

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2877

SRES

SB 503

As was stated in our toxicity comments, we cannot adequately comment on the impacts or effectiveness of this section without seeing the test method for polycyclic aromatic hydrocarbons (PAH) and halogenated hydrocarbons (HH). This test should include a method for determining the leachability potential of persistent materials before determining hazard.

RECOMMENDATIONS:

Delete section 62.060 until such time as the ADEC can justify the need to include persistent materials into these regulations. Also see comments and recommendations on Section 62.110.

6. 18 AAC 62.070 Characteristic of Carcinogenicity

This section would classify a waste as hazardous if it contains 1% or more of constituents which are identified as human or animal, positive or suspected carcinogens in the NIOSH Registry.

COMMENTS:

As with the toxicity characteristics, this could impose tremendous analytical burdens. Waste materials are usually complex mixtures and the generator will have to perform testing to determine what constituents are present. Basing the test on materials suspected as carcinogens in the NIOSH Registry means a generator would have to test the waste for thousands of chemicals.

There are also problems with simply adding up the percentages of different constituents. The carcinogenic effects shown in the registry are for many different organs or symptoms. There is no reason to believe that a waste containing 0.5% of a material which causes lung cancer and 0.5% of one which causes breast cancer will have the same effects as one which contains 1% of a material which causes bladder cancer. In addition, some of the cancer data in NIOSH is of questionable validity. A common complaint of the NIOSH cancer data as well as toxicity data is that they receive little, if any, peer review.

The ADEC must also look at whether such carcinogenic wastes have a potential to migrate or persist in the environment and thus cause harm before regulating these materials.

RECOMMENDATIONS:

Delete section 62.070 until such a time as the ADEC can justify an added benefit to the Alaskan environment. Also see comments on Section 62.110.

7. 18 AAC 62.110 Waste Extraction Procedure (WEP) Characteristic

This section essentially adopts the federal extraction procedure (EP) toxicity test found at 40 CFR Part 261, Appendix II. The EPA

specifically developed the EP-toxic procedure to test the leachability of a substance into the environment. The agency established concentration limits of certain persistent substances which had the ability to cause substantial harm to the environment and human health.

Section 62.050, 62.060 and 62.070 all deal with regulating hazardous wastes generated in Alaska which the ADEC believes are not adequately regulated by the federal program. This section gives ADEC the perfect opportunity to list those components of wastes which they feel are toxic, persistent or carcinogenic and leach into the environment causing harm to animals or humans. The EP-Toxic test is not without its problems, but at least it is a recognized test procedure currently being used by the regulated community.

For this approach to work the ADEC must address the following points:

1. What wastes are currently generated in the state of Alaska which are not adequately regulated by the federal hazardous waste program or other regulation which presents an eminent health problem to the general public?
2. Of the wastes listed in 1 above, what EP-Toxic test concentration of these wastes should be set to protect human health?

AOGA realizes that point 2 will be very difficult to address but at least the ADEC will be working with existing testing procedures rather than attempting to develop total new unproven tests in Section 50, 60 and 70.

RECOMMENDATIONS:

Expand the scope of section 62.110 to include the two points stated above.

8. 18 AAC 130 Exclusions

This list of exclusions is much shorter than that contained in the federal regulations. On the federal level, much effort was expended and a technical record established to justify those exclusions. Until the State has obtained supporting technical information that a given federally excluded hazardous waste causes a particular problem, in Alaska, we feel that the State should adopt the federal exclusions verbatim. The Alaska hazardous waste program enabling legislation requires as much. Before a waste may be listed as hazardous that is not also listed as hazardous waste by the U.S. Environmental Protection Agency under 42 U.S.C. 6921, the Commissioner of ADEC must determine that the waste is hazardous as defined in the Alaska hazardous waste statute (AS 46.03.299(b)(2)).

This section could create unwarranted problems for oil and gas exploration/production activities in the state. We do not believe that the regulations, relative to oil and gas exploration and production, will offer a significant increase in environmental protection. The cost of compliance, however, could be extremely high and the ability to comply may be very difficult, if not impossible, in some instances.

The two major discharges of oil and gas exploration and production are drilling fluids and produced waters. The environmental effects from discharges of these products have been the subject of millions of dollars of research conducted over several years. In general, research studies have not found that these discharges cause significant environmental impacts.

We must question whether the State of Alaska has evidence to implicate either drilling fluids or produced waters as waste products capable of imparting significant and irreparable harm to the environment. If significant and unalterable damage cannot be demonstrated, why further regulate an industry or its waste products? Where evidence is lacking to either substantiate or refute claims of environment damage due to waste disposal practices, we feel it is much more appropriate to conduct studies to answer the question than to formulate overly restrictive regulations which may be unnecessary.

The following few paragraphs describe the fate and effects of drilling fluids at onshore disposal locations.

Many factors influence the fate and effects of drilling fluids. The habitat onto or into which the drilling fluid is deposited, the climatic conditions (i.e. season), geological and physical factors at the time of drilling fluid discharge, all serve to alter the fate and thus the effects of the discharged drilling fluids. The type of drilling fluid which is discharged also influences fate and effects.

Onshore discharges of drilling fluids into sumps or pits with subsequent infilling in high arctic regions demonstrate very localized effects. D. W. Smith and T. D. W. James (1980) investigated changes in terrain and chemical properties of soil downslope from infilled drilling sumps and assessed their effects on vegetation at high Arctic well-sites. They found that contaminants consisting mainly of sodium chloride were distributed downslope from drilling sumps and were taken up by certain plant species. Reduction in plant cover was noted and felt due to chemical contamination and physical alteration. They concluded that "considering the small area in the High Arctic affected and the low production of vegetation, the potential for significant amounts of chemical contaminants reaching higher food chain levels is very low."

Impact on the permafrost by the deposition of drilling fluids in below-ground sumps was investigated by H. M. French and M. W. Smith

(1980). Their conclusion was that the discarding of drilling fluids in this manner does not lead to permafrost degradation.

W. E. Younkin and D. L. Johnson (1980) investigated the environmental impact of sump drilling fluid disposal to terrestrial systems utilizing ten sump drilling fluids representing three basic drilling mud systems. The research was conducted in Alberta, Canada. The three basic drilling fluid types were: KCl/water/polymer, dispersed water/gel and flocculated water/gel. Sump fluid chemistry and environmental impacts were studied on native plant and soil communities in the field and on potted reed canarygrass in the laboratory. Plant growth and seed germination studies were also carried out with exposures to selected components from KCl/water/polymer systems. The researchers noted that the KCl drilling fluids resulted in reductions in native plant cover but concluded that these reductions did not pose a serious threat to the long-term stability of any of the ecosystems in which disposal sites were located. No significant adverse effects on soil or vegetation were noted from the water/gel drilling fluids. The salt component of the drilling fluids was identified as the most damaging to plant health and soil chemistry. After two growing seasons the soil and tissue levels of salts had dropped to within control levels in the KCl drilling fluid disposal areas.

A rather involved study which investigated hydrologic and environmental effects of drilling mud pits and produced water impoundments was conducted for the American Petroleum Institute (API) by Dames and Moore (1982). The purpose of the API Study was to investigate the leaching potential of possible hazardous constituents from drilling fluid pits and impoundments. Eight sites from three major hydrogeologic regions were selected. Each site offered a different potential for leachate migration. The three major hydrogeologic regions were: 1, Northern, semi-arid sites on consolidated sedimentary facies in the Wyoming Overthrust Belt and the Williston Basin of North Dakota; 2) southern transitional climate sites on semi-consolidated sedimentary facies in N.E. Texas and in S.W. Arkansas; and 3) southern coastal sites on unconsolidated sedimentary facies in Southern Louisiana and Southern Texas. Six mud pits and two produced water impoundments were studied.

The parameters selected for chemical analysis in ground water, subsurface and surface soils and/or vegetation at these sites included arsenic (As), barium (Ba), cadmium (Cd), hexavalent chromium (h Cr), total chromium (t Cr), lead (Pb), mercury (Hg), zinc (Zn), sodium (Na), chloride (Cl), bromide (Br), total alkalinity, specific conductivity, pH and ground water temperature.

The following statement represents general conclusions from the study:

"The observations made and the data collected during the API Study led to a number of conclusions regarding both the effects of mud pit and production impoundments and the efficacy of the methods used to evaluate such effects for these and other disposal facilities. In general, results of chemical analyses of ground water, subsurface soil and surface soil, and vegetation samples at the sites indicate the most motile ions found to leach from both mud pits and produced water impoundments were Na and Cl.

Levels of Cl in ground water return to levels below Secondary Drinking Water Standards within a matter of several hundred feet at most facilities, and do not constitute either a health hazard or a water potability problem for public and industrial ground water uses. Probable migration rates of heavy metals from both mud pits and produced water impoundments to ground water appear to be very slow and the observed concentrations measured in ground waters at the sites do not indicate a hazard to human health.

Subsurface soils, surface soil and vegetation samples at all sites showed elevated levels of heavy metals, Na and Cl in pit and/or downgradient locations. However, apparent rates of migration are slow, based on the observation that "contaminated" subsurface layers, when they exist, are found in relatively narrow, shallow bands close to the point of origin. Moreover, although the results indicate elevated levels of some heavy metals in plants growing on some reclaimed mud pits and bordering some impoundments, the small size of the area of affected plants does not represent a significant portion of the available forage resources of the areas studied, and is unlikely to constitute a significant environmental or health hazard at any of the sites studied."

Moseley (1983) reviewed and summarized four major research studies on the onshore disposal of drilling fluids and the restoration of drilling fluid disposal sites.

The literature contains other studies on the effects of drilling fluid disposal at onshore (inland) sites. However, there should be enough evidence offered from the studies reported in these comments that traditional drilling fluid disposal methods do not offer significant and far-ranging environmental damage. To the contrary,

the studies reviewed indicated only localized effects that offered NO indication of long term human health or environmental effects. The promulgation of additional regulations to further control onshore disposal of drilling fluids and produced waters do not appear to be appropriate in light of evidence indicating minimal environmental effects.

Off-Shore Disposal of Drilling Fluids

Many studies have been conducted to measure the fate and effects of drilling fluids to the marine environment. The Alaska Department of Environmental Conservation is referred to three major review papers (Neff, 1981; Petrazzuolo, 1981; and Houghton, et. al., 1981) which synthesize much of the available literature on the subject. In addition, the major field studies which have investigated the fate and effects of drilling include Ray and Meek, 1980; Houghton, et. al., 1980; Ayers, et. al., 1980; and EG&G, 1982. With the exception of the Mid-Atlantic study (EG&G, 1982) all field studies listed were thoroughly critiqued by Neff, 1981 and Petrazzuolo in their synthesis papers.

The many field studies conducted on drilling fluids discharged offshore have demonstrated only localized zones of influence. None of the many field studies conducted to trace the fate and effects of drilling fluids have demonstrated large expanses of effects. Recovery of impaired resources has been noted in many instances and never has a concern for human health been demonstrated in any of the studies.

In both the onshore and offshore cases drilling fluids under the draft hazardous waste disposal regulations must be tested to determine whether they are a hazardous waste before a strategy for disposal is decided. There is always the potential for a drilling fluid which can be formulated in many different ways to fail one or more of the criteria for defining hazardous waste. In this case, a waste material which has already been shown to impart minimal environmental harm, would be subjected to further regulation in the interest of protecting an environment which is already adequately protected.

The implications of having to test drilling fluids to determine their status as a waste product before disposal are staggering to our industry. Some of the problems foreseen are:

- 1) During offshore drilling, drill cuttings coated with drilling fluids are discharged continuously. How would a continuous discharge be handled? To expect adequate storage capacity aboard drilling rigs to hold this material is unrealistic. It is not reasonable or feasible to have a storage barge constantly docked at an offshore platform.

- 2) Each drilling fluid has its own formulation. There are general classes of drilling mud systems but for purposes of the Alaska draft hazardous waste management regulations, the inclusion of one or more additives in various quantities would alter the drilling fluid. In this case, even if the drilling fluid had been previously classed as a non-hazardous waste it would again have to be tested for classification before disposal. During drilling, discharges of a part or all of the drilling fluid occurs intermittently. There is a great possibility for delays in drilling, while waiting for tests to be conducted to classifying (i.e., hazardous or non-hazardous) the drilling fluid before disposal.

- 3) The large volumes of drilling fluids utilized during drilling operations would create severe disposal problems at hazardous wastes disposal sites if relatively innocuous drilling fluids were classified as hazardous waste material.

In conclusion, the purpose of Alaska's draft hazardous waste management regulations should be to protect man and the environment. The criteria established for judging a waste product should not be loose enough to classify a waste as a hazardous waste when it has not been shown to cause significant harm to man and the environment. We believe that there is a possibility that certain drilling fluids could be classified as hazardous waste using the draft criteria presently proposed. However, we do not accept the idea that the discharge of a drilling fluid, whether into marine waters (offshore) or onshore, constitutes a threat to either man or the environment. Therefore, drilling fluids should be exempt in the draft hazardous waste management regulations.

RECOMMENDATION:

Rewrite Section 62.130 to include the following exclusion:

Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

9. 18 AAC 62.140 Residue in Empty Container

COMMENTS:

In section (a) the threshold levels should be specifically defined in 62.140. The second sentence---"However, if the threshold levels are exceeded, the container itself as well as the contents is

hazardous waste"--should be removed or reworded. As written this sentence implies that if threshold levels are exceeded, the container would be a hazardous waste, regardless of further emptying or cleaning.

Paragraph (b) criteria should be revised to agree with the EPA revisions to 261.7(b)(1) published August 18, 1982. One percent residue in a small container does not seem comparable to an allowable one inch depth. In a 55 gallon drum, one inch would approximate 3% of the volume which is allowed by EPA for containers up to 110 gallon capacity. Above 110 gallon capacity, the residue would be limited to 0.3%.

In paragraph (d), the state should define what is meant by pesticides. The State should also supply a list of what pesticides they are referencing. Section 62.150 is mis-referenced.

In paragraph (e), it should not be necessary to use the removed rinsate or residue for "the original intended purpose". It should be adequate that the residue be used "for an appropriate purpose consistent with the physical state, concentration and purity of the rinsate or residue." Any worthwhile and environmentally sound re-use of the material would be preferable to having it placed in a landfill. In addition, this paragraph should not be restricted to "rinsate and vacuumed residue". Residue may be removed by such means as scraping before solvent rinsing.

RECOMMENDATIONS:

Rewrite section 62.140(b) to read:

- (b) A container . . . (e.g., pouring, pumping, aspiration, etc.) and, no more than 3 percent by weight of the total capacity for 110 gallon and less containers or 0.3 percent by weight for containers greater than 110 gallons in size."

This wording is consistent with the EPA residue revision issued 18 August 1982.

Supply a list of the pesticides which are being referenced in section 62.140(d).

10. 18AAC 62.220 Dilution

COMMENTS:

Paragraph (c) has no relevance to the subject of "Dilution" and would be more appropriate if located as a paragraph under Sec. 200 as a "Requirement for Generators".

This provision seems to be somewhat akin to the federal "mixture" rule at 40 C.F.R. § 261.3. The federal mixture rule at § 261.3 (iv), includes some very useful and important exceptions for de

minimis amount of listed chemicals in wastewater systems subject to Section 402 or Section 307(b) of the Clean Water Act, and for mixtures of certain specifically listed spent solvents in solid wastewater. A careful reading should be made of this federal exception at 40 C.F.R. § 261.3. It is our belief that when you start looking at small laboratory operations at various manufacturing plants and/or production facilities you will discover that it would be very useful to have this exclusion especially for de minimis amounts of certain chemicals mixed with wastewater.

RECOMMENDATIONS:

Rewrite section 62.220 to include 40 C.F.R. 261.3 (iv) exceptions for de minimis amounts.

11. 18 AAC 62.630 Disposition of Hazardous Waste

COMMENTS:

There should be a reference to Sec. 620 regarding hazardous wastes which are to be recycled, reused or reclaimed.

The last sentence states that "all other wastes" can be disposed of in landfills meeting the requirements of 18 AAC 60. AOGA's concern is that there are no landfills in the state which currently meet the requirements of 18 AAC 60, therefore, how will this material be handled if no solid waste landfills exist to safely dispose of them?

