving, written and physical exams, has submitted sufficient information to complete a background check consisting of a fingerprint check of national and state criminal records, and has completed a state approved school bus driver training course or has for the previous two years been licensed by the state to operate a school bus.

Would not allow the Dept. to issue a license to an applicant who has been convicted within the past 20 years of sexual abuse or assault, incest, unlawful exploitation of a minor, contributing to the delinquency of a minor, a felony involving possession of a controlled or imitation controlled substance, a felony or misdemeanor involving distribution of a controlled or imitation controlled substance, promoting prostitution in the first or second degree. Convictions under prior state law or in another jurisdiction of offenses having similar elements count.

An applicant who has been convicted of drunk driving within two years or who has two or more drunk driving convictions within 20 years of application could not get a license.

Costs of having a background check shall be paid by the applicant. School bus drivers' licenses expire September 1 of the year following issuance. Application for renewal can be made by submitting the results of a current physical exam and by paying the required fee. Deletes reference to driving a school bus from current classification section. Provides Act takes effect 9/1/85.

Judicial Reprimand (disclosure)      HOUSE BILL NO. 451, (see page 23). On 1/22 Rep. Uehling added his name as co-sponsor.

Water Quality      HOUSE BILL NO. 461, (see page 26). On 1/22 Rep. Rieger added his name as co-sponsor.

Misdemeanor Crimes      HOUSE BILL NO. 463, (see page 27). On January 20 Rep. Wallis added her name as co-sponsor.

Job Preference      HOUSE BILL NO. 466, (see page 28). On 1/22 Rep. Koponen added his name as co-sponsor.

COMMITTEE REPORTS (House)

HB 407, (cont'd)

confidential reports which may be released by the Dept. of Fish and Game reports dealing with the acquisition of untanned skin or exportation from the state of the fur of a game animal only under certain expressed conditions, and specifies that sealing means the placement of a "metal" seal on the animal carcass.

Water  
Quality  
(grants)

HOUSE BILL NO. 461 (see pages 26, 76). Reported back to the House by HESS Feb. 26 with a committee substitute and do pass recommendation. Signing the committee report were Koponen and Gruenberg (co-chairs), Taylor, Thompson, Hanley and Pettyjohn. To Resources.

The HESS substitute adds "repairs" to eligible costs, and further defines eligible costs to include "testing, research, education, enforcement and clean-up programs for the purpose of discovering and solving water solution problems."

Volunteer  
Guardians  
(authorized)

HOUSE BILL NO. 474 (see pages 30, 77, 158). Reported back to the House Feb. 26 by Judiciary with a committee substitute and a do pass recommendation. Signing the committee report were M.M. Miller (chair) Sund, Gruenberg, Taylor, Pettyjohn and Clocksin. Phillips had no recommendation. To Finance.

The Judiciary substitute removed language in the title and text added by HESS pertaining to "special advocates" and added a section providing that non-attorney guardians ad litem may not give legal advice or act in the capacity of counsel for a minor before a court or administrative agency. The Judiciary substitute appears to contain a drafting error on page 2, line 21, wherein the language "local governments, persons" is not underlined as new language, but apparently should be.

Permanent  
Fund  
(deposits)

HOUSE BILL NO. 484 (see page 32). Reported back to the House Feb. 24 by State Affairs with a do pass recommendation. Signing the committee report were Hurley (chair), M.M. Miller, Collins and Navarre. Cato had no recommendation. To Finance.

Duties of  
Guardians

HOUSE BILL NO. 485 (see pages 33, 159). Reported back to the House Feb. 26 by Judiciary with a committee substitute and a do pass recommendation. Signing the committee report were Sund, Gruenberg, Taylor and Pettyjohn. Clocksin recommends do not pass, while M.M. Miller (chair) and Phillips had no recommendation.

The Judiciary substitute modifies language stating that a guardian is not required to oppose cessation or withholding of lifesaving medical procedures when those procedures will only serve to prolong the dying process and offer no reasonable expectation of effecting a temporary or permanent cure by adding the language "unless the ward has clearly stated that lifesaving medical procedures not be withheld;".

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 27, 1986

SUBJECT: Grants for water quality enhancement programs  
HB 461

TO: Representative Drue Pearce

FROM: Tamara Brandt Cook *TBC*  
Director  
Division of Legal Services

Here is the sectional analysis that you requested for  
HB 461.

Section 1. The term "water quality enhancement" is added to the description of the grant fund that under existing law is used for water supply, sewage and solid waste facilities.

Sec. 2 A new subsection allows the Department of Environmental Conservation to grant to municipalities up to 50 percent of eligible costs of enhancing water quality if the costs are not financed by the federal government and if they are incurred after July 1, 1986. Costs of administering the water quality enhancement program are not included and a grant may be made only for a program approved by the department.

Sec. 3 The Act would take effect at the beginning of the next fiscal year.

TBC:mkr  
M2:090

**DEPT. OF ENVIRONMENTAL CONSERVATION**  
OFFICE OF THE COMMISSIONER  
POUCH O, JUNEAU 99811

Telephone: (907) 465-2600  
Address:

February 25, 1986

The Honorable Drew Pearce  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Drew:

I would like to offer my support for HB 461 "An Act Relating to Grants for Water Quality Enhancement Programs . . ." I presented testimony in favor of the proposed amendments to AS 46.03.030 before the Senate Community and Regional Affairs Committee during their February 18, 1986, hearing of SB 324. SB 324 and HB 461 are identical bills.

