

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
5610 HOUSE COMMUNITY & REGIONAL AFFAIRS

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## United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 205 10-8025

JAMES H. ENGLISH, STAFF DIRECTOR  
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July 19, 1989

Mack McGahan  
McGahan Utilities, Inc.  
P.O. Box 8446  
Nikishka, Alaska 99635

Dear Mack:

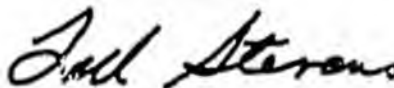
Thank you for sending me a copy of your letter to the Alaska Department of Environmental Conservation regarding the contaminated soil near your wells.

In an effort to assist you, I have made an inquiry with the DEC and asked them to look into this matter and address your concerns.

Thanks again for writing.

With best wishes,

Cordially,



TED STEVENS

# A year later, McGahan water woes linger

By JON LITTLE  
Staff Writer

*Cut*

It's been a year since George and Tina Lagoutaris were forced to haul clean water from their home in Soldotna to Sourdough Sal's Restaurant in Nikiski.

And the chore of loading 1,500 gallons a month in the back of their pickup truck has hurt the restau-

rant-owners' pocketbooks, not to mention George's back.

"It's just a real pain," said Tina. And they believe they're not the only ones suffering.

A year ago today, Sourdough Sal's and an estimated 400 other customers of the McGahan Utilities water system were advised by the state Department of Environmental Conservation that their tap water might harm their

health.

Traces of a hydrocarbon-based chemical used as a solvent and dry-cleaning fluid were found during a test of the water supply.

A health advisory warning people not drink the water remained in effect Wednesday, the DEC said.

The source of the chemical tetrachloroethylene, according to the DEC, was a laundromat that once piped its wastewater onto the

soil not far from the McGahan wellhouse at Mile 27 of the Kenai Spur Highway. The building is gone and its owner has not been found.

So dealing with the water contamination has been anything but simple. Residents and shop owners who pay monthly bills to McGahan Utilities have called for action. The

See WATER, back page

## ...Water woes

Continued from page 1

DEC has said that about all it can do is investigate and point out what is clean and what is not. And the owner of the utility, Mac McGahan, has said the whole thing wasn't his fault to begin with — why should he pay the tens of thousands of dollars needed to correct it?

McGahan has also said he doubted whether the laundromat was the source of contamination,

and he has called the DEC to task for drumming up fear of a chemical that is currently unregulated.

The state agency has said all along that federal regulation of the chemical, probably a limit of 5 parts per billion in drinking water, is due soon. Samples from McGahan wells have wavered just above or below the proposed standard.

The DEC has hired two contractors in the last year to come up with some answers. First, the Anchorage environmental research firm of Hart Crowser reported this summer that the defunct Johnson's Laundry was the most likely

source of tetrachloroethylene, also known as perc or PCE.

And recently, Harding Lawson Associates of Anchorage, was paid \$45,000 to drill an exploratory water well near the two contaminated wells that supply McGahan customers. Six inches in diameter, the 172-foot well punched below the existing 85-foot aquifer and found what appears to be an abundant supply of water, said Paul Horwath, a DEC environmental engineer.

But test results are not yet in, Horwath said, most importantly those that will say if the new source of water is drinkable. The

findings are expected in January.

"We don't expect this to be a production well," Horwath said. "It could possibly be used as a backup well."

If the deeper aquifer can handle the load and supply good water, Horwath said an expensive eight-inch well would then need to be drilled — wide enough to accommodate a powerful submersible pump.

"As far as I know, this is the first documented site in the state where tetrachloroethylene was found in the groundwater," Horwath said. Water contaminated by perc in Girdwood was traced to bad pip-

ing. "I believe as public water systems are required to sample for those kinds of contaminants ... we'll start to encounter additional cases."

Federal regulations requiring water suppliers with more than 3,300 customers to test for volatile organics and other elements are expected to take effect sometime in January, according to Jane Tonkin, a DEC field officer. That affects the cities of Kenai and Homer.

Smaller public water systems, such as McGahan Utilities, would be brought into the testing framework in 1991, Tonkin said.

## City/State

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# Nikiski receives second water warning

By JEAN LAMMING  
Times Writer

For the second time in eight months Nikiski residents have been warned that their tap water contains unsafe levels of a cleaning solvent officials believe was left behind by a laundry that operated in the Kenai Peninsula millinery town in the 1960s and 1970s.

The Alaska Department of Conservation issued its most recent health warning to about 400 Nikiski residents Friday, said Paul Horwath, who is an environmental engineer in the DEC's Kenai office.

Tests in late July and early August found levels of tetrachloroethylene at

## Unsafe levels of chemical still plague residents

between nine and 11 parts per billion in a well that serves a privately owned, public water system. The Environmental Protection Agency advises that concentrations of tetrachloroethylene above five parts per billion are not safe.

Tetrachloroethylene is a refined petroleum product used most commonly as a cleaning solvent by dry cleaners. It is also used as a degreasing agent.

It is recognized as a possible carcinogen.

The solvent was found in one of two wells operated by McGahan Utilities

water system. McGahan stopped using its other well in December of 1988, when the DEC found unsafe levels of tetrachloroethylene in its water. The company began pumping water from the second well, which at the time, tested as safe, Horwath said.

The DEC and McGahan continued to monitor the second well, and on July 19, tests measured 9.4 parts per billion of tetrachloroethylene in the water. On Aug. 2, the DEC resampled and found 11 parts per billion in two locations.

The levels are not especially high,

but because the EPA is in the process of placing the solvent on the lists of chemicals it regulates, the DEC issued the health orders.

"These concentrations are quite low," Horwath said Monday. "Some people are having water and have been since the first advisory was issued and some people don't feel they're at risk," he said.

According to an investigation just completed by a private contractor, the cleaning solvent could have been left behind by Johnson's Laundry, a dry clean-

ing business that operated from 1933 to 1978 in Nikiski, a tanker port just north of Kenai.

Low levels of tetrachloroethylene were found in soil as far as 80 feet below ground where the laundry had operated in a mobile home, Horwath said. The site is about 500 feet from the two McGahan wells.

DEC officials believe the solvent could have either been dumped there, or discarded through the wastewater system and then leached out of a septic tank.

Horwath said he didn't think it would have ever been legal to discard tetrachloroethylene. **Sec Water, page B-4**

B-6 Tuesday, August 8, 1989, The Anchorage Times

## Water: Plagues residents

Continued from page B-1

oroethylene. Typically, used solvent is returned to the manufacturer, processed, and resold.

The McGahan wells consist of 8-inch steel pipes that tap into a water table about 80 feet below ground. The DEC-contracted investigation of the site showed that the solvent could have slowly leached down through the ground until it ran into an impermeable silt/clay layer in the earth, and then ran laterally across that layer until it reached the aquifer.

The DEC doesn't know how long the chemical has been seeping into the water table, or whether the problem is getting better or worse.

In a test well located between the

McGahan wells and the old laundry site, one test found 215 parts per billion of the solvent in the water, Horwath said.

Possible solutions include treating the ground water to remove the solvent and piping water in from a fresh source.

The DEC doesn't regularly test for tetrachloroethylene in any water system. The Nikiski problem was discovered about a year ago when the DEC used the water to wash special surveying tools to be used in a soil sample. Workers tested the cleansing water to make sure none of the compounds they were looking for in the soil got on the tools from the water.

When the EPA lists the solvent as a regulated chemical, it will be tested for more often, he said.

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# HOUSE COMMITTEE REPORT

(5)

Date Referred: February 16, 1990

FURTHER REFERRALS:

Date of Committee Action: 2/27

RESOURCES  
FINANCE

The COMMUNITY & REGIONAL AFFAIRS Committee considered:

HB 456

SS HOUSE BILL NO. 456

FISHERIES BUSINESS TAX REFUNDS

"An Act relating to the fisheries business tax and to the allocation of fisheries business tax receipts to certain municipalities by the Department of Community and Regional Affairs; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CSSS 456 (C&RA)  the same title  
 a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact (C&RA) Revenue  fiscal note(s) \_\_\_\_\_
- zero fiscal note \_\_\_\_\_  zero fiscal note(s) \_\_\_\_\_
- zero with analysis \_\_\_\_\_  zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not  
Pass  
No Rec  
Amend

Cheri Davis  
Eugene K...  
Richard Spore

	Do Not Pass	No Rec	Amend

Richard Spore  
Chairman's Signature

Original sponsor(s): REP. TOLL

1 IN THE HOUSE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the fisheries business tax and to  
7 the allocation of certain fisheries business tax  
8 receipts to certain municipalities by the Department  
9 of Community and Regional Affairs; and providing for  
10 an effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 \* Section 1. AS 29.60 is amended by adding a new section to read:

13 ARTICLE 6. SHARED FISHERIES BUSINESS TAXES.

14 Sec. 29.60.450. FISHERIES BUSINESS TAX ALLOCATION. (a) A  
15 municipality may receive a fisheries business tax allocation under  
16 this section if the municipality demonstrates to the department that  
17 the municipality suffered significant effects from fisheries business  
18 activities during the base year.

19 (b) The tax allocation to an eligible municipality is the sum of

20 (1) the result of dividing the number of commercial fishing  
21 vessel days in the municipality by a figure that is one percent of the  
22 population of the municipality; and

23 (2) the result of dividing the number of commercial fishing  
24 vessel days in the municipality by the greater of:

25 (A) the municipality's per capita distribution of the  
26 fisheries business tax transmitted to the municipality under  
27 AS 43.75.130 during the preceding tax allocation year; or

28 (B) the average statewide per capita distribution of  
29 the fisheries business tax transmitted under AS 43.75.130

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computed for the population of all municipalities that received a payment under AS 43.75.130 during the preceding tax allocation year.

(c) If, during the tax allocation year, the amount available under AS 43.75.137 is not sufficient to provide full payment to each municipality that qualifies for a payment under this section, the department shall distribute the balance of the money available pro rata.

(d) A municipality that receives a tax allocation under this section shall use the tax allocation to help reduce the effect of fisheries business activities on the municipality, which may include the expenses of any municipal service.

(e) The department shall make the calculation of the factors applied under (b) of this section. At the request of the department, an applicant or a recipient of a tax allocation shall provide the department with the assistance and information available to the municipality that is necessary for the department to carry out the department's duties under this section relating to the municipality.

(f) The department may adopt regulations necessary to carry out the provisions of this section.

(g) In this section

(1) "base year" means the calendar year that precedes the application deadline for the tax allocation year;

(2) "commercial fishing vessel day" means a day for which a fishing vessel licensed under AS 16.05.490 pays the municipality a moorage, harbor, or docking fee;

(3) "effect" means the result of fisheries business activities on the municipality's

(A) population;

1 (B) employment;  
2 (C) finances;  
3 (D) air and water quality;  
4 (E) fish and wildlife habitats; and  
5 (F) ability to provide essential public services,  
6 including health care, public safety, education, transportation,  
7 utilities, and government administration;

8 (4) "fisheries business activity" means activity related to

9 (A) fishing, including but not limited to the catching  
10 and sale of fisheries resources;

11 (B) vessel moorage and vessel and gear maintenance;  
12 and

13 (C) processing fisheries resources for sale by freez-  
14 ing, cooking, salting, or other method and includes but is not  
15 limited to canneries, cold storages, freezer ships, and process-  
16 ing plants;

17 (5) "population" means the population determined under  
18 AS 29.60.020;

19 (6) "tax allocation year" means the fiscal year for which  
20 the department makes the tax allocation.

21 \* Sec. 2. AS 43.75 is amended by adding a new section to read:

22 Sec. 43.75.137. ADDITIONAL REFUND. To the extent that appro-  
23 priations are available for the purpose, and notwithstanding the  
24 requirement of AS 37.07.080(e) that approval of the office of manage-  
25 ment and budget is required, an amount equal to 50 percent of the tax  
26 revenue that is collected under this chapter from floating fisheries  
27 businesses and is not subject to division with a municipality under  
28 AS 43.75.130 shall be transmitted each fiscal year, without the ap-  
29 proval of the office of management and budget, by the department to

1 the Department of Community and Regional Affairs for disbursal to  
2 eligible municipalities under AS 29.60.450.

3 \* Sec. 3. This Act takes effect July 1, 1990.  
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STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION: CSSSHB 456

PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Fisheries Business Tax Refunds to Municipalities  
Sponsor: Goll  
Requestor: C & R A

Agency Affected: Revenue  
BRU: Income & Excise Audit  
Components: Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
<b>OPERATING</b>						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LANDS & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0		0
<b>REVENUE</b>	<\$4000.>	<\$4000.>	<\$4000.>	<\$4000.>	<\$4000.>	<\$4000.>

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Steven E. Kettel Phone: (907) 465-2320  
Division: Income and Excise Audit Date: February 27, 1990

Approved by Commissioner: Hugh Malone Date: February 27, 1990  
Agency: Department of Revenue

Distribution (by preparer):

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

## FISCAL NOTE

**REQUEST:** \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: "An act relating to fisheries  
business tax refunds."  
Sponsor: Goll  
Requestor: \_\_\_\_\_

Agency Affected: Community & Regional Affairs  
BRU: Local Government Assistance  
Components: Statewide Assistance

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	22.4	22.4	23.1	23.1	24.0	24.0
TRAVEL	2.0	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	3.0	3.0	3.0	3.0	3.0	3.0
SUPPLIES						
EQUIPMENT	1.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>28.4</b>	<b>27.4</b>	<b>28.1</b>	<b>28.1</b>	<b>29.0</b>	<b>29.0</b>

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

GENERAL FUND	28.4	27.4	28.1	28.1	29.0	29.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>28.4</b>	<b>27.4</b>	<b>28.1</b>	<b>28.1</b>	<b>29.0</b>	<b>29.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME	1	1	1	1	1	1
TEMPORARY						

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

No fiscal impact in FY 90.

Prepared by: J. M. Plasman, Deputy Director  
Division: Municipal & Regional Assistance

Phone: 465-4750  
Date: 02-27-90

Approved by Commissioner: David G. Hoff  
Agency: Community & Regional Affairs

Date: 2-27-90

**Distribution (by preparer):**

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

Position Title Grants Administrator		No. of Positions 1	Range/Step 17 A	Barg. Unit GGU
Time Status Part-time	Staff Months 6 months	Location Juneau		Election District
Justification				
Type of Expenditure			Amount	
1	2	3		
Salary	17.4			
Benefits	5.0			
Premium Pay				
Other				
Total Personal Services		22.4		
Travel		2.0		
Contractual		3.0		
Commodities				
Equipment		1.0		
Other				
Total Cost		28.4		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	28.4		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This position will administer the tax sharing program. The amount of work associated with the program does not justify a full-time position.

**Request For  
New Position**

Agency Community & Regional Affairs  
 BRU Local Government Assistance  
 Component Statewide Assistance

Page 1 of 1  
 Revised Date

**FY 91**

BY REP. COLL

1 IN THE HOUSE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 456  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the fisheries business tax and to  
7 the allocation of fisheries business tax receipts to  
8 certain municipalities by the Department of Community  
9 and Regional Affairs; and providing for an effective  
10 date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 \* Section 1. FINDINGS. The legislature finds that

13 (1) it has been a long-standing state policy to share fisheries  
14 business taxes with municipal governments in the areas in which the fishery  
15 resources are harvested;

16 (2) these shared taxes constitute an important source of revenue  
17 to municipal governments to mitigate the effects of fish harvesting and  
18 processing activities;

19 (3) communities are affected by an increase in population;

20 (4) fishing activities such as harvesting and processing create  
21 an influx of people throughout the year in many coastal communities;

22 (5) the state has a vested interest in encouraging communities  
23 to provide adequate services;

24 (6) revenue generated through the sharing of fisheries business  
25 taxes will help many fishing communities to provide adequate services and  
26 to prepare for future damage attributable to fisheries activities.