12. 18 AAC 62.650 Manifest

COMMENTS:

The requirement under this section for the use of Chem-Trec for information regarding specific chemicals may not be appropriate to all waste generators since not all waste generators belong to Chem-Trec. Therefore, this requirement should be eliminated from the manifest stipulations.

AOGA suggests that this part be preempted by the Federal Uniform Manifest when it is adopted. Both the U.S. EPA and the DOT are combining efforts to develop this Uniform Manifest. This may be a requirement for obtaining interim authorization of the federal program.

RECOMMENDATIONS:

Rewrite section 62.250 to incorporate the federal uniform manifest system when adopted by RCRA.

13. 18 AAC 62.270 Annual Reports

COMMENTS:

AOGA suggests the state request biennial rather than annual hazardous waste reports. The Federal RCRA program has recently adopted this approach. This change would greatly reduce the amount of paper work the state would have to process without jeopardizing human health or the environment.

RECOMMENDATION:

Adopt the biennial submission of hazardous waste activities used by the RCRA program.

14. 18 AAC 62.300 Requirements for Transporters of Hazardous Wastes

COMMENTS:

Those transporters currently operating with an EPA approved transporter number should not have to obtain a state identification number. Instead, they should be grandfathered as are generators in section 62.200 (a).

RECOMMENDATIONS:

Add a new sentence to the end of paragraph 62.300(a) which would read:

"Transporters who have previously notified the U.S. Environmental Protection Agency (EPA) and obtained EPA identification numbers shall merely inform the department of that fact and provide their EPA identification number."

15. 18 AAC 62.330 Alternative Requirements for Shipments by Rail

COMMENTS:

As a general comment on this section it should be noted that at the present time the Alaska Railroad does not haul hazardous waste.

16. 18 AAC 62.410 Permit Procedures; Duration; Conditions

COMMENTS:

Those TSD facilities currently operating under an EPA permit should be grandfathered under this section.

RECOMMENDATIONS:

Add an additional sentence between sentences 2 and 3 of section 62.410 to read:

Persons who have previously notified the U.S. EPA and obtained EPA identification numbers as TSD facilities, shall merely inform the department of that fact and provide their EPA identification number.

17. 18 AAC 62.420 Underground Injection

COMMENT:

To be consistent with other parts of the regulation we suggest changing the July 1, 1981 date to January 21, 1983.

The initial report required to be submitted should be for 1982 rather than 1981, with subsequent reports for "1983 and each year thereafter."

Thirty days is an unnecessarily brief period for preparation of an annual report at a time of year when most companies and government agencies will be in a whirlwind of generating and receiving reports. We suggest extending the 30 day period to 60 days.

18. 18 AAC 62.510 Amount of Financial Responsibilities

COMMENT:

The last sentence of this section unjustifiably requires petrochemical facilities operating in the state to demonstrate financial responsibility in an amount of \$10,000,000. The state should justify why the petrochemical industry and not other Alaskan industries must demonstrate such a large financial responsibility.

19. 18 AAC 62.530 Financial Responsibility by Self-Insurance

COMMENT:

The U.S. EPA only requires a financial test. It does not require an irrevocable letter of credit. Legal advice should be sought as to whether an irrevocable letter of credit is an appropriate means of establishing financial responsibility by self-insurance.

20. 18 AAC 62.610 Spills, Discharges, Reporting and Clean-up

COMMENTS:

Spilled hazardous waste materials must already be reported to state officials under 18 AAC 75. Therefore, the reporting requirements of this section can be deleted.

21. 18 AAC 62.620 Recycling and Reuse

COMMENT:

The degree of hazard identified by the WEP test is not sufficient to warrant being included in Paragraph (b). Instead, those wastes failing the WEP test should be included in paragraph (a).

22. 18 AAC 62.640 Request for Information

COMMENT:

The state should better define what it means by the phrase, "all reasonable requests for information."

23. 18 AAC 62.650 Petitions to Exclude a Particular Listed Waste

COMMENTS:

Why is the petition to delist only for wastes listed in 18 AAC 62? This section should be expanded to include any wastes that might be considered hazardous, not just listed wastes.

The last sentence of this section only references characteristics identified at Section 50-70 as important in delisting. What about sections 62.80-110?

24. 18 AAC 62.670 Definitions for Adopted Regulations

COMMENTS:

Several EPA used terms are listed in Section 680, some with identical meanings and some that are considerably different.

RECOMMENDATION:

Rewrite the end of the first sentence to read, ". . . except as modified by this section or by Section 680."

25. 18 AAC 62.680 Definitions

COMMENTS:

Dermal LD₅₀, Oral LD₅₀, Inhalation LC₅₀, Aquatic LC₅₀ - These definitions should be consistent with that used in the NIOSH registry.

manifest - appears to be defining some term other than "manifest"

persistence - this definition does not relate to persistence as defined in 62.060. Also a persistent material will not pose harm to the general public or to the environment if it is not leachable. Therefore, this definition and section 62.060 should make this distinction.

petrochemical facility - lubricant oils and greases should be included with "fuels"; these are normal refinery products and are not products of petrochemical facilities.

26. Appendix I

COMMENTS:

F002 - Carbon tetrachloride does not belong under F002 and four other materials have been omitted.

As a general comment, AOGA understands that Appendix I wastes should match identically with 40 CFR 261.31 and 261.32. The state should carefully review this section to ensure it being identical.

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTICE OF PUBLIC HEARINGS
AND PROPOSED ADOPTION OF REGULATIONS:
HAZARDOUS WASTE

I. INTRODUCTION

Pursuant to AS 44.62.190 and 200, and AS 46.03.020(10), notice is hereby given that the State of Alaska, Department of Environmental Conservation is proposing to adopt comprehensive regulations regarding hazardous waste management in the State of Alaska. The regulations would affect persons who generate, transport, treat, store, or dispose of hazardous waste as it is defined by the regulations.

The proposed regulations have been prepared in accordance with the legislative mandate contained in Chapter 93 SLA 1981. That act, among other things, mandates the department to establish a state hazardous waste program and requires the program to be consistent with and substantially equivalent to that established by the federal government under the Resource Conservation and Recovery Act of 1976 P.L. 94-580, 42 USC §6901 et. seq. This mandate is generally codified at AS 46.03.299(a) and (b). In addition, Chapter 93 requires the establishment and implementation of financial responsibility requirements for any petrochemical facility or hazardous waste facility located in the State of Alaska. This mandate is codified at AS 46.03.830.

The regulations proposed are designed to meet the legislative mandate to establish a hazardous waste management program in the state and to implement and establish financial responsibility requirements for petrochemical facilities and hazardous waste facilities. While the sections of the Alaska statutes already cited in this summary are the primary provisions

which the proposed regulations would implement and interpret, other sections of the Alaska statutes which the proposed regulations would implement and interpret are: AS 46.03.296 ("Disposal of Hazardous Wastes"); AS 46.03.302 ("Hazardous Waste Permit"); AS 46.03.305 ("Hazardous Waste Reports and Manifests"); AS 46.03.308 ("Transportation of Hazardous Wastes"); and AS 46.03.833 ("Compliance with Financial Responsibility Requirements"). The proposed regulations would constitute a new chapter, Chapter 62 of Title 18 of the Alaska Administrative Code entitled : "HAZARDOUS WASTE."

II. ESSENTIAL FEATURES OF THE HAZARDOUS WASTE PROGRAM

To a large degree, and pursuant to the legislative mandate, the state program embodied in the proposed regulations mirrors the program developed by the federal government under the Resource Conservation and Recovery Act of 1976 (RCRA). RCRA is already being administered and enforced in Alaska by the U.S. Environmental Protection Agency. That program has been described in part as a "cradle-to-grave" tracking system for hazardous waste. That is, a system of record-keeping which maintains the identity and quantity of hazardous waste as it is produced or generated, up to and including the point at which it is finally disposed of. This includes adoption of the manifest system developed by the federal government under RCRA. The manifest system requires the preparation of a manifest documenting the identity and quantity of the waste as it is transported from the generator of the waste and is transported to its final destination. The manifest actually accompanies the waste as it is transported.

The proposed regulations would create a duty and responsibility on the part of those engaged in commercial or industrial activity to know whether their waste is hazardous as defined by the regulations. In general, waste is

hazardous depending upon its nature and the quantity generated. The proposed regulations declare that a waste is hazardous and subject to the provisions of the regulations if it exhibits any of the characteristics described by the regulations--ignitability, corrosivity, reactivity, waste extraction procedure (WEP), toxicity, persistence, or carcinogenicity--or if it is identified as a hazardous waste by any of the various lists included in the regulations, and it exceeds the quantities established which would require disposal or treatment at a hazardous waste facility. The attached flow chart graphically depicts the process entailed by the regulations for determining whether waste is hazardous.

With regard to the treatment or disposal of hazardous waste, the proposed regulations would generally require that if a person generates more than 400 pounds (181.8 kg) in any calendar month or batch, other than acutely hazardous chemical product, such waste must be treated or disposed only at a hazardous waste facility meeting federal standards. This general threshold level contrasts with the general level under RCRA of 2,200 lbs. At the present time there are no facilities permitted to accept hazardous waste from other sources. As in RCRA, the threshold level for acutely hazardous chemical products is 2.2 lbs. (1 kg) per calendar month or batch. Low concentration waste which is hazardous by virtue of toxicity or persistence may, with the permission of the department, be disposed at a State-permitted landfill.

III. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR PETROCHEMICAL FACILITIES AND HAZARDOUS WASTE FACILITIES

As mandated by Chapter 93, SLA 1981, the proposed regulations would establish financial responsibility requirements for hazardous waste facilities, facilities which treat, store, or dispose of hazardous waste. The proposed regulations

would require that each hazardous waste facility demonstrate financial responsibility in the amount of \$4,000,000.00 for liability for the entry or discharge of hazardous waste in the state or to any third person for personal injury, wrongful death or property damage. A petrochemical facility would be required to establish financial responsibility for such potential liability in the amount of \$10,000,000.00. In the case of hazardous waste facilities, financial assurance for closure and post-closure is presently required under federal law. No hazardous waste facility would be allowed to operate in the state without a permit from the department.

IV. PUBLIC HEARINGS

Notice is also given that public hearings regarding the proposed regulations will be held at the following locations on the following dates:

May 19, 1983	7:00 p.m.	Juneau	J-D High School Cafeteria
May 23, 1983	7:00 p.m.	Fairbanks	Ryan Jr. High School 951 Airport Road Multi-purpose Room
May 24, 1983	7:00 p.m.	Darrow	Borough Assembly Room Administration Building
May 25, 1983	7:00 p.m.	Anchorage	Central Jr. High School 1405 "E" Street Multi-purpose Room
May 26, 1983	7:00 p.m.	Soldotna	Assembly Chambers Borough Administration Building 148 North Binkley

Any person interested may present oral or written statements relevant to the action at the hearings. Written comments will also be received through May 31, 1983. Written comments and copies of the proposed regulations may be sent or obtained by writing to:

Richard A. Nevé
Commissioner
Department of Environmental Conservation
Pouch 0
Juneau, Alaska 99811

Copies of the proposed regulations may also be obtained from each regional office of the department. Following the public hearings and the close of the time period for written comment, the Department of Environmental Conservation may adopt the proposed regulations substantially as described above without further notice or may decide to take no action on them.

V. INCREASED APPROPRIATIONS

It is estimated that the program engendered by the proposed regulations will require increased appropriations by Fiscal year as follows (figures are in thousands of dollars):

FY 84, \$782


FY 86, \$880

FY 85, \$830

FY 87, \$1,040

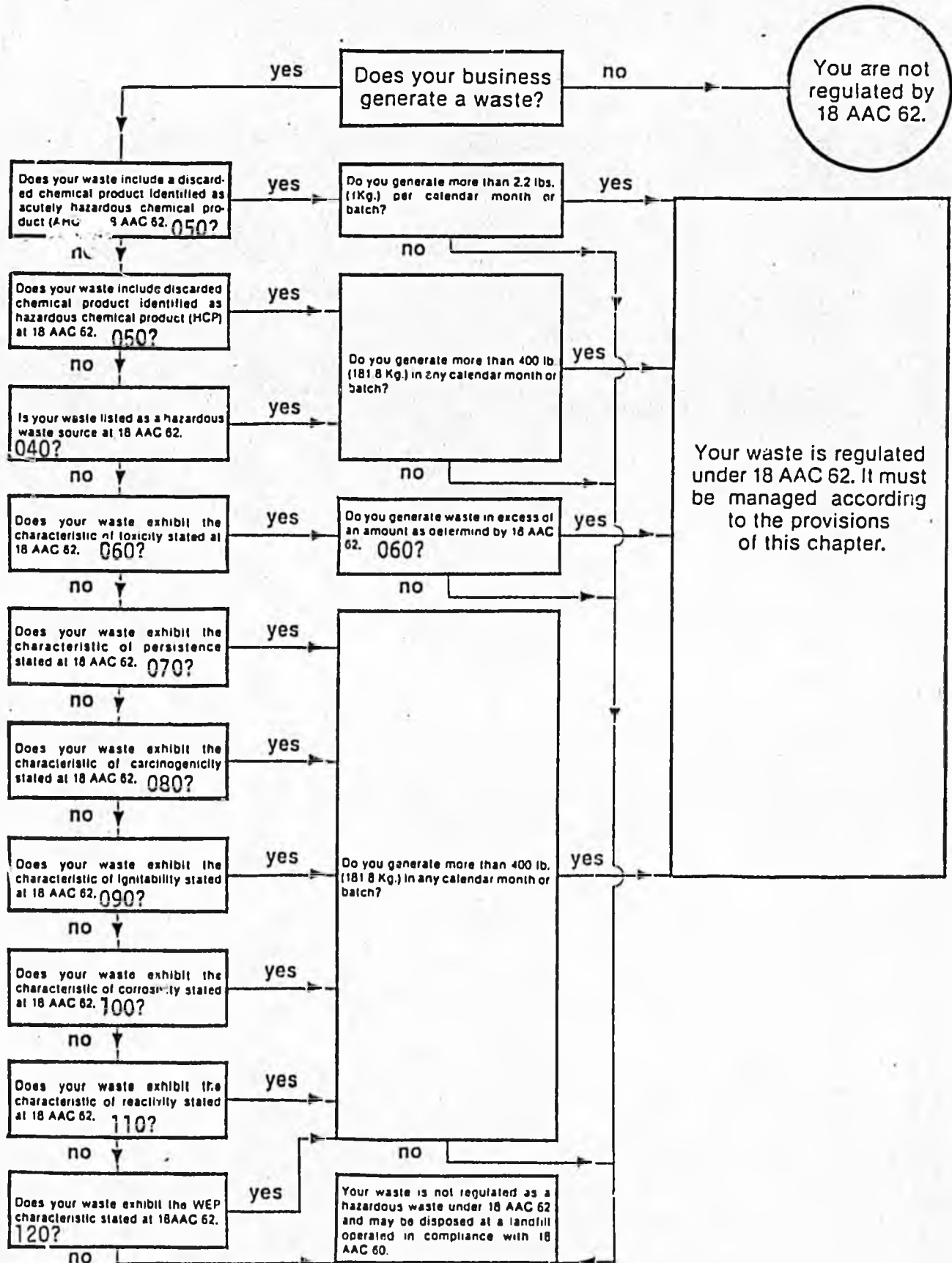
Date:

April 18, 1983



Joe Cladouhos
Director
Division of Environmental Quality
Management
Department of Environmental
Conservation

CHAPTER 62 HAZARDOUS WASTE
APPENDIX III FLOW CHART FOR DETERMINING WHETHER WASTE IS HAZARDOUS.



Alaska Oil and Gas Association

AOGA

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Anchorage, Alaska 99503
(907) 272-1481

FINAL

April 6, 1983

Mr. Stan Hungerford
Alaska Department of Environmental Conservation
Pouch O
Juneau, AK 99811

Suggested Topics for April
Hazardous Waste Advisory Work
Group Meeting

Dear Mr. Hungerford:

As the Alaska Oil and Gas Association (AOGA) representative on the Hazardous Waste Advisory Work Group (HWAWG), I distributed the January 28, 1983 draft of 18 AAC 62, Hazardous Waste Regulations to the AOGA member companies. Our members have had an opportunity to review the proposed regulations and have attached specific comments concerning the draft.

