

HJR

19



# REPRESENTATIVE RALPH SAMUELS

HOUSE DISTRICT 29

## Sponsor Statement for House Joint Resolution 19

House Joint Resolution 19 was introduced to help raise awareness of how US Environmental Protection Agency (EPA) guidelines for the use of ultra low sulfur fuels will affect rural Alaska, and to urge federal and state agencies to determine the extent of the problem.

Concern over the pollutants in diesel exhaust prompted the EPA to require that diesel fuel produced and sold in the US for motor vehicles contain less than 15 parts per million of sulfur, and that new diesel engines be designed to only run on ultra low sulfur fuel. These new rules create problems for rural Alaska, where much of the electric power is produced with diesel generators.

Ultra low sulfur fuel will cause increased transport, storage and energy production costs as well as logistical problems for rural Alaskan communities:

- Ultra low sulfur fuel is less efficient and more expensive, increasing energy production costs.
- It would be prohibitively expensive for Alaskan refineries to retrofit their plants to produce the ultra low sulfur fuel, so electric utilities will be forced to purchase fuel from out of state, increasing transportation costs.
- Ultra low sulfur fuel requires additives in order to operate in Alaska's extreme cold. This arctic grade blend is only produced in Alberta and will increase transportation costs to Alaska compared to purchasing fuel from West Coast refineries.
- Ultra low sulfur fuel cannot be stored in the same tanks as higher sulfur fuel unless those tanks are cleaned out, adding costs to transportation and storage.

The EPA allowed the State of Alaska to create its own plan for implementing the new rules, recognizing that Alaska faces unique challenges and does not share the same air pollution problems as the Lower 48. In 2002, DEC submitted a plan requiring road-system communities and major communities on the Marine Highway to comply with the same rules as the Lower 48, but is still drafting a plan for rural Alaska.

HJR 19 urges DEC to be as flexible as possible when applying the ultra low sulfur use rules to rural Alaska, and asks the governor to direct the department to reconsider the application of these rules to smaller communities around the state under the 2002 portion of the plan. The resolution also asks that the EPA, DEC and the Denali Commission work to determine the logistical and financial effect that the ultra low sulfur diesel rules will have on rural Alaska.

Email: [Representative\\_Ralph\\_Samuels@legis.state.ak.us](mailto:Representative_Ralph_Samuels@legis.state.ak.us)

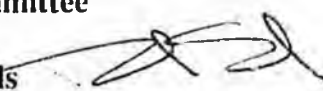
Session: Alaska State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-2095 Fax: (907) 465-3810  
Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • Phone: (907) 269-0240 Fax: (907) 269-0242

# **REPRESENTATIVE RALPH SAMUELS**

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**HOUSE DISTRICT 29**

**To:** Representative Hugh Fate  
Chair, House Resources Committee

**From:** Representative Ralph Samuels 

**Date:** March 27, 2003

**RE:** Hearing for House Joint Resolution 19

**Please schedule House Joint Resolution 19, "Relating to ultra low sulfur diesel fuel requirements," for a hearing in the House Resources Committee.**

**I have attached the following:**

- A sponsor statement
- An article from the Alaska Journal of Commerce, "New Diesel Regs Fuel Complaints"
- Written comments from Alaska Power & Telephone

**If you have any questions, please call Laura Achee in my office at extension 6590.**

**Email:** Representative\_Ralph\_Samuels@legis.state.ak.us

**Session:** Alaska State Capitol, Juneau, Alaska 99801-1182 • **Phone:** (907) 465-2095 **Fax:** (907) 465-3810  
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# **REPRESENTATIVE RALPH SAMUELS**

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## **HOUSE DISTRICT 29**

### **Sponsor Statement for House Joint Resolution 19**

House Joint Resolution 19 was introduced to help raise awareness of how US Environmental Protection Agency (EPA) guidelines for the use of ultra low sulfur fuels will affect rural Alaska, and to urge federal and state agencies to determine the extent of the problem.

Concern over the pollutants in diesel exhaust prompted the EPA to require that diesel fuel produced and sold in the US for motor vehicles contain less than 15 parts per million of sulfur, and that new diesel engines be designed to only run on ultra low sulfur fuel. These new rules create problems for rural Alaska, where much of the electric power is produced with diesel generators.