The Sheffield administration and the proponents of this legislation are in strong agreement on the need to preserve the quality of Alaska's water resources. Recent monitoring and analysis by the Department of Environmental Conservation (DEC) indicates the need to reduce the pollution in several of Alaska's streams, lakes, and tributaries. A very graphic example of the type of problem was the discovery of high fecal coliform bacteria in the Lower Campbell and Fish Creeks in Anchorage. As you know, this public health threat led to the cancellation of the annual canoe race on Campbell Creek. Once this problem was discovered, the Governor allocated \$110,000 from the contingency fund for a grant to Anchorage to assist in defining the source of this problem. The Legislature appropriated an additional \$200,000 grant to Anchorage to address the problem.

The proposed bill would amend DEC's current authority (AS 46.03.030) for administration of 50 percent grants for new construction to allow us to administer grants to address "water quality enhancement" projects. DEC's grant program has successfully administered funds for construction since 1970. The matching grants program offers several advantages to administration of State funds. Four of these are:

1. Providing technical review of projects.
2. Stretching State and local dollars. In a cooperative partnership, State and local government can combine efforts to achieve twice as much as either body could do alone.
3. Accountability is ensured by all parties.
4. DEC staff are trained and experienced in water quality management, troubleshooting, monitoring, analysis, evaluation, and program implementation.

February 25, 1986

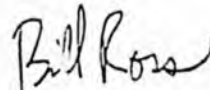
I would point out that the proposed amendment would limit water quality enhancement grants to new construction projects. The additional amendments proposed by the Anchorage Waterways Council, recently sent to you by Jim Nordlund, would broaden the statute to include grants for program type activities, in addition to construction of water quality enhancement facilities.

I also support their proposal. The ability to address water quality issues through both facility construction and program implementation activities, such as monitoring, will provide an effective tool for making water quality improvements to adversely impacted waters.

Our analysis of the fiscal impact of this proposed bill shows it would have a zero impact on our operating budget and staffing levels. As with other capital projects, the Legislature will control the fiscal impact of program through the appropriation of grant money. The Department does not have a separate source of revenue for the matching grant program other than what is appropriated from the general funds each year of the Legislature.

Again, I support the proposed Water Quality Enhancement Bill. If this Bill passes and funds are appropriated, we will work with the communities in a joint effort to address significant water quality problems.

Sincerely,



Bill Ross  
Commissioner

cc: Senator Tim Kelly



# ANCHORAGE WATERWAYS COUNCIL

801 W. Fireweed Lane, Suite 103 • Anchorage, Alaska 99503

February 20, 1986

Senator Tim Kelly  
Representative Drue Pearce  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Kelly and Representative Pearce:

The Anchorage Waterways Council wants to extend our appreciation to each of you for introducing SB 324 and the identical bill HB 461, both titled, "An Act relating to grants for water quality enhancement programs...". The initiative that you have taken by proposing this legislation will help to establish stronger state sponsored programs to improve water quality.

The Council believes that the 50/50 match program is an excellent vehicle for water quality enhancement. We agree that this program will encourage local participation, will place little or no burden on existing state agencies, will leverage additional funds from municipalities, and will be subject to rational allocation mechanisms already in place within the Department of Environmental Conservation.

We do, however, have reservations about the contents of SB 324 and HB 461. The bills only go part of the way toward establishing a comprehensive program. Grant funds would be limited to the construction of facilities only, and no funds could be used for the administration of a water quality enhancement program. Except for the construction of certain facilities, such as oil and grease separators and water detention basins, this bill does not address many important measures that could be taken to improve surface and subsurface water quality in Anchorage, and other communities.

We have enclosed an amended version of the bills and encourage your support. What we have done is to allow programs as well as facilities to be funded by the 50/50 match. Also, we have stricken the sentence disallowing the costs of administration and made eligible the costs of research, testing, education, enforcement and clean up.

Senator Kelly  
Representative Pearce

Page Two

Using Anchorage as an example, it would be impossible to resolve the stream pollution problem without these components:

- \* Research would enable an effective monitoring program to be designed to track pollutants.
- \* Testing would allow for the collection of water samples and their lab analysis.
- \* Enforcement would enable violators to be located and brought into compliance.
- \* Clean-up would help fund efforts to clean up litter and other pollutants when violators cannot be located.
- \* Education is most important. Stream pollution sources in Anchorage are widely dispersed, most often due to the activities of average citizens. Without an effort to inform people about their role in contributing to and alleviating water pollution, the problem will not go away. In dealing with air pollution, for example, the success of Anchorage's vehicle maintenance and inspection program is due, in large part, to a very effective public education program by the Municipality.

In short, just building facilities will not do the job. To illustrate this clearly, last year's legislative appropriation to the Municipality of Anchorage for the detection of stream pollution, could not have been funded through your proposed legislation.

Our version of the bill reflects one additional change to the existing statute. Sec. 46.03.030 (d) states that the "replacement" of a facility is not eligible for funding under this section. We can see no reason for this exclusion. For example, an old wood stave water main needs replacement in Fairbanks and is ineligible for the 50/50 program because of the exclusion. Indeed, the goal of water pollution control will be promoted by eliminating this unnecessary exclusion.

We apologize for not informing you earlier of our proposed version. Committee action on SB 324 has compelled us to respond. We urge you to adopt our amendments to SB 324 and HB 461 so that a comprehensive water quality enhancement program can be created.

