

SJR

39

STATE OF ALASKA
THE LEGISLATURE

1996

Source
CSSJR 39(RES)

Legislative
Resolve No.
LR 47



Relating to the U.S. Environmental Protection Agency draft National Pollutant Discharge Elimination System general permit for placer mining in Alaska.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS, in 1994, the United States Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) general permit for placer mining in Alaska; and

WHEREAS the EPA has issued a new draft NPDES general permit as the result of the settlement of a lawsuit filed by the Sierra Club Legal Defense Fund; and

WHEREAS this new draft NPDES general permit contains substantive, unrealistic restrictions for commercial mines such as

- (1) prohibiting moving a discharge location during the mining season; and
- (2) requiring a minimum 1,000-foot separation distance between dischargers; and

WHEREAS this new draft NPDES general permit contains substantive, unrealistic restrictions on dredge and recreational mining operations in Alaska, such as

(1) requiring all dredgers, for the first time ever, to have an NPDES permit, despite the fact that the EPA does not have the personnel to process all of these newly required permits; and

(2) requiring an arsenic level of 0.18 parts per billion; and

WHEREAS the officials in the EPA headquarters in Washington, D.C., have approved arsenic levels of 50 parts per billion in 25 other states; and

WHEREAS the Alaska State Legislature finds that this treatment of Alaska is arbitrary, capricious, and without scientific foundation;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the EPA to withdraw from the settlement in the lawsuit filed by the Sierra Club Legal Defense Fund on behalf of American Rivers and Northern Alaska Environmental Center; and be it

FURTHER RESOLVED that if the EPA cannot withdraw from the settlement, that it discard this draft NPDES general permit and begin again with a more reasonable approach consistent with the EPA's own Common Sense Initiative; and be it

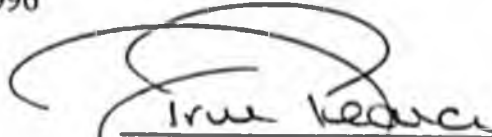
FURTHER RESOLVED that the Alaska State Legislature requests, if the EPA goes forward with this draft NPDES or another draft, that the EPA extend the public comment period to May 1, 1996, and hold hearings in at least two additional locations in Alaska before any draft NPDES general permit is included in a settlement agreement.

COPIES of this resolution shall be sent to the Honorable Carol M. Browner, Administrator, U.S. Environmental Protection Agency; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the governors and state legislatures of the other states in the EPA Region 10: Idaho, Oregon, and Washington.

AUTHENTICATION


The following officers of the Legislature certify that the attached enrolled resolution, CSSJR 39(RES), consisting of 2 pages, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

Passed by the Senate March 18, 1996



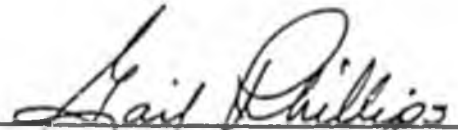
Drue Pearce, President of the Senate

ATTEST:



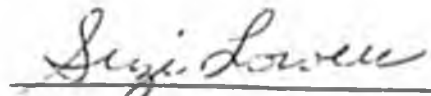
Nancy Quimby, Secretary of the Senate

Passed by the House April 15, 1996



Gail Phillips, Speaker of the House

ATTEST:



Suzi Lowell, Chief Clerk of the House

ACTION BY GOVERNOR

Read by the Governor _____ 19 _____

Tony Knowles, Governor of Alaska

PENINSULA CLARION

LORI EVANS
Executive Editor

SUSIE B. MORRIS
Publisher

STAN PITLO
General Manager

PAT PORTER
Composition
Supervisor

LINDA BELL
Controller
Human Resources Director

BOB HONEA
Production
Manager

A Morris Communications Corp. Newspaper

What Others Say

Common sense left out of placer mining rules

A BRIEF NEWS STORY A FEW WEEKS AGO ANNOUNCED an agreement between the Environmental Protection Agency and the Sierra Club Legal Defense Fund concerning the regulation of placer mining in Alaska. The agreement may satisfy those two parties, but it should come as no surprise that the deal is bad news for the people actually being regulated.