Ultra low sulfur fuel will cause increased transport, storage and energy production costs as well as logistical problems for rural Alaskan communities:

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- It would be prohibitively expensive for Alaskan refineries to retrofit their plants to produce the ultra low sulfur fuel, so electric utilities will be forced to purchase fuel from out of state, increasing transportation costs.
- Ultra low sulfur fuel requires additives in order to operate in Alaska's extreme cold. This arctic grade blend is only produced in Alberta and will increase transportation costs to Alaska compared to purchasing fuel from West Coast refineries.
- Ultra low sulfur fuel cannot be stored in the same tanks as higher sulfur fuel unless those tanks are cleaned out, adding costs to transportation and storage.

The EPA allowed the State of Alaska to create its own plan for implementing the new rules, recognizing that Alaska faces unique challenges and does not share the same air pollution problems as the Lower 48. In 2002, DEC submitted a plan requiring road-system communities and major communities on the Marine Highway to comply with the same rules as the Lower 48, but is still drafting a plan for rural Alaska.

HJR 19 urges DEC to be as flexible as possible when applying the ultra low sulfur use rules to rural Alaska, and asks the governor to direct the department to reconsider the application of these rules to smaller communities around the state under the 2002 portion of the plan. The resolution also asks that the EPA, DEC and the Denali Commission work to determine the logistical and financial effect that the ultra low sulfur diesel rules will have on rural Alaska.

**Email:** [Representative\\_Ralph\\_Samuels@legis.state.ak.us](mailto:Representative_Ralph_Samuels@legis.state.ak.us)

**Session:** Alaska State Capitol, Juneau, Alaska 99801-1182 • **Phone:** (907) 465-2095 **Fax:** (907) 465-3810  
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Work Draft

Work Draft

Work Draft

**Conceptual      Conceptual**

**CS FOR HOUSE JOINT RESOLUTION NO. 19**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE-FIRST SESSION

BY

Offered:

Referred: Resources

Sponsor(s): REPRESENTATIVE Samuels

**A RESOLUTION**

1.     **Relating to the ultra low sulfur diesel fuel requirements of the United States**
2.     **Environmental Protection Agency and their application to Alaska.**

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

4.     **WHEREAS** the United States Environmental Protection Agency has ruled that roadway  
5.     based large trucks and buses must use ultra low sulfur diesel fuel having a sulfur content  
6.     of not more than 15 parts per million beginning September 2006; and

7.     **WHEREAS** the United States Environmental Protection Agency has taken this action  
8.     based upon well documented health hazards associated with diesel exhaust inhalation;  
9.     and

10.    **WHEREAS** rural Alaska depends on diesel fuel for its electrical power generation; and

11.    **WHEREAS** ultra low sulfur diesel fuel costs more to produce and is less efficient,  
12.    resulting in an overall higher cost to produce the same output as the high sulfur fuel  
13.    currently in use; and

14.    **WHEREAS** northern Alaska temperatures are colder than most areas of the United  
15.    States, and fuel additives that create an arctic-grade of ultra low sulfur diesel fuel are  
16.    necessary to avoid fuel failure; and

**CSHJR 19 (RES)**

New Text Underlined [DELETED TEXT BRACKETED]

1. **WHEREAS** arctic-grade ultra low sulfur diesel fuel is currently manufactured only in
2. Alberta, Canada, and must be imported into the state, increasing fuel transportation costs;
3. and
4. **WHEREAS** diesel fuel constitutes only a small part of the fuel refined in Alaska, and to
5. modify Alaska refineries to produce low sulfur diesel fuel would be prohibitively
6. expensive; and
7. **WHEREAS** ultra low sulfur diesel fuel may not be transported or stored in the same
8. tanks used for high sulfur diesel fuel unless the tanks have been cleaned; and
9. **WHEREAS** the necessary separation of fuel types will create financial and logistical
10. problems in rural Alaska and may make it prohibitively expensive for communities to
11. import more than one type of diesel fuel; and
12. **WHEREAS** electric utilities that serve rural communities estimate that electric costs will
13. increase 25 to 33 percent based on the lower efficiency and higher cost of producing,
14. transporting, storing, and using arctic-grade ultra low sulfur diesel fuel; and
15. **WHEREAS** manufacturers and market responses to the new federal fuel requirements
16. will eventually create demand for the ultra low sulfur diesel fuel in rural Alaska; and
17. **WHEREAS** rural Alaska communities do not have an equivalent exposure to
18. transportation related diesel fumes because there are very few diesel trucks and buses in
19. rural Alaska; and
20. **WHEREAS** rural Alaskans have a unique and uncharacterized exposure to fumes due to
21. their proximity to diesel fired power plants; and
22. **WHEREAS** the lack of scientific information regarding the unique rural Alaska
23. exposure prevents the Department of Environmental Conservation from determining if
24. exposure to diesel exhaust in rural Alaska communities poses a health risk to Alaskans;
25. and
26. **WHEREAS** Alaska rural community members have expressed concern about the
27. unknown but potential health risks from diesel exhaust; and
28. **WHEREAS**, by June 2003, the Alaska Department of Environmental Conservation must
29. submit a plan for applying the United States Environmental Protection Agency standards
30. for the use of ultra low sulfur diesel fuel in rural Alaska communities;
31. **BE IT RESOLVED** that the Alaska State Legislature urges the state's delegation in the  
CSHJR 19 (RES) New Text Underlined [DELETED TEXT BRACKETED]