Our specific comments reflect AOGA's serious concerns regarding the proposed regulations. The draft contains several areas which differ from existing federal regulations regarding hazardous wastes. Also, there are several specifications for testing methods and other important parameters which are not well defined in the draft regulations. We would appreciate your response to the attached specific comments in the April HWAWG meeting.

We would also like to propose some general discussion topics for the April HWAWG meeting. AOGA supports early interaction between those charged with the drafting of proposed regulations and those that the draft regulations would affect. We feel that the HWAWG can provide such a forum for the exchange of concerns regarding the management of hazardous wastes. We have identified several general questions concerning the draft regulations and suggest these questions be discussed at the upcoming HWAWG meeting. We would also appreciate receiving your answers directly so that our member companies can more completely understand the draft regulations. Our questions are as follows:

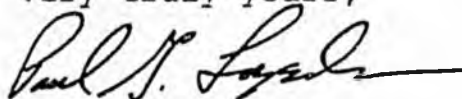
- ° In what instances do you feel the draft regulations differ from those promulgated as a consequence of the Resource Conservation and Recovery Act (RCRA)? There are obviously basic differences between the proposed regulations and RCRA regulations. We would like to understand where you feel these differences occur and why they are needed in Alaska.

- ° What is the rationale behind these differences? Where differences exist between Alaska's proposed program and that of the federal government, there must be specific reasons related to special Alaska related concerns. These concerns, and the rationale used to address such concerns, need to be itemized to generate a further understanding of the proposed regulations.
- ° What is the scientific justification for the technical solution used to address the concerns leading to an approach different from RCRA? In the areas where the state felt a need to provide regulations different from the federal regulations, a technical approach to definition, storage and handling of wastes is used. This technical approach must have scientific justification, and a clear statement of such justification would clarify the proposed regulations. We are encouraged to hear that you offered to provide such a document in the February HAWWG meeting.
- ° What are some specific examples of wastes which: first, you feel are currently or are likely to be generated in Alaska, second, are not appropriately managed by existing state or federal programs and third, you feel constitute a hazard to human health and/or environment of Alaska? Broad regulations, such as those proposed by the subject draft; carry with them a "guilty until proven innocent" stigma. The focus provided by the answers to this question will be helpful in understanding the intent of these proposed regulations.
- ° Are there existing state and federal regulations which provide for the management of wastes contemplated by the draft regulations? It is AOGA's opinion that there are, and that an increase in regulation may not be required. A review by you of the existing regulations in the waste management arena, as well as statements as to which wastes you feel the existing regulatory system does not adequately manage, would provide insight to the concerns which you are trying to address in the proposed regulations.
- ° What are the costs associated with the requirements set out in the draft regulations? AOGA has a strong interest in a cost benefit analysis of these regulations. Your analysis of this issue would provide insight into the intention of the Department and the proposed regulations.

- ° Do you feel that the potential increase in waste streams defined as hazardous will create a burden upon the systems which are currently used in association with existing hazardous waste management? An increase in the volume of waste streams defined as hazardous may create an unjustified burden on newly identified "generators." An analysis of this potential impact, and an evaluation of its appropriateness would be helpful in understanding the intentions of the proposed regulations.
- ° Of particular concern to AOGA, do you feel that there are wastes associated with the exploration, development and production of crude oil or natural gas which are not adequately managed by existing regulations, and which pose a hazard to the health or environment of Alaska? If it is the intention of the Department to consider these wastes as hazardous, a clear statement of the position would be helpful. If it is the intention of the Department that the identification tests proposed in the draft regulations be performed on the "high volume" waste streams associated with the subject operations, a clear statement of that position would be helpful.

Discussions of the above concerns will help AOGA's member companies to understand the proposed regulations. As currently drafted, we have serious problems with the proposed regulations as reflected in the attached comments. We are looking forward to the April HWAWG meeting, your response to the questions noted above, and a review of our attached comments. As always, we are available to discuss any information we have presented.

Very truly yours,



PAUL LOGSDON, Member
Hazardous Waste Advisory
Work Group

WWH:mk1.66

cc: (w/attachments)
Dr. Richard Neve', Commissioner
Alaska Department of Environmental Conservation
Bob Martin, ADEC Anchorage

Resource Development Council

for Alaska, Inc.

444 West 7th Avenue, Anchorage, Alaska 99501
Box 100516, Anchorage, Alaska 99510 — 907/278-9615

May 20, 1983

THIS IS AN RDC RED ALERT!!

MAY 23 1983

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Paula P. Easley

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Mayor Bill B. Allen
Commissioner Richard A. Lyon
Senator Frank Murkowski
Governor Bill Sheffield
Senator Ted Stevens
Mayor Stan Thompson
Congressman Dan Young

The Alaska Department of Environmental Conservation has issued draft regulations on Hazardous Waste Management which could result in a lot of expense to you or someone with whom you do business! If you are concerned, you have the opportunity to influence those regulations. Here's what you must do:

- ...Contact the nearest ADEC office and get a copy of the regulations and study them for the effect they may have on you or your friends.
- ...Attend the public hearing nearest you and speak your concerns.
- ...Write ADEC and your legislators to voice your concerns.

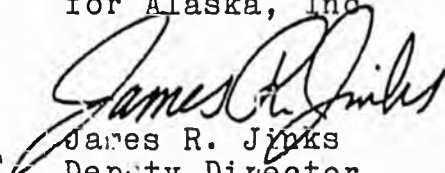
The Resource Development Council believes that it is very important that as many Alaskans as possible examine the regulations and voice their concerns about them. We believe the regulations will place very onerous, expensive and unnecessary burdens on businesses and individuals. We also feel the federal regulations for Hazardous Waste Management are adequate and that we should carefully analyze the impact of these proposed additional state regulations before they are imposed on the people and businesses of Alaska.

The enclosed paper explains some of the implications of the draft regulations. There are many additional provisions in the regulations which may concern you directly.

The Council strongly urges you to become familiar with the regulations and insure that your concerns are heard. Please take the time to act on this important matter!

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.


James R. Jinks
Deputy Director



Bear Creek Mining Company

Exploration Division of Kennecott Corporation

Anchorage
Office

June 24, 1983

JUN 29 1983

The Commissioner
Alaska Department of Environmental Conservation
Pouch O
3220 Hospital Drive
Juneau, Alaska 99811

Re: Draft Hazardous Waste Management Regulation of April 18, 1983

Dear Sir:

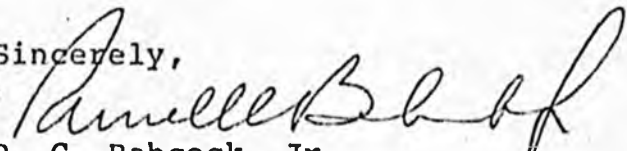
It appears that as drafted these regulations may jeopardize the commencement of hardrock mining in the State of Alaska. This threat exists in the omission under proposed Exclusions (18AAC 140) of the same list of exclusions as present in the corresponding Federal regulations. Under Federal regulations "beneficiation wastes" are specifically excluded - they are not under the proposed regulations and thus mine tailings become hazardous wastes. As such, disposal costs would increase significantly, and the mine might well be uneconomic.

I can not believe that you wish to create regulations seriously jeopardizing hardrock mining in this state, therefore urge you to revise the subject draft regulations to conform fully with Federal regulations on the point of exemptions. As you are aware, there are already a series of State laws and regulations dealing with safe and environmentally sound mining.

It also appears that there are, in your draft regulations, other inconsistencies with the Federal regulations which result in uncertainty, confusion, and significant cost impacts on many types of industrial and commercial operations, as well as mining. We urge you to adopt regulations close to the Federal regulations throughout.

You are certainly aware that the Federal regulations are tough and create in some cases excessive economic impacts. There is no need to create a greater burden for Alaska to carry as it tries to create a productive and self-sufficient society within its borders.

Sincerely,


R. C. Babcock, Jr.
Vice President and Manager, Alaska

RCB:dk

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

Telephone: (907) 465-2600
Address: Pouch 0
Juneau 99811

JUN 16 1983

June 15, 1983

The Honorable Betty Fahrenkamp
Chair, Senate Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

Thank you very much for your June 7, 1983, letter and comments on the department's proposed hazardous waste regulations. I share your concern that the state approach regulation of hazardous wastes in Alaska with caution to assure that the regulations are appropriate to conditions in our state. It is also most important to assure that the regulations be effective by designing and implementing a complete program. Such a program must educate the public about the potential effects of improper management of hazardous wastes and encourage or establish an appropriate waste management system in Alaska.

As you know, budget reductions in the past year and the reduced budget for FY'84 have had a significant impact on development and implementation of the hazardous waste program authorized with Senate Bill 29. To date, the increase in my staff from one program person has been limited to but one new field position in the Fairbanks office and supporting previous underfunding of one full-time equivalent field person in the Anchorage office. Under current written federal policy, the agency has a limited ability to request federal funding for program development.

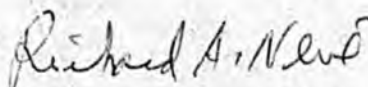
My staff has been directed to work closely with the U.S. EPA to obtain available federal funds to replace the decreased state appropriations for my hazardous waste management program staff, so that we can continue the design and development of the program and regulations in FY'84. I intend to request increased state and available federal funding in FY'85 to restore the program staffing and support costs originally envisioned by the legislature.

During the next few weeks, my staff will be carefully analyzing all the relevant testimony received during the public review of our proposed regulations. The majority of the comments were well-founded and well-presented, and I am confident will be most helpful as we refine the proposed regulations. We appreciate the cooperation of you and your staff in this process. Monday's meeting between Jim Palmer, Joe Cladouhos and Stanley Hungerford was of great value to us.

June 15, 1983

I look forward to discussing with you the direction of our hazardous waste management program, and want to assure you that we will not implement unduly restrictive regulations without plans for adequately enforcing them and implementing an effective waste management system. The development of an informed public and an informed regulated community is a most important element of any program if it is to be effectively complied with and if it is to assure the protection of our Alaskan way of life.

Sincerely,



Richard A. Nevé
Commissioner

cc: Ron Kriezenbeck, Director/U.S. EPA
Stanley Hungerford, Supervisor/A&SWM
David DiTraglia, Hazardous Waste Program Mgr.



U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X
ALASKA OPERATIONS OFFICE
3200 HOSPITAL DRIVE
SUITE 101
JUNEAU, ALASKA 99801

REPLY TO
ATTN OF:

May 19, 1983

MAY 23 1983

Richard A. Nevé, Commissioner
Alaska Department of Environmental Conservation
Pouch 0
Juneau, Alaska 99811

Dear Commissioner Nevé:

We appreciate the opportunity to comment on the hazardous waste regulations proposed by your Department. EPA has not yet completed a detailed review of these regulations, however we will submit such a review prior to the close of the public comment period. EPA's review will be twofold. First, a detailed review of the proposed regulations to be completed by mid-June; and second, a comprehensive review of the State's proposed hazardous waste program which will be initiated upon receipt of the State's authorization application. This is scheduled for the first week in June. At this time we do wish to make some general comments based upon our review to date.

The hazardous waste regulations proposed by the Alaska Department of Environmental Conservation (ADEC) represents a serious and careful effort to establish a State operated hazardous waste management program for the State of Alaska. The adoption and implementation of hazardous waste regulations is a crucial step in the State's development of a program which can be authorized by the Environmental Protection Agency (EPA). Such an effort was envisioned and mandated by Alaska's environmental statutes. EPA, on the other hand, is charged by Congress with the responsibility of carrying out and enforcing the provisions of the Resource Conservation and Recovery Act (RCRA). In addition to regulating hazardous waste from "cradle to grave," RCRA mandates that EPA authorize a state to operate a hazardous waste program in lieu of Federal regulations after the State develops an acceptable program. This was the intent of Congress based on the concept that the States were in a better position to more efficiently and effectively manage hazardous waste within their jurisdiction. To this end, RCRA authorizes a state to develop a program that is more stringent than the Federal program.

During the past year, EPA has been providing assistance to DEC to help ensure that the proposed regulations contain all the requirements necessary in order for Alaska's program to be authorized.

In this context, we would like to address a concern which has been raised by certain reviewers of the regulations, namely, that DEC's proposed regulations go beyond the scope of the hazardous waste program envisioned by the Federal Resource Conservation and Recovery Act (RCRA). We wish to emphatically state that EPA does not perceive these regulations to go beyond the scope or intent of RCRA.

It is true that these regulations propose a more stringent definition of what wastes are to be regulated as hazardous. In general, Federal regulations allow hazardous wastes generated in quantities of less than 2,200 pounds/month to be handled as any other solid wastes, basically, to be disposed of in municipal or industrial waste landfills, rather than manifested and disposed of in landfills meeting the more technically demanding requirements of hazardous waste landfills. The Alaska regulations propose that only wastes generated in quantities of less than 400 pounds/month be allowed to be regulated as regular solid wastes. We would like to note that it has frequently been proposed that the Federal "small quantity cutoff," as it is called, be lowered from the current 2,200 pounds/month limit. EPA has yet to take action on these proposals; however, it is quite possible that the cutoff will be lowered in the near future.

Similar to the Federal regulations the State regulations require that wastes be tested for certain characteristics to determine whether or not they are hazardous. Lists of wastes which will automatically be deemed hazardous for purposes of regulation have also been developed. These regulations differ from the current set of Federal regulations in that the State requires a few additional criteria be applied to a waste to determine whether it is hazardous. Even though some of these specific criteria are not applied at the Federal level, the hazardous characteristics of wastes which these criteria seek to reveal are completely consistent with the characteristics EPA considered in determining which wastes should be managed as hazardous.


Finally, these regulations provide the same exclusions as the Federal program does for drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy from regulation as hazardous wastes. Alaska's proposed regulations establish a deadline by which this exclusions will be dropped by DEC, if they have determined that such wastes should potentially be regulated as hazardous. It should be stressed that by not making the exclusion permanent, these wastes would not automatically be regulated as hazardous. Eliminating the exclusion would simply mean that drilling fluids and produced waters would be subject to the same requirements as any other wastes to determine whether they are hazardous. Only if they display such hazardous characteristics would they then be regulated as hazardous wastes.

We wish to make two additional points regarding this exclusion. The first is that RCRA does not simply exclude all wastes from such sites from regulation as hazardous wastes. It is EPA's policy that only wastes uniquely associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy be excluded from regulation. That is, wastes such as spent solvents, pesticide wastes, and discarded commercial chemical products from these operations are not eligible for the exclusion. Second, and more importantly, the approach in the State's regulations to limit the exclusion is consistent with the exclusion contained in RCRA. A careful reading of RCRA

will reveal that Congress recognized the potentially hazardous quality of these wastes. These proposed regulations go a step beyond the Federal program only in the sense that they require a demonstration to be made that such wastes are not sufficiently hazardous to consider regulating them as hazardous wastes.

In summary, we would like to state that we are not aware of any requirements in the DEC's proposed regulations which go beyond the scope of RCRA. It is true that the approach toward defining what is to be regulated as a hazardous waste differs in a few areas from the one EPA has taken in developing a Federal program. However, it is our perception that in all respects these regulations seek to achieve the same goals as the Federal program, in short, proper management of hazardous wastes from the time they are generated through to treatment, storage, and ultimate disposal.

Sincerely,


Ronald A. Kreizenbeck, Director
Alaska Operations Office

cc: Alex Smith, EPA, Seattle
Ken Feigner, EPA, Seattle
Joe Cladouhos, DEC
Keith Kelton, DEC
Lennie Boston, Office of the Governor

STATE HAZARDOUS WASTE REGULATIONS

The Alaska Department of Environmental Conservation (ADEC) has issued draft Hazardous Waste Management regulations for public comment. These regulations have been developed specifically to regulate the small generators of hazardous wastes. Numerous Alaskan industries currently exempted from the federal hazardous waste regulations will be regulated by this proposed regulation. It is up to each Alaskan waste generating industry to evaluate its particular waste streams against the hazardous identification procedures outlined in the draft.