The agreement concerns the so-called general permit issued annually for placer mining in Alaska. The general permit in itself is a good idea — it dispenses with a lot of paperwork in one fell swoop. However, the Sierra Club didn't like some of the things EPA was allowing in that permit. So it sued. The EPA acquiesced in an agreement that, because it is an out-of-court settlement, needs to conform neither to the law nor to common sense.

The legalities of water quality regulation are so byzantine that determining whether this agreement is, in fact, lawful would be beyond most people. But it without question fails the common sense test.

Consider just one small but important section of the new permit: The amount of arsenic allowed in water leaving a placer mine. Arsenic is a common mineral in Interior Alaska, and also seems to have some association with gold deposits. Given arsenic's poisonous nature, it's reasonable to keep limits on how much gold mines stir up.

But the limits ought to be reasonable, too. Those in the new general permit are not. The new permit requires water leaving a placer mine to contain no more than .18 parts of arsenic per billion parts of water.

Steve Borell, executive director of the Alaska Miners Association, outlined the problem in a "Miners Alert" Feb. 23. "There is no scientific basis for requiring an arsenic level of .18 ppb as proposed in the general permit. EPA Headquarters in Washington, D.C., does not support this level. EPA Headquarters has already approved arsenic levels of 50 ppb in at least 25 states. ... To impose this requirement only on Alaska placer mines is arbitrary and capricious."

Borell goes on to describe more absurdity. "The draft GP includes reporting requirements for arsenic levels that are below detection." If you can't reliably detect arsenic at .18 ppt, how can you set such a standard? Even the most sophisticated equipment can only detect arsenic down to a couple parts per billion.

It doesn't end there. "The draft GP assumes 'zero' for background levels of arsenic and turbidity (in placer mining streams), which is seldom the case," Borell said.

So here we have a standard that is far more strict than any scientific studies can justify, which even the national EPA headquarters does not require in other states, which requires testing technology that does not exist and which assumes no natural levels of arsenic in the water.

Is this what the law dictates? Who knows? Is this what common sense dictates? Certainly not.

—Fairbanks Daily News-Miner
March 3

The Anchorage Times

Publisher: BILL I. ALLEN

"Believing in Alaskans, putting Alaska first"

Editors: DENNIS FRADLEY PAUL JENNINS WILLIAM J. TOBIN

The Anchorage Times Commentary in this segment of the Anchorage Daily News does not represent the views of the Daily News. It is written and published under an agreement with former owners of The Times in the interests of preserving a diversity of viewpoints in the community.

Gold rip-off

THE SCAM artists are at it again — and Alaska is the intended victim. The Clinton administration, in cahoots with environmental lawyers, is preparing to pull off another heist, and this time the target is Alaska gold.

As the result of an out-of-court settlement proposed between the Environmental Protection Agency and the American Rivers environmental group, the EPA has proposed regulations that threaten to wipe out small gold mining operations that use suction hoses to scoop up gravel and gold bits from river beds. Recreational dredge mining also is in peril.

The Alaska Miners Association says the regulations envisioned by the EPA are far stricter than those that apply in other states. For instance, no paperwork is required for suction dredge operators in California. By requiring small operators in Alaska to comply with the same permitting rules that apply to the larger, commercial operators, the net result will be to benefit businesses in other states at Alaska's expense.

But the impact would extend beyond commercial operations. Steve Herschbach, owner of Alaska Mining & Diving Supply, says the Gold Prospector's Association of America each year brings to Alaska thousands of visitors who hunt for gold. Once the EPA proposed regs go into effect, he says, these vacation prospectors will choose California and elsewhere.

The EPA held hearings in the state this past week on its regulations and, as expected, a number of Alaskans testified against them. The miners' association, however, isn't hopeful that the testimony alone will persuade EPA to change its mind. The miners are seeking help from the congressional delegation in Washington to use its clout to stop the regulatory rip-off. Gov. Tony Knowles may want to step in as well. After all, Alaska's constitutional right to regulate activities on its rivers will be usurped if the EPA rules take effect.

The technique used by the feds and environmentalists to give themselves the authority to deny the state its rights in this instance is a familiar one.

Two years ago, lawyers for American Rivers sued to halt what had been the accepted practice of exempting recreational miners from the extensive permitting requirement. Rather than fight it out before a judge, the EPA "settled" with the environmental lawyers by basically agreeing to their demands.