27 \* Sec. 2. AS 29.60 is amended by adding a new section to read:

28 ARTICLE 6. SHARED FISHERIES BUSINESS TAXES.

29 Sec. 29.60.450. FISHERIES BUSINESS TAX ALLOCATION. [ (a) A

1 municipality that is not eligible for a refund under AS 43.75.130 may  
2 receive a fisheries business tax allocation under this section if the  
3 municipality demonstrates to the department that the municipality  
4 suffered significant effects from fisheries business activities during  
5 the base year. ]

6 (b) Before making a tax allocation under (c) of this section, a  
7 portion of the tax revenue available under AS 43.75.137 for allocation  
8 under this section shall be apportioned by the department to each  
9 management area. The apportionment must be based on the ratio of the  
10 weight of the fish and shellfish processed by floating fisheries  
11 businesses within the management area to the total weight of the fish  
12 and shellfish processed by floating fisheries businesses in all man-  
13 agement areas.

14 (c) The tax allocation to an eligible municipality is the sum of  
15 (1) the result of dividing the number of the management  
16 area's eligible municipalities for the tax allocation year into one-  
17 half of the tax revenue apportioned to the management area under (b)  
18 of this section for the tax allocation year; and

19 (2) the result of multiplying the municipality's population  
20 ratio by the other one-half of the tax revenue apportioned to the  
21 management area under (b) of this section for the tax allocation year.

22 (d) A municipality that receives a tax allocation under this  
23 section shall use the tax allocation to help reduce the effect of  
24 fisheries business activities on the municipality and may thereafter  
25 use the tax allocation for the expenses of any municipal service.

26 (e) At the request of the department, an applicant or a re-  
27 cipient of a tax allocation shall provide the department with the  
28 assistance and information available to the municipality that is  
29 necessary for the department to carry out the department's duties

1 under this section relating to the municipality.

2 (f) The department

3 (1) may designate management areas by regulation; the  
4 management areas must be based on the management areas used by the  
5 Board of Fisheries by regulation adopted under AS 16.05.251(a)(2) for  
6 the management of the commercial fisheries of the state;

7 (2) may adopt other regulations necessary to carry out the  
8 provisions of this section.

9 (g) In this section

10 (1) "base year" means the calendar year that precedes the  
11 application deadline for the tax allocation year;

12 (2) "effect" means the change attributable to fisheries  
13 business activities on the municipality's

14 (A) population;

15 (B) employment;

16 (C) finances;

17 (D) air and water quality;

18 (E) fish and wildlife habitats; and

19 (F) ability to provide essential public services,  
20 including health care, public safety, education, transportation,  
21 utilities, and government administration;

22 (3) "fisheries business activity" means activity related to  
23 processing fisheries resources for sale by freezing, cooking, salting,  
24 or other method and includes but is not limited to canneries, cold  
25 storages, freezer ships, and processing plants;

26 (4) "management area" means one of the units designated by  
27 the department by regulation adopted under (f)(1) of this section;

28 (5) "population" means the population determined under  
29 AS 19.60.020;

1 (6) "population ratio" means the base year population of  
2 the municipality divided by the population of the management area;

3 (7) "tax allocation year" means the fiscal year for which  
4 the department makes the tax allocation.

5 \* Sec. 3. AS 43.75 is amended by adding a new section to read:

6 Sec. 43.75.137. ADDITIONAL REFUND. To the extent that appro-  
7 priations are available for the purpose, and notwithstanding the  
8 requirement of AS 37.07.080(e) that approval of the office of manage-  
9 ment and budget is required, an amount equal to 50 percent of the tax  
10 revenue that is collected under this chapter from floating fisheries  
11 businesses and is not subject to division with a municipality under  
12 AS 43.75.130 shall be transmitted each fiscal year, without the  
13 approval of the office of management and budget, by the department to  
14 the Department of Community and Regional Affairs for disbursement to  
15 eligible municipalities under AS 29.60.450.

16 \* Sec. 4. INTERIM FISHERY MANAGEMENT AREAS. Notwithstanding AS 29.-  
17 60.450(f)(1) and 29.60.450(g)(4) added by sec. 2 of this Act, until altered  
18 or amended by the Department of Community and Regional Affairs by regu-  
19 lation, each of the following constitutes a fishery management area for  
20 purposes of administration of AS 29.60.450:

21 (1) Area A (Southeast Alaska area): All water between the  
22 longitude of Cape Suckling and Dixon Entrance;

23 (2) Area E (Prince William Sound area): All water between the  
24 longitude of Cape Fairfield and the longitude of Cape Suckling;

25 (3) Area H (Cook Inlet area): All water enclosed by a line  
26 extending east from Cape Douglas and a line along the longitude of Cape  
27 Fairfield;

28 (4) Area K (Kodiak area): All water south of a line extending  
29 east from Cape Douglas and east of the longitude of the southern entrance

1 of Iruya Bay near Kilokak Rocks;

2 (5) Area L (Chignik area): All water on the south side of the  
3 Alaska Peninsula between the longitude of the southern entrance of Iruya  
4 Bay near Kilokak Rocks and a line extending southeast from Eupremaf Point;

5 (6) Area M (Alaska Peninsula area): All water on the south side  
6 of the Alaska Peninsula between a line extending southeast from Eupremaf  
7 Point to the longitude of Scotch Cap light on Unimak Island, and all water  
8 on the north side of the Alaska Peninsula between Cape Sarichef on Unimak  
9 Island and Cape Mensehikof;

10 (7) Area O (Dutch Harbor area): All water south of the latitude  
11 of Cape Sarichef that is between the longitude of Scotch Cap light on  
12 Unimak Island and 172° West longitude;

13 (8) Area Q (Bering Sea area): All water of the Bering Sea not  
14 included within another management area;

15 (9) Area R (Adak and Western Aleutians area): All water west of  
16 172° West longitude;

17 (10) Area T (Bristol Bay area): All water in Bristol Bay east of  
18 a line from the latitude of Cape Newenham to Cape Mensehikof;

19 (11) Area W (Huskokwin area): All water between the westernmost  
20 point of the Naskonat Peninsula and the latitude of Cape Newenham, includ-  
21 ing the water surrounding Univak and St. Matthew Islands, together with  
22 water draining into the Bering Sea within this management area;

23 (12) Area X (Fetzebue - Northern area): All water north of the  
24 latitude of the westernmost tip of Cape Prince of Wales and west of the  
25 Alaska-Yukon boundary, together with water draining into the Chukchi and  
26 Beaufort Seas within this management area;

27 (13) Area Y (Yukon area): All water between the westernmost tip  
28 of the Naskonat Peninsula and the latitude of Canal Point light, together  
29 with water draining into the Bering Sea within this management area;

1 (14) Area 2 (Norton Sound - Fort Clarence area): All water  
2 between the latitude of the westernmost tip of Cape Prince of Wales and the  
3 latitude of Canal Point light, including the water surrounding St. Lawrence  
4 Island, together with water draining into the Bering Sea within this man-  
5 agement area.

6 \* Sec. 5. This Act takes effect July 1, 1990.  
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# HOUSE COMMITTEE REPORT

(5)

Date Referred: January 31, 1990

FURTHER REFERRALS:

Date of Committee Action: 2/22/90

HESS

The COMMUNITY & REGIONAL AFFAIRS Committee considered:

HB 458

HOUSE BILL NO. 458

DAY CARE PROGRAMS/CHILD CARE GRANTS

"An Act relating to day care programs and child care grants."

### RECOMMENDATIONS:

- [ ] be replaced with \_\_\_\_\_ [ ] the same title  
[ ] a new title  
[ ] have attached amendment(s)  
 do pass  
[ ] do not pass  
[ ] no recommendation  
[ ] individual recommendations  
[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [ ] fiscal impact \_\_\_\_\_  
 zero fiscal note CRA  
[ ] zero with analysis \_\_\_\_\_

- [ ] fiscal note(s) \_\_\_\_\_  
[ ] zero fiscal note(s) \_\_\_\_\_  
[ ] zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:  
(Check approp. column)

Do Not  
Pass  
No Rec  
Amend

Eileen P. Mahan  
Chris Davis  
Eugene D. Rubin  
\_\_\_\_\_  
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	Do Not Pass	No Rec	Amend
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Eileen P. Mahan  
Chairman's Signature

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: "An Act..day care programs and child care grants."  
Sponsor: HESS Committee  
Requestor: \_\_\_\_\_

Agency Affected: Community & Regional Affairs  
BRU: Child Assistance  
Components: Child Care

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

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

There is no fiscal effect for FY 90.

Prepared by: Jm Plasman, Deputy Director Phone: 465-4750  
Division: Municipal & Regional Assistance Date: \_\_\_\_\_

Approved by Commissioner: David O. Peltier Date: 7-22-90  
Agency: Community & Regional Affairs

**Distribution (by preparer):**

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

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

**OFFICE OF THE COMMISSIONER**

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

February 22, 1990

POSITION PAPER

RE: House Bill 458 - "An Act relating to day care programs and child care grants."

SPONSOR: HESS Committee

Departmental Position

The Department of Community and Regional Affairs strongly supports this legislation.

Program Effects

This bill would expand the ability to contract with local entities to provide local administration services for the Day Care Assistance Program to include both non-profit and for-profit corporations. It would change the payment cycle for the child care grants from monthly to quarterly. It would revise the existing formula for allocation of day care positions to DCAP participants by a child care facility, which is a requirement to be eligible for a child care assistance grant. The current formula would be replaced with a simple minimum of 20 percent of a facility's spaces. The bill would also change the age from 11 to 13 for children to be eligible to receive DCAP assistance. Finally, it would amend the definition of developmentally disabled to reflect the federal definition.

Comments

The department strongly supports this legislation. The changes sought in the legislation are largely technical changes, some of which were brought out in a recent DCRA internal audit of the Day Care Assistance and Child Care Grant Programs, others of which are made to be consistent with the federal Family Support Act. These changes will strengthen the programs administratively and help them fit in better with the overall system of broad family support services in the state.

It has been the experience of the program that often day care facilities lack the necessary administrative capacity to deal with the administrative requirements of the program. This legislation would allow the department to grant funds to entities which can demonstrate the ability to appropriately administer the funds.

House Bill 458  
February 22, 1990  
Page Two

Currently child care grant payments are required to be made monthly. Each monthly payment requires a separate billing. Changing the payment cycle to quarterly would reduce the administrative burden on the state and providers significantly.

The existing formula for allocation of space by facilities participating in the child care grant program to day care assistance eligible children results in some cases in a negative number. This clearly is not the intent of the program. Instead of the complicated and flawed formula set out in the existing statute, the amendment replaces it with a simple 20 percent minimum, which is consistent with existing practice.

Under this bill, a "child" is defined for the purposes of this program to be below age 13, rather than the current age of 11. While typically children this age do not require day care, there are some shift workers who require care for children at night. Because of the limited number expected to be affected, no fiscal impact is anticipated. This change also will better provide for transitional child care for participants under the new federal welfare reform programs which defines "child" as under age 13.

The change to the definition of developmental disability is in keeping the federal definition used in Family Support Act matters. The definition expands the coverage of the statute to developmental disabilities beyond mental retardation. This allows for physical disorders which are debilitating and allows us to pay additional costs for these children and assist them to an older age.

---

David G. Hoffman, Commissioner

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Original sponsor(s): REP. ULMER, Brown, Pinkelstein, Ellis, Navarre, Koponen, M.Davis, Boyer, Kubina, Goll, Menard, Swackhammer, Jacko

1 IN THE HOUSE

BY THE C&RA COMMITTEE

2 CS FOR HOUSE BILL NO. 478 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to solid and hazardous waste manage-  
7 ment."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. LEGISLATIVE FINDINGS. The legislature finds that

10 (1) there is a growing concern nationally about the environment  
11 and the effects on human health from past solid waste management practices;

12 (2) there is a desire to prevent these effects from occurring in  
13 the future as well as a growing interest in conserving and ensuring the  
14 wise use of virgin materials;

15 (3) present solid and hazardous waste management practices in  
16 many communities in the state do not protect human health or the environ-  
17 ment;

18 (4) many communities in the state are necessarily concentrating  
19 their limited resources on more immediate environmental or human health  
20 concerns such as ensuring a safe drinking water supply or the safe manage-  
21 ment of sewage;

22 (5) communities in the state, though concerned over the problems  
23 associated with current solid and hazardous waste management practices do  
24 not have the technical or financial resources to plan for improved waste  
25 management or for enhanced recycling, treatment, or disposal facilities;

26 (6) there is a need for the state to provide financial and  
27 technical assistance to communities in the state to improve solid and  
28 hazardous waste management within the state;

29 (7) there is a need for state government to provide leadership

1 by working actively to improve waste reduction and recycling activities and  
2 to use its buying power to strengthen the markets for recycled goods.

3 \* Sec. 2. AS 46.06 is amended by adding new sections to read:

4 Sec. 46.06.021. SOLID AND HAZARDOUS WASTE MANAGEMENT PRACTICES.

5 In order to minimize present and future threats to human health and  
6 the environment in the state, the department shall promote the follow-  
7 ing solid and hazardous waste management practices in the following  
8 order of priority:

- 9 (1) waste source reduction;  
10 (2) recycling of waste;  
11 (3) waste treatment; and  
12 (4) waste disposal.

13 Sec. 46.06.031. SOLID AND HAZARDOUS WASTE REDUCTION AND RE-  
14 CYCLING PROGRAM. (a) There is established within the department a  
15 solid and hazardous waste reduction and recycling program. Within the  
16 limit of funds available, the department shall

17 (1) coordinate community and agency efforts to reduce the  
18 production of solid and hazardous waste, including air and water  
19 emissions;

20 (2) promote the practices and priorities established under  
21 AS 46.06.021 by promoting solid and hazardous waste reduction, on-site  
22 recovery of resources from hazardous waste sources, recovery of re-  
23 sources from solid waste sources, repeated use of packaging and prod-  
24 ucts, materials recycling, appropriate pretreatment, waste separation,  
25 or separate management for waste that creates problems when disposed  
26 of within the community, transportation for solid waste that cannot be  
27 disposed of within the community, and environmentally sound disposal;

28 (3) provide technical assistance and consultation for  
29 source reduction and recycling as necessary to assist with the

1 implementation of the practices and priorities established under  
2 AS 46.06.021 with communities and regional planning organizations and  
3 generators of solid and hazardous waste;

4 (4) sponsor or co-sponsor, with public or private organiza-  
5 tions, technical workshops and seminars on implementation of the  
6 practices and priorities established under AS 46.06.021, including  
7 solid and hazardous waste reduction and recycling;

8 (5) develop a technical reference center and data base  
9 relating to the implementation of practices and priorities established  
10 under AS 46.06.021 for solid and hazardous waste reduction and re-  
11 cycling;

12 (6) establish and maintain an information referral service  
13 on the implementation of the practices and priorities established  
14 under AS 46.06.021 for solid and hazardous waste reduction and re-  
15 cycling;

16 (7) identify and evaluate research needs for state busi-  
17 nesses and industry, communities and regional planning organizations,  
18 and state agencies as they relate to the implementation of the prac-  
19 tices and priorities established under AS 46.06.021 for solid and  
20 hazardous waste reduction and recycling;

21 (3) develop, in consultation with institutions of higher  
22 education in the state, courses and curricula related to the implemen-  
23 tation of the practices and priorities established under AS 46.06.021  
24 for solid and hazardous waste reduction and recycling; and

25 (9) issue hazardous waste reduction matching grants under  
26 AS 46.03.317 and community solid waste management planning grants  
27 under AS 46.06.041.