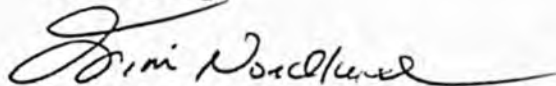
Senator Kelly  
Representative Pearce

Page Three

If you have any questions, please contact me in Juneau at 465-4968 or our office in Anchorage at 277-WATR.

Thank you again for your concern about water quality.

Sincerely,



Jim Nordlund  
President

c.c. All Co-Sponsors  
Rep. Koponen  
Rep. Clocksin  
Governor Sheffield  
Commissioner Ross, DEC  
Mayor Knowles, Municipality of Anchorage

# Municipality of Anchorage



P.O. BOX 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4960

TONY KNOWLES,  
MAYOR

FEB 27 1986

INTERGOVERNMENTAL AFFAIRS  
February 20, 1986

Rep. Drue Pearce  
Pouch V  
Juneau, Alaska 99801

Re: Revisions to Title 46 to Water Quality Enhancement

Dear Rep. Pearce:

The Water Quality Council of the Municipality of Anchorage has reviewed this matter again recently, and it heartily supports your draft bill to add surface and subsurface water quality enhancement to the DEC 50/50 match program.

Anchorage is making progress in the matter of surface and groundwater pollution through defining accurately the problem, searching out point sources of contamination, planning for better drainage, and raising public consciousness about the need for more sewers. Two state grants in 1985 - \$110,000 from the Governor's contingency fund, and \$200,000 appropriated from the Legislature through DEC - have helped us greatly in those efforts.

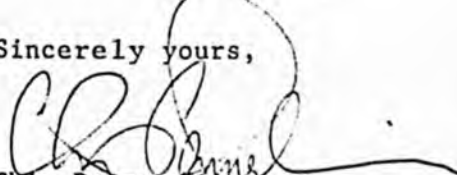
Also, as you know, Anchorage citizens approved in October the sale of \$15 million in sewer bonds and \$10 million for various water quality projects including purchase of wetlands and buffer zones along certain endangered streams and other projects to halt or reverse degradation.

Recently, Mayor Knowles gave a major address on water quality before the Anchorage Chamber of Commerce. In addition to setting policy goals for the administration in this area over the next several years, he stressed the integrated approach which we are taking in dealing with water resources - through providing safe drinking water (Eklutna), dealing with our subsurface waters (water and sewer extensions and a new wastewater ordinance), and surface waters (our water quality bond issue). The State has a partnership with the Municipality in each of these areas. We view the matching construction grants program as an ongoing program. Adding the category of water quality enhancement to that program is consistent with the overall policy direction the Municipality has taken in integrating all of our water programs.

Rep. Drue Pearce  
February 20, 1986  
Page Two

We appreciate your concern and leadership in this matter. We offer our assistance in helping you achieve passage of your proposed amendments to Title 46.

Sincerely yours,



Chip Dennerlein

cc: Bill Ross, Commissioner, ADEC  
Jim Ayers

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
GRANTS PROGRAM HISTORY

<u>Funding Source</u>	<u>Municipal Grants</u>	<u>VSW</u>	<u>Grant Funds to Municipality of Anchorage</u>
70 BF	\$ 8,000,000	\$ 3,000,000	\$ 3,459,407 (43%)
72 BF	32,000,000	1,000,000	8,746,279 (27%)
76 BF	29,500,000	1,500,000	12,119,015 (41%)
78 BF	19,890,000	7,750,000	4,110,649 (21%)
80 BF	<u>23,000,000</u>	<u>10,000,000</u>	<u>1,197,374 ( 5%)</u>
Total	<u>\$112,390,000</u>	<u>\$23,250,000</u>	<u>\$29,632,724 (26.4%)</u>

<u>Funding Source</u>	<u>Municipal Grants</u>	<u>VSW</u>	<u>Federal Funds</u>
FY82 approp	\$ 9,359,000	\$ 1,608,900	\$11,300,000
FY83 approp	4,590,000	515,000	14,642,000
FY84 approp	19,302,969	690,610	14,642,000
FY85 approp	15,700,000	7,972,000	14,642,000
FY86 approp	1,823,100	1,219,000	14,642,000*

FUNDING FOR WATER, WASTEWATER, AND SOLID WASTE  
FROM GENERAL FUNDS

<u>Fiscal Year</u>	<u>Through ADEC</u>	<u>Direct</u>	<u>Total</u>
FY83	\$ 5,105,000	\$ 26,441,700	\$ 31,546,700
FY84	19,993,579	108,587,100	128,580,679
FY85	16,492,000	132,501,525	148,993,525
FY86	<u>3,042,100</u>	<u>25,115,300</u>	<u>28,157,400</u>
Total	<u>\$41,632,679</u>	<u>\$292,645,625</u>	<u>\$337,278,304</u>

BOND FUNDS OBLIGATED TO ANCHORAGE  
WATER AND SEWER PROJECTS

70	\$ 3,459,407
72	8,746,279
76	12,119,015
78	4,110,649
80	<u>1,197,374</u>
<b>Total Bond Funds</b>	<b><u>\$29,632,724</u></b>

ANCHORAGE FUNDING HISTORY FOR  
GENERAL FUND APPROPRIATIONS

<u>Fiscal Year</u>	<u>Through ADEC</u>	<u>Direct</u>	<u>Total</u>	<u>% of Statewide</u>
FY83	\$ 3,744,038	\$ 8,382,000	\$ 12,126,038	38%
FY84	6,397,069	55,423,500	61,820,569	48%
FY85	-0-	49,920,300	49,920,300	33%
FY86	-0-	5,860,600	<u>5,860,000</u>	21%
<b>Total</b>			<b><u>\$129,727,507</u></b>	

During this time, Anchorage received 38.5 percent of all State money spent on this type of project.