If a particular industrial waste stream falls subject to these regulations the owner of the waste would have to:

---Containerize and label the waste according to the U.S. Department of Transportation standards.

---Have it picked up by a transporter with an EPA identification number.

---Initiate a manifest which would track the waste from cradle to grave.

---Could not store the waste at the site of generation for more than 90 days without falling subject to the more onerous storage requirements.

---Would have to maintain records and prepare annual reports for submission to the ADEC. Would have to send the waste to a hazardous waste facility approved by the federal government for hazardous waste disposal. The closest federally approved landfill is in Arlington, Oregon. Cost to ship 400 pounds of hazardous waste from Anchorage to Arlington and dispose of it is approximately \$3,000 (this estimate assumes no consolidation).

Examples of Alaskan industries which might be regulated are:

1. Service Stations which collect waste lube oils in quantities greater than 55 gallon quantities.

2. Printers, dry cleaners, film developers, and paint manufacturers who use solvents or other fluids containing small quantities of heavy metals or halogenated hydrocarbons.

3. Any disposers of the pesticides Endrin, Lindane, Methoxychlor, Toxaphene, Aldrin, Chlorodane, and Pentachlorophenol.

Because the ADEC has not evaluated the impact this regulation will have on the business community it is important for each business to evaluate its waste in relationship to this draft regulation. If any undue hardships are created for you or your business they should be pointed out during the public comment periods. The ADEC has scheduled public hearings in the following cities.

Juneau	May 23	7:00 pm	Juneau Douglas Cafeteria
Fairbanks	May 23	7:00 pm	Ryan Junior High School
Barrow	May 24	7:00 pm	Barrow Assembly Hall
Anchorage	May 25	7:00 pm	Central Junior High School
Soldotna	May 26	7:00 pm	Borough Assembly Chambers

Written comments can be submitted before June 27, 1983. The State wishes to promulgate these regulations by July 15.

Contact your nearest ADEC office to obtain a copy of the regulation. It is in your own best interest to fully understand the impacts this regulation could have on your livelihood.

TEMPORARY EXCLUSIONS

10 Drilling fluids, produce waters and other wastes associated with the exploration, development and production of oil, gas, or geothermal energy are excluded from the requirements of this chapter until January 11, 1985. The department will study data provided by industry on each of the following wastes to assess the need for permanent exclusions. Any waste which has not been permanently excluded by January 1, 1985, shall become subject to the requirements of this chapter.

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NORTHWEST INTERSTATE COMPACT COMMITTEE MEMBERS

<u>State</u>	<u>Governor's Representative</u>	<u>Date of Authorizing Legislation</u>
Alaska	Mr. Stanley Hungerford Department of Environmental Conservation Pouch O Juneau, Alaska 99811 (907) 465-2666	June 1983
Hawaii	Mr. Melvin Koizumi Deputy Director Environmental Health Department of Health P. O. Box 3378 Honolulu, Hawaii 96801 (801) 548-4139	June 1982
Idaho	Mr. Robert Funderburg Manager of Radiation Control Division of Environment 450 W. State, 5th Floor Boise, Idaho 83720 (208) 334-4107	April 1981
Montana	Mr. Larry Lloyd, Chief Occupational Health Bureau Department of Health and Environmental Sciences Room A-113 Cogswell Building Helena, Montana 59601 (406) 449-3671	March 1983
Oregon	Mr. Donald Godard, Administrator Siting and Regulation Section Department of Energy Labor & Industries Building Room 102 Salem, Oregon 97310 (503) 378-6469	July 1981
Utah	Mr. Dennis Dalley, Director Bureau of Radiation Control 150 W. North Temple P. O. Box 2500 Salt Lake City, Utah 84110 (801) 533-6734	February 1982
Washington	Mr. David Stevens, Chairman Program Director Office of Nuclear Waste Management Department of Ecology Mail Stop PV-11 Olympia, Washington 98504 (206) 459-6504	April 1981

FACT SHEET

NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL WASTE MANAGEMENT

The Northwest Interstate Compact on Low-Level Waste Management is the first compact established in the nation for managing low-level waste on a regional basis, fulfilling the Congressional intent set forth in Public Law 96-573, the Low-Level Radioactive Waste Policy Act. In the spring of 1981, the legislatures of Idaho and Washington formally adopted the Compact. Oregon adopted Compact language in July 1981, Utah passed the necessary legislation in February 1982. Montana joined by executive order of Governor Schwinden in November 1981 and their legislature adopted the Compact in March 1983. Hawaii passed the Compact in June 1982. Alaska's legislature approved the Compact in June 1983. Wyoming, the other eligible state, has joined the Rocky Mountain Compact.

Basically, the purpose of the Compact is to provide for the health and safety of the citizens of member states, with the responsibility for low-level radioactive waste management shared equally by the states. Membership in the Compact requires a party state in which a disposal facility is located (Washington has such a site) to accept waste from other member states. Waste from non-Compact states will not be accepted after Congress ratifies the Compact and authorizes the Compact states to prohibit importation. In addition to low-level waste, participants recognize the principle of reciprocity in accepting hazardous chemical wastes.

Under the Compact provisions, the Governor of each member state has named a representative to the Northwest Low-Level Waste Compact Committee. The Committee meets to consider matters arising under the jurisdiction of the Compact such as the review of low-level waste management regulations and approval of disposal of waste from non-member states. In addition, the Committee functions to enhance and extend communications efforts among the Northwest states and with the other regions.

There is one low-level waste disposal site in the Northwest Interstate Compact located on the U.S. DOE Hanford Reservation near Richland, Washington. The 100 acre site is operated by US Ecology, Inc. under sublease from Washington State. In 1982 1,390,000 cubic feet of low-level waste was disposed at the site, which compromised approximately 50 percent of the low-level waste disposed in the nation.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

BILL SHEFFIELD, GOVERNOR

Telephone: (907) 465-2666
Address: Pouch 0
Juneau 99811

JUL 5 1983

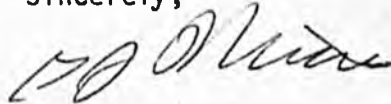
June 30, 1983

The Honorable Bettye Fahrenkamp
Senator
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

Enclosed is a copy of our response to Mr. Beau Borjesson regarding the proposed hazardous waste regulations. Thank you for your interest in this matter.

Sincerely,



Glenn J. Miller
Environmental Engineer

Enclosure

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

Telephone: (907)

Address: 465-2600

Pouch 0

Juneau 99811

June 27, 1983

Mr. Beau Borjesson
Alaska Energy Company
P.O. Box 104045
Anchorage, Alaska 99510

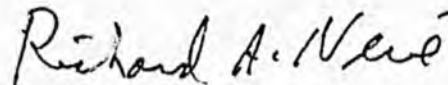
Dear Mr. Borjesson:

Thank you for your letter and information package received in this department June 21, 1983, regarding the proposed hazardous waste regulations. I appreciate your interest in this very important and sensitive environmental issue. A copy of your comments has also been forwarded to this department through Representatives Charlie Bussell and Niilo Koponen, and acknowledgement of receipt of your comments will be mailed to them.

The numerous comments and extensive data pertaining to waste oil burners will be considered carefully along with information from other concerned citizens. Final decisions on what action to take will be made after the public comment period ends.

Again, I thank you for your interest in protecting Alaska's environment and your participation in this regulatory process.

Sincerely,



Richard A. Nevé
Commissioner

Enclosure

cc: Governor Bill Sheffield
Lt. Governor Steve McAlpine
Alaska State Legislators
David DiTaglia

FOSSIL FUELS

ALASKAN OIL EXPORTS - Another round of hearings on the complicated issue of whether to allow exports of Alaskan oil begins this week, convened by a key Senate export proponent.

Foreign Relations' East Asian and Pacific Affairs Subcommittee, chaired by export backer Frank H. Murkowski (R-Alaska), has scheduled hearings Tuesday and Wednesday, July 19-20, at 2 p.m. in 419 Dirksen.

While the Senate Banking Committee approved May 25 a six-year extension of current Alaskan oil export restrictions as part of the reauthorization of the Export Administration Act (S 979), Murkowski and the two other members of the Alaska delegation favor allowing at least some Alaskan crude to be shipped overseas if a formula can be worked out to protect national security and assuage maritime and oil industry concerns.

While staff say Murkowski has made no decision yet on whether he will offer an amendment to S 979 when it reaches the Senate floor, this week's hearing is believed to be aimed at establishing a hearing record on the issue for him.

Administration Position: After testifying earlier this year that it had made no decision on allowing exports, the Reagan administration in recent weeks also appears to have settled on a policy of allowing at least some exports to Japan.

News accounts from Japan, for instance, recently quoted an unnamed "U.S. government official" as saying, after two days of talks in Tokyo by a Japan-U.S. Energy Working Group, that the administration supports "at least" a partial lifting of the ban.

Administration officials who will testify this week before Foreign Relations include Richard McCormack, assistant secretary of State for economic affairs, and an official from the U.S. Trade Representative's office.

Critics of lifting current restrictions, including the AFL-CIO and

hazardous wastes
the Consumer Energy Council of America, also will testify.

Congressional Opposition: Members favoring even a partial lifting of restrictions face an uphill battle in Congress this year. More than 200 House members have co-sponsored a bill (HR 1197) by Reps. Stewart B. McKinney (R-Conn.) and Howard Wolpe (D-Mich.) to continue bans indefinitely. Approximately 25 Senate members have co-sponsored a companion measure (S 1159) by Sen. Mark O. Hatfield (R-Ore.). (For additional details on the export issue, see Fact Sheet, May 24.)

Subcommittee contacts: Mary Locke, majority, x5481; Carl Ford, minority, x47522.

HAZARDOUS SUBSTANCES

GENERATION GAP - Senate Environment's environmental pollution subcommittee this week intends to wrap up its package of amendments (S 757) to the hazardous waste management law.

Still to be ironed out are provisions extending regulations to small businesses producing less than a metric ton per month of hazardous wastes and restricting land disposal of certain wastes.

The same issues are up for discussion next week in a House Small Business subcommittee, lobbied by small quantity waste generators who say they have had little influence on the House Energy amendments affecting them.

The small businesses are up against a tight deadline in the House. The Energy bill (HR 2867) comes up in Rules Committee this Tuesday, July 19, and may reach the floor before the Small Business panel hearing July 26. The Small Business panel does not have jurisdiction over the bill, but its hearing could build support for a floor amendment to ease House Energy's language.

Markup: The Senate Environment

subcommittee plans to mark up Chairman John H. Chafee's (R-R.I.) amendments to the Resource Conservation and Recovery Act this Wednesday, July 20, at 10 a.m. in 406 Dirksen.

The markup has been postponed twice while members and staff try to fine-tune the small quantity generator and land disposal provisions. (See Weekly Bulletin, June 27, C20.)

The essence of the requirements appears acceptable to the subcommittee, but details such as deadlines for Environmental Protection Agency regulation and the waste quantity cutoff point below which small businesses won't be regulated had not been settled at press time.

Small Quantities, Big Issue: Opposition from small businesses and their major trade groups, the National Association of Manufacturers and the U.S. Chamber of Commerce, blocked a RCRA rewrite in the 97th Congress.

This year, faced with a less favorable political climate, the small businesses have been willing to compromise, but found that they could make little headway against House Energy leaders' push for a tough set of RCRA amendments.

The result is that HR 2867 goes too far for small business' comfort.

Major concerns include:

-- Language requiring those generating 25 kilograms or more per month to notify waste haulers of the contents of their shipments. Small business groups say 25 kilograms is too strict.

-- Provisions for a "hammer" of full RCRA compliance to fall on small generators if EPA fails to issue regulations within a tight deadline.

-- Provisions requiring EPA to ban land disposal of certain wastes. This requirement could increase waste disposal costs greatly for small generators, representatives say.

Small business groups representing dry cleaners and service stations, larger trade groups like the Chamber of Commerce and Chemical Specialties Manufacturers Association, and the

solid waste management industry, which has been a driving force behind the amendments to extend RCRA to small quantities of hazardous waste, will testify before the Small Business Subcommittee on Energy, Environment and Safety next week.

Senate Environment contacts: Steve Shimberg, majority, x46228; Phil Cummings, minority, x47843. Small Business contact: Russell Orban, majority, x53171.

WATER RESOURCES

WATERWAY VIEWS - Shippers and barge and inland waterway operators will tell a Senate Environment subcommittee this week that the industry cannot afford cargo taxes the Reagan administration wants to impose to recover 70 percent of waterway maintenance and improvement costs.

Industry also will tell Water Resources Subcommittee members that if new fees are enacted, shippers and operators should be granted a formal say in how and where the federal government spends the revenues. The administration has been willing to listen if users accept fees but has not offered a formal plan.

The administration proposal (S 1554) to pass on to users most of the cost of maintaining and repairing commercial waterways, now entirely at federal expense, will be the subject of a Water Resources hearing Monday, July 18, at 10 a.m. in 406 Dirksen.

The hearing will be the eighth on water resources issues held this year by Chairman James Abdnor (R-S.D.), who wants to report an omnibus water policy and project authorization bill by the end of the summer.

The Proposal: The administration proposal, drafted by the U.S. Army Corps of Engineers and introduced by Environment Chairman Robert T. Stafford (R-Vt.), would impose a system-wide barge cargo fee of 1.1 mills per



DEC Gives Added Push to Hazardous Waste Program

In a move to expedite the state's application to the federal government for an expanded hazardous waste program, Commissioner Richard Nevé announced in November that he was forming a DEC hazardous waste task force and reconvening the Hazardous Waste Advisory Work Group. The task force is made up of department staff with a wide range of expertise, including regulatory development, hazardous waste cleanup and enforcement, public communication, law, and administration. The Advisory Work Group members are representatives of public and private organizations who may be affected by the management of hazardous wastes.

The Commissioner explained that the departmental task force's first priority is to complete the application for final authorization of a state hazardous waste program under the federal Resource Conservation and Recovery Act (RCRA). The new state program, authorized by the State Legislature in 1981, will manage hazardous waste in Alaska at all stages, including generation, transportation, storage, treatment, and disposal (see accompanying article).

The Commissioner's announcement followed an October 31 management retreat held specifically to explore how to strengthen the department's work on the application process. This came after an earlier decision to forego "interim authorization" because of further work required to develop the hazardous waste regulations that are an integral part of the new program. Interim authorization is an optional step in the application process that allows a state to go through a trial period of implementation with federal hazardous waste staff observing while the state staff gears up to run the program.

Joe Cladouhos, DEC Director of Environmental Quality Management, was assigned by Nevé to head the task force. Referring to the state's schedule for applying for the program, Cladouhos said, "Our objective is to submit the draft authorization package by July 1, 1984." It is then the responsibility of the federal EPA to review the package so the application for final authorization can be made by October 1, Cladouhos explained.

(Continued on back page)



Soil contaminated with PCB's was removed this past summer from an area near the new Aniak school. Workers dug up enough tainted dirt to fill two C-130 cargo planes. The area is now secure for the winter. The discovery of the inadequate cleanup of this abandoned air force site has led DEC to reinspect other sites for possible contamination. Here DEC's Jim Allen (top photo) and helpers take samples and collect soil for shipment.

An Alaska Hazardous Waste Management Program

In a recent statement, DEC Commissioner Richard Nevé said "Even though Alaska is not yet heavily industrialized, it is important to assure the public that as the state grows, its wastes will be managed and disposed of in ways that will protect our lands and waters from irreparable harm."

The challenge to the state government since 1981 has been to develop a workable program, tailored to Alaska's present and future needs, using the legal and funding resources available.

In 1980 the federal government passed the Resource Conservation and Recovery Act (RCRA) to manage the nation's hazardous wastes. The program

was designed to be passed on to state governments, with some grant funds available for program development and implementation. State matching funds are required. In 1981, the Alaska State Legislature passed SB 29, which required that DEC design a program that would implement the federal RCRA in Alaska.

RCRA requires the development of:

1. Regulations and standards to control the generation, transportation, storage, treatment, and disposal of hazardous wastes.
2. A manifest system that tracks wastes

as they are shipped from the generator to a management or disposal facility.

3. A data system to inventory the activities of all regulated facilities.
4. A comprehensive liability insurance and post-closure financial responsibility program to assure that facility operators will prevent any adverse environmental incident.
5. A permit system which sets rigid standards for treatment, storage, or disposal activities.