28 (b) In response to a request of a hazardous waste generator, a  
29 representative of the department may visit the hazardous waste

1 generator's site for the purpose of observing a waste generating  
2 process, obtaining information relevant to waste reduction, rendering  
3 advice, and making recommendations. A visit under this subsection may  
4 not be regarded as an inspection or investigation. A representative  
5 of the department designated to render advisory or consultative ser-  
6 vices may not have enforcement authority.

7 (c) This section does not diminish the responsibility of a  
8 person to comply with this chapter, AS 46.03, AS 46.04, or AS 46.09.

9 Sec. 46.06.041. COMMUNITY SOLID WASTE MANAGEMENT PLANNING  
10 GRANTS. (a) A community solid waste management planning grant ac-  
11 count is established in the general fund. It consists of appropria-  
12 tions made to it.

13 (b) The department may issue matching grants from money in the  
14 account to a municipality, to an unincorporated community, to an  
15 organization representing two or more municipalities or unincorporated  
16 communities within a region, to a nonprofit organization, coastal re-  
17 sources service area, or regional health corporation for the purpose  
18 of a community solid waste management plan.

19 (c) In its award of a grant under this section, the department  
20 shall consider the severity of environmental or public health concerns  
21 relating to existing solid waste management practices. The department  
22 may consider the extent to which the proposed planning effort will  
23 meet the needs of more than one community, the extent to which there  
24 is clear evidence of local support for the planning effort, and the  
25 number of individuals who will benefit from the planning effort.

26 (d) The department shall establish guidelines for the prepara-  
27 tion of plans funded under this section to achieve the practices and  
28 priorities established under AS 46.06.031.

29 (e) A grant under this section

1 (1) must be matched on a dollar-for-dollar basis by the  
2 grantee in cash or in kind;

3 (2) may not exceed \$50,000 for a single proposal or proj-  
4 ect.

5 (f) The department may waive the match required under (e) of  
6 this section on a showing satisfactory to the commissioner by the  
7 prospective applicant that matching funds are not available.

8 \* Sec. 3. AS 46.03.100 is amended by adding a new subsection to read:

9 (e) A person who applies for a solid waste permit under this  
10 section shall demonstrate to the satisfaction of the commissioner that  
11 the applicant has reasonably considered all solid waste management  
12 options and that the permit would be consistent with the practices and  
13 priorities established under AS 46.06.021.

14 \* Sec. 4. AS 46.03.299(f) and 46.03.315 are repealed.  
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STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION : HB 478  
PUBLISH DATE : 2/7/90

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Environ. Conservation  
Title: An Act relating to solid and BRU: Environmental Quality  
hazardous waste management.  
Sponsor: Rep. Ulmer Components: Environmental Quality  
Requestor: House Community & Regional Affairs Projects

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	391.2	391.2	391.2	391.2	391.2	391.2
TRAVEL	32.0	32.0	32.0	32.0	32.0	32.0
CONTRACTUAL	72.0	72.0	72.0	72.0	72.0	72.0
SUPPLIES	9.0	9.0	9.0	9.0	9.0	9.0
EQUIPMENT	45.0	45.0	45.0	45.0	45.0	45.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	500.0	500.0	500.0	500.0	500.0	500.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	1,049.2	1,049.2	1,049.2	1,049.2	1,049.2	1,049.2

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	1,049.2	1,049.2	1,049.2	1,049.2	1,049.2	1,049.2
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	1,049.2	1,049.2	1,049.2	1,049.2	1,049.2	1,049.2

POSITIONS:

FULL-TIME	9.0	9.0	9.0	9.0	9.0	9.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Jeff Mach  
Division: Environmental Quality

Phone: 465-2671  
Date: 2/15/90

Approved by Commissioner: AD Kyle  
Agency: Environmental Conservation

Date: 2/15

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

**Section 1**

Section 1 will not require any additional resources for the Department of Environmental Conservation.

**Sections 2-3**

Section 2 repeals the Department's existing provisions regarding the management and reduction of hazardous wastes and re-enacts these provisions in expanded form to include both solid and hazardous waste management. The Department is directed to coordinate efforts to reduce the production of solid and hazardous wastes, promote waste source reduction, provide technical assistance to help establish reduction and recycling practices, develop a technical reference center and data base, establish an information referral service, and develop appropriate courses and curricula related to solid and hazardous waste reduction and recycling.

This section also establishes a matching grant program for community solid waste management planning which is reflected in the fiscal note. The \$500.0 requested would allow the Department to issue approximately 10-15 grants.

Section 3 requires the Department to ensure that applicants for solid waste disposal permits satisfactorily demonstrate that all waste management options were considered.

The following positions would be needed to adequately carry out all of the provisions of this bill:

<u>Position</u>	<u>100</u>	<u>200</u>	<u>300</u>	<u>400</u>	<u>500</u>	<u>Total</u>
Ecologist III	58.4	5.0	8.0	1.0	5.0	\$77.4
Ecologist II	51.5	5.0	8.0	1.0	5.0	70.5
Project Coordinator	51.5	5.0	8.0	1.0	5.0	70.5
Env. Field Off. II	44.9	5.0	8.0	1.0	5.0	63.9
Env. Field Off. II	44.9	5.0	8.0	1.0	5.0	63.9
Env. Field Off. II	44.9	5.0	8.0	1.0	5.0	63.9
Admin. Assist. I	36.1	2.0	8.0	1.0	5.0	52.1
Clerk Typist III	29.5	0	8.0	1.0	5.0	43.5
Clerk Typist III	29.5	0	8.0	1.0	5.0	43.5
<b>TOTALS</b>	<b>391.2</b>	<b>32.0</b>	<b>72.0</b>	<b>9.0</b>	<b>45.0</b>	<b>\$549.2</b>

Position Title <b>Ecologist III</b>			No. of Positions <b>1</b>	Range/Step <b>20A</b>	Barg. Unit <b>SU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>		Location <b>Juneau</b>		Election District
Type of Expenditure			Justification		
			See attached page		
1	2	3			
Salary	\$42,800				
Benefits	15,600				
Premium Pay	0				
Other	0				
Total Personal Services		\$58,400			
Travel		5,000			
Contractual		8,000			
Commodities		1,000			
Equipment		5,000			
Other					
Total Cost		\$77,400			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	\$77,400			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency ENVIRONMENTAL CONSERVATION  
 BRU ENVIRONMENTAL QUALITY  
 Component ENVIRONMENTAL QUALITY PROJECTS

Page 3 of 14  
 Revised Date

**FY 91**

HB 478  
JUSTIFICATION FOR ECOLOGIST III

The incumbent will serve as the Department's Waste Minimization Project Manager to coordinate and promote the Department's efforts pursuant to HB 478, to reduce the production of solid and hazardous wastes, including the following specific tasks:

- Supervise the Department's provision of waste management and reduction technical assistance and other services to communities, regional organizations, school districts, and waste generators;
- Supervise the Department's sponsorship or co-sponsorship and development of technical workshops or seminars on waste reduction;
- Supervise the evaluation, selection, and procurement of materials and equipment necessary to establish and maintain a solid and hazardous waste reduction technical reference center and data base;
- Supervise the establishment and maintenance of solid and hazardous waste reduction referral services;
- Supervise the identification and evaluation of solid and hazardous waste reduction research needs for government agencies and private businesses;
- Supervise the development of local courses and curricula for solid and hazardous waste reduction;
- Supervise the development and operation of the Department's hazardous waste reduction matching and community solid waste management planning grant programs, including the development of guidelines, advertising for and evaluation of proposals, awards, monitoring, and closeout of grants;
- Serve as the Department's primary expert on waste reduction and recycling practices; and
- Serve as the Department's staff representative to the Pacific Northwest Waste Reduction Roundtable;

Position Title <b>Ecologist II</b>		No. of Positions <b>1</b>	Range/Step <b>18A</b>	Barg. Unit <b>GGU</b>	
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Juneau</b>		Election District <b>4</b>	
Type of Expenditure		Justification			
Amount		See attached page			
1	2				3
Salary	<b>\$37,400</b>				
Benefits	<b>14,100</b>				
Premium Pay	<b>0</b>				
Other	<b>0</b>				
<b>Total Personal Services</b>					<b>\$51,500</b>
Travel					<b>5,000</b>
Contractual					<b>8,000</b>
Commodities					<b>1,000</b>
Equipment					<b>5,000</b>
Other					
<b>Total Cost</b>					<b>\$70,500</b>
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	<b>\$70,500</b>			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency ENVIRONMENTAL CONSERVATION  
 BRU ENVIRONMENTAL QUALITY  
 Component ENVIRONMENTAL QUALITY PROJECTS

Page 5 of 14

Revised Date

**FY 91**

HB 478  
JUSTIFICATION FOR ECOLOGIST II

The incumbent will work on a largely independent basis, under the supervision of the Solid Waste Management Project Manager, to develop the Department's Solid Waste Management Project, including the following specific tasks:

- Develop information necessary to apply for and receive EPA approval of the Department's solid waste permit program;
- Develop and advocate the Department's position on proposed federal solid waste and incinerator ash disposal legislation and regulations, so that final federal requirements take Alaska's unique conditions into account;
- Coordinate the development of a statewide solid waste management plan that incorporates the solid waste management plans resulting from community solid waste management planning grants, as well as the recommendations of the Governor's Waste Reduction and Recycling Task Force;
- Provide increased technical assistance to the Department's regional staff, communities, and regional organizations on new and proposed federal solid waste management requirements, MARPOL requirements, long-range solid waste management planning, and solid waste management facility siting issues; and
- Develop State solid waste management policies and procedures to improve the quality and consistency of disposal permits issued by DEC and meet federal standards for state solid waste management programs

Position Title <b>Project Coordinator</b>		No. of Positions <b>1</b>	Range/Step <b>18A</b>	Barg. Unit <b>GGU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Juneau</b>		Election District <b>4</b>
Type of Expenditure		Justification		
1	2	3		
Salary	<b>\$37,400</b>	See attached page		
Benefits	<b>14,100</b>			
Premium Pay	<b>0</b>			
Other	<b>0</b>			
<b>Total Personal Services</b>	<b>\$51,500</b>			
Travel	<b>5,000</b>			
Contractual	<b>8,000</b>			
Commodities	<b>1,000</b>			
Equipment	<b>5,000</b>			
Other				
<b>Total Cost</b>	<b>\$70,500</b>			
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	<b>\$70,500</b>		
GF Program Receipts	1005			
Other				

**Request For  
New Position**

Agency ENVIRONMENTAL CONSERVATION  
 BRU ENVIRONMENTAL QUALITY  
 Component ENVIRONMENTAL QUALITY PROJECTS

Page 7 of 14  
 Revised Date

**FY 91**

HB 478  
JUSTIFICATION FOR PROJECT COORDINATOR

The incumbent will work on a largely independent basis, under the supervision of the Waste Minimization Project Manager, developing, coordinating, and promoting the Department's efforts pursuant to HB 478, to reduce the production of solid and hazardous wastes, including the following specific tasks:

- Prepare, evaluate, and select one or more contractors to provide technical assistance, or other services to state agencies, waste generators, and school districts;
- Develop and arrange for the Department's sponsorship or co-sponsorship of technical workshops or seminars on waste reduction;
- Evaluate and select materials and equipment necessary to establish and maintain a solid and hazardous waste reduction technical reference center and data base;
- Establish and maintain solid and hazardous waste reduction referral services;
- Develop courses and curricula for solid and hazardous waste reduction.
- Identify and evaluate solid and hazardous waste reduction research needs for government agencies and private businesses; and
- Develop guidelines for the administration of, advertise the availability of, evaluate proposals for, award, monitor, and closeout hazardous waste reduction matching and community solid waste management planning grants.

Position Title <b>Environmental Field Officer II</b>		No. of Positions <b>3</b>	Range/Step <b>16A</b>	Barg. Unit <b>GGU</b>	
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Juneau, Fairbanks, Anchorage</b>		Election District <b>4, 20, 10</b>	
Type of Expenditure		Justification			
Amount		See attached page			
1	2				3
Salary	<b>\$98,600</b>				
Benefits	<b>36,100</b>				
Premium Pay	<b>0</b>				
Other	<b>0</b>				
Total Personal Services					<b>\$134,700</b>
Travel					<b>15,000</b>
Contractual					<b>24,000</b>
Commodities					<b>3,000</b>
Equipment					<b>15,000</b>
Other					
Total Cost					<b>\$191,700</b>
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	<b>\$191,700</b>			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency ENVIRONMENTAL CONSERVATION  
 BRU ENVIRONMENTAL QUALITY  
 Component ENVIRONMENTAL QUALITY PROJECTS

Page 9 of 14  
 Revised Date

**FY 91**

HB 478

JUSTIFICATION FOR ENVIRONMENTAL FIELD OFFICER II POSITIONS

The incumbents, stationed in the Department's Fairbanks, Anchorage, and Juneau regional offices, will provide technical assistance to communities and regional organizations on solid waste management and reduction practices, review and issue permits to additional solid waste disposal facilities, and coordinate and promote the Department's efforts pursuant to HB 478 to reduce the production of solid and hazardous wastes, including the following specific tasks:

- Serve as the Department's regional contacts to provide waste management and reduction technical assistance and other services to communities, regional organizations, and solid waste generators;
- Review solid waste disposal permit applications for consideration of the preferred waste management practices and priorities, issue permits for solid waste disposal facilities, and inspect solid waste disposal facilities for compliance with permit and regulatory requirements;
- Assist the Department's sponsorship or co-sponsorship of technical workshops or seminars on waste reduction;
- Assist the evaluation and selection of materials and equipment necessary to establish and maintain a solid and hazardous waste reduction technical reference center and data base;
- Assist in the identification and evaluation of solid and hazardous waste reduction research needs for government agencies and private businesses;
- Assist in the development of local courses and curricula for solid and hazardous waste reduction;
- Assist in the evaluation of proposals, awards, and monitoring, of hazardous waste reduction matching grants and community solid waste management planning grants; and
- Serve as regional contacts for information to and from the Pacific Northwest Waste Reduction Roundtable;

Position Title <b>Administrative Assistant I</b>			No. of Positions <b>1</b>	Range/Step <b>12A</b>	Barg. Unit <b>GGU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>		Location <b>Juneau</b>	Election District <b>4</b>	
Type of Expenditure			Amount		
1		2	3		
Salary		<b>\$24,900</b>			
Benefits		<b>11,200</b>			
Premium Pay		<b>0</b>			
Other		<b>0</b>			
<b>Total Personal Services</b>			<b>\$36,100</b>		
Travel			<b>2,000</b>		
Contractual			<b>8,000</b>		
Commodities			<b>1,000</b>		
Equipment			<b>5,000</b>		
Other					
<b>Total Cost</b>			<b>\$52,100</b>		
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004		<b>\$52,100</b>		
GF Program Receipts	1005				
Other					
Justification  <b>See attached page</b>					

**Request For  
New Position**

Agency ENVIRONMENTAL CONSERVATION  
 BRU ENVIRONMENTAL QUALITY  
 Component ENVIRONMENTAL QUALITY PROJECTS

Page 11 of 14  
 Revised Date

**FY 91**

HB 478  
JUSTIFICATION FOR ADMINISTRATIVE ASSISTANT I

This position will work under the supervision of the Waste Reduction Project Manager implementing the provisions of HB 478, including the following specific tasks:

- Assist in the preparation of and accounting for one or more contracts for the provision of technical assistance and other services to solid and hazardous waste generators;
- Assist with arrangements for the Department's sponsorship or co-sponsorship of technical workshops or seminars on waste reduction and recycling;
- Assist in the procurement of and accounting for materials and equipment necessary to establish and maintain a solid and hazardous waste reduction technical reference center and data base;
- Assist in the establishment and maintenance of a solid and hazardous waste reduction referral service;
- Assist in the development of guidelines for the award of community solid waste management planning grants; and
- Assist in the award of and account for funds disbursed through hazardous waste reduction and community solid waste planning grant programs.

