

HB

36

<TARGET><BILL>HB 36</BILL><SUBJECT>HB
36</SUBJECT><COMM>HRES28</COMM></TARGET>

HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: January 16, 2013

FURTHER REFERRALS:

Date of Committee Action: 1-28-2013

The RESOURCES Committee considered:

HB 36

HOUSE BILL NO. 36

"An Act exempting certain federal agencies or military services firing or using munitions on active ranges from prior authorization requirements of the Department of Environmental Conservation."

HB 36-EXEMPT DISCHARGES FROM USE OF MUNITIONS

Recommends it be replaced with HCS or CS for _____ (_____)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 DHS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	DEC			✓

<u>PREVIOUS FISCAL NOTES</u>				
FN#	List by Dept(s):	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Johnson	x			
	TUCK			✓	
	Hawker	*			
	WILSON	x			
	OLSON	✓			
	Tarr			✓	
	Seaton	✓			
Chair:	FEIGE	x			
Chair:	SANDLER	x			

Alaska State Legislature
House of Representatives
Representative Tammie Wilson

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House Bill 36

“An Act exempting certain federal agencies or military services firing or using munitions on active ranges from prior authorization requirements of the Department of Environmental Conservation”

House Bill 36 amends Alaska’s Waste Management and Disposal Authorization (AS 46.03.100(e)) such that the use of military ranges can occur in accordance with the Federal Water Pollution Control Act.

Additionally, HB 36 clarifies that all military services, such as the U.S. Coast Guard, conducting training activities on an active range, would be exempt from regulation unless otherwise regulated under the Federal Water Pollution Control Act.

This amendment is important because current state law could be interpreted to restrict the use of Alaska military ranges in a way not required by federal law. Without the amendment, Alaska’s military bases could be at risk of closure because of the operational constraints placed on military ranges.

HB 36 is supported by DMVA, DEC, and the Region 10 United States Air Force Regional Environmental Coordinator Office.

I appreciate the committee’s consideration for HB 36 and request your support.

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 36 (A)
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB036-DEC-WQ-01-10-13
Title: EXEMPT DISCHARGES FROM USE OF
MUNITIONS
Sponsor: T.WILSON
Requester: House Resources Committee

Department: Department of Environmental Conservation
Appropriation: Water
Allocation: Water Quality
OMB Component Number: 2062

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES	FY 2014	FY 2014					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Michelle Bonnet Hale, Director	Phone:	(907)269-6281
Division	Water	Date:	01/11/2013 10:45 AM
Approved By:	Lynn Kent, Deputy Commissioner	Date:	01/21/13
	Dept. of Environmental Conservation		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB 36

Analysis

Analysis/Assumptions:

This bill has no fiscal impact on the Department of Environmental Conservation, Division of Water.

FEDERAL WATER POLLUTION CONTROL ACT (CLEAN WATER ACT)

33 U.S.C. §§ 1251-1387, October 18, 1972, as amended 1973-1983, 1987, 1988, 1990-1992, 1994, 1995 and 1996.

Overview. The Federal Water Pollution Control Act, popularly known as the Clean Water Act, is a comprehensive statute aimed at restoring and maintaining the chemical, physical and biological integrity of the nation's waters. Enacted originally in 1948, the Act was amended numerous times until it was reorganized and expanded in 1972. It continues to be amended almost every year.

Even prior to the enactment of the 1972 version of the Act, the Act authorized the Public Health Service to prepare comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries and improving the sanitary condition of surface and underground waters. Due regard was to be given to improvements necessary to conserve waters for public water supplies, propagation of fish and aquatic life, recreational purposes, and agricultural and industrial uses. A number of other provisions found in the current Act were adopted prior to 1972.

Primary authority for the implementation and enforcement of the Clean Water Act now rests with the U.S. Environmental Protection Agency (EPA). In addition to the measures authorized before 1972, the Act authorizes water quality programs, requires federal effluent limitations and state water quality standards, requires permits for the discharge of pollutants into navigable waters, provides enforcement mechanisms, and authorizes funding for wastewater treatment works construction grants and state revolving loan programs, as well as funding to states and tribes for their water quality programs. Provisions have also been added to address water quality problems in specific regions and specific waterways.

Discharge Permits. One of the most significant features of the 1972 Act is the creation of a national pollutant discharge elimination system (NPDES). Except as otherwise provided in the Act, industrial sources and publicly owned treatment works may not discharge pollutants into navigable waters without a permit. The Administrator may issue a permit for discharge upon condition that the discharge meets applicable requirements, which are outlined extensively in the Act and which reflect, among other things, the need to meet federal effluent limitations and state water quality standards. The Act also provides that, with EPA approval, a state may administer its own permit program in lieu of the federal program. There are special provisions on municipal and industrial stormwater discharges. § 1342.