1. United States Congress to request the United States Environmental Protection Agency to
2. provide funding to investigate and examine the fiscal and logistical effects of arctic-grade
3. ultra low sulfur diesel fuel on the current energy and transportation infrastructure in
4. Alaska and to evaluate the health impacts from diesel fuel use in rural Alaska
5. communities; and be it
6. **FURTHER RESOLVED** that the Alaska State Legislature urges the Governor to direct
7. the Department of Community and Economic Development to determine the fiscal and
8. logistical effects on the state of using arctic-grade ultra low sulfur diesel fuel in Alaska;
9. and be it
10. **FURTHER RESOLVED** that the Alaska State Legislature urges the Governor to direct
11. the Alaska Department of Environmental Conservation, the Department of Community
12. and Economic Development and the Department of Health and Social Services to
13. coordinate with the United States Environmental Protection Agency to determine the
14. health, fiscal and logistical effects on the state of using arctic-grade ultra low sulfur diesel
15. fuel in Alaska; and be it
16. **FURTHER RESOLVED** that the Alaska State Legislature urges the Governor to direct
17. the Alaska Department of Environmental Conservation to provide, in its plan for the
18. application of the United States Environmental Protection Agency standards, that rural
19. Alaska have as much flexibility as possible in the use of ultra low sulfur diesel fuel; and
20. be it
21. **FURTHER RESOLVED** that the Alaska State Legislature urges the Governor to direct
22. the Alaska Department of Environmental Conservation to reexamine how the United
23. States Environmental Protection Agency standards for the use of ultra low sulfur diesel
24. fuel are applied to the state's plan for off-road communities.
25. **COPIES** of this resolution shall be sent to the Honorable Christine Todd Whitman,
26. Administrator, U.S. Environmental Protection Agency; and to the Honorable Ted Stevens
27. and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
28. Representative, members of the Alaska delegation in Congress.

CSHJR 19 (RES)

New Text Underlined [DELETED TEXT BRACKETED]

## New Diesel Regs Fuel Complaints

By Tim Bradner  
Alaska Journal of Commerce  
January 20, 2003

Truck operators, rural utilities and fuel oil distributors' new U.S. Environmental Protection Agency requirements for ultra-low sulphur diesel will raise trucking costs and create a nightmare of a logistics problem for rural Alaska communities dependent on diesel-fueled power generation.

Harry McDonald, president of Carlile Transportation Systems, says an industry rule-of-thumb is that 50 cents added to the cost of a gallon of fuel raises freight rates by 10 percent.

Also, 50 cents per gallon added to the cost of fuel for the approximate 16 million gallons shipped to western Alaska utilities will add \$8 million per year to the cost of generating power in those communities.

There are many estimates for what the new fuel will cost, but the real costs for Alaska will be the special handling and separate tanks needed for storage, according to Ron King, an Alaska Dept. of Environmental Conservation official who is monitoring implementation of the new fuel requirement.

The new fuel must have no more than 15 parts-per-million sulphur content so that pollution control systems on new engines being made will not be damaged, King said. Diesel now in use has 500 parts-per-million sulphur content or higher.

Outside of Southeast Alaska and Kodiak, Alaskans who use diesel will also need a special "Arctic" blend of diesel that doesn't jell at low temperatures, King said.

Fifty cents a gallon is about what McDonald thinks it would cost his company if it had to truck its own fuel from Edmonton, Alberta refineries which will make the "Arctic" grade of ultra-low sulfur fuel. It's unlikely the fuel will be available from Alaska refineries, or even refineries on the U.S. west coast.