Position Title <b>Clerk Typist III</b>		No. of Positions <b>2</b>	Range/Step <b>8A</b>	Barg. Unit <b>GGU</b>	
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Juneau, Anchorage</b>		Election District <b>4, 10</b>	
Type of Expenditure		Justification			
Amount		See attached page			
1	2				3
Salary	\$39,200				
Benefits	19,800				
Premium Pay	0				
Other	0				
Total Personal Services					\$59,000
Travel					0
Contractual					16,000
Commodities					2,000
Equipment					10,000
Other					
Total Cost					\$87,000
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004		\$87,000		
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency ENVIRONMENTAL CONSERVATION  
 BRU ENVIRONMENTAL QUALITY  
 Component ENVIRONMENTAL QUALITY PROJECTS

Page 13 of 14  
 Revised Date

**FY 91**

HB 478  
JUSTIFICATION FOR CLERK TYPIST III POSITIONS

The incumbents, stationed in the Department's Solid and Hazardous Waste Management Section and Southcentral Regional Office will provide clerical staff necessary to support the Department's efforts under HB 478 to reduce the production of solid and hazardous wastes, including the following specific tasks:

- Production of documents and files related to:
  - providing waste management and reduction technical assistance,
  - review of applications and issuance of solid waste disposal permits,
  - sponsorship and development of technical workshops or seminars on waste reduction,
  - establishment and maintenance of waste reduction information services,
  - identification and evaluation of waste reduction research needs, waste reduction courses and curricula,
  - development and operation of the Department's hazardous waste reduction matching and community solid waste management planning grant programs, and
  - participation on the Pacific Northwest Waste Reduction Roundtable.

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES



### REPRESENTATIVE FRAN ULMER

#### MEMORANDUM

TO: Rep. MacLean, Chair  
Members  
House Community and Regional Affairs Committee

FROM: Rep. Fran Ulmer

DATE: February 15, 1990

RE: HB 478-Solid Waste Management Analysis

---

HB 478 is a first step towards implementation of a solid waste management plan for Alaska that will also include waste reduction and recycling options. This legislation will allow communities to receive help from DEC, both financial and technical, while they are making decisions regarding solid waste management needs for the future. This legislation specifically address the problem of solid waste at the community level.

#### HB 478 would:

- Establish a preferred hierarchy of solid waste management options so that the state would be "on the record" favoring waste reduction, recycling and appropriate treatment of specific wastes rather than "business as usual" -continuing to generate, at an increasing rate, waste destined for disposal.
- Expand the Department of Environmental Conservation's current efforts in hazardous waste reduction and recycling to include solid waste, and thus allowing the department to provide, among other services:

(over)

- \* technical assistance to communities in the waste reduction, recycling and the separate management of troublesome wastes, etc;
  - \* assistance to community groups and schools to develop public education programs on the importance of waste reduction and recycling;
  - \* a more comprehensive analysis of the full range of solid waste management options available to Alaskan communities, including small scale recycling and disposal technologies; and
  - \* a waste reduction and recycling hotline.
- Provide planning and technical assistance grants of up to \$50,000 to local communities (or regional groups) for solid waste management planning, so that communities have the ability to explore reduction, recycling and other management options.
  - Ensure that communities and industrial solid waste facility operators begin to focus on waste reduction and recycling by asking that the preferred hierarchy of management options be considered as part of the solid waste disposal facility permit process.

HOUSE COMMUNITY AND REGIONAL AFFAIRS LETTER OF INTENT  
FOR  
CSHB 478 (C&RA)

It is the intent of the legislature that the passage of CSHB 478 (C&RA) will not change the status of the program enacted under AS 46.07.010 (Village Safe Water Act) in that providing safe water and hygienic sewage disposal for all Alaskans is a primary concern of the Department of Environmental Conservation (DEC).

It is also the intent that funds needed to implement grants under CSHB 478 (C&RA) will be separate from funds used by the DEC for Village Safe Water and the Alaska Clean Water Fund.

It is also the intent of the legislature that the priority of solid and hazardous waste management practices as established in Sec. 46.06.021 of this bill will not supersede a community's efforts to obtain safe water and hygienic sewage disposal.

\_\_\_\_\_

Date\_\_\_\_\_

Rep. Eileen MacLean, Chair  
House Community and Regional Affairs Committee

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

February 14, 1990

POSITION PAPER

RE: House Bill 478

SPONSOR: Representative Fran Ulmer

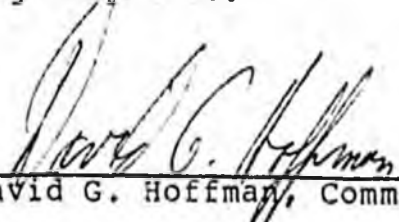
Effects of the Bill

House bill 478 authorizes solid waste management planning grants and requires the Department of Environmental Conservation (DEC) to establish guidelines to assure that source reduction and recycling are considered in those plans.

The bill contains legislative findings supporting a state role in promoting improved waste management and recycling. The findings recognize that many Alaskan communities face environmental health concerns (i.e., safe water) other than solid waste, and will require financial and technical assistance to improve local hazardous and solid waste management. The bill establishes both a solid and hazardous waste reduction and recycling program within the DEC and a program for community solid waste management planning grants. The bill also requires that DEC promote recycling as an activity that should occur before incineration or landfilling.

Comments

Recycling is not mandatory in the legislation, recognizing that it may not be a feasible undertaking in small, remote communities. The legislation also states that two or more communities may join together to plan for solid waste management facilities. In fact, DEC is required to consider the extent to which a solid waste plan will serve more than one community. This may be sufficient incentive for the development of regional or multi-community facilities, and could promote recycling by merging several smaller waste streams to permit economies of scale. DEC is currently considering regional facilities where appropriate to reduce the number of smaller, non-complying dumpsites.

  
\_\_\_\_\_  
David G. Hoffman, Commissioner

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4100
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073



# ENVIRONMENTAL SERVICES Ltd.

February 14, 1990

Representatives Ulmer, Brown and Finkelstein  
Alaska State House of Representatives  
PO Box V  
Juneau, Alaska 99811

Representatives,

As we discussed we have reviewed the package of bills you recently introduced on solid waste management and recycling. We concur this is a timely effort in light of growing federal and socio-political pressures to address these complex and difficult problems.

Environmental Services, Ltd. has over 20 years of experience in the arctic and subarctic both in Alaska and Canada with a wide variety of experience and success in dealing with solid and hazardous waste issues. Our staff consists of top environmental professionals from a variety of scientific and engineering fields. Members of our staff have served with the Alaska Department of Environmental Conservation as well as the Department of Interior and have a comprehensive understanding of environmental problems, the regulatory framework and the solutions appropriate and cost effective in Alaska.

Generally, we favor the thrust of the legislation and look forward to being of further assistance in their recrafting to facilitate passage. However, we do offer a few technical changes we believe will clarify implementation and strengthen your efforts toward the goals articulated in your press release.

HB 478 An Act relating to solid and hazardous waste management:

This bill will create a number of new state jobs in the Department of Environmental Conservation. We understand that a fiscal note of \$500,000.00 will be attached. Our main concern is that the individuals hired by the State have the technical expertise and experience required to make this program successful. Over the past two administrations we have watched as DEC Commissioners appoint people to highly technical positions without the proper professional credentials, we find essential in understanding the complexities of waste management problems and in stimulating

HB 480 An Act authorizing loans for solid waste management projects from the clean water fund:

Again our concerns are to ensuring that technically competent people administer any program using these funds and that they not fund public sector efforts that will be in direct competition with existing private sector jobs.

HB 481 An Act relating to state procurement of recycled paper and other products and to the state's use of paper; establishing a waste reduction and recycling task force; and providing for an effective date:

Section 6: Sec 44.99.020 should also include all municipal governments that receive state funds as well as any private company under contract to the state or a municipal government.

This clarification is consistent with the intent of the legislation and reaches far beyond the confines of state agencies. It is also consistent with the reality that the State provides significant funds to local governments which cumulatively create more waste paper, often in remote areas, than state agencies do themselves.

Although the concept of the Task Force is to focus policy makers on the problem, we expect these responsibilities will be delegated down within each agency to those technically competent to make the types of recommendations sought. This is fine, if the policy makers give policy direction as they delegate and as they review the recommendations. Too often, in our experience, the policy makers delegate the work assignment but do not review the broader public policy concerns. This results in a patchwork of public policies that run counter to each other, creating conflict, paralysis, greater public expenditures - and does not move Alaska forward.

#### General Comments

In order to provide an incentive to reduce waste and recycle used materials it is our experience that specific goals or targets need to be established. These goals must be realistic, economically and technically, but they must also be goals that push public awareness, not drag behind opinion polls. A phased program requiring specific compliance for specific materials that are present, require attention and can be addressed in Alaska should be considered.

We hope these comments are of assistance in your efforts to address this important and timely matter of waste reduction,

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**



# ENVIRONMENTAL SERVICES Ltd.

---

February 14, 1990

Representatives Ulmer, Brown and Finkelstein  
Alaska State House of Representatives  
PO Box V  
Juneau, Alaska 99811

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Generally, we favor the thrust of the legislation and look forward to being of further assistance in their recrafting to facilitate passage. However, we do offer a few technical changes we believe will clarify implementation and strengthen your efforts toward the goals articulated in your press release.

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This bill will create a number of new state jobs in the Department of Environmental Conservation. We understand that a fiscal note of \$500,000.00 will be attached. Our main concern is that the individuals hired by the State have the technical expertise and experience required to make this program successful. Over the past two administrations we have watched as DEC Commissioners appoint people to highly technical positions without the proper professional credentials, we find essential in understanding the complexities of waste management problems and in stimulating

creative solutions. Although it may not be appropriate, in the body of legislation, we would suggest that the Legislature pay close attention to minimal qualifications for each of the positions created by this bill and that an emphasis be placed on private sector experience in the areas to be regulated.

Section 46.06.031(b) places an agent of the State in a very difficult position. If an agent for the State sees a violation, knows that it is a violation and does not report it or serve a citation that agent may be in violation of existing State and Federal law. Furthermore the State will effectively either sanction breaking the law or undermine the credibility of the program. A more productive approach would be to retain enforcement authority, but expand the role of the agent to provide active assistance in designing environmentally effective improvements in an affected facility.

We do not believe this approach would counter the intent of the bill. Much of the "assistance" provided will depend on the management philosophy of the department and the personality of the agent. This reinforces our concern that technically competent people be placed in these positions and that a clear management philosophy be articulated within the department so that professionals understand the parameters within which they must function.

Section 46.06.041(b) gives funds to government agencies (State and Local) as well as non-profit groups that will be in direct competition with existing private corporations in Alaska already providing this service.

We recommend this section be amended so that it restricts public expenditures that are in competition with existing private companies and allows agencies to contract with competent private companies, where they exist, to provide the service. This is clearly consistent with the Governor's policy of, whenever possible, contracting out services the private sector can provide more effectively than State government.

HB 479 An Act establishing an awards program to recognize waste reduction and recycling efforts in school districts; and providing for an effective date:

We have no concerns with this bill. We think it is a positive step forward in establishing the type of recognition and day-to-day environment essential to teach our children the values sought by the bill.

HB 480 An Act authorizing loans for solid waste management projects from the clean water fund:

Again our concerns are to ensuring that technically competent people administer any program using these funds and that they not fund public sector efforts that will be in direct competition with existing private sector jobs.

HB 481 An Act relating to state procurement of recycled paper and other products and to the state's use of paper; establishing a waste reduction and recycling task force; and providing for an effective date:

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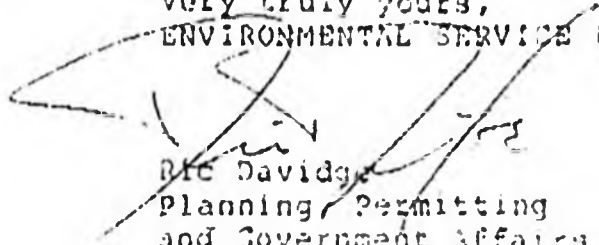
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In order to provide an incentive to reduce waste and recycle used materials it is our experience that specific goals or targets need to be established. These goals must be realistic, economically and technically, but they must also be goals that push public awareness, not drag behind opinion polls. A phased program requiring specific compliance for specific materials that are present, require attention and can be addressed in Alaska should be considered.

We hope these comments are of assistance in your efforts to address this important and timely matter of waste reduction,

waste management and recycling. We look forward to working with you during the session to move these bills into law.

Very truly yours,  
ENVIRONMENTAL SERVICE LTD



DTC Davidge  
Planning, Permitting  
and Government Affairs

## Recycling in the States

Update 1989

The rush to recycle continued in 1989 as 38 states and the District of Columbia enacted more than 120 recycling laws through September; yet only two mandates for materials collection were passed. State laws also attacked plastics and such problem wastes as tires, used oil, and batteries with combinations of incentives, bans, and trade-in requirements.

---

National Solid Wastes Management Association  
1730 Rhode Island Avenue, NW  
Suite 1000  
Washington, DC 20036  
(202) 659-4613





## Comprehensive Recycling Laws

	Year	Plan	Goal	Mandated Goal	Mandatory Source Separation	Mandated Drop-off Center or Collection	Education	Market Studies	Grants or Loans	Tax Incentives
Arkansas	1989	●							●	
California	1989	●	50% by 2000	●			●	●	●	●
Connecticut	1987	●	25% by 1991		●		●	●	●	
District of Columbia	1989	●	45% by 1994		●		●	●	●	
Florida	1988	●	30% by 1994	●			●	●	●	●
Hawaii	1988	●				●	●	●	●	
Illinois	1988	●	25% <sup>1</sup>				●	●	●	
Iowa	1989	●	50% by 2000				●	●	●	
Louisiana	1989	●	25% by 1992				●	●	●	
Maine	1989	●	50% by 1994		● <sup>2</sup>		●	●	●	●
Maryland	1988	●	20% by 1994 <sup>3</sup>	●			●	●	●	
Massachusetts	1987	●	20% by 1992				●	●	●	
Michigan	1988	●	50% by 2005				●	●	●	
Minnesota	1989	●	25% by 1993			●	●	●	●	
New Jersey	1987	●	25% by 1992		●		●	●	●	●
New York	1988	●	50% by 1997		●		●	●	●	
North Carolina	1989	●	25% by 1993				●	●	●	●
Ohio	1988	●	25% by 1994	●			●	●	●	
Oregon	1983					●	●	●	●	●
Pennsylvania	1988	●	25% by 1997		●		●	●	●	
Rhode Island	1986	●	maximum possible <sup>4</sup>		●		●	●	●	
Tennessee	1989	●					●	●	●	
Vermont	1987	●	40% by 2000				●	●	●	
Virginia	1989	●					●	●	●	
Washington	1989	●	50% by 1995		●		●	●	●	●
West Virginia	1989	●	30% by 2000				●	●	●	
Wisconsin	1983					●	●	●	●	

Notes: This chart depicts requirements of both new and revised comprehensive recycling laws; the date of the most recent law is given. Recycling plans may be a component of state or municipal solid waste management plans, or separate requirements. Only final recycling goals are listed; states often include source reduction and composting in this percentage.