(Continued on page 2)

Warning on Imitation Milk

Attorney General Norman C. Gorsuch recently issued a consumer advisory cautioning over 2,000 day care centers, schools, nursing homes, hospitals and other Alaskan institutions to be aware that the use of imitation dairy products may result not only in less nutrition to those served, but may jeopardize the receipt of subsidy funds from Federal agencies. The advisory was also prepared in conjunction with the state Department of Health and Social Services.

Gorsuch said: "The State is concerned about the use of imitation milk in institutions because there are important nutritional differences between milk and imitation milk, and the use of imitation milk may jeopardize subsidized funding from such sources as the Child Care Food Program and School Food Services. The Attorney General added "the substitution of imitation milk for real milk is not legally acceptable under the regulations of many programs.

"My office has received numerous inquiries in the last year about imitation dairy products, which are frequently marketed as 'alternatives' to dairy products. All consumers should be aware

that the nutritional values of such imitation products are often exaggerated by their sellers. Moreover, at the present time we are very concerned because sellers of imitation milk have been aggressively attempting to sell it to public institutions as a cost-effective alternative to real milk. Institutional buyers, such as day care centers, schools, nursing homes, hospitals, and other institutions which provide daily meals to children, patients, or senior citizens must be especially cautious if they consider buying these imitation milks."

Of most concern to state health and law officials is the fact that some distributors are falsely claiming that imitation milk is suitable for infants. Gorsuch stated: "Such imitation dairy products are not correctly formulated for infants, and in fact may be potentially harmful to infants. These products may be deficient in protein, sodium, potassium, and essential fatty acids, and are lower in calories than mother's milk or approved infant formula products."

The Attorney General's Office advisory explains that the most common imitation dairy product now being sold in Alaska is imitation low-fat dry milk. According to the Attorney General, the

public should remember that federal Food and Drug Administration and State of Alaska regulations require that these products be called "imitation" because they are either not standardized or are not nutritionally equivalent to the product they imitate. "Consumers need to consider several factors in determining whether imitation milk is in fact cheaper than milk, especially nutritional factors. For example, one must consume two glasses of imitation milk to get the protein value of one glass of real milk," emphasized Gorsuch.

Because the sellers of imitation milk have been in direct contact with many of the institutions around the state, the Attorney General's Consumer Protection Section is mailing complete advisory packages to over 2,000 day care centers, schools, nursing homes, hospitals, and other Alaskan institutions. The advisory was prepared with the cooperation and advice of the State Department of Health and Social Services.

The Attorney General points out that other consumers may come into contact with these products, mostly through individual distributors but also in some grocery stores. Consumers should also be aware that other false or misleading claims may be made about these products, for example, claims that imitation milk is non-allergenic or less allergenic than real milk, although there is not at this time scientific substantiation for such claims.

Interested consumers who wish to obtain a copy of the three-page consumer advisory on imitation milk products may do so by calling the Consumer Protection Section of the Attorney General's Office in Anchorage at 279-0428, or by writing to that office at 1031 W. 4th Avenue, Suite 110, Anchorage, Alaska 99501.

(D.E.C. Gives Push continued from page 1)

To tailor requirements to fit Alaska's needs, the developers of the state's program have proposed some moderate changes. The state program will be "substantially equivalent" to the federal program, and will improve it in the following ways:

1. Wastes will be managed according to the "degree of hazard" they present, or how toxic the chemicals are to organisms. This differs from the federal approach of simply listing hazardous chemicals and wastes by name or source.

(Continued on page 3)

Sheffield Rewards Cleanup Contributors

At a Governor's awards banquet, Governor Bill Sheffield cited figures showing a decrease in Alaska litter and presented awards to some of those responsible. The Governor honored six groups for outstanding contributions to litter reduction and recycling. In addition, the Governor presented a \$120,000 matching grant to Alaskans for Litter Prevention and Recycling for conducting youth litter patrols and other litter reduction and recycling projects.

Top awards in five categories were presented to Larry Murikami of Fairbanks, the Department of Law Pretrial Program, SOHIO Alaska Petroleum Company, residents of the Anchorage Pioneers Home, Sergeant Drew Rotermund of the State Troopers, and Alaskans for Litter Prevention and Recycling (ALPAR).

All of the awards were presented at the Litter Reduction and Recycling Program's third annual awards banquet, held October 13 in Anchorage. Top awards were chosen from a field of 42 nominees representing projects ranging from school cleanups to statewide litter patrols.

Governor Sheffield spoke of the projects established by the Department of Environmental Conservation's litter program. Private efforts, combined with DEC's, have resulted in a 15-20% decrease in litter in Alaska. The Governor said the reductions match results in other states with programs such as Alaska's. He indicated that the decrease in litter is correlated with an increase in the amount of citizen participation in litter reduction and recycling activities. Noting that those being recognized represent outstanding contributions to the quality of Alaska life, Sheffield presented the following awards.

The Youth category award went to

(Alaska Hazardous Waste continued from page 2)

2. Generators of waste will be required to know more about their wastes, in order to determine their degree of hazard.
3. Recycling of wastes, and thus more efficient use of chemicals, will be encouraged.
4. Hazardous waste managers will be required to anticipate fires and spills and develop comprehensive written plans for handling these emergencies.
5. A lower threshold level of hazardous waste, 400 pounds, will be set. If a

Larry Murikami of Fairbanks. Mr. Murikami's skill as head crew chief for the Fairbanks Youth Litter Patrols was praised. Under his management, the patrol picked up over 2,000 bags of trash. His enthusiasm kept the crew going under adverse weather conditions.

Winner in the Community Involvement category was the Department of Law Pretrial Intervention Program, Juneau. This program screens referrals by judges and probation officers and places offenders in community work programs. During the first six months of 1983, about 50 offenders contributed over 1600 hours to litter control in Juneau. That work at minimum wage would have cost over \$6,000. This program represents an outstanding contribution to the quality of life in Juneau.

For the second year in a row, the Business and Industry award was presented to SOHIO Alaska Petroleum Company. SOHIO contributed 300,000 car litter bags to the DEC litter program, at a cost of over \$12,000. Distribution is being carried out through DEC, the Division of Motor Vehicles, visitor information centers, and Marine Highway terminals. The goal is to get litter bags in as many vehicles traveling Alaska's roads as possible. That goal can become a reality, thanks to SOHIO.

Two awards winners were recognized in the category of Most Significant Achievement. The residents of the Anchorage Pioneer's Home were honored for their recycling project. Hundreds of pounds of paper and aluminum cans were recycled each week, and the home is maintained litter free.

The other award winner in this category was Sergeant Drew Rotermund of the Alaska State Troopers. Sgt. Rotermund engineered a litter law enforcement plan encompassing the 4th judicial

generator produces this amount per month, it will be regulated under the state program. The federal threshold level is 2200 pounds per month.

The Alaska program is equivalent to the federal requirements but adjusted to the Alaska situation. The "degree of hazard" approach regulates only those wastes which, in fact, pose a hazard to the public and the environment. A large amount of responsibility will rest on the generator for determining whether wastes are hazardous.

In the final analysis, the Alaska hazardous waste program will be more stringent than programs in many other states, but less stringent than in others.

district. The plan involves the Troopers, Fairbanks police, the judicial branches, DEC, and the Fairbanks North Star Borough. Under this program litter laws are actively enforced and standard penalties imposed. This program is functioning due to Sgt. Rotermund.

The Governor's Award is for a project with a significant impact statewide. The 1983 winner is Alaskans for Litter Prevention and Recycling — ALPAR. The idea for this group was conceived by members of the DEC Litter and Recycling Program Advisory Council who believed that business and industry could supplement the state's program. The ALPAR organization was developed by business and industry leaders, who set up the program and made contributions for its projects. The results to date are \$120,000 in cash contributions and \$300,000 of media coverage and in-kind support. These donations supported youth litter patrols in 11 communities, created a newsletter, supplied safety vests for the patrols, and provided jobs for more than 150 young people. More than 100 businesses belong to ALPAR.

Highlighting the evening was Governor Sheffield's presentation of \$120,000 to ALPAR. The matching grant represents the state's commitment to this type of joint effort to clean up the environment. The funds will help continue the youth litter patrol program, offering young Alaskans summer employment opportunities.

All award winners were presented with plaques bearing the state's official litter reduction and recycling logo. The public recognition program is authorized by the Comprehensive Litter Reduction and Resource Recovery Act passed by the Legislature in July, 1980.

Washington state is implementing a program very similar to Alaska's, while the state of California has requirements substantially more restrictive.

Hazardous wastes and toxic materials have been the cause of many crises in the past ten to twenty years, especially in the industrialized states. Public awareness of the problem has been at an all-time high for ten years, and this situation continues. The federal RCRA has created a nationwide pattern for hazardous waste programs. When the Alaska program is in place, public and private organizations will find it about the same to do business in Alaska as elsewhere in the country.



"DEC's library is organized and 'user friendly' at last," says DEC librarian Alison Rule Talley. Since beginning work in August, 1982, Alison has begun to add DEC's holdings to the Alaska library data base. Her work has also made it possible for DEC staff to tap into an international library reference system. DEC Commissioner Richard A. Nevé presents Alison with an exceptional service award for her work to make the library work for the department.

**(Alaska Hazardous Waste
continued from page 1)**

The Hazardous Waste Advisory Work Group worked with DEC staff in 1982 and 1983 to advise the department on development of the regulations which were presented at public hearings in June, 1983. Membership of the body includes the Association of General Contractors, the Alaska Oil and Gas Association, the Alaskan Air Command, Alaska Center for the Environment, Sierra Club, League of Women Voters,

Alaska Federation of Natives, Alaska Truckers Association, Alaska Public Health Association, and the Municipality of Anchorage. Cladouhos stated that the group was invited to meet again in December of this year to provide advice from the public and see the application process through to completion.

The staff task force newly formed by Commissioner Nevé is comprised of the following members: Joe Cladouhos, EQM Director and Chairman of the group; David DiTraglia, Hazardous Waste Program Manager; Glenn Miller,

Environmental Engineer; Ray Preston, Attorney on contract with DEC; Rosemary Antel, Ecologist; Jeff Mach, Environmental Field Officer; Steve Zrake, Environmental Field Officer; and Lois Stiegemeier, Information Officer.

Cladouhos said, in reference to the group, "the members represent the different skills and areas of knowledge needed to put together this type of program. Working together with the Advisory Group, I am confident we will end up with a program that will work well and protect public health in Alaska."

REGIONAL OFFICES

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Southeast Regional Office
P.O. Box 2420
Juneau, Alaska 99803
(907) 789-3151

Southcentral Regional Office
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Anchorage, Alaska 99501
(907) 274-2533

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Pouch O
Juneau, Alaska 99811

ALASKA ENVIRONMENT
is published by the
**Alaska Department of
Environmental Conservation**

Bill Sheffield
Governor

Richard A. Nevé
Commissioner

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Editor

BULK RATE
U. S. Postage
PAID
Anchorage, AK 99501
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Juneau 99811

September 26, 1983

Mr. Ron Kreizenbeck, Director
U.S. Environmental Protection Agency
Alaska Operations Office
3200 Hospital Drive
Juneau, Alaska 99801

Dear Mr. ^{RON}Kreizenbeck:

Enclosed is ADEC's hazardous waste program work plan and ADEC-EPA Cooperative Agreement revised based on Mr. Feigner's memorandum delivered September 13, 1983. In response to the seven individual points and one unnumbered comment (u), we have corrected errors and revised language in the documents where necessary. Other issues raised are addressed, in sequence, in this letter.

Of primary importance is the recent decision by Governor Sheffield to not apply for interim authorization in October. He felt that additional time was needed to improve the complex regulatory proposal and to make certain the issues, requirements and impacts were carefully presented rather than hastily assembled. Therefore a new schedule for developing the regulations and final authorization package has been developed. We are strongly committed to increasing our RCRA involvement and will be submitting the final package essentially as originally planned. Table II of the grant application has been revised slightly and is enclosed.


(u) The original grant application submitted June 27, 1983, indicated the need for grant funds to supplement our general funded hazardous waste program in order for ADEC to continue the process of preparing regulations and the documents supporting a request for program authorization, and to increase the state's role in RCRA activities pursuant to the revised Cooperative Agreement, in particular inspection/enforcement activities and work on Part B permits. During the past twelve weeks, ADEC has expended approximately fifteen work-months in the following areas:

- a) Prepare and submit draft authorization package
- b) Inspect and monitor North Slope Salvage incident
- c) "Sell" program and regulations to private citizens, industrial representatives and government officials
- d) Revise regulations

- e) Participate in 7 scheduled RCRA inspections
 - f) Attend 1 permit writing class
 - g) Develop program plans, cooperative agreements, training plans and inspection schedule
 - h) Perform laboratory analysis
 - i) "Related" activities including PCB cleanups and asbestos disposal
1. The confidentiality preclusion comment is inserted in Section V of the agreement.
 2. EPA's prioritization of certain aspects of compliance inspections is not properly included in the agreement. We have added language in Section IX-B to the effect that inspections will be conducted to determine compliance with all applicable RCRA requirements and the inspection checklist provided by EPA will be completed.
 3. ADEC agrees to prepare one draft permit within sixty (60) days following receipt of the determination that the application is complete.
 4. "Program development" is that ongoing work necessary to assuring all staff, regulated persons and the public are brought up to speed with the regulations, program activities, and requirements. This task includes technical assistance, informational responses, development and documentation of policies, operating directives and providing other guidance, on-the-job training and education to agency staff, field staff and potentially affected persons.
 5. The grant application and budget forms submitted on June 27, 1983 clearly indicate a total grant request of \$325,200. The \$50,000 for additional laboratory staff detailed in Table II was left out of the work plan, appropriate corrections have been made.
 6. An accurate accounting of total management costs associated with the proposed program is not available. However, it is estimated that the Commissioner, two division directors, a grant accountant, three regional supervisors and six regional program and field supervisors and a laboratory manager each expend between 0.05 to 0.1 work year; that the air and solid waste section supervisor, planner, and clerk typists each expend approximately 0.25 to 0.35 work years. The total cost of this direct involvement, by management and support staff in the hazardous waste program totals about 1.66 work years at a cost of approximately \$100,000.
 7. References in the agreement to 40 CFR Part 123 have been changed to 40 CFR Part 271 as noted.

Please review the enclosed documents and indicate the approvability of our grant application as soon as possible so we can continue our effort to implement this hazardous waste program.

Sincerely,


Joe Cladouhos, Director
Environmental Quality Management

By: Stan Hungerford, Supervisor
Air and Solid Waste Management

COOPERATIVE AGREEMENT

Between

U. S. ENVIRONMENTAL PROTECTION AGENCY, REGION X

and

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Relating to the cooperative administration of the laws enacted by the United States of America under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended [PL 94-580, 42 USC 6901 et seq], (RCRA), and the laws of the State of Alaska to protect the health and environment by regulating the generators and the treatment, storage, transportation and disposal of hazardous wastes.

I. PREAMBLE

The Regional Administrator, U. S. Environmental Protection Agency, Region X, (EPA) and the Commissioner of the Alaska Department of Environmental Conservation, (ADEC), designated as the lead agency of the State of Alaska, enter into this Cooperative Agreement. This Agreement is the first step towards comprehensive and integrated administration and enforcement of the Federal Hazardous Waste Management Program under Subtitle C of RCRA and the laws of the State of Alaska. This Agreement should assure efficient allocation of public funds, minimize duplicative effort, avoid confusion by the regulated community, safeguard the public welfare and implement the Federal hazardous waste management system under RCRA in Alaska.

II. AUTHORITY and RESPONSIBILITY

EPA has the authority to enter into this Cooperative Arrangement pursuant to Section 3011 of RCRA. This agreement is in the best interest of the public and is in effect until the ADEC applies for and receives final authorization for its hazardous waste management program.

ADEC has the Statutory authority to conduct a hazardous waste management program substantially equivalent to the Federal hazardous waste management program under Subtitle C of RCRA. ADEC plans to adopt hazardous waste management regulations and to apply for authorization to implement RCRA under Section 3006(c) of RCRA in accordance with 40 CFR 271 Subpart F as outlined on page 6.