Truckers, fuel distributors and utilities now buy their fuel from Alaska refiners. But Tesoro Alaska Petroleum Co., Williams Alaska Petroleum Co. and PetroStar, Inc., which operate refineries near Fairbanks and Kenai, say they may not be able to afford the capital investment needed to make the ultra-low sulfur diesel.

Refineries on the U.S. west coast will be making ultra-low sulphur diesel but not the special Arctic blend that stays liquid at cold temperatures. These refiners could do a special run of Arctic-grade diesel, but this could create prohibitive costs and logistics problems, according to Frank Dillon, executive director of the Alaska Trucking Association.

"If a refiner did a special run, we would essentially have to have a string of barges standing by to take on the fuel. Then we'd have to store it somewhere," Dillon said.

Buying the fuel from the Alberta refineries and shipping to Alaska as it is needed is probably the practical alternative, according to King.

"The Alberta refiners will make the fuel for Canadian markets. They're on the same track of moving to low-sulphur fuel as we are," he said. "They said they'd be happy to sell it to us, at a price of course."

If there's enough volume involved, shipping by rail to Vancouver, B.C. and by barge to Anchorage might be less costly than trucking up the Alaska Highway, King said.

For now the new fuel requirement applies to diesel used on highways, in trucks and buses. But the EPA is now extending the requirement to off-road mobile diesel engines, such as in heavy equipment used in construction or portable generators, King said. Those regulations will probably be in place by 2007 or 2008, he said.

What is likely to follow is an EPA regulation covering stationary diesel engines, such as those used in power generation, King said.

From a practical point of view, power plant operators in many small Alaska communities will be affected at the same time truckers are, according to Meera Kohler, president of Alaska Village Electric Cooperative.

That's because the engines in village power plants are essentially truck engines, she said. After 2005 engine manufacturers will only be making engines that need the ultra-low sulphur fuel.

As rural utilities replace engines in village power plants they will need the new fuel no matter what the EPA does, Kohler said.

The formidable problem faced by Kohler and other rural utility managers is getting the fuel to the communities. Kohler said she has heard cost estimates for the new fuel ranging from 10 cents to \$1 in added costs, but her best guess now is that it will add 25 cents per gallon to AVEC's fuel costs, which averaged \$1.50 per gallon last year.

Fuel is now delivered in two ways to rural Alaska. Yukon Fuel Co. ships fuel by barge to villages along the Yukon River from Nenana, which is on the Alaska Railroad, according to Shane Tarter, vice president of petroleum and freight services for Yukon Fuel. The company also ships fuel by barge from Anchorage to Bethel, Bristol Bay and points west, Tarter said.

If the company has to get the special Arctic blend of ultra-low sulfur fuel from Edmonton refineries instead of the Tesoro refinery near Kenai, its current supplier, it would add more transportation costs even before the costs of shipping from Nenana or Cook Inlet are added, he said.

What's even more of a challenge, however, is the special handling and segregated tanks needed for the fuel. "It's very sensitive to contamination and this could create a large problem for us," Tarter said.

Tanks carrying the fuel would either have to be dedicated to that fuel or washed carefully if a different fuel is carried, he said. Barges now serving rural communities typically have only a few separate tanks that allow different fuel products to be carried.

If there is enough volume a solution will be found, but if only small quantities of the fuel is needed the separate storage will add costs.

Yukon Fuels also faces a different problem than that faced by utilities like AVEC, Tarter said. The utilities have their own separate tanks which, once cleaned, can be kept clean to store the new fuel. Yukon Fuels, like other fuel distributors in the region, operates large bulk storage tanks where diesel for all uses is stored. The company operates a bulk fuel storage facility in Bethel capable of holding 10 million gallons, he said.

If all diesel users in the region are using the fuel, the large tanks can be cleaned and used. This won't be the case if there are just a few using the fuel, however.

Transportation may be the largest cost, but King said the EPA estimates that refiners in the Lower 48 states should be able to manufacture the new fuel for five cents per gallon more than it costs to make diesel now being sold.

A ConocoPhillips Inc. refinery near Bellingham, Wash. that is making 15 parts-per-million diesel in a test program for school bus fleets in the Seattle area told King their costs are now running 7 cents per gallon more than conventional diesel, and that if larger volumes are made the cost can be lowered.

However, the Alberta refineries who make Arctic-grade diesel could charge more than that, King said.

The EPA established the regulations requiring engines that need the new fuel after an extensive national research program found that sulphur from diesel fuel is a major contributor to air pollution and health problems in major cities. Because the regulation apply to engines rather than the use of fuel, there's no way Alaska can be exempted from the rule, King said.