ANCHORAGE AND FEDERAL FUNDS  
September 18, 1985

	<u>Total Available</u>	<u>Awarded to Anchorage</u>	
FY83	\$14,642,000	\$ 6,836,292	
FY84	\$14,642,000	3,786,904	
FY85	\$14,642,000	18,464,000	
FY86	<u>\$14,642,000</u>	<u>8,500,000</u> *	
Total	<u>\$58,568,000</u>	<u>\$37,587,196</u>	(64.2% of Total available)

\*Estimated to be awarded

ANCHORAGE PROJECTS

70 BOND FUND

<u>Project</u>	<u>Amount</u>
Pt Woronzof Improvements	\$ 12,553
Water System	500,000
Phase II Water	203,482
South Street & 14th Ave. Water	5,565
Pressure Reducing Stations	43,498
Laterals	377,045
Sewer Treatment	1,571,456
Sewer Interceptor	575,252
Eagle River	75,936
Henshaw Service	42,343
Infiltration/Inflow	<u>52,275</u>
TOTAL	\$3,459,407

76 BOND FUND

<u>Project</u>	<u>Amount</u>
Water System	\$ 188,000
LID 69 & 70	154,612
1977 LID	431,033
Ace LID 50-9	31,727
LID 50-8	53,830
Halo Extension	8,461
Yale LID 88	28,073
Production Well #12	66,583
36th Avenue Main	148,885
SE Interceptor	33,490
SE Int/Diamond E-2	77,046
E-2 Trunk	111,420
Lake Otis/Dowling E-77	221,036
E-1 Trunk Phase II	210,165
E-3 Crossing of Old Sewer	17,985
LID 93-Homecrest	36,190
Kelly LID 92	114,576
"A" Street Water/Benson-39	99,204
E-1-1 Trunk Phase II	287,509
SE Inc Crossing of Old Sewer	17,214
Well #4 Aux Power	81,035
5th Avenue Unga-Gambell	620,037
LID 90 - Hyatt Estates	32,148
LID 91 - Campbell Heights	109,205
LID 95 - Marys	32,197
Misc Test Wells	31,917
East 68th Ave Water	18,970
Shalikoff	46,140
"A" Street Alley Water	29,876
10th Avenue Water	84,944
Bluff/Richardson Water	32,562
O'Malley Crossing Seward	10,418
LID 98 - Shelikof	47,089
LID 100 - Century	12,222
LID 96 - Timothy	44,523
Misc Water Main Extensions	17,557
Gruman Water	21,330
South Street Water	14,466
Water Improvements #6	72,018
Test Wells	36,288
Panchos Villa Sewer	8,738
DeBarr Road Sewer	34,273
Airport 12" Water	44,773
Industrial LID 75	125,812
Sewer A-2 Phase II	109,448
Brookwood LID 87	238,818
5th Avenue Water	161,715
Sewer Extension 77-1	23,919
Baxter LID 89	8,855

76 BOND FUND (Continued)

<u>Project</u>	<u>Amount</u>
Roberts Lateral Extensions	\$ 4,546
East 4th Avenue Main	30,734
LID 311	49,071
Railroad Bore Crossings	19,121
Campbell Creek Pump	111,500
D-3 Trunk Sewer	51,305
LID 94 - Hathor	137,710
LID 102 - Alpine	18,098
LID 107 - O'Brien	86,109
LID 113 - O'Brien	36,822
Water Well #7	6,449
Laterals	116,328
LID 126 - Atkins	17,027
Eagle River STP	789,765
"C" Street Trunk	35,750
Well House #12	242,605
SE Interceptor Xing New Seward Hwy	250,000
Int'l Airport Road "A" Minnesota	242,500
SE Interceptor E-2 to O'Malley	278,918
Infiltration/Inflow	134,883
E-3 Trunk, Phase I	150,323
Water Main, Dam to WTP	1,087,002
LID 115 Bruce	206,000
Bragaw, Tudor to University	290,000
Hawthorne Subdivision Water	18,300
Hawthorne Sewer Stubouts	7,600
Fireweed Lane Water	16,860
Wisconsin Street Water	42,610
Eagle River Urban Sewer Crossings	16,100
Arctic Blvd Main	58,200
Pt. Woronzof STP Improvements	357,316
16th Ave Water Main Extension	88,353
Girdwood STP	1,411,330
Fire lake Interceptor	87,500
44th Avenue Fish Creek Trunk	556,880
Spruce Street 68th - 64th Avenue	82,925
Gambell Street Water	14,370
LID 50-13 Citation	50,650
LID 127 Poggas	17,117
Production Well #13	69,737
CBD-2 Trunk	282,250
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	\$12,119,015
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72 BOND FUND