<sup>1</sup> This goal only applies to counties with populations greater than 100,000.

<sup>2</sup> Source separation requirements only apply to offices.

<sup>3</sup> Twenty percent recycling is the optimal goal. Counties with populations greater than 150,000 must recycle at least 15 percent of their waste. Counties with populations under 150,000 must recycle at least five percent of their waste.

<sup>4</sup> Municipalities must achieve at least 13 percent recycling.

Each year, Americans produce 17 million tons of residential and commercial waste — 17 million tons. As landfills rapidly reach capacity, local governments are urged to reduce the amount of trash destined for landfills. Once strictly a volunteer activity, recycling is now strictly a volunteer activity. Also, it is inexpensive that recycling is

Twenty-six states plus D.C. now have comprehensive recycling laws that provide a framework for state-wide participation in collection efforts. Some cases, mandate local government participation in collection efforts. Nation's ten largest cities (Cincinnati, New York, Phoenix, Philadelphia, San Francisco, Seattle, St. Louis, and Dallas) have programs in place. 1,000 curbside recycling programs exist in 1,000 municipalities around the country.

### What is recycling?

Recycling involves three steps:

1. **Separating recyclables.** Two common methods are curbside collection of materials that have already been used, and transport of mixed recycling materials to a material recovery facility (MRF) for sorting.

2. **Processing recyclables.** For example, at plastics recycling facilities, plastics are cleaned, sorted, and shredded. The chips are melted and molded into new products.

3. **Returning recycled materials to the marketplace.** usually as part of other products. For example, old newspapers are recycled into new newspapers or tissue, and reused in packaging.

## State Recycling Efforts Expand in 1989

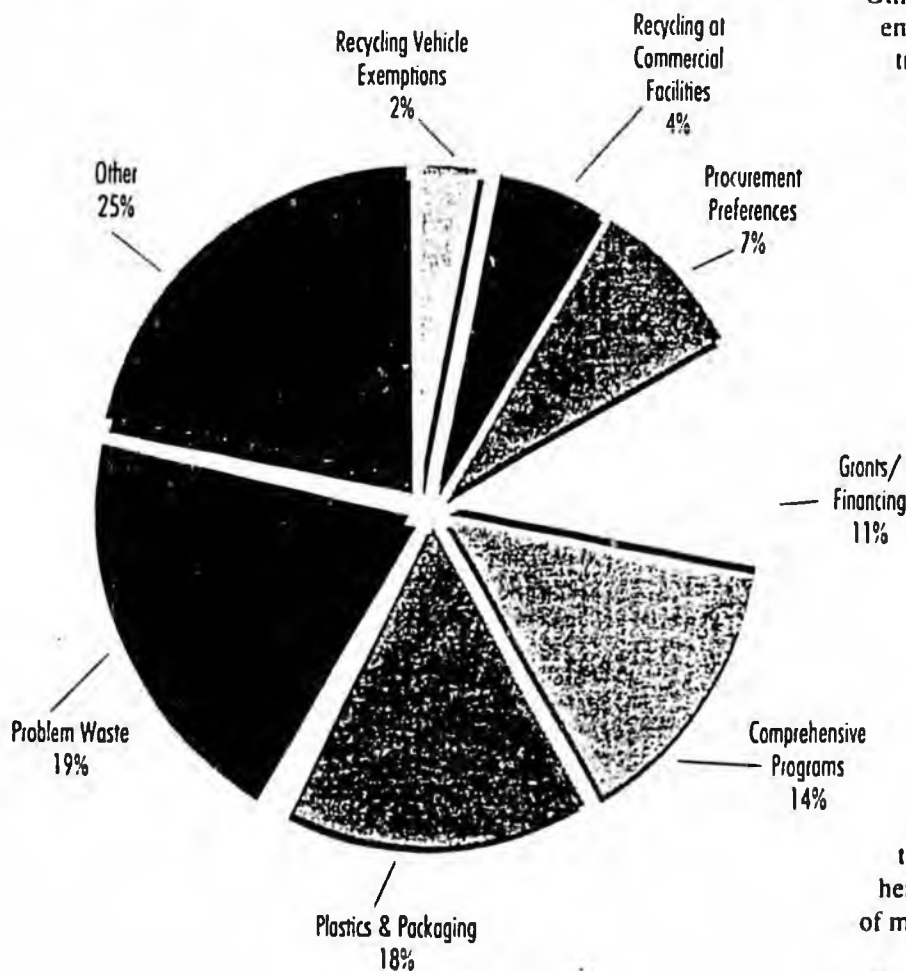
The 125 recycling laws enacted in 1989 encompass a broad range of tactics and programs for materials recovery.<sup>2</sup> Comprehensive laws were enacted in eleven states — Arkansas, California, Iowa, Louisiana, Maine, Minnesota, North Carolina, Tennessee, Virginia, Washington, and West Virginia — plus the District of Columbia. States also stepped up efforts to recover plastics and problem wastes such as tires, used oil, and car batteries for recycling. Many of the 1989 laws created or reauthorized grant and loan funds to help municipalities purchase equipment and build facilities. Others addressed such diverse topics as exemptions from size limits for recycling trucks, feasibility studies for recycling ash, and recycling in government agencies. Some laws just made minor amendments to earlier acts.

Comprehensive recycling laws passed between 1986 and 1988 were mainly enacted by states with severe landfill capacity shortages. Prominent features of such laws were requirements for separating recyclables at the source, also known as mandatory curbside collection. But 1989 yielded only two separation mandates, in Washington and the District of Columbia. (Maine's separation requirements apply only to offices.) Reluctance to establish the more stringent rules in 1989 may be a reaction to the glutted market conditions that resulted when hundreds of thousands of citizens began to source separate in the Northeast. Also, the majority of states that enacted comprehensive programs this year have the luxury of more than ten years of landfill space.

Here are some examples of 1989 laws:

**California.** On October 1, 1989, the governor concluded the legislative session by signing the last of 18 new recycling laws. The state now has a mandatory goal of 25 percent source reduction, composting, and recycling by January 1, 1995, which jumps to 50 percent by the year 2000, where feasible. Cities must prepare nine-part source reduction and recycling plans by July 1, 1991 for county approval. Failure to submit adequate plans can result in fines of up to \$10,000 per day. County plans for siting disposal facilities to handle the remaining waste must be sent to the new state Integrated

## 1989 Recycling Laws by Primary Topic



### Total: 125 laws in 38 states and the District of Columbia<sup>1</sup>

<sup>1</sup> States that passed recycling laws through September 1989: Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Iowa, Illinois, Indiana, Louisiana, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Montana, North Carolina, North Dakota, New Hampshire, New Jersey, Nevada, New York, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, West Virginia, and Wyoming.

<sup>2</sup> This survey identifies recycling bills signed into law as of September 20, 1989. Also included are recycling laws signed by the governor of California through October 1, and Minnesota HF 417, the "Score Bill" signed into law on October 3. Legislatures in Massachusetts, Michigan, New Jersey, Pennsylvania, and Wisconsin were still in session at date of publication.

Waste Management Board. A variety of measures were adopted to create new markets for recyclables. To meet a goal of purchasing 40 percent recycled products by 1995, the state will give preference to recycled oil, glass, compost, plastics, solvents, and paint. The state is also required to begin using retreaded tires, and to purchase only recycled lead acid batteries. In addition, 40 percent of high grade paper purchased by the state must be recycled paper. Local governments will work to create a recycling infrastructure with "market development zones." Incentives for private investment include individual and corporate tax credits and industrial development bonds.

Washington. HB 1671, signed by the governor in May, requires all cities and counties to add waste reduction and recycling strategies to their waste management plans. After plan approval, the municipalities have one year to begin source separation and collection programs. A tax on homeowners, based on the number of refuse containers set out for collection each week, provides funds for municipal composting and recycling facilities. Market development is assigned to the Department of Trade and Economic Development and a task force of state and industry officials. Other provisions include a ban on disposing car batteries, a fee on replacement tires, a public information hotline, and an award program.

Iowa. HF 753 creates a framework for statewide recycling in the future, while targeting reduction and recycling of problem waste. The law establishes ambitious goals of 25 percent waste reduction by 1994 and 50 percent by the year 2000. Communities must develop and implement recycling plans. To aid market development, the state will set up a recycling network linking waste generators and private recycling companies. The law bans a series of materials from landfills including yard waste, lead acid batteries, scrap tires, and used oil. It also prohibits the sale of plastics containing chlorofluorocarbons. In addition, if 50 percent of all polystyrene packaging used in the state is not recycled by January 1, 1994, it cannot be manufactured or sold.

District of Columbia. Noting that 53 percent of the waste stream in the nation's capital is paper, the District passed its mandatory source separation act in January. Residents are scheduled to begin separating all newspaper and yard waste for collection by October 1, 1989. Government agencies and businesses must recycle office paper and newsprint. Separation of glass and metals for both commercial business and residents should start in 1990. (Due to a short start-up time and lack of funds to implement the program, requirements are being phased in more slowly than planned.) A multi-material buy-back center will be constructed to handle some of the

materials; an intermediate processing facility is authorized. The law also requires the District's paper purchases to include "not less than 45 percent (recycled paper products) by October 1, 1992." A plan will be developed to recycle certain hard-to-dispose items and to create tax incentives and loans for businesses.

North Carolina. SB 111 takes a cautious approach towards mandatory recycling. Counties are required to "attempt to achieve" a 25 percent reduction in their waste stream by January 1, 1993. First, recycling provisions must be added to waste management plans, then communities have until July 1, 1991 to ensure "separation before final disposal" of waste. Those who do not comply with the law are ineligible for solid waste grants. State responsibilities include providing technical, planning, and financial assistance for local governments, maintaining a market directory for recyclables, conducting education programs, creating a full-cost accounting system for solid waste disposal, and conducting periodic market evaluations. Lead acid batteries, used oil, white goods and yard trash are banned from landfills. Detailed standards for used oil and scrap tire recycling address facility licenses, transporter registration, and fees. The law also bans the sale of plastic bags unless they are recyclable. Finally, the law establishes a purchase preference for recycled materials in construction projects.

Three states — Oregon, Wyoming and New Hampshire — passed less sweeping laws that require waste reduction measures at landfills and incinerators. Municipalities may send waste to commercial landfills in Oregon only if they have rules in effect at least as stringent as Oregon recycling laws. (This measure is partly in response to proposed shipments of Seattle, Portland, and other big city refuse to landfills in less populated Oregon communities.) Wyoming assesses commercial waste facilities \$10 for each ton of waste they accept, but reimburses \$5 for each ton they reclaim for recycling. In New Hampshire, recyclables must be removed or the garbage otherwise reduced in weight by 15 percent before landfilling (incineration in waste-to-energy plants is acceptable).

A few states have already reported results of earlier legislation:

□ This summer, Rhode Island's mandatory recycling law took effect for commercial businesses. (Residences have until next year to comply.) The state is currently recovering 14 percent of its waste.

□ New Jersey passed voluntary recycling laws in 1982 and then enacted mandatory source separation requirements in 1986. The state achieved an 18 percent recycling rate in 1988.

□ Oregon's 1983 "Opportunity to Recycle Act" took effect in 1986. The Department of Environmental Quality estimates that the state is recovering 24 percent of its waste stream. Portland, which implemented a mandatory curbside program in June of 1987, reports a 26 percent recovery rate.

### Creating Markets for Recycled Materials

Successful recycling depends on finding a market for recycled materials. Merely separating such products from other trash does not guarantee their reuse. To increase the demand for recycled materials, state programs must overcome several barriers.

□ Post-consumer materials must meet a manufacturer's need for a steady, high-quality supply. The necessary infrastructure for collecting and processing recycled materials is only now being established.

□ As more recyclables are recovered, the capacity to process the materials into new products must also increase. This will require substantial investment in new plants and equipment.

□ The demand for most recyclables fluctuates with prices in the commodities market for virgin materials. Municipal programs must be able to adapt to such constant change.

So far, state success at collecting recyclables has resulted in supply exceeding demand. Mandatory collection of newspaper in many East Coast cities has caused prices to plummet; in some areas, brokers even charge a fee to remove such paper. Additional paper mill capacity to recycle newsprint is at least three to five years away. In the meantime, states are trying a variety of methods to solve the market problem.

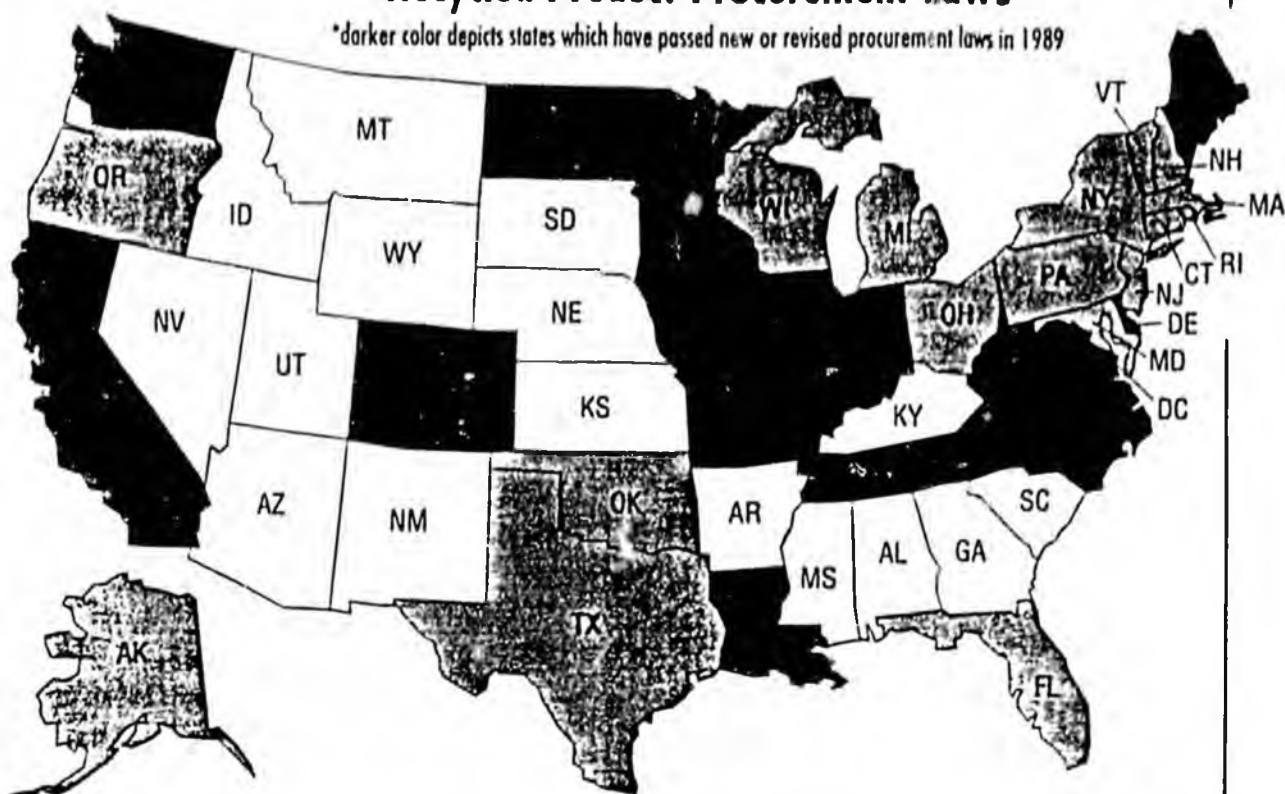
### Materials Recycled in the U.S., 1986

	Amount Generated (millions of tons)	Amount Recycled (millions of tons)	% of Waste Stream
Paper & paperboard	64.7	14.6	9.2
Glass	12.9	1.1	0.7
Metals	13.7	1.0	0.6
Plastics	10.3	0.1	0.1
Rubber & leather	4.0	0.1	0.1
Textiles	2.8	0.0	0.0
Wood	5.8	0.0	0.0
Food waste	12.5	0.0	0.0
Yard waste	28.3	0.0	0.0
Other	2.7	0.0	0.0
<b>Total</b>	<b>157.7</b>	<b>17.0</b>	<b>10.7</b>

Source: Franklin Associates, *Characterization of Municipal Solid Wastes in the United States, 1960 to 2000*. Prepared for the U.S. Environmental Protection Agency (Update, 1988).