It is understood that EPA retains full responsibility for the administration and enforcement of the Federal hazardous waste management program in Alaska until the State has received authorization, and that nothing in this Agreement shall be construed to limit EPA's authority. State participation in this Agreement is intended to rapidly and efficiently implement RCRA and lead to assumption of State control of the program. Until ADEC has sufficient resources to carry out the full range of activities required to implement the Federal

program, EPA will retain primary responsibility for issuing permits, conducting inspections and for enforcing all federal hazardous waste laws and regulations.

ADEC shall administer those portions of the Federal hazardous waste management program identified in this Agreement consistent with the provisions of other agreements, RCRA, current Federal regulations, and any separate working agreements which may be entered into with the Regional Administrator as may be necessary or desirable for the full administration and enforcement of the Federal program.

III. EPA OVERVIEW OF STATE ACTIVITIES

EPA shall oversee and evaluate the State's performance of functions described in this Agreement on a continuing basis to assure that such performance is consistent with this Agreement and all applicable requirements embodied in current Federal regulations and laws. This evaluation generally will be accomplished by:

1. EPA review of all reports and submittals required by this Agreement, applicable Federal regulations and laws.
2. EPA on-site review of State performance in accordance with schedules established for annual program evaluations.
3. Considering all comments regarding the State's performance received from the regulated community, the public and Federal and local agencies. All such comments will be brought to the attention of the Commissioner prior to any public response to the comments.

The Regional Administrator may request, and the Commissioner shall submit, information and provide access to all files necessary for oversight and evaluation of the State's performance of functions described in this Agreement, on a quarterly basis except in a crisis.

EPA reserves the right to ask for the review of information submitted to ADEC which is claimed to be confidential by the submitter under State law. EPA will preserve the claim of confidentiality in accordance with procedures established at 40 CFR 2.

If, in the judgement of the Regional Administrator, any performance of functions is inconsistent with this Agreement or current Federal policies, regulations, or laws, he/she shall notify the State and may take any actions specified in 40 CFR 35.712.

IV. STATE NOTIFICATION OF PROGRAM CHANGES

As soon as the Commissioner has information concerning any substantial proposal or pending amendment, rescission, or repeal of any pertinent State statute, regulation, directive, or form, significant judicial decision, any of which the Commissioner has submitted to the Regional Administrator or agreed to make use of in connection with this Agreement, the Commissioner shall notify the Regional Administrator and transmit the text of any such change to the Regional Administrator.

Within 30 days, the Regional Administrator shall determine whether the proposed change would restrict the authority of the State to perform in accordance with this Agreement. Such change may be cause for termination, according to 40 CFR 30.920 et seq., of the Cooperative Agreement negotiated pursuant to this Agreement.

If an amendment, rescission, or repeal of any State statute, regulation, directive, form, or any significant judicial decision described in the preceding paragraph shall occur for any reason including action by the Alaska Legislature or State court, the Commissioner shall, within 10 days of such event, notify the Regional Administrator and shall transmit a copy of the text of such action to the Regional Administrator.

If Federal amendment, statute or regulation change occurs within RCRA guidelines, the State of Alaska will apply for and secure approval of these changes as soon as State legal and administrative procedures can be carried out.

V. PERMITS

EPA has the responsibility to review all hazardous waste permit applications and to prepare and issue the necessary permits in a timely manner according to federal regulations. EPA will notify ADEC in advance of any meeting scheduled between the agency and applicant. Unless precluded because of a claim of confidentiality, EPA will provide ADEC a copy of each permit application, amendment and technical analysis as soon as they are available; EPA will also provide ADEC copies of pertinent correspondence relating to the review of the application. ADEC will be included in EPA's internal review of draft permits and notified approximately one week prior to public notice.

VI. EFFECTIVE DATE

Unless otherwise stipulated, this Agreement and any subsequent modifications will take effect immediately upon being signed by the Commissioner and the Regional Administrator.

VII. AMENDMENTS

This Agreement may be amended or modified by mutual written agreement signed by both the Commissioner and the Regional Administrator.

VIII. TERMINATION

This Agreement will terminate when the State receives Interim or Final Authorization according to the provisions of 40 CFR 271, or on the date on which all Interim Authorizations end, whichever is applicable. It may also terminate at any time in accordance with 40 CFR 30.920 et seq.

IX. ENFORCEMENT

Until ADEC has been authorized to implement applicable procedures, EPA is responsible for all RCRA inspections and enforcement activities in Alaska. ADEC

a. Scheduling

By July 1 each year, EPA will submit to ADEC a tentative annual inspection schedule for the year. Within ten working days of receipt, ADEC will select those facilities or activities which will be inspected by ADEC staff, and notify EPA of its intent. EPA will be responsible for carrying out the rest of the inspection schedule. Each facility which ADEC inspects at EPA request will eliminate the need for ADEC to inspect one of the facilities originally selected.

Quarterly, and again two weeks prior to conducting the inspections, the agency which is conducting the inspection(s) will notify the other agency, confirming the specific schedule. ADEC will endeavor to accompany EPA inspectors on each inspection of a storage, treatment or disposal facility, and at least 50% of the inspections of generators and transporters of hazardous wastes for the purpose of staff training.

b. Reporting

Within thirty days of each inspection, the agency having responsibility for conducting an inspection shall prepare a written report of the inspection, evaluating compliance with RCRA requirements applicable to the facility or activity, and describing any follow-up action required. This report will be sent to the EPA Alaska Operations Office the ADEC Air and Solid Waste Management Section. Each report will include a completed checklist.

c. Sampling and Analysis

ADEC will analyze any samples of potentially hazardous wastes, toxic wastes, oils or pesticides for which the staff has equipment and capability, taken by ADEC or EPA staff. Results of such tests will be provided to EPA's Alaska Operations Office, the ADEC Air and Solid Waste Management section and appropriate regional supervisor.

d. Follow-up inspections

Within ten working days of receipt of a request from EPA, ADEC will re-inspect any facility or activity to check on any substantive or administrative violation of RCRA for which a notice of violation has been issued, or to sample and analyse any waste material for which it has the capability and which is specifically identified by EPA.

e. Non-Notifiers

ADEC agrees to inspect potential non-notifiers within 10 working days of written request from EPA. If, in the course of routine activities, ADEC staff discovers a previously unidentified non-notifier, ADEC will provide the person in charge of the local facility or activity with a copy of the applicable Federal and State hazardous waste management regulations and describe the non-notifier's responsibilities under the Federal regulations. ADEC will confirm, in writing, the contact with each non-notifier to EPA within ten working days of any such contact.

X. COORDINATION BETWEEN EPA AND ADEC

ADEC will assist EPA Region X to implement RCRA by performing tasks identified in the Department's annual hazardous waste management work plan.

EPA and ADEC will confer in person or via telephone prior to taking any action in the event of any reported discharge of a hazardous material. ADEC will be the first to report to the scene of an incident or discharge which poses an imminent hazard to the public, and will report promptly via telephone or other high speed communication system the results of the initial investigation and determination within 24 hours to the Commissioner or his designee. Interim reports will be made as appropriate. A written report of each emergency response will be submitted to the the Directors of the Environmental Quality Operations and Management Divisions within two weeks following completion of all activities required to resolve the incident. Reports will be delivered to the EPA Alaska Operations Office upon receipt by staff of the Division Directors' offices.

ADEC and EPA staff will determine, on a case by case basis, what assistance or involvement is necessary by EPA in response to each incident. In the case of an incident which does not pose an imminent hazard, either EPA or ADEC may be selected to investigate and assume responsibility for appropriate action.

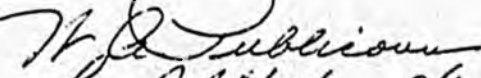
EPA may desire additional assistance from ADEC in implementing its responsibility to carry out the Federal RCRA program. Any request by EPA for assistance beyond that described in Sections II, V, IX and XI of this Agreement shall be submitted in writing to the Commissioner on or before January 15 each year. ADEC will incorporate tasks in its annual work plan to accomodate such a request to the extent practicable. ADEC will provide a copy of its annual hazardous waste work plan to EPA Alaska Operations Office on or about July 1 each year. At the beginning of each quarter, staff of ADEC and the Alaska Operations Office will consult together to assure that timely adjustments in both EPA and ADEC work plans and other agreements are made to expedite ultimate approval of the State's hazardous waste management program.

EPA reserves the right to act independently in any RCRA implementation or enforcement activity in the State. EPA shall, prior to taking any actions or communications on compliance inspections or enforcement action within the State of Alaska, first contact the Department's Air and Solid Waste Management section staff for the purpose of coordinating state actions relating to the intended federal activity.

XI. SPECIFIC AGREEMENTS

Tasks for each fiscal year necessary to accomplish long-term goals for both agencies entering this agreement will be specified with grant application and are to be considered an integral part of the Cooperative Agreement.

XII. SIGNATURES


for R. A. Nere' 9/20/83
Commissioner Date
Alaska Department of Environmental
Conservation

Regional Administrator Date
U.S. Environmental Protection
Agency

SPECIFIC AGREEMENTS FOR FY 1984

I. PROGRAM AUTHORIZATION:

ADEC commits approximately one work year to its effort to obtain authorization of a hazardous waste program.

<u>TASK</u>	<u>Time Table</u>	<u>COMPLETION DATE</u>
1. Complete revision of regulations based on public and EPA comments		Oct 26, 1983
2. Approve necessary legislative changes		October 26, 1983
3. Announce public meeting to present final regulatory proposal		November 19, 1983
4. Submit specific legislative language		January 6, 1984
5. Hold public meeting		January 15-25, 1984
6.a) Complete draft final authorization package		July 1, 1984
6.b) Sign statutory changes into law		July 10, 1984
7.a) Prepare Fy'86 budget assuming final authorization		October 1, 1984
7.b) Submit final draft authorization package		" " "
8. Regulations to Lt. Governor for filing		December 1, 1984
9. Submit final authorization package for approval		January 10, 1985
10. Receive final authorization		July 26, 1985


II. INSPECTIONS:

ADEC commits approximately one work year to inspections, inspection reports, sample analyses and other related activities. The attached schedule has been prepared for fiscal year 1984.

III. PERMITS:

ADEC commits approximately 0.50 work year to write one draft storage facility permit in the spring of 1984. Tasks associated with writing the permit include initial meetings, application review, report on application completeness, draft permit, draft public notice, plan review and site inspections. Aspects of the permit which require special considerations will be studied by ADEC and recommendations will be made for EPA's decisions. EPA will provide guidance in the form of workshops and a single contact to assist the permit writer. Unless unusual circumstances arise, ADEC will write the draft permit within 60 working days following determination that the application is complete.

Signed by:


for R. A. Neri 9/24/83
Commissioner
Alaska Department of Environmental

Regional Administrator
U.S. Environmental Protection Agency

HAZARDOUS WASTE INSPECTION SCHEDULE

Priority	Facility	Location	Type	Comments
SOUTHCENTRAL REGIONAL				
1	Chevron Alaska Refining	Kenai	TSD	EPA will inspect 8/83; ADEC inspection 5-6/84
1	Union Chemicals	Kenai	TSD	EPA will inspect 8/83; ADEC inspection 5-6/84
1	Elmendorf AFB	Anchorage	TSD	EPA will inspect 7-8/83; ADEC inspection 5-6/84
1	Lynden	Anchorage	TRANS	EPA will inspect 7-8-9/83; ADEC inspection 5-6/84
1	Totem Ocean Trailer Exp	Anchorage	TRANS	EPA will inspect 7-8-9/83; ADEC inspection 5-6/84 5/82
2	Sealand	Anchorage	TRANS	EPA inspected 3/83; ADEC inspection 5-6/84
2	Alaska Constructors, Inc.	Anchorage	GEN	ADEC inspection 7/83-6/84
2	Big Three Ind., Inc.	Palmer	GEN	ADEC inspection 7/83-6/84
2	Chevron Bethel Bulk Plant	Bethel	GEN	ADEC inspection 7/83-6/84
2	Midnight Sun Spec. Del. Inc.	Wasilla	TRANS	ADEC inspection 7/83-6/84
2	Magna Corp.	Kenai	GEN	ADEC inspection 7/83-6/84
NORTHERN REGIONAL				
1	Sohio Alaska Petroleum	Prudhoe	TSD	EPA will inspect 7/83; ADEC inspection 5-6/84
1	Ft. Wainwright	Fairbanks	TSD	EPA will inspect 7/83; ADEC inspection 5-6/84
2	Arco Kuparuk	N. Slope	TSD	EPA will inspect 7/83; ADEC inspection 5-6/84
2	AMF Turboskope N. Slope	Prudhoe	GEN	ADEC inspection 7/83-6/84
2	Mukluk Freight Lines	Prudhoe	TRANS	ADEC inspection 7/83-6/84
SOUTHEAST REGIONAL				
2	USCGC Cape Penlopen	Petersburg	GEN	ADEC inspection 7/83-6/84
2	Union Oil Co./ AJ Rock Dump	Juneau	GEN	ADEC inspection 7/83-6/84

ANNUAL WORK PLAN
HAZARDOUS WASTE

PROGRAM ELEMENTS (° Outputs)	RESPONSIBLE AGENCY	SCHEDULE	RESOURCES FOR PROGRAM ELEMENTS				
			Work Weeks	Federal* Grant	Additional* Grant	State* Match	State* Nonmatch
<u>Authorization</u>				40.0	13.0	0.0	
° Receive comments on regulations from EPA, State Attorney General, and other State agencies	CO/AG/EPA etc.	9/1/83	5				
° Revise regulations; resubmit to EPA and State Attorney General	CO	9/25/83	4				5.0
° Submit final Interim authorization package; receive AG approval; prepare letter for Governor's signature; submit package to Governor	CO/AG/GOV/EPA	10/26/83	4				
° Effective regulations (depends on authorization date)	CO/EPA	3/1/84	14				
° Submit draft application for final authorization	CO	4/1/84	3				
° Submit complete application for final authorization	CO	7/1/84	3				

*Thousands of Dollars

ANNUAL WORK PLAN
HAZARDOUS WASTE

YEAR 1984

PROGRAM ELEMENTS (° Outputs)	RESPONSIBLE AGENCY	SCHEDULE	RESOURCES FOR PROGRAM ELEMENTS				
			Work Weeks	Federal* Grant	Additional* Grant	State* Match	State* Nonmatch
<u>Development</u>				57.5	5.0	31.1	
° Program policies, enforcement, permitting and manifest	CO	Mar 84	33				
° Field officer guidance	CO/NRO/SERO/ SCRO	Jun 84	15				24.0
° Waste collection network	CO/NRO/SERO/ SCRO	Jun 84	19				80.0
<u>System Operation</u>				72.9	90.0	18.0	23.5
° Permitting - state draft one storage permit	CO/ EPA/RO	1/84 - 6/84	22				
° Enforcement - DEC to participate in 6 inspections and conduct 18 inspections	NRO/SCRO/ CO/SERO/LAB	7/83 - 6/84	42				

*Thousands of Dollars

ANNUAL WORK PLAN
HAZARDOUS WASTE

YEAR 1984

PROGRAM ELEMENTS (° Outputs)	RESPONSIBLE AGENCY	SCHEDULE	RESOURCES FOR PROGRAM ELEMENTS				
			Work Weeks	Federal* Grant	Additional* Grant	State* Match	State* Nonmatch
<u>Training</u>		Ongoing	24	3.1	6.7	10.4	40.0
° Regulations	CO/NRO/SCRO/SERO						
° Enforcement	CO/NRO/SCRO						
° Spill Response	CO/NRO/SCRO/SERO						
° Personal Safety	CO/NRO/SCRO/SERO						
<u>Administration</u>		Ongoing		10.0	2.0	8.1	60.0
° Data system	CO/NRO/SCRO		26				
° Reading	CO/NRO/SERO/SCRO		23				
° State/EPA Agreements (including RCRA 3012 program)	EPA/ CO/NRO/SCRO/LAB		25				

*Thousands of Dollars

ANNUAL WORK PLAN
HAZARDOUS WASTE

YEAR 1984

PROGRAM ELEMENTS (° Outputs)	RESPONSIBLE AGENCY	SCHEDULE	RESOURCES FOR PROGRAM ELEMENTS				
			Work Weeks	Federal* Grant	Additional* Grant	State* Match	State* Nonmatch
<u>Emergencies</u>		As occur		25.0	0.0	13.5	52.5
° Spill response	NRO/SCRO/SERO/ LAB		30.0				
° Other	NRO/SCRO		11.0				
<u>Special Activities</u>		Ongoing		0.0	0.0	0.0	66.0
° PCB	EPA NRO/SCRO/SERO/LAB		19.0				
° Asbestos	NRO/SCRO/SERO		10.0				
° Radioactive waste	NRO/SCRO		8.0				

*Thousands of Dollars

JIM

April 13, 1984

To: Jim Palmer
From: Steven Kadish
Re: Fiscal Note for CSSB 503

I spoke to Stan Hungerford and we agreed that the following budget would satisfactorily allow the Department of Environmental Conservation to perform the tasks outlined in the committee substitute:

2 Environmental engineers @ 50.0	100.0
1 Administrative Assistant @ 31.7	31.7
Materials, travel, support, etc	40.0
Small generators clean-ups	75.0
Disposal Facility Siting selection	75.0
Total	331.7

These figures would be carried through the next three years with adjustments.