This technique of settling a lawsuit in the environmentalists' favor is played out often in Alaska. The Forest Service uses it routinely to block its own timber sales. The Park Service used it to shut down gold mines in Kantashna. Now the EPA is using it to squeeze out gold seekers from recreational activity on Alaska rivers.

The scam's not likely to end until Alaskans, together, get mad enough to stop it.



Alaska State Legislature

Senate Resources Committee

State Capitol
Juneau AK 99801

Official Business

SPONSOR STATEMENT

SJR 39: Relating to NPDES Permits for Placer Mining

Why must Alaska continue to be treated more stringently than other states with economic development? The Environmental Protection Agency, as a result of a negotiated lawsuit with the Sierra Club Legal Defense Fund, now proposes standards for dredge and recreational mining activities that are as strict as some standards set for large, commercial mining operations.

Despite its 30 percent budget reduction by Congress, EPA still manages to propose rulemakings and negotiate settlements which cost independent businesses time, money and effort for little environmental gain.

Alaska has a long, solid history of mineral production. As other regions of the U.S. have perhaps lost touch with the bounty of natural resources, the EPA should not subject Alaska to unscientific, burdensome reporting and permitting requirements at the whim of someone who has never had dirt under his or her fingernails.

Alaskans are for the wise use of our resources. We are far closer to our resources than some other areas of the United States where inhabitants enjoy the end product of mineral extraction, but have no concept of how their computer components were created.

We must continue to pressure the federal government to stop requesting information and permits that serve no useful purpose and to cease from imposing onerous restrictions such as 0.18 parts per billion arsenic levels for mining discharges - orders of magnitude less than what is required for drinking water.



* * * * MINERS ALERT * * * *

February 23, 1996

TO: Miners, Dredge Miners, Recreational Miners
SUBJECT: New NPDES General Permit for Alaska

Your immediate action is needed! If the Draft NPDES General Permit now out for public comment is accepted, most placer operations will be required to meet conditions that are nearly impossible. Under this GP all dredge mining in the state will be effectively eliminated or each will require an Individual Permit.

Background - In 1994 the EPA issued a General Permit (GP) for placer mining in Alaska. If you have an NPDES discharge permit it is likely that you have one of these GPs. SCLDF (Sierra Club Legal Defense Fund) sued EPA arguing, among other things, that the permit did not guarantee protection from metals in the discharge water. Rather than allow the Federal Court to dictate a solution, EPA and SCLDF reached a negotiated settlement. This Draft NPDES GP is the resulting settlement.

Your Action

1. You need to write EPA and tell them why you feel this Draft GP will not work. Send comments to: Tim Hamlin, U.S. EPA Region 10, 1200 Sixth Avenue SO-155, Seattle, Washington 98101. Comments must be received at EPA by March 18, 1996.
2. If possible, attend the Public Hearing to be held Tuesday, March 5, 1996, 5:30 p.m. to 11 p.m. at the BLM Northern District Office Building, Main Conference Room, 1150 University Ave., Fairbanks, AK.
3. Get a copy of the Draft GP from EPA at 222 W. 7th Avenue, Room 537 or call (907) 271-5083.

The following are some of the major problems with the Draft GP. You may wish to use these topics as part of your comment letter and/or public comments:

1. The Draft GP is a substantive change to the existing GP due to its impact on existing GP holders, expanded application to new operators and new reporting rules.

2. The Draft GP contains unrealistic restrictions: a) prohibits moving an outfall location during the mining season, and b) requires a minimum 1,000 ft. separation distance between dischargers having modified turbidity limits.

3. The 30018 flow limit is excessively restrictive. The 30010 formula was designed for another purpose and is not applicable here.

4. There is no scientific basis for requiring an arsenic level of 0.18 ppb as proposed in the GP. EPA Headquarters in Washington, D.C. does not support this level. EPA Headquarters has already approved arsenic levels of 50 ppb in at least 25 states whereas this GP requires 0.18 ppb. To impose this requirement only on Alaska placer mines is arbitrary and capricious.

5. The Draft GP includes reporting requirements for arsenic levels that are below detection. This is arbitrary and capricious and is in conflict with EPA Headquarters.