## Recycled Product Procurement Laws

\*darker color depicts states which have passed new or revised procurement laws in 1989



### "Buying Recycled"

Thirty-three state governments and the District of Columbia now express a preference for buying products made with recycled materials. Many of these statutes simply urge state agencies to purchase such products, especially paper, whenever possible. In 1989, purchase preferences expanded to include compost, tires, and used oil products, supporting legislative calls to increase recycling of these items. Texas allows state agencies to pay 15 percent more for rubberized asphalt in road paving projects. In Louisiana, at least five percent of all purchases must be recycled products. Twenty-five percent of paper purchases must have recycled content within five years.

Some states have passed legislation designed to encourage broader recovery efforts. In 1989, seven states — California, Colorado, Florida, Maine, Oregon, Texas, and Washington — established new tax credits or revised earlier ones. Earlier court decisions in Indiana, Iowa and Missouri declared recyclers eligible for the same tax credits and exemptions, bonds and accelerated depreciation schedules that apply to manufacturers. One of the boldest attempts to stimulate private industry's demand for recycled materials is new laws in Connecticut and California.

### Connecticut and California Mandate Recycled Newsprint

Connecticut's second major law involving recycling, PA 89-385, requires newspaper publishers to use recycled newsprint. By 1993, all in-state papers and those out-of-state papers with Connecticut circulation greater than 40,000 must use newsprint with 40 percent recycled paper content. The amount of recycled newsprint required starts at 20 percent in 1993 and must reach 90 percent by 1998. The law also directs the state Environmental Protection Commissioner to adopt source reduction regulations "not earlier than October 1, 1991." The regulations will focus on reducing the volume or weight of disposable packaging and material, and promoting recyclable packaging. In California, commercial consumption of recycled newsprint containing at least 40 percent post-consumer paper must reach 25 percent by January 1, 1991, and 50 percent by the year 2000. Similar legislation has been proposed in Illinois, New Jersey, and New York.

# Incentives for Recycling



**California**—Recycling equipment investment tax credit for individuals and corporations. Development bonds for manufacturing products with recycled materials.



**Colorado**—Tax credits for investments in plastics recycling equipment.



**Florida**—Sales tax exemption on recycling machinery purchased after July 1, 1988.



**Indiana**—Property tax exemptions for buildings, equipment, and land involved in recycling operations.



**Maine**—Tax credit equal to 30% of cost of equipment and machinery. Subsidies to municipalities for scrap metal transportation costs.



**New Jersey**—50% investment credit for recycling equipment and programs.



**North Carolina**—Industrial and corporate tax credits and exemptions for equipment and facilities.



**Oregon**—Individual and corporate income tax credits for equipment purchases and facilities.



**Texas**—Franchise tax exemption for sludge recycling corporations.



**Washington**—Exemption of tires and certain other hard-to-dispose materials from portions of sales and use taxes.



**Wisconsin**—Sales tax exemptions for equipment and facilities; business property tax exemptions for some equipment.

## States Target Materials

In 1989, many states focused their legislative efforts on recycling specific materials such as plastics, packaging, yard waste, and hard-to-dispose items.

## Recycling Problem Waste

State lawmakers this year favored recycling as the best method of managing such problem wastes as tires, used oil and car batteries. These laws create infrastructures for recycling, which include disposal restrictions, storage facility permits, public notices, and trade-in requirements. New Hampshire and Maine place a surcharge on new car batteries, and then give consumers a rebate if they bring in their used battery for trade-in. Oklahoma places a \$1.00 fee on each new tire sold and then returns 50 cents to permitted processing facilities for each tire handled. North Carolina funds a separate public education campaign just for used oil collection and recycling. Connecticut is the first state to mandate recycling of nickel cadmium batteries, one source of heavy metals in municipal waste. Consumer products containing these batteries must be labeled, and the battery must be easy to remove. Recycling efforts begin after July, 1993.

State	Used Oil	Lead Acid Batteries	Tires
California	●	●	●
Florida			●
Hawaii	●	●	
Iowa	●	●	●
Illinois		●	
Indiana	●		
Louisiana	●	■	●
Maryland	●		●
Maine		●	
Minnesota		●	
North Carolina	●	●	●
New Hampshire	●	●	●
New York			●
Oklahoma			●
Oregon	●	●	●
Rhode Island			●
Tennessee		●	●
Texas			●
Virginia	●		●
Washington	●	●	●
Wyoming		●	

## Why are these problem wastes?

□ Over 400 million gallons of used oil (40 times the amount of the Exxon Valdez oil spill) end up in the trash or sewers each year. About 50 million gallons of used oil are reprocessed each year into fuel, lubricant, and hydraulic oils.

□ About 27 percent of the 240 million vehicle tires discarded each year are reclaimed, most of them recapped. One promising use for the other 73 percent is rubberized asphalt. Currently, surplus tires are thrown in stockpiles, adding 150 million to 200 million tires a year to the estimated two billion to three billion tires already there. Such stockpiles can be breeding grounds for disease-carrying mosquitoes. Another hazard is tire pile fires, which send noxious gases into the air and can take months to extinguish.

□ Even though about 80 percent of the lead acid batteries sold in the U.S. are recycled each year, a recent EPA report found that the discarded ones are still a major source of lead in municipal waste. New laws aim to capture the remaining 20 percent for recycling.

## Plastics and Packaging

Plastics and packaging have received intense scrutiny as symbols of a disposable society. EPA estimates that packaging and containers account for about 30 percent of our waste, and plastics represent

seven percent (by weight). Recent research has shown that plastics packaging accounts for about nine percent of the volume in landfills. (All plastics account for 18 percent of the volume.) Relatively little plastics and packaging is recycled, partly because the multiple materials and resins in the products are difficult to separate. However, research is underway to surmount this obstacle. Chemical companies and the waste industry have recently formed joint ventures to collect and recycle soda, milk, and detergent bottles, as well as polystyrene containers and utensils into such products as fiberfill, strapping tape, flower pots, and lumber-substitutes. (Plastic containers can absorb traces of their contents, so they are not approved for reuse as food packaging.)

Meanwhile, some states are threatening to ban some types of plastic and packaging if they are not recycled. Others are passing laws to facilitate recycling of these products by requiring codes on plastic bottles that name resin types, and by restricting the sale of multi-material containers. Colorado is

attempting to lure the fledgling plastics recycling industry into the state with tax credits, as well as grants and loans for research and development and new equipment.

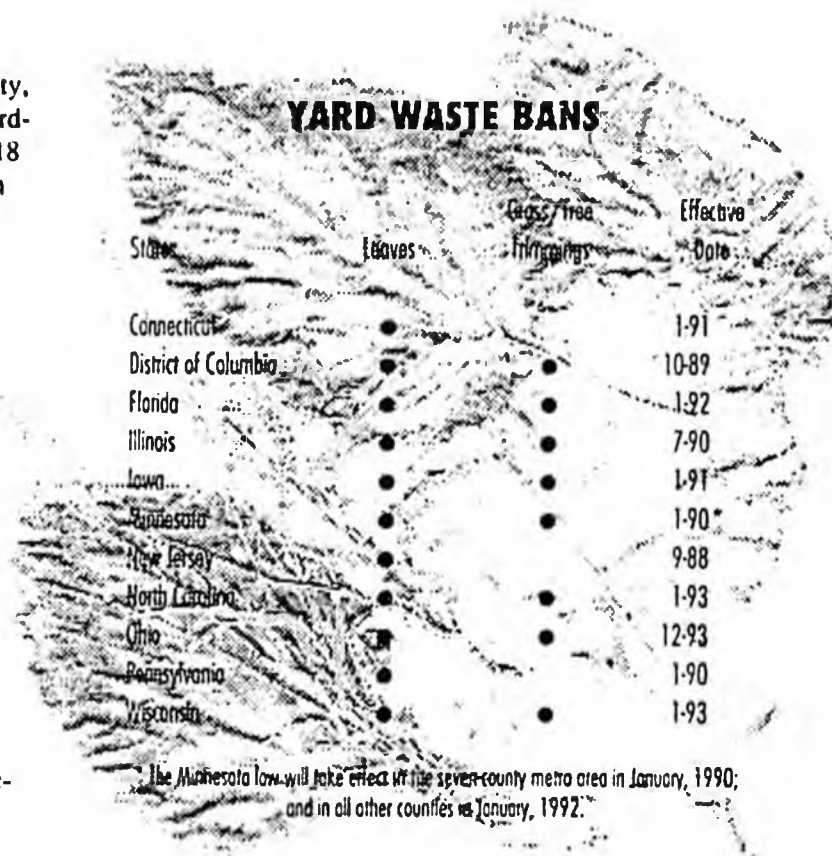
At least 18 states now require codes on plastic containers to identify the type of resin they are made from so that industry can readily sort them for recycling purposes. Twelve states (Colorado, Iowa, Indiana, Louisiana, Ohio, Maine, Massachusetts, Michigan, Missouri, North Carolina, North Dakota, and Texas) passed such laws in 1989. The deadlines for coding range from January 1990 to July 1992.

Illinois, Connecticut, and New Hampshire passed laws in 1989 to put logos on recyclable products and those made from recycled materials to encourage consumers to buy them.

At least ten states (Illinois, Iowa, Louisiana, Maine, Missouri, North Carolina, Oregon, Nevada, Rhode Island, and North Dakota) enacted product bans in 1989. Common targets were plastic beverage containers unless recyclable, beverage containers with detachable rings or tabs, and polystyrene packaging made with chlorofluorocarbons. Similar bans have been enacted in Berkeley, CA; Newark, NJ; Suffolk County, NY; Minneapolis and St. Paul, MN; and Portland, OR.

## Yard Waste

In the quest to save landfill capacity, yard waste is an attractive target. According to EPA, this material accounts for 18 percent (by weight) of total discards. In some states with year-long growing seasons, the percentage can be much higher. Ten states plus Washington, D.C., have now banned yard waste from landfills (the District of Columbia, Iowa, Ohio, and North Carolina enacted such bans this year). While most laws provide for separate collection, residents of Illinois, Wisconsin, and Minnesota may have to bring the material to city facilities themselves or keep the materials at home. Yard debris can be composted to make mulch and soil stabilizers. Louisiana, Florida, Maine, and Ohio are among the states in the process of drafting regulations for compost production and use.



## Conclusion

In 1989, state laws began to reflect an understanding that recycling is more than separate collection of materials. New legislation tried to put the process into a larger framework of planning and goal setting. Progress was made toward recycling such problem wastes as used tires, oil, and car batteries, and toward recycling materials that are not now being extensively recovered. These efforts are still evolving. More stringent rules, such as requirements to use recycled materials, along with tax incentives for manufacturers, may be needed to ensure that markets can keep pace with plans for recycling in the states.

**EPA REGION 10  
MUNICIPAL SOLID WASTE NEEDS ASSESSMENT**

**FINAL REPORT**

prepared for:

**U. S. ENVIRONMENTAL PROTECTION AGENCY  
1200 Sixth Avenue  
Seattle, Washington 98101**

September 29, 1989

## VI. ALASKA PROFILE

### Preliminary Observations

We have identified eight major issues facing Alaskans with respect to their management of municipal solid waste. These are briefly summarized below and then each issue is explored in greater detail.

1. Lower Priority of Solid Waste Issue Municipal solid waste has had a relatively low profile as an environmental issue commanding statewide attention. There appear to be three reasons for this -

- Many Alaska communities face more immediate problems on a daily basis, such as having a safe drinking water supply or some minimal safe handling of sewage. Thus, solid waste concerns tend not to be ranked as highly when scarce resources are allocated. In addition, solid waste management is generally not perceived as a problem for there is no "capacity crisis" as such in Alaska.
- The environmental costs associated with current solid waste disposal practices are not fully acknowledged, partly because neither the communities nor the state have the resources to monitor and analyze these impacts.
- There is no homogeneity in community solid waste management practices in Alaska, thus there is little commonality in solid waste problems. As a result, there has not been a united effort by concerned parties to raise the overall profile of the issue.

2. Discrepancy between National Environmental Standards and Alaska Conditions Alaska's unique characteristics and history result in a mismatch between Alaska's existing conditions and the environmental standards and enforcement practices designed for communities in the rest of the country. This raises two issues:

- What is the appropriate way for the regulatory agencies to acknowledge this "mismatch?" and,
- To the extent that national environmental standards are inappropriate, what standards are useful as a means of reducing the environmental costs associated with solid waste disposal in Alaska?

3. Limited Availability of Resources at Every Governmental Level Through Alaska, there are limited resources to address solid waste problems because many communities lack local tax bases and tend to pay for services and, to an even greater extent, capital improvements with state funds. Thus, the state - through the legislature - is likely to set spending priorities. Capital improvement programs such as solid waste facilities must, in turn, compete with other spending priorities (schools, roads, sewers, etc.) The state's revenue crisis caused by lower oil prices exacerbates this situation. In addition, communities may feel unable to charge a user fee which covers the full cost of providing solid waste services because that might encourage the use of readily available illegal alternatives, such as dumping at remote roadsides, in rivers, in the ocean or on ice. Furthermore, many communities do not have any local government structure, per se, making planning, building and operating better solid waste management facilities difficult, at best.

4. Industry Regulation in a Changing Environment Regulation by the Alaska Public Utilities Commission of the solid waste hauling industry raises several issues. First, state regulation decreases the flexibility of the overall system by precluding local governments from regulating that portion of the industry operating in their areas in accordance with their solid waste objectives. It also is institutionalizing - through the rate structure system where collection companies also handle recycling activities, possibly preempts the growth of a separate recycling industry. Finally, private disposal operators are regulated under this system. While in the past collection was the largest cost associated with garbage services, in the future, the cost of environmental compliance is likely to shift a growing percentage of the overall cost of garbage service to disposal. For the communities served by private disposal operations, there will be no regulation as to when - or when - these environmental costs, including the ability to meet long-term closure costs, are passed on to the customer.