I have asked Stan to redo the fiscal note to reflect these changes.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: April 19, 1984

REQUEST

Bill/Resolution No.: CSSB 503
Title: Hazardous Waste....

FISCAL DETAIL

Agency Affected: Environmental Conservation
Program Category Affected: NRMEC

Sponsor: Senate Resources
Requestor: Sen. Fahrenkamp & V. Fischer
Date of Request: April 12, 1984

BRU, Program or Subprogram(s) Affected: Environmental Quality Management
Air & Solid Waste Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
		6-months				
100 PERSONAL SERVICES		65.9	131.7	131.7		
200 TRAVEL		16.0	16.0	16.0		
300 CONTRACTUAL		8.4	16.8	16.8		
400 SUPPLIES		2.0	4.0	4.0		
500 EQUIPMENT		13.6	3.2	3.2		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		105.9	171.7	171.7		
CAPITAL		--	--	--		
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		105.9	171.0	171.7		
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		3.0	3.0	3.0		
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Stanley W. Hungerford
Division: Environmental Quality

Phone: 465-2666
Date: April 19, 1984

Approved by Commissioner: Richard A. Neve
Agency: Environmental Conservation

Date: April 19, 1984

Distribution (by Agency preparing fiscal note):

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

12/1/83

ANALYSIS of FISCAL NOTE
CSSB 503 AMENDED
April 13, 1984

- A. Details of the costs for recommending the site and type of state owned/sponsored hazardous waste management facility.

Assumptions:

- a) The project will take six to seven years to complete through contracts managed by the Department of Environmental Conservation.
- b) In the first year, develop the specific details of siting criteria, the appropriate types of facilities to be evaluated based on industries regulated and types of waste, and five or more general areas for evaluation.

In the second and third years, identify five potential sites, the type(s) of facility to be located at each, and begin physical evaluations of the sites. (75.0 each year)

- c) In the next three to four years, conduct detailed evaluations of the five sites, including such parameters as meteorology, geology, hydrology, access, and socioeconomic factors. The cost could range from 500.0 to 2 million per site - an average of 1.25 million is estimated to justify each site to the public. Excess funds would be reserved for the design of the facility after approval of the site by the governor and legislature. (To be included in a fiscal note in 1986 audit cycle.)
- d) In the sixth/seventh year conduct the public review of at least two sites. (50.0)
- e) Prepare recommendation for the governor and legislature.
- f) No inflation of costs or salaries.

Staffing Needs:

1	Environmental Engineer	(Range 19)	50.0 plus support costs
1	Administrative Assistant	(Range 12)	31.7 plus support costs

- B. Details of the costs for a collection and transportation service for disposal of hazardous wastes from small quantity generators and households.

Assumptions:

- a) The project will be for at least three and one half years.
- b) There will be "cleanups" in four or more cities per year. (85.0 per year)
- c) No inflation of transportation or disposal costs.

- d) An aggressive program of technical assistance to the small quantity generator to assure conformance to RCRA (Applicable Federal Hazardous Waste regulations)
- e) A comprehensive public information campaign each year to maximize legal collection and disposal of hazardous wastes.
- f) Analysis of the types, quantities and sources of hazardous wastes to provide information for the state hazardous waste facility siting project.
- g) Site for the collection activity and security will be provided by local government.

Staffing needs:

1 Environmental Engineer III (Range 19) 50.0 plus support costs

C. Details of the estimated support costs for four positions.

Travel Costs:	<u>1st year</u>	<u>2rd & 3rd years</u>
Moving costs -- of the 2 Environmental Engineer IIIs: the department has found that the specialized expertise required cannot be found in Alaska.	12.0	--
Travel in support of project work (technical assistance and public information)	3.0	12.0
Travel to meet with contractors, local governments, public meetings	1.0	4.0
 Contractual Costs:		
Office costs (5.6 per person -- telephone, xerox, janitor)	8.4	16.8
 Supplies:		
Replace expendable laboratory, safety materials	--	2.0
Office	2.0	2.0
 Equipment:		
Office equipment (desks, chairs, word processor)	5.1	--
Safety equipment and replacements	8.5	3.2

PROPOSED LETTER OF INTENT

The purpose of this Act is to provide specific direction to the Commissioner, Alaska Department of Environmental Conservation, regarding the development of hazardous waste management regulations and to make the necessary statutory changes to allow the Department to apply for and obtain authorization from the United States Environmental Protection Agency to administer a hazardous waste management program in this state.

It is the intent of the legislature that Alaska's hazardous waste management program and the regulations thereunder not be inconsistent with the federal program. It is the intent of this Act (Section 4. AS 46.03.299(b)) that the Department:

- 1) adopt the characteristics of hazardous wastes 40 CFR Subpart C and as may be amended*;
- 2) adopt criteria for listing hazardous waste as contained in 40 CFR 261.11 and as may be amended*;
- 3) adopt special requirements for hazardous wastes which are used, reused, recycled or reclaimed contained in 40 CFR 261.6 and as may

*The phrase "and as may be amended" is intended to allow the Department to incorporate future regulatory and statutory changes made by the U.S. Environmental Protection Agency into the Department's regulations without state statutory changes.

- be amended*;
- 4) adopt exclusions as contained in 40 CFR 261.4 and as may be amended*;
 - 5) initially adopt the lists of hazardous wastes as contained in 40 CFR 261 Subpart D and as may be amended*. It is noted that the Department has the flexibility to enumerate upon these lists two years after receiving final authorization by the U.S. Environmental Protection Agency; and
 - 6) adopt special requirements for hazardous waste, produced by small quantity generators as contained in 40 CFR 261.5 and as may be amended*. It is noted that the Department has the authority to develop new draft regulations for small quantity generators within two years following the date of authorization by the U.S. Environmental Protection Agency of the state hazardous waste program should the U.S. Environmental Protection Agency fail to revise 40 CFR 261.5 dated April 1, 1983.

The aforementioned direction will allow the Department to rely upon the significant resources and efforts of the federal government and this nation's scientific, business, and environ-

mental communities in their continuing efforts to refine hazardous waste management for the nation. The Department will thus focus the resources of the state towards enhancement of public awareness, enforcement capabilities, and identification of any aspects of hazardous waste management that are unique in Alaska.

Via the Act, the department is directed to focus the resources of the state towards development of a program not inconsistent with the framework contained within and promulgated under the federal program.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
POUCH O, JUNEAU, ALASKA 99811

Telephone: (907)
Address:

465-2600

April 25, 1984

The Honorable Bettye Fahrenkamp
Senator
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Fahrenkamp:

I believe that some confusion may arise about the intent of the April 16, 1984, work draft of CSSB 503(Res). In Section 1 of the bill, Sec. 46.03.99(a) says, basically, that the Department of Environmental Conservation (DEC) shall (1) adopt RCRA regulations by reference; and (2) not later than July 1, 1986, adopt other regulations.

Mr. Stan Hungerford reported to me, that the work group Mr. Palmer chaired on April 9, 1984, discussed this issue thoroughly, and concluded that DEC should increase its hazardous waste staffing during FY 85 and under a cooperative agreement with the Environmental Protection Agency (EPA), operate as much of the full range of RCRA activities in Alaska as possible. He has confirmed that this is, in fact, the intent of the proposed bill in subsequent conversations with Mr. Palmer and Mr. Steve Kadish of Senator Vic Fischer's office.

It is possible to construe the language of this section to require DEC to first seek and obtain EPA's authorization of a state RCRA program, and then revise its regulations and seek a second authorization of a program based on the potential risks of wastes exhibiting the additional characteristics of carcinogenicity, toxicity and persistence.

Since the work group expressed the need for DEC to increase its staff and gain experience enforcing the evolving federal program during the next two years, I suggest the following change to Section 1 of the proposed bill:

"Sec. 46.03.99 REGULATION OF HAZARDOUS WASTE. a) Not later than July 1, 1986, the department shall in accordance with the Administrative Procedure Act (AS 44.62), adopt regulations which take effect on July 1, 1987, for the identification and management of hazardous waste
1) as defined by the Environmental Protection Agency and
2) wastes which exhibit the characteristics of toxicity, persistence, or carcinogenicity."

April 25, 1984

This wording would assure that the agency not be diverted from the ultimate objective of preparing and submitting a final application for EPA's approval by July 1987, which incorporates the comprehensive hazardous waste program proposed in the October 26, 1983, draft regulations.

It has also been pointed out to me that proposed definition of "associated wastes" is a bit confusing. I suggest that, based on the wording agreed to by Mr. Tom Brooks (AOGA) and Mr. Hungerford, the definitions be revised to read:

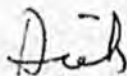
"(37) "waste associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy" means

- (a) waste, including drilling muds, cuttings, hydrocarbons, brine, acid, sand, and emulsions or mixtures of fluids produced from and unique to the operation or maintenance of a well, whether naturally occurring or added for the operation or productivity of the well;
- (b) waste that is derived intrinsically from primary field operations; and
- (c) does not include spent solvents and oil's from equipment maintenance activities, discarded chemical products or fuels.

(38) "waste derived intrinsically from primary field operations" means waste produced from a well, and removed

- (a) at the drill site; or
- (b) at crude oil production facilities by crude oil or wastewater treatment processes before custody transfer of the crude oil."

Sincerely,



Richard A. Neve
Commissioner

RAN/SH/ne

cc: Jim Palmer
Steve Kadish

Clarification Amendments for CSSB 503

1. page 1, Section 1 (a). Change to the following language recommended by the Department of Environmental Conservation:
 - (a) Not later than July 1, 1986, the department shall in accordance with the Administrative Procedure Act (AS 44.62), adopt regulations which take effect on July 1, 1987, for the identification and management of hazardous waste
 - 1) as defined by the Environmental Protection Agency and
 - 2) wastes which exhibit the characteristics of toxicity, persistence, or carcinogenicity.

2. page 2, Section 2, line 22. Delete the following: [or transporter]

3. page 2, Section 2, line 26. Insert the following after "under (a) of this section to":
the highest elected local official, and

4. page 8, Section 9. Change to following language recommended by Department of Environmental Conservation:
 - (37) "waste associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy" means
 - (a) waste, including drilling muds, cuttings, hydrocarbons, brine, acid, sand, and emulsions or mixtures of fluids produced from and unique to the operation or maintenance of a well, whether naturally occurring or added for the operation or productivity of the well;
 - (b) waste that is derived intrinsically from primary field operations; and
 - (c) does not include spent solvents and oils from equipment maintenance activities, discarded chemical products or fuels.

 - (38) "waste derived intrinsically from primary field operations" means waste produced from a well, and removed
 - (a) at the drill site; or
 - (b) at crude oil production facilities by crude oil or wastewater treatment processes before custody transfer of the crude oil.

POSITION PAPER

SENATE BILL NO. 503

For an Act entitled: "An Act relating to hazardous wastes."

This Bill appears to be a necessary updating of existing statutes to enable the state to obtain federal approval of a state hazardous waste management program. The Bill also designates the Department of Environmental Conservation as the agency with exclusive jurisdiction to adopt and enforce regulations for the control of hazardous wastes in the state. Regulations adopted must be consistent with 42 U.S.C. 6924-6925 and with regulations adopted under those sections by the U.S. Environmental Protection Agency.

The Department is pleased to note the inclusion in AS 46.03.296(b) of transportation of hazardous wastes as liable to regulation. The Department is also gratified to note the inclusion of civil and criminal penalty provisions in the legislation.

The Department of Health and Social Services recognizes the need for this legislation at this time and looks forward to a cooperative relationship with the Department of Environmental Conservation in reviewing proposed regulations for their impact on the health of the people of the state.

Recommended by:

E.S. Rabeau, M.D.
E.S. Rabeau, M.D.
Director
Division of Public Health

Date:

April 16, 1984

Approved by:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health
and Social Services

Date:

4/18/84

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date 4/18, 1984

REQUEST

Bill/Resolution No.: SB 503
Title: Hazardous Wastes

Sponsor: Resource Committee
Requestor: Senate Resources
Date of Request: 4/17/84

II. FISCAL DETAIL

Agency Affected: Health & Social Servs.
Program Category Affected: Public Health

BRU, Program of Subprogram(s) Affected:
Public Health Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LANDS & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for Analysis

Prepared By: Dean Tirador, M.D.
Division: Public Health

^{ACC}
Phone: 465-3090
Date: 4/18/84

Approved by Commissioner: Robert Gordon Smith, Ph.D.
Agency: DHSS

Date: 4/18/84

Distribution (by Agency preparing fiscal note):

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

12/1/83

May 2, 1984

To: Paula
From: Steve K

Re: Hazardous Waste, CSSB 503
Description of Committee Substitute Changes

1. Page 1, Section 1 of the Resources Committee Substitute bill has been deleted and new language has been substituted.

It is possible to construe the language of this section in the Resources substitute to require DEC to first seek and obtain EPA's authorization of a state RCRA program, and then revise its regulations and seek a second authorization of a program based on the potential risks of wastes exhibiting the additional characteristics of carcinogenicity, toxicity, and persistence.

However, all involved -- the members of the advisory group, fellow legislators, and the DEC -- agree that only set of regulations should be developed.

The language drafted before you clarifies this intent.

TRANSPORTATION, page 2

2. This section needs clarification. It is the responsibility of the generator to arrange for transportation of the hazardous waste and complete the manifest required for its transportation. By deleting the words "or transporter" we have eliminated any confusion.

Paula: please note:

The Municipality of Anchorage Hazardous Waste Task Force would like to propose the following language:

Not later than January 1, 1985, the Department shall develop and effective notification procedure to inform local governments and public safety agencies of proposed shipments of hazardous waste through a community.

I think this ok. The members of this task force include members of the Resource Development Council, environmentalists, and a hazardous waste transporter.

Kristi - thinks we should keep this as is in the draft.

page 8-9

3. The proposed definition of "associated wastes" has been improperly drafted in the Resources substitute. The correct definition is presented here.

Municipality of Anchorage



600 EAST 38TH AVENUE
ANCHORAGE, ALASKA 99503-6091
(907) 564-1323

TONY KNOWLES
MAYOR

MAYOR'S HAZARDOUS WASTE TASK FORCE

May 2, 1984

Senator Bettye Fahrenkamp, Chairwoman
Senate Committee on Resources
Pouch V
State Capital
Juneau, Alaska 99811

Honorable Senator Fahrenkamp:

The Municipality of Anchorage has formed a Mayor's Hazardous Waste Task Force to address issues related to hazardous waste management in the community. One of the most important and immediate areas of concern to the Task Force is the safe transportation of hazardous wastes in the Anchorage area.

As a result, the Task Force has reviewed CSSB 503 and has a concern with Section 46.03.308., TRANSPORTATION OF HAZARDOUS WASTE. It is our understanding that original intent of this provision was to provide notification to local government on the potential for movement of hazardous waste through a community. As drafted, the proposed provision does not serve this function; notification to a local government would not occur until after the shipment of hazardous waste had already passed through a community. In addition, the delivery of a manifest to the Alaska Department of Environmental Conservation (ADEC) prior to shipment could potentially make it difficult for a transporter to meet Federal transportation requirements.