6. The Draft GP assumes "0" for background levels of arsenic and turbidity which is seldom the case. The current GP assumes actual background.

7. The reporting requirements would require the miner to report arsenic levels that cannot be measured and then charge him civilly and/or criminally if he reports finding arsenic.

8. The Draft GP is in conflict with and seeks to override state regulations which allow mixing zones.

9. The Draft GP will increase the number of Individual Permits and permit processing costs, rather than reducing permit processing costs which was the purpose of the GP.

10. Because of the stipulations in this GP regarding a) silt, and b) adjacent dredgers, all dredge mining in the state will now be required to have an NPDES Individual Permit.

11. This GP for the first time ever, requires that all dredgers have an NPDES permit and stipulations of this GP are so onerous that no dredge miner will qualify for a GP. This will add between 1,000 and 2,000 new permittees, all of which will be forced to have an Individual Permit. All of which, because of their minimal impact, are not required to have any other permit. It is arbitrary and capricious to require this change without scientific basis and is a violation of due process.

12. The Fortymile River, and some other areas surrounded by "Wild & Scenic River" designations, are State-owned navigable waterways and not a Wild & Scenic River as envisioned in the Draft GP. It is arbitrary and capricious to require a different standard for this state river or any other river or stream unless there is scientific support and no such support has been offered.

13. EPA does not have the people to process the new GPs or the IPs that will be generated by this Draft GP. Also, there is not time for EPA to review all existing GPs, publish them, and still issue them in time for the upcoming mining season.

Please write immediately and ask that EPA: 1) withdraw from the settlement, 2) discard the Draft GP, 3) hold public hearings in each state of Region 10 (including at least two locations in Alaska) before any other Draft GP is included in a settlement agreement.

Steve Borell

Steven C. Borell, P.E.
Executive Director



Fairbanks North Star Borough

Assembly

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

Fax 907/459-1224

March 18, 1996

MAR 19 1996

Mr. Al Vezey, Representative
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Vezey:

Enclosed for your information is a copy of Fairbanks North Star Borough Resolution 96-022, recently adopted by the Assembly.

The resolution addresses the EPA's recent proposal for changing the National Pollutant Discharge Elimination System permits.

I would call your attention to the third page which expresses the most fundamental problem in government. We have jumped track from our constitutional foundation by delegating the authority to create law to unelected bureaucracies.

Your efforts to return us to our constitutional foundations are greatly appreciated. It is time the legislature re-assert its duty to make law. The bureaucracy does not govern us. It is there to serve the people, comply with the law of the elected representative, and perform in an advisory capacity when the legislature is crafting law.

Please alert others in the legislature of our resolution, particularly any committees which will debate your proposed legislation.

Sincerely,

Bob Logan, Assemblymember
Fairbanks North Star Borough

Enclosure as stated
Faxed 3/18/96, original mailed

Post-It® Fax Note	7871	Date	3/18/96
To	Rep. Al Vezey	From	Bob Logan
Co./Dept.		Co.	FNBSB Assembly
Phone #		Phone #	
Fax #		Fax #	

By: Bob Logan
Ladd McBride
Hank Bartos
Larry Hackenmiller
Dan LaSota
Karen Parr
Jay Quakenbush
Paul Chizmar
Cheryl Kilgore

Introduced: 03/14/96
Amended: 03/14/96
Adopted: 03/14/96
Immediate Reconsideration
Failed: 03/14/96
Adopted: 03/14/96

RESOLUTION NO. 96-022

A RESOLUTION OPPOSING THE DRAFT ENVIRONMENTAL PROTECTION AGENCY'S MODIFICATIONS OF A GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES, AS IT RELATES TO ALASKA

WHEREAS, the Environmental Protection Agency (EPA) has issued draft NPDES General Permit (GP) modifications and is currently accepting public comment; and

WHEREAS, the draft GP is a substantive change to the existing GP because of its impact on existing GP holders, expanded application to new operators and new reporting rules; and

WHEREAS, the draft GP contains unrealistic restrictions including prohibiting moving an outfall location during the mining season, and requiring a minimum 1,000 foot separation distance between dischargers having modified turbidity limits; and