<u>Project</u>	<u>Amount</u>
Water System	\$ 646,828
Water Well #7	111,250
1977 LID	166,591
Dowling Road/Potter	99,391
Campbell Creek Pump	129,000
Campbell Creek Force	148,991
Willow Street Main	11,822
East 26th Avenue	30,425
5th Avenue Unga-Gambell	58,250
"A" Street Alley	3,230
Pt. Woronzof Waterline	234,192
Tudor Corners LID 103	93,775
LID 118 Stewart	39,206
LID 119 Frisley	15,258
Laterals	1,237,832
New Eagle River	29,661
Sewer Treatment	1,300,906
Sewer Interceptor	107,336
Eagle River	69,531
Henshaw Service	5,031
Lambert WID 3 4	28,188
LID 130 Mason	29,531
12th Avenue Water P-R	13,371
78th West Interceptor	643,526
"C" Street Trunk	35,750
International Airport Road Water	401,635
STP Extension Design	85,000
SE Interceptor Crossing	196,200
Eagle River STP	11,471
Infiltration/Inflow	67,000
Girdwood STP	1,792,503
Northern Lights Water	30,296
Eagle River Road Sewer Trunk	95,399
Gambell Street Water	29,399
Gambell Street Sewer	31,100
Production Well #13	79,320
CBD-2 Trunk	347,300
7th Avenue Watermain	241,244
Downtown Alley Waterline	<u>49,788</u>
	\$8,746,279

78 BOND FUND

<u>Project</u>	<u>Amount</u>
O'Malley - Seward	\$ 1,062
East 76th Avenue 16" Main	113,840
LID 86-Campbell Hts. North	115,942
LID 67-Kim	9,348
"C" Street Trunk	93,250
Eagle River STP	18,000
East 68th - Hyatt to Abbott	331,600
10 MG Reservoir #4	1,638,000
Fire Lake Interceptor Phase I	500,000
LID 123-Hillcrest	138,667
LID 50-11-Tonsina Court	142,100
Arctic Blvd Sewer	17,850
CBD-1 Sewer Trunk	90,504
Well House #13	324,750
Gambell Street Water	114,436
Warehouse Avenue Trunk	135,850
Lake Otis Water Main	325,450
	<u>\$4,110,649</u>

80 BOND FUND

<u>Project</u>	<u>Amount</u>
10 MG Reservoir #4	\$ 112,000
Aero WID 315	170,949
Eagle River Road Sewer Trunk	131,000
Gambell Street Water	281,875
Intn'l Airport Road Sewer	373,300
Denali Street Sewer	28,450
Abbott Road Water Main	99,800
	<u>\$1,197,374</u>

CRITERIA SYSTEM

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
CAPITAL PROJECTS

1. Problem Addressed	<u>Points</u>
A. Public Health	
1. A documented <u>existing</u> disease event exists (documented by a recognized public health organization and confirmed by ADEC sanitarians).	500
2. The <u>potential</u> for a disease event exists. (All the elements are there, it just has not yet happened.)	200
3. The potential for a disease does not exist. Not all the elements exist but <u>development</u> suggests the event will occur in the future unless this project is constructed.	100
B. Public Safety	
1. This project is needed to provide water for fire protection. The existing population currently has no fire protection through a piped water/hydrant system.	100
2. This project is needed to provide water for fire protection. New development is being constructed which needs a piped water/hydrant system.	50
C. Environmental	
1. A documented <u>existing</u> pollution event exists.	100
2. The potential for a pollution event exists.	75
3. Development suggests a pollution event will occur in the future unless this project is constructed.	50
4. An esthetic "pollution" problem needs correcting.	25
2. This project is being done in conjunction with an EPA funded project.	100
3. Project Development Status	
A. Project has engineering plans and specification already prepared.	75
B. A feasibility study or facility plan has been prepared for the project.	45
C. A comprehensive study has been prepared which addresses the need for this project among other community needs.	20
D. No documentation has been prepared for this project.	0

	<u>Points</u>
4. Matching Funds Available	
A. Matching funds are currently available for this project.	100
B. Matching funds have been approved by appropriate authorities.	60
C. There is reasonable expectation that matching funds will be available and the source has been specified.	45
5. Grant Funds Cost/Population Benefitted. This criteria will use the actual population expected to be benefitted.	
A. The cost/population ratio is low: 0 to 400.	75
B. The cost/population is moderate: 401 to 4,000.	45
C. The cost/population ratio is high: >4,000.	15
6. Operational and Maintenance costs have been considered and either are not existent or a source of funds will exist to pay for them.	50
7. Phased or Segmented Project	
A. Part of the project is already started. This phase is needed to make the project functional.	50
B. The project is composed of more than one segment. This segment is needed to meet the water quality or public health intent of the plan but is not necessary to make the project functional.	25
8. Effect on Other Projects	
A. Project needs to be accomplished in conjunction with another project to reduce overall cost to State (paving, etc.).	15

KEY POINTS FOR REVISIONS/AMENDMENTS TO TITLE 46, ALASKA STATUTES:

1. STATE POLICY: Section 46.03.010 "Declaration of Policy" provides overall guidance and authority for actions by the State of Alaska in improving and enhancing water quality.
2. Sen. Tim Kelly is offering revisions and amendments to Title 46, Alaska Statutes, that will enable the Department of Environmental Conservation to work with, assist and provide funding to local governments in Alaska in our efforts to enhance the quality of our surface and subsurface waters.
3. It is totally unacceptable that within the Great Land we now have polluted streams, rivers and lakes. State and local government, and all concerned people of our state must make correcting this situation a high priority. As custodians of our natural environment we owe it to ourselves and to our children to maintain the waters of this state in as high quality condition as reasonably possible.
4. For several years there has been in effect a program within DEC that was popularly referred to as the 50/50 match program. This program provided state grants to local governments for the purpose of constructing water and sewer systems and solid waste facilities. Sen. Kelly is proposing that this current program (46.03.030 Grants) be expanded to include grant funding for surface and subsurface water quality enhancement.
5. Sen. Kelly believes that expanding the current program is preferable to instituting a new program for the following reasons:
  - a. The current 50/50 match program has been quite successful in the past and it is well accepted and even praised by both state and local officials.
  - b. The program is cost effective.
  - c. The program works.
  - d. This program encourages local participation and responsibility regarding water quality enhancement.
  - e. This is a long range solution, a comprehensive program that will enable state and local governments to make a continuing effort to enhance our water quality throughout the state.
  - f. State funds can go twice as far when they are combined with matching funds from local governments. We get twice the "bang for the buck".