Currently the EPA has a national rule requiring use of diesel with 500 parts-per-million sulphur from which Alaska is exempted, King said.

"Diesel with 500 ppm sulphur is actually used in many parts of Alaska, like Southeast, because the fuel is purchased from Seattle, where it is the only diesel available," King said.

However, because the new regulation is linked to engines, which will be in Alaska when new trucks and buses are purchased, the fuel will be needed in Alaska.

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

**Alaska Power & Telephone  
Comments on Ultra Low Sulfur Fuel  
March 5, 2002**

Alaska Power & Telephone supports any controls that have a clear human health or environmental benefit. However, while studies indicate that pollutants caused by high sulfur fuel may contribute to respiratory disease, the impact of these pollutants in isolated remote Alaskan communities is negligible. Where is the justification in mandating Ultra Low Sulfur Diesel Fuel by 2010 in rural Alaska?

The financial impact on the consumers from these same communities will be of such proportion to adversely affect virtually every aspect of community life. In addition to the direct impacts this mandate will cause, such as increased fuel costs, compatibility with existing equipment, and storage concerns during the transition period, this mandate will increase an already high electric kilowatt-hour rate.

- Rural Alaska is heavily dependant on diesel generation.
- Fuel cost is estimated to increase approximately 23 cents per gallon.
- The BTU rating will be decreased by 14%, increasing fuel consumption.
- Dual fuel storage and dual delivery and metering systems will be required.

Electric consumers, whose kilowatt-hour rates are as much as 45 cents today could expect an increase of up to 5% if these costs are passed on to the consumer. These increased costs will also place an additional burden on the state PCE program.

Alaska Power Company (APC) currently provides electric service to 24 rural communities throughout Southeast and Interior Alaska. Of these, 19 communities depend strictly on diesel as the primary fuel source for generation, and the remaining five are hydroelectric facilities that depend on diesel generation as a backup.

The 19 APC communities that currently use diesel-powered generation are:

- Naukati
- Coffman Cove
- Hydaburg
- Whale Pass
- Hollis
- Tok
- Tanacross
- Dot Lake
- Tetlin
- Bertles
- Evansville
- Mentasta Lake
- Chistochina

- Eagle & Eagle Village
- Healy Lake
- Northway & Northway Village
- Allakaket
- Alatna
- Alcan Border Station

The five APC hydroelectric communities that still depend on diesel generation as a back-up are:

- Craig
- Skagway
- Haines
- South Thome Bay
- Klawock

We suggest the committee adopt a resolution with provisions that would require the DEC request the EPA to reevaluate and address the ramifications and costs to rural Alaska consumers.

Respectfully submitted,



Donald E. Mahon  
Vice President, Operations  
Alaska Power Company

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HJR 19  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DEC  
 Title Federal Diesel Fuel Requirements BRU Air & Water Quality  
 Component Air Quality  
 Sponsor: Representative Samuels  
 Requester House Resources Component No. 2061

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill will have no known fiscal impact upon the department.

Prepared by: Tom Chapple, Director Phone (907) 465-5128  
 Division Air & Water Quality Date/Time 4/11/03 11:50 AM  
 Approved by: Kurt Fredriksson, Deputy Commissioner Date 4/11/2003  
 Agency Department of Environmental Conservation

# Alaska State Legislature

Rep. Carl Gatto  
Rep. David Guttenberg  
Rep. Cheryll Heinze  
Rep. Beth Kerttula  
Rep. Bob Lynn  
Rep. Carl Morgan  
Rep. Kelly Wolf



State Capitol, Room 124  
Juneau, AK 99801-1182

**Chair**  
**Rep. Hugh "Bud" Fate**  
(907) 465-2338 fax: 465-3883  
**Vice-Chair**  
**Rep. Beverly Masek**  
(907) 465-2679 fax: 465-4822

## House Resources Committee

### MEMO

**To: Committee Members**  
**Fm: Staff**  
**Date: April 3, 2003**  
**Re: Committee Schedule for Resources**

House Resources Committee Room 124

**+\*HJR 19-FEDERAL DIESEL FUEL REQUIREMENTS**

**+HB 191-COASTAL MANAGEMENT PROGRAMS (We will not be hearing this bill)**

**+HB 163-NONRES.GAME TAG FEES/WILDLIFE TOUR PASS**  
**(Please bring your packets)**

Bills Previously Heard or Scheduled

All meetings will be teleconferenced