WHEREAS, there is no scientific basis for requiring an arsenic level of 0.18 ppb as proposed in the draft GP. EPA headquarters in Washington DC does not support this level and has already approved arsenic levels of 50 ppb in at least 25 states. To impose this requirement only on Alaska placer mines is arbitrary and capricious; and

WHEREAS, the draft GP includes reporting requirements for arsenic levels that are below detection, and then can charge the miner civilly and/or criminally if arsenic is found. Also, the levels are in conflict with requirements accepted by EPA headquarters; and

WHEREAS, the draft GP assumes '0' for background levels of arsenic and turbidity which is seldom the case. The current GP assumes actual background; and

WHEREAS, the draft GP is in conflict with and seeks to override state regulations which allow mixing zones; and

WHEREAS, for the first time this draft GP requires that all dredgers have an NPDES permit and stipulations of this draft GP are so onerous that no dredge miner will qualify for a GP. The proposed changes will add between 1,000 and 2,000 new permittees, all of which will be forced to have an individual permit. Because of the otherwise minimal impact, these miners are not required to have any other permit. This proposed change is without scientific basis and is a violation of due process. The draft GP will not only increase the number of individual permits but will increase permit processing costs rather than reducing the costs which was the purpose of the new GP; and

WHEREAS, the Forty-mile River and some other areas surrounded by 'Wild & Scenic River' designations, are state-owned navigable waterways and not a Wild & Scenic River as envisioned in the draft GP. It is arbitrary and capricious to require a different standard for this state river or any other river or stream unless there is scientific support for those standards. To date, no such support has been offered; and

WHEREAS, EPA does not have the people to process the new Gps or the Ips that will be generated by the requirements contained in the draft GP. Also, there is not time for EPA to review all existing Gps, publish them, and still issue them in time for the upcoming mining season; and

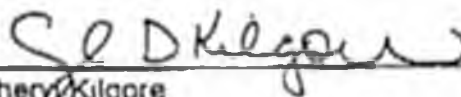
WHEREAS, economic damage from these restrictions will be felt in commercial placer mining and all related support industries as well as in recreational mining which is a resident and tourist activity,

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North Star Borough Assembly respectfully requests the Environmental Protection Agency to (1) withdraw from the settlement; (2) discard the draft GP; and (3) hold public hearings in each state of Region 10 (including at least two locations in Alaska) before any other draft GP is included in a settlement agreement.

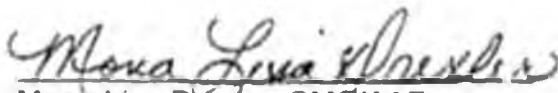
BE IT FURTHER RESOLVED that this arbitrary and capricious action demonstrates to our Congressional Delegation that it is time to take regulatory authority away from nonelected bureaucracies and place the authority to write law where it belongs under the constitution. . . with those who are elected.

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States of America; Carol Browner, Administrator, United States Environmental Protection Agency; Tim Hamlin of the United States Environmental Protection Agency, Region 10; all members of Alaska's Congressional Delegation; the Honorable Tony Knowles, Governor, State of Alaska, the Honorable Michele Brown, Commissioner, Alaska Department of Environmental Conservation and all members of the Interior Delegation.

PASSED AND APPROVED THIS 14TH DAY OF MARCH, 1996.


Cheryl Kilgore
Presiding Officer

ATTEST:


Mona Lisa Drexler, CMG/AAE
Municipal Borough Clerk

Ayes: Parr, Hackenmiller, Logan, Bartos, McBride, Quakenbush, LaSota, Chizmar and Kilgore

Noes: Layne St John

RESOLUTION NO. 96-022

Page 3 of 3

WHAT OTHERS SAY

✓ EPA's gold heist

The scam artists are at it again — and Alaska is the intended victim. The Clinton administration, in cahoots with environmental lawyers, is preparing to pull off another heist, and this time the target is Alaska gold.

As the result of an out-of-court settlement proposed between the Environmental Protection Agency and the American Rivers environmental group, the EPA has proposed regulations that threaten to wipe out small gold mining operations that use suction hoses to scoop up gravel and gold bits from river beds. Recreational dredge mining also is in peril.

The Alaska Miners Association says the regulations envisioned by the EPA are far stricter than those that apply in other states. For instance, no paperwork is required for suction dredge operators in California. By requiring small operators in Alaska to comply with the same permitting rules that apply to the larger, commercial operators, the net result will be to benefit businesses in other states at Alaska's expense.