h. By expanding the current program administrative cost are held to a minimum. No new state personnel positions will be required to administer this program. There already exists within DEC a municipal grants section, and this section will be able to carryout the expanded mission of Title 46. No new bureaucracy!

x i. This will be a statewide program that will enable DEC to allocate scarce resources on a logical and rational priority basis.

j. This program, to a large degree, will de-politicize the regional allocation of resources.

k. These revisions/amendments have the support of DEC and the Municipality of Anchorage.

l. For the past couple of years this grant program has not received adequate funding. Sen. Kelly will work to fund this program at a reasonable level. DEC would like to see 15 to 20 million per year allocated to this program. Keep in mind that this will be funding statewide, domestic water systems, sewer systems, solid waste facilities and now water quality enhancement.

m. It is very important that we get our residents off of on site septic systems and hooked into municipal sewer systems as soon as possible so our ground water does not become saturated beyond the point that it can naturally handle. By fully funding this program we will be able to make progress in this regard.

# Alaska Statutes

## Title 46. Water, Air, Energy, and Environmental Conservation.

### Chapter

- 03. Environmental Conservation (§§ 46.03.010 — 46.03.900)
- 04. Oil Pollution Control (§§ 46.04.010 — 46.04.120)
- 05. Water Pollution Control Act (Repealed)
- 06. Recycling and Reduction of Litter (§§ 46.06.010 — 46.06.150)
- 07. Village Safe Water Act (§§ 46.07.010 — 46.07.050)
- 10. Pollution as Nuisance (Repealed)
- 11. Conservation of Energy and Materials (§§ 46.11.010 — 46.11.900)
- 12. Alaska Energy Center (§§ 46.12.010 — 46.12.500)
- 15. Water Use Act (§§ 46.15.010 — 46.15.270)
- 25. Alaska State Commission of Oceanography (Repealed)
- 26. Commission for Ocean Advancement Through Science and Technology (Repealed)
- 30. Certification of Water and Wastewater Systems Operators (§§ 46.30.010 — 46.30.130)
- 35. Environmental Procedures Coordination (§§ 46.35.010 — 46.35.210)
- 40. The Alaska Coastal Management Program (§§ 46.40.010 — 46.40.210)

### Chapter 03. Environmental Conservation.

#### Article

- 1. Declaration of Policy (§ 46.03.010)
- 2. Department of Environmental Conservation (§§ 46.03.020 — 46.03.040)
- 3. Water Pollution Control (§§ 46.03.050 — 46.03.130)
- 4. Air Pollution Control (§§ 46.03.140 — 46.03.240)
- 5. Radiation and Hazardous Waste Protection (§§ 46.03.250 — 46.03.311)
- 6. Pesticide Control (§§ 46.03.320 — 46.03.330)
- 7. Prohibited Acts and Penalties (§§ 46.03.340 — 46.03.350)
- 8. General Provisions (§§ 46.03.360 — 46.03.900)

Editor's notes. — Section 5, ch. 120, SLA 1971, provides: "All litigation, hearings, investigations and other proceedings pending under any law amended or functions which may be transferred by this Act, continue in effect and may be continued and completed notwithstanding any such transfer or amendment provided for in this Act. Certificates, orders, rules or regulations issued or filed under authority

of a law amended by this Act or functions which may be transferred by this Act, remain in effect for the term issued, unless or until revoked, vacated, or otherwise modified under the provisions of this Act. All contracts or other obligations created by any law amended by this Act or by virtue of functions which may be transferred by this Act, and in effect on July 1, 1971, remain in effect unless or until revoked, or

10. Declaration of policy

Sec. 46.03.010. Declaration of policy. (a) It is the policy of the state to conserve, improve and protect its natural resources and environment and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being.

(b) It is the policy of the state to improve and coordinate the environmental plans, functions, powers and programs of the state, in cooperation with the federal government, regions, local governments, other public and private organizations and concerned individuals, and to develop and manage the basic resources of water, land and air to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations. (§ 3 ch 120 SLA 1971)

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NOTES TO DECISIONS

This chapter is not void for vagueness under the Alaska and United States constitutions. *Stock v. State*, Sup. Ct. Op. No. 1076 (File No. 2007), 526 P.2d 3 (1974).

When the somewhat shadowy boundaries of the area of prohibited conduct were contrasted with the overall purpose of this chapter and the absence of any evidence of discriminatory application, the supreme court could not say that the presumption of constitutionality of the statute was overcome. *Stock v. State*, Sup. Ct. Op. No. 1076 (File No. 2007), 526 P.2d 3 (1974).