It is, therefore, recommended that this section be deleted and the following provision substituted:

Not later than January 1, 1985, the department shall develop an effective public notification procedure to inform local governments and public safety agencies of proposed shipments of hazardous wastes through a community.


Senator Bettye Fahrenkamp
May 2, 1984
Page 2

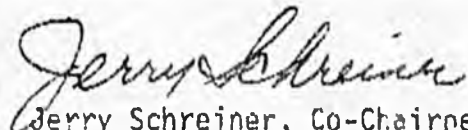
This change would give ADEC opportunity to go through a public review process to develop a notification procedure for meeting the needs of local government while not jeopardizing a transporter's ability to satisfy Federal regulations on the shipment of hazardous wastes.

Your consideration of this recommendation would be greatly appreciated.

Sincerely,

MUNICIPALITY OF ANCHORAGE


Mike Martin, Co-Chairperson
Hazardous Waste Task Force


Jerry Schreiner, Co-Chairperson
Hazardous Waste Task Force

cc: Mayor Knowles
Hazardous Waste Task Force Members
Senator Fisher
Senator Josephson
Senator Ray

MEMORANDUM

State of Alaska

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

TO:	Jim Palmer Legislative Aide to Senator Bettye Fahrenkamp	DATE:	April 27, 1984
		FILE NO:	
		TELEPHONE NO:	465-2666
FROM:	Stanley W. Hungerford Section Chief Air & Solid Waste Management	SUBJECT:	Regarding Hazardous Waste Program

Attached is a copy of the memo to Commissioner Neve' as you requested during our discussion.

MEMORANDUM

State of Alaska

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

TO: Richard A. Neve'
Commissioner

DATE: April 27, 1984

FILE NO:

TELEPHONE NO: 465-2666

FROM: Stanley W. Hungerford
Section Chief
Air & Solid Waste

SUBJECT: Hazardous Waste Program
for FY 85

During the past several months, a number of events have occurred which are of significance to the continued development of our fledgling hazardous waste program. They include:

1. The governor's office recommended a hazardous waste program budget of approximately \$700.0 for RCRA type activities and an increase in staff of two persons, so we could take a more aggressive position implementing EPA's program as we work toward authorization.
2. The Senate Finance Committee reduced funds in Air and Solid Waste Management (primarily federal funds) which will critically affect the hiring date, travel and training funds or the new hazardous waste positions if the final budget retains these cuts.
3. US EPA insisted that the penalty provisions of the statute be changed to assure "equivalence" with RCRA.
4. The Senate Resources Committee has proposed legislation which indicates strong support for a state program which is more stringent than current RCRA program, and "fills out" a total hazardous waste management program in Alaska, as well as revising the penalty provisions.
5. EPA guidance on RCRA grants is requiring a major increase in permitting and enforcement activities by the state as a condition of awarding grants, and developing what they consider a "quality program."

These events will cause us to make several major changes in our time-schedule for applying to EPA for final authorization, and will demand a rapid increase in carrying out RCRA activities in Alaska. For FY 85, I suggest that the following are of major importance if we are to comply with the intent of the budget requests, federal program and grant requirements, Alaska legislature and meet public expectations:

1. We must assure adequate funding of the support costs for new staff including moving and training in order to increase the quality of our program.
2. We may need to expedite the hiring of the new hazardous waste staff we requested in the operating budget to increase our involvement in the RCRA program as well as the staff added by the legislature to manage the siting, cleanup and public involvement contracts.

3. We must amend our cooperative agreement to emphasize our increased responsibilities, probably by the beginning of January 1985.
4. We need to contract an independent evaluation of our proposed tests for carcinogenicity, toxicity and persistence to assure that they are appropriate for the use intended in the program, and to determine whether wastes exhibiting these characteristics are best regulated by the degree of hazard or by a listing process; to be completed by November 1984.
5. The regulations should be revised and the draft authorization package prepared by January, again with contractor assistance, for public and EPA review.
6. The new staff acquired via the legislation must schedule and contract for hazardous waste cleanups by March 1985, and have ready for a June public hearing detailed criteria for siting a hazardous waste management facility and the public review process to be followed when determining an appropriate site.

SWH/ne

cc: Chris Noah
Keith Kelton
Joe Cladouhos
David DiTraglia

TELECOPY TO TOM SNAPP

ALL ALASKA WEEKLY 456-6426

BITS FROM BETTYE

April 24, 1984

Hazardous waste is something that nobody likes to talk about, nobody likes to have to deal with and nobody wants to have in their back yard. However, three years ago, prompted by possible petrochemical development in the State, the Legislature passed legislation mandating that the State of Alaska take over the management and control of hazardous wastes from the federal government.

As Chairman of the Senate Resources Committee and as Chairman of the conference committee which came up with the authorizing legislation in the closing days of the session, I was deeply involved and supportive of this effort. During that session, the debate centered around whether or not the federal government should continue to manage hazardous waste in Alaska under the Resource Conservation and Recovery Act (RCRA) or whether or not the State should take over this responsibility. We made the decision to assume this responsibility. Since that time, the debate over hazardous waste management has changed from whether or not the State should assume control to the question of the method by which hazardous wastes should be controlled. For over two years, a debate has raged over this issue. The Department of Environmental Conservation has been working on a set of

regulations which incorporate a "degree of hazard" approach. This approach does not list specific chemicals or materials as hazardous as does the federal "listing" approach, but rather uses specific chemical tests to which a potential hazardous waste must be subjected. If the waste passes the test, it would not be classified as hazardous. If, however, the material does not pass the test, it is considered hazardous waste and must be treated and disposed of in very special and specific manners.

While we have all been actively working to devise a plan for state control, feelings run deep on all sides of this issue and the debate has been very intense. It became apparent to me that unless everyone affected could come to some consensus, we would not have a workable hazardous waste program. In an attempt to get a viable and working program off the ground, I pulled together a working group of Senator Vic Fischer, Senator Joe Josephson, the House Resources Committee, and my staff to try to reach a consensus on this issue.

We expanded our group to include representatives of the Alaska Environmental Center, the Alaska Oil and Gas Association, the Alaska Chapter of the Associated General Contractors, organized labor, rural Alaska, the Alaska Department of Environmental Conservation and Governor Sheffield's office. About three weeks ago this group met in Anchorage. The group spent an entire day working. Late in the afternoon, we reached a consensus on issues such as criminal and civil penalties for violations of the hazardous waste statutes, the public process and criteria in-

volved with the siting in Alaska of a hazardous waste disposal site (time limits for this siting decision were also agreed upon), the expansion of the Department of Environmental Conservation's spring cleanup effort to at least four times a year, the notification of local public authorities of the transportation route of hazardous wastes through their jurisdiction, and the review and evaluation of the proposed hazardous waste regulations for a period of 2 years, after which these regulations will be finalized. As with any compromise on a hotly debated issue, no one can be totally happy with the legislation that is developed. However, all have agreed that this legislation will allow everyone to "get on board" and get going with our hazardous waste program.

One of the key items of the legislation is the requirement of the State to immediately take over the active enforcement of the federal hazardous waste program. Our group felt very strongly that the Department of Environmental Conservation must obtain hands on experience in managing hazardous wastes. By mandating that the State take over everyday management of the program now, the Department will get this necessary experience.

The legislation has been considered last week in both the Senate and House Resources Committee, and both committees acted favorably on the bills. The Senate Judiciary and House Finance Committees are now considering this legislation and I am very hopeful that we can obtain passage this year and continue the process that was started three years ago.



Official Business

Alaska State Legislature

Pouch V
State Capitol
Juneau, Alaska 99811

AMENDMENT by FERGUSON

CS SB 503 (Res)^{Jus}

Page 1, line 7 after the word "violations;" Insert:

public contracts;

Page 9, between lines 10 and 11⁹⁸ Insert a new section to read:

Sec. 10. AS 36.98 is amended by adding a new section to read:

Sec. 36.98.090. PROHIBITIONS.

hazardous WASTE
A legislative staff member may not solicit or receive a contract *for* from a state agency or department other than the legislature during the interim following the session in which the person worked. This section applies to all legislative staff members range 18 or higher.

Re-number remaining section accordingly.

MEMORANDUM

State of Alaska

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

TO: Chris Noah
Deputy Commissioner

DATE: April 12, 1984

FILE NO:

TELEPHONE NO: 465-2666

FROM: Stanley W. Hungerford
Supervisor, A & SWM

SUBJECT: Transmittal of analysis
and fiscal note

Attached is a fiscal note, requested by Mr. Jim Palmer of Senator Fahrenkamp's office. This identifies staffing, costs and capital budget contractual costs related to two sections of proposed revisions to CSSB 503. Estimated costs for conducting four hazardous waste cleanup costs per year for at least three years are about \$78.0 (thousands) annual operating costs and a total capital cost of \$900.0 for the three years of contracts. Estimated costs for thoroughly evaluating the impacts at five potential state hazardous waste management facilities are about \$140 in annual operating costs and a total capital cost of \$6,425.0 for performing the site evaluations and public review process.

This fiscal note was prepared based on the agreements stated at Mr. Palmer's meeting in Anchorage on April 9 and without a copy of the specific language which may appear in CSSB 503.

SWH/ne

MEMORANDUM

State of Alaska

DEPARTMENT OF ENVIRONMENTAL QUALITY

TO: Nancy Lord
Legislative Aid to
Senator Vic Fischer

DATE: May 4, 1984

FILE NO:

TELEPHONE NO: 465-2666

FROM: Stanley W. Hungerford *Stan*
Supervisor
Air & Solid Waste Section

SUBJECT:

As you requested, the following is a more detailed description of the contractual activities necessary during FY 85 and FY 86 to accomplish this intent of proposed Sec. 46.03.313 of CSSB 503 up to the point of actually determining the environmental impacts and public acceptance of proposed sites as required by Sec. 46.03.313(d) of one or more sites and making the recommendation required by Sec. 46.03.314. The activities listed will not necessarily each require separate contracts or contractors.

- Project 1. Inventory the types, amounts and location of hazardous waste generated in Alaska as regulated by proposed state regulations. \$10,000

- Project 2. Determine the type(s) and capacity(ies) of hazardous waste management facilities needed to provide an economic means for managing wastes including transportation, storage, chemical treatment, recycling and disposal facilities with particular emphasis on encouraging alternatives to land disposal. \$35,000

- Project 3. Develop regulations required by AS 46.03.313(b)(2) interpreting and clarifying siting criteria and establishing the public process for determining approvability of a site. \$45,000

- Project 4. Determine five or more areas which are suitable for the types of facilities proposed in project 2. \$50,000

- Project 5. Based on the criteria developed in project 1, determine the suitability of three or more specific sites for facilities. \$75,000

Project 6. Identify alternative models of industrial and governmental financing for the proposed facilities and incentives/inducements to encourage community acceptance of a facility.

\$10,000

\$225,000

SWH/ne

cc: Chris Noah
Keith Kelton
Jim Palmer
Paula Scavera
Billie Trent
David DiTraglia
Denise Olmstead

**STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: April 13, 1984

REQUEST

Bill/Resolution No.: CSSB 503
Title: Hazardous Waste...

Sponsor: Senate Resources
Requestor: Sen. Fahrenkamp & Fischer
Date of Request: April 12, 1984

FISCAL DETAIL

Agency Affected: Environmental Conservation
Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected:
Environmental Quality Management
Air & Solid Waste Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING		6-months				
100 PERSONAL SERVICES		65.9	131.7	131.7		
200 TRAVEL		16.0	16.0	16.0		
300 CONTRACTUAL		8.4	16.8	16.8		
400 SUPPLIES		2.0	4.0	4.0		
500 EQUIPMENT		13.6	3.2	3.2		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		105.9	171.7	171.7		

CAPITAL		480.0	--	--		
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		585.9	171.7	171.7		
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		3.0	3.0	3.0		
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Stanley W. Hungerford
Division: Environmental Quality

Phone: 465-2666
Date: April 13, 1984

Approved by Commissioner: *[Signature]*
Agency: Environmental Conservation

Date: _____

Deputy Commissioner

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

ANALYSIS of FISCAL NOTE
CSSB 503 AMENDED
April 13, 1984

- A. Details of the costs for recommending the site and type of state owned/sponsored hazardous waste management facility.

Assumptions:

- a) The project will take six to seven years to complete through contracts managed by the Department of Environmental Conservation.
- b) In the first year, develop the specific details of siting criteria, the appropriate types of facilities to be evaluated based on industries regulated and types of waste, and five or more general areas for evaluation.
- In the second and third years, identify five potential sites, the type(s) of facility to be located at each, and begin physical evaluations of the sites. (75.0 each year)
- c) In the next three to four years, conduct detailed evaluations of the five sites, including such parameters as meteorology, geology, hydrology, access, and socioeconomic factors. The cost could range from 500.0 to 2 million per site - an average of 1.25 million is estimated to justify each site to the public. Excess funds would be reserved for the design of the facility after approval of the site by the governor and legislature. (To be included in a fiscal note in 1986 audit cycle.)
- d) In the sixth/seventh year conduct the public review of at least two sites. (50.0)
- e) Prepare recommendation for the governor and legislature.
- f) No inflation of costs or salaries.

Staffing Needs:

1	Environmental Engineer	(Range 19)	50.0 plus support costs
1	Administrative Assistant	(Range 12)	31.7 plus support costs

- B. Details of the costs for a collection and transportation service for disposal of hazardous wastes from small quantity generators and households.

Assumptions:

- a) The project will be for at least three and one half years.
- b) There will be "cleanups" in four or more cities per year. (85.0 per year)
- c) No inflation of transportation or disposal costs.

- d) An aggressive program of technical assistance to the small quantity generator to assure conformance to RCRA (Applicable Federal Hazardous Waste regulations)
- e) A comprehensive public information campaign each year to maximize legal collection and disposal of hazardous wastes.
- f) Analysis of the types, quantities and sources of hazardous wastes to provide information for the state hazardous waste facility siting project.
- g) Site for the collection activity and security will be provided by local government.

Staffing needs:

1 Environmental Engineer III (Range 19) 50.0 plus support costs

C. Details of the estimated support costs for four positions.

Travel Costs:	<u>1st year</u>	<u>2nd & 3rd years</u>
Moving costs -- of the 2 Environmental Engineer IIIs: the department has found that the specialized expertise required cannot be found in Alaska.	12.0	--
Travel in support of project work (technical assistance and public information)	3.0	12.0
Travel to meet with contractors, local governments, public meetings	1.0	4.0
 Contractual Costs:		
Office costs (5.6 per person -- telephone, xerox, janitor)	8.4	16.8
 Supplies:		
Replace expendable laboratory, safety materials	--	2.0
Office	2.0	2.0
 Equipment:		
Office equipment (desks, chairs, word processor)	5.1	--
Safety equipment and replacements	8.5	3.2

Revision Date: 4/12/84

REQUEST

Bill/Resolution No.: CSSB 503

Title: Hazardous Wastes...

FISCAL DETAIL

Agency Affected: Environmental Conservation

Program Category Affected: NRMEC

Sponsor: Senate Resources

Requestor: Sen. Fahrenkamp & Fischer

Date of Request: April 12, 1984

BRU, Program or Subprogram(s) Affected:

Environmental Quality Management

Air & Solid Waste Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING *	FY 84	FY 85 (6 months)	FY 86	FY 87	FY 88	FY 89
100 PERSONAL SERVICES		78.6	157.2	157.2		
200 TRAVEL		28.0	24.0	24.0		
300 CONTRACTUAL		27.4	27.4	27.4		
400 SUPPLIES		8.0	5.0	5.0		
500 EQUIPMENT		22.5	4.5	4.5		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		164.5	218.1	218.1		
CAPITAL		7,325.0	--	--		
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		7,489.5	218.1	218.1		
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		4.0	4.0	4.0		
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Stanley W. Hungerford

Division: Environmental Quality Management

Phone: 465-2666

Date: April 12, 1984

Approved by Commissioner: *Stanley W. Hungerford*

Agency: Environmental Conservation

Date: 4/12/84

Deputy Commissioner

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

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12/1/83