EPA was required, by mid-1973, to promulgate guidelines for determining the degradation of the waters of the territorial seas, the contiguous zone and the oceans. These guidelines were to include, for example: the effect of disposal of pollutants on human health or welfare, including but not limited to plankton, fish, shellfish, wildlife, shorelines and beaches; the effect on marine life, changes in marine ecosystem diversity, productivity and stability, or species and community population changes; the effect of disposal of pollutants on aesthetic, recreation and economic values. Discharge permits may not be issued except in compliance with the guidelines. § 1343.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Military and
Veterans Affairs

Office of the Commissioner

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January 14, 2013

The Honorable Tammie Wilson
Alaska House of Representatives
State Capitol Room 415
Juneau, Alaska 99801-1182

Representative Wilson,

I fully support the proposed amendment to the Alaska Clean Water Act. This amendment minimizes the opportunities for interruption to critical military training while maintaining a high level of environmental protection according to the Federal Water Pollution Control Act.

The United States Military presence in Alaska is vital to the state's safety, security, and economic stability. We must take every opportunity to empower the men and women of the military with the best training scenarios available. Alaska offers premier military training areas that are unmatched by any other location in the world. Although continued military training is critical, the protection of the natural environment on which the training is conducted is equally important. The amendment to the Alaska Clean Water Act both enhances military training capabilities and ensures the protection of Alaska's pristine environment.

Thank you for your efforts regarding this amendment. Your continued support of the United States Military in Alaska and your desire to protect Alaska's natural environment is very much appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Thomas H. Katkus".

Major General Thomas H. Katkus
Commissioner, DMVA



DEPARTMENT OF THE AIR FORCE

REGIONAL ENVIRONMENTAL COORDINATOR

SAN FRANCISCO, CALIFORNIA 94105-2230

23 Jan 2013

Clare R. Mendelsohn
Department of Defense
Regional Environmental Coordinator Region 10
50 Fremont St Ste 2450
San Francisco, CA 94105

The Honorable Tammie Wilson
Alaska House of Representatives
State Capitol, Room 412
Juneau, AK 99801-1182

Dear Representative Wilson:

I am writing on behalf the military services to express the Department of Defense's (DoD) support for House Bill 36, which you introduced to amend Alaska's Clean Water Act (AK CWA). Thanks to your continued leadership and assistance, this amendment will help ensure Alaska's continued capacity to host sustainable military readiness training.

As the DoD Regional Environmental Coordinator (REC) for U.S. Environmental Protection Agency (US EPA) Region X, I am responsible for coordinating responses to various environmental matters affecting Alaska's military installations. In this capacity, I am grateful for your support to DoD as we have coordinated with interested stakeholders, including the Alaska Department of Environmental Conservation (ADEC), Alaska Office of the Attorney General, US EPA, and the Alaska Military Force Advocacy and Structure Team (AMFAST), in developing this amendment.

As you are aware, existing language in Alaska Statute AS §46.03.100(e)(7) ("unless it results in a discharge into waters of the United States") might be interpreted to restrict the use of Alaska military ranges in a way that is not required under the federal Clean Water Act. HB 36 will instead allow the use of military ranges "unless otherwise regulated by the Federal Water Pollution Control Act." This will ensure military ranges can comply with Alaska law and be used in accordance with federal law, and will require that questions regarding the application of the AK CWA to military ranges are determined in accordance with the federal Clean Water Act.

In closing, Alaska's military installations and training range areas are crucial to DoD's worldwide mission. HB 36 is an important step in sustaining military training in Alaska. Thank you again for introducing and supporting this amendment.

Sincerely

CLARE R. MENDELSON

DoD Regional Environmental Coordinator, Region 10

Alaska State Legislature House of Representatives

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Representative Tammie Wilson



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Date: January 25, 2013

To: Representative Eric Feige, Co-Chair House Resources Committee
Representative Dan Saddler, Co-Chair House Resources Committee

From: Representative Tammie Wilson, District 2

Re: REVISED Testimony List, HB 36

In Committee

- **Kevin M. Ward**
Regional Counsel
U.S. Army Regional Environmental and Energy Office - Western
721 19th Street, Room 427
Denver, CO 80202-2500
Phone: (303) 844-0955
- **General Thomas Kaktus**
Commissioner DMVA
(907) 321 - 2179 (McHugh Pierre's phone number)
- **Michelle Bonnet Hale**
Water Division Director, DEC
555 Cordova St
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Off Net

- **Justin H. Trumbo, Lt Col, USAF**
Regional Counsel - United States Air Force Western Region
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(415) 977-8840
- **Seth Beausang**
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Date: January 18, 2013

To: Representative Eric Feige, Co-Chair House Resources Committee
Representative Dan Saddler, Co-Chair House Resources Committee

From: Representative Tammie Wilson, District 2

Re: Request for Hearing, HB 36

Enclosed is HB 36—"An Act exempting certain federal agencies or military services firing or using munitions on active ranges from prior authorization requirements of the Department of Environmental Conservation."

House Bill 36 amends Alaska's Waste Management and Disposal Authorization (AS 46.03.100(e)) such that the use of military ranges can occur in accordance with the Federal Water Pollution Control Act. This amendment is important because current state law could be interpreted to restrict the use of Alaska military ranges in a way not required by federal law.

This bill is strongly recommended by the U.S. Department of Defense and a priority for Alaska DMVA.

Accompanying sponsor statement and general back-up documents are included.

I would appreciate a hearing in the House Resources Committee at your earliest convenience.

Thank you for your consideration. Please contact Brandon Brefczynski at 4916 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Tammie".

Representative Tammie Wilson