There can be no doubt of the general frame of operation of this chapter; no

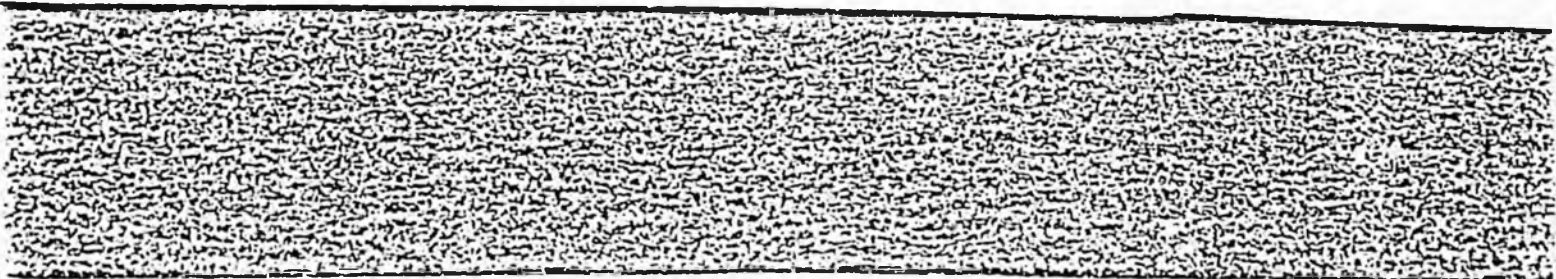
contention can be made that this chapter has a subterfuge purpose or effect of curtailing the exercise of protected political or individual rights to speech, association, privacy and the like. *Stock v. State*, Sup. Ct. Op. No. 1076 (File No. 2007), 526 P.2d 3 (1974).

As to adequacy of notice of what acts prohibited, see *Stock v. State*, Sup. Ct. Op. No. 1076 (File No. 2007), 526 P.2d 3 (1974).

The concern indicated by this chapter is the protection of the environment from pollution. *Stock v. State*, Sup. Ct. Op. No. 1076 (File No. 2007), 526 P.2d 3 (1974).

Collateral references. — 61A Am. Jur. 2d, Pollution Control, §§ 46-49  
39A C.J.S., Health and Environment, §§ 115-124  
Power of state to prohibit or restrict exportation of natural resources. 32 ALR 331.

Preservation, or protection of animals or birds as subject of charitable trust. 66 ALR 465  
Constitutionality of reforestation or forest conservation legislation. 13 ALR2d 1095.



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§ 46.03.020

WATER, ETC., CONSERVATION

§ 46.03.020

Article 2. Department of Environmental Conservation.

Section

- 20. Powers of the department
- 30. Grants for water supply, sewerage and solid waste facilities
- 40. Alaska environmental plan

Collateral references. — 61A Am. Jur. 2d, Pollution Control, § 6.  
39A C.J.S., Health and Environment, §§ 5, 9-15, 125-145.  
Power of state to prohibit or restrict exportation of natural resources, 32 ALR 331.  
Preservation or protection of animals or

birds as subject of charitable trust, 66 ALR 465.  
Constitutionality of reforestation or forest conservation legislation, 13 ALR2d 1095.  
Right to maintain action to enjoin public nuisance as affected by existence of pollution control agency, 60 ALR3d 665.

Sec. 46.03.020. Powers of the department. The department may (1) enter into contracts necessary or convenient to carry out the functions, powers and duties of the department;

(2) review and appraise programs and activities of state departments and agencies in light of the policy set out in AS 46.03.010 for the purpose of determining the extent to which the programs and activities are contributing to the achievement of that policy and to make recommendations to the departments and agencies, including but not limited to, environmental guidelines;

(3) consult with and cooperate with (A) officials and representatives of any nonprofit corporation or organization in the state;

(B) persons, organizations and groups, public and private, using, served by, interested in or concerned with the environment of the state;

(4) appear and participate in proceedings before any state or federal regulatory agency involving or affecting the purposes of the department;

(5) undertake studies, inquiries, surveys or analyses it may consider essential to the accomplishment of the purposes of the department; these activities may be carried out by the personnel of the department or in cooperation with public or private agencies, including educational, civic and research organizations, colleges, universities, institutes and foundations;

(6) at reasonable times enter and inspect with the consent of the owner or occupier any property or premises to investigate either actual or suspected sources of pollution or contamination or to ascertain compliance or noncompliance with a regulation which may be promulgated under AS 46.03.020 — 46.03.040; information relating to secret processes or methods of manufacture discovered during investigation is confidential;

(7) conduct investigations and hold hearings and compel the attendance of witnesses and the production of accounts, books and documents by the issuance of a subpoena;

(8) advise and cooperate with municipal, regional and other local agencies and officials in the state, to carry out the purposes of this chapter;

(9) act as the official agency of the state in all matters affecting the purposes of the department under federal laws now or hereafter enacted;

(10) adopt regulations necessary to effectuate the purposes of this chapter, including, by way of example and not limitation, regulations providing for

(A) control, prevention and abatement of air, water, or land or subsurface land pollution;

(B) safeguard standards for petroleum and natural gas pipeline construction, operation, modification or alteration;

(C) protection of public water supplies by establishing minimum drinking water standards, and standards for the construction, improvement, and maintenance of public water supply systems;

(D) collection and disposal of sewage and industrial waste;

(E) collection and disposal of garbage, refuse, and other discarded solid materials from industrial, commercial, agricultural and community activities or operations;

(F) Repealed by § 12 ch 172 SLA 1978.