But the impact would extend beyond commercial operations. Steve Hirschbach, owner of Alaska Mining & Diving Supply, says the Gold Prospector's Association of America each year brings to Alaska thousands of visitors who hunt for gold. Once the EPA proposed regs go into effect, he says, these vacation prospectors will choose California and elsewhere.

The EPA held hearings in the state this past week on its regulations and, as expected, a number of Alaskans testified against them. The miners' association, however, isn't hopeful that the testimony alone will persuade EPA to change its mind. The miners are seeking help from the congressional delegation in Washington to use its clout to stop the regulatory rip-off. Gov. Tony Knowles may want to step in as well. After all, Alaska's constitutional right to regulate activities on its rivers will be usurped if the EPA rules take effect.

The technique used by the feds and environmentalists to give themselves the authority to deny the state its rights in this instance is a familiar one.

Two years ago, lawyers for American Rivers sued to halt what had been the accepted practice of exempting recreational miners from the extensive permitting requirement. Rather than fight it out before a judge, the EPA "settled" with the environmental lawyers by basically agreeing to their demands.

This technique of settling a lawsuit in the environmentalists' favor is played out often in Alaska. The Forest Service uses it routinely to block its own timber sales. The Park Service used it to shut down gold mines in Kantishna. Now the EPA is using it to squeeze out gold miners from recreational activity on Alaska rivers.

The scam's not likely to end until Alaskans, together, get mad enough to stop it.

—Voice of the (Anchorage) Times, March 8

Absurd agreement

A brief news story on page A-3 a few weeks ago announced an agreement between the Environmental Protection Agency and the Sierra Club Legal Defense Fund concerning the regulation of placer mining in Alaska. The agreement may satisfy those two parties, but it should come as no surprise that the deal is bad news for the people actually being regulated.

The agreement concerns the so-called general permit issued annually for placer mining in Alaska. The general permit in itself is a good idea—it dispenses with a lot of paperwork in one fell swoop. However, the Sierra Club didn't like some of the things EPA was allowing in that permit. So it sued. The EPA acquiesced in an agreement that, because it is an out-of-court settlement, needs to conform to neither the law nor common sense.

The legalities of water quality regulation are so Byzantine that determining whether this agreement is, in fact, lawful would be beyond most people. But it without question fails the common sense test.

Consider just one small but important section of the new permit: the amount of arsenic allowed in water leaving a placer mine. Arsenic is a common mineral in Interior Alaska, and also seems to have some association with gold deposits. Given arsenic's poisonous nature, it's reasonable to keep limits on how much gold mines stir up.

But the limits ought to be reasonable, too. Those in the new general permit are not. The new permit requires water leaving a placer mine to contain no more than .18 parts of arsenic per billion parts of water.

Steve Borell, executive director of the Alaska Miners Association, outlined the problem in a "Miners Alert" Feb. 23. "There is no scientific basis for requiring an arsenic level of .18 ppb as proposed in the general permit. EPA Headquarters in Washington, D.C., does not support this level. EPA Headquarters has already approved arsenic levels of 50 ppb in at least 25 states....To impose this requirement only on Alaska placer mines is arbitrary and capricious."

Borell goes on to describe more absurdity. "The draft GP includes reporting requirements for arsenic levels that are below detection." If you can't reliably detect arsenic at .18 ppb, how can you set such a standard? Even the most sophisticated equipment can only detect arsenic down to a couple parts per billion.

It doesn't end there. "The draft GP assumes 'zero' for background levels of arsenic and turbidity (in placer mining streams), which is seldom the case," Borell noted.

So here we have a standard that is far more strict than any scientific studies can justify, which even the national EPA headquarters does not require in other states, which requires testing technology that does not exist and which assumes no natural levels of arsenic in the water.

Is this what the law dictates? Who knows? Is this what common sense dictates? Certainly not.