5. Economic Reality of Alaska Commercial Recycling While recycling is clearly an essential component of a solid waste management system in many places, it faces a difficult economic challenge in establishing itself as a crucial part of Alaska's solid waste management system. The economics of recycling depend on one of two things - profits resulting from reselling the recyclables or the amount of subsidy paid to communities to recyclers as a means of avoiding the cost of disposal. Profits from Alaska recycling are likely to be slim to non-existent for most commodities because of the cost of shipping a small volume of goods to market in Seattle or the Oregon. Subsidies are likely to be paid only by communities facing a disposal capacity crisis which makes it worthwhile to pay to divert waste from the system. None of the interviews suggested that such lack of capacity was a determining factor in establishing

recycling programs in Alaska. However, public support of recycling activities is seen as important to change the way Alaskans view their waste stream and to involve them in environmentally-sound solid waste management.

6. Special Waste Issues Complicating solid waste management issues in many communities is the issue of special wastes, notably used oil, used anti-freeze and asbestos. Climate plays a part in this problem. For example, once items such as paint freeze, they become unusable and hence a waste product. Most Alaska communities have neither a suitable landfill to receive this waste nor the wherewithal to ship it out for appropriate disposal.

7. Planning Vacuum Compliance with tighter environmental regulations, whether it is EPA's Subtitle D for landfills or any of its anticipated regulations on incineration or ash management, raises the fixed costs of operating a disposal facility. This, in turn, spawns the need for larger, regional facilities serving more people and thus, spreading these environmental compliance costs over a larger rate base. Because so many Alaska communities lie in the Unorganized Borough, where no legally organized government exists beyond those of the isolated villages, there is a governmental vacuum for regional planning efforts in solid waste.

As well, even many of the organized boroughs do not have planning mechanisms in place to deal with this issue, either within the borough or with adjacent jurisdictions. For instance, communities in both Southeast and Southwest Alaska recognize the need to comply with the MARPOL ANNEX V (MARPOL) requirements for shoreside handling of ship board wastes, as well as to improve compliance with environmental standards. Thus, communities in these regions are currently using informal methods to work together to think about solid waste issues as a region. However, these areas lack a vehicle for formal coordination between boroughs and those communities lying outside borough boundaries.

8. Need to Recognize Regional Differences Each of the issues outlined above exists to a greater or lesser extent in all of the communities throughout the state. However, each issue takes on a different aspect when viewed in a regional or geographic context. In this profile, there are four distinct Alaska regions which have different capabilities for dealing with these issues: Southcentral, Rural, Southwest and Southeast. For instance, while Anchorage may be troubled by lack of financial resources for implementing solid waste management improvement, it has in place a mechanism to deal with that issue - the tipping fee. However, rural communities facing the same generic problem of lack of resources have far fewer options, for they do not have

regulated dumps or tipping fees. Nor do these rural residents have the cash incomes needed to pay these costs. Thus, each problem must be understood on two levels: in terms of the regional characteristics which affect practical solutions about solid waste management and in the context of statewide concerns.

In the following sections, each of these issues will be discussed in more detail. They will be taken in the order listed above, with one exception. In order to provide some understanding of the regional component of these issues, we will discuss Issue #8 - The Need to Recognize Regional Differences, first.<sup>5</sup>

### Need to Recognize Alaska's Regional Differences

Alaska's solid waste concerns are first and foremost a function of the state's tremendous size, encompassing widely varying climatic and geographic features. Given that its small population is widely scattered over an immense land area - with communities connected to each other more often than not by air or waste transport - it is much more difficult to generalize about the solid waste issues facing Alaska communities than it is in states where communities are more similar. On one hand, many rural Alaska communities are still relying upon some of the most elemental solid waste management techniques found in the Pacific Northwest - including open burning and open dumping. Anchorage, on the other hand, has a state-of-the-art landfill and a program which could be a national model for household hazardous waste (HHW) segregation and disposal. Different demographic, governmental and economic characteristics define four distinct regions: Southcentral, Rural, Southwest and Southeast. After a brief introduction to the state, each of these regions will be discussed in more detail.

Policymakers outside Alaska often fail to appreciate its size and diversity, making it hard for them to fully comprehend the problems associated with distances in Alaska and the

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<sup>5</sup> The focus of this regional solid waste needs assessment has been on municipal solid waste. Clearly, each state in the region has other solid waste issues - issues likely to command more attention over time as federal regulations are developed to address the associated environmental issues they raise. In Alaska, there appear to be eight distinct solid waste streams apart from municipal solid waste: wastes associated with the oil and gas industry which is currently concentrated on the Kenai Peninsula and the North Slope; wastes generated by mining operations, other than camp wastes; timber industry wastes, including stockpiles of logs for which there is no market; asbestos insulation from old schools and buildings; waste generated by the Army Corps of Engineers from the clean-up of abandoned military sites; medical wastes; raw sewage septage and sewage sludge; and, foreign food wastes handled under APHIS regulations. Generally these waste streams are handled apart from the general flow of municipal solid waste, and thus, fall outside the scope of this regional assessment.

cost of transportation. Perceptions of the state are distorted by most maps of Alaska for, in an atlas where every U.S. state is given one page, the scale for the Alaska map is quite different than that used for other states. Thus, it seems appropriate to outline some of the differences in scale that exist between Alaska and the other Region 10 states:

- Alaska covers an area almost two and a half times as large as Idaho, Oregon and Washington combined, with only 6.5 percent of the people. The North Slope Borough alone is larger than either Washington or Idaho.
- The Unorganized Borough (UOB) of Alaska - covering an area one and a half times as large as Washington, Oregon and Idaho combined - is an entity unique in the United States. It has no organized regional government (i.e. counties, parishes, etc.) and while there are over one hundred organized "cities" in the UOB, the largest has only 4,400 people and most have less than 1,000 people.
- The organized local governments in the Southcentral Alaska corridor, the "Railbelt" - from Fairbanks to the Kenai Peninsula, cover an area about two-thirds the size of Washington state.
- The Kenai Peninsula Borough, home to about 43,000 people, covers over 14,000 square miles - an area greater than the nine counties in the Idaho Panhandle.

Not surprisingly, given its size, Alaska communities experience extremes of climate: from parts of the Interior with frigid temperatures, rivers frozen for all but a few months a year and ground which is permanently frozen just a few feet below the surface, to the more moderate maritime climates of Southeast and Southwest Alaska. However, while these latter regions may have more moderate temperatures, they also tend to receive significant amounts of precipitation and have little topsoil, resulting in leachate problems; as well, they are mountainous with few suitable landfill sites. Communities in all parts of Alaska must contend with the fact that they are often located in wetlands - complicating both the practice and regulation of solid waste management. Those in Southwest Alaska and the Yukon Delta lack good local sources of cover material. And, some communities face seasonal flooding and high winds which disperses solid waste.

Further influencing solid waste management is the fact that, of Alaska's half million people, about twenty-five percent live in communities with no road access:

- some 3,000 people live in the Southcentral coastal communities of Whittier and Cordova;
- about 52,000 people live in rural Alaska - the North Slope, the Interior and the western areas;
- another 68,000 people live in Southeast Alaska (including Haines & Skagway which only have road access into Canada); and,
- finally, some 21,000 people live in the southwestern part of the state extending along the Aleutian Islands.

Altogether, 162 incorporated communities and 96 unincorporated ones do not have road access and must rely on air or water transport, including ocean-going ships and river barges. All Alaska transportation - both within the state and to/from the Lower 48 - is expensive because of the distances involved and the lack of economies of scale for transport operators.

The following four sections briefly describe the characteristics of each region, the current state of solid waste management, and the solid waste issues which are emerging there.

Southcentral Alaska - The Railbelt Seventy-five percent of Alaska's residents are concentrated in a corridor from the Kenai Peninsula to Fairbanks, along the road and railroad systems. Unlike other parts of Alaska, most of the communities in Southcentral are connected by both the road system and rail service. In 1987, Anchorage - the largest city in Alaska - opened a new state-of-the-art landfill. Both the Kenai Peninsula Borough and the Fairbanks North Star Borough are reported to be considering the need for new landfill sites. Solid waste management costs vary widely along this corridor. The Anchorage landfill has a tipping fee of \$45 a ton, while the Kenai Peninsula Borough has four landfills with no tipping fee. With the exception of parts of Anchorage which have municipal collection services, collection in the organized parts of Southcentral Alaska is provided by private collection contractors and garbage is taken to the appropriate borough landfill.

Recycling services are provided in Anchorage through buy-back centers and a commercial recycling program operated by the Anchorage Recycling Center (ARC), which is owned by Alaska's largest collection company, Anchorage Refuse Company. When vans are available (currently, southbound vans are all committed to shipping oil

spill clean-up wastes), ARC ships south between twenty and forty vans of materials a month. It ships under the auspices of Alaska Litter Prevention and Recycling Program (ALPAR), a non-profit group committed to litter control throughout Alaska. ALPAR has been able to negotiate with shippers for a favorable backhaul rate. ALPAR also works with airlines to have them carry out aluminum from rural areas to be recycled. Limited recycling by other communities in this region feeds materials into the Anchorage operation.

In Southcentral Alaska, solid waste planning and management conforms more closely with that being practiced in the rest of the country. There are local governments; there is a cash economy; and because of the concentration of population, there is both the need and the ability to pay for formal solid waste management programs. The boroughs in this corridor are wrestling with the full range of emerging solid waste issues - monitoring and remediation of closed landfills, siting of new facilities in the face of local opposition, exploring the trade-offs between charging the true cost of disposal and concern over illegal dumping, investigating methods to keep hazardous wastes out of MSW landfills, and debating the need for curbside recycling given the marketing problems associated with the cost of transportation and the currently declining prices for key recyclables such as paper.

Rural Alaska Generally that entire expanse of territory north, west, southwest and east of the Anchorage/Fairbanks road corridor is considered rural. There are also remote villages with rural characteristics on the Kenai Peninsula and in Southeast and Southwest Alaska. Many of these villages have their roots in one of the Native Alaska cultures. Because of the provisions of the Alaska Native Claims Settlement Act, these Native villages are not "Indian reservations" and the State has jurisdiction over their environmental regulation, though some services are provided through the Indian Health Service. [The Metlakatla Reservation, south of Ketchikan, is the only federally-recognized Indian Reservation in Alaska.]

The larger communities (2,000 to 4,000 people) may have some tax base, however they still have limited financial and technical resources to devote to solid waste management. The smaller villages are characterized by: small populations - most with under 500 people; a subsistence-based economy; no tax base; and, limited financial ability to maintain any complex system. The exception to this is the North Slope Borough, which through its property tax revenues from the Prudhoe Bay oil and gas complex, can afford to provide Barrow, and its seven villages, with heavy equipment and technical assistance in solid waste management. Rural communities are generally only accessible by air or boat and are not connected to each other or to regional centers by any year-round

surface transportation. For those on the northern and western coasts of Alaska, as well as along the river systems, barge access is available only during the summer months, after the "break-up" of ice. Those living in areas of permafrost cannot dig proper landfills because the tundra turns to "goeey mud" when the top few feet thaw each summer.

The Indian Health Service and the state recommend creating landfills where feasible, though for many villages it is not. About three-quarters of the 209 native villages do not have permits for their landfills and the state does not attempt to literally enforce its standards or require permits. Many villages find a pond on the tundra - hopefully big enough to last for several years - and use that for waste disposal. Some communities have landfills which regularly put cover material over their wastes, but most do not. Some communities have both landfills and illegal dumping. Unlike communities of a similar size which may exist in other states, these rural Alaska communities cannot take advantage of nearby county or regional landfills. Over half of these villages rely on individuals to take trash to the dumps and, without collection services, community governments have less control over the waste stream.

A rural village is generally only able to provide funding for projects to the extent that it receives funds from the state government. Thus, to some extent, its priorities are set by the state legislature as it approves funding for various programs. Capital spending on solid waste competes with programs for water and sewer, as well as schools, airports and roads. Operating funds compete with the full range of services that are required in rural areas. In some communities individuals may have incomes, but mechanisms do not exist to get people to pay for services. One estimate indicates that \$2 billion may be required to bring bush facilities up to lower 48 standards - about \$38,000 per person.

A primary vehicle for assisting rural Alaska villages in planning for and providing solid waste services is the Alaska Department of Environmental Conservation's (ADEC) Village Safe Water (VSW) Program. VSW provides technical assistance, gives grants, oversees construction and provides technical support to operators of some water, sewer and solid waste projects in 220 villages. By working with communities on the planning, operational financing, and maintenance needs of a project, VSW is able to design and build projects which reflect the villages' needs and pocketbooks and which are technologically appropriate for remote areas. Not all state-funded rural projects are administered by VSW. Many have been direct grants to communities. Federal assistance can come in the form of U.S. Public Health Service or Indian Health Service projects as well. One reviewer noted that rural villages may not be able to afford

landfill operators, or even to collect user fees, as the village governmental infrastructure weakens over time with decreasing levels of state support.

In rural Alaska, there is tacit acknowledgement on the part of the ADEC that current regulatory standards are not workable in these rural communities. Thus, the issues facing the state and these communities in their solid waste efforts are more basic:

- How do small isolated villages achieve any measure of sound solid waste management practice in a severe climate and a non-cash economy?
- Assuming there are alternate methods or improved methods of solid waste management, how is that information best communicated and those methods implemented?

In addition, there is no existing mechanism in the Unorganized Borough which would promote, where possible, the creation of regional solutions to solid waste disposal problems.

Southwest Alaska Southwest Alaska stretches from Dillingham and Bristol Bay southwestward onto the Aleutian Chain. This area includes the Bristol Bay Borough, the Kodiak Island Borough and the Aleutians East Borough, as well as the major port city of Unalaska (Dutch Harbor) which lies outside any borough boundary. None of these communities has road access. While similar in topography and climate to Southeast Alaska, Southwest communities are smaller and more distant from each other. Kodiak, the largest community in this area, has about 6,700 people and Unalaska is second largest with a full-time population of about 1,900.

A number of factors affect solid waste management in Southwest Alaska. Landfilling along the Alaska Peninsula and in the Aleutian Islands is complicated by heavy rains and snow which result in huge amounts of leachate generation. Suitable landfill sites are lacking because of the mountainous terrain. There is heavy competition for any available flat land between the siting demands of housing, business and other public facilities such as airports and roads.

While the communities in Southwest Alaska have small resident populations, their wastes represent the tip of the solid waste iceberg. These communities see the population swell during the peak fishing months which greatly increases the solid waste volume. Recently, the Coast Guard promulgated regulations implementing MARPOL, an international restriction on the ocean dumping of wastes, particularly plastic wastes.

Ports receiving ocean-going vessels are required to receive ship-board waste, and to dispose of it in a suitable way. The Coast Guard has the authority to close a port if it does not comply with these solid waste regulations. Though the full effect of MARPOL is not yet known, it has been estimated that its effect may be to give Unalaska, for example, the same solid waste volumes as a town many times its size.

The issue of foremost concern to communities in Southwest Alaska is how they can comply with the requirements of MARPOL. While the requirements of this treaty also affect Southeast Alaska communities, the impact is greater on the many Southwest ports which may have less of an existing solid waste infrastructure than their Southeastern counterparts.