(G) control of pesticides;

(H) such other purposes as may be required for the implementation of the policy declared in AS 46.03.010;

(I) handling, transportation, treatment, storage, and disposal of hazardous wastes;

(11) after consultation with other state agencies and local government officials, identify and propose for additional or deletion, by regulation, other licenses, permits or authorizations for which the provisions of AS 46.35 are applicable, and report annually to the legislature the permits which have been included or deleted. (§ 3 ch 120 SLA 1971; am § 1 ch 220 SLA 1976; am § 2 ch 60 SLA 1977; am § 12 ch 172 SLA 1978; am § 8 ch 93 SLA 1981)

Revisor's notes. — In ch. 120, SLA 1971, paragraph (6) of this section contained a reference to AS 46.03.030 — 46.03.040. The engrossed version of the bill (SB 75 am 1) referred to "this article" which includes AS 46.03.020; therefore the provision has been corrected here to a reference to AS 46.03.020 — 46.03.040. In paragraph (11), a reference to AS 46.35 was substituted for a reference to 46.30 by the revisor of statutes under the authority of AS 01.05.031.

Cross references. — For status of enforcement and inspection employees of the Department of Environmental Conservation as peace officers, see AS 46.04.090(b). For provisions relating to environmental procedures coordination, see AS 46.35.010 et seq.

Effect of amendments. — The 1977 amendment added paragraph (11).

The 1975 amendment, in paragraph (10), repealed subparagraph (F), which read "control of radiation sources to pro-

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hibit and prevent unnecessary radiation."

The 1981 amendment added subparagraph (b) in paragraph (10).

Editor's notes. — Section 10, ch. 172, SLA 1978, provides: "Regulations adopted under authority of statutes repealed or

amended by this Act shall remain in effect until repealed by the Department of Environmental Conservation in consultation with the Department of Health and Social Services."

Sec. 46.03.030. Grants for water supply, sewerage and solid waste facilities. (a) Repealed by § 19 ch 220 SLA 1976.

(b) The department may grant to a municipality, as funds are available, up to 50 percent of eligible costs not financed by the federal government, for public water supply, treatment and distribution systems and public sewage collection, treatment and discharge facilities for which construction has not commenced on or before June 21, 1976. The eligible cost of a project or portions of a project will be as determined by the federal agency granting the most monetary assistance. On projects or portions of projects, for which federal participation is not available, eligible costs will be determined by the department in accordance with (d) of this section. Projects shall be constructed in accordance with plans and specifications approved by the department.

(c) There is a water supply, sewerage and solid waste facilities fund created in the department to carry out the purposes of this section.

(d) The department shall, by regulation, identify those costs which are eligible costs for the purposes of this section. Eligible costs include the costs established in a construction contract which are necessary for construction of a project, but do not include the cost of interest and financing and right-of-way acquisition, or costs related to operation, maintenance, repair or replacement of a project.

(e) The department may grant to a municipality not more than 50 percent of the eligible costs, including costs of obtaining federal waivers from the requirement for secondary treatment plants, which are not paid for by the federal government for solid waste processing or disposal facilities constructed after July 1, 1980. However, the department may grant a municipality up to 60 percent of the eligible costs not paid for by the federal government for a solid waste processing or disposal facility constructed after July 1, 1980, if the facility is used for resource recovery. The eligible costs of a solid waste processing or disposal facility are determined by the federal agency granting the most monetary assistance for construction of the facility. For a solid waste processing or disposal facility for which federal money is not available, the department shall determine the eligible costs in accordance with (d) of this section. A municipality shall construct solid waste processing or disposal facilities financed by grants under this section according to plans and specifications approved by the department. (8 3 ch 120 SLA 1971; am §§ 2, 19 ch 220 SLA 1976; am §§ 30, 31 ch 168 SLA 1978; am §§ 1-4 ch 163 SLA 1980)



Senators Tim Kelly and Arliss Sturgulewski inspect a polluted portion of Chester Creek with Jim Nordlund, Chair of the Anchorage Waterways Council.

# Kelly Vows To Cleanup Waterways

Citing recent reports which indicated many of Anchorage's streams were unfit for even wading purposes, Sen. Tim Kelly has drafted legislation to help municipalities cleanup polluted waters. Under Kelly's proposal the state would provide matching grants to local governments for water quality improvement. Kelly believes the matching grant program is one of the most efficient, effective ways to begin correcting this problem.

"I'm upset," stated Sen. Kelly, "that our natural streams in Eagle River and Anchorage have become contaminated. There is no excuse for allowing our creeks, rivers and streams to deteriorate to the extent that they are no longer useable for fishing or recreational purposes, much less for human consumption."

During the 1985 session, Kelly convinced the Anchorage Senate Caucus to fund initial cleanup efforts of the area's waterways. The money was appropriated to the Municipality of Anchorage for preliminary studies to determine the sources of the pollution.

While Kelly was pleased with the initial appropriation to begin isolating the problem, he pointed out the need for additional state funding once the matching grant program is passed to begin cleanup efforts as well as providing for a long-term solution.

"This is just a small first step," added Kelly. "There is a need for all Alaskans to commit themselves to a clean environment. These same problems are also occurring in the Mat-Su valley, Ketchikan, and other communities in the state. We need to begin cleanup efforts now, before the problem worsens, and begin long-term measures to restore our waterways to their original condition. We need to ensure our children the opportunity to enjoy the same Alaska we've all known and lived in."

"The Anchorage delegation has told municipal officials we would support their requests next session to help solve some of the problems of water contamination," said Kelly. "We want to see those pollution signs come down."