Attend the public hearing Tuesday from 5:30-11 p.m. at the BLM building on University Avenue. Tell them

what you think

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 3/11/96

FURTHER:

Date of 5-Day Notice: Waived 3/11/96
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-12-96

The Resources Committee considered SJR 39

Relating to the U.S. Environmental Protection Agency draft National Pollutant Discharge Elimination System general permit for placer mining in Alaska.

and recommends:

- be replaced with CS SJR 39 (Res)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING (OR PASS)	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Rich Halstead</i>	✓	<i>Tom Hoff</i>	✓		
<i>Kevin Taylor</i>	✓				
<i>Irma Wallace</i>	✓				
CHAIR: <i>Steve D. Jensen</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Res. Committee</i>	<i>3-11-96</i>	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

fiscal note sent to CS 3/10/96

CS FOR SENATE JOINT RESOLUTION NO. 39(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RESOURCES COMMITTEE

A RESOLUTION

1 Relating to the U.S. Environmental Protection Agency draft National Pollutant
2 Discharge Elimination System general permit for placer mining in Alaska.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 WHEREAS, in 1994, the United States Environmental Protection Agency (EPA)
5 issued a National Pollutant Discharge Elimination System (NPDES) general permit for placer
6 mining in Alaska; and

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8 the settlement of a lawsuit filed by the Sierra Club Legal Defense Fund; and

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10 ~~restrictions for commercial mines such as~~

11 ~~(1) prohibiting moving a discharge location during the mining season; and~~

12 ~~(2) requiring a minimum 1,000-foot separation distance between dischargers;~~

13 and

14 WHEREAS this new draft NPDES general permit contains substantive, unrealistic
15 restrictions on dredge and recreational mining operations in Alaska, such as

16 (1) requiring all dredgers, for the first time ever, to have an NPDES permit.

1 despite the fact that the EPA does not have the personnel to process all of these newly
2 required permits; and

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4 WHEREAS the officials in the EPA headquarters in Washington, D.C., have approved
5 arsenic levels of 50 parts per billion in 25 other states; and

6 WHEREAS the Alaska State Legislature finds that this treatment of Alaska is
7 arbitrary, capricious, and without scientific foundation;

8 BE IT RESOLVED that the Alaska State Legislature respectfully requests the EPA
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11 FURTHER RESOLVED that if the EPA cannot withdraw from the settlement, that
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16 period to May 1, 1996, and hold hearings in at least two additional locations in Alaska before
17 any draft NPDES general permit is included in a settlement agreement.

18 COPIES of this resolution shall be sent to the Honorable Carol M. Browner,
19 Administrator, Environmental Protection Agency; to the Honorable Ted Stevens and the
20 Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
21 Representative, members of the Alaska delegation in Congress; and to the governors and state
22 legislatures of the other states in the EPA Region 10: Idaho, Oregon, and Washington.

3/18 16-2
reconsidered



ALASKA MINERS ASSOCIATION, INC.

301 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (807) 278-7887 Telephone: (807) 278-0347

March 11, 1996

FAX TO: Annette Kreitzer
Office of Senator Leman

FROM: Steve Borell

SUBJECT: SJR-39

I would suggest that the following changes be made to SJR-39:

1. Add a new WHEREAS on page one at line 9 to read:

WHEREAS this new draft NPDES general permit contains substantive, unrealistic restrictions for commercial mines such as

(1) prohibiting moving a discharge location during the mining season; and

(2) requiring a minimum 1,000 ft separation distance between some dischargers; and

2. Add a new WHEREAS on page two at line 1 to read:

WHEREAS the Fortymile River is a State-owned navigable waterway and must not be treated different than other waters in the State; and

3. Change page two line 3 to read:

BE IT RESOLVED, that the Alaska State Legislature respectfully requests the EPA to withdraw from the settlement in the lawsuit filed by the Sierra Club Legal Defense Fund on behalf of American Rivers and Northern Alaska Environmental Center; and be it

Sincerely,


Steven C. Borell, P.E.
Executive Director

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SJR 39

Revision Date: initial Dept. Affected: _____
 Title: Relating to NPDES general permit BRU: _____
for placer mining Component: _____
 Sponsor: Senate Resources Committee
 Requester: Senate Resources Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of any current year (FY96) cost: \$ -0-

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Senate Resources Committee
 Division: _____
 Approved by: Senator Loren Leman, Chairman
 Agency: _____

Phone: 465-4907
 Date: 3-11-96
 Date: 3-11-96

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