The Southwest Alaska Municipal Conference is currently investigating the impacts of MARPOL regulation. Some observers have suggested that the Kodiak landfill may be considered as the site for a regional facility, while others have suggested siting a regional incinerator, or encouraging shipboard incineration with off-loading of ash for disposal. As there are three boroughs in this region, a framework exists for some coordination. However, one of the largest ports is Unalaska, which lies immediately west of the Aleutians East Borough and is in the Unorganized Borough.

The commercial fishing fleet is clearly a potential source of revenue which might be tapped in order to provide needed facilities, but once again this raises the issue of how to balance charging the full cost of disposal with the environmental costs resulting from illegal dumping. Furthermore, depending on the solid waste options selected by various communities, there may be economic reasons for fishermen to prefer one port to another for off-loading waste. Given the broad range of issues involved, there is a need for some recognized process to sort out the ramifications of MARPOL and the appropriate financial framework for achieving compliance.

Southeast Alaska Southeast Alaska is comprised of a string of islands and a narrow band of land forming British Columbia's northwestern border. It runs from Yakutat, Haines and Skagway on the north, south to Ketchikan and Prince of Wales Island. All intra-region transport in Southeast is by boat or plane, with the exception of a limited road network connecting four small communities on Prince of Wales Island. [There is road access through Haines and Skagway into the Yukon Territory. However, for all intents and purposes, no major community in Southeast Alaska has road access useful for regional solid waste management.]

About 68,000 people live in this area, with the numbers of "garbage generators" swelling in the summer months, due to weekly visits by large cruise ships as well as other tourists and fishermen. Southeast Alaska communities are likewise affected by the MARPOL regulations, requiring them to take the wastes from cruise ships and the Southeast Alaska fishing fleet.

As in Southwest Alaska, the climate and terrain of Southeast make land disposal problematic. Heavy precipitation generate large amounts of leachate and the lack of flat land makes siting landfills difficult. Bears and birds are found in abundance, and are naturally attracted to landfills creating both vector problems and safety hazards. [In fact the hazard may be more to the bears than to the people. Legislation passed last year prohibits shooting bears within a mile of a landfill - too many were being killed as they followed their natural inclination toward a free, but often fatal, lunch.]

Municipal solid waste is incinerated in some Southeast communities. Juneau is served by a privately owned incinerator which is said to be nearing operational capacity. Sitka has a publicly-owned facility which produces steam for heating a nearby college. Ketchikan has received funds for construction of an incinerator, but is still relying upon an outmoded landfill. Smaller communities in Southeast practice open burning - sometimes on the shore below the high tide line. A number of people also noted that some illegal dumping is occurring directly into the various waterways in weighted bags; this practice has been traced to residents, fishing boats and tour ship operators.

Southeast and Southwest Alaska face similar planning issues. There are four borough governments in Southeast and about two dozen incorporated and unincorporated communities lying outside their boundaries. To the extent that regional solutions are necessary - encompassing all or parts of this area - there is no formal way to plan for those solutions or to implement them. MARPOL regulations provide an impetus for addressing these issues by increasing the waste volumes being handled. The Southeast Conference, a group of municipal officials and private sector interests, is beginning to discuss these issues and to explore the feasibility of cooperative ventures. In addition, decisions under consideration now by EPA concerning the proper disposal of MSW incinerator ash will affect Juneau, Sitka and Ketchikan. If the decision is made to consider that ash "hazardous" under RCRA, costs for ash disposal will increase greatly since Alaska has no legally permitted commercial hazardous waste disposal sites and ash may need to be shipped to facilities such as those in Oregon.

### Lower Priority in Competition for Funds

Solid waste management is given a lower priority than other needs in many Alaska communities. There appear to be three reasons for this: the presence of more immediate problems; the lack of awareness about environmental costs associated with current solid waste management practices; and the fact that, since the communities have such different solid waste concerns, there has been no homogeneity of interests which would raise the statewide profile of the issue.

In many Alaska communities where potable water supplies, basic sewage services and simply staying warm are everyday concerns, solid waste disposal is not given a high priority. Most rural Alaska communities are focussing on sewage and drinking water problems first. Since the need for improvement in these basic public services is still great in many parts of Alaska, rural communities are just beginning to address solid waste concerns. In fact, in many communities, solid waste is not seen as a problem at all, as there is no "capacity crunch." And, some communities are not even involved in providing solid waste services. These services are provided instead by the private sector.

The second reason for the relatively low profile of solid waste management as an environmental issue may be due to the fact that environmental effects from solid waste disposal generally occur over the long-term and are not readily apparent. Because there is a great deal of concern in Alaska over the impact of industrial facilities on the pristine environment of "The Last Frontier," these facilities are more likely to bear the costs of monitoring and compliance. As a result, more is known about their impacts. In contrast, little is known of the environmental costs associated with the current state of solid waste disposal practices - in part because neither the communities nor the state have the resources to monitor and analyze these impacts.

As the consumption habits in many Alaska communities are not dramatically different from those in the rest of the country, it is likely that Alaskans are disposing of plastics, cans, bottles, batteries, waste oil, and paints in their local landfills. In some cases, these wastes are burned on the beaches, dumped into the ocean, or landfilled in tundra ponds with no environmental protection. If the experience of communities in the Lower 48 serves as a guide - where too many landfills are now found on Superfund clean-up lists - it is likely that those Alaskans who are not paying the cost of preventing environmental damage (in terms of adequate landfill or incineration capacity) are most likely incurring environmental costs, the severity of which will only be known over time.

Finally, the solid waste issues in Alaska appear to be too diverse to generate statewide interest and thus, raise the overall profile of solid waste management. One observer with a statewide perspective noted that, because each Alaska community offers different solid waste services, they are likely to face different problems. As a result, each person is touching a different part of the elephant, and not recognizing the problem as a whole or thinking in terms of overall system solutions. However, a number of observers did note that there is a growing awareness of solid waste problems in some areas. For instance, while Southwest communities now see "garbage" as a moderately important local government issue, one observer predicted that within a decade, managing garbage will be seen as an extremely important issue. Currently however, other areas, such as hazardous waste management, are seen as more interesting and pressing environmental issues.

Another observer noted that most Alaskans would not consider solid waste management to be a problem, thus while people from outside the state may see a large number of issues emerging, those in the state may not. It was suggested that the biggest "problem" facing Alaska policymakers in convincing Alaskans that solid waste management is something that should be addressed and paid for.

#### Relevance of National Standards to Alaska Conditions

In response to Congressional concern over past solid waste management practices, EPA has proposed, and is currently in the process of revising, new regulations intended to upgrade land disposal practices at all new or expanded MSW landfills in the nation. These regulations are authorized under RCRA Subtitle D. The proposed regulations would include requirements for daily cover, the lining of landfills, groundwater monitoring, leachate collection systems, and the development of closure plans, including a financial mechanism to insure the ability to pay closure costs for a thirty-year period. These proposed criteria raise the issue of the relevance of national standards to Alaska conditions. As one city official noted, it is a problem if regulations designed to protect the last 2 percent of Florida's wetlands are applied to Alaska which still has 99 percent of its wetlands left. This problem is further compounded if all the flat land in a community falls within the wetland designation.

In this context, it is important to first understand ADEC's current role in solid waste management. As in most states, local governments in Alaska have the responsibility for providing solid waste management, while ADEC enforces state regulations. ADEC administers the solid waste regulations which are found in 18 AAC 60 and issues permits

for all MSW facilities. These regulations were last updated in September of 1987. ADEC has flexibility in a number of areas in administering these regulations to meet the unique conditions of Alaska communities. For instance, groundwater analysis and monitoring, remedial action and closure plans are required under Alaska law only if a community: 1) serves more than 2,000 people each day; 2) receives 5 or more tons per day; or 3) receives septage wastes that account for more than 10 percent of the tonnage received by the facility. Of the 151 incorporated Alaska communities, 130 have fewer than 2,000 people, though some of these may receive enough wastes from tour and fishing ships to put them over the 5 ton threshold. Thus, the majority of the communities are exempt from these more stringent regulations.

ADEC regulations also allow for landfill cover to be applied at varying frequencies depending on the size of the community and the daily amount of waste received. ADEC retains the discretion to require more or less frequent cover depending on waste composition, vector problems, etc. ADEC can also give waivers from some provisions of the regulations, if it can be shown that "because of unusual conditions, [the provision would] impose an unwarranted financial, technological, or safety burden on the applicant and does not provide commensurate benefit to the public health and welfare or protection of the environment." ADEC has 19.5 full-time equivalent staff working on solid waste issues, including industrial solid waste.

According to ADEC, about 740 landfills in the state should be permitted, but only half have applied for and been issued permits. Of the permitted landfills, just over one-third are for municipal solid waste; the remaining two-thirds are for use by military installations or industrial operators - mines, timber facilities, oil companies, etc. ADEC concentrates its efforts on the 20 largest landfills (those serving more than 2,000 people) and which receive about 95 percent of the state's municipal solid waste stream. In addition, ADEC also regulates MSW incinerators operating in Juneau, Sitka, Adak and Prudhoe Bay. Incineration standards are found in 18 AAC 50; ADEC permits are required for incinerators burning more than 1,000 pounds per hour. Controlled open burning is also regulated under 18 AAC 50.

In its comments on Subtitle D, ADEC distinguished between three types of Alaska communities: large communities, small communities on road systems and small, remote villages. ADEC then indicated to EPA that, whereas large communities would be likely to have some problems complying with the criteria, and the small communities on road systems might be "encouraged" by the criteria to form regional solid waste management systems, the small remote communities would not have the economic resources

necessary to overcome their remoteness through a regional solution, or to meet the criteria within their own communities.

Obviously, national standards and enforcement practices have little relevance in many parts of Alaska. Less obvious is the form by which regulators can acknowledge this difference, and once that is addressed, what standards and/or enforcement practices are appropriate in order to reduce environmental costs of solid waste disposal in Alaska.

There are three possible regulatory approaches to this Alaska reality: formal recognition of the differences through a waiver and/or exemption from regulations; a de facto recognition of the differences through lack of enforcement; or, attempts to force compliance in spite of the wide gap between reality and the standards. The issue from a regulatory perspective is, at what point does an effort to enforce inappropriate standards become counterproductive and focus energy away from the necessary task of improving the prospects for environmentally-sound solid waste management?

Enforcement of MARPOL regulations does not raise this issue of regulatory relevance to the same degree, even though Alaska port communities have far different capabilities to deal with solid waste issues than port cities such as Seattle (WA) or Coos Bay (OR). There are two factors which distinguish this compliance issue from Subtitle D issues. Clearly, the Bering Sea fishing fleet and the cruise ships visiting Alaska ports are a significant part of the ocean traffic targeted by MARPOL. If international ocean dumping is to be curtailed at all, Alaska compliance is important. This is unlike the Subtitle D regulations which address land disposal problems more associated with large communities than those of the size found in most of Alaska. Second, the fishing boats and tour ships are both the source of the problem and a likely source of revenue for addressing the problem. In contrast, Subtitle D assumes an ability to pay on the part of the communities it is regulating, an ability which may be lacking in many Alaska villages.

#### Limited Availability of Resources at Every Governmental Level

In Alaska, boroughs (roughly similar in function to counties in other states) and cities are given the authority to establish and operate solid waste collection and disposal facilities. In Alaska, there are 13 Organized Boroughs which cover 203,380 square miles. They range in size from the Bristol Bay Borough with 1,297 people to the City and Borough of Anchorage with 246,139 people. Boroughs may either operate solid waste facilities themselves or contract to a private firm.

Alaska is unique, however, in that a large portion of its land area is not under the jurisdiction of any local government; as noted earlier, this area is called the Unorganized Borough. There are also 148 incorporated cities in Alaska and another 128 unincorporated ones; of these 276 communities, 193 of them are in the UOB. Boroughs can be formed under Alaska law by vote of the people, but only a few areas in the UOB have decided recently to organize. While a new borough was formed in 1986, and another in 1987, they were the first to form since 1972. Within the UOB, an organized city provides services for itself. However, as most of the organized cities in the UOB have small populations, solid waste services are rudimentary at best. If a "service area" is deemed needed within the UOB, it must be established by the state legislature. To date, this has occurred only to meet the need for local school districts and coastal zone management planning areas.

The ability of the State to promote solid waste management is a function of resources - both at the state and local levels. Compliance with regulation of any sort costs money and, in effect, raises the fixed costs of government. In turn, this requires (absent an ever-flowing Prudhoe Bay and high oil prices) a sufficiently large population over which to spread the costs in order for them to be affordable. As noted earlier, ADEC has limited staff in the area of solid waste, as do local communities. Even two of Alaska's larger communities - the City of Ketchikan and the Ketchikan Gateway Borough with about 13,000 people - have had to make hard decisions about whether to direct recent capital spending toward improving drinking water supplies or upgrading solid waste management. Not surprisingly, the immediate drinking water concerns came before solid waste management concerns - though the latter are now being addressed. Thus, it becomes necessary to maintain a certain sense of basic priorities and fiscal reality regarding the pace of funding for improved solid waste management services in Alaska.

Complicating solid waste management is the potential for citizen suits under RCRA to enforce solid waste regulations. Such suits may be filed by public interest groups or by individuals wanting full compliance with the regulations. In some cases, such suits might be brought by private disposal companies looking for a way of insuring a market for their services - a market which would otherwise be served by inadequate facilities or illegal dumping. Such suits would stretch resources at all levels and involve a reshuffling of priorities.

### Industry Regulation in a Changing Environment

Solid waste services throughout the country are either provided by local government or private industry. At one end of this continuum are municipally-owned and operated collection and disposal facilities, while at the other end these services are provided solely by private industry. Generally, communities adopt some mix of public and private provision of services. An integral part of providing these services is often some agreement as to collection service areas which are then franchised by government on a periodic basis to private collection contractors who deliver the services. This is based on the notion that it is probably cheaper to have one truck serve a subdivision, for instance, than to have many trucks from many firms competing for business in the same area. Usually, in return for an agreement on the division of service areas, there is also public regulation of what a company may charge its customers.

In 46 of the 50 states, the regulatory authority for establishing service areas and rates falls to counties. The counties then issue franchises to hauling firms operating within their boundaries. In Alaska, this type of regulation is done at the state level by the Alaska Public Utilities Commission (APUC). APUC issues certificates which define each collection contractor's service area. If the collection contractor has revenues in excess of \$200,000 a year, APUC also regulates the rates it charges. There are 43 certificated collection contractors in Alaska, nine of which are rate regulated. Municipally-owned collection systems are not subject to regulation, nor does APUC regulate the operation or rates charged by municipal or private disposal (either landfill or incineration) operations.

APUC has in the past urged the legislature to eliminate solid waste utilities from its jurisdiction because of the amount of effort required to regulate them. The refuse hauling industry is the smallest of the six industries regulated by APUC and accounts for 3.5 percent of the total revenues of its regulated utilities. In lieu of deregulation, APUC has proposed expanding its scope to include disposal facilities, so that it can more effectively regulate jointly-owned disposal and collection operations.

In Alaska, the changes affecting solid waste management are also raising issues regarding industry regulation. Specifically, is the current framework flexible enough to meet the varying needs of Alaska communities, and how is the public's interest in the level of disposal rates best represented in a regulatory context?

APUC regulation affects the flexibility of the industry to meet changing conditions by deterring the entry of new collection contractors and by possibly discouraging the